

## ENFORCEABLE UNDERTAKING

Part 11

*Work Health and Safety Act 2011*

The commitments in this enforceable undertaking  
are offered to SafeWork NSW

by

**Gilgandra Shire Council**

ABN 47 979 060 715

### **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)*

## Enforceable Undertaking

### Purpose

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

### Section 1 – General information

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

<b>Registered Address:</b>	15 Warren Road GILGANDRA NSW 2827
<b>Postal address:</b>	P.O. Box 23 GILGANDRA NSW 2872
<b>Telephone contact:</b>	(02) 6817 8800
<b>Email address:</b>	council@gilgandra.nsw.gov.au
<b>Legal structure:</b>	Council under Local Government Act 1993
<b>Type of business:</b>	Local Council
<b>Commencement date of the entity:</b>	1906
<b>Number of workers:</b>	Full-time: 85 Part-time: 93 Casual: 53
<b>Products and/or services:</b>	Local government
<b>Comments:</b>	N/A

**b. Details of the alleged contravention**

It is alleged by SafeWork NSW that on 13 November 2014, Gilgandra Shire Council failed to discharge its obligations as a person conducting a business or undertaking under sections 19(1) and 32 of the WHS Act in that it did not ensure so far as reasonably practicable the health and safety of workers.

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

On 13 November 2014 Gilgandra Shire Council was conducting maintenance and upgrade work on a bridge located above the Wallumburrawang Creek on Tooraweenah-Mendooran Road, Tooraweenah in NSW.

Prior to work commencing on the bridge, Gilgandra Shire Council decided to hire a mobile elevated work platform (MEWP) to assist with the work. The MEWP was driven by rubber "caterpillar" tracks rather than wheels. Attached to the MEWP were four (two on each side) stabiliser arms/ outriggers.

The injured worker was manoeuvring the MEWP down an embankment under the bridge when it became bogged in the sand. The injured worker and another worker put two wooden planks underneath the tracks. The two workers pushed a board through the sand under each of the tracks in an attempt to provide a means of traction. As the second worker was stepping away the MEWP toppled over and fell on to the injured worker who was standing one to two metres away between it and the creek.

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

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

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

As a result of the above incident the injured worker received the following injuries:



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

Were enforcement notices received?

Yes  Please provide details in the table below.

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
13/11/2014	Prohibition	7-271154	Section 19 WHS Act	Notice complied with on 03/02/2015.

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
2/12/2014	Improvement	7-271705	Section 19 WHS Act	Notice complied with on 26/02/2015. Consultation with Managers, Coordinators, and workers regarding the Hired Plant, Equipment Procedure and forms. 23/2/2015 – met with Works and Technical Services staff for consultation and instruction on the procedure. 26/2/2015 – training and instruction to Director, Managers and Coordinators
23/02/2015	Improvement	7-274170	Section 19 WHS Act	Notice complied with on 26/02/2015. Consultation with Managers, Coordinators, and workers regarding the Hired Plant, Equipment Procedure and forms. 23/2/2015 – met with Works and Technical Services staff for consultation and instruction on the procedure. 26/2/2015 – training and instruction to Director, Managers and Coordinators

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

Gilgandra Shire Council 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.

Gilgandra Shire Council deeply regrets this incident and takes its safety responsibilities very seriously. Going forward, Gilgandra Shire Council's executive team are committed to driving a positive safety culture that goes beyond mere compliance.

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

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

The workers compensation insurer for Gilgandra Shire Council is StateCover Mutual Limited.

A workers compensation claim was lodged and the injured worker has been in receipt of workers compensation benefits which are continuing.

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

Does the contravention involve injury to a person?

Yes  The injured worker was employed by Gilgandra Shire Council at the time of the incident.

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

Date	Description of support	Cost
19-20/11/2014	Visit from Gilgandra Shire Council representative to visit Injured worker in hospital in Sydney	\$656.37 (two days paid leave) \$250 (accommodation)
13/11/2014 to 23/11/2014	Financial and administrative support provided to family for travel - paid for expenses of Injured worker's parents to travel and stay in Sydney while Injured Worker was in hospital	\$2,759.59
17-23/11/2014	Gilgandra Shire Council approved paid leave for partner of injured worker for a period of time [REDACTED]	\$727.86
21/11/2014	Provided petrol money (\$200) to partner and paid for accommodation whilst Injured Worker was in hospital in Sydney	\$200
18/11/2014	In addition, Gilgandra Shire Council arranged EAP counselling for all workers who were with Injured Worker. Group session followed by individual one on one sessions.	\$1,089
27/11/2014	General manager visited injured worker at home	
	Gilgandra Shire Council provided regular written updates to staff and offered counselling to all staff for the first few weeks after the incident	

**j. If the matter involves a fatality or very serious injury<sup>1</sup>, a claim to demonstrate that exceptional circumstances exist that the enforceable undertaking is a more appropriate response than pursuing prosecution**

Does the contravention involve a fatality or very serious injury<sup>1</sup>?

No

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

Gilgandra Shire Council undertakes an annual self-audit against AS/NZS 4801:2001 with StateCover.

1. An injury that has caused nervous system damage liable to lead to mental incapacity or permanent restriction of mobility or involves a major amputation of a limb or parts of the body, for example, amputation above the knee or elbow. This term is not defined in the WHS Act; it is used within this document to identify certain circumstances which will trigger additional steps in the enforceable undertaking process.

This was last conducted in July 2016 and has been undertaken for approximately ten (10) years.

In addition, Gilgandra Shire Council undertook a chemical audit (with an external independent auditor) in July 2013 and a re-audit of chemicals in March 2015.

Gilgandra Shire Council also undertakes plant audits on an annual basis. This was last conducted in August 2016 by Plant Assessors; an independent third party auditor.

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

There has been consultation with relevant stakeholders within the Gilgandra Shire Council both in relation to the incident and in relation to the proposal to enter into an enforceable undertaking.

The General Manager has consulted with senior staff and executives, Councillors, the Deputy Mayor and Mayor on multiple occasions both informally and at formal Council meetings. All have been supportive of the decision to enter into an enforceable undertaking. In addition the General Manager has attended monthly meetings with the Works and Technical Services staff to discuss generally the safety improvement strategies that are outlined in the enforceable undertaking, as well as Gilgandra Shire Council's Health and Safety Committee and Consultative Committee.

The General Manager has also had several discussions with Gilgandra Shire Council's Risk Management Officer and has attended staff meetings across all divisions of Gilgandra Shire Council which included but not limited to Corporate Services, Community Services, Environmental Services and Finance.

In addition to this, improving safety performance and culture is a key consideration in the recent Organisational review which was outlined during a number of staff consultation sessions.

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

Gilgandra Shire Council and its executive team sincerely regrets that the incident on 13 November 2014 occurred and that the worker sustained injuries as a result of the incident.

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

Description	\$ Amount
Gilgandra Shire Council conducted an investigation following the incident. It then arranged for scaffolding to be installed under the Bridge for the completion of the job (three weeks of scaffold hire)	\$16,604.50
Gilgandra Shire Council also drafted and implemented a procedure for the hire of plant and equipment. (approximately 15 hours)	\$1,025.00
10 staff were trained about the requirements of the procedure for approximately 3 hours in duration	\$1,200.00
Gilgandra Shire Council paid for all repairs to plant involved	\$42,786.76
<b>TOTAL AMOUNT SPENT ON RECTIFICATIONS</b>	<b>\$61,616.26</b>

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

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

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

Gilgandra Shire Council commits that it will exercise its best endeavours to the ongoing effective management of work health and safety risks. Gilgandra Shire Council's executive team is very much committed to being proactive and driving a safety culture that focuses on the identification, assessment and elimination/minimisation of risks.

Gilgandra Shire Council has the full support of its elected officials, who have agreed to allocate additional funding to support the enforceable undertaking proposal. Gilgandra Shire Council executives are keeping elected officials up to date with the status of the enforceable undertaking.

The enforceable undertaking proposal and its delivery has also been listed as a Key Performance Indicator and Outcome of the General Manager's performance agreement.

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

Gilgandra Shire Council 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.

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

Gilgandra Shire Council has had no prior work health and safety convictions.

**s. Statement regarding relationships with beneficiaries**

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

**t. Intellectual property licence**

Gilgandra Shire Council 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.

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

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

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

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

**v. Acknowledgement of enforceable undertakings overview and guidelines**

Gilgandra Shire Council has read and understood Enforceable Undertakings – an overview, and Enforceable Undertakings – guidelines for proposing an enforceable undertaking.

## **Section 2 – Enforceable Terms**

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

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

Gilgandra Shire Council will, within thirty (30) days of the date of acceptance of this enforceable undertaking, cause a public notice to be published in The Sydney Morning Herald which will be drafted using the script provided in Annexure 1.

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

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

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

Gilgandra Shire Council agrees to disseminate information about the enforceable undertaking within the workplace, including to the members of any health and safety committee, health and safety representatives and all subcontractors working for the Company. This information will be disseminated verbally and in writing to the workplace and will be completed within four weeks from the date of acceptance of the enforceable undertaking.

Gilgandra Shire Council will share its experience of the enforceable undertaking process with the twelve other Councils in the Orana Regional Organisation of Councils.

Member Councils of the Orana Regional Organisation of Councils include: Bogan Shire Council, Bourke Shire Council, Brewarrina Shire Council, Central Darling Shire Council, Cobar Shire Council, Coonamble Shire Council, Dubbo Regional Council, Mid-Western Regional Council, Narromine Shire Council, Warrumbungle Shire Council, Walgett Shire Council, Warren Shire Council.



Gilgandra Shire Council commits that it will publish details of the enforceable undertaking in the first annual report due after the date the undertaking is accepted. Gilgandra Shire Council's annual report is published by 30 November each year.

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

**d. Strategies that will deliver workplace benefits**

**1. Plant Safety Improvement Program**

**Scope:**

Review and assess procedures in relation to plant to ensure that procedures relating to the selection and use of plant are appropriate and effective. Gilgandra Shire Council is proposing that all current plant inspections will be undertaken by an independent accredited assessor who will provide a detailed assessment of the major plant items. The outcomes will identify necessary plant upgrades as well as identify opportunities to improve workplace skills, knowledge, competency and operating capacity, linking training needs into Gilgandra Shire Council's learning and development program and resourcing strategy.

**Target issue:**

- i. Identify and detail gaps in plant safety management by determining the level of conformance with, and implementation of, current mobile plant safety management systems against WHS legislative, and Gilgandra Shire Council's operative requirements, focusing on the following areas:
  - Plant Procurement processes and procedures (including wet and dry hire of plant);
  - Plant Maintenance processes and procedures;
  - Plant Risk Management; and
  - Plant Operator Competency.
- ii. Identify and detail improvement suggestions (based on identified gaps) to assist Gilgandra Shire Council's development of a corrective action plan focused on improved performance across Gilgandra Shire Council's operations in:
  - Mobile plant safety management;
  - Re-skilling and continuous review of plant operator competency; and
  - Continuous improvement (monitoring, review and evaluation) of plant safety management strategies.

**Tangible outputs / deliverables:**

- i. Engage an external auditor to conduct two independent audits which assess Gilgandra Shire Council's processes and procedures in relation to the selection and use of plant.
- ii. Conduct two (2) independent audits against the criteria for performance audit will be drawn from the requirements of relevant parts of the WHS Act and Regulation 2011, related codes of practice and Australian Standards AS/NZS 4801:2001 which assesses Gilgandra Shire Council's processes and procedures in relation to the selection and use of high risk plant and equipment. This will generally be but is not limited to road building plant and equipment.
- iii. Following each audit, reports received from the auditor will be sent to SafeWork NSW, along with a letter certifying that the report has not been altered from the copy provided to Gilgandra Shire Council by the auditor.
- iv. Gilgandra Shire Council will advise SafeWork NSW of the intended actions in addressing each of the report's recommendations.

- v. Gilgandra Shire Council will implement any recommendations which arise out of the above independent audits.
- vi. Following each audit where required, develop training program for plant operators to ensure that relevant skills and competencies are maintained. This will involve the development of a competency profile and/or training logs for plant operators.
- vii. Undertake refresher training as required to ensure that all relevant workers maintain necessary skills and competencies.
- viii. Continue to monitor and periodically review the effectiveness of any training implemented following the audits.

**Audience / beneficiaries:**

This will target and benefit Gilgandra Shire Council employees who are required to utilise various items of plant and equipment in their roles. This includes but not limited to:

- Road Maintenance Team Leader;
- Road Construction Team Leader;
- Rural Construction Team Leader;
- Civil Construction Team Leader;
- Plant Operators;
- Workshop Coordinator;
- Plant Mechanic;
- Truck Drivers;
- Parks and Gardens staff;
- Water and Sewerage staff;
- Urban Works Coordinator;
- Rural Works Coordinator;
- Bitumen Surfaces Maintenance Team Leader;
- Labourers;
- Trainees;
- Apprentices; and
- Building Maintenance staff.

Total staff numbers is 60 people which equates to approximately 25% of Gilgandra Shire Council's total staff and 100% of all staff exposed in high risk activities involving plant and equipment.

**Delivery method:**

- i. Engage an independent, suitably qualified external auditor with relevant experience in auditing plant.
- ii. External auditor to conduct two (2) independent audits against the criteria for performance. Audits will be drawn from the requirements of relevant parts of the WHS Act and Regulation 2011, related codes of practice and Australian Standards AS/NZS 4801:2001. The audits will assess Gilgandra Shire Council's processes and procedures in relation to the selection and use of high risk plant and equipment. This will generally be but is not limited to road building plant and equipment.
- iii. Senior executive management (with support of subordinate managers and coordinators) will implement any recommendations which arise from each of the above independent audits.
- iv. Following the audits, Humans Resources, the Risk Management Officer and the appropriate Managers will develop a training program for plant operators to ensure that relevant skills and competencies are maintained. This will involve the development of competency profile and/or training logs for plant operators.
- v. Gilgandra Shire Council will conduct refresher training as required to ensure that all relevant workers maintain necessary skills and competencies.
- vi. Continue to monitor and periodically review the effectiveness of any training implemented following the audits.

**Timeframes:**

Action	Commencement	Completion
Engage an independent, suitably qualified external auditor.	Upon acceptance of enforceable undertaking	Within 3 months of acceptance of enforceable undertaking
Conduct initial audit.	Within 1 month of acceptance of enforceable undertaking	Within 6 months of acceptance of enforceable undertaking
Initial audit report received from the auditor will be provided to SafeWork NSW.	Within 2 weeks of receipt of report.	Within 1 month of initial audit completion
Gilgandra Shire Council will advise SafeWork NSW of the intended actions in addressing each of the initial audit report's recommendations.	Within 1 month of receiving the recommendations	Within 3 months of initial audit completion
Gilgandra Shire Council will implement any recommendations which arise out of the initial audit.	Within 2 months of receipt of audit report	6-18 months after initial audit completion
Following the initial audit, develop training program for plant operators as required.	Within 3 months of receipt of recommendations	6-18 months after initial audit completion
Undertake refresher training as required to ensure that all relevant workers maintain necessary skills and competencies.	Within 5 months of receipt of recommendations	6-18 months after initial audit completion
Continue to monitor and periodically review the effectiveness of any training implemented following the audits.	Within 2 months after training completed	April 2019
Subsequent audit to assess the success of the program.	Within 18 months of acceptance of enforceable undertaking	December 2019
Subsequent audit report received from the auditor will be provided to SafeWork NSW	Within 2 weeks of receipt of subsequent audit	Within 1 month of subsequent audit completion
Gilgandra Shire Council will advise SafeWork NSW of the intended actions in addressing each of the subsequent audit report's recommendations.	Within 1 months of receiving subsequent audit report	Within 3 months of subsequent audit completion
Gilgandra Shire Council will implement any recommendations which arise out of the subsequent audit.	Within 2 months of receipt of subsequent audit report	Within 6-18 months after subsequent audit completion
Progress reports submitted to Management	Within 1 month of acceptance of enforceable undertaking	Duration of strategy
Evidence of each action shall be provided to SafeWork NSW by the specified action date	Upon acceptance of the enforceable undertaking	Duration of enforceable undertaking

**Work health and safety outcome:**

Workers and employees will have a greater understanding of how to safely select and operate plant and equipment. They will also have an improved understanding of the risks involved in the use of plant as well as the safety measures which should be implemented to minimise those risks.

**Cost Breakdown:**

Description	\$ Amount
Mobile Plant Safety Management Audit 2017 Independent Auditors fees \$7150 plus contingency of 28.5%	\$10,000
Development and implementation of training program/s for plant operators (as determined)	\$5,000
Subsequent mobile plant safety management audit 2019	\$15,000
<b>Total estimated cost:</b>	<b>\$30,000</b>

**2. Workplace Wellbeing Strategy**

**Scope:**

To establish and maintain programs and systems which promote and encourage a safer and healthier workplace and prevent work related musculoskeletal disorders from occurring. One way to achieve this is to implement the PERforM program throughout Gilgandra Shire Council. PERforM is a participative ergonomics program aimed at reducing musculoskeletal disorders in the workplace. By implementing PERforM, Gilgandra Shire Council will gain a greater understanding of the changes needed to reduce injuries throughout the workforce.

**Target issue:**

From 2013 to 2017 66.5% of employee incidents relate to manual handling, with the majority of these incidents occurring in the Community Services and Infrastructure directorates. Gilgandra Shire Council aims to reduce the number of these incidents in the workplace and promote a healthy workplace culture.

**Tangible outputs / deliverables:**

- i. Engage SafeWork NSW to conduct a PERforM information session.
- ii. Executive leadership team to develop an implementation plan and evaluation plan.
- iii. Implementation and evaluation plan to be submitted to SafeWork NSW for review.
- iv. SafeWork NSW to conduct a full PERforM session.
- v. Assess and implement any suggestions which may improve the safety culture of Gilgandra Shire Council where reasonably practicable.
- vi. Implement controls identified as a result of the PERforM program and implementation plan developed by Gilgandra Shire Council.
- vii. Monitor, review and assess tasks to ensure that any controls which are implemented are effective.
- viii. Evaluate the success of the program.

**Audience / beneficiaries:**

The number of employees at Gilgandra Shire Council total 231. The PERforM program will be rolled out across all directorates with the main focus being on the 95 employees employed in the Community Services and Infrastructure directorates who are exposed to more frequent manual handling hazards.

**Delivery method:**

- i. Gilgandra Shire Council will engage SafeWork NSW to conduct a PERforM information session to executive leadership team, key supervisors, safety personnel and selected and workers.
- ii. Executive leadership team will develop an implementation and evaluation plan following on from information session.
- iii. Implementation and evaluation plan will be submitted to SafeWork NSW for review.
- iv. SafeWork NSW will conduct a full PERforM session for key supervisors, safety personnel and selected workers.

- v. Gilgandra Shire Council will assess and implement any suggestions which may improve the safety culture of Gilgandra Shire Council where reasonably practicable.
- vi. Gilgandra Shire Council will implement controls identified as a result of the PErforM program and implementation plan developed by Gilgandra Shire Council.
- vii. Gilgandra Shire Council will monitor, review and assess tasks to ensure that any controls which are implemented are effective.
- viii. Gilgandra Shire Council will evaluate the success of the program by:
  - a. Establishing pre and post-performance indicators to evaluate against;
  - b. Evaluating any reduction in risk factors;
  - c. Reviewing workers compensation data and injury register;
  - d. Talking to workers to obtain feedback and understanding of the program; and
  - e. Preparing a report addressing these factors.

**Timeframes:**

Action	Commencement	Completion
i. Engage SafeWork NSW to conduct a PErforM information session.	Within 1 month of acceptance of enforceable undertaking	Within 8 months of acceptance of the enforceable undertaking
ii. Executive leadership team to develop an implementation and evaluation plan.	Within 2 months of acceptance of enforceable undertaking	Within one month of initial information session
iii. Implementation and evaluation plan to be submitted to SafeWork NSW for review.	Within 3 months of acceptance of enforceable undertaking	Within one month of initial information session
iv. Conduct a full PErforM session.	Within 4 months of plan development	Within 12 months from implementation plan review by SafeWork
v. Assess and implement any suggestions which may improve the safety culture of Gilgandra Shire Council; and vi. Implement controls identified as a result of the PErforM program and implementation plan developed by Gilgandra Shire Council.	Within 6 months of training completion	Occurring concurrently with full PErforM session
vii. Monitor, review and assess tasks to ensure that any controls which are implemented are effective.	Within 8 months of training completion	One year after implementation
viii. Evaluate the success of the program	Within 10 months of training completion	One year after implementation

**Work health and safety outcome:**

The existence of a positive safety culture across Gilgandra Shire Council and a reduction in near misses and incidents.

PErforM provides a framework to help employers engage with workers at all levels to identify, assess and control manual tasks within the workplace. Gilgandra Shire Council's Directors and Managers will play a vital role in this program. This will benefit and assist the safety and morale of Gilgandra Shire Council employees and the culture of Gilgandra Shire Council as a whole. As Gilgandra Shire Council has such a diversity of operations this type of program/training is something that can be consistently implemented across all divisions.

It is expected that as a result of this initiative, Gilgandra Shire Council will have a well-developed safety culture where safety is taken seriously and considered a priority across all areas of the Gilgandra Shire Council and the 'way Gilgandra Shire Council does business'.

Gilgandra Shire Council's aim is also to prevent and reduce work related musculoskeletal disorders from occurring in the workplace.

**Cost Breakdown:**

Description	\$ Amount
Stage 1- Arranging for attendance of all relevant employees at PERforM information session (approx. 20 workers- 3 hours)	\$5,000
Stage 2- developing implementation program following on from information session - 7 executive leadership team;	\$2,200
Stage 3 – Conduct a full PERforM session for key supervisors, safety personnel and selected workers	\$5,000
Stage 4- Implementation of controls identified as a result of the PERforM Program	\$10,000
<b>Total estimated cost</b>	<b>\$22,200</b>
<b>Total estimated cost of workplace benefits</b>	<b>\$52,200</b>

**e. Strategies that will deliver industry benefits:**

**3. Orana Regional Organisation of Councils (OROC) Safety and Wellbeing Initiative**

**Scope:**

Convene two (2) conferences; the first conference to have the theme of Plant Safety, Working in Isolation and in Remote Areas; the second conference will focus on Health and Wellbeing initiatives of staff to improve the general wellbeing of staff which includes but not limited to obesity, mental health, stress and active workplaces.

**Target issue:**

The aim of the conferences is to improve safety and wellbeing initiatives across Local Government and in particular the OROC region and Gilgandra Shire Council being seen as a dynamic leader in this field.

**Tangible outputs / deliverables:**

- i. Consult with General Manager's Advisory Committee (GMAC) for endorsement and in principal support. GMAC's membership comprises of the General Managers from the OROC region.
- ii. Consult with HR OROC for suggested topics for conference.
- iii. Consult with OROC Risk Management for suggested topics for conference.
- iv. Deliver two (2) conferences over two (2) years.
- v. Suggested topics at HR and Risk Management meetings for annual conferences are outlined below.

The first conference will focus on the theme of Safe Plant Operations, Working Remotely and in Isolation, which is particularly relevant to Councils within the Orana Regional Organisations of Council.

The suggested topics include:

- o Technology for communication/working in isolation or remotely;
- o Use of technology such as iPads or tablets to improve the access to safety information, procedures and policies within the workplace such as risk assessments, Safe Operating Procedures, etc;
- o Plant inductions and understanding the importance of appropriately inducting employees in the use of plant;
- o How Councils can better assess their staff's level of competency particularly with the use of plant and equipment;

- Plant safety, such as three (3) points of contact when entering and exiting plant to avoid trips and fall accidents and incidents;
- The process of and the need for undertaking risk assessments of plant safety and quality on a regular basis;
- Improve Councils' ability to determine the level of training required for plant operations e.g. what licences or qualifications are required;
- A guest speaker to talk the legislative impacts as a result breaches and subsequent prosecutions and/or risks associated with the unsatisfactory selection of plant required for particular tasks; and
- Guest speaker to talk about real life scenarios, plant accidents and injuries and the legacy issue that result from such events.

The second conference will have the theme of improving health and wellbeing in the workplace.

Suggested topics include:

- Guest speaker on mental health;
  - Guest speaker on nutrition/obesity;
  - Ageing workforce - financial planners regarding retirement;
  - Succession planning;
  - Safe manual handling;
  - Standing workstations;
  - Workers compensation insurer to present on injury management;
  - Health checks e.g. blood pressure, cholesterol, blood sugar; and
  - Guest speaker, regarding benefits of exercise incidental and otherwise.
- vi. Engage leading experts to discuss best practice in relation to work health and safety targeted towards issues relevant to attendees.
  - vii. Seek involvement from relevant industries linked to Local Government e.g. professional bodies, plant and technology companies.
  - viii. Distribute invitations to key personnel from each Council, attracting representatives from all twelve (12) Councils in a variety of positions.
  - ix. Invite the regional and industry media to promote conference and safety.
  - x. Invite Local Government NSW and StateCover Mutual to promote the messaging/outcomes from the conferences.
  - xi. Gilgandra Shire Council's Corporate Services department to assist with conference organisation and delivery.
  - xii. Attendees to complete evaluation of conference content.

**Audience / beneficiaries:**

Those who live and work within the following Local Government Areas will benefit from this initiative:

Council	Area km2	No of Employees
Bourke	41,679	98
Brewarrina	19,188	74
Bogan	14,611	116
Central Darling	53,511	55
Cobar	44,065	188
Coonamble	9,926	117
Dubbo Regional	7,536	532
Gilgandra	4,836	236
Mid-Western Regional	8,737	360
Narromine	5,264	103

Council	Area km2	No of Employees
Walgett	22,336	128
Warren	10,760	75
Warrumbungle	12,380	213
Total	254,829	2,295

**Delivery method:**

- i. Gilgandra Shire Council's General Manager attended the General Manager's Advisory Committee (GMAC) on 12 May 2017 and received general endorsement and in principal support from each of the OROC Councils. GMAC's membership comprises of the General Managers from the OROC region. From that meeting, Determination 22 states: "GMAC notes in principle support towards promoting Gilgandra Shire Council training activities and initiatives through the enforceable undertaking agreed between Gilgandra Shire Council and SafeWork NSW."
- ii. Gilgandra Shire Council's General Manager attended HR OROC meeting on 18 May 2017 to obtain suggested topics for conference which proved successful in engaging other councils and talking about the issues and opportunities.
- iii. Gilgandra Shire Council's General Manager attended OROC Risk Management meeting on 13 July 2017 to obtain suggested topics for conference.
- iv. Gilgandra Shire Council will develop the conference content in consultation with SafeWork NSW. Gilgandra Shire Council's Corporate Services department will assist with conference organisation and delivery.
- v. Gilgandra Shire Council will engage leading experts to discuss best practice in relation to work health and safety targeted towards issues relevant to attendees (e.g. agricultural work health and safety practices).
- vi. Gilgandra Shire Council will attract industry sponsorship through already established industry partnerships, networks and supplier representatives.
- vii. Gilgandra Shire Council will distribute invitations to key personnel from each Council.
- viii. Gilgandra Shire Council will promote the conferences and key safety target issues by inviting the regional and industry media as well as utilising Council's community engagement resources, communication engagement strategy and social media.
- ix. Gilgandra Shire Council will convene annual conferences with OROC Councils.

**Timeframes:**

Action	Commencement	Completion
Meet with GMAC to obtain endorsement and support.	Already commenced and completed	12 May 2017
Attend HR OROC meeting to identify WHS topics of priority.	Already commenced and completed	18 May 2017
Attend OROC Risk Management meeting to identify WHS topic of priority.	Already commenced and completed	13 July 2017
Consult with SafeWork NSW to confirm conference topics.	Within 1 month of acceptance of enforceable undertaking	Within 3 months of acceptance of enforceable undertaking
Engage guest speakers for conference.	Within 3 months of acceptance of enforceable undertaking	Within 3 months of acceptance of enforceable undertaking
Market conference to relevant personnel.	Within 6 months of acceptance of enforceable undertaking	Within 6 months of acceptance of enforceable undertaking
1 <sup>st</sup> Annual conference held (suggested topic: plant safety)	September/October 2018	September/October 2018



Action	Commencement	Completion
2 <sup>nd</sup> annual conference held (suggested topic: health and wellbeing)	September/October 2019	September/October 2019

**Work health and safety outcome:**

Gilgandra Shire Council seeks to develop an improved understanding and awareness of the importance of workplace health and safety across the OROC Region.

Gilgandra Shire Council seeks to increase awareness and understanding of the importance of safety, across the OROC group of councils

Seek involvement from LGNSW, SafeWork NSW, StateCover Mutual, Statewide Mutual and relevant companies from industry.

Improved communication networks for Local Government entities particularly on ideas for working in remote areas and in isolation.

Obtain a better understanding on the implementation of modern technological devices to improve access to work health and safety information in the field and achieving better recording of data collected in the field.

Develop more effective networking opportunities for like-minded staff across Council to discuss issues for improvement of safety.

Improved awareness of safety issues and safe work practices and a reduction in workplace injuries across the OROC Region

**Cost Breakdown:**

Description	\$ Amount
Design and printing of conference marketing	\$1,200
Conference marketing	\$1,000
Catering based on 80 attendees at \$95/head for lunch, afternoon, morning teas	\$7,600
Staging – audiovisual staff, equipment hire, speaker expenses	\$17,500
Conference dinner – catering, staging, transport, entertainment	\$17,300
Delegate expenses – name tags, welcome packs, WiFi	\$3,500
Internal staff costs associated with preparation for and administration of conference.	\$10,000
<b>Total for each conference</b>	<b>\$58,100</b>
<b>Total estimated cost</b>	<b>\$116,200</b>
<b>Total estimated cost of industry benefits</b>	<b>\$116,200</b>

f. Strategies that will deliver community benefits

4. Gilgandra Shire Council Community Awareness Program

**Scope:**

Establish and implement a community awareness program promote and encourage a safer and healthier community through an advertising campaign, addressing key farm safety concerns such as working at heights, operation of quad bikes and working near power lines.

**Target issue:**

To improve awareness of essential farm safety issues relevant to our region.

This media campaign will coincide with key farming activities such as harvest and sowing activities in the region.

**Tangible outputs / deliverables:**

- i. Engage a media company to develop an advertising/media campaign and social media engagement strategy.
- ii. Consult with NSW Farmers and OROC Councils through GMAC to seek feedback on safety issues which are prevalent amongst their communities.
- iii. SafeWork NSW review of proposed advertising media/campaign.
- iv. Produce and deliver advertising/media campaign.

**Audience / beneficiaries:**

Those who live and work within Central and Southern NSW.

**Delivery method:**

- i. Gilgandra Shire Council will engage a media company to develop an advertising/media campaign and social media engagement strategy.
- ii. Gilgandra Shire Council will consult with NSW Farmers and OROC Councils through GMAC to seek feedback on safety issues which are prevalent amongst their communities.
- iii. Gilgandra Shire Council will provide the proposed campaign to SafeWork NSW for review prior to the campaign being finalised.
- iv. Media campaign may include TV advertising, print and social media e.g. Western Magazine and the Land newspaper. The focus of the campaign is yet to be determined, but may be on farm safety e.g. silo falls/working at heights and augers etc.

**Timeframes:**

Action	Commencement	Completion
Engage a media company	Within 1 month of acceptance of enforceable undertaking	November 2018
Consult with NSW Farmers and OROC Councils seeking feedback on potential issues to be addressed in media campaign.	Within 3 months of acceptance of enforceable undertaking	November 2018
Consult with SafeWork NSW regarding proposed advertisements.	Within 4 months of acceptance of enforceable undertaking	March 2019
Finalise production of advertisements.	Within 18 months of acceptance of enforceable undertaking	September 2019
Campaign to commence, coinciding with harvest time in the region.	October 2019	

**Work health and safety outcome:**

Gilgandra Shire Council seeks to develop an improved understanding and awareness around the importance of workplace health and safety. In addition, Gilgandra Shire Council hopes to provide education about practical measures that can be taken to reduce the risk of injury in farming/regional workplaces.

Gilgandra Shire Council seeks to increase awareness and understanding of the importance of safety, across its Local Government Area and the Orana Region.

Improved awareness of safety issues and safe work practices and a reduction in workplace injuries across the Gilgandra Shire Council Local Government Area.

**Cost Breakdown:**

Description	\$ Amount
Stage 1- engaging media company to develop strategy estimating between \$10-\$15k for production and \$10k for coverage Stage 2- Consulting with NSW Farmers and OROC councils Stage 3- Producing advertisements	\$25,000
<b>Total estimated cost of community benefits</b>	<b>\$25,000</b>
<b>TOTAL ESTIMATED VALUE OF THE ENFORCEABLE UNDERTAKING</b>	<b>\$193,400</b>

**Where appropriate (g-j)**

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

Gilgandra Shire Council is committed to maintaining its existing WHSMS complies with the principles of AS/NZS 4801: 2001 Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques and ensuring compliance within 18 months from the date the enforceable undertaking is accepted.

Gilgandra Shire Council acknowledges that the WHSMS will be maintained in accordance with the standard.

### Section 3 – Offer of undertaking

As a duly authorised person of Gilgandra Shire Council, I offer this undertaking and commit to the terms herein.

Signed: [Redacted]  
[Duly authorised person]

Name: [Redacted]

Position: Acting General Manager

Dated at Gilgandra this 18<sup>th</sup> day of January 2018

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

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

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

Signed: [Redacted]

Name: Peter Dunphy

Position: Executive Director SafeWork NSW

Dated at GOSFORD this 21 day of JANUARY 2018  
[suburb] [month] [year]

## **Annexure 1 – Public notice of SafeWork NSW’s acceptance of enforceable undertaking**

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

On 13 November 2014, a worker employed by Gilgandra Shire Council, suffered injuries while operating a Mobile Elevated Work Platform at Wallumburrawang Creek on Tooraweenah-Mendooran Road, Tooraweenah in NSW.

The WorkCover Authority of NSW (now SafeWork NSW) investigated the incident and subsequently alleged that Gilgandra Shire Council contravened sections 19(1) and 32 of the Work Health and Safety Act 2011.

This notice has been placed under the terms of an enforceable undertaking and acknowledges acceptance of an undertaking, that is enforceable under the Act, from Gilgandra Shire Council, ABN 47 979 061 715 as finalisation of the abovementioned alleged contravention.

The undertaking requires the following actions:

- Conduct a Plant Safety Improvement Program
- Establish a Workplace Wellbeing Strategy
- Undertake Orana Regional Organisation of Councils Safety and Wellbeing Initiative
- Establish and implement a community Awareness Program

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