



Government  
of South Australia

SafeWork SA

# Application for proposed **ENFORCEABLE UNDERTAKING**

The commitments in this undertaking are offered to the regulator by

**TIMCO PTY LTD**

**ABN 56 007 541 095**

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)	Allie Easom, HR/WHS Manager
Street address:	172 Park Terrace, Salisbury Plain SA 5109
Postal address:	172 Park Terrace, Salisbury Plain SA 5109
Telephone:	08 8258 3888
Email address:	allie@timcotimber.com.au
Legal structure:	Body corporate
Type of business:	Timber/Wholesale
Commencement date:	1952
Workers:	40
Full time:	
Part time:	3
Casual:	22
Products and services:	Timber supplier, including timber, hardware, manufactured prefabricated roof and floor trusses
Comments:	<p>Timco Pty Ltd (<b>Timco</b>) is a third-generation family-run South Australian business that dates back to 1952. Today, Timco operates out of two locations: Lonsdale and Salisbury Plain. Timco also operates the Mitre 10 retail store at Port Elliot.</p> <p>Timco prides itself on treating its employees and customers as part of the Timco family.</p> <p>Timco stocks an extensive range of timber, prefabricated products and hardware merchandise. It uses state-of-the-art machinery to manufacture products used across a variety of industries but particularly with the building and construction sector.</p>

## 1.2 Details of the alleged contravention

Proceedings have not been initiated against Timco (**the Company**). The Regulator alleges that on 31 January 2020 the Company committed an offence pursuant to section 32 of the *Work Health and Safety Act 2012* (SA) (**the Act**) in that it had the duty prescribed in section 19(1)(a) of the Act to ensure, so far as was reasonably practicable, the health and safety of workers engaged in its business or undertaking, and that it failed to comply with that duty thereby exposing an individual to a risk of serious injury.

## 1.3 Detail the events surrounding the alleged contravention

On 31 January 2020 a Truss Plant Operator sustained a crush injury to their right hand while operating a jig machine, a MiTek Bottom Cord Press. The jig machine creates trusses by connecting wood using metal plates with spikes that are pressed into the wood using a hydraulic press. The pieces of wood are first clamped into the machine, and then metal plates are pressed into the wood.

On the day of the incident, the worker was operating the bottom press. Another worker was operating the top press.

A piece of timber on a small truss being constructed was bowed. Because the wood was bowed, it kept knocking the metal plate off. The worker used their right hand instead of a G-clamp to push down on the piece of wood and their fingers were cupped underneath to keep the wood in place. The press operated and crushed the worker's four fingers.

After receiving the crush injury, the worker pulled the wrong lever to remove the press which caused further injury.

## 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
04/02/2020	Improvement	174733	Evidence needed that workers have been provided with information, training and instruction on the operation of the MiTek bottom cord press.	Information provided and training conducted to all workers.

04/02/2020	Improvement	174728	Implement procedure for notifying Regulator of notifiable incident.	Reporting Serious Incidents to Authorities (SafeWork SA) Policy and Procedure implemented on 26 February 2020.
04/02/2020	Improvement	174729	Clearly identify nature, function and direction of operation of operator's controls on MiTek bottom cord presses.	Stickers installed and attached to both MiTek bottom cord presses to indicate the directions that the levers move the press.
03/02/2020	Prohibition	174693	Prohibiting use of MiTek bottom chord presses at Lonsdale and Salisbury Plains until controls implemented.	Safety Control Lever installed on both MiTek bottom cord presses at Lonsdale and Salisbury Plains

**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 worker suffered a crush injury to four fingers of his right hand, resulting in surgery. The worker made a full, unrestricted return to work in February 2021.

**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

Status: The injured worker returned to work in February 2021 without any restrictions following the incident. The injured worker's employment with the Company ended in late April 2021.

## 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
February 2020	Attendance	Employer and employees attended on worker whilst in hospital to check on his welfare and wellbeing, and to provide emotional and social support.
February 2020 to February 2021	Income maintenance, payment of medical expenses and return to work.	The Employer worked with the claims agent to support and manage the worker's return to work, with the result being that the worker returned to work in around 3 February 2021 without any restrictions.
February 2020 to February 2021	Additional assistance provided	With the assistance of the claims agent and at the request of the worker the employer provided assistance to the worker with gardening services and the purchasing of a vacuum cleaner to assist the worker with domestic duties at home.

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

The Company has a WHS system that includes:

- a suite of written policies, procedures, processes, Safe Work Method Statements and Safe Operating Procedures that outline the operational and safety requirements associated with the safe performance of tasks at all sites. This suite is comprised of 19 policies and procedures that relate to work health and safety, and 119 SWMS and SOPs across all three sites. For each item of plant and task required on that plant, there is a site-specific document in relation to the safe performance of that task and operation of that plant. All employees have received training on these documents either through their induction or in more recent refresher training;

- a detailed induction process that includes an overview of all workplace policies and a tour of the work site. All workers are taken through a written safety induction and induction checklist form before being allowed to commence work. The induction form covers a range of safety matters including, by way of example, hazard reporting processes, use of PPE, accompanying customers in the timber yard, etc. As part of the induction, new workers are also provided with the entire suite of policies and procedures and directed to spend time reading and reviewing them over the first week of work. They are required to sign off that they have read and agree to comply with each policy and procedure. The induction process is specific to each site;
- effective on-the-job training with Verification of Competency (**VOC**) assessment, as well as refresher training and ongoing supervision and assessment. The VOC process utilises a senior experienced employee (**expert employee**) with expertise and competency for the task. The trainee is taken through the policies, procedures, SWMS and SOPs that relate to the task being trained, and receives training in the following stages:
  - initial demonstrations of the task by the VOC expert employee in line with the relevant documentation;
  - one-on-one supervision by the VOC expert employee as the trainee demonstrates the performance of the task for a minimum of two weeks (but generally up to 6 weeks of one-on-one supervision);
  - once the expert employee is satisfied that the trainee is competent and compliant with the relevant documentation for the task and signs the trainee off, they are permitted to continue the task with general supervision only;
  - where an item of plant requires two operators, the trainee will undergo the same on-the-job training process in each role.
- the safety documentation discussed above has been developed by external consultants in consultation with the relevant VOC expert employee with experience and expertise in the relevant task;
- task rotation to ensure worker engagement, prevent complacency, and to ensure workers are able to support each other in their roles safely. New workers follow the same on-the-job training and assessment as described above for each task as the rotation occurs;
- regular consultation and communication with all levels of the company through monthly toolbox meetings where matters of safety are discussed;
- a dedicated Maintenance Contractor/WHs Support working across all three sites to action safety initiatives. The Maintenance Contractor/WHs Support's

role varies from week to week depending upon whether there are inductions, audits or other training requirements at any relevant time, but the Company estimates that he dedicates an average of 60% of his full-time hours to implementing work health and safety initiatives, with the remainder of his time dedicated to general site maintenance;

- regular investment in new technology to ensure items of plant are modern and state-of-the-art; and
- ongoing auditing of safety systems, as set out below at 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 level of auditing currently undertaken on the WHS system includes:

- an internal audit conducted 6-monthly by the Maintenance Contractor/WHS Support and HSR. This objective of the internal audit is to identify hazards in the outside, inside and office environment including auditing the WHSMS. The auditors use a Location Self Audit Checklist and identify any hazards or non-compliances. The auditors then meet with the Manager of HR/WHS to review the outcomes and prepare an Action List for implementation of the required rectifications or changes identified during the audit according to their priority and risk profile. The progress of the Action List is reviewed fortnightly by the Manager of HR/WHS and Maintenance Contractor/WHS Support; and
- all workers are encouraged to speak up and report any hazards or safety issues to their immediate supervisor for quick resolution. The Company has processes for employees to report matters ranging from routine maintenance requirements, to breakdowns, to hazards, by tagging out equipment and recording matters on specific forms that are lodged with the foreperson for action. These forms include:
  - a Hazard Report Form which is filled out by the employee who observes the hazard, and then provided to management who undertake a risk assessment to determine necessary controls;
  - a Plant/Equipment Maintenance Work Request Form when work, repair or servicing is required;
  - a Hazard/Accident/Incident Report Form in the event of an incident; and
  - a First Aid Form to record any administered first aid.



These forms not only provide a record, but are used by the Company to monitor for trends in issues that arise so that any underlying issues can be addressed.

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

The Company has consulted with all employees in relation to the preparation of the proposals within this undertaking. The proposed EU is a matter for discussion recorded on the agenda at every monthly meeting. The Company also proposes to engage in ongoing consultation with workers about the progress of the undertaking through the HSR.

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

Immediately after the incident, the Company engaged an external consultant, Choose Safety Pty Ltd (**Choose Safety**), to conduct an inspection of all plant at the Lonsdale and Salisbury sites, undertake updated risk assessments where required, develop new Safe Work Method Statements for the task of loading and unloading trucks and install additional safety labelling. This review was initiated in part to satisfy the requirements of notices issued by the Regulator, but continued to review the Company's entire suite of Safe Operating Procedures and develop new procedures where gaps were identified. Choose Safety undertook this work in consultation with the VOC workers who perform the task the subject of the reviews. The Manager of HR/WHS, WHS Support and relevant VOC worker provided training to all employees on the updated procedures for each item of plant. Choose Safety attended the sites throughout February, March and May 2020 and invoiced **\$11,440.00** for their services. The Company continues to consult with Choose Safety as required and has included further work as detailed above and below.

As a result of the risk assessment process, as well as the notices issued by the Regulator, the Company engaged Leader Multiskill Pty Ltd (**Leader Multiskill**) to install a safety control lever on the MiTek Bottom Cord Press at Lonsdale (the plant involved in the incident) as well as the same machine purchased at the same time for the Salisbury site. The safety control lever ensures that operators use both hands to cause the press to move, preventing the operator's hands from being able to get in the way of the press. The position of the lever was also modified so that operators did not need to hunch to operate, addressing an ergonomic risk. Leader Multiskill also applied directional labels to the machines to indicate the directions that the levers move the press. The Company invested **\$16,762.05** in Leader Multiskill to undertake this work. The Company continues to utilise Leader Multiskill for specialist maintenance and repairs on its presses.

In undertaking these works the Company has sought to identify the hazards through the risk identification conducted by Choose Safety and then use Leader Multiskill to help address these risks by implementing controls.

The Company engaged All Class Equipment Training (**All Class**) to provide advice and a number of updated competency trainings for workers at all sites. All workers had been previously trained as required for their roles, however the updates by All Class ensured the training programs were operating at best practice rather than to the minimum standard required. All Class has put in place a schedule for the progressive review, update and rollout of training programs at the workplace including refresher training. The updated training provided to date includes:

- Forklift Competency Training
- Vehicle Loading Crane Competency Training
- Duty of Care Training
- Elevated Work Platform Training
- Electrical Power Jack Training
- development and implementation of a new Traffic Management Plan (**TMP**) and Checklist. The new TMP has led to new line markings and a complete ban on reversing vehicles on site
- Manual Handling Training

Most recently, All Class carried out Crane Training on 19 August 2021 with crane operators. This training covered topics including safe slinging, sling management, vehicle loading, crane awareness and duty of care, and all attendees were verified as competent by All Class following the session.

Crane operators from all sites also attended CLAP (Close Approach – Working Near Live Electrical Apparatus) training on 13 September 2021 conducted by Coates Hire Training Services in conjunction with All Class. This training addressed the risks associated with working near live power lines. Following the training, a session was conducted to consult with the attendees about the development of an updated Working with Cranes and Powerlines Checklist.

The Company has invested a total sum of **\$25,414.15** into the training conducted by All Class and the documents All Class has developed to date, as well as **\$3,150** paid to Coates Hire Training Services.

In addition to the roll out of updated manual handling training, the Company invested in a new electric pallet jack (the Jungheinrich EJE 116n electric pallet truck) at Port Elliot to reduce manual handling tasks. The cost of the electric pallet jack was **\$7,920**.

The Company engaged with an external company called Dinosaur Contracting to assist with addressing safety risks at its sites.

In consultation with the review by Choose Safety, Dinosaur Consulting carried out the practical work required to make sure that all items have been addressed.

Timco invested **\$22,348.85** in the services of Dinosaur Contracting up until 12 January 2021. On 12 January 2021, Timco made the decision to employ the owner of Dinosaur Contractor as the Maintenance Contractor/WHS Support to work across all three sites on a full-time basis. As discussed above, his role is 60% dedicated to health and safety matters. The safety-related proportion of this worker's total remuneration package of **\$42,000**. As an employee, this worker is responsible for internal auditing, implementing required controls and rectification work that falls within his qualifications, and conducting refresher training in consultation with VOC workers. The Maintenance Contractor/WHS Support works closely with the Manager of HR/WHS.

**Total amount spent on rectifications      \$ 129,025.05**

## 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

It is acknowledged that the Regulator has alleged that the Company has contravened section 19 and 32 of the Act.

### 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 sincerely regrets the incident of 31 January 2020 and the injury sustained by the worker. The Company considers this undertaking is a more appropriate response than a court-imposed sanction because the Company is aware of the safety issues that contributed to the incident and is eager to invest in improving safety at the worksite and in the industry generally. Through this undertaking the Company commits to continuously take steps to ensure that such an incident or a similar incident does not occur again.

### 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 commits that the behaviour, activities and other factors which caused or led to the alleged contravention has ceased and will not reoccur. Most notably, the Company has ensured, as described at 1.11 above, that a safety control lever has been installed on the relevant item of plant (and similar items of plants at other sites) to require the use of two hands to operate the press, thereby preventing the plates from moving if one or both hands are not on the safety lever. The Company is committed to complying with all of its obligations under the Act.

### 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 Timco acknowledges that the undertaking may be published on the SafeWork SA website and referenced in SafeWork SA material.

2.5.2 Timco 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 Timco 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, Timco 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 benefits contained in this undertaking, other than those expressly identified, including the employment of Dinosaur Contracting, and the ownership of the Mitre 10 store where some undertakings are proposed to take place.

## 2.8 Statement regarding Intellectual Property Licence

Timco Pty Ltd, grants SafeWork SA a permanent, irrevocable, royalty-free, world-wide, non-exclusive licence to use, reproduce, publish, distribute, electronically transmit, electronically distribute, adapt and modify any materials developed as a result of this undertaking.

## 2.9 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 convictions<sup>1</sup>, subject to any local legal constraints such as spent

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<sup>1</sup> 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.

## 2.11 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 is committed to promoting the benefits contained within this undertaking and to the undertaking itself.

## 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:

This enforceable undertaking will be emailed and/or a physical copy will be provided to all employees by the HR/WHS Manager, and a copy will be kept on the employee notice board at each site for the duration of the enforceable undertaking.

Dissemination will occur by: within 30 days of this undertaking coming into effect.

An Action Plan, together with supporting evidence, that tracks 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.

### 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	The Company will engage an external auditor to review its current internal auditing regime. The auditor will carry out an independent review of the audit undertaken by the WHS Support and HSR, analyse gaps and prepare a report. The result of the review will be utilised to update the Location Self Audit Checklist and provide training and coaching to the	\$3,000	12 months from acceptance

	WHS Support and HSR for ongoing internal audits.		
3.2.2	The Company will pay for the WHS Support to undergo HSR training that is WHS management based. The WHS Support is not a nominated HSR, but will benefit from the training in carrying out his safety related duties.	\$320 for a 1 day course	Within 3 months from acceptance
3.2.3	The Company will engage a specialist contractor to undertake an audit of its crane sling management system, including both synthetic and chain slings, against the Australian Standard, analyse gaps and prepare a report. The audit will include reviewing and updating the Company's current inspection and tagging regime and sling management register for each truck on each site. The works will include the provision of a system for ongoing tracking of inspection and maintenance that is electronic based and occurs every 3 months. The Company will engage with the contractor on an ongoing basis for inspection and testing of slings as required by the Australian Standard.	\$5,400 (based on an initial 6 hour audit at both the Lonsdale and Salisbury Plain sites, and subsequent 3 hour inspections at both sites every 3 months for the duration of the EU. This does not include the additional costs of tags)	Within 6 months from acceptance, and for a duration of at least 2 years from acceptance.
3.2.4	The Company to develop with Rapid Global an online software framework for WHS compliance. The framework will provide content via an application for both mobile	\$2,000 initial costs and then \$750 per quarter for the duration of the EU (24 months).	6 months from acceptance.



<p>phone and computer use, providing workers with access to:</p> <ol style="list-style-type: none"> <li>1. their contractual documents and HR information;</li> <li>2. the online components of the induction program including video content and online assessments (with face to face training and assessments to still occur);</li> <li>3. training records including dates and reminders for refresher training or expired training;</li> <li>4. a live record of the competency and training of all workers on site at any time;</li> <li>5. the ongoing ability for the Company to upload content to the app to be pushed out to all employees immediately for actioning through notifications send to their mobile phone and/or email.</li> </ol> <p>The system will allow for flexible, user friendly inductions and training to take place alongside the necessary face-to-face component of training. It will also provide a centralised record of inductions and trainings. The system will be monitored by the platform administrator to ensure compliance, as the platform administrator receives notifications at the same time an employee is notified of a task they are required to complete.</p>	<p>The Company will also look to purchase additional modules from Rapid Global to be uploaded to the system as required.</p>	
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3.2.5	<p>The Company will maintain the role of Maintenance Contractor/WHS Support (after they have attended the training referred to at 3.2.2. above), to provide safety services as required and undertake periodic reviews (every 6 months at a minimum) of Safe Working Procedures, induction processes, training and risk assessments. The role will be maintained for a minimum of 12 months from acceptance of this Enforceable Undertaking by the Regulator, with the option for further periods.</p>	<p>\$ 42,000 per annum package (relating to safety)</p>	<p>12 months from acceptance</p>
3.2.6	<p>The Company will engage All Class, or another competent provider to provide refresher Crane Load Capacity Training to individuals identified performing high risk work and holding a high risk work license. This training will be carried out on one-on-one basis with 3 high risk crane operators and 1 foreperson.</p>	<p>\$4,000</p>	<p>3 months from acceptance</p>
3.2.7	<p>The Company will upgrade all safety-related labelling on all items of plant at each site, using permanent engraved metal labels in place of previously used stickers that are generally provided by the manufacturers of the plant. Following the incident, it was found that some directional labels on the press had been worn away due to regular use. The Company will</p>	<p>\$3,000</p>	<p>12 months from acceptance</p>

	conduct a risk assessment and identify the high, medium and low risks, and provide Safework SA with a spreadsheet containing details of plant, risk rating and timeframes. An initial trial of the labelling on a small number of machines, to determine the effectiveness, practicality and risk profile of the labels, before rolling the out the labels to all machines.		
Total minimum cost of benefits for workers/others		\$ 65,720	

### 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 produce an alert to be disseminated to members of the timber industry (Timber Merchants who subscribe to the Timber Trader News) in relation to the incident, the risks associated with the Bottom Cord Press, and how these risks can be mitigated. A draft alert will be provided to SafeWork SA before it is disseminated. The alert will be sent for publication in the "Timber Trader News", a national monthly publication that publishes both a magazine and an online e-newsletter.	\$ 2,000 for legal drafting plus costs of taking out advertisement/publication	6 months from acceptance
3.3.2	The Company will host the Fleurieu Peninsula Woodcarving Association of South Australia annual event, pending any health related restriction imposed by the SA Government. This event is held to encourage woodturners on the Fleurieu Peninsula to improve their skills and knowledge including how to undertake their hobby safely given they utilise dangerous machinery and tools including lathes. The Company will provide hosting facilities, wood, machinery that complies with WHS legislation and	\$ 2,000 [\$1,000 x2 years of hosting]	24 months from acceptance

	relevant codes and standards, and support as well safety PPE including safety glasses. The safety alert drafted for the Timber Trader News will also be disseminated and discussed.		
Total minimum cost of benefits for industry		\$ 4,000	

### 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 host a free Friday lunch for the local community at Mitre 10 at Port Elliot. The relationship between Timco and Mitre 10 is stated on page 3 of this Enforceable Undertaking and at 2.7. The Company has previously held breakfasts of this nature for interested tradespeople, but the Company undertakes to open this event up to the broader community at a time that will attract the most traffic. The Company will provide lunch free of charge to attendees and will also giveaway safety equipment e.g. safety goggles, high-vis shirts, hats and sunscreen. A product giveaway will also be used and advertised to encourage attendance. To become eligible for the giveaway, attendees will be required to register and receive a pack of safety related information including the	\$3,500 [for breakfast, prizes, PPE and preparation of materials]	6 months from acceptance

	<p>'Simple Steps to Safety' publication prepared by the regulator. Luke Holland of Sparke Helmore Lawyers, or another Legal representative from Sparke Helmore Lawyers will speak about work health and safety and the incident. The event will be advertised in store at Mitre 10 and at the Timco sites. The Company expects that the event will attract at least 60 to 80 people if held in late April/early May 2022, subject to COVID-19 requirements.</p>		
3.4.2	<p>The Company will provide a donation of PPE to the value of \$1,000 to the St Patrick's Technical College (including safety goggles, hats and sunscreen), accompanied by a presentation to be conducted by the Maintenance Contractor/WHS. The company will provide the presentation material to SafeWork SA no less than 1 month prior to the material being presented. Support on the safe operation of timber related equipment (i.e. saws, presses, forklifts, etc). In the event that the presentation cannot go ahead at St Patricks, it will be rolled out to another technical or trade school.</p>	\$1,000	6 months from acceptance
Total minimum cost of benefits for the community		\$ 4,500	

### 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	\$ 985
Compliance monitoring costs	\$ 6,425
Publication costs	\$ -
Total Amount	\$ 7,410

### 3.6 Minimum spend

- 3.6.1 Timco 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	\$ 65,720
Benefits to industry	\$ 4,000
Benefits to community	\$ 4,500
Regulator costs	\$ 7,410
Estimated total minimum spend for the undertaking	\$ 81,630

- 3.6.2 Timco 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)

Timco is committed to the ongoing maintenance of its WHSMS system for 24 months, as referred to in section 1.8 above, and to maintaining, on an ongoing basis, its compliance with Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques.

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

Timco:

1. commits to ensuring that a third-party audit of its WHSMS will be undertaken within 12 months of the signing of the undertaking (**the Third Party Audit**);
2. commits to ensuring the Third Party Audit is undertaken by competent, qualified and accredited third party auditors;
3. acknowledges that the cost associated with the Third Party Audit will be met by Timco as part of the undertaking;
4. acknowledges that details of the auditor's qualifications against the stated requirements will be provided with the Third Party Audit report submitted to the regulator; and
5. commits to providing a copy of the Enforceable Undertakings – Information for Auditors of OHSMS fact sheet to the auditor.

### 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 implemented and completed within six months of receiving 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 \_\_\_\_\_ 20\_\_\_\_\_

### OR

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

Signed: \_\_\_\_\_  
[Duly Authorised Person]

BEN EASON  
\_\_\_\_\_  
[Print name]


DIRECTOR  
\_\_\_\_\_  
[Position]

Dated at GUSBAW this 10<sup>th</sup> day of DECEMBER 20 21

## 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 14th day of December 2021



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Government of South Australia  
SafeWork SA