

Undertaking to the Executive Director, Safework SA given for the purposes of part 11 of the
Work Health and Safety Act.

By

Coles Supermarkets Australia Pty Ltd (“Coles”)

ACN 004 189 708

Section 1 – General information

GI(a) details of the person proposing the undertaking

Street address Level 3, Module 8, 800 Toorak Road, Hawthorn East, Victoria, 3123
Mailing address As above
Telephone (03) 9829 3202 Mobile: 0417 127 315
Email address genevieve.hawkins@coles.com.au
Legal structure Body Corporate
Type of business Supermarket Retailer
Commencement date 11/10/1914
Workers Full time:18,919 Part Time: 45,857 Casual: 18,559 Total: 83,334 (all as at 11.11.15 and subject to change).
Products and services Coles provides fresh food, groceries and general merchandise.

Comments

Coles is a national full service supermarket retailer operating 776 supermarkets nationally. Coles has approximately 83,300 team members throughout Australia with approximately 5800 of those employed in South Australia (“SA”).

Roll cages perform an important role in allowing team members to safely move goods into its stores by reducing the amount of manual handling of products and the number of trips team members have to make. At the time of the incident, which is the subject of this undertaking, Coles had approximately 32,000 roll cages in circulation in SA. Every week, around 7800 of those roll cages are despatched from the SA Distribution Centre and approximately 12,000 roll cages would be handled by Coles’ SA team members in the stores.

Within the Coles safety system, new equipment undergoes a risk assessment to determine suitability. Depending on the nature of this equipment, there may be a safe work practice written for it to guide the team member. Coles has in place nationwide Safe Work Practices (“SWPs”), which comprise three categories: Store Mandatory (all team members to complete), Store Specific Equipment/Task and Authorised Equipment. Upon commencement of their employment with Coles, team members receive training on SWPs with both the team manager and line manager signing off to verify that they have understood them. Thereafter, the SWPs are reinforced through annual refresher training, team ‘huddles’ and on the shop floor. Coles has had a SWP for the safe movement of roll cages since April 2005, including the Roll Cage-SA only SWP issued on 2 December 2012 (“the 2012 SWP”). Training in such SWPs was mandatory for all team members.

GI(b) the details of the alleged contravention

SafeWork SA has alleged that Coles has committed two offences on 15 October 2013:

1. an offence pursuant to sections 32 and 19 (2) of the WHS Act, in that it failed to ensure as far as was reasonably practicable that it:
 - i. provided and maintained a safe system of work in relation to the use of H-frame roll cages to move stock and boxes through the public areas of the supermarket while members of the public

were present in that it failed to:

(a) adequately implement, maintain and enforce the requirement in the 2012 SWP to use a spotter to assist with the movement of stock through the public areas of the supermarket, when the roll cage was loaded with stock to a height higher than 1400 mm above the ground (or above the shoulder height of the operator, whichever was the lower height); and

(b) adequately enforce the prohibition on moving roll cages through the public areas of the supermarket without using a spotter, when the above requirement was not met.

ii. provided the information, training, instruction or supervision that was necessary to protect all persons from risks to their health and safety, arising from the use of H-Frame roll cages by Coles to move stock and boxes through the public areas of the supermarket while members of the public were present, in that it failed to provide adequate information, instruction, training and supervision to its team members in relation to:

(a) the requirement in the 2012 SWP to use a spotter to assist with the movement of stock through the public areas of the supermarket when a roll cage was stacked higher than 1400 mm above the ground (or above the shoulder height of the operator, whichever was the lower height); and

(b) the prohibition on moving roll cages through the public areas of the supermarket without using a spotter, when the above requirement was not met.

2. An offence pursuant to section 197 of the WHS Act on the basis that Coles allegedly contravened or failed to comply with a Prohibition Notice (PN 59518), as issued to Coles on 5 June 2012, when it caused or permitted two team members employed by it to:

i. move stock from the storeroom through the public area of the supermarket to the supermarket shelves, using a H-frame roll cage loaded with stock to a height higher than 1400 mm above the ground, without using a spotter;

ii. have stock stacked on the upper shelf of an H-frame roll cage, without using a spotter, when moving stock from a storeroom through the public area of the supermarket to the supermarket shelves using the roll cage.

GI(c) details of the events surrounding the alleged contravention, e.g. incident details

On 15 October 2013, two Coles' team members were working in their capacity as Night Fillers at the Coles, Oaklands Park, SA store when they moved stock from the storeroom through the public area of the supermarket to the shelves, using a roll cage loaded with stock to a height higher than 1400mm above the ground, without a spotter. In the course of doing so, one of the team members pushed a roll cage, which hit a member of the public causing injuries, as identified in section GI (e) below.

GI(d) an acknowledgement that SafeWork SA has alleged that a contravention has occurred

It is acknowledged that SafeWork SA has alleged that Coles has contravened sections 19(2), 32 and 197 of the WHS Act.

GI(e) the details of any injury that arose from the alleged contravention

The member of the public sustained a fractured pelvis, a fractured left elbow, and a bump on the back of the head.

GI(f) the details of any enforcement notices issued that relate to the alleged contravention

Notices received:

No

Yes (provide details)

Date issued	Notice type	Notice number	Contravention	Action taken to respond to notice
25/05/2012	Prohibition	58204	Section 19 of the WHS Act	<p>In May 2012:</p> <ul style="list-style-type: none"> • Coles Operation Team sent an SMS to all Coles SA stores regarding the SafeWork SA Prohibition Notice and the correct use of roll cages; • Coles Safety Team issued a communication to all SA stores with additional information about the Prohibition Notice. <p>This Prohibition Notice was replaced with PN 58518, as referred to below.</p>
05/06/2012	Prohibition	58518	Section 19 of the WHS Act	<p>On 26 June 2012, Coles Safety Team issued a communication to all SA stores with roll cage safety instructions requiring that all stores implement the following by 1 July 2012:</p> <ul style="list-style-type: none"> • place red adhesive tape on all four corners of each roll cage to indicate 1.4 metre level above floor; • ensure that all roll cages pushed onto the shop floor have stock under the 1.4m mark or to shoulder height (whichever is the lowest); • use a spotter for all movements of the roll cage on the selling floor if the cage is stacked higher than 1.4 m or shoulder height (whichever is the lowest); • communicate the above to all team members via team huddles and SWP training. <p>On 1 July 2012, Coles issued a H-Frame Roll Cage (SA only) Safe Work Practice 303, which relevantly addressed the need to use a spotter if stock on a roll cage is higher than shoulder height.</p>

				<p>At or about 9 July 2012, Coles Safety Team issued a communication to all SA stores to ensure that red tape had been applied to all four corners of every roll cage to identify 1.4 metres from the ground.</p> <p>On 8 October 2012, Coles Safety Team issued a communication to all SA stores with a roll cage safety update. This communication reiterated the need for all team members to be informed of the requirements set out in the June store communication above.</p> <p>On 2 December 2012, Coles issued an updated version of the Roll Cage-SA only SWP. This SWP provided, among other things, that <i>“When pushing a loaded roll cage onto the shop floor, ensure stock is no higher than the red height indicator at 1400mm or shoulder height (whichever is the lowest) to allow clear visibility of customers and team members, or use a spotter to help guide...”</i>.</p> <p>Coles SA team members, including the two team members subsequently involved in the 2013 incident, received SWP Training on the new Roll Cage-SA only SWP.</p> <p>Coles’ State based safety coaches were required, in their store visits, to look for specific safety actions including roll cage movement.</p>
18/10/2013	Improvement	304547	Section 19 of the WHS Act	Please refer to Section GI (m) below for details.

GI(g) a statement of assurance about future work health and safety behaviour

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

- the rectifications referred to in section GI(m) below; and
- the undertakings made within this document.

When an alleged contravention is associated with an injury/illness

GI(h) The details of the type of workers’ compensation provided (if the injured person is a worker of the person)

Not Applicable

GI(i) details of the support provided to the injured person to overcome the injury/illness

The injured person is:

- an employee of the entity
- a self-employed person
- other (please specify)
Member of the public
- not applicable

Support provided to the injured person/s or injured person/s family:

Date	Description of support	Comment
15/10/2013	Coles offered an Ambulance to the injured person immediately following the incident	Offer declined by injured person
15/10/2013	Two Coles' team members drove the injured person home and remained there until such time as a family member arrived	
15/01/2013	Coles Duty Manager telephoned the injured person for the purposes of a welfare check	Coles is informed by a family member that the injured person had been taken to hospital
16/10/2013	Coles Dry Goods Manager telephoned the injured person's home	Coles is informed by a family member that the injured person is still in hospital with a fractured pelvis and arm

GI(j) if the matter involves a fatality or very serious injury², a claim to demonstrate that exceptional circumstances exist so the WHS undertaking can be considered

Does the contravention involve a fatality or very serious injury?

Yes No

GI(k) the details of any existing occupational health and safety management systems at the workplace including the level of auditing currently undertaken

1. OHSMS

As a self-insured organisation, Coles has a well-established occupational health and safety management system ("OHSMS"). While not externally accredited in accordance with Australian/New Zealand Standard 4801:2000, the OHSMS has been accepted by Return to Work SA as meeting these requirements and therefore retains self-insurance. This system includes:

- A risk management framework to effectively manage existing risk profile including detailed safe work practices;
- A comprehensive safety training program including yearly refresher on safety for all team members;
- A 24 hour critical incident desk to report through all incidents, hazards and maintenance requirements;
- An online safety system to effectively manage all incidents and monitor trends at a national level; and
- A governance framework including auditing program (as per below), monthly safety reporting to the Board, quarterly Director debriefs and quarterly safety reports at parent company level.

² An injury that has caused nervous system damage liable to lead to mental incapacity or permanent restriction of mobility or involves a major amputation of a limb or parts of the body, for example, amputation above the knee or elbow.

2. Audit Program

To ensure continuous improvement, there is an annual audit framework in place to test both the overall OHSMS' compliance to standards and the effectiveness of its implementation at site level. In addition, as a result of being self-insured across Australia in 8 jurisdictions, Coles is subject to regular audits by the relevant state/territory based regulators or a nominated third party to test its OHSMS.

The audit framework is reviewed annually to determine its appropriateness and to target audit questions to specific areas of risk. The current audit framework is a multi-level framework including:

- Store Managers conducting their own guided self-assessment three times a year on audit questions to determine their own self-improvement program.
- External audit company (KPMG at this point but currently out to tender) audit approximately 33% of the stores in any one year targeting safety questions based on incident profile and selecting stores on a combination of past performance and random selection.
- External audit company (currently Verus) conduct a yearly OHSMS audit based on a three year rotation program of key aspects of the management system to test overall compliance of the management system to the external standard and effective implementation at a national level.
- Coles' parent company appoint internal auditors (KPMG) who conduct an independent audit of aspects of the safety system and provide this report to the board.
- In any one year, depending on the licence renewal timeframe, Coles' OHSMS will be audited by an external auditor on behalf of one of the State based regulators. In FY2016, this is NSW.

The cost of the auditing is approximately \$500,000 per annum.

GI(I) a statement of regret (i.e. not an admission of guilt)

Coles sincerely regrets that the incident occurred and has taken, and will continue to take, such steps as are necessary to ensure that such an incident does not occur again.

GI (m) any rectifications made as a result of the contravention

1. The framework available within the Coles OHSMS was utilised to address this specific incident and focus on further action to be taken to effectively reduce risk.
2. In the days after the incident, all team members at the Coles Oaklands Park SA store participated in team huddles where they were informed about the circumstances of the incident and were reminded of the strict need to comply with the contents of the 2012 SWP. At the same time, team members received a practical demonstration on the correct use of roll cages. Following the huddle/SWP training, each team member signed a document evidencing that they had received and understood the training.
3. In June 2013, a risk assessment was conducted on the approach to handling roll cages to determine what methods were the safest. An external ergonomist was utilised for this assessment and confirmed the appropriateness of pulling as well as pushing roll cages.
4. On 28 October 2013, Coles Oaklands Park SA Line Managers and Supervisors received Roll Cage refresher training.
5. On 3 November 2013, Coles issued an updated Roll Cage-SA only Safe Work Practice 303 ("the 2013 SWP") which addressed pulling and pushing of roll cages. It relevantly provides that team members may:
 - i. pull roll cages at any time but **MUST** pull the roll cages if they are loaded above the red marker;
 - ii. push roll cages if stock is loaded below red markers on the roll cage, and there is clear visibility of the forward path.

<p>6. On 11 November 2013, Coles Health & Safety issued a communication to all SA stores regarding the 2013 SWP and requested that all SA team members be trained in that SWP by 29 November 2013.</p> <p>7. In December 2014, Coles conducted team talks across all stores in SA regarding the safe use of roll cages and what could go wrong, showing video footage of the incident to assist in understanding the impact.</p>
<p>GI(n) an acknowledgement that the WHS undertaking may be published</p> <p>Coles acknowledges that this undertaking document may be published on the regulator's internet site and may be referenced in the regulator's publications. It is also acknowledged that, during the lifetime of this undertaking document, a public notice of the undertaking may be published in newspapers and other media as determined by the regulator.</p>
<p>GI(o) a statement of ability to comply with the terms of the undertaking</p> <p>Coles declares that it has the financial ability to comply with the terms of this undertaking document.</p>
<p>GI(p) the person may be required to provide a statutory declaration</p> <p>The regulator has requested a statutory declaration outlining details of any prior WHS convictions³ or findings of guilt under WHS legislation or WHS-related legislation?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>The statutory declaration is attached (if applicable)</p> <p>Not Applicable</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>GI(q) Acknowledgment of WHS undertaking overview and guidelines</p> <p>Coles has read and understood:</p> <p><i>Enforceable undertakings – an overview</i> version 1 dated December 2012 and</p> <p><i>Enforceable undertakings-guidelines for proposing a WHS undertaking</i> version 1 dated December 2012.</p>
<p>Section 2 – Mandatory Terms</p>
<p>MT(a) A commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur</p> <p>Coles is committed to ensuring that the behaviour that led to the alleged contravention has ceased.</p> <p>Coles has already taken steps to prevent any recurrences of incidents of a similar nature (see section GI (m) above).</p> <p>Coles is committed to complying with all its obligations under the WHS Act.</p>
<p>MT(b) A Commitment to the ongoing effective management of WHS risks</p> <p>Coles is committed to the ongoing effective management of WHS risks. This commitment is evidenced by:</p> <ul style="list-style-type: none"> • The steps taken to prevent any recurrences of similar incidents (see section GI(m) above); • The undertakings contained within this document;

³ Subject to any local legal constraints such as spent conviction legislation.

<ul style="list-style-type: none"> • The commitment to maintaining an OHSMS; • The significant changes to the structure of Coles' National Safety team including in SA.
<p>MT(c) A commitment to disseminate information about the undertaking to workers, and other relevant parties, and in the annual report (if applicable)</p> <p>Within 90 days of this Undertaking coming into effect:</p> <ol style="list-style-type: none"> 1. the Coles' Operations Director will send an email to the organisation explaining the commitment to health and safety and a reminder that this enforceable undertaking is for everyone to ensure safety is always front of mind. The store leadership team and above will receive this email. 2. to reach all team members, the results of this enforceable undertaking will be published in the team member magazine 'Shop Talk', which is distributed to all stores for team members to review; 3. every store health and safety committee will receive a video message on the enforceable undertaking.
<p>MT(d) A commitment to participate constructively in all compliance monitoring activities of the undertaking</p> <p>Coles acknowledges that SafeWork SA will conduct compliance monitoring to ensure compliance with the terms of this undertaking.</p> <p>It is acknowledged that compliance inspections will be conducted by an officer of SafeWork SA at no greater than six monthly intervals, with the final inspection to be conducted once all aspects of the undertaking have been implemented and are complete.</p> <p>Cooperation will be given to allow SafeWork SA's officers to assess compliance including giving access to relevant material (evidence of compliance).</p> <p>It is acknowledged that SafeWork SA may initiate additional compliance inspections as considered necessary at SafeWork SA's expense.</p>
<p>MT(e) Strategies that will deliver worker benefits</p> <ol style="list-style-type: none"> 1. In 2014, with a new General Manager of Health, Safety & Wellbeing appointed, a new strategy was commenced across the entire Coles network to focus teams on shifting from a compliance mentality to caring for Self, Team and Customer. This included a road show nationally for all Store Managers and a competition across stores to rename the store safety committee, a simplification of processes for stores to follow and a new structure for the safety team with: <ul style="list-style-type: none"> • the placement of People, Product and Safety Managers across each state; • the People, Product and Safety Managers reporting directly to the Coles General Manager of Health Safety & Wellbeing; • the creation of a senior safety position on each State leadership team to implement and drive safety strategies with a focus on continuously improving the safety culture and performance within the stores; • the launch of 'risk on a page' by department to help call out the primary safety requirements from the SWP's. 2. In 2015, Coles introduced a new look to the annual refresher training by implementing an online assessment for Deli, Service, Grocery, Meat, Bakery and Dairy with an ongoing rollout across all departments. These online assessments are based on the various scenarios that team members face in order

to check their understanding of key practices;

3. Ongoing Business Assurance Audits conducted by an external audit company and Self-Assessment Audits conducted by Store Managers, which include assessing competence and compliance to roll cage SWP's.
4. Coles recognises that safety and operational efficiency are directly aligned and are investigating ways of decreasing stock handling which will in turn minimise the number of roll cages on the shop floor. As part of this process, Coles is introducing a Grocery Program.
 - Title of Program: Grocery Core Program
 - Overview of program: Coles has invested in the development of a back stock tool to assist team members in understanding what stock should/shouldn't be brought onto the shop floor. This has now been integrated into a broader grocery program to increase the skills of both the grocery managers and team members in efficient and safe filling of shelves. It is focused on developing the grocery manager's skills who in turn will train their teams in core processes.
 - Pre-requisite: being a grocery manager/duty manager/store manager.
 - Objectives of the program: At the end of the program, the participants will be able to:
 - Train team members in:
 - planning and executing the main fill safely;
 - inventory management to ensure that only required back stock is taken onto the shop floor;
 - how to accurately, efficiently and safely build aisle ends (displays) and keep layouts up to date to ensure only required stock is taken to the shop floor;
 - Roster team members to ensure Coles has the right resources at the right time.
 - Program duration: 3 days training for store managers, grocery and duty managers. Thereafter, a 6 week roll out of training to grocery team members incorporating the team member program outlined below.
 - Competency assessment: Grocery managers will be assessed by operational metrics on stock management.
Grocery team members will be assessed through observation and an online assessment.
 - Timeframe for completion: October 2016
 - Measurable Benefits: Improved efficiency in grocery leads to a decrease in the amount of times any one item of stock is handled and enables team members to minimise excess stock being brought onto the shop floor in roll cages. Minimising the stock that our team are required to handle each day benefits team members by reducing risk of manual handling injuries.
 - Cost of Delivery:
 - Development and delivery of back stock tool \$262,000.00
 - Development of Grocery Core Program which includes workbooks and online learning modules \$ 2,900.00
 - Delivery of Grocery Core Program to approximately 73 Store Managers \$ 48,197.52
 - Delivery of Grocery Core Program to approximately 73 Grocery Managers \$ 48,197.52
 - Total:** **\$361,295.04**
5. Coles recognises that team member engagement is critical to ensuring a safe operating environment within

the stores. In addition to the existing safe work practice refresher program, Coles commits to the roll out of a safe roll cage use training program. Across the 67 stores in South Australia, approximately 1500 grocery team members who use roll cages within the store environment will be engaged in watching a video on safe roll cage use with team based huddle discussions on ensuring the safe use of these cages. The framework of this training is outlined below.

- Title of program: Creating a safe operating environment in Coles.
- Overview of program: This program aims to provide team members with an understanding of the consequences of non-safe roll cage use and key points to remember to ensure safe roll cage use. The program will consist of:
 - the creation of a 10 min (approx.) video for the team to watch;
 - a team discussion on safe roll cage use with demonstrations by the team on safe use
 - an online assessment for team members to complete to ensure a clear record of training completed
 - a photo poster on the safety noticeboard reinforcing safe behaviour
 - Ongoing reinforcement by the manager to ensure the safety habit is consistent.
- Pre-requisite: Completion of safety induction/safe work practice refresh in past 12 months.
- Objectives of the program: At the end of the program the participants will be able to:
 - understand the impact of unsafe roll cage use;
 - confidently explain safe roll cage use; and
 - demonstrate safe roll cage use consistently.
- Competency Assessment:
 - demonstration to manager; and
 - online assessment.
- Timeframe for completion: October 2016. Note: ongoing reinforcement.
- Measurable Benefit:
 - Team member's gain further confidence in safe roll cage use;
 - No injuries to team or customer;
 - Team members experience ongoing reinforcement of management commitment to safety.
- Cost of Delivery: \$32,000

6. During the lifetime of this undertaking document, Coles undertakes to:

- have its General Manager of Health, Safety & Wellbeing and/or its South Australia People, Product and Safety Manager attend quarterly meetings, on a mutually convenient date/time, with the Chief Inspector and the Manager of Community, Retail and Business Services at SafeWork SA to discuss compliance with this undertaking. Discussions may also include other topics as agreed between Coles and SafeWork SA from time to time;
- provide SafeWork SA with information about the status and progress of the strategies set out in MT (e), a day in advance of the quarterly meetings.

MT(f) Strategies that will deliver industry benefits

Coles undertakes to:

1. within three months from this undertaking document being accepted by SafeWork SA, provide an Incident

Summary in an approved format for SafeWork SA to publish through their website. The Incident Summary will focus on minimising roll cage use on the shop floor through effective stock management and the importance of ensuring that team members are always aware of their operating environment when using roll cages on the shop floor.

2. participate in a forum or presentation during Safe Work Month 2016 or at another mutually agreed date and time by having a national representative speak for about 60 minutes in relation to Coles' experience in managing safety at multi-site locations with a diverse workforce composition.
3. within 30 days of completion of MT (f) (2) above, publish a summary of the material presented at the forum or presentation, as referred to in MT (f) (2), on its intranet.
4. provide participants at the next Wesfarmers Limited quarterly safety forum following the presentation or forum in MT (f) (2) above, with an outline of the material presented at the forum or presentation. The participants of the quarterly safety forums are the managers of safety for various businesses owned by Wesfarmers Limited.

The estimated cost of these undertakings is approximately \$5,100.

5. During the lifetime of this undertaking document, Coles undertakes to:
 - attend quarterly meetings as specified at MT (e) 6 above;
 - provide SafeWork SA with information about the status and progress of the strategies set out in MT (f), a day in advance of the quarterly meetings.

MT(g) Strategies that will deliver community benefits

1. As part of its ongoing engagement with the community Coles undertakes to work with Brighton High School which is within the local area of the Oaklands, South Australia store to deliver training to approximately 350 year ten students who are required to undertake safety training prior to entering the workforce. The program is outlined below.
 - Title of program: Preparing for success in the workplace through safety.
 - Pre-requisite: a year 10 High School Student at Brighton High School, SA
 - Overview of program: As part of preparation for the VET work experience year 10 students are required to undertake 5 hours of safety training. Coles will be developing a 2 hour program in conjunction with Brighton High School which both increases the students understanding of safety and encourages them to have a voice to improve safety in the workplace.
 - Objectives of the program: At the end of the program the participants will be able to:
 - explain their own role in looking after their health and safety
 - understand the risks of not speaking up
 - build confidence in understanding key safety issues in the workplace
 - understand how to effectively ask questions in order to look after your own safety
 - explain the concepts of both hazard and incident management
 - identify hazards in a workplace
 - feel confident in their options for reporting concerns to management or to seek help elsewhere to not place themselves in danger
 - use SMART moves to protect the body from musculoskeletal injury.

<ul style="list-style-type: none"> • <u>Duration of the program:</u> <ul style="list-style-type: none"> ○ 2 Hour session ○ 20-25 participants per session; ○ 15 sessions to be run. • <u>Competency Assessment:</u> <ul style="list-style-type: none"> ○ Observation of interaction; ○ Class assessment through the use of voting buttons; ○ School based assessment quiz. • <u>Timeframe for completion:</u> November 2016 • <u>Measurable benefit:</u> students entering the workforce are less likely to get injured; positive experience of workshop will deliver an extended benefit with students sharing knowledge with peers. • <u>Cost of Delivery:</u> \$12,527.00, which includes program development, internal and external reviews of proposed program material and travel, set up and delivery of each session. <p>2. In addition, Coles will donate \$5,000 to Silverchain in South Australia.</p> <p>3. During the lifetime of this undertaking document, Coles undertakes to:</p> <ul style="list-style-type: none"> • attend quarterly meetings as specified at MT (e) (6) above; and • provide SafeWork SA with information about the status and progress of the strategies set out in MT (g), a day in advance of the quarterly meetings.
<p>MT(h) Agreement to pay the regulator's costs</p> <p>Agreement is given to paying SafeWork SA's costs associated with the undertaking, as itemised below, and acknowledgment that payment is due 30 days after receipt of Safework SA's invoice:</p> <ul style="list-style-type: none"> • investigation, legal and administrative costs associated with the alleged contravention and proposed undertaking <p>Total amount \$2,500.00</p>
<p>Where appropriate</p> <p>MT(i) A commitment to establish and maintain (or maintain if a system already exists) an occupational health and safety management system (OHSMS)</p> <p>Coles is committed to the ongoing maintenance of its OHSMS system, as referred to in GI (k) above</p>
<p>MT(j) A commitment to ensure the OHSMS is audited by third party auditors</p> <p>Coles:</p> <ol style="list-style-type: none"> 1. acknowledges that a third party audit of its OHSMS will be undertaken within 3 -6 months of the signing of the undertaking ("the SafeWork SA audit");

2. commits to ensuring the SafeWork SA audit is undertaken by accredited third party auditors that meet the principles of AS/NZS 4801:2001 Occupational Health and Safety Management Systems- Specification with guidance for use;
3. acknowledges that the costs associated with the SafeWork SA audit will be met by Coles as part of the undertaking;
4. acknowledges that the auditors selected to perform the SafeWork SA audit must meet the qualification requirements of SafeWork SA;
5. acknowledges that details of the auditor's qualifications against the stated requirements will be provided with the SafeWork SA audit report submitted to SafeWork SA;
6. commits to providing a copy of the Enforceable Undertakings-Information for Auditors of OHSMS fact sheet to the auditor.

MT(k) a commitment to provide a copy of each finalised OHSMS audit report to the regulator

Coles commits to providing Safework SA with:

1. the finalised SafeWork SA audit report, along with a letter certifying that the report has not been altered from the copy provided by the OHSMS Auditor, within 30 days of receiving the audit report from the auditor; and
2. information on how Coles intends to address each of the SafeWork SA audit report's recommendations. This information is to be forwarded within 30 days of receipt of the written report from the auditor, accompanied by any requests for exemption or consideration of alteration to the recommendations or timeframes.

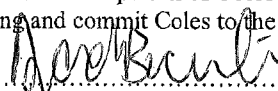
Coles will arrange delivery of reports arising from the SafeWork SA audit to:

Manager of Community, Retail and Business Services
 SafeWork SA
 GPO Box 465
 ADELAIDE SA 5001

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

The recommendations resulting from the SafeWork SA audit will be fully implemented within six months of receiving the SafeWork SA audit report, unless SafeWork SA offers a variation of the WHS undertaking due to the actions being unreasonable.

Section 3 – Offer of undertaking

<p>I offer this undertaking and commit to the terms herein.</p> <p>Signed: (Person)</p>	<p>OR</p> <p>As a duly authorised person of Coles I offer this undertaking and commit Coles to the terms herein</p> <p>Signed:  (Duly authorised person)</p>
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..... (Print name) David Brewster
..... (Position) Legal Director
Dated at This day of 20....	Dated at ... Melbourne this 26 th day of ... July 20.16

Section 4 – Department acceptance of undertaking

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

Signed: Marie Boland Position: Executive Director, SafeWork SA
(Print name)

Dated at Kerwick this 1 day of August 20.16