

OFFICIAL



Government
of South Australia

SafeWork SA

Application for proposed ENFORCEABLE UNDERTAKING

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

Nominated person: (Point of contact for SafeWork SA communications)	Mr Chad Oldfield
Street address:	██
Postal address:	As above
Telephone:	██████████
Email address:	coldfield@redmulga.com
Legal structure:	Company
Type of business:	Gym/fitness centre
Date business registered:	8 February 2021
No of Workers: Full time:	1
Part time:	N/A
Casual:	15
Products and services:	Gym/fitness centre
Comments:	<p>24 Power Fit Pty Ltd (24 Power Fit) operates as a gym and fitness centre comprising free weights, equipment/machines, swimming pool and guided fitness classes with qualified instructors.</p> <p>Mr Chad Oldfield is the sole director of 24 Power Fit.</p>

1.2 Details of the characterised or alleged contravention

SafeWork SA has alleged that 24 Power Fit (**the Company**) has committed a Category 3 offence pursuant to section 33 of the *Work Health and Safety Act 2012 (WHS Act)* whilst

undertaking demolition and renovation works at the Workplace between 1 May 2023 and 24 June 2023.

SafeWork SA alleges that:

Count 1

1. The first defendant, 24 Power Fit Pty Ltd (ABN 63 647 756 778), between 1 May 2023 and 24 June 2023, at Plympton Park in the State of South Australia, committed a Category 3 offence (a minor indictable offence against section 33 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 business of operating as a fitness centre located at 550 Marion Road, Plympton Park SA 5038 (Workplace).
 - 1.1.2. At all material times, the first defendant had the management and control over the Workplace.
 - 1.1.3. At all material times, the first defendant engaged or caused to be engaged or otherwise influenced or directed workers at the Workplace including, but not limited to, Chad Oldfield, Shane Hartwell and Brian Elies, to assist with demolition and renovation works at the Workplace.
 - 1.1.4. 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.
 - 1.1.5. The first defendant had a health and safety duty prescribed by s 19(2) of the Act to ensure, so far as reasonably practicable, that the health and safety of other persons was not put at risk from work carried out as part of the conduct of the business.
- 1.2. The first defendant breached that duty as follows:
 - 1.2.1. Between approximately 1 May 2023 and 24 June 2023, the Workers and patrons and staff of the fitness centre were at the Workplace. At the Workplace:
 - 1.2.1.1. The Workers engaged in internal demolition and renovation works including:
 - 1.2.1.1.1. Demolishing internal walls and the walkway;
 - 1.2.1.1.2. Removing steel beams;

- 1.2.1.1.3. Demolishing the concrete on the internal squash court;
 - 1.2.1.1.4. Removing cladding in the roofing area;
 - 1.2.1.1.5. Removing pigeons and pigeon faeces inside the personal training room.
- 1.2.2. Whilst at the Workplace, the Workers and patrons and staff of the fitness centre were exposed to a risk to their health and safety because:
 - 1.2.2.1. The first defendant was or ought to have been aware that the workplace contained asbestos (both friable asbestos and non-friable asbestos).
 - 1.2.2.2. The first defendant was aware that demolition and renovations works were being undertaken at the Workplace.
 - 1.2.2.3. It was possible for asbestos (both friable asbestos and non-friable asbestos) to be disturbed during the demolition and renovation works.
 - 1.2.2.4. It was consequently possible for the exposure standard for asbestos to be exceeded.
 - 1.2.2.5. It was consequently possible for the workers and patrons and staff of the fitness centre to be exposed to a risk of airborne asbestos fibres.
- 1.2.3. The first defendant failed to provide and maintain, so far as was reasonably practicable, a safe work environment which protected the workers and patrons and staff of the fitness centre from the risk presented by the demolition and renovation works because:
 - 1.2.3.1. The first defendant failed to comply with its duties and obligations under the approved Code of Practice: How to manage and control asbestos in the workplace in order to eliminate and/or minimise the exposure of workers and patrons and staff of the fitness centre to airborne asbestos fibres by:
 - 1.2.3.1.1. Failing to follow appropriate processes and procedures to identify the presence of asbestos and the risk of exposure to same.
 - 1.2.3.1.2. Failing to ensure that an asbestos register was prepared or reviewed prior to the demolition and renovation works commencing.

- 1.2.3.1.3. Failing to ensure that all asbestos likely to be disturbed was identified and removed prior to the demolition and renovation works commencing.
- 1.2.3.1.4. Failing to ensure that all asbestos (and any associated debris) that was disturbed during the demolition and renovation works was removed and safely disposed of.
- 1.2.3.1.5. Failing to ensure that airborne asbestos monitoring and clearance inspections were conducted by an independent licensed asbestos assessor during and following the demolition and renovation works.
- 1.2.3.1.6. Failing to prohibit the workers and patrons and staff of the fitness centre from accessing the workplace and/or undertaking demolition and renovation works at the workplace until the workplace was determined to be a safe work environment without risks to health and safety.
- 1.2.3.1.7. Failing to provide adequate PPE to the Workers engaged in the demolition and renovation works.
- 1.2.3.1.8. Failing to close the fitness centre to the public and all staff at the time it was performing the demolition and renovation works.

1.3 Detail the events surrounding the characterised or alleged contravention

Mr Oldfield purchased the Company and took over the lease of the Workplace in May 2023. After discovering a pigeon infestation in the roof of the gym workout area which created a safety risk, Mr Oldfield embarked on an internal roof cleanout requiring partial removal of the roof. This led to the discovery of other safety issues (including loose electrical wiring) and the need to remove internal walls to render the electrical wiring safe.

When removing the internal walls, asbestos was detected. At the time of its discovery Mr Oldfield had already closed the gym to members due to the ongoing renovation works. The building's asbestos register was not disclosed to Mr Oldfield during the formal leasing process and he was unaware, until another tenant of the building informed him after the asbestos was discovered, that asbestos had been previously detected elsewhere in the building.

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
7 July 2023	Improvement Notice	WHSIN 238875	Exposed energized cables hanging down from the ceiling to approximately 5 feet from ground level with lights attached that were illuminated with water running down the bundle of cables which posed a risk of serious injury and death to workers by way of electrical shock.	24 Power Fit was directed to: <ol style="list-style-type: none"> engage a competent person to disconnect (or isolate) unsafe electrical equipment from its electrical supply. provide written evidence of the electrical equipment being made safe to a Safework SA WHS Inspector. 	A licensed electrician was engaged immediately to isolate and disconnect the exposed energised cables from the electrical supply. The affected area was made electrically safe and access restricted until rectification was completed. Safework SA was advised of the actions taken at the time.

7 July 2023	Improvement Notice	WHSIN 238877	No available information determining the structural integrity of the suspended slab, posing a risk to people and workers of serious injury or death.	<p>24 Power Fit was directed to:</p> <ol style="list-style-type: none"> 1. engage a competent person to assess the structural integrity of the suspended slab to ensure all risks to health and safety of people is eliminated, or where not possible, minimised as reasonably practicable. 2. provide written evidence of the structural integrity of the slab to the Safework SA WHS Inspector. 	<p>A suitably qualified and competent structural engineer was engaged to conduct an assessment of the suspended slab. The assessment confirmed the structural integrity of the slab and identified any necessary controls.</p> <p>Report was forwarded to Safework SA within the timeframe.</p>
11 July 2023	Prohibition Notice	WHSPN 239173	Further demolishing remaining structures until an inspector is satisfied that risk have been remedied.	<p>24 Power Fit was directed to:</p> <ol style="list-style-type: none"> 1. engage a competent person to inspect the remaining structure to identify all asbestos materials at the workplace; 2. provide evidence to SafeWork SA of a report from the inspection (pre-demolition survey) that identifies the location, type and condition of all remaining asbestos; 3. engage a Class A licence holder to remove all friable asbestos material; 4. provide a copy of the pre-demolition survey to the removalist. A copy of the asbestos removal control plan is to be provided to SafeWork SA as evidence; 5. in accordance with regulation 473 (1) (2) (a) and 475 (1) that an independent licenced asbestos assessor is engaged prior to commissioning the licenced asbestos removal work. Remaining non-friable asbestos material can be removed by a Class A or B licence holder. A copy 	<p>Displayed a copy of the Prohibition Notice in a prominent place.</p> <p>Engaged a competent person to inspect the remaining structure to identify all asbestos materials within those walls, produce a report and provide such report to SafeWork SA.</p> <p>Engaged a Class A licence asbestos removalist to remove all friable and non-friable asbestos material within those structures intended to be demolished/ removed. A clearance inspection was</p>

				<p>of the pre-demolition survey must be provided to the removalist;</p> <p>6. provide evidence to SafeWork SA of the inspection report, a copy of the asbestos removal control plan and a copy of the Clearance certificate(s).</p>	<p>carried out following removal and provided to SafeWork SA.</p>
13 July 2023	Improvement Notice	WHSIN 239296	<p>A copy of the WHS management plan was not available on site posing a risk of workers having no knowledge of site-specific hazards, health and safety procedures and details of persons with health and safety responsibility in the case of incident or emergency.</p>	<p>24 Power Fit was directed to:</p> <ol style="list-style-type: none"> 1. Ensure a copy of the WHS Management Plan is readily accessible on site in a location that allows for workers to inspect it, for the duration of the project. 2. Provide evidence of the WHS Management Plan to a SafeWork SA Inspector 	<p>A current WHS Management Plan was made available on site in a clearly identified and accessible location for all workers. Site personnel were informed of its location during site induction. A copy of the WHS Management Plan was provided to the SafeWork SA WHS Inspector as evidence of compliance within the required timeframe.</p>
13 July 2023	Improvement Notice	WHSIN 239299	<p>A check of the plant failed to locate a logbook indicating no prestart check had been</p>	<p>24 Power Fit was directed to:</p> <ol style="list-style-type: none"> 1. Ensure there is a log book available specifically for Genie scissor lift model GS5390RT serial# GS30M0.1524, and in accordance with regulation 39, provide information and training by way of conducting a toolbox instructing the use 	<p>A dedicated logbook was obtained and made available on site for the Genie scissor lift model GS-5390RT (serial no. GS30M0.1524). A toolbox talk was conducted with all</p>

			<p>conducted by works on site, posing a risk of plant failure and falls potentially causing injury and death to workers.</p>	<p>of the scissor lift logbook and have this signed off by all workers.</p> <ol style="list-style-type: none"> 2. Provide evidence to a SafeWork SA Inspector 	<p>relevant workers covering pre-start inspection requirements and correct completion of the logbook, in accordance with Regulation 39. Attendance was recorded and signed by all workers. Copies of the completed logbook and toolbox attendance records were provided to the SafeWork SA WHS Inspector as evidence of compliance within the required timeframe.</p>
13 July 2023	Improvement Notice	WHSIN 239301	<p>A check of the plant failed to locate a logbook indicating no prestart check had been conducted by works on site, posing a risk of plant failure and falls potentially causing injury and death to workers.</p>	<p>24 Power Fit was directed to:</p> <ol style="list-style-type: none"> 1. Ensure there is a log book available specifically for the Hitachi Hydraulic Excavator Model Type 7X17U5A Product Identification Number HCMABA90H00027722 and, in accordance with regulation 39, provide information and training by way of conducting a toolbox instructing the use of the Hydraulic Excavator logbook and have this signed off by all workers. 2. Provide evidence to a SafeWork SA Inspect 	<p>A dedicated logbook was obtained and made available on site for the Hitachi Hydraulic Excavator (Model Type 7X17U5A, PIN HCMABA90H00027722). A toolbox talk was conducted with all relevant workers covering pre-start inspection requirements and correct completion of the plant logbook, in accordance with Regulation 39. Attendance was recorded and signed by all workers. Copies of the completed logbook and toolbox attendance records</p>

					were provided to the SafeWork SA WHS Inspector as evidence of compliance within the required timeframe.
13 July 2023	Improvement Notice	WHSIN 239308	A check of the plant failed to locate a logbook indicating no prestart check had been conducted by works on site, posing a risk of plant failure and falls potentially causing injury and death to workers.	24 Power Fit was directed to: <ol style="list-style-type: none"> 1. Ensure there is a logbook available specifically for the white Bobcat skid steer Model Product Identification Number BCTAZNDGKLDA12627 Model S590 Identification SME6005 with Fleurieu Civil, and in accordance with regulation 39, provide information and training by way of conducting a toolbox instructing the use of the skid steer logbook and have this signed off by all workers. 2. Provide evidence to a SafeWork SA Inspector. 	A dedicated logbook was obtained and made available on site for the white Bobcat skid steer (Model S590, PIN BCTAZNDGKLDA12627, ID SME6005). A toolbox talk was conducted with all relevant workers covering pre-start inspection requirements and correct completion of the skid steer logbook, in accordance with Regulation 39. Attendance was recorded and signed by all workers. Copies of the completed logbook and toolbox attendance records were provided to the SafeWork SA WHS Inspector as evidence of compliance within the required timeframe.
13 July 2023	Improvement Notice	WHSIN 239310	Identification of multiple electrical equipment either with no	24 Power Fit was directed to: <ol style="list-style-type: none"> 1. ensure that electrical equipment is regularly inspected and tested by a competent person. 2. Provide evidence to a SafeWork SA Inspector 	A competent and licensed electrical tester was engaged to inspect and test all electrical equipment on site. Any non-compliant or untested

			evidence of inspection (test and tag) or overdue to be rechecked, giving rise to health and safety by way of electrical shock.		equipment was immediately removed from service until inspection was completed. All compliant equipment was tagged in accordance with applicable standards. Records of inspection and test results were retained, and written evidence, including tagging records and photographs, was provided to the SafeWork SA WHS Inspector within the required timeframe.
13 July 2023	Improvement Notice	WHSIN 239314	Unsafe access and egress ways posing a risk of trips and falls injuries to workers.	<p>24 Power Fit was directed to:</p> <ol style="list-style-type: none"> Control measures are to be reviewed and implemented to ensure the layout of the workplace is maintained to allow for persons to enter and exit and move about without risk to health and safety, both under normal and emergency conditions. Photographic evidence of implemented control measures is to be provided to the SafeWork SA Inspector 	A review of site access and egress arrangements was undertaken, and control measures were implemented to eliminate or minimise trip and fall hazards. This included clearing obstructions from walkways, improving housekeeping, clearly defining access routes, and ensuring emergency egress paths were unobstructed at all times. Photographic evidence of the implemented controls was captured and provided to the SafeWork SA WHS Inspector within the required timeframe.

13 July 2023	Improvement Notice	WHSIN 239319	There was no Safe Work Method Statement (SWMS) available for the site, including work around out around mobile plant, working from heights, disturbance of asbestos, demolition of load bearing structures, structural alterations that require temporary support and working near energised electrical installations \.	24 Power Fit was directed to: <ol style="list-style-type: none"> 1. Identify all high-risk construction work activities specific to the site and prepare the corresponding SWMS to address the above-identified risks. 2. Provide all evidence of the SWMS to a SafeWork Inspector. 	Identified all high-risk construction work activities specific to the site and prepare the corresponding SWMS to address the above-identified risks. Provided all evidence of the SWMS to a SafeWork Inspector.
13 July 2023	Prohibition Notice	WHSPN 239237	Cease operating the orange Hitachi Hydraulic Excavator	24 Power Fit was directed to: <ol style="list-style-type: none"> 1. attach and ensure that rollover protection is to remain fixed as per manufacturers specifications. 2. Provide evidence of this to SafeWork SA 	Operation of the Hitachi Hydraulic Excavator was immediately ceased, and the plant was isolated to prevent use. A competent and qualified

			<p>Model Type 7X17U5A Product Identification Number HCMABA90H00 027722 until an inspector is satisfied that the matter that gives rise to the risk have been remedied.</p>		<p>plant technician was engaged to correctly attach and secure the rollover protection system in accordance with the manufacturer's specifications. Once rectification was completed, photographic evidence and confirmation of compliance were provided to the SafeWork SA Inspector. The excavator was not returned to service until approval was received and the prohibition notice was lifted.</p>
13 July 2023	Prohibition Notice	WHSPN 239298	<p>Cease operating the Linde make red and white forklift serial number H2X392T01525 with registration plate LVP865 until an inspector is satisfied that the matter that gives rise to the risk have been remedied</p>	<p>24 Power Fit was directed to:</p> <ol style="list-style-type: none"> 1. have Linde make red and white forklift serial number H2X392T01525 with registration plate LVP865 serviced by a competent person before the plant can be used by workers. 2. Provide evidence of this to SafeWork SA Inspector. 	<p>A competent and authorised service technician was engaged to service and inspect the forklift. Following completion of the service, the forklift was confirmed as safe for operation. Written service records and supporting documentation were provided to the SafeWork SA WHS Inspector as evidence of compliance. The forklift was not returned to service until confirmation was received that the prohibition notice</p>

						requirements had been satisfied.
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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

There were no known injuries relating to the allegation made by SafeWork SA.

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 - Please provide details
- not applicable

Status: Add status of claim and level of recovery/return

(This should reflect the status of any claims and level of recovery/return to work that is applicable)

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

N/A

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

The Company is a small business that owns and operates two gyms, the first of which has operated for a number of years in Roxby Downs. It acquired the Marion 24 Power Fit about two months before the incident. There was no existing WHS policies or procedures at the time of purchase. However, following the incident, the Company recognised the critical need to implement appropriate WHS policies.

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

N/A

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

Consultation has been undertaken with employees at the gym and across another business in which Mr Oldfield has a shareholder interest, Barnum Indigenous Services, which is a multi-disciplined civil contractor, and with work health and safety experts engaged by the Company through Nexus Group Solutions Pty Ltd (a company formed by Mr Oldfield to provide human resources, work health and safety advice and other services to 24 Power Fit and other businesses). The Company has also consulted with the SafeWork SA EU team in preparing this EU.

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 the development of a Safe Work Safety Method dealing with the renovations and internal improvement. In particular, the following have been developed:

- Renovations and Internal Improvements Policy;
- Renovations and Internal Improvements Procedures;
- Work Health and Safety Risk Assessment Form;
- Contractor Pre-Qualification Checklist;
- Project Close-Out Report Form;
- Final Inspection Checklist; and
- Renovation and Improvement Request Form;

The SWSM includes a procedure for supervision of any demolition and construction works being undertaken at any time by the Company.

Personnel with expertise in workplace safety and risk control were engaged through Nexus Group Solutions Pty Ltd (a company formed by Mr Oldfield to provide human resources and other services to 24 Power Fit and other businesses) following the incident to develop and implement the abovementioned policies and procedures. Their process for development and implementation included:

- Reviewing incident reports;
- Preparing, refining and collating policies and procedures;
- Recommending the adoption of rectified policies and procedures to 24 Power Fit;

- Embedding the rectified policies and procedures into employees' inductions programs.

Total amount spent on rectifications The policies and procedures were prepared by Nexus Group Solutions Pty Ltd. The cost was the wages of two employees with work health and safety expertise working on the policies and procedures development and implementation over a period of approximately three weeks. **Approximately \$ 30,000**

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 has alleged that the Company has contravened section 19 and section 33 of the WHS Act.

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 regret the alleged contravention and will strive to ensure, so far as reasonably practicable, the ongoing health and safety of its workers and other stakeholders. In addressing the incident and shaping the initiatives within this undertaking, the Company has carefully considered the unique risks faced by small businesses and the general public during DIY projects and renovations. These activities often occur without professional oversight, increasing the likelihood of exposure to asbestos.

The Company recognises the significance and potential for meaningful change to benefit clients, workers, the small business industry and the broader community. This undertaking is seen not as a compliance exercise, but as a genuine opportunity to make a lasting contribution to public safety and awareness about asbestos.

In particular, the Asbestos National Strategic Plan (**ANSP**) is an ongoing initiative in Australia which seeks to:

1. eliminate asbestos-related diseases in Australia by preventing exposure to airborne asbestos fibres at each stage of the asbestos life-cycle by educating PCBU's, industry and the broader community and facilitating proactive removal of asbestos;
2. support workers and others who are affected by asbestos-related diseases by improving the quality of life for people with asbestos-related diseases by improving diagnosis, treatment and support; and
3. establish Australia as an international leader in this space with focus on securing a worldwide ban on the production and trade of asbestos.

The Company is committed to actively supporting these objectives and priorities of the ANSP, with a particular focus on the first two of the above objectives. In particular, the activities selected for this EU focus on:

1. facilitating specialised education for select employees associated with The Company so that they are properly qualified to assess and provide advice on the presence, and safe removal, of asbestos-containing materials;

2. educating the PCBUs, the small business industry in South Australia and the general public about general asbestos risks in smaller, more regular day-to-day DIY contexts, helping them to:
 - a. accurately identify asbestos-containing materials and understand when to engage a trained professional for assistance;
 - b. subsequently control risks associated with undertaking DIY works where asbestos-containing materials may be involved; and
 - c. providing information about the need and avenues for safe and effective transport and disposal of asbestos-containing materials.
3. funding further research into asbestos and dust related diseases as well as support of both victims of these diseases and their families/carers through specifically selected dedicated organisations and research funds.

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. A letter from 24 Power Fit's accountant supporting this declaration has been provided to the Regulator accompanying this EU.

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 their 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 acknowledge 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 committed to discharging its obligations under the WHS Act and this commitment is reinforced by:

1. the rectification referred to in section 1.11 above; and
2. the undertakings made within this document.

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

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: The Company will provide a copy of the EU to all of its employees and any other persons specified to be involved in the listed activities below.

Dissemination will occur by (timeframe): within one month of approval of the EU.

List the evidence that will be provided to the Regulator to demonstrate completion:

1. Copy of the email.
2. Copy of attendance sheet for staff at staff meeting about EU and policies and procedures referenced herein.

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
<p data-bbox="461 421 1294 520">The Company will fund training (course and wages) for personal trainers (PT) to allow workers to maintain and/or improve knowledge and skillset in the gym workplace.</p> <p data-bbox="461 560 1308 727">The qualified PTs who are engaged by the gym are generally responsible for maintaining their own qualifications. However, the Company will support them to upskill and will mandate upskilling in the particular area of fitness for older gym members (who form a large component of the Company membership).</p> <p data-bbox="461 767 1234 799">The Company training support consists of two components:</p> <ol data-bbox="510 839 1317 1353" style="list-style-type: none"> <li data-bbox="510 839 1317 1254">1. 24 Power Fit has mandated completion of a course in Active Ageing Australia by all PTs: <ul data-bbox="607 951 1317 1254" style="list-style-type: none"> <li data-bbox="607 951 1317 1254">• Active Ageing Australia: a not-for-profit organisation that promotes physical activity for a lifetime of health and well-being. They provide resources to help the ageing Australian population with continued independence into the future rather than physical frailty. Easy Moves covers healthy ageing and benefits of physical activity, theory of ageing process and human body. (The course is approximately 3 hours and \$299/person) <li data-bbox="510 1286 1317 1353">2. The Company will spend \$20,000 (including wages for attendance) for those PTs who would like to develop any 	<p data-bbox="1379 823 1749 887">\$23,528 (inclusive of wages for attendance)</p>	<p data-bbox="1827 807 1984 903">18 months from acceptance</p>

Activities		Minimum cost	Timeframe
	<p>of their skillsets further with a view to enhancing safe training practices.</p> <p>The Company will provide the Regulator with evidence demonstrating compliance, including:</p> <ul style="list-style-type: none"> • Agenda and course content • Invoice and payment records for the training provider • Attendance record • Training certificates or equivalent evidence of completion • Copy of the written confirmation issued to employees confirming that, under no circumstances, will training costs be recovered from them. <p>Such evidence will be provided for the mandatory course and for any further professional development courses professional fitness staff choose to participate in.</p>		
3.2.2	<p>The Company will engage a qualified third-party ergonomic assessor/trainer to undertake a comprehensive audit of its workplaces for the purpose of identifying any manual handling, ergonomic or other relevant hazards that may give rise to work health and safety risks. The audit will include consultation with staff, observation of work tasks and equipment use, and a review of existing controls and practices.</p> <p>Following completion of the audit, the Company will implement measures to address any hazards identified. These measures may include additional manual handling training, ergonomic</p>	\$4,618 (inclusive of wages for attendance)	6 months from acceptance

Activities	Minimum cost	Timeframe
<p>adjustments, equipment changes or task redesign, depending on the findings of the assessment. Any training provided will continue to be delivered by a qualified ergonomic assessor or trainer.</p> <p>An allocation of approximately \$2,000 will be directed towards ergonomic assessments or risk evaluations for individual staff members, where required. This allocation includes the associated wage costs for staff attendance.</p> <p>The Company will provide the Regulator with evidence demonstrating compliance, including:</p> <ul style="list-style-type: none"> • a copy of the workplace audit report prepared by the qualified ergonomic assessor • evidence of the measures implemented in response to the audit findings • attendance records and course content for any training delivered • any assessment reports or certificates arising from ergonomic assessments • invoice and payment records for the assessor or trainer 		
<p>Total minimum cost of benefits for workers/others</p>	<p>\$ 28,146</p>	

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
3.3.1	<p>The Company will donate to the Asbestos and Dust Diseases Research Institute.</p> <p>The institute is committed to reducing and ultimately eliminating the impact of asbestos and dust-related diseases worldwide with evidence-led research leading to advancements in medical and scientific understanding which guides global education and training initiatives.</p> <p>The Company will provide the Regulator with evidence of payment confirming the donation.</p>	\$17,500	6 months from acceptance
Total minimum cost of benefits for industry		\$ 17,500	

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
3.4.1	<p>The Company will provide and deliver free courses designed to enhance gym members knowledge on how to safely and effectively use gym equipment. The aim of these sessions will be to promote confidence among members when using fitness equipment and reduce the risk of injury. At least twelve (12) courses will be delivered throughout the course of 18 months.</p> <p>The Company will provide the Regulator evidence demonstrating compliance, including:</p>	<p>At least 1 class (1 hour) per month per year - \$90/hr (PT wage)</p> <p>Total cost: \$1,080</p>	18 months from acceptance

Activities	Minimum cost	Timeframe
	<ul style="list-style-type: none"> Attendance list signed by the attendees Evidence of the courses being promoted including dates, times and topics. 	
3.4.2	<p>The Company will donate to the Australian Men's Shed Association, to strengthen the national Men's Shed movement and advance the wellbeing and health of Australian men of all ages.</p> <p>The Company will provide the Regulator with evidence of payment confirming the donation.</p>	\$17,500
Total minimum cost of benefits for the community		\$ 18,580

3.5 Agreement to pay the Regulator's costs

3.5.1 The Company agree 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	\$ 600
Compliance monitoring costs	2,472.50
Publication costs	\$ 0
Total Amount	3,072.50

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	\$ 28,146
Benefits to industry	\$ 17,500
Benefits to community	\$ 18,580
Regulator costs	\$ 3,072.50
Total minimum spend for the undertaking	\$ 67,298.50

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)*

- 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).

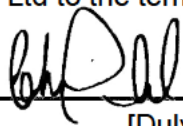
3.9 A commitment to provide a copy of each finalised system audit report to the Regulator

3.9.1 24 Power Fit and Mr Oldfield acknowledge that audit reports received from the auditor will be sent to the Regulator within 30 days of the audit.

3.9.2 24 Power Fit and Mr Oldfield acknowledge 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

As a duly authorised person of 24 Power Fit Pty Ltd I offer this undertaking and commit 24 Power Fit Pty Ltd to the terms herein.

Signed:  _____
[Duly Authorised Person]

Chad Oldfield _____
[Print name]


Director _____
[Position]

Dated at _____ this _____ day of _____

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]

Glenn Farrell
[Print name]

Executive Director
[Position]

Dated at Keswick this 7th day of May 2026



1300 365 255



help.safework@sa.gov.au



safework.sa.gov.au



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