



Government
of South Australia

SafeWork SA

Application for proposed **ENFORCEABLE UNDERTAKING**

The commitments in this undertaking are offered to the regulator by

ByrneCut Australia Pty Ltd

ABN / ACN ABN 94129142516

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)	Patrick Boniwell
Street address:	1 George Wiencke Drive Perth Airport WA 6105
Postal address:	PO Box 205, Cloverdale WA 6985
Telephone:	(08) 9270 1000
Email address:	pat.boniwell@byrnecut.com.au
Legal structure:	Proprietary Limited
Type of business:	Mining
Commencement date:	From signing of this undertaking
Workers:	Full time: 3,608
	Part time: 17
	Casual: 16
Products and services:	Underground mining services
Comments:	Established as a specialist underground hard rock mining contractor in Kalgoorlie in 1987, Byrnecut has grown over the decades into a group that employs over 5,000 people operating a multi-million dollar fleet of specialised underground mining equipment around Australia and internationally. Contract works include long term mine development and production contracts, supplying management, labour, equipment and materials, raise-drilling, boxhole boring, shaft boring, shaft sinking, shotcreting construction and mine design or feasibility work. These activities cover both gold and base metals operations, and in many instances we have been involved from the feasibility stage through to underground mine production.

1.2 Details of the alleged contravention

Whilst no formal contravention of the *Work Health and Safety Act, 2012* (SA) (the Act) has been alleged, Byrnecut Australia Pty Ltd (Byrnecut) understands the characterisation of an allegation that could be made to be the following with respect to the incident involving the unintentional initiation of explosives in two underground development headings at Prominent Hill on 29 October 2020:

- Failed in its duty to comply with health and safety under section 32 of the *Work Health & Safety Act 2012* (SA) 'the Act'.
- Failed in its duty under section 18 of the Act, which requires a person to eliminate risks to health and safety, so far as is reasonably practicable; and, if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.
- Failed in its duty to ensure, so far as is reasonably practicable, the health and safety of workers engaged, or caused to be engaged by the person, while the workers are at work in the business or undertaking under 19(1) (a) of the Act.
- Failed in its duty to ensure, so far as is reasonably practicable, the provision and maintenance of a *work environment* without risks to health and safety under section 19(3)(a) of the Act.
- Failed in its duty to ensure, so far as is reasonably practicable, the provision and maintenance of *safe systems of work* under section 19(3)(c) of the Act.
- Failed in its duty to ensure, so far as is reasonably practicable, the *provision of any information, training instruction or supervision* that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking under section 19(3)(f) of the Act.

1.3 Detail the events surrounding the alleged contravention

At 16:15hrs on 29 October 2020, two developments headings, 9586 Ike COS 2 and 9586 PG56N OPA2, were unintentionally initiated during independent firing of the Malu HW Decline. Upon reports of blast fumes in the 9586 Level from underground workers at 16:17hrs, investigation into the source of the fumes commenced and at 16:50hrs a mine emergency was called when it was determined the source of the fumes was not from the Malu HW Decline. All personnel were directed to refuge chambers. No personnel were harmed, or equipment damaged in the incident. The mine emergency process was successful, and all personnel were safely accounted. SafeWork SA was promptly notified following the event. All production and development firing activities were suspended until the cause of the incident could be determined.

The root cause of the incident was that no independent firing line was installed for the Malu Hanging Wall Decline as no plan was provided to the electricians and no specifications were captured in a procedure.

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

☐ Tick if there were no notices issued by SWSA in relation to the contravention

Date issued	Notice type	Notice number	Contravention or prohibited activity	Action taken in response to notice
31.10.2020	Prohibition Notice	WHSPN 309710 issued to OZ Minerals	Prohibition of independent firing	Updates to large number of site documents, changes to Blaster3000 settings (related to global detonators), changes to firing line layout.
1.11.2020	Improvement Notice	WHSIN 189735 issued to Byrnecut	The worker had not been trained and assessed as competent to undertake the work by a competent person.	Updated designated shotfirer's matrix, updated electronic shift sheets so that only designated shotfirers can be allocated the task of shotfiring.
30.11.2020	Notice to Produce Documents	WHSNTP 310051	N/A	Supply of requested documentation.
2.12.2020	Notice to Produce Documents	WHSNTP 310052	N/A	Supply of requested documentation.

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

There were no physical injuries sustained or illnesses suffered from this incident.

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 - Please provide details
- ☒ not applicable

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
	Not applicable (no injured persons)	

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

ByrneCut has a well-developed integrated Safety, Environment, Quality and Training management system. The system is documented and sets out standards to be adhered to at all levels.

A key component of the ByrneCut management system is the Principal Hazard Management Program. The Principal Hazard Management program was developed by consultation and input from "shop floor" level employees to help identify and develop suitable control. The 18 identified Principal Hazards were all risk assessed using bowtie method, with the assistance of Risk Management specialist consultants.

The ByrneCut Safety, Environment, Quality and Training Management system is accredited against International Standards;

- ISO 45001 Occupational Health and Safety Management Systems
- ISO 14001 Environmental Management Systems
- ISO 9001 Quality Management Systems

At a site level (Prominent Hill) the ByrneCut Australia Safety and Training management plan is applied. Plan covers all operational Safety and training requirements to meet legislative requirements and ByrneCut standards. The plan is supported by the project Safety and Training activity schedule and project Safety and Training execution plan.

The Activity Schedule provides projects with instruction about what must be done to ensure reliable and effective execution of this STMP at project level. The Activity

Schedule includes an audit tool that enables the project leadership team to manage, track and report STMP compliance to all stakeholders. Performance against the Activity Schedule is reviewed at the Project Manager's Quarterly Review meeting. The meeting outputs are recorded in INX including any corrective actions to address shortfalls.

Byrnecut Australia Pty Ltd ("the Company") complies with the Byrnecut Group Code of Conduct which includes performance standards. The Company's standards apply to employees, directors, officers, contractors, consultants, and any other party when undertaking work. The performance standards set out minimum mandatory control requirements and accountabilities to:

Appointed by OZ Minerals, the Company is the principal contractor to undertake the mine development and life of mine ore production for the Ankata and Malu (underground) ore bodies at Prominent Hill. As the principal contractor, Byrnecut has obligations and duties imposed on a principal contractor by the Work Health Safety Act 2012 (SA). Byrnecut has prepared and submitted a Safety Management Plan to OZ Minerals to undertake the provision of services covered by the contract.

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

Byrnecut maintains a formal auditing schedule for the Safety, Environment, Quality and Training management system.

In line with the Joint Accreditation System of Australia and New Zealand (JAS-ANZ) requirements for accreditation for the ISO standards, Byrnecut are audited on an annual basis by a third party, JAS-ANZ accredited auditing body. The auditing process runs over a three year period, with year one, accreditation audit, years two and three surveillance audits. Byrnecut has maintained ISO accreditation since 2015.

Byrnecut has developed an internal auditing program, Byrnecut Safety Auditing for Excellence – (BSAFE). The BSAFE audit program was developed over 20 years ago to comply with legislation, best practice and Byrnecut standards. The audit program is reviewed on a regular basis to remain current and valid. The BSAFE auditing program is conducted by a third party, using qualified and experienced auditors. The Principal Hazards are audited as a part of the BSAFE audit process, as well as individual sites conducting their own self-assessment / verification, using the verification tool. The most recent BSAFE audit conducted at Prominent Hill was in May 2022. Next audit is scheduled for November 2022.

The formal auditing process is supported by our formal inspection program, developed over many years to target specific areas for regular inspections. The program uses formal checklists, which are entered onto our database, along with any corrective actions. Other ongoing support measures include;

- Formal procedures

- Job Hazard Analysis for activities not defined by procedures. All employees undertake JHA training.
- Leadership Safety Interactions – a program designed for supervisors to engage with employees on safety issues on the job.
- Task observations – program designed for supervisors to observed employees on the job, to ensure compliance with task requirements, procedures and standards.
- Workplace Inspections (WPI) – an individual tool to assist employees check that the work environment, tools and equipment are all in place and comply with requirements before beginning the task.

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

Immediately following the incident, crew briefings were undertaken across the site (processing and mining operations) to discuss the event, provide insight into initial findings and next steps, and answer questions. Onsite counselling support was organised to assist with employee assistance and sessions were conducted with crews.

In addition, Byrnecut immediately contacted all other operating sites in Australia and overseas to share the incident and confirm whether similar exposure existed. In the instances where there was any likelihood of a similar exposure, Byrnecut operations were suspended until a formal risk assessment was conducted.

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

Item	Action	Control Hierarchy
1.	Turn off global function of Logger II and Blaster 3000.	Administrative (Already completed)
2.	"Issue MSI_67 – i-kon and blaster 3000" explicitly prohibiting the use of Global function and firing with the presence of Global detonators.	Administrative (Already completed)
3.	Engage Orica to identify a technical software update that locks out the Global detonator function in the disabled state and prevents the firing of unlogged detonators in all circumstances. Identify method for ensuring all future Blaster 3000 units that come to site are in the lock out configuration with software updated	Engineering (Already completed)

4.	Issue plan for set up of independent firing line for Malu HW Decline.	Administrative (Already completed)
5.	Electricians to segregate firing line as per plan, labelling all firing line.	Engineering (Already completed)
6.	<p>Review and update Prom 41 Malu HW Decline Independent Firing to include standard for firing line. The specification must include:</p> <ul style="list-style-type: none"> - At least physical separation of the independent firing line by minimum of 10m to any other firing lines. - Clear signage and cattle tags stating hanging wall decline firing line must be installed. <p>Additionally, procedure requires details of how to set the Blaster 3000 in remote mode to fire the Malu HW Decline during mine firing time, with explicit note that the independent firing line must not be connected to mine firing line.</p>	Administrative (Already completed)
7.	Review of training competencies of all Byrnes cut personnel who are required to utilise electronic initiation systems to ensure correct training, competence and appropriate appointments are in place.	Already completed/Ongoing for new shotfirers
8.	Source different colour leads to be used for independent firing lines to provide a visual cue that the lines should not be mixed. Training materials to be updated to reflect this change (\$2,000).	Already completed
9.	Implementation of truly independent firing lines in operations/working areas where independent firing is conducted – no switching even when centralised blasting capability exists (\$5,000)	Already completed
10.	All Orica supplied Byrnes cut sites utilising Orica supplied Ikon electronic detonators with independent firing in place have the Global initiation functionality de-activated	Already completed
11.	All Orica supplied Byrnes cut sites that don't have independent firing retain the Global initiation functionality however software upgrades now includes additional layers of password security to prevent inadvertent use of this function	Already completed

12.	Confirmation with alternative Byrnecut explosives supplier (Dyno Nobel) that their equivalent electronic detonator system (including centralised blasting system) does not have a similar global functionality and therefore this event cannot be replicated at Dyno supplied operations	Already completed
13.	Review of training competencies of all Byrnecut personnel who are required to utilise electronic initiation systems to ensure correct training, competence and appropriate appointments are in place	Already completed
14.	Additional expert resources provided by explosives suppliers to complete increased frequency of electronic initiation system training/refresher training (training to include reference of this incident as a knowledge share) (\$25,000)	Already completed
15.	Byrnecut Designated Firing Point Checklist to be updated to include review of independent firing requirements at Prominent Hill where this activity is conducted including assessment of firing lines to ensure they are fully independent of any other centralised mine firing line.	Already completed
16.	Explosives Handling and Use Reviews to be conducted at all operating Prominent Hill and Byrnecut sites (including review of independent firing activities) (\$30,000)	Already completed

Total amount spent on rectifications \$ 87,000

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

Whilst no formal contravention of the *Work Health and Safety Act, 2012* (SA) has been alleged, Byrnegut understands the characterisation of a potential allegation to be as referred to in paragraph 1.2.

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

The Company regrets that this incident occurred and recognise the implications of the findings for the broader industry. The reason why the Company wished to proceed with the enforceable undertaking is to share the lessons learnt and to contribute to a greater awareness of the incident and the use of explosives in the mining industry, as well as to improve relevant training and in this area. The Company also aims to improve the management of its OEMs in this context, and to share the knowledge and understanding of the causal factors relating to this incident.

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

The Company is committed to ongoing compliance with all obligations under the Act. Since the incident, the Company has progressed action items in clause 1.11 and is monitoring completion of activities by the nominated due dates.

2.4 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: 1.

Dated: June 2018

2.5 Acknowledgement that this undertaking may be published and publicised

2.5.1 The Company acknowledges that the undertaking may be published on the SafeWork SA website and referenced in SafeWork SA material.

2.5.2 The Company acknowledges that the undertaking may be publicised in newspapers.

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 The Company 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, the Company will advise SafeWork SA of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

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

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

- Oz Minerals (client);
- Orica (OEM);
- Mining Plus (drone project);
- Emersent (drone project); and
- AusIMM

2.8 Statement regarding Intellectual Property Licence

The Company considers that an intellectual property licence is not applicable to the type of enforceable undertaking being provided.

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

Has SafeWork SA requested a statutory declaration outlining details of any prior work health and safety convictions¹, subject to any local legal constraints such as spent

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

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.

2.10.4 An update, together with supporting evidence, in relation to compliance with each of the enforceable terms of this undertaking will be provided to the regulator at six monthly intervals during the course of the undertaking.

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

The Company is committed to discharging its obligations under the Act and this commitment is reinforced by

- the rectifications referred to in clause 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

The Company realises the relevance of lessons learnt from this incident and are committed to promoting the learnings. The Company will work with OZ Minerals to disseminate this information to the industry, community, employees and contractors to raise awareness of effective WHS management systems, the establishment and verification of independence for firing lines, and the opportunity for elimination of exposure to operators from misfire hazards.

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:

The EU will be circulated to the Company's workforce via site management teams who will present the detail of the EU and proposed actions to employees. A copy of the EU will be placed on all site bulletin boards for employees to view and access. This will be done at all Company operations.

Dissemination will occur by:

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	Training materials to be updated to incorporate the video (OZ Minerals to prepare video). The Byrncut Training management system, specific to explosive management and use is comprised of four modules (Training Resource Modules); • Explosives 1: Handling, Transport and storage of explosives and detonators• Explosives 2.1: Charge up Vehicle operation• Explosives 2.2P: Production charge up• Explosives 2.2D: Development charge up. In addition to this are site specific procedures for explosive use, which	\$ 5000	3 months from acceptance

	<p>complement the core training modules. A thorough review will be conducted on the training modules to ensure that the learnings from the Prominent Hill explosives incidents are incorporated into the training material, which will ensure consistency across all Byrnecut operations. The review will include input from the Byrnecut explosives co-ordinator. Any further training material developed, such as training videos will be added to the training system at a group level or site level as applicable</p>		
3.2.2	<p>Maintain consultation with SWSA and OZ Minerals throughout the course of this undertaking by facilitating quarterly updates, or as per SWSA's compliance management process.</p>	-	-On-going as required and requested
3.2.3	<p>Automated drone technology and investment in research for autonomous re-entry and scanning following blasting</p> <p>In conjunction with Mining Plus, Emesent and OZ Minerals, the Company will be developing and trialling an automated process for remote scanning of open stopes and safe re-entry of blast zones underground through the use of remote drone technology.</p> <p>The project aims to prove the use of remote drones to:</p> <ul style="list-style-type: none"> Efficiently scan open stope voids to provide up to date information to the underground 	\$200,000 ...	Initial trials will be 6 months from acceptance and project on-going

	<p>workforce and technical staff on the condition of the stope as production activities progress. Reduction in risk to personnel and plant through improved monitoring of stope void conditions.</p> <ul style="list-style-type: none"> • Provide a means of testing atmospheric conditions after blasting that removes the need for any person to be in the area. Reduction in risk to personnel in performing blast re-entry. <p>The results and findings from the project will be communicated to SWSA on completion.</p>		
3.2.4	<p>Risk assessments required (ensuring participation of relevant key stakeholders) prior to approval to commencing independent firing at all other Byrnes operations. Change management, inclusive of a risk assessment, is required as a part of the approval process to allow for independent firing. The change management process requires input from relevant stakeholders. The change management process is to be applied at all Company operations prior to independent firing being approved.</p>	-	Ongoing
3.2.5	<p>Review to be completed of Explosives Coordinator position to determine if an additional resource is required to assist in completion of onsite audits/inspections/training to ensure that each operating site receives the frequency of external site support required</p>		6 months from acceptance

3.2.6	Management of change process to be conducted including risk assessment with specific consideration of electronics initiation systems/processes before any alternate explosives supplier products can be purchased and utilised at any current or future Byrnegut operation		Ongoing
Total minimum cost of benefits for workers/others		\$ 205,000	

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	The Company will work with OZ Minerals to share the learnings of the incident through the AusIMM network. The Company will also present at AusIMM Technical Talk forums both live and also streamed online. These presentations are hosted at AusIMM branches around Australia and are aimed at sharing information as broadly as possibly across the industry.	\$ 2000	Over a period of 6 months from acceptance
3.3.2	The Company will present a paper in conjunction with Oz Minerals at the AusIMM Underground Operators' Conference in March 2023 on the 'No Entry Mechanised Presink of the Wira Hoisting Shaft' which details the non-entry shaft sinking system that eliminates the risks associated with a traditional manual pre-sink and allows all shaft		

	construction operation to take place from the surface..		
3.3.3	<p>The Company has established a training centre in Adelaide. The centre is modelled on the Perth training centre, which was established in early 2019, with the purpose of improving induction delivery and ensuring consistency. The Adelaide centre was established early 2022, has a manning compliment of Training Co-ordinator and Training Admin Assistant. The Adelaide training centre conducts two day inductions, which incorporates general induction, site specific information and specialist skills, such as Working at Heights, Job Hazard Analysis and Isolations. The focus of the training centre is for Byrnes employees; however Oz Minerals and other contractors are encouraged to attend as applicable to their work roles and working underground to improve the consistency and quality of inductions, training and assessment to better support safe operations.</p>	\$350,000/year	6 months from acceptance
3.3.4	<p>The Company is assessing establishment of a remote operator and simulator training centre.</p> <p>As a further enhancement to the Adelaide training centre, equipment operation simulators, specifically Sandvik LHD 621 and Truck 663</p>	\$50,000 for initial assessment (total investment provisional cost of \$2 million)	On-going

	simulators have been assessed as suitable for the training centre. The Perth training centre has LHD and Truck simulators and the experience has shown a much smoother introduction to the equipment in a safe environment and skills enhancement for experienced operators. The Adelaide training centre simulators are primarily for Company employees; however, they could be made available to the wider industry in certain situations, an example (from the Perth training centre) a Company client identified that their truck operators required some skills upgrade training (introduction to new model truck). The Company was approached as it had the required model for the simulator, and it arranged for the training to be available.		
3.3.4	The Company to sponsor SAMERC.	\$5,000 plus annually	Ongoing
Total minimum cost of benefits for industry		\$ 407,000	

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
3.4.1	The Company will develop and deliver three one day courses on the safe use, handling and storage of explosives. The course will be developed in consultation with Safe Work South Australia and with input	\$ 15,000	

	from an explosives industry manufacturer to ensure that the course meets requirements and expectations.		
Total minimum cost of benefits for the community		\$ 15,000	

3.5 Agreement to pay the regulator's costs

3.5.1 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	\$ 1,115.00
Compliance monitoring costs	\$ 1,730.00
Publication costs	\$ 0
Total Amount	\$ 2,845.00

3.6 Minimum spend

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

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

Estimated total value of	Minimum spend
Benefits to workers/others	\$ 205,000
Benefits to industry	\$ 407,000
Benefits to community	\$ 15,000
Regulator costs	\$ 2,845.00
Estimated total minimum spend for the undertaking	\$ 627,000

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

3.7 A commitment to establish and maintain (or maintain if a system already exists) a work, health and safety management system (WHSMS)

The Company is committed to maintaining a Work Health Safety Management System compliant with the Act. The Company is committed to effectively exercising obligations and duties imposed on a principal contractor by the Work Health Safety Act 2012 (SA).

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

The Company is committed to ensuring that WHSMS are audited by third party auditors with relevant expertise and qualifications.

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 auditor will be sent to the regulator within 30 days of the audit along with a letter certifying that the report has not been altered from the copy provided to the person by the auditor.

3.9.2 It is acknowledged 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.

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 WHSMS audit will be fully identified and actioned following receipt of the audit report, unless the regulator offers a variation of the undertaking due to the actions being unreasonable.

SECTION 4: OFFER OF UNDERTAKING

EITHER

I offer this undertaking and commit to the terms herein.

Signed: _____

[Person]

[Print name]

[Position]

Dated at _____ this _____ day of June _____ 2022 _____

OR

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

Signed: _____

Patrick Boniwell

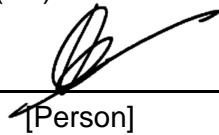
Managing Director

Dated at Perth, WA this 17th day of August 2022

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 Keswick this 23rd day of August 2022



1300 365 255



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safework.sa.gov.au



@safeworksa



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