

ENFORCEABLE UNDERTAKING

Part 11

Work Health and Safety Act 2011

The commitments in this enforceable undertaking
are offered to SafeWork NSW

by

William John Seery

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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

Street Address:	131 Kooroogamma Road MOREE NSW 2400
Postal address:	As above
Telephone contact:	02 6753 3737 [REDACTED]
Email address:	[REDACTED]
Legal structure:	Individual
Type of business:	Agricultural processing
Commencement date of the entity:	Originally formed in 1989
Number of workers:	Full-time: 10 Part-time: 1 Casual: 20-26
Products and services:	Ginning cotton, warehousing bales and grain, logistics
Comments:	Brighann Ginning is the trading name of the business run by the partnership of William John Seery, Ian Seery, Michael Seery, Ada Seery and Stephen Seery. William John Seery is the decision making partner. Brighann Ginning is located in Regional NSW and provides a ginning service where farmers from approximately a 100km radius deliver their seed cotton for processing into lint, seed and trash. The gin also provides a logistics service whereby cotton bales and seed are warehoused and loaded out on request. Brighann Ginning is a major employer in Moree, employing 10 full time and another 20 – 26 casual workers during the cotton season that runs for 2 – 5 months, depending on the primary production.

b. Details of the alleged contravention

It is alleged by SafeWork NSW that on 20 March 2014, William John Seery (Mr Seery) failed to discharge his obligations as a person conducting a business or undertaking under section 19(1) of the WHS Act in that he did not ensure so far as reasonably practicable the health and safety of workers.

c. Details of the events surrounding the alleged contravention

The worker was not a Brighann Gin employee but was a driver who was contracted by one of Brighann's ginning clients to deliver cotton 'Modules' from their farm to the gin site where they were to be unloaded off the truck and into a designated position into the Brighann Gin yard. During the unloading procedure there was a collision that occurred between the vehicle unloading the cotton modules (a moon buggy) and the worker.

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

It is acknowledged that SafeWork NSW has alleged that Mr Seery has contravened section 19(1) of the WHS Act.

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

[REDACTED]

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

Were notices received?

Yes Please provide details in the table below.

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
25/03/2014	IMPROVEMENT NOTICE	7-264879	WHS ACT 2011, SECTION 19, WHS REGULATION 2011, CLAUSE 39	Upgrade Safe Work Procedures (SWP) for Module Trucks
25/03/2014	IMPROVEMENT NOTICE	7-264857	WHS ACT 2011, SECTION 20-21, WHS REGULATION 2011, CLAUSE 214-215	Upgrade Traffic Management Plan (TMP)

The following actions were required in relation to the notice 7-264879 (directed at training operators in moonbuggy operation):

- A local safety consultation business were engaged to reassess and revise the SWP for Moonbuggy – Truck unloading as well as the SWP for Trucks - Modules. The same content was used from Brighann Ginning's immediate previous version of training and assessment (inductions) for both activities as were the risk assessments. The language/wording has been rewritten in a way to allow for a better understanding across a broader range of literacy levels to make the information more meaningful to the particular application.
- Particular emphasis was placed on giving Brighann Ginning's workers instruction and training which made them more comfortable in taking full responsibility and control of the work space with which they were operating. Workers who are required to operate machinery where human interaction occurs have specific instruction and authority to immediately stop operations if they are not satisfied that the process is in line with the SWP that has been developed for the task. The most pertinent part of the process is identifying where the driver is to be situated (IN THE Safe zone) during the unloading process so as to eliminate the possibility of injury.
- As a result we believe we have improved an already robust procedure for reasonably and practicably unloading cotton modules from flat-top truck trailers with the moon buggy and then moving them into their designated position in the module yard without putting at risk any of the workers involved.

The following actions were required in relation the notice 7-264857 (directed at developing a traffic management plan to isolate others/truck drivers from being struck by the moonbuggy):

- Formalise a documented 'Traffic Management Plan' that encompasses not just the isolation of the moonbuggy from truck drivers, but from all workers on site carrying out all tasks.
- CAD drawings of the site were done and introduced specifically relating to ALL site SWP detailing the traffic flow throughout the site. These drawings have enabled a more effective implementation of safe systems to control the safe movement of persons in the workplace especially where mobile plant is in operation.
- A standardised 'Pre-start Checklist' was developed and implemented to make pre-start checks consistent across all mobile plant. The pre-starts are collated daily, checked and signed off by the Operator as well as the Operations Manager to better enable management of risks to health and safety to the Operator and other persons.

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

Mr Seery is committed to complying with his 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 his 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)

The worker was an employee of a transport company who had been contracted by one of Brighann Ginning's external farming clients to deliver cotton modules to Brighann Ginning's yard.

i. The details of the support provided to the worker's family

Does the contravention involve injury to a person?

Yes The worker was employed by a transport company at the time of the incident.

The following support has been provided to worker's family:

N/A – the worker was employed by a transport company.

j. If the matter involves a fatality or very serious injury¹, a claim to demonstrate that exceptional circumstances exist that the enforceable undertaking is a more appropriate response than pursuing prosecution

Does the contravention involve a fatality or very serious injury¹?

Yes

A submission in relation to the Public Interest considerations set out in Section E, Clause 5.10 of the Compliance Policy and Prosecution Guidelines March 2012 was sent to the WorkCover Authority of NSW (now SafeWork NSW) on 12th June 2015.

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

Brighann Ginning has an existing OHSMS but this has not been assessed against the principles of AS/NZS 4801:2001. Third party auditing of the workplace is conducted on an annual basis by Safety in Focus who are based in Narrabri in Regional NSW. Safety in Focus also provides any regular updates when changes to legislation occur to allow changes to the OHSMS.

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

Mr Seery has consulted with the owners, all of the employees at the Cotton Gin, Transport contractors, safety consultants and Farm Safety Managers within the Seery Group regarding the proposal of an enforceable undertaking. The key people involved are the partners and workers at the cotton gin and they have been engaged formally at meetings to discuss what should be proposed as suitable undertakings. All of the proposed undertakings have been agreed upon unanimously with the Safety Meeting Group.

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

Mr Seery's greatest priority and responsibility is the health and safety of all workers on his site and he sincerely regrets that a worker tragically sustained fatal injuries on the 20th March 2014. Mr Seery has intimate dealings with all workers on his site. The fact that a worker entered his site for a day's work and was unable to return home to his family that night has had a profound effect on him personally and all workers at Brighann Ginning.

Mr Seery is committed to ensuring that there is not a repeat of the incident.

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

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

Description	\$ Amount
Safety Shutdown – site was completely closed down from Thursday evening (20 th March 2014) through until the morning of the 24th March 2014.	\$42,000
Counselling – a counsellor was engaged for a counselling session at the Owners home on Saturday 22nd March 2014 with 12 of the workers that were directly and indirectly involved with the actual incident. The session gave everyone the opportunity to talk about the accident in detail as well as being educated as to the recognition of possible side effects that may arise as a result of what they had experienced. Workers and owners were then monitored routinely to ensure they were coping with the situation.	\$1,500
<p>Documentation Reviews – Between the 21st March 2014 and 14th May 2014 (in conjunction with Safety in Focus, workers, truck drivers and supervisors accordingly)</p> <p>a) During this time the SWP for all tasks involving human / mobile plant interaction were reviewed with Workers, Transport Contractors and Safety in Focus</p> <p>b) The Traffic Management Plan was formalised and professionally drawn/documented.</p> <p>c) Revised documents within the OHSMS showing Improvement in information, training and instruction that will show that we are, on an ongoing basis, developing, implementing and maintaining a safety system to control the safe movement of persons in the workplace where there is mobile plant. This documentation incorporates an updated 'general' worker induction, Traffic Management Plan (including safety diagrams), SWP and oral/written practical assessments for individual workers' positions as well as truck drivers delivering/picking up specifically cotton modules, seed and cotton bales to ensure that as far as reasonably practicable that the moonbuggy (or any other mobile plant) does not collide with any person or thing.</p>	\$14,000
Monitoring Work Activity - following the incident the process' of UNLOADING cotton modules, cotton bales and the LOADING of bales and seed is physically observed under a monitoring program which involves specifically trained supervisors, administration staff and management. During the operating hours these people are on regular undertakings to observe that the SWP for these procedures are being followed in a correct manner. The heightened awareness has been a positive across the entire workforce and opens up regular and continuous discussion about improvement which is discussed formally and informally.	\$6,000
Workplace inspections – being a privately owned operation it was decided amongst management and the owners that we would increase the amount of 'hand-on' audits that involved the Operations Manager, 1-2 other workers, General Manager and an Owner. This involves walking the entire site to assess, consult and then approve on the spot any works / expenditure that is required to make improvement to the safety and efficiency of the operation. The flat management structure allows decisions to be made very quickly.	\$4,000

Description	\$ Amount
TAFE – the Operations Manager (on behalf of the owners of Brighann Ginning) has volunteered his time (along with 4 other Industry people) and is currently in the process of collating curriculum for the TAFE course Certificate III in Cotton Ginning. The Operations Manager will also be involved in the actual presentation and is seeking to have a safety module added to the program with emphasis on Traffic Management.	\$8,000
SWP Film – Developed a SWP film that is site specific to Brighann Ginning to enhance the induction process for new and return truck drivers to the site. This is sent to all of Brighann Ginning's customers who will be either sending their own trucks or contractors to pick up product they have purchased ex-Brighann Ginning. This visual aid gives specifics about the traffic flow, work procedure, safe zones and actual process to enable a familiarisation prior to the operators even coming onto the site.	\$7,200

TOTAL AMOUNT SPENT ON RECTIFICATIONS

\$82,700

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

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

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

Mr Seery commits that he will exercise his best endeavours to the ongoing effective management of work health and safety risks.

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

Mr Seery acknowledges that he has the financial ability to comply with the terms of this enforceable undertaking and has provided evidence with this undertaking to support this declaration.

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

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 Mr Seery has had no prior work health and safety convictions.

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

- s. Statement regarding relationships with beneficiaries**

Mr Seery advises that there is an existing relationship held with Safety In Focus who is a financial beneficiary of fees for services. Safety In Focus is primarily engaged to conduct pre-employment health screening checks annually and intermittently for work health and safety consultancy.

Moving forward, Safety In Focus will continue to be engaged for pre-employment health screening checks and additionally for the areas described within the strategies in Section 2 of this enforceable undertaking.

t. Intellectual property licence

Mr Seery grants SafeWork NSW a permanent, irrevocable, royalty-free, worldwide, non-exclusive license to use, reproduce, distribute, electronically transmit, electronically distribute, adapt, and modify any materials developed as a result of this enforceable undertaking.

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

Mr Seery 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.

Mr Seery 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.

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

v. Acknowledgement of enforceable undertakings overview and guidelines

Mr Seery has read and understood Enforceable undertakings – an overview, and Enforceable undertakings – guidelines for proposing an enforceable undertaking.

Section 2 – Enforceable Terms

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

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

Mr Seery will, within 30 days of the date of acceptance of this enforceable undertaking, cause a public notice to be published in the Sydney Morning Herald.

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

Mr Seery 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)

Mr Seery 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, workers and other relevant parties. This information will be disseminated through safety meetings, internal email and office hardcopy and will be completed within 30 days from the date of acceptance of the enforceable undertaking.

Brighann Ginning is not required to publish an annual report.

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

- d. Strategies that will deliver benefits to workers

1. Safety Culture Enhancement Program

Scope:

The ginning operation section of Brighann Ginning is a small tightknit unit that works all year round with a transient workforce that peaks during harvest times. Brighann Ginning will develop and implement a program that encourages the enhancement and maintenance of a strong and effective safety culture, particularly during those times where the transient workforce and the work volumes are large. Brighann Ginning is committed to following the principles of Safe Work NSW's recently released "Roadmap for NSW" given Brighann Ginning's involvement in the high risk sectors of agriculture and transport.

This will include a training session for all Owners and Senior Managers from the ginning operation that includes:

- Recognising the key components of a positive safety culture.
- Measuring safety culture.
- Influencing and improving safety culture.

Target issue:

The transient nature of the workforce creates challenges in maintaining a strong and effective safety culture across the whole year. Brighann Gin aims to have a strong top down safety culture that ensures safety leadership and consultation is an integral part of everyday activity for all owners and workers.

Current research suggests that organisations with a strong safety culture where workers are empowered and involved in safety decisions, have increased success with less injuries and workforce turnover.

Tangible outputs:

- a) Engage Safety In Focus to facilitate the program.
- b) Baseline Safety Attitudes Indicator survey conducted to assess existing safety culture in the ginning operation with particular attention on fatigue management and near misses.
- c) Safety Culture training conducted with all Owners and Senior Managers from the ginning operation.

- d) Workshops held with all ginning operation workers about how to reinforce a strong and effective safety culture, particularly during times of high transient workers where fatigue management becomes an important issue.
- e) Develop an action plan with activities to embed and reinforce behaviour that reflects the desired culture.
- f) Activities undertaken as defined in the action plan.
- g) Monitoring of the culture – original Safety Attitudes Indicator survey conducted again (approximately 12 months after original survey).
- h) Evaluate the effectiveness of the safety culture program through surveying workers and measuring any impact on the number of workplace incidents and near misses.

Audience / beneficiaries:

- 4 Owners and 6 Senior Managers.
- All Brighann Ginning workers as well as contractors who visit the site (e.g. truck drivers) will benefit from working in an environment that has a positive organisation-wide approach to management of health and safety risks.

Delivery method:

Delivery of the program will involve a range of face-to-face training, interviews, and surveys across all levels of the organisation.

Timeframe:

It is intended that this program will run over an 18 month period to encourage a long term sustainable safety culture at Brighann Ginning:

- a) Engagement of Safety In Focus will commence within 1 month of acceptance of the enforceable undertaking and be ongoing throughout the duration of the enforceable undertaking.
- b) Training will commence within 3 months and be completed within 9 months of acceptance of the enforceable undertaking.
- c) Baseline survey will commence within 3 months and be completed within 6 months of acceptance of the enforceable undertaking.
- d) Workshops with workers will commence within 6 months and be completed within 9 months of acceptance of the enforceable undertaking.
- e) Development of an action plan will commence within 6 months and be completed within 9 months of acceptance of the enforceable undertaking.
- f) Action plan activities and guidelines will be clearly displayed via a Gantt Chart with activities to commence within 6 months and be completed within 9 months of acceptance of the enforceable undertaking.
- g) Monitoring of the culture will commence within 3 months of acceptance of the enforceable undertaking and be ongoing throughout the duration of the enforceable undertaking.

- h) Evaluation of the program will commence within 6 months of acceptance of the enforceable undertaking and be ongoing throughout the duration of the enforceable undertaking.

Work health and safety outcome:

By focusing on consultation and leadership on a top down approach, all workers will feel empowered to raise awareness and be involved in the continual improvement of health and safety.

Cost Breakdown:

Description	\$ Amount
Staff Time (6 hr course + time for surveys) 8 hrs for 10 people @ \$50hr	\$4,000
Staff Time – Induction (\$35hr x 1 hr x 35 ppl)	\$1,225
Administration - Materials	\$100
Safety in Focus – Preparation x 2 days (Officer training and Induction) (\$1500 day)	\$3,000
Safety in Focus – Training (1 Day)	\$1,500
Safety in Focus – Pre Survey cost (\$99 per survey x 10 people)	\$990
Safety in Focus – Post Survey cost (\$99 per survey x 10 people)	\$990
Safety in Focus – Presentation at induction (1 Day)	\$1,500
Safety in Focus – Action Plan (1 Day)	\$1,500
Safety in Focus – Evaluation and monitoring (2 Days)	\$3,000
Total estimated cost:	\$17,805

2. Develop and Implement a Due Diligence Program

Scope:

The development and implementation of a due diligence program for the Brighann Ginning Owners and Senior Managers, designed to ensure that those officers with responsibilities under the WHS Act understand their responsibilities and are able to effectively implement them in the day-to-day and overall strategic operations of the business.

A key part of the program will be the inclusion of the due diligence information in the induction program for all future people joining the organisation in an 'officer' role.

Target issue:

A generational shift in the ownership of the Brighann Ginning business is going to occur in the near future. Changes to key positions within the organisation present a number of challenges around continuity and there are potential business risks should those identified as 'officers' under the WHS Act fail to understand and effectively discharge those responsibilities.

Tangible outputs:

- a) Engage external consultant, Safety In Focus, to develop and run the program.
- b) Safety In Focus, in conjunction with Brighann Ginning Managers, to develop a program plan to guide the implementation of the program.

- c) Safety In Focus to develop a due diligence guide, specific to the risk profile of Brighann Ginning's activities.
- d) Safety In Focus to conduct a workshop with Brighann Ginning's Owners and Senior Managers to develop individual, customised and specific action plans that will give effect to the guide.
- e) Individual action plans implemented by Brighann Ginning's Owners and Senior Managers.
- f) Incorporate the due diligence processes into the existing OHSMS.
- g) Incorporate the program into the induction program for all future Brighann Ginning Owners and Senior Management.
- h) Include work health and safety as an agenda item at all Brighann Ginning board meetings.
- i) Evaluate of the effectiveness of the due diligence program through:
 - a. The number of meetings where WHS is discussed.
 - b. Work health and safety heading to be included in all board meeting minutes covering incidents and near misses (including evaluation of corrective actions register), upgrades to SWP's, traffic management suggestions, machinery acquisition and upgrades.
 - c. Document visits and worker interactions made by the owners.
 - d. Document spot audits conducted by owners and senior management on:
 - i. Traffic management.
 - ii. Machinery pre-start checks.
 - iii. Manual handling and lock out procedures.
 - iv. SWP for new and altered tasks.

The results from the evaluation will be used to refine the program over time.

Audience / beneficiaries:

- Current and Future Owners and Senior Management of Brighann Ginning will benefit from the due diligence program which will provide advice and guidance on how these officers can discharge their obligations under the WHS Act to ensure Brighann Ginning is complying with their duties under the WHS Act.
- All workers and contractors will benefit from Brighann Ginning's officers exercising appropriate due diligence activities across the operation of the cotton and farming sides of the Brighann Ginning business. This will be through the continued focus on working safely throughout all aspects of the various activities undertaken by Brighann Ginning.

Delivery method:

Delivery of the program will occur via a range of mediums and activities. The guide and action plan will be communicated to the board through board meetings and to all workers with officer responsibilities under the WHS Act through tool box talks and other meetings. The guide and action plan will then form part of Brighann Ginning's existing OHSMS moving forward and will be included in the induction processes of new board members and other Senior Managers with 'officer' responsibilities.

Timeframe:

- a) Engagement of Safety In Focus will commence within 1 month of acceptance of the enforceable undertaking and be ongoing throughout the duration of the enforceable undertaking.
- b) Development of the program will commence within 6 months and be completed within 9 months of acceptance of the enforceable undertaking.
- c) Development of the due diligence guide will commence within 6 months and be completed within 9 months of acceptance of the enforceable undertaking.
- d) Workshops will commence within 9 months and be completed within 12 months of acceptance of the enforceable undertaking.
- e) Implementation of individual action plans will commence within 9 months of the enforceable undertaking and be ongoing throughout the duration of the enforceable undertaking.
- f) Incorporation of the due diligence processes into the existing OHSMS will commence within 12 months and be completed within 24 months of acceptance of the enforceable undertaking.
- g) Incorporation of the due diligence program within the induction program will commence within 12 months and be completed within 24 months of acceptance of the enforceable undertaking.
- h) Inclusion of work health and safety item on board meeting agenda will commence within 3 months of the enforceable undertaking and be ongoing throughout the duration of the enforceable undertaking.
- i) Evaluation of the due diligence program will commence within 12 months of the enforceable undertaking and be ongoing throughout the duration of the enforceable undertaking.

Work health and safety outcome:

The due diligence program will provide a structure for Brighann Ginning 'officers' to ensure that they:

- acquire and keep up to date knowledge of work health and safety matters;
- fully understand the hazards and risks associated with Brighann Ginning operations;
- ensure that appropriate resources and processes are used within Brighann Ginning's business to eliminate or minimise risks to health and safety from work carried out in the business;
- ensure Brighann Ginning has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information;
- ensure that Brighann Ginning has and implements processes for complying with their legal work health and safety obligations; and
- there is regular verification of the effectiveness of Brighann Ginning's processes and resource allocation.

Cost Breakdown:

Description	\$ Amount
Staff Time (10 staff x 8hrs x \$50)	\$4,000
Admin - Consumables	\$100
Safety in Focus – Program Plan and Guide (Plan -1 Day, Program 2 Days)	\$4,500
Safety in Focus – Broad Brush Risk Assessment (1.5 Days)	\$2,250
Safety in Focus – Workshops (2 Day)	\$3,000
Safety in Focus – Individual Action Plans (2 Days)	\$3,000
Incorporation of Due Diligence guide into Safety Management System	\$500
OHS @ board meetings	\$500

Total estimated cost: \$17,850

3. Refinement of traffic management processes

Scope:

The interaction between humans and vehicles remains an area with a high degree of harm within a cotton gin operation. Brighann Ginning will take steps to further refine their traffic management processes within all areas of ginning operations.

Target issue:

Interaction between people and vehicles (including pieces of plant such as forklifts etc.) occurs in the ginning industry. Tragically, when incidents occur involving people and vehicles, there are often catastrophic results. This strategy will focus on building and refining the current traffic management processes at Brighann Ginning to further decrease the instances where people and vehicles interact.

Tangible outputs:

- a) An independent suitably qualified person with auditing and relevant traffic management experience will be engaged in consultation with SafeWork NSW to conduct a series of audits on all areas within the cotton ginning operations where interactions occur between people and vehicles.
- b) An evaluation plan will be developed to allow evaluation of the strategy at the completion of the audits.
- c) The cotton ginning operations will be audited 3 times with a focus on interaction between people and vehicles and traffic management processes.
- d) After each audit, the independent auditor will provide Brighann Ginning with a report that provides recommendations on areas for improvement.
- e) After receipt of each audit report, Brighann Ginning will provide SafeWork NSW with a copy of the report and an action plan which outlines what actions will be taken to implement the recommendations.
- f) After receipt of each action plan, Brighann Ginning provide evidence to SafeWork NSW that the action plan has been completed.
- g) After completion of the implementation of the action plan from the last audit, Brighann Ginning will provide SafeWork NSW with an evaluation of the strategy.

Audience / beneficiaries: All workers and other persons who enter onto the Cotton Ginning operations site will benefit from a safer work environment where they are less likely to be exposed to risks from working in the vicinity of moving vehicles/plant.

Delivery method:

Brighann Ginning in consultation with SafeWork NSW, will engage an independent third party auditor with relevant traffic management experience to audit Brighann Ginning's OHSMS with particular attention to Safe Operating Procedures (**SOP**)s around traffic management.

Timeframe:

- a) Existing OHSMS will be benchmarked within 3 months from the date of acceptance of the enforceable undertaking.
- b) An initial third party audit will be undertaken within 15 months from the date of acceptance of the enforceable undertaking.
- c) Final third party audit will be undertaken with 24 months from the date of acceptance of the enforceable undertaking.
- d) Each auditor's report will be sent to Safe Work NSW within 60 days of the audit.
- e) The action plan following the auditor's report will be sent to SafeWork NSW within 3 months of the auditor's written report.
- f) The implementation of the recommendations from the action plan will commence within 6 months and be completed within 12 months of the auditor's report.
- g) Evaluation of the strategy will be provided to SafeWork NSW with 36 months from the date of acceptance of the enforceable undertaking.

Work health and safety outcome:

Reduction in incidents occurring as a result of human to vehicle interactions by evaluating and refining the current traffic management processes.

Cost Breakdown:

Description	\$ Amount
Third Party Consultant (8 days @ \$1,500)	\$12,000
Staff Time – Recommendations (1 person x 16 hrs @ \$50) x 2	\$1,600
Staff Time – Action Plans (8 hrs x \$50 hr) x 2	\$800
Staff Time – Evaluation (8 hrs x \$50hr) x 2	\$800

Total estimated cost: \$15,200

4. Build a Seed Truck Catwalk

Scope:

Construction of a catwalk for use in conjunction with the existing harness system to aid seed truck drivers applying roll top tarps when the trucks have been loaded with cotton seed. An SOP on the catwalk will also be developed and implemented and an evaluation of the effectiveness of the catwalk will be undertaken.

Target issue:

When trucks have been loaded with seed, truck drivers are required to restrain their load with a rollover tarp system. Cotton seed has low density and in order for trucks to carry payload, the seed is required to be stacked high in the trailers. Drivers are often required to level out the seed by hand in order to secure their load via the rollover tarp. To undertake this task, drivers connect themselves to the safety harness on the ground and utilise the trailer ladder to climb on top of the load to level it out.

The idea for the catwalk was presented to Brighann Ginning workers via truck driver feedback from drivers who had utilised a catwalk at another ginning factory. Following this feedback, Brighann Ginning workers visited other ginning facilities that utilise catwalks to undertake an investigation into the feasibility of installing a catwalk at Brighann Gin.

The catwalk will enable the drivers to apply the safety harness and enter the trailer to flatten out cotton seed from the height of the trailer and not having to climb ladders. Applying the harness from the catwalk reduces the risk of falls from heights and also removes the driver from traffic flow and risk of collision with the seed loader.

Tangible outputs:

- a) Engage a contractor to construct and install the catwalk.
- b) Construct and install the catwalk.
- c) Develop and implement a SOP for the catwalk.
- d) Communicate the existence of the new catwalk and SOP to all workers at Brighann Ginning, truck drivers and contractors through the Safety Meeting Group, site inductions and toolbox talks.
- e) Provide training to relevant workers at Brighann Ginning on how to use the catwalk.
- f) Include the catwalk in Brighann Ginning's maintenance schedule.
- g) Evaluate the effectiveness of the catwalk by surveying truck drivers to ascertain the number of drivers required to utilize the catwalk and also provide feedback on possible upgrades.

Audience / beneficiaries:

All seed truck drivers at Brighann Ginning. During the 2014 season there were 212 individual seed truck drivers for a total of 1,141 individual truck movements.

Delivery method:

A contractor will be engaged by Brighann Ginning to construct and install the catwalk for operation with the existing harness system.

Timeframe:

- a) The contractor will be engaged within 1 month of acceptance of the enforceable undertaking.
- b) The catwalk will be manufactured and installed within 3 months of acceptance of the enforceable undertaking.
- c) The SOP will be developed, implemented, communicated and training provided within 3 months of acceptance of the enforceable undertaking.
- d) SOP included in truck driver inductions within 3 months of acceptance of the enforceable undertaking.

- e) Provide evidence to a verifying inspector that truck drivers are being inducted into the new catwalk SOP at 6 monthly intervals for the duration of the enforceable undertaking.
- f) An evaluation of the catwalk will commence within 6 months from the date of acceptance of the enforceable undertaking and be ongoing throughout the duration of the enforceable undertaking.

Work health and safety outcome:

Reduce the likelihood of falls from heights and human/vehicle collision.

Cost Breakdown:

Description	\$ Amount
Planning and Design	\$3,000
Materials	\$7,000
Labour	\$6,000
Upgrade SWP for seed truck drivers	\$500

Total estimated cost: \$16,500

Total estimated cost of benefits to workers \$67,355

e. Strategies that will deliver benefits to industry

5. Produce Industry Specific Safety Awareness Videos

Scope:

A creative agency will be engaged to produce 4 industry specific safety videos related to high risks in the cotton industry, with particular attention to heavy vehicle and human interaction. The videos will have a far greater reach within the cotton industry with the ability for the farming and transport industries to utilise these videos to see firsthand what is involved in the cotton ginning process, as well as gain a better understanding of the high risks to the industry. The videos will also be utilised to enhance Brighann Ginning's existing inductions before on-the-job training is conducted.

The content of each video will be developed in consultation with the industry (specifically ACGA) and be subject to review by SafeWork NSW. The following topics may be considered:

- Incoming module trucks
- Seed trucks
- Incoming and outgoing bale trucks
- Educational video providing a general overview of cotton ginning

An evaluation will also be conducted to measure the reach of the videos.

Target issue:

Human/vehicle interaction is the biggest safety risk in the cotton farming/transport/manufacturing industries and the risk is significantly heightened during the seasonal peak periods (3-6 months) where casual labour comprises a large percentage of the workforce. The cotton industry is a very specific and specialised industry. There is no formal training or qualifications available or required; most training is on-the-job following an induction.

Tangible outputs:

- a) Consult with ACGA to determine the high risk topics that will be the subject of the videos.
- b) Engage a creative agency to produce 4 videos on the chosen high risk topics.
- c) Develop a communication strategy for industry to promote the videos through the Australian Cotton Ginners Association (ACGA) and its members (this includes major corporates and privately owned cotton gins). Brighann Ginning will promote the videos through:
 - i. Incorporating the videos in the worker and contractor induction process.
 - ii. Publishing the videos on the Brighann Cotton Marketing website which is freely accessed by the general public.
 - iii. Publish the videos on YouTube.
 - iv. Present the videos at an ACGA meeting and provide copies to all interested parties.
 - v. Provide copies direct to all independently owned cotton gins.
 - vi. Explore the opportunity for the videos to be utilised by TAFE as part of the Cotton Ginners Course.
- d) Conduct an evaluation to measure the reach of the videos through:
 - i. Recording the take up of videos from other cotton gins, including recording any feedback received.
 - ii. Recording the number of hits on You Tube.
 - iii. Record the number of workers, contractors and visitors to Brighann Ginning that view the videos.

Audience / beneficiaries:

- Members of the ACGA which encompasses all 38 cotton ginning facilities within Australia. These facilities directly employ 1,150 people during the cotton ginning season plus numerous third party contractors for trade services and transport.
- Associations within privately owned cotton gins who are members of the ACGA.
- All Brighann Ginning workers, contractors and visitors.
- The general public through Brighann Cotton Marketing's website.

Delivery method:

Brighann Ginning, in consultation with relevant industry associations, will determine the topics of the videos which will be produced by a creative agency, subject to review of the storyboard for each video by SafeWork NSW.

The ACGA have expressed positive, proactive interest and are willing to endorse and distribute the videos to members within the association. Privately owned cotton gins who are members of the ACGA have also expressed interest in the videos and are willing to endorse their use within their organisations. Brighann Ginning has been very open about discussing the lessons learnt from the incident to promote improvement in safety awareness in other business across the ginning, agricultural and manufacturing industries so an accident like this doesn't happen again.

Brighann Ginning will also explore the opportunity for the safety videos to be supplied and utilised by TAFE as part of their recently relaunched Cotton Ginners Course.

All Brighann Ginning workers and contractors will be required to watch the videos in conjunction with yearly induction procedures to enhance understanding and promote safe human/vehicle interaction. Brighann Cotton Marketing will promote free access to all videos to the general public by publishing all videos on their website and YouTube. Visitors to Brighann Ginning can also view the videos to have a greater understanding of the high risks to the industry.

Timeframe:

- a) Consultation with industry will commence within 3 months and be completed within 6 months of acceptance of the enforceable undertaking.
- b) Production of the videos (including review of the storyboard by SafeWork NSW) will commence within 6 months and be completed within 12 months of acceptance of the enforceable undertaking.
- c) Development of the communication strategy for industry promotion of the videos will commence within 6 months and be completed within 12 months of acceptance of the enforceable undertaking. Brighann Ginning will promote the videos:
 - i. Via annual induction to all workers, contractors and visitors will commence within 6 months and be completed within 12 months of acceptance of the enforceable undertaking.
 - ii. Via Brighann Cotton Marketing website will commence within 12 months and be completed within 15 months of acceptance of the enforceable undertaking.
- d) An evaluation will commence within 15 months and be completed within 24 months of acceptance of the enforceable undertaking.

Work health and safety outcome:

Increased awareness of the high risks to the industry, including risks for human/vehicle and vehicle to vehicle collision throughout the cotton supply chain and the importance of communication in the workplace.

Cost Breakdown:

Description	\$ Amount
Staff Time – Planning (3 people x 8 hrs @ \$50)	\$1,200
Staff Time – Filming (2 x people x 16 hrs @ \$50)	\$1,600
Consultation with Industry (1 person x 8 hrs @ \$5)	\$400
Production of the videos (including storyboards)	\$34,800
Promotion of the videos	\$1,000
Posting videos to website	\$1,000

Total estimated cost: \$40,000

6. Presentation to Industry on the Incident

Scope:

Brighann Ginning will present a session at the 2018 Australian Cotton Conference. The conference is a national conference, held every two years. It is a joint venture between two leading cotton industry organisations: Cotton Australia and the Australian Cotton Shippers Association (ACSA). Cotton Australia is the peak representative body for the Australian cotton growing industry and ACSA represents the post farm gate interests of the Australian cotton industry.

Australian Cotton Conference has evolved over three decades to become a fully integrated industry conference that encompasses all sectors of the cotton supply chain. The Conference is overseen by a Committee of volunteers, made up of cotton growers, researchers, merchants and representatives from Cotton Australia and ACSA.

The presentation will focus on the following areas:

1. The effect of the incident on the Brighann Ginning;
2. What has changed at Brighann Ginning as a result of the incident; and
3. The strategies Brighann Ginning have delivered as part of the enforceable undertaking and why.

Target issue:

The interaction between humans and vehicles is a major issue in the ginning industry, particularly during the unloading of trucks by contractors.

Tangible outputs:

- a) Develop the presentation; the content of which will be subject to review by SafeWork NSW.
- b) Conduct the presentation at the 2018 Australian Cotton Conference.
- c) Conduct an evaluation of the session whereby participant numbers are recorded and an evaluation form is provided to participants to complete at the end of the session.

Audience / beneficiaries:

Attendees at the conference come from all areas of Australia and represent all members of the supply chain include farm input suppliers, farmers, transport, cotton ginners, cotton merchants and international cotton buyers. The 2016 Cotton conference had 1,941 registered delegates in attendance.

While many within the cotton industry have discussed the lessons learnt from the incident with Brighann Ginning workers, the presentation at the Australian Cotton Conference provides an avenue to extend the reach of lessons from the incident and also promote public discussions around the major risks in the supply chain.

Delivery method:

Delivery of the session will be via face to face presentation. Links to the industry specific safety awareness videos will be provided at the session.

Timeframe:

- a) Development of the presentation will commence within 18 months and be completed within 24 months of acceptance of the enforceable undertaking.

- b) The presentation will be conducted in August 2018.
- c) An evaluation of the presentation will be conducted in August 2018.

Work health and safety outcome:

Participants at the conference will gain a stronger understanding of the risks and hazards associated with the unloading of cotton trucks and valuable information about methods to control risks around the interaction of humans and vehicles on a cotton gin.

Cost Breakdown:

Description	\$ Amount
Preparation time (2 x days @ A\$50 hr)	\$800
Conference registration	\$600
Travel (2 days x A\$50hr)	\$800
Accommodation	\$200
Safety in Focus (Evaluation survey 0.5 days)	\$975

Total estimated cost: \$3,375

Total estimated cost of benefits to industry \$43,375

f. Strategies that will deliver benefits to the community

7. Fatigue Management and Safety Awareness Campaign

Scope:

In conjunction with Safety Month which coincides with the harvest season, Brighann Ginning will promote and conduct a fatigue management and safety awareness campaign for 2 days per week over 3 weeks in October/November 2017. This will be achieved by setting up a marquee located at Graincorp delivery depot Moree, offering free refreshments and safety information on fatigue and wellbeing management. Promotion of the event will occur through the local radio station and newspaper.

Information will be provided to truck drivers to raise awareness in relation to fatigue management, mental health, work/life balance, lessons learnt from the incident and other high risk topics that will be determined in consultation with relevant industry associations and SafeWork NSW.

Target issue:

The regional area of Moree relies almost exclusively on agricultural production as the base of its local economy. It provides jobs both on farms and in the township, as well as agribusinesses like Brighann Ginning who are key employers.

Work in agriculture is seasonal in nature and requires long hours for short periods of the year. For example, the grain harvest generally occurs from mid-October through to the start of December and the workers such as header drivers, chaser bins, trucks and the field crew involved work long hours for continuous weeks. The harvest seasonal workers are similar to ginning workers who are required to do 12 hour days for up to 6 days a week for up to 6 months of the year. Although they have their regular breaks, it is very difficult to maintain normal eating behaviour, sleep patterns and the balance between work and life away from work.

Tangible outputs:

The truck stop event will be run for 2 days per week over 3 weeks in October/November 2017.

- a) Consult with Safety in Focus, Health NSW, Graincorp and SafeWork NSW to determine the high risk topics that will be the subject of the campaign.
- b) Engage a creative agency to develop the advertising campaign.
- c) Arrange the logistics, traffic management, hire of marquee, equipment, refreshments and customised safety information packs. Graincorp has been contacted about Brighann Ginning hosting the event on their site and they are supporting the campaign, as fatigue management has been a major focus for them both internally and externally, specifically as it relates to truck drivers.
- d) Conduct the event with attendance by employees of Brighann Ginning.
- e) Conduct an evaluation of the campaign whereby participant numbers as well as the reach of the radio and newspaper campaign is recorded.
- f) Brighann Ginning will also apply a similar approach to promote fatigue management for its own workers, with particular attention to the transient workers who may be new to shift work.

Audience / beneficiaries: The following groups of people are doing massive hours are having to manage fatigue and wellbeing through quality sleep and regular diet:

- Local and interstate grain transport contractors (workers and owners) as well as farmers who are transporting grain from the farm paddock and delivering to a grain receiver in Moree.
- Farm workers who are doing the grain harvest.
- Service providers such as mechanics/tyre suppliers/compressed air.
- Brighann Ginning workers with particular focus on the transient workers who aren't experienced in shift work.

This strategy also includes the general community who are in full recognition of the annual harvest and who listen to the local radio station.

Delivery method:

Promotion of the event will occur through a radio advertising campaign, as well advertising in the local newspaper. The local radio station will promote the event and broadcast an interview from the marquee and steak and sausage sandwiches will be freely offered as part of the refreshments to entice a larger number of participants.

Selected employees of Brighann Ginning will be in attendance at the marquee to discuss safety. Participants will also be provided with information on relevant high risk safety topics to be determined in consultation with Safety in Focus, Health NSW, Graincorp and SafeWork NSW.

Timeframe:

The Truck stop event will be run for 2 days per week over 3 weeks in October / November 2017:

- a) Consultation with industry will commence within 6 months and be completed within 15 months of acceptance of the enforceable undertaking.
-

- b) Development of the campaign will commence within 9 months and be completed within 12 months of acceptance of the enforceable undertaking.
- c) Arrangement of the logistics of the truck stop event/s will commence within 9 months and be completed within 12 months of acceptance of the enforceable undertaking.
- d) The event/s will be conducted between the hours of 11am and 2pm on 2 days per week for 3 weeks in October/November 2017.
- e) An evaluation of the campaign will commence within 12 months and be completed within 15 months of acceptance of the enforceable undertaking.

Work health and safety outcome:

Increased awareness throughout the local community of the dangers of not managing fatigue whilst working long hours during busy peak seasonal periods, as well as other important work health and safety risks.

Cost Breakdown:

Description	\$ Amount
Planning – Brighann Ginning staff (3 days @ \$50hr)	\$1,200
Industry consultants – preparation (2 days @ \$1,500)	\$3,000
Marquee and equipment hire	\$4,000
Radio and newspaper advertising	\$1,500
Food cost	\$1,500
Fatigue and wellbeing management packs	\$2,000
Time of staff (2 x people per day (5 hrs) @ \$50hr x days)	\$3,000
Evaluation (1 person for 0.5 days)	\$200

Total estimated cost: \$16,400

Total estimated cost of benefits to community \$16,400

TOTAL ESTIMATED VALUE OF THE UNDERTAKING \$127,130

Section 3 – Offer of undertaking

I offer this undertaking and commit to the terms herein.

Signed:



Name: WILLIAM JOHN SEERY

Position: Partner

Dated at MOREE this 1st day

of December, 2016

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: Peter Dunphy

Position: Executive Director SafeWork NSW

Dated at Gosford this 2nd day of December 2016
[suburb] [month] [year]