

OFFICIAL



Government
of South Australia

SafeWork SA

Application for proposed ENFORCEABLE UNDERTAKING

The commitments in this undertaking are offered to the Regulator by

MR CHAD OLDFIELD

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: <small>(Point of contact for SafeWork SA communications)</small>	Mr Chad Oldfield
Street address:	██
Postal address:	As above
Telephone:	██████████
Email address:	██
Legal structure:	Individual
Type of business:	N/A
Date business registered:	N/A
No of Workers: Full time:	N/A
Part time:	N/A
Casual:	N/A
Products and services:	N/A
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**) and Mr Chad Oldfield have 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.

Count 2

2. The second defendant, Chad Oldfield, between 1 May 2023 and 24 June 2023, at Plympton Park and other places 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

- 2.1. The second defendant had a health and safety duty.
 - 2.1.1. Particulars [1.1.1] to [1.1.5] are repeated.
 - 2.1.2. At all material times, the second defendant, as a director of the first defendant, was an officer of the first defendant.
 - 2.1.3. The second defendant had a health and safety duty prescribed by section 27(1) of the Act to exercise due diligence to ensure that the first defendant complied with its section 19 duty.
- 2.2. The second defendant breached that duty.

- 2.2.1. Between approximately 1 May 2023 and 24 June 2023, at Plympton Park in the State of South Australia, the first defendant failed to comply with its section 19 duty.
 - 2.2.1.1. The informant repeats particulars [1.2] above.
- 2.2.2. The second defendant failed to take reasonable steps to acquire and keep up-to-date knowledge of work health and safety matters.
- 2.2.3. The second defendant failed to take reasonable steps to gain an understanding of the nature of the operations of the business of the first defendant and generally of the hazards and risks associated with those operations.
- 2.2.4. The second defendant failed to take reasonable steps to ensure that the first defendant had available for use and used appropriate resources and processes to eliminate or minimise the risks associated with the demolition work.

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
			.		
			.		

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

24 Power Fit Pty Ltd 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 were no existing WHS policies or procedures at the time of purchase. However, following the incident, 24 Power Fit, under the direction of Mr Oldfield, 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 for a wider industry perspective, 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 24 Power Fit and Mr Oldfield 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). Mr Oldfield 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 24 Power Fit under the direction of Mr Oldfield 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 or Mr Oldfield.

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 Mr Oldfield has contravened section 27 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

Mr Oldfield sincerely regrets 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 under the direction Mr Oldfield, have 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.

Mr Oldfield 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.

Mr Oldfield 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 and Mr Oldfield so that they are properly qualified to assess and provide advice on the presence, and safe removal, of asbestos-containing materials.

2. educating 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 Mr Oldfield 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 Mr Oldfield has the financial ability to comply with the terms of this undertaking. A letter from the Company'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, Mr Oldfield 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

Mr Oldfield 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

Mr Oldfield, 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.

Mr Oldfield acknowledges 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

Mr Oldfield is committed to discharging his 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, Mr Oldfield agrees 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: Mr Oldfield will provide a copy of the EU to all of the Company's 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>3.2.1</p> <p>Asbestos removal (elimination of risk)</p> <p>Mr Oldfield commits to undertaking asbestos removal work from a building or buildings that is or are used by, or accessible to, workers and that provides a community benefit.</p> <p>This initiative eliminates the risk of worker exposure to asbestos by permanently removing asbestos-containing material, consistent with the hierarchy of controls and national objectives to reduce asbestos-related disease.</p> <p>Mr Oldfield will provide the Regulator with the following evidence to demonstrate compliance:</p> <ul style="list-style-type: none"> • Provide the Regulator with relevant receipts and payslips demonstrating expenditure incurred in undertaking the asbestos removal work; and • Provide the Regulator with written confirmation from the building owner that the work occurred, including a statement identifying what the building is used for and how workers are likely to interact with it. 	<p>\$15,000</p>	<p>18 months from acceptance</p>

Activities	Minimum cost	Timeframe
<p data-bbox="215 651 286 676">3.2.2</p> <p data-bbox="477 288 1326 485">Mr Oldfield will distribute the National Asbestos Awareness Campaign's materials during the National Asbestos Awareness Week in 2026. This will be achieved by erecting posters around the 24 Power Fit gym and including banners on email signatures for gym staff from the pre-prepared materials from the National Asbestos Awareness Campaign.</p> <p data-bbox="477 528 1326 659">This will raise awareness both within 24 Power Fit and amongst the gym members from the community. These materials include content that deals specifically with asbestos in day-to-day life and on what to watch out for when undertaking DIY projects.</p> <p data-bbox="477 702 1314 762">Mr Oldfield will provide the Regulator with the following evidence to demonstrate compliance:</p> <ul data-bbox="526 810 1321 1075" style="list-style-type: none"> <li data-bbox="526 810 1279 871">• Photographs of promotional materials at each relevant location <li data-bbox="526 911 1321 971">• Email evidence of banners on email signatures promoting the National Asbestos Awareness campaign. <li data-bbox="526 1011 1256 1072">• Providing the Regulator with relevant receipts for the activity' 	<p data-bbox="1379 651 1451 676">\$100</p>	<p data-bbox="1827 619 1980 711">18 months from acceptance</p>

Activities	Minimum cost	Timeframe
<p data-bbox="212 491 286 517">3.2.3</p> <p data-bbox="477 288 1328 419">Mr Oldfield will undertake a Work Health and Safety / Occupation Health and Safety training course for 3.2.3 to a training course specifically targeting Work Health and Safety obligations for Officers delivered by a registered training organisation.</p> <p data-bbox="477 456 1328 587">The purpose of this commitment is to enhance Mr Oldfield's understanding of work health and safety duties, risk management principles and incident-prevention strategies, and to strengthen his capacity to meet WHS responsibilities in the future.</p> <p data-bbox="477 624 1328 754">A suitable accredited course will be identified and enrolled in promptly following acceptance of the enforceable undertaking. Evidence of enrolment, completion and payment will be provided to the Regulator.</p>	<p data-bbox="1377 491 1491 517">\$420.00</p>	<p data-bbox="1825 456 1980 555">12 months from acceptance</p>
<p data-bbox="203 794 842 820">Total minimum cost of benefits for workers/others</p>	<p data-bbox="1377 794 1541 820">\$ 15,520.00</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
<p>3.3.1</p> <p>Mr Oldfield will develop, produce and distribute a five-minute animated video addressing the safe removal of asbestos from the workplace and the obligations of a PCBU, with a particular focus on small businesses whose operators are likely to undertake repairs and maintenance themselves.</p> <p>The video will be case-study based. It will outline the events that led to the alleged contravention by Mr Oldfield, followed by an explanation of the measures that should have been taken to correctly identify, manage and control asbestos risks. The latter component will be developed in consultation with a suitably qualified asbestos assessor, consistent with the approach outlined in the enforceable undertaking. The video will also highlight that the asbestos was located in an atypical position.</p> <p>The concept and script will be developed collaboratively by the qualified asbestos assessor and Mr Oldfield. Mr Oldfield will consult with SafeWork SA during the development of the script and production plan.</p> <p>The video will be produced by a professional production company. Once completed, it will be disseminated to the following audiences</p> <ul style="list-style-type: none"> • the 24 Power Fit's website, Facebook and Instagram pages; and • Small Business SA. <p>Mr Oldfield will provide the Regulator with evidence demonstrating compliance, including:</p> <ul style="list-style-type: none"> • Mr Oldfield will provide the script and production plan to SWSA for review and approval prior to production commencing. 	<p>\$60,000 (inclusive of costs of the asbestos specialist, costs of solicitors who will oversee script development, and costs of producer)</p>	<p>12 months from acceptance</p>

	<ul style="list-style-type: none"> • invoice and payment records for the producer. • invoice and payment records for the asbestos specialist. • The finalised video will be provided to SafeWork SA for approval prior to dissemination. • a copy of the completed video • evidence that the video has been disseminated as indicated above 		
Total minimum cost of benefits for industry		\$ 60,000	

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>Mr Oldfield will prepare an article for publication in newspapers to increase awareness of asbestos removal regulation and to share learnings from this incident. The purpose of the article is to provide accessible and relatable information to the public about the presence of asbestos in day-to-day life and how associated risks can be properly managed. Consistent with the ANSP, the article will also be disseminated to regional communities.</p> <p>The article will be written in two parts. The first part will set out, in Mr Oldfield's own words, the circumstances that led to the alleged contraventions. The second part will consist of expert advice outlining the steps that should have been taken to identify, avoid and minimise the work health and safety risks. This expert component will be developed in consultation with a competent and appropriately qualified asbestos specialist.</p>	\$15,400.00	12 months from acceptance

Activities	Minimum cost	Timeframe
<p>The concept and draft will be prepared in consultation with the asbestos specialist and Mr Oldfield. Before publication, the article will be submitted to SafeWork SA for review and approval.</p> <p>Once finalised, the article will be published in both metropolitan and regional newspapers, including:</p> <ul style="list-style-type: none"> • The Advertiser (in its regional capacity) • Barossa & Light Herald • The Islander (Kangaroo Island) • Flinders News • Cober Pedy Regional Times • The Border Watch (Mount Gambier) • Victor Harbor Times • The Southern Argus (Port Elliot) <p>The article will also be disseminated to:</p> <ul style="list-style-type: none"> • the 24 Power Fit's website, Facebook and Instagram pages; and • Small Business SA. <p>Mr Oldfield will provide the Regulator with evidence demonstrating compliance, including:</p>		

Activities	Minimum cost	Timeframe
	<ul style="list-style-type: none"> • SWSA will review and approve the content before publication. • evidence that the final approved article has been published and disseminated to the audiences described above • invoice and payment records for the nominated asbestos specialist company • invoice and payment records for publishing. 	
<p>3.4.2</p>	<p>Mr Oldfield will donate to Flinders University Professor Doug Henderson AO Research Fund. Professor Henderson was the leading world expert on mesothelioma research and left a bequest in his will to continue his research legacy. People can now contribute to this fund to further Professor Henderson's research at Flinders University.</p> <p>Mr Oldfield will provide the Regulator with evidence of payment confirming the donation.</p>	<p>\$17,500</p> <p>6 months from acceptance</p>
<p>3.4.3</p>	<p>Mr Oldfield will donate to the Asbestos Disease Society of SA, who provide information, education, advocacy, awareness and support for people with asbestos-related diseases and their families/carers.</p> <p>Mr Oldfield will provide the Regulator with evidence of payment confirming the donation.</p>	<p>\$17,500</p> <p>6 months from acceptance</p>
<p>3.4.4</p>	<p>Mr Oldfield will donate to the Asbestos Victims Association (SA) Inc, a community based not-for-profit organisation that supports individuals affected by asbestos-related disease and their families/carers.</p>	<p>\$17,500</p> <p>6 months from acceptance</p>

Activities	Minimum cost	Timeframe
	Mr Oldfield will provide the Regulator with evidence of payment confirming the donation.	
	\$67,900	
Total minimum cost of benefits for the community		\$67,900

3.5 Agreement to pay the Regulator's costs

3.5.1 Mr Oldfield 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	\$ 600
Compliance monitoring costs	\$ 2,472.50
Publication costs	\$ 0
Total Amount	\$ 3,072.50

3.6 Minimum spend

3.6.1 Mr Oldfield 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	\$ 15,520
Benefits to industry	\$ 60,000
Benefits to community	\$ 67,900
Regulator costs	\$ 3072.50
Total minimum spend for the undertaking	\$ 146,492.50

3.6.2 Mr Oldfield 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.

Mr Oldfield 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 Mr Oldfield commits to ensuring the safe systems of work will be audited by an independent third party WHS auditor.

3.8.2 Mr Oldfield 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

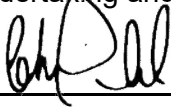
3.9.1 Mr Oldfield acknowledges that audit reports received from the auditor will be sent to the Regulator within 30 days of the audit.

3.9.2 Mr Oldfield 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]

Chad Oldfield
[Print name]

[Position]

Dated at _____ this _____ day of _____

OR

As a duly authorised person of Enter name of applicant I offer this undertaking and commit Enter name of applicant to the terms herein.

Signed: 
[Duly Authorised Person]

Chad Oldfield
[Print name]

Director
[Position]

Dated at _____ this _____ day of _____ 2026

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



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