

[REDACTED]

ENFORCEABLE UNDERTAKING

Part 11

Work Health and Safety Act 2011

The commitments in this enforceable undertaking
are offered to SafeWork NSW

by

Blue Mountains City Council

52 699 520 223

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:	2 Civic Place Katoomba NSW 2780
Postal address:	Locked Bag 1005 Katoomba NSW 2780
Telephone contact:	02 4780 5000
Email address:	council@bmcc.nsw.gov.au
Legal structure:	Council under Local Government Act 1993
Type of business:	Local Council
Commencement date of the entity:	1 October 1947
Number of workers:	Full-time: 413 Part-time: 206 Casual: 249
Products and/or services:	Local government
Comments:	N/A

b. Details of the alleged contravention

It is alleged by SafeWork NSW that at various times between 8 November 2016 and 31 August 2017, Blue Mountains City Council failed to discharge its obligations, as a person conducting a business or undertaking, under clauses 425(1), 429(2), 479(1), and 445(1) of the WHS Regulation 2011, in that it failed to ensure that an asbestos register was prepared and kept at two workplaces [clause 425(1)], failed to ensure that a written Asbestos Management Plan was prepared for two workplaces [clause 429(2)], failed to ensure that analysis of a sample of material was undertaken to determine if asbestos or asbestos containing material was present [clause 479(1)] and failed to ensure that workers who may be involved in asbestos related work were trained in the identification and safe handling, of and suitable control measures for, asbestos and asbestos containing material [clause 445(1)].

c. Details of the events surrounding the alleged contravention

During negotiations in 2012 with the NSW Roads and Maritime Services to lease 283 Great Western Highway, Lawson, to establish an informal car park on a level grassed area, to service the adjoining Lawson Mechanics Institute ("Hall"), Blue Mountains City Council commissioned a contamination report by Sydney Environmental and Soil Laboratory (SESL Report). Asbestos containing bonded fibre cement material was observed on the site, with one fragment found towards the southern end and another found on an adjoining lot, on which the Hall is located. Laboratory testing confirmed that the material was Chrysotile asbestos with unknown mineral fibres. The adjacent soil sample tested negative for asbestos fibres. It was a recommendation of SESL Australia that the site implement an Asbestos Management Plan to ensure the appropriate identification, removal and validation of asbestos contamination prior to construction of the proposed development.

In 2016, Blue Mountains City Council made a decision to redevelop 283 Great Western Highway, Lawson for use as a sealed car park, in place of the originally proposed informal car park (hereinafter referred to as the 'car park site'). The redevelopment works included the erection of silt fences and the excavation of topsoil and substrata from the car park site. Blue Mountains City Council workers scraped off the old grass and excavated topsoil, as the car park was on a 12-17% slope and a 5% fall had to be achieved. Soil was excavated to reach the correct levels. During the excavation, the work crew discovered the foundations of an old house. When the foundations of the old house were identified, Council did not undertake an analysis of the material uncovered to determine if asbestos or ACM was present. Council workers transported approximately 500 tonnes of soil that had been excavated from the carpark site to 2-6 Park Street, Lawson (hereinafter referred to as the 'stockpile site').

Between 17 November 2016 and about 12 December 2016, a Blue Mountains City Council worker was directed to sift the excavated soil from the car park site with a machine called a "shaker". The material was screened to remove bricks and rubble so that the recovered soil could be reused. On 20 December 2016, 12 loads (109.75 tonnes) of excavated construction and demolition material (separated from soil by the use of the "shaker") was transported in tarped trucks from the stockpile site to the Blaxland Waste Management Facility.

Neither asbestos registers nor asbestos management plans were in place for the car park site or the stockpile site during the work described above. Workers at the two sites had not been adequately trained in the identification and safe handling of, and suitable control measures for, asbestos and asbestos containing material (ACM).

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

It is acknowledged that SafeWork NSW has alleged that Blue Mountains City Council has contravened sections 425(1), 429(2), 479(1), and 445(1) of the WHS Regulation 2011.

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

No known injuries have occurred as a result of the alleged contravention.

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

Yes Please provide details in the table below.

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
15/05/2017	Improvement	7-306943	Section 19 WHS Act	Notice complied with
14/11/2017	Improvement	7-316743	Section 19 WHS Act	Notice complied with
14/11/2017	Improvement	7-316754	Section 19 WHS Act	Notice complied with
14/11/2017	Improvement	7-316750	Section 19 WHS Act	Notice complied with
16/11/2017	Improvement	7-316748	Section 19 WHS Act	Notice complied with
13/03/2018	Prohibition	31717	Section 19 WHS Act	Notice complied with

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

Blue Mountains City Council is committed to complying with its obligations under the WHS Act, including its obligations in relation to asbestos registers, asbestos management plans, comprehensive staff training in relation to work health and safety (including training relating to the possible presence of asbestos on a work site) and the full implementation of safe operating procedures ("SOP") in relation to working with asbestos. Comprehensive action has been taken by the Council in response to the incidents described in this Enforceable Undertaking.

Blue Mountains City Council deeply regrets those incidents and has acted in response to them, to enhance its work health and safety systems. Blue Mountains City Council has committed to implementing a safety culture across the entire organisation focused on building a robust WHS Strategy and establishing a Fair and Just Culture, which is safe, empowered, responsible, accountable, measurable and lasting.

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)

Not applicable

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

Although there are no known injuries or illnesses as a result of the alleged contravention, Blue Mountains City Council has provided the following support to workers concerned about the possibility of exposure to asbestos containing material:

Date	Description of support	Comments
Commenced July 2017	Blue Mountains City Council has arranged for the health monitoring of employees who may have been at risk of exposure to asbestos containing material, as part of the broader response to asbestos management in the workplace.	This support is ongoing.

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

Blue Mountains City Council has an existing WHSMS that is designed around AS/NZS 4804:2001. Council has undertaken a number of steps to strengthen its WHSMS, including but not limited to the appointment of a Chief Safety Officer and the implementation of a robust consultative framework supported by Work Health and Safety Committees and a Peak Safety Steering Group chaired by the Council's Chief Executive Officer. The Council's WHSMS is currently undergoing a review and redesign in preparation for ongoing internal audits and programmed external audits.

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

During the preparation of the Enforceable Undertaking strategies Blue Mountains City Council's Chief Executive Officer consulted relevant stakeholders. Details of the consultation process are outlined below.

Stakeholder	Consultation
Councillors	<ul style="list-style-type: none"> Councillors received a briefing on the proposed Enforceable Undertaking strategies. At the Ordinary Meeting of Council on 24 September 2019 Council endorsed the draft proposal for an Enforceable Undertaking with SafeWork NSW.
All staff	<ul style="list-style-type: none"> All staff received an email from the Chief Executive Officer attaching a briefing paper on the Enforceable Undertaking strategies. All staff were invited to attend a briefing session on the Enforceable Undertaking proposal. Two briefing sessions were held at different locations. In total 55 staff attended the two briefing sessions. The EU proposal was also presented to operational teams at each of the Katoomba Works Depot and the Springwood Works Depot. All staff were provided with 8 working days to provide feedback on the Enforceable Undertaking proposal.
Staff Consultative Committee	<ul style="list-style-type: none"> An extraordinary Staff Consultative Committee Meeting was held to provide feedback on the Enforceable Undertaking proposal. Council's Chief Executive Officer reviewed the Enforceable Undertaking proposal with the Staff Consultative Committee
Peak Safety Steering Group	<ul style="list-style-type: none"> The Enforceable Undertaking proposal was presented to Council's Peak Safety Steering Group.
Other Government Agencies	<ul style="list-style-type: none"> Council staff consulted with Local Government NSW and SafeWork NSW during the preparation of the Enforceable Undertaking proposal.

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

Blue Mountains City Council regrets that the incidents between 8 November 2016 and 31 August 2017 occurred and that Workers were put at risk of sustaining injuries as a result of those incidents

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

Description	\$ Amount
Testing, removal and disposal of 1,945.10 tonnes of material from 2-6 Park Street, Lawson	\$681,758.66
Preparation of site specific Asbestos Management Plan, testing and sampling conducted at 283 Great Western Highway, Lawson	\$79,788.00
Work to complete (and to ensure access to) Asbestos Registers	\$154,802.94
Preparation of organisational Asbestos Management Plans	\$24,500.00
Asbestos Health Surveillance/Monitoring	\$36,000.00
Training: - Work Health & Safety - Asbestos Awareness	\$39,671.00
Initiation, conduct and completion of independent investigation by Clyde & Co solicitors of the incidents at 283 Great Western Highway, Lawson and 2 Park Street, Lawson, incorporating reviews of the Council's asbestos management processes and resulting in detailed recommendations to the Council concerning changes to its work health and safety systems and procedures. Estimated at 30% of the total investigation cost.	\$218,072.70

TOTAL AMOUNT SPENT ON RECTIFICATIONS

\$1,234,593.60

The Council has also incurred a significant cost in the implementation of the Council's Performance Improvement Plan, incorporating the recommendations made by Clyde & Co in its independent investigation. The Council has not attempted to estimate these costs.

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

Blue Mountains City Council commits that the behaviour that led to the alleged contravention has ceased and that it will take all reasonably practicable steps to prevent the recurrence of this type of incident.

The Blue Mountains City Council is committed to demonstrating strong leadership in this area by recognising the seriousness of asbestos management and investing in a safe and sustainable future for staff, the wider community and the environment.

Blue Mountains City Council has already committed significant resources towards improvements to Workplace Health and Safety (WH&S) management, asbestos management for both property and built assets, review and improvement to a number of Council policies, plans and procedures, along with Councillor, staff and community education programs.

Blue Mountains City Council has, since the incidents occurred, carried through to completion the work previously commenced to establish asbestos registers for each building and workplace for which such a register is required under the *Work Health & Safety Regulation 2017* and has prepared an organisational Asbestos Management Plan and site specific Asbestos Management Plans. The Council has also adopted an Asbestos Management Policy, with that Policy amended from time to time to reflect consultation across the Council's workforce, including the frontline Service Delivery Teams.

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

Blue Mountains City Council commits that it will exercise its best endeavours to the ongoing identification and effective management of work health and safety risks, including the commitments identified in response to question n.

The governing body of Blue Mountains City Council has approved and ratified the very significant expenditure undertaken by the Council, as detailed within paragraph m. above. The governing body has also adopted the new organisational structure recommended by the Chief Executive Officer and endorsed the recommended changes to the Council's work health and safety systems and work culture.

The Mayor on behalf of the governing body has made repeated public statements, committing the Council to improvements in its work health and safety practices and confirming the Council's rigorous commitment to the implementation of all recommended changes to the Council's work health and safety system including the recommendations made by Clyde & Co.

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

Blue Mountains City Council confirms 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 legislation² or work health and safety related legislation.

No Blue Mountains City Council has had no prior work health and safety convictions.

r. Statement regarding relationships with beneficiaries

Blue Mountains City Council confirms there are no known current relationships with any of the beneficiaries outlined in the enforceable undertaking, other than the current employees of Blue Mountains City Council.

s. Intellectual property licence

Blue Mountains City 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.

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

Blue Mountains City Council acknowledges that it is responsible for demonstrating compliance with this undertaking. Evidence to demonstrate compliance with the terms of this undertaking will be progressively provided to SafeWork NSW in accordance with the Council's proposals.

Blue Mountains City Council acknowledges that SafeWork NSW will undertake compliance monitoring activities to verify the reports and other evidence that are provided by the Council from time to time, and to verify the Council's compliance with its commitments under this undertaking. The Council will retain all evidence nominated by SafeWork NSW and required to verify its

compliance with this Undertaking, until the Council is advised by SafeWork NSW that the materials concerned are no longer required.

Blue Mountains City Council acknowledges that SafeWork NSW will initiate compliance monitoring activities, such as the appointment of an inspector to verify the Council's compliance with this undertaking, as considered necessary from time to time by SafeWork NSW and at SafeWork NSW's expense.

u. Acknowledgement of enforceable undertakings guidelines

Blue Mountains City Council 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

Blue Mountains City Council acknowledges that this enforceable undertaking will be published on SafeWork NSW's internet site and may be referenced in SafeWork NSW's publications.

Blue Mountains City Council will, within thirty (30) days of the date of acceptance of this enforceable undertaking, cause a public notice to be published in the Blue Mountains Gazette and 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

Blue Mountains City Council is committed to ensuring that any promotion of a benefit arising from this enforceable undertaking, and the work undertaken by the Council in accordance with this undertaking, will clearly link the benefits generated by that work and by this undertaking, and the fact that the undertaking was entered into, with 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)

Blue Mountains City 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 Blue Mountains City Council. This information will be disseminated through an All Staff communication, which will be circulated within one month of the date on which SafeWork NSW accepts this enforceable undertaking.

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

Blue Mountains City Council confirms that any strategies that involve safety information being provided to the local government sector and/or the community will be subject to SafeWork NSW's review and approval of the content prior to dissemination.

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

d. Strategies that will deliver workplace benefits

1. Workplace Strategy 1 - Communications Technology to Field Workers

Scope:

The scope of this project will include purchase of tablet devices for operational teams, an IT resource to configure and link Council's current systems to mobile devices and a project officer to support the development, implementation and system rollout, with responsibility for field staff training.

The handheld 'tablet' devices will be configured to enable field workers to:

- Electronically complete and submit forms such as risk assessments, day sheets, hazard report forms, incident report forms and site induction forms.
- Secure online access to safety procedures and policies.
- View the Council's site specific Asbestos Management plans and all asbestos registers and Safe Operating Procedures and Plans.

Target issue:

The Communications Technology initiative specifically targets teams within Council whose normal work duties are undertaken 'in the field', meaning that such teams are principally engaged in activities away from an office or other fixed workplace. This project will target access to information in the field and improve mechanisms available for operational staff to report safety issues.

The Council has identified a disparity in the opportunities available to employees in different parts of our total workforce. Some employees rely heavily on the use of email and on access to our organisation's staff intranet web pages while other employees do not have the same opportunities or have not been trained to utilise existing opportunities. Currently field based staff have access to WHS Policies, Safe Operating Procedures and other information that is important to the safe conduct of their work activities, either prior to commencing or at the conclusion of the work day, as field based workers leave or return to their depots. While undertaking their work, away from an office or depot, field workers have hardcopy documents within team vehicles and mobile plant.

The Council has recognised an opportunity to improve its safety management system by ensuring that field teams are able to easily access site, building and safety information while undertaking work away from an office or depot.

Tangible outputs / deliverables:

- Sourcing of appropriate hardware in the form of handheld 'tablet' devices, being devices that are suitable for outdoor use.
- Procurement of handheld 'tablet' devices.
- Installation of software and configuration of the devices to link to Council's existing systems and to facilitate the functional use of the devices.
- Establishing a 'champion group' who will contribute to the design, roll-out and ongoing support of the field technology. This group will likely include Council's business improvement representatives, WHS team members and field staff. Details of the group members will be provided to SafeWork NSW prior to the project commencing.
- Testing of the hardware and software for the purpose of ensuring correct system functionality.
- Conduct of a trial 'rollout' to select end user teams for the purposes of testing the field technology system and subsequently the full rollout of the system to intended users.
- Deliver training for field workers using the handheld devices.
- Quality assurance checks to ensure that the training programs have been successful and that the handheld devices are achieving the desired work health and safety outcomes.

- Council has a skilled and resourced Information Solutions team who will maintain the end-point solution for a minimum of three years. The end-point solution will be maintained within Council's existing operational budget.
- Evaluation of this strategy will be completed and reported to Council's Executive Leadership Team and to SafeWork NSW. The evaluation will include:
 - Assessing whether the WHS outcomes set for this strategy (detailed below) have been achieved, including evaluating success against the outcomes at the conclusion of the project.
 - Information from quality assurance checks to confirm use of the handheld devices by operational teams.
 - Documented feedback from users of the handheld devices.
 - Documented feedback from Council's Work Health and Safety team.

Audience / beneficiaries:

The intended beneficiaries of this project are the Council employees whose normal work duties are undertaken 'in the field' meaning that such workers are principally engaged in activities away from an office or other fixed workplace.

Delivery method:

The intended delivery methodology is the provision of hardware (tablets), suitable for outdoor use, to targeted employees whose normal work duties are principally undertaken away from an office or other fixed workplace location.

A technical project officer will oversee the procurement and implementation of this project. The project officer will work with the operational employee teams to ensure that the handheld tablet devices are functional and provide safety benefits for the workforce. Subsequent to the rollout of the hand-held devices the project officer will supervise their use and undertake quality assurance checks and follow up on any identified issues.

Timeframes:

Description	Commencement	Completion
Recruitment of Project Officer to deliver the project.	March 2020	May 2020
Project initiation, including preparation of project management plan, review of appropriate handheld devices that will link to Council's current systems and the establishment of the 'champion group'.	May 2020	July 2020
Procurement of technology solution and handheld devices.	July 2020	August 2020
Configuration of systems and devices.	August 2020	December 2020
Trial handheld devices with field teams and make any required adjustments to the configuration of the systems and devices.	January 2021	April 2021
Provide training and rollout handheld devices to operational teams.	April 2021	June 2021
Complete quality assurance checks to ensure that the training programs have been successful and that the handheld devices are achieving the desired work health and safety outcomes.	June 2021	August 2021
Complete program evaluation.	August 2021	November 2021
The champion group will provide ongoing support and guidance to staff using the field technology.	April 2021	June 2024

Work health and safety outcome:

The key WHS outcomes from this workplace strategy are:

- An improvement in the ease of access to WHS policies, procedures, SOPs and electronic systems for the Council's outdoor work teams, designed to assist workers to safely undertake their duties.
- An improvement in the dissemination of information to field staff while they are away from the office and depots.
- An improvement in timely reporting of any incidents or hazards.

The work health and safety outcomes will be measured by monitoring and recording usage of the tablet devices and through documented feedback from Council's operational teams, safety team and other key stakeholders.

Cost Breakdown:

Description	\$ Amount
Technical Project Officer	\$104,000.00
Tablet devices, suitable for outdoor use (\$2,000 per tablet x 55 tablets)	\$110,000.00
Data service for each tablet device (estimated at \$20 per month for one year and ongoing) \$13,200.00 per annum June 2021 to June 2024	\$39,600.00
Contingency (15%)	\$34,080.00
Total estimated cost:	\$287,680.00

Total estimated cost of workplace benefits

\$287,680.00

2. Workplace Strategy 2 – Workplace Training

Scope:

The scope of this project includes the development and implementation of three online workplace training programs, based on the Council's continued actions to implement a Fair and Just Workplace culture:

- Asbestos Awareness Presentation
- WHS for Managers and Supervisors
- Fair and Just Workplace Culture

Council delivers face-to-face Asbestos Awareness training and WHS training for Managers and Supervisors. The proposed Fair and Just Workplace training will be a new initiative. This workplace culture focuses on dealing with system deficiencies and failings in a transparent and equitable way that will support improved safety outcomes across the organisation.

Participation in the Asbestos Awareness and Fair and Just Culture programs will be compulsory for all existing staff and will be mandatory training for all new personnel commencing employment with Council. The WHS for Managers and Supervisors is mandatory training for all personnel whose role encompasses the management and/or supervision of other personnel in the workplace. By providing these training courses through an online platform new staff will be able to promptly access and complete these courses.

The following table identifies the elements that will be incorporated into the Asbestos Awareness and Work Health and Safety for Managers and Supervisors training modules. Where applicable Council will align the course content with the unit of competency identified in the table.

Module	Elements	Unit of Competency Code
Asbestos Awareness	Definition and overview of asbestos containing material (ACM)	ASBIRA001
	Where ACM might be found	ASBIRA001
	Approach to Managing ACM	-
	Risk Based Approach	-
	Council Asbestos Policy	-
	Training & Competency	-
	Identifying & Recording ACM	ASBIRA001
	Labelling & Signage	ASBIRA001
	Who Can Work on Asbestos	ASBIRA001A
	Works That May Disturb ACM	ASBAAA001
	Health Monitoring	-
	Corporate Asbestos Database	-
	Asbestos Incidents	ASBIRA001A
	Incident Reporting	ASBIRA001
	Emergency Procedures	ASBIAM001
	Asbestos Registers	-
	Personal Protective Equipment	WSFACM001A
Asbestos Intranet Pages	-	
Work Health and Safety for Managers and Supervisors	Understand the importance of safety.	-
	Understand WHS roles and responsibilities within the workplace.	BSBWHS404
	WHS duties and the concept of due diligence.	-
	Apply principles of WHS risk management.	BSBWHS404
	Interpret and apply relevant health and safety legislation.	BSBWHS403
	WHS consultation	-
	Incident response to practical situations	BSBWHS406
	Know what WHS legislation enforcement measures are in place	-
Assist with workplace compliance with WHS law	BSBWHS402	

Council will develop a bespoke Fair and Just Culture module that will focus on increasing general safety awareness and promoting employee behaviour that aligns with the principles of a Fair and Just Culture. Council will benchmark elements of the Fair and Just Culture training to relevant units of competency, where practical.

The online workplace training program will ensure that Council is able to efficiently make any necessary adjustments to the training courses and facilitate the timely delivery of WHS and workplace culture training. The system will capture important information including confirmation of training attendance. This record will enable the Council's Human Resource department to generate reports to identify the employees who have completed the training and to follow up on any outstanding training requirements. The online platform will also facilitate automatic reminders to staff who are required to undertake the training for the first time or who are required to undertake refresher training after a defined period.

The use of an online platform will also provide confirmation of learned outcomes via completion of an appropriate knowledge test at the finalisation of each session. The use of an interactive knowledge test will also provide benefits to employees by providing immediate feedback on their understanding of the course content.

Facilitating training to the Council's employees through an online platform will make training more accessible and end user friendly.

Target issue:

Council recognises the importance of these training courses and has identified an opportunity to increase accessibility by making the training materials available to staff through an online platform. This will address logistical and administrative challenges associated with the timely delivery of training to geographically dispersed workplaces. It will also enable workers to access the training material at any point in time.

The target employee groups for the Workplace Training initiative are as follows:

- The Asbestos Awareness Training is mandatory for all employees. The training will be embedded into the 'on boarding' and induction processes for new employees. The online delivery of this training will ensure that all staff have an awareness of asbestos management practices, policies and procedures within the Council.
- The WHS for Managers and Supervisors training is mandatory for all employees whose workplace roles and responsibilities include the management and/or supervision of persons, including but not limited to workers, contractors, volunteers and the public. This training will ensure that all managers and supervisors understand their roles and responsibilities in relation to WHS.
- The Fair and Just Workplace Culture training will be mandatory for all employees and made available to elected Councillors. The presentation will be embedded into the 'on boarding' and induction process for new employees, with all current staff being required to complete the online training within a defined period. This training will support Council's commitment to implementing a fair and just workplace culture.

Tangible outputs / deliverables:

The Workplace Training initiative, will include the following key deliverables:

- Creation of suitable and engaging online content, including interactive opportunities as part of the training. The modules will be self-paced learning modules providing up to date information aligned with the requirements of the Council's employees and the Council's diverse work environments. Where applicable Council will align elements of each module with an appropriate unit of competency.
- Implementation of the training modules into Council's online training and development management system.
- Subsequent to the development of training presentations and associated materials, and prior to commencing delivery of the training, all training packages shall be reviewed and approved of by a person or persons holding a suitable training assessment qualification.
- Testing of the online modules. A target group of staff will trial the online modules to ensure that the delivery method is functional, user friendly and provides relevant information in an engaging way.
- Delivery of the training programs to the following groups:
 - All staff will be required to undertake the Fair and Just Culture program training, with the same training available to elected Councillors.
 - Any staff members who have not completed face-to-face asbestos awareness training will be required to complete the online asbestos awareness module.
 - Any supervisors or managers who have not completed the current WHS for Managers and Supervisors training course will be required to complete the online WHS for Managers and Supervisors module.
- The delivery of the training programs will include an officer from the Council's Human Resources department being available to support staff in the completion of training, using Council's online learning and development system, and the creation of training records for the purpose of validating the completion of training.
- Subsequent to the completion of the training programs, attendees will be invited to participate in a training evaluation assessment.
- Evaluation of this strategy will be completed and reported to Council's Executive Leadership Team and SafeWork NSW. The evaluation will include:
 - A review of whether the outcomes for this strategy (detailed further below) have been achieved

- An analysis of data (including but not limited to data associated with the knowledge test and competition rates).
- Reviewing attendee evaluation assessments and identifying any common trends.
- Monitoring safety performance indicators to identify any trends that may be attributed to the training.

Audience / beneficiaries:

The intended audience for the Asbestos Awareness and Fair and Just Culture programs will be all employees, including part time and casual employees and, where applicable, contracted personnel. The elected Councillors will also be able to participate in the Fair and Just Culture program.

The WHS for Managers and Supervisors will be mandatory training for all personnel whose role encompasses the management and/or supervision of other personnel in the workplace.

Delivery method:

The intended delivery methodology is online delivery of training. Staff will be supported in the completion of training using Council's online learning and development system.

Timeframes:

Description	Commencement	Completion
Asbestos Awareness and WHS for Managers and Supervisors		
Develop online training course: Asbestos Awareness Training	January 2020	May 2020
Upload Asbestos Awareness Training course to online training tool and test	May 2020	June 2020
Develop online training course: WHS for Managers and Supervisors	May 2020	September 2020
Upload WHS for Managers and Supervisors course to online training tool and test	September 2020	October 2020
Identify staff required to complete the Asbestos Awareness training and WHS for Supervisors and Managers training.	September 2020	October 2020
Communicate training requirements to staff required to undertake the Asbestos Awareness and WHS for Managers and Supervisors training.	October 2020	October 2020
Roll out Asbestos Awareness and WHS for Managers and Supervisors Training courses to staff who haven't completed training and all new starters	October 2020	February 2021
Assess uptake and follow up on staff still to complete the asbestos awareness training and WHS for Managers and Supervisors training.	February 2021	March 2021
Fair and Just Culture Training		
Develop online training course: Fair and Just Culture	August 2020	March 2021
Upload the Fair and Just Culture training course to online training tool and test	March 2021	April 2021
Communicate training requirements for the Fair and Just Training module to all staff.	April 2021	April 2021

Description	Commencement	Completion
Roll out the Fair and Just Culture training course to staff and make the course available to elected Councillors	May 2021	July 2021
Assess uptake and follow up on staff still to complete the Fair and Just Culture training.	July 2021	September 2021
Complete evaluation of training programs.	September 2021	December 2021

Work health and safety outcome:

The key WHS outcomes from this workplace strategy are as follows:

- The development and provision of training that will support the Council's commitment to implementing a fair and just work culture, which focuses on dealing with system deficiencies and failings in a transparent and equitable way that will support improved safety outcomes for the organisation.
- An improvement in the accessibility and timely delivery of workplace safety and culture training.
- An improvement in data quality relating to WHS training completion rates, which will enable prompt follow up from managers and supervisors on outstanding training requirements and participation for members of their team.

Cost Breakdown:

Description	\$ Amount
Training material development, equipment and software costs	\$7,000.00
Estimated cost of staff time allocated to developing and implementing the training	\$54,000.00
Estimated staff time required to complete the training	\$35,700.00
Total estimated cost:	\$96,700.00

Total estimated cost of workplace benefits

\$96,700.00

3. Workplace Strategy 3 – People at Work Survey

Scope:

The scope of this project will include implementing the Queensland Government's 'People at Work' (PAW) psychosocial risk assessment process. This will include adopting the PAW survey to suit Council's needs, implementing the PAW survey across the organisation, analysing the survey data to identify trends and potential workplace risks and determining the steps to be taken to address any psychosocial hazards identified by the survey. Council will protect and maintain the anonymity of staff completing the survey, including any feedback gathered during the survey process.

Target Issue:

Since November 2017, the Council (as an organisation), its employees and its governing body have been the subject of significant adverse media coverage and have participated in numerous investigations undertaken by several external agencies. A Public Inquiry into Blue Mountains City Council is now being conducted. These circumstances have resulted in additional pressures on the workforce. A large number of the senior staff employed by the Council in 2017 have left the organisation. In acknowledgement of the impact that these events have had on the organisation the Council has committed to implementing a psychosocial risk assessment process to help the organisation identify and manage workplace risks to the psychological health of its employees.

Tangible outputs / deliverables:

- Project planning and development of communication promotional tools to encourage workforce participation in the PAW Survey.
- The Council will invite its entire workforce to participate in the survey.
- Communications will be sent to all staff before the survey commences, during the survey and after the survey is conducted to encourage maximum workforce participation.
- Survey data will be entered into the PAW spreadsheet.
- PAW survey data will be analysed to identify any psychosocial hazards.
- Focus groups will be established to further unpack the survey results and understand what psychosocial hazards in the workplace look like for staff.
- Council's Executive Leadership Team will complete a review and debriefing session when the survey is completed to identify the next steps for Council after undertaking the PAW survey.
- Council's Executive Leadership Team, in consultation with workers, will identify and develop control measures/mitigation strategies in response to the survey results. Consultation with workers will occur via Council's workplace health and safety consultation mechanisms. Council will commit to implementing control measures/mitigation strategies within its existing resource capability.
- The Council will provide SafeWork NSW with the survey outcomes and identified control measures/mitigation strategies for review.
- Evaluation of this strategy will be completed and reported to Council's Executive Leadership Team and SafeWork NSW. The evaluation will include:
 - Assessment of whether the outcomes for this strategy (detailed further below) have been achieved
 - Measuring the percentage of the workforce who participate in the survey.
 - Obtaining feedback from employees during the focus groups and analysing the further information gathered during the focus groups.
 - Reviewing the outcomes of the survey, such as the identification of psychosocial hazards and appropriate mitigation strategies.

Audience / beneficiaries:

The intended beneficiaries of the PAW survey are all of the Council's employees, including part time and casual employees. All staff will be supported and encouraged to complete the survey.

Delivery method:

Council will use the tools made available by the Queensland Government to implement this strategy. The PAW survey implementation guide will be used as the primary model for conducting the survey. The delivery will include the following phases: planning and design, survey administration, data analysis and review of results. Communications will be circulated to employees throughout the survey process and focus groups will be used to further unpack and assist the Council to understand the survey results.

Timeframes:

Description	Commencement	Completion
Project initiation, including preparation of project management plan and development of communication promotional tools to encourage workforce participation in the PAW Survey.	August 2020	October 2020
Preparation and distribution of surveys and issuing pre-survey communications.	October 2020	October 2020
PAW survey is available for completion by all staff.	November 2020	December 2020
Data entry and analysis is completed	December 2020	February 2021
Council's Executive Leadership Team will receive a debriefing session on the initial analysis of data	February 2021	March 2021

Description	Commencement	Completion
Focus groups will be established to further unpack the survey results and to assist the Council to understand what psychosocial hazards in the workplace look like for staff.	March 2021	May 2021
Analysis of further information provided through the focus groups.	June 2021	July 2021
Council's Executive Leadership Team, in consultation with workers, will identify and develop control measures/mitigation strategies in response to the survey results.	July 2021	September 2021
Provide SafeWork NSW with the survey outcomes and identified control measures/mitigation strategies for review. Consider any feedback provided by SafeWork NSW.	September 2021	November 2021
Implement mitigation strategies/control measures	November 2021	Unknown
Complete evaluation of PAW survey implementation.	November 2021/2021	February 2022

Work health and safety outcome:

The key WHS outcomes from this workplace strategy are:

- Increased awareness of psychological wellbeing within Council's workforce.
- Identification of psychosocial hazards within the workforce and mitigation strategies that can be implemented.
- Increased understanding of role demands and role resources that may influence employee wellbeing.

Cost Breakdown:

Add additional rows as required

Description	\$ Amount
Materials and equipment to provide staff with access to the survey and conduct focus groups. Inclusive of consultant.	\$20,000.00
Secondment of Project Officer to plan and implement the PAW survey	\$40,000.00
Total estimated cost:	\$60,000.00

Total estimated cost of workplace benefits

\$60,000.00

e. Strategies that will deliver industry benefits

4. Industry Strategy 1: Asbestos Management Tools for Local Government Organisations

Scope:

The scope of this project is to create and deliver a practical Asbestos Management Toolkit for use by local government authorities throughout NSW. The toolkit will include materials and resources that local government authorities can download and integrate into their workplace systems and procedures.

The Toolkit will include:

- A 'step by step' guide to embedding effective and sustainable asbestos management practices within a local government authority.
- The guide will be supported by a suite of templates that can be adapted to suit the needs of other local government authorities, this would will include:
 - Safe Operating Procedures.

- Training tools.
- Information that can be made available to the community.
- Video content overviewing the tools available and providing practical tips on asbestos management

Target issue:

The Asbestos Management Toolkit will improve asbestos awareness particularly amongst council field workers to help minimise the risk of exposure to asbestos. The Toolkit will provide:

- Other local government authorities with strategies and processes to identify, eliminate, manage or minimise asbestos related hazards and risks.
- Experience based advice on the general understanding of hazards and risks associated with asbestos management within a local government context.
- Practical tools that can be downloaded and used by other local government organisations.

Tangible outputs / deliverables:

- Seek partnership with other agencies to develop a comprehensive toolkit that can be used by other local government organisations.
- Develop resource materials which will be included in the Toolkit, such as:
 - A guide to asbestos management for local government authorities.
 - Asbestos related Safe Operating Procedures.
 - Asbestos awareness training tools.
 - Information that can be made available to the community.
 - Video content overviewing the tools available and providing practical tips on asbestos management.
- Submit the Asbestos Awareness Training course and all documents associated with the Asbestos Management Toolkit to SafeWork NSW Asbestos and Demolition Team for review and approval.
- Graphically design resource material included in the Toolkit.
- Upload Toolkit to Council's website. The completed toolkit will remain available on Council's website for a minimum of three years.
- Notify other local government authorities of the availability of the Toolkit and distribute the Toolkit to other local government authorities who wish to receive it.
- Evaluation of this strategy will be completed and reported to Council's Executive Leadership Team and SafeWork NSW. The evaluation will include:
 - Assessment of whether or not the outcomes for this strategy (detailed further below) have been successfully achieved
 - Review and update of the resources and materials made available, including data from the website.
 - Seek and review feedback from Toolkit users, regulatory agencies and other local government authorities

Audience / beneficiaries:

The intended beneficiaries of the Asbestos Management Toolkit will be other local government authorities. The Toolkit is intended to provide educative materials that can be integrated into a local government authority to benefit workers and the local community of the authority concerned.

Delivery method:

Council's Asbestos Response Team and Safety Team will develop the material in conjunction with other agencies such as SafeWork NSW and Local Government NSW. Council will seek endorsement from SafeWork NSW prior to making the Toolkit available to other local government authorities. The material will be circulated via email and made available on the Council's website.

Timeframes:

Description	Commencement	Completion
Development of 'step by step guide' for Asbestos Management in partnership with other agencies	February 2020	May 2020
Development of suite of templates for local government organisations: - SOPs - Training Tools	May 2020	August 2020
Video overviewing the content of the Toolkit	July 2020	December 2020
Submit Toolkit material to SafeWork NSW Asbestos and Demolition Team for review and approval	January 2021	March 2021
Refine and graphically design Toolkit material	March 2021	June 2021
Upload Toolkit material to Council's website for general use and test	June 2021	July 2021
Distribute Toolkit to other councils	July 2021	August 2021
Evaluate uptake and effectiveness of Toolkit	August 2021	November 2021
The completed toolkit will remain on Council's website	June 2021	June 2024

Work health and safety outcome:

The key WHS objectives for this local government sector strategy are as follows:

- Providing other local government authorities with strategies and processes to identify, eliminate, manage or minimise asbestos related hazards and risks.
- Providing experience based advice on the general understanding of hazards and risks associated with asbestos management within a local government context.
- Providing practical tools that can be downloaded and used by other local government organisations.

Cost Breakdown:

Description	\$ Amount
Asbestos Management Consultant cost	\$20,000.00
Other development costs for communication	\$6,000.00
Video overviewing the tools available in the toolkit	\$15,000.00
Asbestos Management Guide, SOPs, Materials	\$2,000.00
Total estimated cost:	\$43,000.00

Total estimated cost of local government sector benefits

\$43,000.00

f. **Strategies that will deliver community benefits**

5. **Community Strategy 1 – Public Education Campaign**

Scope:

The intent of this initiative is to facilitate the education of residents and business operators to reduce the likelihood of persons engaging in dumping activity or attempting to conceal

(smuggle) asbestos within waste loads being disposed of within Council's waste management facilities. The objective is to address and alleviate a significant health and safety risk to staff and the public associated with illegal dumping and incorrect disposal of hazardous waste.

Target issue:

The Public Education Campaign will educate the Blue Mountains Community, including residents and businesses residing and/or trading within the Blue Mountains LGA, about the appropriate disposal of household and business waste, inclusive of general and bulky waste and the correct and safe disposal of asbestos and hazardous substance waste. The education program will also aim to educate residents and business operators about the health and safety risks associated with illegal dumping and incorrect disposal of hazardous materials within the Blue Mountains LGA and provide:

- Information on the correct use of the waste disposal systems provided by Council for the purpose of collecting and disposing of household waste, including general solid waste and bulky waste and the correct and safe disposal of asbestos waste and hazardous substance waste.
- Information on business obligations relating to the disposal of hazardous materials and substances, including asbestos waste.
- Information on the costs, the environmental impacts and health and safety risks associated with illegal dumping within the Blue Mountains LGA and the costs associated with incorrect disposal of hazardous materials. This information will include details on how to identify and report suspicious behaviours associated with illegal dumping of asbestos and other hazardous materials.
- Specific information on the cost of correct and safe disposal of asbestos containing material, which is no greater than the cost of general mixed waste disposal for residents of the Blue Mountains LGA who use the Council's Blaxland Waste Management Facility.

Tangible outputs / deliverables:

The Public Education Campaign will include the following key deliverables:

- Creation of a Public Education Campaign plan detailing objectives and intended outcomes.
- Submit the Public Education Campaign Plan to SafeWork NSW for review and approval.
- Creation of materials to be utilised for the campaign, including but not limited to electronic and print media materials and hardcopy materials for dissemination to the target audience within the Blue Mountains.
- Providing the Council's Customer Contact Centre with up to date information that can be passed on to residents calling with questions.
- Delivery of the Public Education Campaign within the allocated timeframes.
- Evaluation of this strategy will be completed and reported to Council's Executive Leadership Team and SafeWork NSW. The evaluation will include:
 - A review of the campaign objectives and intended outcomes – whether they have been achieved.
 - A review of the campaign objectives and intended outcomes.
 - A data analysis that considers the number of reports of illegal dumping and the amount of hazardous waste appropriately disposed of at Council's waste management facilities.

Audience / beneficiaries:

The intended beneficiaries are the residents of the Blue Mountains LGA and persons operating a business within the Blue Mountains LGA.

Delivery method:

It is anticipated that the delivery methodology for the Public Education Campaign will be a combination of electronic and print media conduits, including but not limited to print advertisements, social media, signage, Council's websites, local cinema advertisements and mail outs.

Timeframes:

Description	Commencement	Completion
Creation of Public Education Campaign plan	April 2020	June 2020
Submit the campaign plan to SafeWork NSW for review and approval	June 2020	August 2020
Creation of public education campaign material content	August 2020	December 2020
Public Education campaign period	January 2021	June 2021
Evaluation of data from campaign	June 2021	December 2021

Work health and safety outcome:

The Public Education Campaign is intended to improve health and safety outcomes for the Blue Mountains community by providing the community with useful, easy to understand and up to date information about the hazards associated with handling and/or working with asbestos containing materials and how such hazards may be mitigated.

Cost Breakdown:

Description	\$ Amount
Advertising print material	\$13,700.00
Advertising in the Blue Mountains Gazette	\$2,800.00
Other targeted advertising	\$10,000.00
Total estimated cost:	\$26,500.00

Total estimated cost of community benefits **\$26,500.00**

Where appropriate (g-j)

g. A commitment to maintain a WHSMS

Blue Mountains City Council is committed to ensuring that its existing WHSMS complies with the principles of AS/NZS 4801: 2001 Occupational Health and Safety Management Systems within twenty-four months from the date this enforceable undertaking is accepted.

Blue Mountains City Council acknowledges that the WHSMS will be maintained in accordance with that standard.

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

Blue Mountains City Council 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.

Blue Mountains City Council 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.

Blue Mountains City Council acknowledges that details of the auditors' qualifications against the stated requirements will be provided with audit reports submitted to SafeWork NSW.

Blue Mountains City Council confirms that an initial third party audit will be undertaken within 12 months of the date of this undertaking. Two further third party audits will be undertaken during the term of the undertaking, at intervals of 18 months and 24 months following the date of this enforceable undertaking.

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

Blue Mountains City Council confirms that audit reports received from the auditor will be sent to SafeWork NSW, within six weeks of the audit along with a letter certifying that the report provided by the auditor has not been altered.

Blue Mountains City Council acknowledges that within one month 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.

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

Blue Mountains City Council commits to fully implementing the intended actions arising from the audit within the allocated action timeframe, after 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 Blue Mountains City Council, I William Langevad offer this undertaking and commit to the terms herein.

Signed:



[Duly authorised person]

Name:



Position: Acting Chief Executive Officer

Dated at Katoomba this 5th day

of December, 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:



Name: Anthony Williams

Position: Executive Director, Operations, SafeWork NSW

Dated atGosford..... this9th..... day ofDecember..... 2019.....
[suburb] [month] [year]

Annexure 1 – Public Notice of SafeWork NSW’s acceptance of undertaking

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

Between 8 November 2016 and 31 August 2017, Blue Mountains City Council caused work to be undertaken at 283 Great Western Highway, Lawson and 2 Park Street, Lawson. During that work employees of the Council came into contact with waste materials.

SafeWork NSW subsequently investigated the works undertaken by the Council at both sites and has alleged that Blue Mountains City Council contravened clauses 425(1), 429(2), 479(1), and 445(1) of the Work Health and Safety Regulations 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 Blue Mountains City Council, 52 699 520 223 as finalisation of the abovementioned alleged contraventions.

The undertaking requires the following actions:

- Implement a program involving the provision of hand-held communications devices for Council's field teams
- Deliver to the Council's employees online asbestos awareness, WHS for Managers and Supervisor and fair and just culture training programs
- Implement across the Council's workforce a People at Work Survey, based on the model made available by the Queensland Government
- Deliver a public education campaign addressing and providing guidance on the appropriate disposal of household and business waste, including general solid waste and bulky waste and the correct and safe disposal of asbestos and hazardous substance waste
- Develop and deliver an asbestos management toolkit suitable for use by other local government authorities.

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