

Application for proposed ENFORCEABLE UNDERTAKING

Part 11, Work Health and Safety Act 2012 (SA)

The commitments in this undertaking are offered to the regulator by

R.M.Williams Pty Ltd

ABN 17 007 527 166

The information provided in this document is for the purpose of an undertaking given to the regulator under Part 11 of the *Work Health and Safety Act 2012* (SA). This information will be managed within the requirements of the current State Government privacy regime.

The terms of an accepted enforceable undertaking are a matter of public record.

When an enforceable undertaking is accepted, notice of the decision to accept it and reasons for that decision will be published by the regulator on the SafeWork SA website within 14 days of the date of the decision.

Enforceable undertakings will not be removed from the public register and will remain on the register after a company or individual has discharged all obligations of the undertaking.

COMMENCEMENT OF UNDERTAKING

This enforceable undertaking is given on the day and date that it is accepted and signed by the regulator. The undertaking and its enforceable terms will commence to operate as a legally binding commitment on the part of the person from the date it is given.

SECTION 1: GENERAL INFORMATION

1.1. Details of the person proposing the undertaking.

Nominated person: (Point of contact for SWSA communications)	Joe McCandless (National WHS Manager)
Street address:	121 Frost Road Salisbury SA 5108
Postal address:	121 Frost Road Salisbury SA 5108
Telephone:	0421 478 808
Email address:	jmccandless@rmwilliams.com.au
Legal structure:	Private Company
Type of business:	Retail and Manufacturing
Commencement date:	1932
Workers: Full time:	570
Part time:	114
Casual:	150
Products and services:	High quality handcrafted footwear, apparel, leather goods, boot repairs and customer care.
Comments:	R.M.Williams Pty Ltd was established in 1932 and has become an iconic Australian brand, famously known for the Craftsman Boot, high quality hand crafted apparel and leather goods. There have been many changes in the business over the years however the brand today is stronger than ever and is proud of its rich Australian heritage. In remembrance of Reginald Murray Williams, R.M.Williams Pty Ltd continues to honour the design and craft that was formed all those years ago and continues to take pride in the craftsmanship of all Craftsmen and Craftswomen to produce high quality apparel purposefully designed to help you enjoy life's adventures.

1.2 Details of the alleged contravention.

SafeWork SA has alleged that R.M.Williams Pty Ltd (hereafter R.M.Williams) has committed an offence on 16th January 2020:

1. An offence contrary to sections 19 and 32 of the Work Health Safety Act 2012 (hereafter, the Act), in that R.M. Williams
 - a. failed to provide a safe system of work that accounts for the variations in the task when different sole materials are being trimmed/cut by an operator of the Silpar Heeler.
 - b. failure to provide adequate information, training, instructions, or supervision that accounts for the variations in the task when different sole materials are being trimmed/cut by an operator of the Silpar Heeler.

1.3 Detail the events surrounding the alleged contravention.

On the 16th of January 2020, the injured worker was operating the Silpar Heeler machine within the footwear department. The injured worker, not wanting to stand idle, picked up a new style of boot from the line and proceeded to ask a colleague to show him how to cut the Vibram sole. The colleague showed the injured worker the process, and the injured worker proceeded to cut the Vibram sole. During this operation, the injured worker’s right hand slipped causing his right index finger to enter the direct path of the rotating blades.

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

Date issued	Notice type	Notice number	Contravention or prohibited activity	Action taken in response to notice
24/01/2020	Improvement Notice	174277	Failure to provide safe systems of work and adequate information, training, instruction, or supervision.	Eliminated operation and implemented a set training process that was communicated across the workshop through toolbox meetings
29/05/2020	Improvement Notice	180892	Failure to provide information,	Information, training, and instruction

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			training and instruction.	delivered to maintenance.
03/06/2020	Improvement Notice	181255	Failure to provide the provision and maintenance of safe plant and structures.	Dual Button operation to nail loader, fitted with safety relay. E-Stop push button and signage installed. Improvements made to Safety arm.

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

The injury sustained by the worker was a traumatic amputation of the right index finger. Subsequently, the injured worker is suffering from post-traumatic stress disorder.

1.6 Detail the employment status and the workers' compensation or other 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 - [Enter details of 'other' here]
- not applicable

Status:

The Injured Worker has an accepted compensable workers compensation claim.

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

Date	Description of support	Comments
Continuous	Return to Work Coordinator has continued to work with the injured worker's allied health team to assist in recovery and return to work.	The Return to Work Coordinator has continued to attend case conferences, meetings, and medical appointments to assist the injured workers allied health team in building the injured workers capacity.

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06/03/2020	Activities of daily living assessment conducted leading to an independence enablement plan being put in place.	The purpose of the assessment was to establish the injured workers needs regarding their ability to independently perform activities of daily living in a safe and sustainable manner. This includes: <ul style="list-style-type: none"> • Personal care • Mobility • Indoor domestic activities • Outdoor domestic activities • Community based tasks and activities
Ongoing from 11/09/2020	Investigating alternative employment opportunity within distribution centre.	The injured worker conducted a visit to the distribution centre with the distribution centre manager, return to work coordinator and two other support workers. The purpose of this visit was to discuss an alternative employment opportunity within R.M. Williams.
24 May 2021 - Ongoing	Injured worker commenced a return to work to the Distribution Centre	Injured worker commenced suitable duties in the Distribution Centre collecting and packing E-Commerce orders. As at 29 June 2021 Injured worker is working three days per week, for five hours per shift.

1.8 Detail any current work, health and safety systems at the workplace.

R.M. WILLIAMS has a work health safety (hereafter WHS) system that includes:

- A WHS committee
- A WHS policy outlining R.M.Williams commitment to providing a safe working environment and how this will be achieved and monitored
- An employee portal housing a suite of WHS policies, procedures and supporting documents
- A reporting system that captures incidents, near miss reports, hazards, and procedural improvement opportunities
- Incident flash reports sent within 24 hours to the Board
- An organisational corrective action register that captures actions from the reporting system, committee meetings, and risk assessments nationally
- A consultative risk assessment process
- A legislative monitoring framework
- External third-party auditing by Bureau Veritas
- WHS training
- Safe work procedures (SWP) & standard quality procedures (SQP)
- Ongoing monitoring of safety systems, as outlined below in 1.9

1.9 Detail the level of auditing currently undertaken on the work, health and safety systems referred to in term 1.8, including compliance audits and audit frequency.

The current level of auditing undertaken on the WHS system, includes:

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- External audits conducted annually by Bureau Veritas encompassing all areas of compliance across the business including health and safety

1.10 Detail the consultation undertaken or proposed to be undertaken, in relation to this undertaking.

As a result of the incident and throughout the enforceable undertaking process, R.M.Williams has consulted extensively with workers. This can be evidenced through the WHS Committee minutes. The leadership team and external safety consultants have also been consulted with to understand, address, and improve R,M.Williams safety systems and culture.

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

Activity	Details
My Safety and Wellbeing Portal	<ul style="list-style-type: none"> ➤ My Safety and Wellbeing portal located on the company intranet ➤ Safety Alerts ➤ Houses WHS documents ➤ Key safety contact information.
Lawlex legislative monitoring system	<p>The Lawlex legislative monitoring system allows R.M.Williams to stay informed of any relevant legislative change through advising relevant stakeholders via alert containing:</p> <ul style="list-style-type: none"> ➤ A summary highlighting the key features of the new legislation ➤ A direct link to the official Government legislation, as available on the internet ➤ A link to our tabulated summary of amendments at a section level when appropriate ➤ Accurate dates of assent or proclamation of new legislation.
Silpar Heeler FW828 Improvements	<ul style="list-style-type: none"> ➤ Machine buttons labeled in English ➤ Emergency stop buttons labeled ➤ Machine re-risk assessed ➤ New safe work procedure created ➤ Visual safety guides created to aid in communicating pertinent information in a universal language (through visuals) ➤ Identified and designated three highly skilled operators to cut down Vibram Soles as an interim control until all knives were received and fitted to the Beam Presses ➤ Elimination of all other team members from cutting Vibram Soles down on the Silpar Heeler.

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Vibram Sole Cutting Process Improvements	<ul style="list-style-type: none"> ➤ Created patterns for knives ➤ Ordered knives from Sydney and Spain ➤ Sydney knives received and trialed ➤ Risk assessed the two Beam Presses FW263 & FW709 with new knives ➤ New Safe Work Procedure created ➤ All knives and new process successfully installed and implemented.
New Training Process	<ul style="list-style-type: none"> ➤ Training reviewed and updated training process developed ➤ Communication in toolbox meetings across the Workshop, all departments ➤ Continual audits, periodic checks, and monitoring to ensure process is being followed.
Safety Documents Soling & Finishing	<ul style="list-style-type: none"> ➤ Safety Cabinets purchased to hold hard copy training records ➤ Specific locations have been identified and safety cabinets put in set locations ➤ Safe work procedures placed at all machines for easy reference.
Appoint National WHS Manager	<ul style="list-style-type: none"> ➤ A National WHS Manager was appointed and commenced on 02 November 2020 ➤ The National WHS Manager is located at 121 Frost Road Salisbury, South Australia.
Appoint WHS & RTW Advisor	<ul style="list-style-type: none"> ➤ A WHS & RTW Advisor was appointed and commenced on 12 July 2021 ➤ The WHS & RTW Advisor is located at 121 Frost Road Salisbury, South Australia.
Across the business improvement implementation	<ul style="list-style-type: none"> ➤ Completed Line 2 - Silpar Heeler FW140 with same improvements as FW828 ➤ No Vibram Soles are cut on this machine (FW140) ➤ Machine buttons labeled in English ➤ Emergency stop buttons labeled ➤ Machine re-risk assessed ➤ New Safe Work Procedure created ➤ Created Visual Safety Guides.
Organisational Safety Alerts	National Safety alerts send via email as well as being placed on the WHS boards to communicate key issues or incidents with all staff and share key learnings.
Weekly WHS update in newsletter	A weekly update in the company newsletter designed to educate and promote discussion about WHS topics such as hazard identification, incident and near miss reporting, and the functions of the Work Health Safety Committee.
Board Flash Reports	Post an incident occurring, Flash reports are sent through to the Board within 24 hours advising on the initial facts and immediate remedial actions that have occurred.
Re- Launched EAP service with AccessEAP	Organisational relaunch of the EAP service with the new EAP provider, AccessEAP.

SECTION 2: GENERAL TERMS

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

2.1 Acknowledgement that the regulator alleges a contravention occurred as detailed in term 1.2.

R.M.Williams acknowledges that the Regulator has alleged that R.M.Williams contravened sections 19 and 32 of the Act. Specifically, failing to provide a safe system of work that accounts for the variations in the task when different sole materials are being trimmed/cut by an operator of the Silpar Heeler.

Further, failure to provide adequate information, training, instructions, or supervision that accounts for the variations in the task when different sole materials are being trimmed/cut by an operator of the Silpar Heeler.

2.2 Statement of regret that the alleged contravention occurred and the reasons the person considers this undertaking is a more appropriate response to the alleged contravention than a court imposed sanction.

R.M.Williams sincerely regrets the incident that occurred on the 16th of January 2020. R.M.Williams expresses its compassion to the injured worker and understands that the incident in question has affected not only the injured worker, but their family, friends, as well as workmates, supervisors, and managers at R.M.Williams.

R.M.Williams considers this undertaking a progressive response to the alleged contravention and has taken, and will continue to take, such steps as are reasonably practicable to ensure that such an incident or a similar incident does not occur in the future.

R.M.Williams is committed to sharing the story, the effects, and the lessons learnt from the incident with the industry and wider community to raise understanding and develop industry awareness into the importance of implementing and monitoring safe work practices.

As outlined in Table 3.6.1, R.M.Williams is committed to a significant outlay to ensure on-going compliance and improvement in its WHS practices. A court imposed sanction will not alter this commitment and only likely result in an allocation of financial resources to Government revenue that could otherwise be put towards the company's desire to improve and modernise its plant and equipment, thus providing a safer workplace.

2.3 Statement of commitment that the behaviour, activities and other factors which caused or led to the alleged contravention has ceased and will not reoccur.

R.M.Williams is committed to ongoing compliance with all relevant obligations under the Act and has taken several steps to improve the safety culture and systems of work within the organisation.

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R.M.Williams has eliminated the operation in which the alleged contravention occurred and is committed to ensuring that the behaviour that led to the alleged contravention cannot be replicated within the organisation.

R.M.Williams has already taken steps to prevent any recurrences of incidents of a similar nature and is committed to implementing necessary safety improvements.

2.4 Acknowledgment of the guidelines published by the regulator for the acceptance of an undertaking

I have read and understood:

Guidelines for the acceptance of an enforceable undertaking

Version: 1 Dated: September 2020

2.5 Acknowledgement that this undertaking may be published and publicised

2.5.1 R.M.Williams acknowledges that the undertaking may be published on the SafeWork SA website and referenced in SafeWork SA material.

2.5.2 R.M.Williams acknowledges that the undertaking may be publicised in newspapers, media releases, and general marketing publications.

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

2.6.1 R.M.Williams has the financial ability to comply with the terms of this undertaking.

2.6.2 In the event of impending liquidation or sale of the entity, R.M.Williams will advise SafeWork SA of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking within 14 days.

2.6.3 In the event that R.M.Williams is sold, all information relating to the Enforceable Undertaking will be furnished as part of the request for information process.

2.7 Statement regarding person's relationship with any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking.

R.M.Williams confirms that there are no relationships with any corporations, officers, employees, contractors or any proposed beneficiaries of donations or scholarships or other recipients of financial benefit contained within this undertaking.

2.8 Statement regarding Intellectual Property Licence.

R.M.Williams 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.

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2.9 Acknowledgement that the person may be required to provide a statutory declaration.

SafeWork SA has requested a statutory declaration outlining details of any prior work health and safety convictions¹, subject to any local legal constraints such as spent conviction legislation, or findings of guilt under work health and safety legislation or work health and safety related legislation.

YES NO

The statutory declaration is attached (if applicable)

YES NO

2.10 Statement of commitment from the person to participate constructively in all compliance monitoring activities for this undertaking.

2.10.1 It is acknowledged that the regulator will conduct compliance monitoring to ensure compliance with the terms of this undertaking.

2.10.2 Cooperation will be given to allow the regulator's officers to assess compliance including giving access to relevant material (evidence of compliance).

2.10.3 It is acknowledged that the regulator may initiate additional compliance inspections as considered necessary at the regulator's expense.

2.11 A commitment by the person to perform activities that will ensure the ongoing effective management of risks to health and safety in the future conduct of its business or undertaking.

R.M.Williams is committed to discharging its obligations under the Act. This commitment is reinforced by:

- the rectifications referred to in section 1.11 above; and
- the undertakings made within this document.

2.12 A commitment regarding linking the promotion of benefits by the person to this undertaking.

R.M.Williams is committed to promoting the benefits contained within this undertaking and to the undertaking itself.

R.M.Williams will disseminate this information to the industry, community, employees and contractors to raise awareness of the ongoing monitoring of safe work practices.

¹ Subject to any local legal constraints such as spent conviction legislation

SECTION 3: ENFORCEABLE TERMS

The person 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 person 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).

Dissemination will be achieved by doing the following:

- R.M.Williams will produce and distribute a bulletin that will be sent to all current employees informing them of the executed enforceable undertaking within 30 days of acceptance by the regulator.
- The bulletin will also be made available on the employee intranet and placed on the WHS notice boards in all organisational departments within 30 days of acceptance by the regulator.

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	WHS Systems alignment to AS/NZS 45001:2018 scoped to the Workshop. All remedial actions identified from Stage 1 audit to be actioned no later than 31 July 2023. Progress updates to be given to the regulator every 3 months via email.	\$ 20,000	31 July 2023
3.2.2	WHS Systems alignment to AS/NZS 45001:2018 scoped to the Workshop. All remedial actions identified from the Stage 2 audit to be actioned no later than 31 July 2024. Progress updates post Stage 1 audit to be given to the regulator every 3 months via email.	\$10,000	31 July 2024
3.2.3	All Workshop floor Managers to conduct the WHS module as part of the Cert 4 Management Training delivered by Leadership Management Australia. Updates on enrolled or	\$ 10,000	31 December 2022

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	graduated Managers to be supplied to the regulator every 3 months via email		
3.2.4	All Workshop floor Team Leaders to conduct the WHS module as part of the Cert 3 Management Training delivered by Leadership Management Australia. Updates on enrolled or graduated Team Leaders to be supplied to the regulator every 3 months via email	\$ 10,000	23 December 2022
3.2.5	Implement the following Beakon WHS Software modules across all business functions Nationally. <ul style="list-style-type: none"> ➤ Incident, Injury, Hazard, Near Miss, and complaint Reporting ➤ Safety Auditing ➤ Corrective Actions Register ➤ Asset Register ➤ WHS document control Progress updates are to be submitted to the regulator every 3 months until project completion.	\$ 78,452	29 July 2022
3.2.6	Mental Health First Aid training delivered to the following staff: <ul style="list-style-type: none"> ➤ Managers in Footwear, Clothing, Craft and the Distribution Centre. ➤ Two staff members from both the Adelaide and Sydney offices ➤ All Retail Regional Managers ➤ All staff - the Human Resources Department Certificates of completion are to be supplied to the regulator.	\$ 8,000	30 December 2022
3.2.7	Develop a WHSW Strategic Plan that identifies WHS goals, objectives, actions, performance measures and accountabilities for FY 2021 – 2022. A copy of this plan is to be provided to the regulator.	NA	31 October 2021
3.2.8	Conduct a WHS policy and procedural legislative audit against relevant WHS legislation. The audit is to be	\$ 7,000	30 December 2022

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	performed by a suitably qualified and competent external auditor. All remedial actions that are identified are to be actioned by 30 December 2022. A remedial action report will be supplied to the regulator combined with 3 monthly progress updates.		
3.2.9	Weekly Whip Crack article on the incident, and lessons learnt for industry – Distributed for National employee exposure. A copy of this article is to be provided to the Regulator	NA	31 December 2021
Total minimum cost of benefits for workers/others			\$ 143,452.00 AUD

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	Outback magazine article – March - April 2022 edition. Approximately 700 words on the incident, and lessons learnt for industry – Distributed to approximately 300,000 readers. A copy of this article is to be provided to the Regulator.	\$6,500	31 May 2022
3.2.3	Create and offer digital media that covers the incident and lessons learnt to Business SA for their use as an educational tool for industry. A copy of the distributed digital media to be provided to the Regulator.	\$5,000	29 July 2022
Total minimum cost of benefits for industry			\$ 11,500.00 AUD

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	Donate to support Limbs 4 life. Limbs 4 Life provides services to thousands of amputees and their care givers, who rely on the programs and services for	\$ 10,000	28 February 2022

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	assistance prior to, or after a limb amputation.		
3.4.2	Conduct a safety presentation to a relevant AMES class. Create and offer digital media that covers the incident and lessons learnt to AMES Australia for their ongoing use as an educational tool for students. A copy of participant attendance, and the distributed digital media to be provided to the regulator.	NA	30 December 2022
3.4.3	Create and offer digital media that covers the incident and lessons learnt to TAFE SA for their use as an educational tool for students. A copy of the distributed digital media to be provided to the regulator.	NA	30 December 2022
Total minimum cost of benefits for the community			\$ 10,000.00 AUD

3.5 Agreement to pay the regulator's costs.

Agreement is given 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	\$ 1,520.00
Compliance monitoring costs	\$ 19,775.00
Publication costs	\$ 0
Total Amount	\$ 21,295.00

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3.6 Minimum spend.

3.6.1 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)

Estimated total value of	Minimum spend
Benefits to workers/others	\$ 143,452.00
Benefits to industry	\$ 11,500.00
Benefits to community	\$ 10,000.00
Regulator costs	\$ 21,295.00
Estimated total minimum spend for the undertaking	\$ 186,247.00 AUD

3.6.2 R.M.Williams 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 establish and maintain (or maintain if a system already exists) a work, health and safety management system (WHSMS)

R.M.Williams is committed to maintaining a work health safety management system that is compliant with the Act. R.M.Williams will achieve this in part through aligning its safety management system with the AS/NZS 45001:2018 standard. Ongoing scheduled three yearly audits will ensure that alignment is maintained.

3.8 A commitment to ensure the WHSMS is audited by third party auditors

R.M.Williams will continue to engage Bureau Veritas to conduct annual Social Audits. R.M.Williams will engage SAI Global to provide scheduled external auditing of its safety management system against AS/NZS 45001:2018.

3.9 A commitment to provide a copy of each finalised WHSMS audit report to the regulator.

3.9.1 It is acknowledged that audit reports received from the external auditor will be sent to the regulator within 30 days of the completion of the audit. A letter certifying that the report has not been altered from the copy provided to R.M.Williams will be supplied to the regulator.

3.9.2 It is acknowledged that within 90 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.

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3.10 A commitment to implement the recommendations from these audits (unless otherwise negotiated with the regulator)

3.10.1 The recommendations resulting from the Work Health Safety Systems audit will be fully implemented as per the timelines set out in 3.2.1 and 3.2.2, unless the regulator offers a variation of the undertaking due to the actions being unreasonable.

SECTION 4: OFFER OF UNDERTAKING

As a duly authorised person of R.M.Williams, I offer this undertaking and commit R.M.Williams to the terms herein.

Signed: Joe McCandless
[Duly Authorised Person]

Joe McCandless
[Print name]

National WHS Manager
[Position]

Dated at 121 Frost Road Salisbury 5108 this 4th day of August, 2021

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]

Martyn Campbell

[Print name]

Executive Director

[Position]

Dated at SafeWork SA this 9th day of August, 2021



1300 365 255



help.safework@sa.gov.au



safework.sa.gov.au



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