ENFORCEABLE UNDERTAKING

Part 11

Work Health and Safety Act 2011

The commitments in this enforceable undertaking are offered to SafeWork NSW

by

Delta Pty Limited
ACN 007 069 794

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
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

Registered Address: [redacted]

Postal address: 83 Bourke Road
Alexandria 2015
Sydney Australia

Telephone contact: [redacted]

Email address: [redacted]

Legal structure: Privately Held Company

Type of business: Construction Services

Commencement date of the entity: 1981 (Delta Demolition Pty Ltd)

Number of workers: Full-time: 705
Part-time: 11
Casual: 19

Products and/or services: Diversified contracting services, including demolition and civil construction works, asbestos and hazardous waste removal, environmental management, recycling and transport logistics, and heavy equipment rental.
b. Details of the alleged contravention

It is alleged by SafeWork NSW that on 13 November 2017, Delta Pty Limited (Delta) failed to discharge its obligations as a person conducting a business or undertaking under section 19 (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 2017 at approximately midday (12 noon) an incident took place on the Wanda Project Site at 1 Alfred Street, Circular Quay, where Delta employed two 8-tonne excavators in the deconstruction of a concrete encased beam and three supporting columns on Level 10 of Fairfax House, facing Pitt Street.

During the activity, a concrete beam fell and struck the external scaffold causing damage and creating a possible risk of scaffold collapse. This most likely occurred during de-casing of the final column when the excavator, holding and supporting the concrete beam, was unable to maintain control.

The incident caused damage to the perimeter scaffolding and led to the closure of the adjoining footpath (with B-Class Hoarding in place) and the partial closure of Pitt Street North.

SafeWork NSW (now Safework NSW) investigated the incident and has subsequently alleged that Delta contravened section 19 (32) of the WHS Act.

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

It is acknowledged that SafeWork NSW has alleged that Delta has contravened sections 19 (32) of the WHS Act.

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

No injuries were sustained to workers or members of the public as a result of the alleged contravention, nor did any building, construction or demolition materials or waste fall outside the building structure.

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.
<table>
<thead>
<tr>
<th>Date issued</th>
<th>Notice type</th>
<th>Notice number</th>
<th>Contravention</th>
<th>Action taken in response to notice</th>
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</thead>
</table>
| 13/11/2017 | Prohibition | 47164         | Section 19 of the WHS Act 2011 and/or Clause 32 of the Regulations | 1. All demolition work on level 10 Fairfax House was ceased immediately.  
2. Delta undertook a full and complete review of existing methodology for demolishing steal encased beams and columns, as well as all Safe Work Method Statements related to the tasks. Improvements were identified, particularly in working/program documentation and a Group-wide re-induction was completed across the national workforce.  
3. A New Risk Assessment Pro Forma was developed and introduced.  
5. Updated Emergency Response Plans.  

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

Delta 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.

**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)**

No injuries were sustained to workers or members of the public as a result of the alleged contravention, nor did any building, construction or demolition materials or waste fall outside the building structure.

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

Does the alleged contravention involve injury to a person?

No ☒

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

Delta has an existing WHSMS compliant with AS/NZS 4801:2001. Third party auditing of the workplace against AS/NZS 4801:2001 is conducted on an annual basis.
k. **The details of any consultation undertaken within the workplace regarding the proposal of an enforceable undertaking**

Consultation has been undertaken with the project workforce, project team (including Project Manager, Project Engineer, Forman/Site Manager and Construction Manager NSW), National QSE team. And the Senior Leadership (Executive) Team.

Additionally, consultation has been undertaken regarding silica dust safety controls and the development and implementation of certificate III and IV training programs. This consultation has also involved external parties such as Safework NSW and third-party RTOs.

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

Delta regrets that the incident on 13 November 2017 occurred and that the work methods had the potential to compromise the safety of both workers and members of the public.

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

<table>
<thead>
<tr>
<th>Description</th>
<th>$ Amount</th>
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<tbody>
<tr>
<td>As part of a broader review of our QSE management systems, Delta undertook and introduced:</td>
<td></td>
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<tr>
<td>- Complete review of existing methodology for demolishing steal encased beams and columns, as well as all Safe Work Method Statements related to the tasks. The review involved key members of the Senior Leadership Team (Delta executive management) as well as all Divisional Management to ensure all changes and improvements applied across all Delta project sites, Australia wide. In depth analysis of engineering methods and controls identified relevant and appropriate improvements, particularly in working/program documentation. Divisional QSE Managers and Advisors were tasked with coordinating a group-wide re-induction involving the national workforce.</td>
<td>$51,600</td>
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<tr>
<td>- New Risk Assessment Pro Forma.</td>
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<tr>
<td>- National roll-out of Safety Alerts followed by dedicated Tool-Box Talks.</td>
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<tr>
<td>- Updated Emergency Response Plans.</td>
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</table>

Delta also created a new role of Communications Manager immediately following the incident. This role is responsible for strengthening internal communications across the Group, raising and reinforcing safety messages in collaboration with the Senior Leadership Team (SLT), Divisional Management, QSE/WHS personnel and Project/Site Leadership teams.

- Design and produce a regular (internal) monthly newsletter
- Review, design and produce staff/site training materials
- Review, design and produce staff/site inductions
- Review, design and produce site safety collateral

**TOTAL AMOUNT SPENT ON RECTIFICATIONS** $51,600
n. A commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur

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

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

Delta commits that it will exercise its best endeavours to the ongoing effective management of work health and safety risks.

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

Delta 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.

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

SafeWork NSW requests a list, outlining details of any prior work health and safety convictions or findings of guilt under work health and safety legislation or work health and safety related legislation.

No ☐ Delta has had no prior work health and safety convictions.

2. Subject to any local legal constraints such as spent conviction legislation.

r. Statement regarding relationships with beneficiaries

☐ Delta acknowledges there are no known current relationships with any of the beneficiaries outlined in the enforceable undertaking, other than the current employees of Delta.

s. Intellectual property licence

With the exception of the Digital Transformation Project, which is an output of strategy d). 2, Delta 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. Delta will however, if requested, share the process undertaken, the outcome and the lessons learnt from undertaking this project, with any reference to Delta being deidentified.

Delta retains all intellectual property rights associated with the Digital Transformation Project developed in strategy d.) 2 and does not grant any licence to use, reproduce, distribute, electronically transmit, electronically distribute, adapt or modify any material developed in respect of the Digital Transformation Project. Delta owns the copyright in relation to the Digital Transformation Project.

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

Delta 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.
Delta 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.

Delta acknowledges that SafeWork NSW may initiate additional compliance monitoring activities, such as inspections, as considered necessary at SafeWork NSW’s expense.

u. Acknowledgement of enforceable undertakings guidelines

Delta has read and understood SafeWork NSW Enforceable Undertakings Guidelines and Enforceable Undertakings Customer Service Standard.

Section 2 – Enforceable Terms

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

Delta acknowledges that the enforceable undertaking will be published on SafeWork NSW’s internet site and may be referenced in SafeWork NSW’s publications.

Delta will, within thirty (30) days of the date of acceptance of this enforceable undertaking, cause a public notice to be published in the Australian Financial Review, 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

Delta 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)

Delta 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 Delta. This information will be disseminated through internal company e-newsletters, company team meetings and project site meetings and will be completed within 3 months (12 weeks) from the date of acceptance of the enforceable undertaking.

Delta is not required to publish an annual report.

Delta 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.

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

As a demolition contractor Delta manages high risk activities on each and every project, Australia wide: risks such as the use of excavators near live edges; the interaction of people and plant; working with electricity; manual handling; unplanned release from heights; installing edge protection; exposure to dust and HAZMAT; working at heights; and hot works.
As a result, Delta follows industry best practice through triple certified management systems, a team of experienced and qualified WHS/QSE professionals, a custom designed behavioural safety program (Right First Time), and rigorous enforcement of safe work methods in accordance with detailed work methodologies that comply with the relevant regulatory and legislative requirements in each State or Territory.

At the core of each risk and the enforcement of safe work methods is the human factor and individual or collective behaviour that can lead to human error. Effective and meaningful communication is, therefore, central to ensuring a strong safety culture and to sustaining industry best practice. In addressing the importance of the human factor in high risk activities, Delta believes the proposed strategies will deliver significant workplace, industry and community benefits, as well as strengthen and improve its safety culture.

d. Strategies that will deliver workplace benefits

1. National QSE/WHS Steering Committee

Scope:
Establish a steering committee to provide ongoing governance and oversight of QSE/WHS management systems, including the implementation of each milestone and its deliverables within the agreed timeframes. The steering committee will extend beyond the agreed term of the proposed EU to ensure the lessons learnt and changes applied as a result of the incident, strengthen Delta’s safety culture and performance.

Target issue:
As a national contractor Delta operations extend across multiple legislative and regulatory frameworks. However, a strong and robust safety culture doesn’t recognise geographical borders or State/Territory based jurisdictions. Best (safety) practice can and should apply across the business and all operations. In this context, the importance of the human factor at the core of workplace safety risks can be recognised and addressed at a national level, where lessons from one project site can influence and shape our QSE/WHS work methods across all project sites. The Wanda Project Site incident in Sydney, NSW, has already had this impact through the review of and improvements to demolition and safe work methodologies for demolishing concrete beams. A National QSE/WHS Steering Committee will provide the governance framework for Delta to fulfil our enforceable undertaking and will remain in place to strengthen and improve our existing management systems to support our best practice QSE/WHS objectives.

Tangible outputs / deliverables:
1. Delta will establish a National QSE/WHS Steering Committee to oversee and provide advice on each milestone and its deliverables to the agreed timeframes, including the achievement of workplace, industry and community benefits outlined.

2. The Steering Committee will be representative of Delta national operations, comprising 7 permanent members:
   - Construction Manager NSW (Chairperson)
   - QSE Manager NSW (Secretary)
   - Divisional Manager QLD
   - Divisional Manager WA
   - Divisional Manager ACT
   - Project Manager SA
   - Communications Manager

3. Establish sufficient human resources to ensure all milestones and deliverables are achieved within the agreed timeframes and in accordance with the enforceable undertaking.

4. The Steering Committee will implement a formal meeting schedule and structure at a minimum of bi-monthly intervals for the first six months. Following which, the Steering Committee will meet at maximum quarterly intervals over the proposed 24 months’ duration of the enforceable undertaking (i.e. a minimum of 9 meetings attended by the 7 permanent members).
5. The Steering Committee will design and deliver a milestone plan and will be responsible for all governance matters relating to the successful completion of and deliverables to the agreed timeframes of the enforceable undertaking.

6. The Steering Committee will produce an agenda, reports and/or minutes of all meetings, with summarised actions that verify safety outcomes arising from the meeting.

7. The Steering Committee, with SLT Sub Committee oversight, will delegate key activities to relevant Delta staff for completion in accordance with project milestones and deliverables and the agreed schedule and action plan.

8. Provide records of these outcomes being actioned and communication of these outcomes to staff.

Audience / beneficiaries:
The primary beneficiary of a National QSE/WHS Steering Committee will be the national workforce of Delta, with a particular focus on NSW and VIC where the majority of staff are located/employed.

Delivery method:
1. Delta will appoint the National QSE/WHS Steering Committee.
2. The Steering Committee will comprise 7 permanent members from each State/Territory division of Delta as well as a QSE/WHS representative and the (national) Communications Manager. Other personnel and/or subcontractor representatives will be determined as required and in accordance with the deliverables of the agreed enforceable undertaking.
3. The Steering Committee will develop a schedule of meetings and milestone plan, including mandatory attendance targets for all members.
4. The Steering Committee will track project milestones and deliverables to completion against the agreed schedule and action plan, as well as provide ongoing governance and oversight of the achievements outlined.
5. The Steering Committee will report to a dedicated SLT Sub Committee, comprising:
   - Director of Operations
   - National Operations Manager
   - General Manager Demolition
   - General Manager Civil

Timeframes:
1. The National QSE/WHS Steering Committee will be established and the first meeting convened within 4 weeks of commencement of the enforceable undertaking.
2. The Steering Committee will hold formal meetings at a minimum of bi-monthly intervals for the first six months. Following which, the Steering Committee will meet at maximum quarterly intervals over the proposed 24 months’ duration of the enforceable undertaking (i.e. a minimum of 9 meetings attended by the 7 permanent members).
3. Governance and oversight from the Steering Committee will be ongoing for the duration of the enforceable undertaking.
4. Delta SLT (sub committee) oversight of the Steering Committee will be ongoing for the duration of the enforceable undertaking.

Work health and safety outcome:
1. Formal (internal) body for ensuring the delivery of the agreed schedules and action plan for the duration of the enforceable undertaking.
2. Direct reporting lines to Delta SLT Sub Committee.
3. Improved governance and oversight of national QSE/WHS management systems in relation to the enforceable undertaking as well as ongoing Delta workplace safety measures and controls.
4. Greater coordination, monitoring and reporting of QSE/WHS management systems at divisional levels.
5. Improved execution, monitoring and reporting of approved QSE/WHS work methods at project/site levels.
6. Formalisation of processes for identifying, addressing and mitigating QSE/WHS risks in relation to the enforceable undertaking as well as ongoing Delta workplace safety measures and controls.
2. **Undertake Workforce Safety Survey & Training Needs Analysis**

**Scope:**
Delta to undertake quantitative and qualitative research studies of workforce safety practices, communication methods and training needs, including production of a report on key findings and recommendations as part of the milestone plan and to inform/direct agreed deliverables over the duration of the enforceable undertaking.

**Target issue:**
To date, Delta has not undertaken quantifiable and/or qualitative (focus group) studies of its workforce to determine training needs or to strengthen and improve the quality, frequency and delivery of core safety messages. Key findings and recommendations from quantitative and qualitative research studies of the national workforce will inform/direct the development and implementation of consistent, contemporary and multi-media communication and training techniques.

**Tangible outputs / deliverables:**
1. Coordination of an annual workforce safety survey and training needs analysis to track and measure the performance of national QSE/WHS measures and controls.
2. Establish and publish minimum training requirements for Delta frontline supervisors, operators and labourers in NSW and nationally, including:
   a. produce a record of current training verses identified gaps and deliver an implementation schedule rolling out training to identified individuals.
   b. execute training and produce records of completion according to the established schedule over 12 months.
   c. amend existing induction and training program and document revised program to ensure delivery to new employees.
4. Development and implementation of multi-media communication and training techniques, for example (and not limited to):
   - Site Safety Collateral – promoting and reinforcing a safe work culture and safe work practices.
   - Site Safety Audit ID Productivity Application – capturing, monitoring and reporting site safety issues via a digital/mobile ‘app’ for QSE/WHS personnel and Site Leadership.
   - Site Safety Video Reviews – Daily Take 5s and/or Toolbox Talks featuring video footage of actual workplace practices/performance and benchmarked against site specific safe work method statements and standard operating procedures.
   - Interactive Video Production(s) – corporate and/or site inductions, ‘Day in The Life Of’ profiles of workers.
• Mobile Safety Alerts – aligned with site specific work methods and programs, Daily Take 5s and/or Toolbox Talks and promoting key safety themes/messages direct to individual worker mobile devices.

Pending outcomes from the survey and key recommendations, Delta commits to developing and introducing at a minimum, Site Safety Collateral, Site Safety Audit ID Productivity Application and Mobile Safety Alerts.

The scope and nature of video reviews and productions will be determined according to survey results and findings, but will be tested in both qualitative and quantitative research stages.

5. Presentation of survey findings to Safework NSW and agreement on key recommendations for inclusion as part of enforceable undertaking.

6. Agreed key recommendations including delivery methodology, to be provided to SafeWork.

7. Delta will share key recommendations of the survey and gap analysis with relevant suppliers and subcontractors to ensure safety initiatives and messages are consistent across all Delta sites – in NSW and nationally. This will be coordinated through email and on site inductions, pre start meetings, Tool Box Talks, Daily Take 5s etc. Key recommendations may also influence the re-development and re-design of the Delta online induction (for all staff, suppliers and subcontractors), as well as the Delta prequalification process.

**Audience / beneficiaries:**
The primary beneficiary of a Workplace Safety Survey & Training Needs Analysis will be the national workforce of Delta, with particular focus on NSW and VIC where the majority of staff are located/employed.

Secondary beneficiaries would include key industry stakeholders (e.g. Safework NSW) and Delta Suppliers (e.g. subcontractors) through the sharing of key findings and (agreed) recommendations, where commercially appropriate.

**Delivery method:**
1. Design qualitative research program and conduct 5 focus group workshops to understand workplace safety decision making processes and behaviour and to test current communication methods and training programs.

2. Evaluate key findings/conclusions from qualitative (focus group) research, including perceptions, benefits and/or drawbacks of current communication and training practices.

3. Design quantitative survey of workforce safety practices, communication methods and training needs, incorporating qualitative (focus group) research findings.

4. Coordinate delivery of electronic and/or hard copy quantitative surveys, with an objective of achieving a 75% response rate.

5. Evaluate survey results and integrate with qualitative insights to summarise overall findings and determine recommendations for strengthening and improving safety culture through the development and implementation of new communication and training techniques.

6. Pending survey and gap analysis results and key recommendations, Delta will seek to review and update site safety print collateral and integrate key safety messages/themes into future site inductions, pre start meetings, Tool Box Talks, Daily Take 5s etc. Delta will also seek to:
   • Review and update its online (company) induction well as prequalification processes for suppliers and subcontractors.
   • Develop and introduce a Site Safety Reward & Recognition program – in NSW and nationally.
• Undertake a digital transformation of current OHS/WHS management systems (and document controls). The objective of a digital transformation project will be to custom design/develop a cloud based solution for Delta Group and for enforcing, integrating, tracking, measuring and reporting on site (and group/division) safety actions and performance standards.

7. Delivery of (agreed) recommendations to key industry stakeholders and Delta suppliers.

Timeframes:
Complete quantitative and qualitative research studies within 12 months from the date of commencement of the enforceable undertaking.

Work health and safety outcome:
1. Improved understanding and awareness of workforce safety decision making processes and behaviours.
2. Professionally structured and integrated communication and training plans with specific relevance to key findings at a national level, as well as individual or State/Territory specific findings.
3. Greater awareness of the importance of human factors in managing, mitigating and eliminating unsafe work practices.
4. Improved and strengthened safety culture as a result of consistent, contemporary and multimedia communication and training techniques to reinforce Project Management Plans and Safe Work Methodologies.
5. Improved governance, oversight and coordination of national QSE/WHS management systems in relation to the enforceable undertaking as well as ongoing Delta workplace safety measures and controls.
6. Digital transformation of OHS/WHS management system, comprising AS4801 certified policies, procedures, methods, measure and controls.

Cost Breakdown:

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<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Qualitative (focus group) research – between 5-10 site staff/workforce at 5 hours x 5 workshops, including catering and facilitator travel and accommodation. Comprising 1 x Site Supervisor/Foreman; Leading Hand; Operators; Labourers; QSE Manager/Advisor; and National Communications Manager (facilitator).</td>
<td></td>
</tr>
<tr>
<td>Workforce Safety Key Findings &amp; Recommendations (to be confirmed, pending survey findings and key recommendations):</td>
<td></td>
</tr>
<tr>
<td>• OHS/WHS Auditing (Mobile) App Development</td>
<td></td>
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<tr>
<td>• OHS/WHS Collateral Design &amp; Production (Print)</td>
<td></td>
</tr>
<tr>
<td>• OHS/WHS Collateral Design &amp; Production (Video)</td>
<td></td>
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<tr>
<td>• OHS/WHS Reward &amp; Recognition Program</td>
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<tr>
<td>• OHS/WHS Management Systems Review &amp; Upgrade (Digital Transformation Project)</td>
<td></td>
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<tr>
<td>• Multi Media Site Induction Program Development</td>
<td></td>
</tr>
<tr>
<td>• Daily Take 5 (Mobile) App Development</td>
<td></td>
</tr>
<tr>
<td>• OHS/WHS Frontline Supervisor &amp; Workforce Training Program Development</td>
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</tbody>
</table>

Please note: firm cost estimates will be finalised and submitted to SafeWork NSW for approval and inclusion as part of this EU, following the completion of Workforce Safety Survey milestone.

Total estimated cost: $569,850
3. Develop and implement Frontline Supervisor Training & Mentoring Program

Scope:
Development of a Frontline Supervisor Training & Mentoring Program to strengthen and improve workplace safety leadership skills.

Target issue:
With human factors having the most influence on workplace safety measures and controls as well as onsite risk identification and management, strong leadership skills are required at all levels. Frontline supervisors must have the skills to fulfil their site specific responsibilities but also require the capabilities to mentor and develop the next generation of leaders. Similarly, Delta’s prequalification management systems for suppliers/subcontractors can be aligned to reinforce project management plans and safe work methodologies at Delta worksites in NSW and nationally.

Tangible outputs / deliverables:
1. Identification of relevant/suitable curriculum to achieve the following qualifications:
   - Demolition Certificate III
   - Management & Leadership Certificate IV

2. Engage a Registered Training Organisation (RTO) partner for design and delivery of agreed curriculum. The details and structure of the agreed curriculum will be confirmed prior to contractual agreement, including the proposed mentoring program elements.

3. All Delta NSW supervisors achieve minimum training requirements in accordance with stated qualifications (above)

4. Each supervisor with less than 5 years of experience is assigned a Delta mentor who undertakes/completes 1 onsite peer review per month in accordance with individual development programs. Delta mentors will be hand-picked from current site supervisors with more than 5 years of experience.

5. Mentors and mentees will participate in an exclusive leadership development program in partnership with the Master Builders Association and Building Leadership Simulation Centre (BLSC) located in Port Melbourne, Victoria. The Master Builders Association (Victoria) and the Building Leadership Simulation Centre (BLSC) are supportive of Delta’s interest/requirements to use their facility.

6. Individual mentor/mentee programs will be developed collaboratively following the BLSC training program.

7. Integration of training inputs and outcomes with existing Delta Right First Time behavioural safety program.

8. Delta will share its learnings to industry through a dedicated Case Study of the BLSC program and publish the Case Study on its website and social media platforms (LinkedIn).

Audience / beneficiaries:
The primary beneficiary of a Frontline Supervisor & Mentoring Training Program will be site supervisors from Delta’s NSW division, with secondary beneficiaries made up of key staff and supervisors from interstate divisions.

Delivery method:
1. Delta to shortlist and engage RTO for frontline supervisor course development and delivery.
2. Identification of frontline supervisor course/training participants from current Delta NSW workforce professional development and performance review plans.
3. Implementation of frontline supervisor course/training outcomes across Delta NSW workforce, where relevant/appropriate
4. Implementation of frontline supervisor course/training outcomes across Delta supply chain through prequalification requirements and contractual obligations, where relevant/appropriate.
5. Evaluation of frontline supervisor course/training outcomes via pre/post surveys. Survey questions to be confirmed following engagement of RTO and alignment with curriculum.
6. Development of leadership and mentoring program for Delta NSW site supervisors and key interstate staff/supervisors in partnership with the Master Builders Association and Building Leadership Simulation Centre (BLSC) located in Port Melbourne, Victoria:

- The BLSC is one of only three simulation training facilities in the world that are purpose-built for the building and construction sector.
- BLSC programs involve the immersion of participants in 'real world' situations/scenarios, created within a physical space (simulator), that replicates a site specific environment.
- Delta mentors and site supervisors ('mentees') will undergo a 2 day program (Leadership Essentials for Supervisors) to:
  - Develop an awareness of leadership and communication skills to provide better direction and a higher quality of supervision;
  - Learn how to effectively use their individual style to best lead, influence and inspire teams of people;
  - Gain confidence and experience in addressing issues, dealing with poor performance and delivering difficult messages;
  - Learn how to communicate feedback to maximise impact for behavioural change; and
  - Nurture critical working relationships to maximise the efficiencies of subcontractors and employees.
- Delta mentors and mentees will collaborate on individual development programs involving onsite peer reviews of mentee leadership performance as well as formal and informal one-to-one engagement to track and measure progress. Individual development programs will run for the duration of the enforceable undertaking and will be presented/tabled upon agreement post-BLSC training.
  - The training will comprise modified modules that are specific to leadership, including (but not limited to) creating meaningful relationships with our clients, external stakeholders and our own people. Structured and ongoing training will help provide a greater understanding of what each person is responsible for (and their role in) providing a safe and productive worksite. During this training and at its completion, workers will be encouraged to interact with other supervisors and people of influence for peer on peer support using the skills gained during the training program. Peer to peer mentoring and support will take on structured and unstructured formats.
  - Delta Management will move throughout the PMT and site leadership team, monitoring the effectiveness of the training and providing feedback on observations made during 'live' work situations. This feedback will be provided to these leaders in a 'one on one' informal environment and will identify how well the supervisor managed a situation and how that has changed since undertaking the leadership course.
  - Formal reviews will occur annually with the Construction Manager NSW as part of their individual performance review. These reviews will be based on feedback throughout the year.
- A total of 6 NSW staff will join another 6 staff from Delta interstate divisions to participate in the mentoring program and complete the BLSC training.

**Timeframes:**

Completion of Frontline Supervisor Training & Mentoring Program within 24 months of commencement of the enforceable undertaking.

Frontline Supervisor Training was completed in 2018, from October – November and involving 2 x 2 full day workshops with NSW Project Management and Site Leadership teams.

Peer to peer mentoring and support is also ongoing, with additional outputs expected as a result of the simulated training program at the MBA’s BLSC facility in Victoria.
Pending availability of the BLSC, it is expected that the second stage of Frontline Supervisor Training will be completed with 9 months of the EU and followed by quarterly reviews of leadership performance for the duration of the EU.

**Work health and safety outcome:**
1. Stronger leadership skills from frontline supervisors as well as the development of Delta suppliers/subcontractors and junior (high performing) staff members to instil consistent safety-first values and behaviours.
2. Greater awareness of the importance of human factors in managing, mitigating and eliminating unsafe work practices.
3. Improved and strengthened safety culture to reinforce project management plans and safe work methodologies.

**Cost Breakdown:**

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<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>RTO design and delivery of agreed curriculum (including Mentoring Program) – Demolition Certificate III and Management &amp; Leadership Certificate IV.</td>
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<tr>
<td>BLSC Leadership Essentials for Supervisors training program.</td>
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</tbody>
</table>

Total estimated cost: **$149,000**

e. **Strategies that will deliver industry (and community) benefits**

1. **Stage a crystalline silica symposium in partnership with SafeWork NSW**

   **Scope:**
   Stage a safety symposium targeting risks associated with silica dust exposure. Work in partnership with SafeWork NSW to develop and promote an event program covering the risks of and solutions for preventing silica dust exposure. SafeWork NSW will be responsible for program content. Delta will be responsible for event management, marketing and evaluation, including the funding of event logistics.

   **Target issue:**
   SafeWork NSW has identified silica dust exposure (and silicosis) as a risk in the building and construction sector. Crystalline silica is a natural forming substance found in many building and construction materials. Breathing it can cause silicosis, a scarring and hardening of the lung tissue. The growth of DIY home renovations and lack of safe work measures and controls for SOHO/SME building and construction contractors has led to a re-emergence of silicosis diagnoses at levels not seen since the 1940s and 1950s.

   **Tangible outputs / deliverables:**
   1. Event management plan directing all tasks required to deliver the event, including (but not limited to) key project team member responsibilities, timelines, interdependencies, costs, marketing communications, event logistics, and post event evaluation.
   2. Full (one) day industry symposium.
   3. Delta and SafeWork NSW will conduct regular (event management) meetings.
   4. Event evaluation plan and execution of a delegate survey to assess event deliverables (content, speakers, pre/post event awareness levels etc.), delegate experience and recommendations for future events.
   5. Develop and distribute a best practice case study targeting DIY home renovators and SOHO/SME building and construction related businesses and provide supporting media release – to be published/distributed post event. Delta Group will publish the case study and media release on their website and distribute via social media channels within 2 weeks of the event.
Audience / beneficiaries:
The primary beneficiary of a Silica Symposium would be key public and private sector stakeholders from the NSW building and construction sector, including (but not limited to):
- NSW Government Agencies & Regulators - State & LGA
- Peak Industry Associations
- Builders & Contractors
- Consultants
- Manufacturers
- Wholesale & Retail (Product) Suppliers/Distributors

Secondary beneficiaries of a Silica Symposium would involve public and private sector stakeholders from the NSW health sector as well as OHS/WHS specialists and members of the NSW tertiary and VET education sector.
Tertiary beneficiaries of a Silica Symposium would involve the NSW community and Do-It-Yourself (‘DIY’) home renovators.

Delivery method:
1. Delta will assist SafeWork NSW with coordination and fund all event logistics – room hire (including evening prior for bump in), MC and speaker fees, catering, audio visual, ticketing, bump in (night prior), bump out, production costs of promotional items,
2. SafeWork will coordinate all program and content elements – theme, sourcing/securing speakers, vetting and approving presenters and presentations.
3. Delta and SafeWork NSW will collaborate on event marketing promotions and media relations to attract relevant delegates from cross industry sectors to ensure 300-350 attendees. Event media relations will highlight key ‘topics’ of the event and the relevance of Silica Dust prevention for NSW community (e.g. DIY home renovators).
4. Delta will provide a full post event evaluation report to SafeWork, including focus groups, findings, recommendations and results.

Timeframes:
The 2019 Silica Symposium will be staged on the 7th May 2019 and will be a one day event.

Work health and safety outcome:
Greater industry (and community) awareness of silica dust risks and best practice methods for preventing/mitigating exposure.

Cost Breakdown:

<table>
<thead>
<tr>
<th>Description</th>
<th>$ Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding and coordination of event logistics (room hire, key note speakers, AV, catering, ticketing etc)</td>
<td>150,000</td>
</tr>
</tbody>
</table>

Total estimated cost: $150,000

TOTAL ESTIMATED VALUE OF THE UNDERTAKING $916,000
f. A commitment to establish and maintain (or maintain if a system already exists) a WHSMS

Delta is committed to ensuring their existing WHSMS complies with the principles of AS/NZS 4804: 2001 Occupational Health and Safety Management Systems – general guidelines on principles, systems and supporting techniques. Delta acknowledges the WHSMS will be maintained in accordance with the standard.

g. A commitment to ensure the WHSMS is audited by third party auditors

Delta commits to ensuring the WHSMS will be audited by accredited third party auditors to meet the requirements of AS/NZS 4801: 2001 Occupational Health and Safety Management Systems – Specification with guidance for use, in accordance with established timeframes as set by SafeWork NSW.

Delta acknowledges that the third party auditors selected to perform WHSMS audits must be certified by a certification body accredited by JAS-ANZ to ISO/IEC 17024: 2004 general requirements for bodies operating certification of persons.

Delta acknowledges that details of the auditors’ qualifications against the stated requirements will be provided with audit reports submitted to SafeWork NSW.

Delta acknowledges that third party audits will be undertaken annually over the course of the undertaking.

h. A commitment to provide a copy of each finalised WHSMS audit report to SafeWork NSW

Delta acknowledges that audit reports received from the auditor will be sent to SafeWork NSW, within 30 days of the audit along with a letter certifying that the report has not been altered from the copy provided to the person by the auditor.

Delta acknowledges that within 30 days of receipt of the auditor’s written report, SafeWork NSW will be advised of the intended action in addressing each of the report’s recommendations.

i. A commitment to implement the recommendations from these audits (unless otherwise negotiated with SafeWork NSW)

Delta commits to fully implementing the intended actions arising from the audit within 6 months from receiving the audit report from the WHSMS auditor unless otherwise agreed by SafeWork NSW.
Section 3 – Offer of undertaking

As a duly authorised person of Delta Pty Limited, I offer this undertaking and commit to the terms herein.

Signed: [Redacted] ........................

[Duly authorised person]

Name: [Redacted]

Position: Director of Operations

Dated at Alexandria this 20th day of May, 2019

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: Anthony Williams

Position: Executive Director, Operations, SafeWork NSW

Dated at Gosford this 13th day of June 2019
Annexure 1 – Public Notice of SafeWork NSW’s acceptance of undertaking


On 13 November 2017 an incident took place on the Wanda Project Site at 1 Alfred Street, Circular Quay, where Delta employed two 8-tonne excavators in the deconstruction of a concrete encased beam and three supporting columns on Level 10 of Fairfax House, facing Pitt Street.

During the activity, a concrete beam fell and struck the external scaffold causing damage and creating a possible risk of scaffold collapse. This most likely occurred during de-casing of the final column when the excavator, holding and supporting the concrete beam, was unable to maintain control.

The SafeWork NSW investigated the incident and subsequently alleged that Delta Pty Ltd contravened section 19 (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 Delta Pty Ltd, ACN 007 069 794 as finalisation of the abovementioned alleged contravention.

The undertaking requires the following actions:

- Establish a national QSE/WHS steering committee
- Undertake workforce safety & training needs analysis to determine best practice methods, and the implementation of recommended, appropriate training techniques.
- Develop and implement frontline supervisor training and mentoring program.
- Stage a crystalline silica symposium in partnership with SafeWork NSW
- Deliver best practice case study and supporting media release targeting DIY home renovators

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