

18 February 2025

ENFORCEABLE UNDERTAKING

Part 11

Work Health and Safety Act 2011

The commitments in this enforceable undertaking
are given by

Poly Pipe Pty Ltd

ACN: 118 106 022

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 (NSW)* (**WHS Act**) in connection with matters relating to alleged contraventions of the WHS Act or the *Work Health and Safety Regulation 2017 (NSW)* (**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: | Poly Pipe Pty Ltd |
| ACN / ABN: | 118 106 022 |
| Street Address: | 379 Awaba Road Toronto NSW 2283 |
| Postal address: | 379 Awaba Road Toronto NSW 2283 |
| Telephone contact: | (02) 4950 7400 |
| Email address: | █@polyp.com.au |
| Legal structure: | An Australian private company |
| Type of business: | Manufacturer and distributor of polyethylene pipes |
| Commencement date of the entity: | 31 January 2006 |
| Number of workers: | Full-time: 34 Part-time: 3 Casual: 4 |
| Products and/or services: | Polyethylene pipes |

b. Commencement

This Undertaking comes into effect when:

- i. the Undertaking is executed by Poly Pipe 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 Poly Pipe 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 9 February 2022, Poly Pipe 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 9 February 2022, a worker was cutting timber using a drop saw to make crates to hold lengths of pipes together. The worker cut a number of lengths of timber in the morning without incident. The worker returned to the task in the afternoon. As the worker cut a length of timber, their left hand came into contact with the blade of the drop saw.

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

The worker cut the tip of their left index finger. The worker underwent surgery however the tip of the finger was not able to be reattached.

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

It is acknowledged by Poly Pipe Pty Ltd that SafeWork NSW has alleged that Poly Pipe Pty Ltd has contravened sections 19(1) and 32 of the WHS Act.

e. A statement of regret that the incident occurred

Poly Pipe Pty Ltd is committed to ensuring, so far as is reasonably practicable, the ongoing health and safety of its workers and other persons. Poly Pipe Pty Ltd sincerely regrets the incident on 9 February 2022 occurred and extends its sympathy to the injured worker, their family, Poly Pipe Pty Ltd workers and any others who have been affected by the incident.

Note: the above is not an admission of guilt

f. Prior work health and safety convictions

Poly Pipe Pty Ltd has had no prior work health and safety convictions in NSW or other work health and safety jurisdictions.

When an alleged contravention is associated with an injury/illness

g. The details of the type of workers compensation provided

At the time of the incident, the injured worker was employed by a labour hire company. Poly Pipe Pty Ltd understands that the injured worker received compensation benefits in accordance with the NSW workers' compensation legislation through their employer.

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

As noted above, Poly Pipe Pty Ltd was not the worker's employer. The following support was provided to the worker and their family:

| Date | Brief description of support provided |
|------------------------------|--|
| On or around 9 February 2022 | PolyPipe's General Manager, [REDACTED] personally spoke to the worker's parents after the incident and offered support and assistance. |
| April 2022 | PolyPipe offered a permanent position to the worker upon their return to normal duties which they initially accepted but later declined. |

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 |
|-------------|--------------------|---------------|---|--|
| 23/02/2022 | Improvement Notice | 7-412931 | <p>"Workers are exposed to a risk to their health or safety due to the information, instruction and training provided to workers in inadequate to enable the safe operation of the bench mounted Metabo sliding compound mitre saw."</p> <p>The improvement notice directed the defendant to provide information, instruction and training to workers on the safe operation of the bench-mounted Metabo sliding compound mitre saw.</p> | Poly Pipe updated its safe operating procedure for the compound saw to provide specific information about the safe use of the compound saw in its current set up. Workers were trained in the updated procedure during a toolbox talk held on 8 March 2022. |
| 23/02/2022 | Improvement Notice | 7-412933 | <p>Workers are exposed to a risk to their health or safety as they are not wearing personal protective equipment whilst operating the Metabo sliding compound mitre saw."</p> <p>The improvement notice directed the defendant to ensure workers wear the personal protective equipment provided to prevent the risk of injury to the eyes or hearing whilst operating the Metabo sliding compound mitre saw.</p> | <p>Poly Pipe updated its safe operating procedure for the compound saw to direct workers using the saw to ensure personal protective equipment is available, in good working order and used where required. The procedure also stated that safety glasses or goggles and hearing protection must be worn at all times. Workers were trained in the updated procedure during a toolbox talk held on 8 March 2022.</p> <p>A sign was placed above the compound saw to remind workers that hearing and eye protection must be worn in the area. Earmuffs and eye protection were placed in the work area near the compound saw.</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 |
|--|-------------------------|
| <p>Immediate measures taken to ensure the safety of workers:</p> <ul style="list-style-type: none"> • Poly Pipe installed a device on the drop saw to act as a guide for timber pieces and to hold timber while being cut; • Poly Pipe reviewed and updated its existing safe operating procedure to provide specific information about the safe operation of the compound saw in its current set up; and • Poly Pipe provided training to workers on the updated safe operating procedure and on the risks highlighted by the incident. | \$4,500 |
| <p>Improved processes with the labour hire company:</p> <ul style="list-style-type: none"> • Poly Pipe confirmed the requirement for all labour hire workers to complete Poly Pipe's online induction training prior to attending Poly Pipe's site; • Poly Pipe confirmed that the labour hire company had reviewed its SWMS document for Poly Pipe's site and workers coming to Poly Pipe's site had reviewed and signed the SWMS • The labour hire company provided additional training to workers around the safe use of hand and power tools | N/A |
| <p>Improved induction and training and operating processes:</p> <ul style="list-style-type: none"> • Prior to their first day of work, Poly Pipe requires all new workers to complete an online induction and provides them with a site induction package. • New workers participate in a full day induction and are then given a two-week training program which includes competency-based assessments that must be passed before the worker is allocated to a shift. The training plan is signed off by the senior responsible manager once completed. • Poly Pipe requires all workers to be re-inducted to the site every 12 months | N/A |
| <p>In addition to the safety advisors who continue to support PolyPipe including through engagement at monthly meetings, Polypipe engaged a senior safety manager.</p> | \$100,000 (annual wage) |

TOTAL AMOUNT SPENT ON RECTIFICATIONS

\$104,500

Section 4 – Statements, commitments, and acknowledgements

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

Poly Pipe 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

Poly Pipe 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

Poly Pipe 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

Poly Pipe 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

Poly Pipe 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

Poly Pipe Pty Ltd acknowledges that it has consulted within the workplace in relation to the development of the enforceable undertaking proposal, including consultation with:

- A company director
- General Manager
- Safety advisors

Poly Pipe Pty Ltd has also consulted internally with workers about the proposal to replace drop saws with SawStop Tables for cutting timber gluts as part of this undertaking.

g. Statement regarding relationships with other parties

Poly Pipe Pty Ltd advises that it has an existing arms-length commercial relationship with the party whom it intends to partner with in relation to Strategy 6 in Section 5 of this enforceable undertaking. Polypipe has previously accepted trainee candidates from the party it proposes to use to source the junior safety advisor as part of Strategy 6.

h. Intellectual property licence

Poly Pipe 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

Poly Pipe Pty Ltd acknowledges that the responsibility for demonstrating compliance with this undertaking rests with Poly Pipe 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.

Poly Pipe 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 Poly Pipe Pty Ltd until advised by SafeWork NSW that the undertaking has been completely discharged.

Poly Pipe Pty Ltd acknowledges that SafeWork NSW may initiate additional compliance monitoring activities, such as inspections, as considered necessary.

Poly Pipe 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 Poly Pipe Pty Ltd and SafeWork NSW.

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

Poly Pipe 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 Poly Pipe Pty Ltd will include the following statement:

This (insert product or service) has been produced as part of an enforceable undertaking between Poly Pipe Pty Ltd, ACN: 118 106 022, and SafeWork NSW.

Any variation to the above statement requires prior written agreement between Poly Pipe Pty Ltd and SafeWork NSW.

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

Poly Pipe Pty Ltd commits that any strategies to be implemented by Poly Pipe 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

Poly Pipe 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

Poly Pipe 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 Poly Pipe 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.

n. Withdrawal or variation

Poly Pipe Pty Ltd may with the written agreement of SafeWork NSW withdraw or vary the undertaking in accordance with section 221 of the WHS Act.

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

Poly Pipe Pty Ltd has read and understood SafeWork NSW Enforceable Undertakings Guidelines.

Poly Pipe Pty Ltd acknowledges that if Poly Pipe 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 WHS Act.

Section 5 – Strategies

Poly Pipe 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:

Poly Pipe 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>Poly Pipe 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 Daily Telegraph 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>Poly Pipe Pty Ltd, General Manager</p> | <p>Within 7 days of placing the published notices Poly Pipe Pty Ltd will provide SafeWork NSW with the following evidence of placement.</p> <p>A copy of the full page of the Daily Telegraph showing the public notice and the name and date of the publication.</p> |

Strategy 2 – Dissemination of information about the enforceable undertaking

Summary:

Poly Pipe Pty Ltd agrees to disseminate information about the enforceable undertaking with SafeWork NSW within its workplace including to its workers and the subcontractors working for Poly Pipe 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 |
|--|---|---|---|
| A series of toolbox talks will be held to cover workers on each shift (day and night) as well as office workers and transport drivers. | Within 14 days of the Commencement Date of the enforceable undertaking. | General Manager | Copies of Toolbox Talk notes and attendance sheets. |

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

Strategy 3 – Safety leadership training for Poly Pipe’s managers

Summary: Poly Pipe’s General Manager and each of the department managers will attend 2 full days of training covering due diligence obligations, safety leadership and driving a safety culture.

WHS outcome and beneficiaries:

This measure will have WHS benefits for the workplace by building the managers’ understanding of due diligence measures and strategies to consult with workers and drive a culture focused 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:

| 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 training organisation to deliver safety leadership and due diligence training. | Poly Pipe Pty Ltd to engage a selected training organisation to deliver safety leadership and due diligence training. | Within 2 months of the Commencement Date of the enforceable undertaking. | Poly Pipe Pty Ltd General Manager | Evidence of training organisation selected. |
| Safety leadership and due diligence training delivered. | Training organisation to deliver 2 day face to face training. | Within 6 months of the Commencement Date of the enforceable undertaking. | Responsible: Safety Advisor to confirm workers attend training Involved: 6 employees made up of: - the General Manager - 5 department managers | - Training attendance records noting the names, positions held within Poly Pipe Pty Ltd, dates and times of the training certified by the training organisation. - Copies of certificates of completion or attainment for all successfully completed. - Invoices and proof of payment. |
| Evaluation of training delivered. | Post training questionnaire to all participants to gauge the level of knowledge increase due to the training. | 8 weeks after the completion of the training. | Responsible: Safety Advisor Involved: all training participants | - Copy of training evaluation questionnaires. |

Cost:

| Description | \$ Amount |
|--|-----------------|
| Cost of safety leadership training for 6 Poly Pipe managers | |
| Wage costs (2 days) and relevant administration costs incurred by Poly Pipe for attendance at training | |
| Total estimated costs | \$21,500 |

Strategy No. 4 - Safety leadership training for Poly Pipe's shift supervisors and team leaders**Summary:**

Poly Pipe's supervisors and team leaders will attend 2 full days of training covering WHS concepts, risk management and driving a safety culture.

WHS outcome and beneficiaries:

This measure will have WHS benefits for the workplace by building on the supervisors and team leaders' understanding of risk management principles, consultation and engagement strategies and how to drive a culture focused 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 |
|---|---|--|---|--|
| Engage training organisation to deliver safety leadership and risk management training. | Poly Pipe to engage selected training organisation to deliver safety leadership and risk management training. | Within 2 months of the Commencement Date of the enforceable undertaking. | Poly Pipe Pty Ltd General Manager | Evidence of training organisation selected |
| Safety leadership and risk management training delivered. | Training organisation to deliver 2 day face to face training. | Within 6 months of the Commencement Date of the enforceable undertaking. | Responsible: Safety Advisor to confirm workers attend training Involved: 9 employees made up of: - 8 supervisors / team leaders - Junior safety person | <ul style="list-style-type: none"> - Training attendance records noting the names, positions held within Poly Pipe, dates and times of the training certified by the training organisation. - Copies of certificates of completion or attainment for all successfully completed. - Invoices and proof of payment. |
| Evaluation of training delivered. | Post training questionnaire to all participants to gauge the level of knowledge increase due to the training. | 8 weeks after the completion of the training. | Responsible: Safety Advisor Involved: all training participants | Copy of training evaluation questionnaires. |

Cost:

| Description | \$ Amount |
|--|-----------------|
| Cost of safety leadership training for 8 Poly Pipe Pty Ltd supervisors/ team leaders | |
| Wage costs (2 days) and relevant administration costs incurred by Poly Pipe for attendance at training | |
| Total estimated costs | \$21,700 |

Strategy No. 5 – replace drop saws with SawStop Tables and share safety learnings with industry

Summary:

Poly Pipe Pty Ltd undertakes to install and implement industrial table saws from SawStop to replace the use of drop saws at its site and the site operated by a related business located in NSW. The SawStop Table utilises an innovative emergency brake mechanism which causes the blade to be retracted immediately if it detects skin.

Poly Pipe Pty Ltd undertakes to purchase 3 SawStop Tables for installation as follows:

- Poly Pipe Pty Ltd Toronto site: 2 units.
- Pipe manufacturing business in Pendle Hill: 1 unit.

The cost per unit is \$9,050 (Sawstop industrial saw 3 phase with 52inch t-glide fence) plus dust extraction system (\$5,699 per unit) plus freight (\$466.53) = \$13,832.30 plus GST per unit. Plus installation costs including upgrade to 3 phase electrical connection (approximately \$2,500).

Poly Pipe Pty Ltd also undertakes to share its experience and improved safety outcomes with the broader industry by engaging a specialist video production company to produce a short training video (5 -7 minutes) that outlines the incident, explains what Poly Pipe changed as a result and the additional controls being implemented through this undertaking to improve the management of the risk. The video will be shared with:

- a Hunter Valley-based registered training organisation (RTO) to be shown during training to educate young trainees and apprentices from a range of industries on a 'real life' incident and the safety controls that were implemented in response (see Strategy 8 below); and
- a Newcastle training organisation that matches young trainees with jobs in industries such as manufacturing.

The video will also be made available to SafeWork NSW to share as it considers appropriate.

WHS outcome and beneficiaries:

This measure will have WHS benefits for the workplace and the broader industry (through shared learnings and the installation at a related business to Poly Pipe Pty Ltd). This measure benefits the workplace because the innovative mechanical break device eliminates the risk of workers sustaining lacerations to their hands or other body parts whilst cutting timber for making gluts/crates. The SawStop Table also offers superior safety outcomes as it has in-built dust extraction to ensure workers are not exposed to dust generated by cutting timber.

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 |
|--|--|---|---|--|
| Purchase 3 x SawStop Tables. | Poly Pipe Pty Ltd to order SawStop Tables and accompanying safety devices. | Within 2 months of the Commencement Date of the enforceable undertaking. | Poly Pipe Pty Ltd General Manager | - Copies of purchase orders, invoices and proof of payment. |
| Install SawStop Tables. | Poly Pipe Pty Ltd to install SawStop Tables once units have been delivered. This includes completing electrical upgrades to supply 3 phase power to the units (where necessary). | Within 8 months of the Commencement Date of the enforceable undertaking. | Poly Pipe Pty Ltd General Manager | - Photos of the SawStop Tables after installation. |
| Develop an SOP for the safe use of the SawStop Table. | Poly Pipe Pty Ltd to prepare a suitable SOP for the safe use of the SawStop Table. | Within 1 week of installation and prior to the use of the SawStop Tables. | Responsible: Poly Pipe Safety Advisor Involved: all workers to complete the training | - Copy of the SOP developed for the SawStop Table. - Records of training provided to workers at each site in relation to the new SOP. |
| Engage and work with a specialist production company to produce a short training video that outlines the incident, explains what Poly Pipe changed as a result of the incident and the additional controls being implemented through this undertaking to improve the management of the risk. | Poly Pipe will identify a suitable production company to prepare a script, film and edit a short training video. The script will be shared with the Hunter-Valley based RTO and the Newcastle training organisation for feedback. The script will also be shared with SafeWork NSW for feedback and approval. | Within 18 months of the Commencement Date of the enforceable undertaking. | Poly Pipe Pty Ltd General Manager | - Copy of the finished, professional training video. - Copies of invoices and proof of payment. - evidence of request for feedback. - approval by SafeWork NSW of the script. |
| Share the training video with a Hunter-Valley based RTO and Newcastle training organisation to be shown to young trainees and apprentices during their training programs. | Electronic link to be shared. | Within 2 weeks of receiving the finalised training video. | Poly Pipe Pty Ltd General Manager | - Correspondence with the Hunter Valley based RTO and Newcastle training organisation. - Correspondence from the Hunter Valley based RTO and Newcastle training organisation confirming the videos have been shared and providing any feedback received (if any). |

Cost:

| Description | \$ Amount |
|---|-----------------|
| Purchase of 3 x SawStop tables (\$13,832.30 per unit plus GST) and installation costs | |
| Engagement of production company to prepare a script, film and edit a professional training video | |
| Total estimated costs | \$73,147 |

Strategy No. 6 – Traineeship placement of a junior safety officer and sponsorship for completion of Certificate IV in WHS

Summary:

Placement of a junior safety officer (trainee) at Poly Pipe Pty Ltd's business, provide on-the-job training for that person and sponsor the safety officer to complete a recognised industry qualification – Certificate IV in WHS through a registered training organisation (RTO). The trainee will be sourced through a Newcastle-based training organisation.

WHS outcome and beneficiaries:

This measure will have WHS benefits for the workplace and the industry by providing a trainee with on-the-job and formal training. The trainee will either be employed by Poly Pipe at the end of the 2 years or could pursue a safety role at another business in the 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 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 |
|---|---|--|---|--|
| Place a junior safety person at Poly Pipe Pty Ltd's site and provide on the job training for 2 years. | <p>Poly Pipe Pty Ltd will partner with a Newcastle-based training organisation to identify a suitable candidate.</p> <p>If the trainee safety officer leaves Poly Pipe within the first 6 months of the placement, Poly Pipe will work with the Newcastle-based training organisation</p> | Within 9 months of the Commencement Date of the enforceable undertaking. | Poly Pipe Pty Ltd General Manager | <p>- Position description for junior safety officer.</p> <p>- Invoices and proof of payment to training organisation to cover the junior safety person's wages and training costs.</p> |

| | | | | |
|---|--|---|-----------------------------------|---|
| | to identify a suitable replacement trainee. | | | |
| Junior safety person to complete Certificate IV in WHS. | Poly Pipe Pty Ltd will identify a suitable RTO to deliver the Certificate IV in WHS. | 24 months for the junior safety officer to complete the Certificate IV in WHS (from course commencement). | Poly Pipe Pty Ltd General Manager | - Proof of completion of Certificate IV in WHS. |

Cost:

| Description | \$ Amount |
|--|------------------|
| 2 years' salary for junior safety officer and Certificate IV course costs (\$65,000 year one; \$67,000 year two) | |
| Total estimated costs | \$132,000 |

Strategy No. 7 – Manage psychosocial hazards in the workplace

Summary:

Undertake a People at Work (PaW) Safety risk assessment survey to enable Poly Pipe to identify, assess and control risks to psychological safety.

WHS outcome and beneficiaries:

People at Work can assist Poly Pipe to comply with its health and safety duties, better manage work-related psychosocial hazards and factors and prevent psychological harm.

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 |
|--|---|--|---|--|
| Poly Pipe to undertake a People at Work (PaW) Safety risk assessment survey. | Poly Pipe will use the People at Work online assessment survey. | Within 6 months of the Commencement Date of the enforceable undertaking. | Poly Pipe Pty Ltd General Manager | - Copy of Survey results/reports. |

| | | | | |
|--|---|---|-----------------------------------|---|
| Review and consider the outcomes of the PaW risk assessment survey and develop a plan to address any identified risks and improve the OHS Management System. | Collate feedback and prepare an implementation plan responding to the psychosocial risks identified through the survey results. | Within 9 months of the Commencement Date of the enforceable undertaking. Plan to be implemented within 18 months from approval of the enforceable undertaking. | Poly Pipe Pty Ltd General Manager | - Documents evidencing creation of plan to address survey results including any minutes of meetings, and copy of final implementation plan. - Documents evidencing implementation of any plan, including progress reports, meeting and attendance records. |
| Follow up PaW Safety risk assessment survey to measure the degree of change in the workplace in relation to the management of psychosocial risks. | Poly Pipe will use the People at Work online assessment survey. | Within 24 months of the Commencement Date of the enforceable undertaking. | Poly Pipe Pty Ltd General Manager | - Copy of Survey results/reports. |

Cost:

| Description | \$ Amount |
|--|-----------------|
| Cost to run PaW survey including engagement with workforce, completion of the survey, collection of feedback and consideration and implementation of feedback received | ██████████ |
| Cost to run a follow up PaW survey | ██████████ |
| Total estimated costs | \$20,000 |

Strategy No. 8 – Purchase of SawStop Table for an RTO and development of SOP and training video for use by trainees

Summary:

Poly Pipe undertakes to purchase an industrial table saw from SawStop and donate it to a Hunter Valley based registered training organisation (RTO) and registered charity for use by apprentices and trainees completing training courses. Poly Pipe will also develop an SOP regarding the safe use of the SawStop Table at the RTO's premises. The benefits of the SawStop Table are described above (see Strategy 5).

Poly Pipe will also share the training video produced under Strategy 5 above with the RTO, so that it can be shown during training to educate young trainees and apprentices from a range of industries on a 'real life' incident and the safety controls that were implemented.

WHS outcome and beneficiaries:

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 |
|---|--|---|---|--|
| Poly Pipe to purchase a SawStop Table. | Poly Pipe Pty Ltd to order SawStop Tables and accompanying safety devices. | Within 2 months of the Commencement Date of the enforceable undertaking. | Poly Pipe Pty Ltd General Manager | Purchase order, invoice and proof of payment. |
| Install SawStop Table at RTO's premises. | Poly Pipe Pty Ltd to install SawStop Table once unit has been delivered. | Within 9 months of the Commencement Date of the enforceable undertaking. | Poly Pipe Pty Ltd General Manager | - Photos of the SawStop Table at the RTO's premises after installation. |
| Prepare an SOP for the safe use of the SawStop Table at the RTO's premises. | Poly Pipe Pty Ltd to prepare a suitable SOP for the safe use of the SawStop Table. | Within 1 week of installation and prior to the use of the SawStop Tables. | Poly Pipe Pty Ltd General Manager | - Copy of the SOP developed for the SawStop Table at the RTO's premises. |
| Share training video with the RTO so it can be shown to trainees and apprentices during their training program. | PolyPipe will provide copies of the training video to the RTO. | Once the training video has been produced (due within 18 months of the Commencement Date of the enforceable undertaking). | Poly Pipe Pty Ltd General Manager | - Copy of the training video produced under Strategy 5. |

Cost:

| Description | \$ Amount |
|---|-----------------|
| Cost of purchasing 1 x SawStop Table with accompanying safety devices and installation | ██████████ |
| Replacement Sawstop blades (\$149 each) x 6 and replacement SawStop trigger cartridges (\$160 each) x 6 | ██████████ |
| Total estimated costs | \$16,854 |

Strategy No.9 – Targeted audit strategy – machinery

Summary:

Identify and detail gaps in plant and machinery safety by determining the level of conformance with and implementation of current plant safety systems against WHS legislative and Poly Pipe Pty Ltd's operative requirements, focusing on the following areas:

- Machine guarding.
- electronic safety systems.

Poly Pipe Pty Ltd commits that the audit will be a program that conforms with AS/NZS ISO 19011 – Guidelines for auditing management systems.

Develop a corrective actions plan based on audit findings.

Identify and detail improvement suggestions (based on identified gaps) to assist Poly Pipe Pty Ltd's development of a corrective action plan focused on improved performance across Poly Pipe Pty Ltd's operations in:

- machine guarding.
- electronic safety systems.

WHS outcome and beneficiaries:

An independent risk assessment and audit of the plant at Poly Pipe's site benefits all workers as it ensures all risks in relation to the operation of the plant have been identified and controlled to the extent reasonably practicable. The results of this audit will be applied (unless unreasonable or impractical).

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 a suitable third-party plant safety specialist | Poly Pipe to identify a suitable plant safety specialist. | Within 8 months of the Commencement Date of the enforceable undertaking. | Poly Pipe General Manager | Evidence of auditor engaged including the relevant qualifications of the auditor |

| | | | | |
|---|--|---|---------------------------|--|
| Plant safety specialist to conduct an initial audit against AS 4024.1- 2019 Safety of Machinery | Plant safety specialist to attend Poly Pipe's premises for a number of days to conduct audit and prepare a report detailing their findings and recommendations. Audit will be conducted after SawStop tables have been installed (see Strategy 5). | Within 12 months of the Commencement Date of the enforceable undertaking. | Poly Pipe General Manager | Copy of final audit plan certified by the auditor as an unaltered copy of the original. |
| Develop audit recommendation implementation plan | Review audit findings and recommendations, assign corrective actions to responsible people and devise timeframes. | Within 15 months of the Commencement Date of the enforceable undertaking. | Poly Pipe General Manager | Copy of the plan to action the audit recommendations including actions required, people responsible and timeframes |
| Poly Pipe Pty Ltd will implement the recommendations arising from the audit (unless unreasonable or impractical). | Poly Pipe to action recommendations using internal resources or external providers as appropriate. | Within 24 months of the Commencement Date of the enforceable undertaking. | Poly Pipe General Manager | Quarterly updates provided to SafeWork NSW including evidence for the completion of each recommendation |
| Plant safety specialist to conduct a follow-up audit against AS 4024.1- 2019 Safety of Machinery | Plant safety specialist to attend Poly Pipe's premises for a number of days to conduct audit and prepare a report detailing their findings and recommendations. | Within 24 months of the Commencement Date of the enforceable undertaking. | Poly Pipe General Manager | Copy of final audit plan certified by the auditor as an unaltered copy of the original. |

Costs:

| Description | \$ Amount |
|--|-----------------|
| Cost of external auditor (initial audit and follow up audit) | |
| Estimated costs to action audit recommendations | |
| Total estimated costs | \$40,000 |

Strategy No.10 – WHSMS audit strategy

Summary:

Poly Pipe Pty Ltd has an existing WHSMS but this has not been externally audited or assessed against the principles of *AS/NZS ISO 45001*. Currently, Poly Pipe conducts internal audits over a 12 month schedule with a different focus area each month. For example, an internal audit of training and verification of competency records is conducted once a year in November.

Poly Pipe Pty Ltd will ensure their existing WHSMS complies with the principles of *AS/NZS ISO 45001 - Occupational health and safety management systems – Requirements with guidance for use* within 15 months from the date the enforceable undertaking is accepted. Poly Pipe Pty Ltd acknowledges that the WHSMS will be maintained in accordance with the standard.

Poly Pipe Pty Ltd will ensure the WHSMS is audited by accredited third party auditors to meet the requirements of *AS/NZS ISO 45001 - Occupational health and safety management systems – Requirements with guidance for use*. Poly Pipe Pty Ltd acknowledges that the third-party auditors selected to perform WHSMS audits must be certified by a certification body accredited by *AS/NZS ISO/IEC 17024 – Conformity assessment – General requirements for bodies operating certification of persons*.

WHS outcome and beneficiaries:

The external auditing of Poly Pipe's WHSMS and accreditation to ISO 45001 provides benefits to all workers at the workplace, as it ensures that existing management systems are updated where necessary to a recognised standard and provides further focus on continued improvement.

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 |
|--|--|--|---|---|
| Poly Pipe will identify and engage a suitably qualified certified third-party auditor. | Poly Pipe to identify a suitable certification body/ auditor accredited by <i>AS/NZS ISO/IEC 17024</i> . | Within 3 months of the Commencement Date of the enforceable undertaking. | Poly Pipe General Manager | Evidence of auditor engaged including the relevant qualifications of the auditor. |
| Certified third party auditor will conduct a gap audit of Poly Pipe's existing WHSMS (pre-certification audit) and then develop and implement systems to achieve compliance with ISO standard 45001: 2018. | Third party auditor will attend Poly Pipe's premises to conduct the audit and prepare a report detailing their findings and recommendations. | Within 6 months of the Commencement Date of the enforceable undertaking. | Poly Pipe General Manager | Copy of pre-certification audit report certified by the auditor as an unaltered copy of the original. |

| 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 |
|--|--|---|---|--|
| Poly Pipe will implement any recommendations arising from the pre-certification audit. | Poly Pipe to action recommendations using internal resources or external providers as appropriate. | Within 12 months of the Commencement Date of the enforceable undertaking. | Poly Pipe General Manager | Evidence of implementation of any recommendations from pre-certification audit. |
| Certified third party auditor will conduct a certification audit (year 1). | Third party auditor will attend Poly Pipe's premises to conduct the audit and prepare a report detailing their findings. | Within 18 months of the Commencement Date of the enforceable undertaking. | Poly Pipe General Manager | Copy of certification audit report certified by the auditor as an unaltered copy of the original. |
| Certified third party auditor will conduct a surveillance audit (year 2). | Third party auditor will gather documents/ information and prepare a report detailing their findings. | Within 30 months of the Commencement Date of the enforceable undertaking. | Poly Pipe General Manager | Copy of the surveillance audit report certified by the auditor as an unaltered copy of the original. |

Cost:

| Description | \$ Amount |
|--|-----------------|
| Cost of consulting fees to achieve certification to ISO45001 | |
| Auditing costs to gain certification | |
| Cost of surveillance audit (year 2) | |
| | |
| Total estimated costs | \$29,550 |

TOTAL ESTIMATED VALUE OF THE UNDERTAKING

\$354,751

Section 6 – Execution of Undertaking

Poly Pipe Pty Ltd gives this undertaking and commits to the terms herein.

Signed: 

Executed on behalf of Poly Pipe Pty Ltd in accordance with section 127(1) of the Corporations Act 2001

Name: Kenneth John Broadfoot

Position: Director

Dated at Sydney this 18th day of February 2025.

Signed: 

Executed on behalf of Poly Pipe Pty Ltd in accordance with section 127(1) of the Corporations Act 2001

Name: Shan Shamsheer Kanji

Position: Company Secretary

Dated at Sydney this 18th day of February 2025.

Witnessed in the presence of:

Signed: 

Name: Jessica Bowman

Dated at Sydney this 18th day of February 2025.

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: Tony Williams

Position: A/Executive Director, Operations and Enforcement

Authorised delegate for SafeWork NSW.

Dated at Gosford this 25th day of February 2025

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 9 February 2022, a labour hire worker suffered an injury to their finger whilst operating a drop saw at Poly Pipe’s premises in Toronto.

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

SafeWork NSW has accepted an enforceable undertaking from Poly Pipe Pty Ltd, ACN 118 106 022 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 Poly Pipe Pty Ltd.

The undertaking requires the following actions:

- Work health and safety due diligence and risk management training for managers, supervisors and team leaders
- Replacement of existing drop saws with new saws with emergency braking technology that retracts the blade upon the detection of skin
- Production and promotion of a video outlining the incident and improved safety measures adopted by Poly Pipe Pty Ltd to be used as a training tool for young apprentices and trainees
- Placement of a safety trainee, including the completion of Certificate IV in Work Health and Safety
- Utilising the ‘People at Work’ risk assessment survey to identify, assess and implement controls to manage psychosocial risks in the workplace
- Donation of a new saw to a local registered training organisation that utilises the emergency braking technology
- An independent audit of Poly Pipe Pty Ltd’s use of plant and machinery
- Accreditation of Poly Pipe Pty Ltd’s work health and safety management system to *AS/NZS ISO 45001 - Occupational health and safety management systems – Requirements with guidance for use*

Poly Pipe is committed to ensuring, as far as reasonably practicable, the ongoing health and safety of its workers and other persons. Poly Pipe sincerely regrets the alleged contravention and extends its sympathy to the injured worker and their family, Poly Pipe workers and any others who have been affected by the incident.

This undertaking provides the ability to make further improvements in relation to health and safety within Poly Pipe and its workforce, the industry and local community”.

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