

ENFORCEABLE UNDERTAKING

Part 11

Work Health and Safety Act 2011

The commitments in this enforceable undertaking
are given by

Mr Raymond Elia

to SafeWork NSW and accepted by SafeWork NSW

Privacy statement

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

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

Purpose

The purpose of this enforceable undertaking is to document the undertakings given to SafeWork NSW and accepted by SafeWork NSW pursuant to Part 11 of the Work Health and Safety Act 2011 (**WHS Act**) in connection with matters relating to alleged contraventions of the WHS Act or the Work Health and Safety Regulations 2011 (**the Regulations**). The Agreed Terms of the Enforceable Undertaking are set out below.

Section 1 – General information

a. Details of the person proposing the undertaking

Name: Mr Raymond Elia

Postal address: [REDACTED]

Telephone contact: [REDACTED]

Email address: [REDACTED]@buildland.au

b. Commencement

This Undertaking comes into effect when:

- i. the Undertaking is executed by Mr Raymond Elia;
- ii. SafeWork NSW accepts the executed Undertaking (**Commencement Date**).

c. Duration

- i. Section 4 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 Mr Raymond Elia 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 30 November 2022, Mr Raymond Elia failed to discharge his obligations as a worker under section 28(d) and 32 of the WHS Act.

b. Details of the events surrounding the alleged contravention

A concrete placing unit on a Buildland Australia Pty Ltd site made contact with overhead power lines resulting in an electrical discharge that placed multiple people at risk of electric shock and electrocution. Mr Raymond Elia was the site supervisor.

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

It is acknowledged that SafeWork NSW has alleged that Mr Raymond Elia has contravened sections 28(d) and 32 of the WHS Act.

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

No persons were injured.

a. A statement of regret that the incident occurred

Mr Raymond Elia is committed to ensuring, as far as is reasonably practicable, the ongoing health and safety of workers and other persons. Mr Raymond Elia sincerely regrets the incident on 30 November 2022 occurred.

Note: the above is not an admission of guilt

Section 3 – Statements, commitments, and acknowledgements

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

Mr Raymond Elia acknowledges that the enforceable undertaking will be published on SafeWork NSW's internet site and may be referenced in SafeWork NSW's publications and/or media releases.

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

Mr Raymond Elia is committed to complying with his obligations under the WHS Act. Mr Raymond Elia undertakes not to commit any offences against the WHS Act within 24 months of the date of acceptance of the undertaking with SafeWork NSW.

c. Reliance on Commitments

Mr Raymond Elia acknowledges that SafeWork NSW may rely upon the commitments and statements set out in Section 3(b) above when making decisions regarding enforcement action if he fails to comply with their work health and safety obligations in the future, including but not limited to any failure to comply with his obligations under this Undertaking.

d. Withdrawal or variation

Mr Raymond Elia 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.

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

Mr Raymond Elia has read and understood SafeWork NSW Enforceable Undertakings Guidelines.

Mr Raymond Elia acknowledges that if he contravenes any of the terms of this Enforceable Undertaking, SafeWork NSW may apply to the Industrial Court for an order in accordance with section 220 of the Work Health and Safety Act 2011.

Section 4 – Strategies

Strategy 1 – Lessons learnt industry article

Summary:

Mr Elia will, in partnership with his employer Buildland Australia Pty Ltd, author an industry article to be placed in [redacted] industry magazine that outlines the incident that occurred, the lessons learnt personally by Mr Elia, the impact the incident had on him, and what WHS practices or improvements he has made in response to the incident.

The [redacted] magazine has a circulation of 8,000 per issue, with four editions produced each year and mailed to every [redacted] member in NSW. It provides information on issues relating to building and construction across the state.

WHS outcome and beneficiaries:

It is anticipated that the article in the [redacted] magazine will provide a candid firsthand account to industry from an experienced site supervisor of what could have been a catastrophic incident. The lessons shared, along with the personal impacts and reflections, will provide industry with a powerful story to help reduce similar incidents occurring in the future.

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	Evidence that will be provided to SafeWork NSW
Draft lessons learnt article	Mr Elia, together with his employer, will contribute to an article for [redacted] magazine that outlines the incident from his personnel perspective, what went wrong, and what lessons he can share with industry to prevent similar incidents. It is intended the article will be a double page spread in the [redacted] magazine.	Within 2 months of the EU commencing	Copy of the draft article prior to it being published to be endorsed by SafeWork NSW.

	The article will be provided to SafeWork NSW to review and endorse prior to being published.	Within 3 months of the EU commencing	
Publish lessons learnt article	The article will be published in the [redacted] magazine or similar industry publication.	Within 4 months of the EU commencing	Copy of magazine with the final article published.

Cost:

Description	\$ Amount
[redacted] magazine article	\$2,000
Total estimated costs	\$2,000

Strategy 2 – Lessons learnt – site visits

Summary:

Mr Elia, as part of a Buildland Australia Pty Ltd ‘Safety with the Pumpy’ industry campaign, will visit 20 concrete pump operators and 20 builders to personally share his account and reflections of the incident. Mr Elia will share the personal lessons he has learnt to help others avoid similar incidents.

WHS outcome and beneficiaries:

The campaign ‘Safety with the Pumpy’ will raise awareness of the incident and the safety issues relating to the use of concrete pumps on construction sites. Mr Elia’s own personal accounts and reflections will help provide a real story to industry to help educate others on the risks associated with concrete pumps, or similar, and the interaction with powerlines.

Direct engagement with 20 industry pump operators to increase the awareness of real day-to-day issues that arise on site between builders and pump operators and how associated risks can be highlighted and managed to uplift site safety. This will impact all future sites those pump operators attend.

Direct engagement with 20 builders, specifically on-site teams, to increase the awareness of real day-to-day issues that arise on site between builders and pump operators and how associated risks can be highlighted and managed to uplift site safety. This will impact all future sites those builders operate on and have pump operators attend.

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	Evidence that will be provided to SafeWork NSW
Site visits – pump operators	Mr Elia will visit a minimum of 20 pump operators (as part of a Buildland Australia Pty Ltd industry campaign) either on site during a pump day or at their workplace and will participate in a toolbox talk (or similar) that includes: <ul style="list-style-type: none"> An introduction by Buildland on why they are there, i.e. to raise safety awareness as part of an 	Within 12-18 months of the EU commencing	Notification of the pump operators being engaged identifying the date, time and location of the visit to SafeWork NSW a minimum of a week prior to the visit. Evidence of 20 toolbox talks (or similar) conducted with pump operators that outlines

	<p>enforceable undertaking with SafeWork NSW</p> <ul style="list-style-type: none"> Outline the circumstances of the incident and lessons learnt via a video produced by Buildland Australia. Provide personal reflection from Mr Elia on the incident. Access (either hard copy or digitally) to relevant resource material, including the new the Code of Practice on Working near overhead and underground electric lines. 		<p>the topics covered, the dates and location of delivery, and a list of signed attendees.</p> <p>Evidence of Mr Elia providing his own personal reflections on the incident through SafeWork NSW site visit or photos or videos)</p>
Site visits - builders	<p>Mr Elia will visit a minimum of 20 builders (as part of a Buildland Australia Pty Ltd industry campaign) either on site during a pump day or at their workplace and will participate in toolbox talk (or similar) that includes:</p> <ul style="list-style-type: none"> An introduction by Buildland on why they are there, i.e. to raise safety awareness as part of an enforceable undertaking with SafeWork NSW Outline the circumstances of the incident and lessons learnt via a video produced by Buildland Australia. Provide personal reflection from Mr Elia on the incident. Access (either hard copy or digitally) to relevant resource material, including the new the Code of Practice on Working near overhead and underground electric lines. 	Within 12-18 months of the EU commencing	<p>Notification of the builders being engaged identifying the date, time and location of the visit to SafeWork NSW a minimum of a week prior to the visit.</p> <p>Evidence of 20 toolbox talks (or similar) conducted with builders that outlines the topics covered, the dates and location of delivery, and a list of signed attendees.</p> <p>Evidence of Mr Elia providing his own personal reflections on the incident through SafeWork NSW site visit or photos or videos)</p>

Cost:

Description	\$ Amount
Site visits – indirect costs on Mr Elia’s time	\$20,000
Total estimated costs	\$20,000

Strategy 3 – WHS training

Summary:

Mr Elia will undertake WHS supervisor training as part of a Buildland Australia Pty Ltd safety leadership program to strengthen the WHS skills, knowledge and performance.

It is anticipated this training will be the [REDACTED], or something similar if that course is not available, along with other construction specific courses.

Where possible, the training will be delivered by a registered training provider and will be linked an accredited unit of competency.

WHS outcome and beneficiaries:

Mr Elia will be able to positively influence and drive a safety culture within Buildland Australia Pty Ltd and on the sites he operates. This influence will assist to drive safety improvements across the industry through Buildland Australia Pty Ltd's contractor network, and anyone else that Mr Elia interacts with.

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	Evidence that will be provided to SafeWork NSW
Supervisor training	Mr Elia will undertake the [REDACTED] (or a similar course targeted at supervisors if this course is not available)	Within 12 months of the EU commencing	Evidence of completion of the training from the training provider including an outline of the course units or topics delivered.
Construction Specific courses	Mr Elia will undertake specific construction training (Working safely under powerlines - UETDRELO06, and, approved Silica Awareness, delivered by registered training organisations).	Within 12 months of the EU commencing	Evidence of completion of the training from the training provider including an outline of the course units or topics delivered.

Cost:

Description	\$ Amount
Cost of training	\$1,500
Total estimated costs	\$1,500

TOTAL ESTIMATED VALUE OF THE UNDERTAKING

\$23,500

Section 5 – Execution of Undertaking

Mr Raymond Elia give this undertaking and commit to the terms herein.

Signed:
[Person]

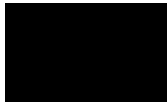


Name: Mr Raymond Elia

Dated at Merrylands the 21st of November 2025.

Witnessed in the presence of:

Signed:



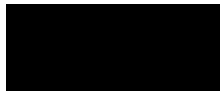
Name: Adoni Maalouf

Dated at Merrylands the 21st of November 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: Mary Snell

Position: Executive Director, Operations and Enforcement.

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

Dated at Sydney on the 28th day of November 2025