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Government
of South Australia

SafeWork SA

Application for proposed **ENFORCEABLE UNDERTAKING**

The commitments in this undertaking are offered to the Regulator by

AMS BUILT PTY LTD

ABN 46 368 569 812

OFFICIAL

GENERAL INFORMATION:

The information provided in this document is for the purpose of applying for an enforceable undertaking (EU) under Part 11 of the *Work Health and Safety Act 2012 (SA)* (the Act) in lieu of potential prosecution.

The information will be managed in accordance with the confidentiality provisions of the Act and the SafeWork SA Confidentiality of Information Policy.

If an EU is accepted by the Regulator, both the EU agreement and the Reasons for Decision Notice will be published on the SafeWork SA website within 28 days. EU's and the Reasons for Decision Notice will remain on the SafeWork SA website and will only be removed at the discretion of the Regulator.

Refer to the 'Enforceable Undertaking Application Guidelines' for further guidance on completing this application.

COMMENCEMENT OF UNDERTAKING

The EU will take effect when the Regulator accepts the EU Application. The date of acceptance is the date the Regulator (or their delegate) signs the EU application.

The EU agreement will not exceed 18 months in duration unless permission has been given by the Regulator to extend the duration to 24 months.

The Undertaking will conclude on written advice from the Regulator to the applicant when all requirements of the undertaking have been satisfactorily completed.

SECTION 1: GENERAL INFORMATION

1.1 Details of the applicant proposing the undertaking

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| Nominated person: (Point of contact for SafeWork SA communications) | Adam Shanahan |
| Street address: | [REDACTED] |
| Postal address: | As above |
| Telephone: | 0411 026 655 |
| Email address: | admin@amsbuilt.com.au |
| Legal structure: | Company |
| Type of business: | Residential construction |
| Date business registered: | 13 February 2019 |
| No of Workers: Full time: | 1 (utilises contractors on an as needs basis) |
| Part time: | |
| Casual: | |
| Products and services: | Residential Construction |
| Comments: | The Company is constituted by its sole director and employee, Adam Shanahan. |

1.2 Details of the characterised or alleged contravention

On 27 March 2025, AMS Built Pty Ltd (the **Company**) was served with an Information and Summons which alleged that:

Count 1

1. The first defendant (the Company), on 19 April 2023, at Stirling in the State of South Australia, committed a Category 2 offence.

(A minor indictable offence against section 32 of the *Work Health and Safety Act 2012*).

Particulars of offence

- 1.1. The first defendant had a health and safety duty:

- 1.1.1. At all material times, the first defendant was a body corporate conducting a residential construction and development business.
- 1.1.2. At all material times, the first defendant was engaged as the principal builder for the residential construction project located at Stirling SA 5152 ('the site').
- 1.1.3. At all material times, the first defendant engaged the second defendant to provide first fix carpentry services for the residential construction project ('the task').
- 1.1.4. At all material times, the first defendant engaged workers, including the injured worker to assist with the task at the site.
- 1.1.5. The first defendant had a health and safety duty prescribed by section 19(1) of the Act to ensure, so far as reasonably practicable, the health and safety of workers it engaged while they were at work in its business.

1.2. The first defendant failed to comply with that duty:

- 1.2.1. Whilst at work at the site, the workers were exposed to a risk to their health and safety because:
 - 1.2.1.1. The workers were required to undertake the task at the site.
 - 1.2.1.2. The task involved high risk construction work.
 - 1.2.1.3. The workers were required to undertake the task whilst working on the first floor of the site.
 - 1.2.1.4. The first floor of the site was approximately 3.5 metres above a ground floor concrete slab.
 - 1.2.1.5. The first floor of the site contained an unguarded stair void that measured approximately 4.1 metres x 3.6 metres.
 - 1.2.1.6. It was possible for a worker to fall through the unguarded stair void onto the ground floor concrete slab.
 - 1.2.1.7. It was possible for such a worker to suffer serious injuries from such a fall.
- 1.2.2. The first defendant failed to provide and maintain, so far as was reasonably practicable, a safe work environment without risks to health and safety because it failed to eliminate and/or minimise the exposure of the workers to a risk of falling by:
 - 1.2.2.1. Failing to ensure that the stair void was guarded prior to work being undertaken on the first floor; and

- 1.2.2.2. Failing to ensure that a fall prevention device was provided prior to work being undertaken on the first floor.
 - 1.2.3. The first defendant failed to provide and maintain, so far as was reasonably practicable, a safe system of work for the task, because it failed to prepare a site-specific WHS Management Plan for the residential construction project - and consequently:
 - 1.2.3.1. Failed to identify the requirement for the second defendant to provide a site-specific Safe Work Method Statement for evaluation; and
 - 1.2.3.2. Failed to evaluate the second defendant's Safe Work Method Statement for accuracy and appropriateness; and
 - 1.2.3.3. Failed to ensure that the second defendant's Safe Work Method Statement was accurate and appropriate.
 - 1.3. The first defendant's failure exposed an individual to a risk of death or serious injury:
 - 1.3.1. Being the risk of death or serious injury arising from working on the first floor of the site containing an unguarded stair void through which a worker could fall; and
 - 1.3.2. Which risk materialised on 19 April 2023 when the injured worker suffered serious injuries as a result of falling 3.5 metres through an unguarded stair void onto the ground floor concrete slab.

Count 2 - First Defendant

2. The first defendant (the Company), on 19 April 2023, at Stirling in the State of South Australia, committed an offence against section 46 of the *Work Health and Safety Act 2012*.

(A summary offence against section 46 of the *Work Health and Safety Act 2012*).

Particulars of offence

- 2.1. The first defendant had a health and safety duty:
 - 2.1.1. At all material times, the first defendant was a body corporate conducting a residential construction and development business.
 - 2.1.2. At all material times, the first defendant was engaged as the principal builder for the residential construction project located at Stirling SA 5152 ('the site').
 - 2.1.3. At all material times, the first defendant engaged the second defendant to provide first fix carpentry services for the residential construction project ('the task').

- 2.1.4. At all material times, the first defendant engaged workers, including the injured worker to assist with the task at the site.
- 2.1.5. The first defendant had a health and safety duty prescribed by section 19(1) of the Act to ensure, so far as reasonably practicable, the health and safety of workers it engaged while they were at work in its business.

2.2. The first defendant failed to comply with that duty:

- 2.2.1. The first defendant failed to adequately consult, co-operate or co-ordinate with the second defendant to ensure that the second defendant provided and maintained, so far as was reasonably practicable, a safe system of work for the task to be undertaken at the site.
- 2.2.2. The first defendant failed to adequately consult, co-operate or co-ordinate with the second defendant to ensure that the second defendant performed an adequate hazard identification and risk assessment process specific to the task, and to then ensure that adequate control measures were put in place to eliminate and/or minimise the identified risks.

1.3 Detail the events surrounding the characterised or alleged contravention

At approximately 11:00am on 19 April 2023, Ruediger Construction Pty Ltd (**Ruediger Construction**) attended a double-story residential build site (**Site**) managed by the Company to perform first-fix carpentry services.

The Company had organised edge protection scaffolding and void protection for the approximately 4.1 x 3.6 stairwell void on top of the first storey; however, this had been delayed and was not yet installed, and the wait on it had not been communicated to Ruediger Construction.

Three of Ruediger Construction's workers (including the injured worker) were working atop the first storey, putting together the window frames. This involved the injured worker walking backwards atop the first storey dropping the window studs into place for the other two workers to "shoot in" with nail guns.

The injured worker walked backwards through the unguarded stairwell void and fell 3.5 metres onto the ground floor concrete slab, suffering a mild traumatic brain injury with small intracranial haemorrhages, cranial fracture and non-displaced facial fractures, alongside multiple head and neck injuries and bone bruising on his right knee.

The two other workers from the roof climbed down and contacted emergency services and then the Company. The Company's director attended the site, and an ambulance took the injured worker to hospital.

1.4 Details of any enforcement notices issued that relate to the characterised or alleged contravention

Tick if there were no notices issued by SafeWork SA in relation to the contravention.

| Date issued | Notice type | Notice number | Contravention or prohibited activity | Notice Directions | Action taken in response to notice |
|-------------|--------------------|---------------|---|--|---|
| 20.4.2023 | Improvement Notice | WHSIN 234344 | Company had not preserved incident scene and wooden handrails had been put around stair void post incident. | Ensure so far as reasonably practicable that scene not disturbed or altered until inspector arrives or otherwise directed by SafeWork SA. Provide a company policy acknowledging the direction of this notice. | WHS Management Plan updated to include this detail and site signage has also reinforced non-disturbance requirements. |
| 20.4.2023 | Improvement Notice | WHSIN 234334 | The Company did not have copy of carpenter contractor's site-specific SWMS. | Ensure site-specific SWMS is prepared and obtained from carpenter contractor before high-risk construction work commences. Ensure fall controls listed and appropriate. | Site-specific SWMS obtained containing appropriate controls. |
| 20.4.2023 | Improvement Notice | WHSIN 234335 | The Company did not have site-specific WHS management plan. | The Company must prepare a site-specific WHS Management Plan and ensure this. | WHS management plan developed, which is tailored for each site. |

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|-----------|--------------------|--------------|--|---|--|
| | | | | implemented for future work. | |
| 20.4.2023 | Prohibition Notice | WHSPN 234331 | All work and access to first level of domestic house prohibited. | In consultation with carpenter contractor review and revise controls for risk of falls from one level to another. | Consultation occurred with contractor to review and revise control measures. |

1.5 Detail the injury or illness suffered by worker/s or other/s as a consequence of the characterised or alleged contravention detailed above

The injured worker suffered a mild traumatic brain injury with a sub galeal haematoma, a cranial fracture (right temporal bone) and non-displaced facial fractures, alongside multiple head and neck injuries and bone bruising on his right knee.

1.6 Detail the employment, workers' compensation and insurance status regarding the person who sustained injury or suffered illness as detailed in 1.5

The injured person is:

- an employee of the entity
- a self-employed person
- other – a former employee of the first-fix carpenter service (Ruediger Construction) contracted by the Company to perform first-fix carpentry at the Site.
- not applicable

Status: The injured person engaged in a graduated return to work per the Return-to-Work process and regained full work capacity in late October 2023. The injured worker has since resigned from his employment with Ruediger Construction, to take up a new opportunity within the sector.

1.7 Detail the support provided or proposed by the applicant to the injured person and/or family or other/s

| Date | Description of support | Comments and costs |
|---------------|--|--------------------|
| May/June 2023 | <p>Discussions with Ruediger Construction's Director regarding the Company offering training for a Coordinator/Office position with the Company to enable to injured worker to re-enter the workplace.</p> <p>These discussions included what could be offered, estimations, drawing review, budgeting and associated matters relating to role.</p> <p>Ruediger Constructions ultimately advised that the injured worker had returned to work on light duties.</p> | N/A |
| August 2023 | <p>Adam Shanahan spoke to the injured person at a Company build site at Torrensville, enquiring how he was feeling and recovering, and offering support.</p> <p>The injured worker indicated he had returned to work, working on site several days a week.</p> | N/A |

1.8 Detail the work, health and safety systems implemented at the workplace pre incident

Prior to the incident, the Company relied on:

- generic SWMS
- a suite of WHS policies and procedures (including a WHS manual since 2002)
- regular site inspections
- continuous site CCTV
- subcontractor agreements (containing provisions for WHS) and accompanying checklists
- review of its subcontractors' safety documents, SWMS, and tickets

- links to its WHS documents, policies and procedures provided to subcontractors during the tender and construction process
- site safety plans, and
- site meetings upon commencement of subcontractors at builds to ensure safety at its sites.

1.9 Detail the level and frequency of internal and external auditing undertaken on the work, health and safety systems referred to in term 1.8

Prior to the incident, the Company had not engaged external auditors on the WHS systems outlined in section 1.8. The Director of the Company conducted and reviewed WHS responsibilities.

Internally, periodic general safety inspections occurred via site inspections and review of CCTV footage on a daily to fortnightly basis (subject to site activity). The Company also had informal verbal discussions with subcontractors at builds regarding WHS matters, and collected their safety documents, SWMS and tickets.

The Company is committed to increasing the level of internal and external auditing as detailed in this undertaking via the various initiatives at clause 3.2.

1.10 Details of any consultation undertaken with respect to this application – this may include consultation with injured person(s), workers, industry members or with the community

(This should reflect any consultation in developing the undertaking e.g. workers, managers, safety committees, injured worker/s external consultants)

The Company has consulted with the injured worker's then employer, Ruediger Construction Pty Ltd, in developing this application.

1.11 Detail the rectifications to the workplace or work practices made as a result of the characterised or alleged contravention and the enforcement notices issued

The post incident rectification measures undertaken by the Company include:

- a WHS management plan review and development of associated checklists through engagement with Workplace Safety Consultants (the associated cost was \$308)
- utilising a drone to take site photos, which were provided to Safe Work SA (no cost)
- site and toilet clean up (\$2,317.50)
- further perimeter fencing erected at site (\$1,134)

- edge protection implemented at site (\$1,599.40)
- void protection implemented at site (\$2,877.29)
- additional WHS signage at site (\$440)
- purchased scaffolding for use on building sites (\$8,233.50), and
- Director undertook first aid refresher course (\$175)

Total amount spent on rectifications \$ 17,084.69

SECTION 2: GENERAL TERMS

The applicant acknowledges and commits to the general terms set forth in the sub-terms below.

2.1 Acknowledgement that the Regulator characterised or alleged that a contravention occurred as detailed in term 1.2

It is acknowledged that SafeWork SA alleges contraventions of the *Work Health and Safety Act 2012 (SA)* in relation to the incident as appears at section 1.3.

2.2 Statement of regret that the characterised or alleged contravention occurred and the reasons the applicant considers this undertaking is a more appropriate response than a prosecution

The Company sincerely regrets the events of 19 April 2023 and the injuries sustained by the worker. The Company considers this undertaking as an opportunity to ensure that system-wide improvements identified to mitigate WHS risks are adopted, implemented, and enforced. This undertaking will enable the Company to direct its energies and resources into WHS system improvements for the benefit of the workers at its sites.

The Company recognises the significance and potential for industry wide benefits to stem from the learnings connected with the events of 19 April 2023. The Company is committed to understanding and communicating its learnings, specifically regarding the importance of:

- SWMS
- edge and void protection for working at heights
- developing safe systems of work
- collaborating, consulting, and coordinating with shared WHS duty holders, and
- the provision of information, instruction, and supervision to workers within the industry more broadly via the initiatives set out in this undertaking.

2.3 Acknowledgment of the guidelines published by the Regulator for the acceptance of an undertaking

I have read and understood the **Guidelines for the acceptance of an enforceable undertaking**

Version: 3

Dated: September 2024

2.4 Acknowledgement that this undertaking is a matter of public record and will be published on acceptance

2.4.1 The Company acknowledges that the undertaking will be published on the SafeWork SA website (in accordance with Section 217(2) of the Act) and referenced in SafeWork SA material.

2.5 Statement of the applicant's ability to comply with the terms of this undertaking and meet the projected costs of the activities

2.5.1 The Company has the financial ability to comply with the terms of this undertaking and on request by the Regulator, can provide evidence to support this declaration.

2.5.2 In the event of impending liquidation or sale of the entity, the Company will advise the Regulator of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

2.6 Statement regarding applicant's relationship with any corporations, officers, employees, contractors, proposed beneficiaries of donation, sponsorship or scholarship or other recipient of financial benefit contained in this undertaking

The Company confirms that there are no relationships with any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarships or other recipients of financial benefits contained in this undertaking.

2.7 Statement regarding Intellectual Property Licence

The Company grants SafeWork SA a permanent, irrevocable, royalty-free, world-wide, non-exclusive licence to use, reproduce, publish, distribute, electronically transmit, electronically distribute, adapt, and modify any materials developed as a result of this undertaking.

2.8 The applicant acknowledges Annexure A must be completed and submitted to the Regulator when making an EU application.

The Company acknowledges that Annexure A must be completed and submitted to the Regulator when making an EU application.

2.9 Statement of commitment from the applicant to participate constructively in all compliance monitoring activities for this undertaking

- 2.9.1 It is acknowledged that the Regulator will conduct compliance monitoring to ensure compliance with the terms of this undertaking.
- 2.9.2 Cooperation will be given to allow the Regulator's officers to assess compliance including giving access to relevant material (evidence of compliance).
- 2.9.3 It is acknowledged that the applicant is responsible for demonstrating compliance with this undertaking and evidence of compliance must be provided by the agreed due date.
- 2.9.4 An update, in relation to the compliance status with each of the enforceable terms of this undertaking will be provided to the Regulator at three monthly intervals during the undertaking.
- 2.9.5 It is acknowledged that any proposed variations to a term must be submitted to the Regulator no later than 14 days prior to the terms agreed completion date.

2.10 Where possible, the applicant commits to linking the benefits of the activities to the risks that led to this undertaking

The Company is aware of the relevance of the lessons learnt from the incident and is committed to promoting the associated learnings. The Company is committed to disseminating this information to its industry, employees, and contractors to raise awareness of effective WHS management systems, and the use of safe work practices, site-specific SWMS, and edge and void protection for working at heights. The Company is committed to promoting the benefits contained within this undertaking and to the undertaking itself.

2.11 If charges have been laid against the applicant and withdrawn as a result of the Regulator accepting an EU agreement, the Company agrees to not seek any costs from the Regulator.

The Company agrees to not seek costs against the regulator where the charges are withdrawn by virtue of the regulator accepting an EU agreement.

SECTION 3: ENFORCEABLE TERMS

The applicant acknowledges all activities set forth in the enforceable terms below must be auditable and include a date for completion and a minimum cost for each activity.

The applicant commits to performing the activities below diligently, competently and by the respective completion date.

3.1 A commitment to disseminate information about this undertaking to workers, and other relevant parties, and in the annual report (if applicable)

(This may include dissemination to work health and safety representatives and in the annual report, if applicable)

Dissemination will be achieved by doing the following: Adam Shanahan on behalf of the Company will provide a copy to the proposed employees (referred to at 3.2.5 and 3.2.6 below) via email and include a session on the EU at the Company-wide trade day as set out as an activity within this EU.

Dissemination will occur by (timeframe): Email within one month of approval and the trade day to be conducted within 12 months.

List the evidence that will be provided to the Regulator to demonstrate completion:
Copy of email and trade day agenda

3.2 Activities to be undertaken to promote the objects of the *Work Health and Safety Act 2012 (SA)* that will deliver benefits for workers/others

| Activities | Minimum cost | Timeframe |
|------------|--------------|--------------------------|
| 3.2.1 | \$ 1,750 | 6 months from acceptance |

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| | <p>(evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Copy of the completed gap analysis and legislative compliance audit undertaken by the WSC • Copy of the action plan developed by the WSC • Invoice and payment records for the engagement of the WSC | | |
| 3.2.2 | <p>The Company will improve site induction processes and procedures via the engagement of the WSC and an external IT company (to facilitate usage solutions).</p> <p>The process improvement will be to develop a QR code for site induction and safety documentation in consultation with the WSC and the IT company. This will include an overhaul of induction documentation with the hosting of that documentation to be done by the IT company.</p> <p>The intention is to simplify the induction process and make it more user friendly for workers attending the Company's sites.</p> <p>This new process will require contractors and visitors at the Company's building sites to sign on, read the relevant policies and procedures, and confirm their understanding and agreement of same. Contractors and visitors will not be permitted on site without having completed the induction.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> | \$ 6,000 | 12 months from acceptance |

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| | <ul style="list-style-type: none"> • Access to the new induction process • Copy of the induction content • Invoices and payment records for the WSC and IT company • Data results demonstrating the usage of the site induction – to be provided at 3 monthly intervals during the EU. | | |
| 3.2.3 | <p>The Company will purchase 3 Samsung 5G tablets and data packages to facilitate the QR code inductions and the completion of electronic SWMS. These will be provided to the newly proposed team and used for site safety purposes if contractors and visitors are unable to use the QR code.</p> <p>This activity aims to ensure that all workers are captured in the induction process.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Invoices and payment records for the purchase of the tablets and data packages • Photographic evidence of the tablets made available at sites. | Not less than \$4,440 | 12 months from acceptance |
| 3.2.4 | <p>In collaboration with the WSC, the Company will develop new position descriptions for two new roles:</p> <ol style="list-style-type: none"> 1. WHS Advisor/Administrator 2. Site Co-ordinator. <p>The WHS Advisor/Administrator's PD will detail the WHS responsibilities of this role.</p> <p>The Site Co-ordinator's PD will describe the co-ordination role but will also include WHS tasks and</p> | \$840 | 6 months from acceptance |

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| | <p>responsibilities.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • WHS Advisor/Administrator position description • Site Co-ordinator position description • Invoices and payment records for the WSC. | | |
| 3.2.5 | <p>The Company will create a new role and hire a WHS Advisor / Administrator in consultation with the WSC to administer WHS functions and ensure compliance with relevant WHS legislation, regulations, and guidelines.</p> <p>The Company is appropriating 50% of the \$80,000 p.a. wage to WHS tasks for this role. The remaining 50% of the role will be for administrative tasks, which are not the subject of this EU.</p> <p>The Company will provide the WHS Advisor/Administrator with an advanced commitment via a two-year fixed term contract.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Signed employment contract • Wage records. | \$80,000 over 2 years | 6 months from acceptance |
| 3.2.6 | <p>The Company will create a new role and hire a new Site Coordinator to better manage operations and to attend to site safety requirements and coordination.</p> <p>The Company is appropriating 50% of the part time wage of \$50,000 p.a.</p> | \$50,000 over 2 years | 6 months from acceptance |

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| | <p>to WHS initiatives. The balance of the wage is not the subject of this EU.</p> <p>The Company will provide the Site Co-Ordinator with an advanced commitment via a two-year fixed term contract.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Signed employment contract • Wage records. | | |
| 3.2.7 | <p>The Company will engage a WSC to undertake WHS training and improvement for new team members, comprised of two training sessions totalling 8 hours. This will involve mentoring/shadowing and working through frequently used safety documentation, namely:</p> <ul style="list-style-type: none"> - SWMS, and - risk assessments. <p>The intention is to assist the development of new employees and provided them with a mentor to 'bounce ideas off' and learn from as they transition into the business.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Invoices and payment records for the WSC (to include the number of training hours provided) • Written confirmation from the WSC detailing what training was provided • Training attendance records. | \$1,500 | 18 months from acceptance |

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| 3.2.8 | <p>The Company will engage a third party to undertake First Aid training and/or refresher training for the new team.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Invoice and payment records for the training provider • Attendance list and training certificates (or alike). | \$400 | 12 months from acceptance |
| 3.2.9 | <p>The Company will update its uniforms and branding with a safety awareness logo produced by a third-party designer i.e. the safety tagline. The designer will be tasked with designing a business wide health and safety logo to be used on uniforms. The branding will be ongoing beyond the life of the EU.</p> <p>The branding and its visibility in various areas of worksites will serve as a constant reminder of WHS principles.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Invoice and payment records for the design of the safety awareness logo • Invoice and payment records for the purchasing of the updated uniforms that have the new safety awareness logo • Details of how many uniforms have been distributed to workers | Not less than \$4,285 | 6 months from acceptance |

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| | <ul style="list-style-type: none"> Photographs of the updated uniforms and branding. | | |
| 3.2.10 | <p>The Company will engage a WSC to perform monthly site safety audits of its build sites in conjunction with the WHS Manager (no less than one site per month). This will be undertaken for 12 months. The aim is to provide an objective assessment of WHS compliance at the sites and the work being undertaken by the WHS Advisor and Site Coordinator.</p> <p>The WSC will provide a quarterly summary of the sites audited and any corrective actions implemented.</p> <p>At the completion of the EU term, a report of the number of sites audited will be provided to SafeWork SA upon request.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> Invoice and payment records for the WSC Copy of the completed audits (audit reports or alike) – provided quarterly Copy of the action plans generated from the audits – provided quarterly. | \$5,040 | 12 months from acceptance |
| 3.2.11 | <p>The Company will purchase a drone to conduct site safety overviews and assessments.</p> <p>This will enable the Company to review its risk from an entirely different perspective and ensure satisfactory edge and void protection (as necessary) is in place prior to commencing work at heights. This avoids the need for workers to</p> | Not less than \$3,600 | 12 months from acceptance |

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| | <p>conduct physical inspections and be exposed to the associated risk.</p> <p>The Company will develop a Standard Operating Procedure with the drone provider and get the provider to provide training to the Company's team.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • The invoice and payment records for the drone (and any invoice and payment record associated with SOP development) • Evidence of training i.e., signed attendance records • A copy of the SOP • 3 examples of risk assessments performed using the drone. | | |
| 3.2.12 | <p>The Company's employees will attend a Company-wide trade safety day with a focus on safety in the residential construction industry. This will occur in conjunction with Ruediger Constructions Pty Ltd to spread broader safety awareness.</p> <p>The training day will focus on WHS training specific to residential building, alongside culture and team building activities to promote WHS values in workers.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Training day agenda and course content • Attendance list signed by workers. | <p>\$2,500 (The cost allocated includes wages for attendance at the training day)</p> | <p>12 months from acceptance</p> |
| Total minimum cost of benefits for workers/others | | \$ 160,355 | |

3.3 Activities to be undertaken to promote the objects of the *Work Health and Safety Act 2012 (SA)* that will deliver benefits for industry

| Activities | Minimum cost | Timeframe |
|--------------|--|--|
| <p>3.3.1</p> | <p>The Company will host a safety BBQ for local residential builders and engage a safety speaker to provide a presentation on WHS awareness for workers and to recap learnings from the incident.</p> <p>The intended audience at the BBQ will be residential construction workers, which includes builders and subcontractor trades. Given the importance of safety at all levels, the BBQ will be open to all workers, from apprentices to supervisors. A minimum of 20 workers from the sector will attend.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Invoice and payment records associated with engaging the safety speaker • Presentation content • Signed attendance list • BBQ costs (receipts of alike) | <p>\$ 3,500</p> <p>12 months from acceptance</p> |
| <p>3.3.2</p> | <p>The Company will sponsor first aid training for the local building network to a minimum of 15 people.</p> <p>First aid was critical in the response to the incident, and this initiative will help ensure that more trained first aiders are available at building sites. As part of this activity, the Company will engage a First Aid trainer to provide training and invite a range of industry participants to attend.</p> | <p>\$2,200</p> <p>12 months from acceptance</p> |


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|-------|---|----------|---------------------------|
| | <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Signed attendance list • Invoice and payment records for the first aid training provider. | | |
| 3.3.3 | <p>The Company will engage a third-party multi-media provider to produce a working at heights safety awareness video. The video will be edited for output across multiple media sites, including but not limited to Facebook and Instagram (e.g., a full 2-minute version for education sessions and a 30 second clip for social media).</p> <p>The video will be educational and highlight the risks associated with working at heights in the building industry.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • SafeWork SA to review video script prior to production. • Invoice and payment records for the media provider • Copy of the completed video (2 versions) • Evidence that the video has been disseminated via multiple media sites, including but not limited to Facebook and Instagram. | \$10,000 | 12 months from acceptance |
| 3.3.4 | <p>The Company will engage with no less than two third-party construction suppliers for distribution of the working at heights full safety video to drive awareness in the industry.</p> | Nil cost | 12 months from acceptance |

| | | | |
|---|--|-----------|---------------------------|
| | <p>Distribution of the video will be via the third party's distribution list, which is in the range of 2,000 to 3,000 people. The intention is to broaden the reach of the safety message outside of the scope of the other activities in this EU.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • The distribution list for the video, subject to any privacy considerations. | | |
| 3.3.5 | <p>The Company will increase awareness of the safety video detailed in 3.3.3 above by offering 50 safety branded YETI drink bottles as a prize that requires people to watch the video. Winning a YETI will require a person to watch the full video and answer a safety question arising from the content.</p> <p>The branding on the YETI drink bottles will include a message regarding working at heights safely.</p> <p>The use of drink bottles is intentional because they are commonly taken to work sites by tradies, which will expand the reach of the safety message.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • The names of the YETI drink bottle winners, subject to privacy considerations • Invoice and payment records for the purchasing and branding of the YETI drink bottles. | \$4,950 | 12 months from acceptance |
| Total minimum cost of benefits for industry | | \$ 20,650 | |

3.4 Activities to be undertaken to promote the objects of the *Work Health and Safety Act 2012 (SA)* that will deliver benefits for community

| Activities | Minimum cost | Timeframe |
|--------------|--|---|
| <p>3.4.1</p> | <p>The Company will sponsor the provision of WHS training and mentoring to a Landscape Builder by an external WSC.</p> <p>Provision of this training to a PCBU outside of the traditional building industry will assist to communicate the lessons learnt from the incident more broadly in the building community. Landscapers undertake significant work at heights (i.e., when building pergolas, trenches etc.) that poses a risk to workers and the recipients of the landscaping services. Therefore, further WHS education and mentoring will result in increased WHS performance that is of benefit to the broader community.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Invoice and payment records for the WSC services • Copy of the training and mentoring program (or alike) detailing the scope of training and mentoring provided to the landscape builder • signed records confirming the scope of training and mentoring was completed. | <p>\$2,000</p> <p>24 months from acceptance</p> |
| <p>3.4.2</p> | <p>The Company will engage a social media marketing company to develop and implement a social media digital advertising campaign for distribution of the working at heights safety</p> | <p>\$12,300</p> <p>12 months</p> |

| | | | |
|-------|---|---------|--------------------------|
| | <p>awareness video (as particularised at 3.3.3).</p> <p>The marketing company will distribute the tailored video content across media sites, including but not limited to Facebook and Instagram, and will ensure that distribution parameters cover the target audience i.e., <40yo builders and tradespeople.</p> <p>This activity is specifically designed to drive change within the community regarding work at heights generally utilising frequently used social media platforms.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Invoice and payment records for the social media marketing company • A report from the marketing company detailing the platforms utilised to distribute the video (including provision of links to the platforms), social media engagement and associated demographics. | | |
| 3.4.3 | <p>The Company will donate to the South Australian Ambulance Service - Stirling Ambulance Station, who responded to the incident and provided medical assistance to the injured worker.</p> <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Proof of payment and confirmation from the South Australian Ambulance Service - Stirling Ambulance Station that the donation has been received. | \$3,000 | 6 months from acceptance |

| | | | |
|---|--|-----------------|---------------------------------|
| <p>3.4.4</p> | <p>The Company will develop updated site signage and banners promoting safety information and awareness to be displayed at each of its sites for the duration of the EU.</p> <p>This site signage will include a QR code link (see below) to working at heights safety information for the general community.</p> <p>It is intended that the signage will serve as a constant reminder and prompt to employees, contractors, and members of the public. Members of the public frequently walk past residential building sites for the purposes of observing safety messaging.</p>  <p>The Company will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ul style="list-style-type: none"> • Invoice and payment records for the signage company • To be provided quarterly – Details of all site locations where the signage and banners are/will be displayed and photos of the signage and banners in situ. | <p>\$2,783</p> | <p>6 months from acceptance</p> |
| <p>Total minimum cost of benefits for the community</p> | | <p>\$20,083</p> | |

3.5 Agreement to pay the Regulator's costs

3.5.1 The Company agrees to paying the Regulator's costs associated with this undertaking, as itemised below, and it is acknowledged that payment is due 30 days after receipt of the Regulator's invoice:

| Recoverable costs | Amount |
|--|-------------|
| Investigation, legal & administrative costs associated with the alleged contravention & proposed undertaking | \$ 1,200.00 |
| Compliance monitoring costs | \$ 4,945.00 |
| Publication costs | \$ 0 |
| Total Amount | \$ 6,145.00 |

3.6 Minimum spend

3.6.1 The Company acknowledges the minimum spend for this undertaking will comprise of the:

(The amounts below should correspond with total amounts from terms 3.2–3.5 above)

| Total value of | Minimum spend |
|---|---------------|
| Benefits to workers/others | \$ 160,355 |
| Benefits to industry | \$ 20,650 |
| Benefits to community | \$ 20,083 |
| Regulator costs | \$ 6,145 |
| Total minimum spend for the undertaking | \$ 207,233 |

3.6.2 The Company agrees to spend any residual amount arising from the total minimum spend value not being met. Agreement on how to spend this residual will be sought from the Regulator.

3.7 A commitment to develop and implement safe systems of work (or maintain safe systems of work if already implemented) to ensure the applicant is compliant with the *Work Health and Safety Act 2012 (SA)*

3.7.1 The Company commits to implementing safe systems of work within 12 months of the acceptance of this undertaking.

Or

- Tick if the applicant has already implemented safe systems of work at the workplace.

The Company commits to maintaining the safe systems of work implemented at the workplace.

3.8 A commitment to ensure the safe systems of work are audited by third party auditors

3.8.1 The Company commits to ensuring the safe systems of work will be audited by an independent third party WHS auditor.

3.8.2 The Company acknowledges that details of the auditor's qualifications will be provided to the Regulator (pre audit).

3.9 A commitment to provide a copy of each finalised system audit report to the Regulator


3.9.1 The Company acknowledges that audit reports received from the auditor will be sent to the Regulator within 30 days of the audit.

3.9.2 The Company acknowledges that within 30 days of receipt of the auditor's written report, the Regulator will be advised of the intended action in addressing each of the report's recommendations.

SECTION 4: OFFER OF UNDERTAKING

EITHER

I offer this undertaking and commit to the terms herein.

Signed:  _____
[Person]

Adam Shanahan

[Print name]

Director

[Position]

Dated at Tuesday this 29th day of July 2025

OR

As a duly authorised person of AMS Built Pty Ltd I offer this undertaking and commit AMS Built Pty Ltd to the terms herein.

Signed: _____
[Duly Authorised Person]

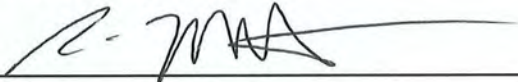
[Print name]

[Position]

Dated at _____ this _____ day of _____ 20_____

SECTION 5: ACCEPTANCE OF UNDERTAKING

I accept this undertaking as an enforceable undertaking under section 216 of the *Work Health and Safety Act 2012 (SA)*.

Signed: 
[Person]

ROBERT TEMPLETON
[Print name]

A/Exec Director SWSA
[Position]

Dated at 31.29 this 5th day of August 2025



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@safeworksa



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Government of South Australia

SafeWork SA