



20 April 2023

## ENFORCEABLE UNDERTAKING

Part 11

*Work Health and Safety Act 2011*

The commitments in this enforceable undertaking  
are given by

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704

99 146 262 704

to SafeWork NSW and accepted by SafeWork NSW

### **Privacy statement**

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

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

## Purpose

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

## Section 1 – General information

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

Registered Address:	117 Queen St North Strathfield NSW 2137
Postal address:	PO Box 172 Concord NSW 2137
Telephone contact:	██████████
Email address:	██████████@advancedbuildings.com.au
Legal structure:	Australian Proprietary Company
Type of business:	Advanced Buildings Pty Ltd ( <b>Advanced Buildings</b> ) is a private company operating across Australia that delivers large and technical building repair and refurbishment services as a principal contractor in the reinsurance / building repair industry. Advanced Buildings operates in New South Wales, Queensland and Victoria.
Commencement date of the entity:	9 September 2010
Number of workers: (national)	Full-time: 139 Part-time: 6 Casual: 3
Products and/or services:	Project Management, Site Management, Building and Construction Services, Restoration Services

### b. Commencement

This Undertaking comes into effect when:

- i. the Undertaking is executed by Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704;
- ii. SafeWork NSW accepts the executed Undertaking (**Commencement Date**).

### c. Duration

- i. Section 5 identifies timeframes for the completion of each strategy identified in this enforceable undertaking;

- ii. the enforceable undertaking will be concluded on written advice from SafeWork NSW to Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 when all requirements of the undertaking have been satisfactorily executed.

## **Section 2 – The alleged contravention**

### **a. Details of the alleged contravention**

It is alleged by SafeWork NSW that on 28 February 2019, Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 failed to discharge its obligations as a person conducting a business or undertaking under sections 19(1) and 32 of the WHS Act in that it did not ensure so far as reasonably practicable the health and safety of workers and/or others.

### **b. Details of the events surrounding the alleged contravention**

Advanced Buildings is a principal contractor, which engaged a subcontractor to undertake roofing work on two industrial buildings. The work required the workers to remove asbestos roof sheets and replace them with Colourbond metal sheets.

On 28 February 2019, the roof of the building gave way whilst workers were undertaking the removal of asbestos roof sheets from the roof. Four workers, who were nominated workers of the roofing subcontractors, fell approximately 4 metres from the roof. Two of the workers who fell were injured and required medical attention at hospital, one overnight and the other for 2 nights.

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

Two workers required medical attention at hospital. The extent of any injury/ies are otherwise unknown to Advanced Buildings, the principal contractor. The injured workers were not employed by Advanced Buildings, or workers within its workers compensation plan.

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

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 acknowledges that SafeWork NSW has alleged that Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 has contravened sections 19(1) and 32 of the WHS Act.

### **e. A statement of regret that the incident occurred**

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 regrets that the incident on 28 February 2019 occurred.

### **f. Prior work health and safety convictions**

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 has had no prior work health and safety convictions in NSW or other work health safety jurisdictions.

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

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

Two workers required medical attention at hospital. The extent of any injury/ies are otherwise unknown to Advanced Buildings, the principal contractor. The injured workers were not employed by Advanced Buildings or workers within its workers compensation plan.

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

Two workers required medical attention at hospital. The extent of any injury/ies are otherwise unknown to Advanced Buildings, the principal contractor. The injured workers were not employed by Advanced Buildings or workers within its workers compensation plan. Advanced Buildings made enquiries into the workers' wellbeing.

No  The worker was not employed by Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 at the time of the incident.

### Section 3 – Enforcement Notices and Rectifications

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

Were enforcement notices received?

Yes

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
28 February 2019	Prohibition Notice	46518	Alleged contravention of s19 of the WHS Act 2011 and 79 of the WHS Regulations 2017	Fwb Civil Engineering Inspection Report dated 8 March 2019 and SWMS provided on 12 March 2019
28 February 2019	Prohibition Notice	46519	Alleged contravention of s19 of the WHS Act 2011	██████████ Scope of works dated 7 March 2019, SWMS dated 8 March 2019, SWMS checklist dated 11 March 2019 and Notice of intent to remove friable asbestos, Licence Holder, ██████████ dated 28 February 2019.
13 March 2019	Improvement Notice	7-349336	Alleged contravention of s19 of the WHS Act 2011	Clearance certificate dated 5 April 2019, SWMS dated 26 March 2019 and SWMS Checklist dated 8 April 2019 provided on 8 April 2019

**b. Any rectifications or changes made to work health and safety systems and/or practices as a result of the alleged contravention**

Description	\$ Amount
1. Staff Training post incident in 2019	\$6,525
2. Updated Site Management Plans, Contractor Management Plans, Pre-Site Establishment Protocols, etc. in 2019	\$10,000
3. Appointment of the Head of People and Safety in October 2021	\$200,000
4. Associated Recruitment Costs for Item 3	\$32,000



5.	3 new headcount appointed in NSW, VIC and QLD to support safety program delivery in 2022	\$270,000
6.	Associated Recruitment costs for item 5	\$43,200
7.	Delivery of a Culture and Leadership program from Feb 2022 to September 2022. Program Costs (\$276,277) include: Facilitator, Training vendor, venue hire and catering. Wage Costs (\$197,683) include the wage time cost for staff to attend the 3 days of training	\$473,960
8.	External Consultant engaged to review the Safety System and provide recommendation for improvement (Oct 2022)	\$50,000

**TOTAL AMOUNT SPENT ON RECTIFICATIONS**

**\$1,085,685**

## Section 4 – Statements, commitments, and acknowledgements

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

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 confirms that the behaviour that led to the alleged contravention has ceased and commits that it will take all reasonably practicable steps to prevent any recurrence of this type of incident.

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

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 is committed to complying with its obligations under the WHS Act and ensuring, so far as reasonably practicable the health and safety of all workers and those who may be affected by its business or undertakings.

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

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 commits that it will, so far as reasonably practicable, maintain ongoing effective management of work health and safety risks.

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

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 acknowledges that the enforceable undertaking will be published on SafeWork NSW's internet site until the completion of the enforceable terms and may be referenced in SafeWork NSW's publications.

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

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 acknowledges that it has the financial ability to comply with the terms of this enforceable undertaking and has provided evidence with this undertaking to support this declaration.

**f. An acknowledgement consultation has occurred within the workplace regarding the proposal of an enforceable undertaking**

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 acknowledges that it has consulted within the workplace in relation to the development of the enforceable undertaking proposal, including consultation with the Executive Lead Team, Board of Directors, the National Safety Team, External Consultant(s), Employee Groups and Senior Manager Groups

**g. Statement regarding relationships with other parties**

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 acknowledges there are no existing relationship held with the beneficiaries identified in this enforceable undertaking, aside from Advanced Buildings employees, subcontractors and the injured workers.

**h. Intellectual property licence**

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 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.

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

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 acknowledges that the responsibility for demonstrating compliance with this undertaking rests with Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704. Evidence to demonstrate compliance with the terms will be provided to SafeWork NSW by the due date for each Strategy item identified in Section 5.

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 acknowledges that SafeWork NSW may undertake other compliance monitoring activities to verify the evidence that is provided for each Strategy item identified in Section 5. The evidence provided to demonstrate compliance with the undertaking will be retained by Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 until advised by SafeWork NSW that the undertaking has been completely discharged.

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 acknowledges that SafeWork NSW may initiate additional compliance monitoring activities, such as inspections, as considered necessary.

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 acknowledges that should there be any delay in the delivery or compliance of the Enforceable Undertaking this will be subject to mutual agreement (confirmed in writing) between Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 and SafeWork NSW.

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

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 is committed to ensuring that any real or perceived promotion of a benefit arising from this enforceable undertaking will clearly link the benefit to the enforceable undertaking and that the enforceable undertaking was entered into as a result of the alleged contravention identified in section 2 above.

Where products or other deliverables are externally promoted or have a direct link to the enforceable undertaking Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 will include the following statement:

*This (insert product or service) has been (produced, held) pursuant to an enforceable undertaking between Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704, ACN: (insert ACN No.) and SafeWork NSW entered into on (insert DATE EU commenced).*

Any variation to the above statement requires prior written agreement between Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 and SafeWork NSW.

**k. A commitment to gain review and approval for industry and/or community safety information**

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 commits that any strategies to be implemented by Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 in compliance with this Enforceable Undertaking that involve safety information being provided to the industry and/or community will be subject to SafeWork NSW's review and approval of the content prior to dissemination.

**l. Inconsistent Statements**

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 commits that it will not make any statement or otherwise imply anything that is inconsistent with the statements, commitments or acknowledgements contained in this Undertaking and will take steps to ensure its representatives, employees and officers do not make any such statements.

**m. Reliance on Commitments**

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 acknowledges that SafeWork NSW may rely upon the commitments and statements set out in Section 4 (a), (b) and (c) above when making decisions regarding enforcement action if Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 fails to comply with its work health and safety obligations in the future, including but not limited to any failure to comply with its obligations under this Undertaking.

**n. Withdrawal or variation**

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 may with the written agreement of SafeWork NSW withdraw or vary the undertaking in accordance with section 221 of the Work Health and Safety Act 2011.

**o. Acknowledgement of Enforceable Undertakings Guidelines and Contravention of the Undertaking**

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 has read and understood SafeWork NSW Enforceable Undertakings Guidelines.

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 acknowledges that if Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 contravenes any of the terms of this Enforceable Undertaking, SafeWork NSW may apply to the District Court for an order in accordance with section 220 of the Work Health and Safety Act 2011.



## Section 5 – Strategies

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 undertakes to deliver the following Strategies.

Each strategy in the enforceable undertaking aims to provide lasting work health and safety benefits across the workplace, the industry, and the community, or a combination of these.

### Strategies that relate to the dissemination of information in relation to the enforceable undertaking

#### Strategy 1 – Enforceable undertaking public notice

**Summary:**

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 will place a public notice advising of the enforceable undertaking with SafeWork NSW.

**WHS outcome and beneficiaries:**

The public notice serves to advise the general public about the enforceable undertaking and serves as a form of both education and deterrence for industry.

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the table below.

How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 will cause a public notice to be published in the Sydney Morning Herald using the script provided in Annexure 1. The notice in the Sydney Morning Herald will be 1/8 of a page in size. The script for the notices must be approved by SafeWork NSW prior to the public notice being published. Failure to adhere to these conditions may result in SafeWork NSW requesting another public notice be published.	Within 30 days of the Commencement Date of the enforceable undertaking but not prior to SafeWork NSW publishing a copy of the enforceable undertaking on its website.	Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704, Head of People and Safety	Within 7 days of placing the published notices Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 will provide SafeWork NSW with the following evidence of placement.  A copy of the full page of the Sydney Morning Herald showing the public notice and the name and date of the publication.



## Strategy 2 – Dissemination of information about the enforceable undertaking

### Summary:

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 agrees to disseminate information about the enforceable undertaking with SafeWork NSW within its workplace including to its workers, the members of any health and safety committee, health and safety representatives and all subcontractors working for Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 and to any other relevant parties.

### WHS outcome and beneficiaries:

The dissemination of information about the enforceable undertaking is an important step in maintaining effective dialogue with the workforce about the enforceable undertaking and safety more broadly.

### Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the table below.

How is it occurring	When will it happen	Position Title(s) or Area responsible and/or Involved	Evidence that will be provided to SafeWork NSW
Advanced Buildings will inform all active NSW subcontractors about the accepted enforceable undertaking via a toolbox talk and email to those not present at the toolbox talk.	Advanced Buildings will inform the active subcontractors by Toolbox talk and email within 30 days of the Commencement Date of the enforceable undertaking	Head of People and Safety / Safety Team	Advanced Buildings will provide SafeWork NSW with copies of the toolbox talk handout, attendance list and emails with subcontractors.
Advanced Buildings will ensure the Enforceable Undertaking updates are routinely provided to staff with internal announcements initially and at Quarterly Town Hall meetings.	Advanced Buildings will send the initial internal intranet announcement to staff within 21 days of the Commencement Date of the enforceable undertaking. The first quarterly Town Hall will be held within 90 days of the Commencement Date of the enforceable undertaking.	Head of People and Safety / Safety Team	Advanced Buildings will provide SafeWork NSW with the agenda for the Quarterly Town Halls and a copy of the initial internal announcement made on the internal intranet.

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

### Strategy 3 – Subcontractor Management Research

#### Summary:

Advanced Buildings will support the research led and developed by the SafeWork NSW's Centre for Work Health & Safety (Centre for WHS), regarding the difficulties with subcontractor management in the industry with the intended outcome to identify and implement appropriate solutions and strategies. The Centre for WHS will take the research to open tender to find the appropriate research organisation to undertake the research (**Appointed Research Organisation**). Advanced Buildings will support the research by way of funding and support for the duration of the project's life cycle up to the amount stipulated in the cost schedule of this undertaking, commencing within 3 months of the EU being executed.

#### WHS outcome and beneficiaries:

High quality and effective subcontractor risk management remains a challenge for the industry. The behavioural and structural issues in subcontractor management are complex and multi-faceted.

The benefit of this research is to provide the Centre for WHS with meaningful data and research to support the building and construction industry in developing better solutions that improve safety outcomes for the workforce, industry and community. The research will cover the following scope:

- compliance with and use of Safe Work Method Statements (SWMS);
- the motivational drivers for compliance with work health and safety standards (WHS Standards);
- behaviours relevant to compliance and/or non-compliance with WHS Standards;
- review of any existing technology used in achieving WHS Standards compliance;
- evidence based intervention/action;
- outreach enablers (publications and events) which can assist or promote WHS Standards compliance;
- challenges in achieving WHS Standards compliance;
- current methodology adopted to achieve compliance; and
- the risk profile for principal and subcontractor participants.

The results of the research proposed will place the Centre for WHS in a position to be able to better assess and make recommendations on possible solutions to achieve significantly improved compliance with WHS Standards, including SWMS compliance. Advanced Buildings will actively support the research led by the Centre for WHS and the Appointed Research Organisation. Any resulting publication of the Centre for WHS should bring great benefit to improve the systems, processes and methodologies adopted in subcontractor management by principal contractors.

As a result of this strategy WHS benefits are expected in the:

- ✓ Workplace
- ✓ Industry

✓ Community

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the below.

What is happening	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Financial contribution of \$150,000 including GST to the Appointed Research Organisation, in line with the payment schedule and directions agreed with the Centre for WHS.	Advanced Buildings commits to making a contribution to the Appointed Research Organisation in accordance with the payment schedule agreed with the Centre for WHS (by April 2024).	Payment will be made by Advanced Buildings at an agreed time, or otherwise by the completion of the EU strategy.	Responsible: [REDACTED] director of Advanced Buildings.	Advanced Buildings will provide SafeWork NSW with payment receipts.
Attend Centre for WHS research project meetings as reasonably required.	Attend Centre for WHS research project meetings.	Within 1 month of Commencement Date of the Enforceable Undertaking and as reasonably required.	Responsible: Head of People and Safety.	Advanced Buildings will provide SafeWork NSW with copies of meeting minutes and agendas.
Establishment of an Industry Advisory Group (IAG) with a maximum of 14 individuals (8 quorum) for the purpose of advice and consultation of research, including: <ul style="list-style-type: none"> <li>Working in consultation with the Centre for WHS and the Appointed Research Organisation to generate the terms of reference;</li> <li>One research lead from the Appointed Research Organisation to chair meetings;</li> <li>Organising meetings to be agreed with the Centre for WHS (minimum bimonthly for duration of the research project)</li> <li>Minimum of 3 participants at different levels from</li> </ul>	Advanced Buildings to establish and provide the secretariat function for the Industry Advisory Group, as well as provide advice on project milestones and deliverables.  Advanced Buildings to implement bi-monthly interval meetings for the first 6 months and thereafter meet at a maximum of quarterly intervals over the proposed duration of the Enforceable Undertaking or for the 18 months of the research project, whichever comes first.  Advanced Buildings to source and identify potential contacts, seek commitment in consultation with the Centre for WHS.	Advanced Buildings to establish the IAG within 3 months of the EU being executed.	Advanced Building Safety Team under oversight of the Head of People and Safety.	Advanced Building will provide a list of members that have accepted involvement to IAG Centre for WHS approval of the list and to SafeWork NSW.



<p>Advanced Buildings (secretariat, supervisor/manager and executive); and</p> <ul style="list-style-type: none"> <li>Minimum 8 representatives from the industry at various levels outside of Advanced Buildings.</li> </ul>	<p>Advanced Buildings will provide access to its historical data records from approximately 500 – 800 projects completed in NSW to the Appointed Research Organisation, for the sole purpose of the research being led by the Centre of WHS, specifically:</p> <ul style="list-style-type: none"> <li>historical data source;</li> <li>CM3 – contractor engagement; and</li> <li>onboarding and portal.</li> </ul>	<p>Within 6 months of the EU being executed and for the duration of the project life cycle until completion of the EU strategy.</p>	<p>Advanced Building Safety Team under the oversight of the Head of People and Safety.</p>	<p>Advanced Buildings will provide SafeWork NSW with copies of the transmission receipt or emails confirming access.</p>
<p>Advanced Buildings to allocate project support as the key contact for duration of the research project to the completion of the EU.</p>	<p>Advanced Buildings to allocate project support as the key contact for the duration of the research project to the completion of the EU.</p>	<p>Appointed within 1 month of Commencement Date of the Enforceable Undertaking.</p>	<p>Responsible: Head of People and Safety.</p>	<p>Advanced Buildings will provide SafeWork NSW with a copy of the letter to Centre for WHS confirming the key contact.</p>
<p>Advanced Buildings will provide access to its team and other resources, as necessary for the research.</p>	<p>Advanced Buildings will provide the Centre for WHS and/or the Appointed Research Organisation access to Advanced Buildings team members act as key contacts for the Appointed Research Organisation.</p>	<p>As reasonably required, for the duration of the project life cycle until completion of the EU strategy.</p>	<p>Advanced Building Safety Team under the oversight of the Head of People and Safety</p>	<p>Advanced Buildings will provide SafeWork NSW with written communication from Advanced Buildings to Centre for WHS regarding access to the team member(s) allocated to assist the Appointed Research Organisation as needed.</p>
<p>Advanced Buildings will identify potential research participants from Advanced Buildings and in the construction sector for the research project.</p>	<p>Advanced Buildings will source and provide a list of contacts (minimum ten individuals) from the following groups:</p> <ul style="list-style-type: none"> <li>WHS managers / co-ordinators;</li> <li>WHS representatives;</li> <li>WHS training developers and trainers</li> </ul>	<p>Within 3 months of the Commencement Date of the enforceable undertaking and then as reasonably required.</p>	<p>Advanced Building Safety Team under the oversight of the Head of People and Safety.</p>	<p>Advanced Buildings will provide SafeWork NSW with a list of interview participants approved by the Centre for WHS.</p>



	<ul style="list-style-type: none"> <li>HR representative, or those responsible for onboarding staff</li> <li>Site supervisors;</li> <li>Individuals who customarily undertake costing estimates and initial safety reviews;</li> <li>Site workers;</li> <li>Subcontractor directors; and</li> <li>Subcontractor site workers.</li> </ul> <p>The Appointed Research Organisation may use this list to invite and engage individuals to participate in interviews relevant to the research project</p> <p>Advanced Buildings will release workers who wish to participate in the research (i.e. time and salary from their normal duties to participate).</p>			
Advanced Buildings will promote surveys for the Centre for WHS and/or the Appointed Research Organisation.	Promote an online survey to principal contractors and subcontractors using Advanced Buildings' website, internal staff bulletins, direct communications with participants or other channel(s) as agreed with the Centre for WHS and / or the Appointed Research Organisation.	Within 12 months of the Commencement Date of the enforceable undertaking or as reasonably required.	Advanced Building Safety Team under the oversight of the Head of People and Safety.	Confirmation information and links to the survey have been promoted through agreed channel(s).
Advanced Building will host, fund and facilitate one industry event to invite key players in the industry to present the findings of the research, led by the Centre for WHS and the Appointed Research Organisation.	Advanced Building will host one industry event to present the key findings of the research as agreed with the Centre for WHS and SafeWork NSW. Venue and catering for the event will be provided by Advanced Building.	Within 3 months of the completion of the research project.	Head of People and Safety	Confirmation of the event including the date, location, agenda and guest list will be submitted to SafeWork NSW.
Advanced Buildings will communicate outcomes and outputs of the research project.	Advanced Buildings will communicate outcomes and outputs of the project on its website, social media and printed media where it is appropriate.	Within 24 months of the Commencement Date of the Enforceable Undertaking, or otherwise when the Centre for WHS informs Advanced Buildings the	Head of People and Safety	Advanced Buildings will provide SafeWork NSW with copies of the communications.

Advanced Buildings will provide WHS training, education, and /or practice materials.	Locate and provide copies of any training, education or practice material on the topic of WHS, as relevant to the research project, that is provided to any staff in Advanced Buildings to be used as part of the benchmarking of existing WHS training, SWMS review and tools against best-practice.	communications are approved. Within 9 months of the Commencement Date of the Enforceable Undertaking	Head of People and Safety	Copies of any training, education, practices materials on the topic of WHS or SWMS review that is provided to any staff in Advanced Buildings
--	---	---	---------------------------	---

**Cost:**

Description	\$ Amount
Contribution amount to the Centre for WHS	██████████
Internal Staff Work Effort – 1-2 headcount allocated for 24 months of work (2 x Advisor level resources (approx. \$120k p.a. at 70% work effort for 2 years = (\$84,000 x 2) x 2 years = \$168,000	██████████
Casual, cadets, and paid work experience placements to provide Project Support Paid Student Placement x 2 @ 100 hours @ \$27 per hour = \$5,400 Paid Cadetships x 2 @ \$60,000	██████████
Industry event	██████████
Coordination and relevant administration costs incurred by Advanced Buildings	██████████
<b>Total estimated costs</b>	<b>\$563,400</b>

**Strategy 4 – WHSMS audit strategy**

The audit will assist Advanced Buildings to identify and detail gaps in its working at heights, and the timing and process of review of subcontractor, Safe Work Method Statements undertaken prior to roofing works commencing within its current WHS management systems and procedures against WHS legislative and Advanced Buildings' operative requirements, considering the following areas:

- the timing and roles of those involved in safety inspections;
- roofing subcontractors developing and updating Safe Work Method Statements for use at site;
- Advanced Buildings' review of subcontractor Safe Work Method Statements;
- introducing and enforcing systems to directly connect the development, updating and review of SWMSs with risks associated with the correct identification of all work areas, and the identification of evolving work areas;
- the preferred safety equipment to be used when performing roofing works;

- documented procedures and systems of work; and
- WHS training and supervision.

The audit will measure the level of compliance from Advanced Buildings against the following standards considering the tasks being completed and any other relevant industry specific reference material:

- SafeWork NSW Code of Practice – How to safely remove asbestos;
- SafeWork NSW Code of Practice – Hazardous manual tasks;
- SafeWork NSW Code of Practice – How to manage health and safety risks;
- SafeWork NSW Code of Practice – Managing the risks of falls in the workplace; and
- SafeWork NSW - Construction falls from heights safety checklist.

Advanced Buildings will identify and detail improvement suggestions (based on identified gaps) to assist in the development of a corrective action plan focused on improved performance across Advanced Buildings' operations in:

- the timing and roles of those involved in safety inspections;
- developing and amending Safe Work Method Statements by roofing subcontractors, and the review of same by Advanced Buildings; and
- the preferred safety equipment to be used when performing roofing works.

**WHS outcome and beneficiaries:**

The Audit strategy will support Advanced Buildings to:

- identify gaps in its systems and processes;
- ensure ongoing use and compliance with the system; and
- promote ongoing adaptation of the system to achieve effective safety outcomes.

As a result of this strategy WHS benefits are expected in the:

- ✓ Workplace
- ✓ Industry
- ✓ Community

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the below table.

What is happening	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Engage auditor and audit plan	Advanced Buildings will identify and engage a suitably qualified WHS auditor to complete the audit and assist in the	Within 1 month of the Commencement Date of	Head of People and Safety	Advanced Buildings will provide SafeWork NSW with copies of the auditor engagement letter and

	development of the corrective action plan. An audit plan will be provided by the selected auditor outlining the scope of the audit (list of audit criteria, how the audit will occur and timeframes involved). The audit plan will be approved by SafeWork NSW prior to the audit commencing.	the enforceable undertaking	the initial audit plan outlining the audit scope.
Audit recommendation & development of a corrective action plan to address recommendations	Advanced Buildings, in consultation with the auditor, will develop a corrective action plan to address each of the recommendations outlined in the audit report. The corrective plan will outline what action is required and the timeframe to complete each action.	Within 7 months of the Commencement Date of the enforceable undertaking	Advanced Buildings will provide SafeWork NSW with a copy of the plan to action the audit recommendations including actions required, people responsible and timeframes. Advanced Buildings will supply SafeWork NSW with quarterly updates on the progress of the action plan until the follow up audit is completed.
Follow up audit	Advanced Buildings to ensure a secondary audit occurs to measure the level of implementation of the above corrective action plan.	Within 24 months of the Commencement Date of the enforceable undertaking	Advanced Buildings will provide SafeWork NSW with a copy of the follow up audit report certified by the auditor as an unaltered copy of the original.

**Cost:**

Description	\$ Amount
Estimated Cost of external auditor	██████████
Estimated costs to action audit recommendations (estimated figure as the work effort will be defined by the finding and the requirements of ISO certification)	██████████
<b>Total estimated costs</b>	<b>\$250,000</b>



## Strategy 5 – Business Improvement – Systems

### Summary:

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 will implement an automated WHS Management System to streamline the current Advanced Buildings WHS systems.

### WHS outcome and beneficiaries:

The direct beneficiaries are the employees of Advanced Buildings, but the initiative carries a broader benefit by supporting the easily automated transfer of information from Advanced Buildings data for research and other purposes.

As a result of this strategy WHS benefits are expected in the:

- Workplace
- Industry
- Community

### Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the below.

What is happening	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Advanced Buildings will implement an automated WHS Management System to streamline the current Advanced Buildings WHS systems.	Advanced Buildings will use an external consultant to review current processes and systems and report on the current status and opportunity to streamline the WHS processes.  The external auditor will make recommendations.  The external auditor will assist Advanced Buildings to implement an automated and streamlined WHS system.	Consultant review and report within 3 months of the Commencement Date of the Enforceable Undertaking.  Advanced Buildings will implement a new automated system within 9 months of the Commencement Date of the Enforceable Undertaking.	Advanced Building Safety Team under the oversight of the Head of People and Safety.	Advanced Buildings will provide copies of the consultant's report to SafeWork NSW.  Advanced Buildings will provide a copy of the contract or agreement between Advanced Buildings and the consultant after engagement.

Advanced Buildings will formulate an action plan for the implementation of the new system including provisions for training staff and post implementation.	The Advanced Buildings Safety Team will create and implement an action plan to communicate with and provide training to staff on the new WHS system.	Advanced Buildings will implement the staff communication and training system within 9 - 12 months of the Commencement Date of the Enforceable Undertaking.	Advanced Building Safety Team under the oversight of the Head of People and Safety.	Advanced Buildings will provide SafeWork NSW with copies of the action plan, invitations, attendance register and agendas of the training program.
--	--	---	---	--

**Cost:**

Description	\$ Amount
Internal Staff Work Effort – 1-2 headcount allocated for 12 months of SMS implementation - 2 x Advisor level resources (approx. [redacted] p.a. at 70% work effort for 1 year) = [redacted] x 2 = [redacted]	[redacted]
External Auditor to assess current system and provide recommendation - [redacted]	[redacted]
Safety Management System Implementation (Vendor Costs)	[redacted]
Safety Management System Maintenance Costs (Vendor Costs) - [redacted] per year x 2	[redacted]
External third party audit costs - [redacted] per year x 2	[redacted]
<b>Total estimated costs</b>	<b>\$359,500</b>

**Strategy 6 – Industry and Community Contribution**

**Summary:**

Advanced Buildings will provide a wider contribution to the industry and community by commencing specific work experience placements, scholarships, cadetships, thought leadership and industry body participation.

**WHS outcome and beneficiaries:**

The initiatives in this strategy will provide direct benefit to the next generation of industry and WHS professionals and support the ongoing maturation of the reinsurance and construction industry.

As a result of this strategy WHS benefits are expected in the:

- ✓ Workplace
- ✓ Industry
- ✓ Community

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the below.

What is happening	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
<p>Advanced Buildings will create two paid project work placements per year at a minimum of 100 hours for WHS Students to support the work required in delivering these Strategies.</p>	<p>Advanced Buildings will create up to 2 paid project placements for students of Bachelor of Occupational Health and Safety, and / or Graduate Diploma in OHS.</p> <p>Each placement will have a work plan completed prior to commencement to define the work activities required by each placement.</p> <p>Advanced Buildings will seek to engage the work placements from [REDACTED]</p> <p>If Advanced Buildings is unable to source students from Bachelor or Post Graduate qualifications, Advanced Buildings will seek to source students from Cert IV and Diploma level qualifications through TAFE and other certified registered training organisations.</p>	<p>The work placements will be offered over the 24 months of the Enforceable Undertaking. Each placement will commit Advanced Buildings to offering a minimum of 100 hours of paid work.</p>	<p>Advanced Building Safety Team under the oversight of the Head of People and Safety.</p>	<p>Advanced Buildings will provide copies of the engagement contracts with the placements to SafeWork NSW.</p>
<p>Advanced Buildings will create one paid annual cadetship per year up to a maximum value of \$60,000 p.a. for each year of the Enforceable Undertaking. The cadetship will have its own specified position description and accountabilities for the work delivery required with the intent of providing hands on tangible experience for aspiring WHS professionals</p>	<p>Advanced Buildings will offer the 12-month cadetships to a student of Bachelor of Occupational Health and Safety, and or the Graduate Diploma in OHS. Cadet placement may be part or full time to support study requirements.</p> <p>Advanced Buildings will seek to engage the work placements from [REDACTED]</p>	<p>Two 12-month cadetships will be offered over the period of 24 months during the Enforceable undertaking. Each cadetship will attract a maximum cost value of \$60,000 p.a. as a direct salary to the cadet.</p>	<p>Advanced Building Safety Team under the oversight of the Head of People and Safety.</p>	<p>Advanced Buildings will provide copies of the engagement contracts with the cadets to SafeWork NSW.</p>

	<p>If Advanced Buildings are unable to source students from Bachelor or Post Graduate qualifications, Advanced Buildings will seek to source students from Cert IV and Diploma level qualifications through TAFE and other certified registered training organisations.</p>			
<p>Advanced Buildings will establish university scholarships to encourage participation for disadvantaged and/or underrepresented groups such as: Female, First Nations, LGBTQIA+, refugee / disadvantaged communities.</p>	<p>Subject to compliance with State and Federal Anti-Discrimination laws, Advanced Buildings will offer one yearly scholarship per year to a person from a disadvantaged or underrepresented group to undertake courses within a Bachelor of Occupational Health and Safety degree, and/or a Graduate Diploma in QHS.</p> <p>In the event that there are, within the relevant time period during which applications are open for the given year, insufficient applications from persons within a disadvantaged or underrepresented group, Advanced Buildings will (in consultation with the University or relevant training provider) determine whether to open the scholarship to be available to persons outside the relevant groups, delay the scholarship and offer an additional scholarship the following year, or make the scholarship available for post graduate studies.</p>	<p>The scholarships will be offered each year for the 24 months of the Enforceable Undertaking. Each scholarship will attract an expected cost value of \$16,500 p.a.</p> <p>The process of selection will be handled in cooperation with the relevant University or organisation</p>	<p>The Head of People and Safety will take lead, however members of the ELT and Safety Team may participate in the selection process.</p>	<p>Advanced Buildings will provide copies of the letters awarding the scholarships to SafeWork NSW.</p>
<p>Produce Thought Leadership</p>	<p>Advanced Buildings will develop and publish 1x thought leadership article each 6 months for the duration of the Enforceable Undertaking. These articles may initially focus on the research findings from the other strategy, but may evolve to cover</p>	<p>Advanced Buildings will develop and publish 1x thought leadership article each 6 months for the duration of the Enforceable Undertaking.</p>	<p>Advanced Building Safety Team under the oversight of the Head of People and Safety.</p>	<p>Advanced Buildings will provide copies of the publications to SafeWork NSW for approval prior to publishing, including the names and qualifications of the authors.</p>



	<p>Industry wide safety challenges and potential solutions. The articles will be published on the Advanced Buildings website, social media accounts, and where possible via the websites for the Centre for WH&amp;S, [REDACTED]</p>		
--	--	--	--

**Cost:** (Please provide details of the estimated costs associated with the strategy)

Description	\$ Amount
Paid Student Placement x 2 @ 100 hours @ \$27 per hour	(Costed into strategy 3) \$5,400
Paid Cadetships x 2 @ \$60,000	(Costed into strategy 3) \$120,000
One paid scholarship per year - \$16,500 x 2 scholarships / 2 years = \$33,000	\$33,000
Thought Leadership – Estimated Time and Publication Costs – rough estimate based around time allocation and resource to produce item	\$50,000
<b>Total estimated costs</b>	<b>(Excluding those costed into strategy 3) \$83,000</b>

### **Cost Summary**

**Cost:**

Cost Summary	\$ Amount
Strategy 3 – Subcontractor Management Research	\$563,400
Strategy 4 – WHSMS Audit Strategy	\$250,000
Strategy 5 – Business Improvement Systems	\$359,500
Strategy 6 – Industry and Community Contribution	\$83,000

**TOTAL ESTIMATED VALUE OF THE UNDERTAKING**

**\$1,255,900**

## Section 6 – Execution of Undertaking

Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 give this undertaking and commit to the terms herein.

Signed: 

Executed on behalf of Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 in accordance with section 127(1) of the Corporations Act 2001

Name: Joseph Rinaldi

Position: Director

Dated at North Strathfield this 20th day of April, 2023

Signed: 

Executed on behalf of Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 in accordance with section 127(1) of the Corporations Act 2001

Name: Stephen James Barlow

Position: Director

Dated at North Strathfield this 20th day of April, 2023

Witnessed in the presence of:

Signed: 

Name: Insert name of signatory T Eugene Elisara

Dated at North Strathfield this 20th day of April, 2023

## Section 7 – SafeWork NSW's acceptance of undertaking

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

Signed: 

Name: Valerie Griswold

Position: Executive Director, Investigations and Enforcement.

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

Dated at Sydney this 24th day of April 2023

## **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.**

On 28 February 2019, 4 workers employed by subcontractors of Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704, suffered injuries when they fell approximately 4 metres from a roof, which gave away whilst they were undertaking roofing work on site.

SafeWork NSW investigated the incident and subsequently alleged that Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 contravened sections 19(1) and 32 of the Work Health and Safety Act 2011.

SafeWork NSW has accepted an enforceable undertaking from Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704 in accordance with Part 11 of the Work Health and Safety Act 2011 in relation to the abovementioned alleged contravention. This notice has been placed under the terms of the Enforceable Undertaking and acknowledges acceptance of the Enforceable Undertaking by Advanced Buildings (NSW) Pty Limited, ABN 99 146 262 704.

The undertaking requires the following actions:

- to arrange this public notice about the enforceable undertaking;
- to disseminate information about the enforceable undertaking within its workplace and to all its subcontractors;
- to support the research led and developed by the SafeWork NSW’s Centre for Work Health & Safety, regarding the difficulties with subcontractor management in the industry. The support includes funding and collaboration with the Appointed Research Organisation of SafeWork NSW’s Centre for Work Health & Safety;
- to arrange a Work Health & Safety audit to identify and detail gaps in its working at heights, review of subcontractor Safe Work Method Statements undertaken prior to roofing works commencing;
- to implement an automated Work Health & Safety Management System to streamline the current Advanced Buildings Work Health & Safety systems;
- to create two paid project work placements per annum for Work Health & Safety Students at Advanced Buildings (NSW) Pty Limited during the enforceable undertaking;
- to create one paid cadetship per annum for an aspiring Work Health & Safety professional at Advanced Buildings (NSW) Pty Limited during the enforceable undertaking;
- to establish a university scholarship per annum for Work Health & Safety Students during the enforceable undertaking; and
- to develop and publish a thought leadership article each 6 months during the enforceable undertaking.

The full undertaking and general information about enforceable undertakings is available at <http://www.safework.nsw.gov.au/>.