



## ENFORCEABLE UNDERTAKING

Part 11

*Work Health and Safety Act 2011*

The commitments in this enforceable undertaking  
are given by

**Combeda Constructions Pty Ltd**

ACN 101 148 529

to SafeWork NSW and accepted by SafeWork NSW

### **Privacy statement**

*SafeWork NSW respects your privacy and is committed to protecting personal information. The information provided on this document is for the purpose of making an undertaking to SafeWork NSW given for the purposes of part 11 of the WHS Act. This information will be managed within the requirements of the current state government privacy regime.*

*SafeWork NSW may publish the undertaking and the information contained in it for purposes identified in the undertaking or for other appropriate legal purposes in various publications such as newspapers and on its website. SafeWork NSW may be required to disclose personal information to other regulatory agencies in accordance with other law enforcement activities which may be conducted as part of an investigation. Further information on our privacy policy is available at [safework.nsw.gov.au](http://safework.nsw.gov.au).*

## Purpose

The purpose of this enforceable undertaking is to document the undertakings given to SafeWork NSW and accepted by SafeWork NSW pursuant to Part 11 of the Work Health and Safety Act 2011 (**WHS Act**) in connection with matters relating to alleged contraventions of the WHS Act or the Work Health and Safety Regulations 2011 (**the Regulations**). The Agreed Terms of the Enforceable Undertaking are set out below.

## Section 1 – General information

### a. Details of the person giving the undertaking

Entity Name:	Combeda Constructions Pty Ltd
ACN / ABN:	ACN 101 148 529
Registered Address:	
Postal address:	PO Box 939 Liverpool NSW 1871
Telephone contact:	(02) 9211 8344
Email address:	
Legal structure:	Proprietary limited company
Type of business:	Construction
Commencement date of the entity:	27 June 2002
Number of workers:	Full-time: 1 Full-time contractors: 6
Products and/or services:	Combeda Constructions is a privately owned multi-disciplinary construction firm

### b. Commencement

This Undertaking comes into effect when:

- i. the Undertaking is executed by Combeda Constructions Pty Ltd;
- ii. SafeWork NSW accepts the executed Undertaking (**Commencement Date**).

### c. Duration

- i. Section 5 identifies timeframes for the completion of each strategy identified in this enforceable undertaking;
- ii. the enforceable undertaking will be concluded on written advice from SafeWork NSW to Combeda Constructions Pty Ltd when all requirements of the undertaking have been satisfactorily executed.

## Section 2 – The alleged contravention

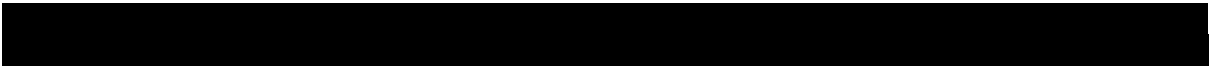
### a. Details of the alleged contravention

It is alleged by SafeWork NSW that on 1 February 2021, Combeda Constructions Pty Ltd failed to discharge its obligations as a person conducting a business or undertaking under section 19 of the Work Health and Safety Act 2011 (NSW) (**WHS Act**) in that it did not ensure so far as reasonably practicable the health and safety of workers who were at work in Combeda Constructions Pty Ltd workplace. It is further alleged that this failure exposed a worker to a risk of death or serious injury contrary to section 32 of the WHS Act.

### b. Details of the events surrounding the alleged contravention

On 1 February 2021 at a construction site located at Shellharbour NSW an apprentice who was tasked with installing Dincell formwork wall panels on level 2 of the construction site, stepped onto a piece of plywood. The plywood was covering a penetration. The apprentice fell through the penetration to the basement floor, approximately 12 metres below.

### c. The details of any injury that arose from the alleged contravention



### d. An acknowledgement that SafeWork NSW alleged a contravention has occurred

It is acknowledged by Combeda Constructions Pty Ltd that SafeWork NSW has alleged that Combeda Constructions Pty Ltd has contravened section 32 of the WHS Act.

### e. A statement of regret that the incident occurred

Combeda Constructions Pty Ltd regrets that the incident on 1 February 2021 occurred and the Worker sustained injuries as a result of the incident.

Note: the above is not an admission of guilt

### f. Prior work health and safety convictions

Combeda Constructions Pty Ltd has had no prior work health and safety convictions in NSW or any other work health safety jurisdictions.

### g. The details of the support provided, and proposed to be provided, to the injured person(s) to overcome the injury/illness

The worker was not employed by Combeda Constructions Pty Ltd at the time of the incident.

The following support has been provided to the worker and/or their family:

#### Brief description of support provided

Shortly after the Incident, Combeda Constructions' Director collected donations on Site from other workers and matched the total of the sum collected, all of which was taken to the injured worker by a colleague so

that the injured worker could purchase various items while in hospital to make their stay as comfortable as possible in the circumstances.
Combeda Constructions' Director confirmed that the injured worker was receiving support from their employer, and that payments were being made through workers compensation and union insurance.
Combeda Constructions' Director sought periodic updates from the injured worker's employer regarding their well-being and the status of their recovery.

## Section 3 – Enforcement Notices and Rectifications

### a. The details of any enforcement notices issued that relate to the alleged contravention

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
1 February 2021	Prohibition notice	55509	“Workers/Other persons are exposed to a risk of serious injury whilst carrying out work or accessing work areas where they can fall approximately 10m as there is no system in place to prevent a person falling. Eg. Formwork stripping level 1 leaving excessive gap between floor edge and perimeter scaffold approximately 700mm and fall hazard L2 to ground.”	Mechanically fixed handrails and mid rails were installed in identified areas. Arranged for the scaffolding contractor to attend the site to review all edge protection around the perimeter and adjusting/installing hop ups where required.
1 February 2021	Prohibition notice	55678	“Persons are in imminent serious risk of injury from a fall from height through open floor penetrations e.g. services duct, due to unsafe system of work of stripping formwork decks and leaving open penetrations through concrete floor.”	Conducted a meeting on site with the site foreman and formwork supervisor to reiterate requirements for the formwork contractor and Combeda Constructions to assess area where formwork is to be stripped to identify slab penetrations and slab edges that will arise after stripping, with these areas to be covered by handrails installed correctly before the area is released to be stripped. Carried out a risk assessment for the task of formwork stripping. Conducted an internal workplace checklist for general housekeeping and other items. Mechanically fixed timber and plywood to all penetrations and installed extra handrails at identified slab edges.
1 February 2021	Prohibition notice	55679	“Persons are in immediate serious risk of injury from a fall from height while installing Dincell wall panels in lift shaft due to open penetrations in floor (service ducts).”	Reviewed SWMS for the specific task of installing rediwall/dincel and updated to address ensuring penetrations are covered and secured, handrails exist around the area where the wall system is to be installed, prohibited overreaching at any stage during

				installation and ensuring a secure and stable working platform exists before commencing installation.
1 February 2021	Improvement notice	57343	“Workers/Other persons may be exposed to a risk of injury due to falls from heights up to 12m whilst carrying out works or formwork stripping on construction site where fall controls in place do not effectively control fall hazard. Eg. Temporary handrails over floor void opening missing mid rail, work above rail height for stripping.”	Mechanically fixed handrails and mid rails were installed in identified areas. Arranged for the scaffolding contractor to attend the site to review all edge protection around the perimeter and adjusting/installing hop ups where required.

**b. Any rectifications or changes made to work health and safety systems and/or practices as a result of the alleged contravention**

Description	\$ Amount
Engaged [REDACTED] in February 2021 following the Incident to review and update Combeda Constructions’ work health and safety systems and provide further training to employees and the independent contractors Combeda Constructions engages, over a period of approximately eight to nine weeks.	\$8,679
Arranged for one of Combeda Constructions’ independent contractors to be trained for and engaged as a dedicated work health and safety officer. As a result, additional contractors were required to be engaged to replace that independent contractor for the purposes of his previous role.	\$93,500
Arranged for the independent contractors Combeda Constructions engages to deliver Combeda Constructions’ project management services direct on-site to receive updated training and certification in first aid.	\$3,700

**TOTAL AMOUNT SPENT ON RECTIFICATIONS**

**\$110,482**

## Section 4 – Statements, commitments, and acknowledgements

**a. A commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur**

Combeda Constructions Pty Ltd commits that the behaviour that led to the alleged contravention has ceased and that it will take all reasonably practicable steps to prevent recurrence of this type of incident.

**b. A statement of assurance about future work health and safety behaviour**

Combeda Constructions Pty Ltd is committed to complying with its obligations under the WHS Act and ensuring, so far as reasonably practicable, the health and safety of workers and those who may be affected by its business or undertakings.

**c. A commitment to the ongoing effective management of work health and safety risks**

Combeda Constructions Pty Ltd commits that it will, so far as reasonably practicable, maintain ongoing effective management of work health and safety risks.

**d. An acknowledgement that the enforceable undertaking will be published and publicised**

Combeda Constructions Pty Ltd acknowledges that the enforceable undertaking will be published on SafeWork NSW's internet site until the completion of the enforceable terms and may be referenced in SafeWork NSW's publications.

**e. A statement of ability to comply with the terms of the enforceable undertaking**

Combeda Constructions Pty Ltd acknowledges that it has the financial ability to comply with the terms of this enforceable undertaking and has provided evidence with this undertaking to support this declaration.

**f. An acknowledgement consultation has occurred within the workplace regarding the proposal of an enforceable undertaking**

Combeda Constructions Pty Ltd acknowledges that it has consulted within the workplace in relation to the development of the enforceable undertaking proposal, including consultation with all Combeda Construction full time contractors. The consultation occurred on a work site, and the EU process and possible strategies were discussed.

**g. Statement regarding relationships with other parties**

Combeda Constructions Pty Ltd advises that there is an existing relationship held with [REDACTED] identified at Strategy 3 in Section 5 of this enforceable undertaking. [REDACTED] was previously engaged by Combeda Constructions as set out in Section 3b of this enforceable undertaking and will benefit as a result of their further engagement as outlined in Strategy 3 in Section 5 of this enforceable undertaking. There is an existing relationship with [REDACTED], who represent Combeda Constructions Pty Ltd in relation to the incident and prosecution proceedings.

**h. Intellectual property licence**

Combeda Constructions Pty Ltd grants SafeWork NSW a permanent, irrevocable, royalty-free, worldwide, non-exclusive license to use, reproduce, distribute, electronically transmit, electronically distribute, adapt, and modify any materials developed as a result of this enforceable undertaking.

**i. A commitment to participate constructively in all compliance monitoring activities of the undertaking**

Combeda Constructions Pty Ltd acknowledges that the responsibility for demonstrating compliance with this undertaking rests with Combeda Constructions Pty Ltd. Evidence to demonstrate compliance with the terms will be provided to SafeWork NSW by the due date for each Strategy item identified in Section 5.

Combeda Constructions Pty Ltd acknowledges that SafeWork NSW may undertake other compliance monitoring activities to verify the evidence that is provided for each Strategy item identified in Section 5. The evidence provided to demonstrate compliance with the undertaking will be retained by Combeda Constructions Pty Ltd until advised by SafeWork NSW that the undertaking has been completely discharged.

Combeda Constructions Pty Ltd acknowledges that SafeWork NSW may initiate additional compliance monitoring activities, such as inspections, as considered necessary.

Combeda Constructions Pty Ltd acknowledges that should there be any delay in the delivery or compliance of the Enforceable Undertaking this will be subject to mutual agreement (confirmed in writing) between Combeda Constructions Pty Ltd and SafeWork NSW.

**j. A commitment regarding linking the strategy and promotion of benefits to the enforceable undertaking**

Combeda Constructions Pty Ltd is committed to ensuring that any real or perceived promotion of a benefit arising from this enforceable undertaking will clearly link the benefit to the enforceable undertaking and that the enforceable undertaking was entered into as a result of the alleged contravention identified in section 2 above.

Where products or other deliverables are externally promoted or have a direct link to the enforceable undertaking Combeda Constructions Pty Ltd will include the following statement:

*This (insert product or service) has been (produced, held) pursuant to an enforceable undertaking between Combeda Constructions Pty Ltd, ACN: 101 148 529 and SafeWork NSW entered into on (insert DATE EU commenced).*

Any variation to the above statement requires prior written agreement between Combeda Constructions Pty Ltd and SafeWork NSW.

**k. A commitment to gain review and approval for industry and/or community safety information**

Combeda Constructions Pty Ltd commits that any strategies to be implemented by Combeda Constructions Pty Ltd in compliance with this Enforceable Undertaking that involve safety information being provided to the industry and/or community will be subject to SafeWork NSW's review and approval of the content prior to dissemination.

**l. Inconsistent Statements**

Combeda Constructions Pty Ltd commits that it will not make any statement or otherwise imply anything that is inconsistent with the statements, commitments or acknowledgements contained in this Undertaking and will take steps to ensure its representatives, employees and officers do not make any such statements.

**m. Reliance on Commitments**

Combeda Constructions Pty Ltd acknowledges that SafeWork NSW may rely upon the commitments and statements set out in Section 4 (a), (b) and (c) above when making decisions regarding enforcement action if Combeda Constructions Pty Ltd fails to comply with its work health and safety obligations in the future, including but not limited to any failure to comply with its obligations under this Undertaking.

**n. Withdrawal or variation**

Combeda Constructions Pty Ltd may with the written agreement of SafeWork NSW withdraw or vary the undertaking in accordance with section 221 of the Work Health and Safety Act 2011.

**o. Acknowledgement of Enforceable Undertakings Guidelines and Contravention of the Undertaking**

Combeda Constructions Pty Ltd has read and understood SafeWork NSW Enforceable Undertakings Guidelines.

Combeda Constructions Pty Ltd acknowledges that if Combeda Constructions Pty Ltd contravenes any of the terms of this Enforceable Undertaking, SafeWork NSW may apply to the District Court for an order in accordance with section 220 of the Work Health and Safety Act 2011.



## Section 5 – Strategies

Combeda Constructions Pty Ltd undertakes to deliver the following Strategies.

Each strategy in the enforceable undertaking aims to provide lasting work health and safety benefits across the workplace, the industry, and the community, or a combination of these.

### Strategies that relate to the dissemination of information in relation to the enforceable undertaking

#### Strategy 1 – Enforceable undertaking public notice

**Summary:**

Combeda Constructions Pty Ltd will place a public notice advising of the enforceable undertaking with SafeWork NSW.

**WHS outcome and beneficiaries:**

The public notice serves to advise the general public about the enforceable undertaking and serves as a form of both education and deterrence for industry.

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the table below.

How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
<p>Combeda Constructions Pty Ltd will cause a public notice to be published in the Sydney Morning Herald using the script provided in Annexure 1.</p> <p>The notice in the Sydney Morning Herald will be 1/8 of a page in size.</p> <p>The script for the notices must be approved by SafeWork NSW prior to the public notice being published. Failure to adhere to these conditions may result in SafeWork NSW requesting another public notice be published.</p>	<p>Within 30 days of the Commencement Date of the enforceable undertaking but not prior to SafeWork NSW publishing a copy of the enforceable undertaking on its website.</p>	<p>Combeda Constructions Pty Ltd, Director</p>	<p>Within 7 days of placing the published notices Combeda Constructions Pty Ltd will provide SafeWork NSW with the following evidence of placement.</p> <p>A copy of the full page of the Sydney Morning Herald showing the public notice and the name and date of the publication.</p>

## Strategy 2 – Dissemination of information about the enforceable undertaking

### Summary:

Combeda Constructions Pty Ltd agrees to disseminate information about the enforceable undertaking with SafeWork NSW within its workplace including to its workers, and all subcontractors working for Combeda Constructions Pty Ltd as at the date of the commencement of this enforceable undertaking and to any other relevant parties.

### WHS outcome and beneficiaries:

The dissemination of information about the enforceable undertaking is an important step in maintaining effective dialogue with the workforce about the enforceable undertaking and safety more broadly.

### Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the table below.

How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Toolbox talks containing Public Notice of SafeWork NSW's acceptance of undertaking	Within 30 days of the Commencement Date of the enforceable undertaking but not prior to SafeWork NSW publishing a copy of the enforceable undertaking on its website.	Combeda Constructions Director	Toolbox talk to be delivered across all current (at that time) Combeda worksites.  Within 7 days of delivering the toolbox talk will provide SafeWork NSW with a copy of the toolbox talk and associated attendance sheets.
Email communication containing Public Notice of SafeWork NSW's acceptance of undertaking	Within 30 days of the Commencement Date of the enforceable undertaking but not prior to SafeWork NSW publishing a copy of the enforceable undertaking on its website.	Combeda Constructions Director	Email to be sent to a minimum of 25 subcontractors with a copy of the toolbox and suggestion that they use that toolbox talk on their worksites  Within 7 days of sending the email will provide SafeWork NSW with a copy of the email communications.
Publication of Public Notice of SafeWork NSW's acceptance of undertaking on Combeda's website	Within 30 days of the Commencement Date of the enforceable undertaking but not prior	Combeda Constructions Director	Publication of notice to stay on Combeda's website for 3 months

	to SafeWork NSW publishing a copy of the enforceable undertaking on its website.		Within 7 days of publishing the notice on Combeda's website, will provide SafeWork NSW with a copy of the website link.
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**Cost:**

Description	\$ Amount
Preparation of toolbox talk	██████████
Administration costs associated with email communications	██████████
<b>Total estimated costs</b>	<b>\$2,400</b>

## Strategies that will deliver benefits to the workplace, industry and the community

### Strategy 3 - Workplace strategy – WHS knowledge and capability building

**Summary:**

Combeda Constructions will undertake the following activities to increase the level of WHS knowledge and capability within its operations:

1. Combeda Constructions will make arrangements for its WHS Officer and the Contract Administrator/WHS Compliance Officer that Combeda Constructions proposes to be engaged (if the person engaged does not already hold the qualification at the time they are engaged) to undertake a course to obtain a certificate IV in work health and safety. Additionally, Combeda Constructions' Director will also undertake training in due diligence under the WHS Act.
2. Combeda Constructions will engage a Contract Administrator/WHS Compliance Officer on a full-time basis, who would either already hold a certificate IV in work health and safety or undertake a course to obtain this qualification as detailed above. The person in this role will engage directly with sub-contractors regarding work health and safety issues and compliance, and monitor (and manage where required) sub-contractors working on Combeda Constructions' projects. This role would be in addition to the WHS Officer role, Project Manager and Site Foreperson roles that are already part of Combeda Constructions' operations.
3. Combeda Constructions will engage a third party to undertake an audit of Combeda Constructions' WHS compliance and develop a corrective action plan. The scope of the audit will cover all WHS aspects of Combeda Constructions' operations with a particular focus on contractor management. The Contract Administrator/WHS Compliance Officer will then undertake a project of implementing that corrective action plan.
4. Combeda Constructions will engage a third party to implement a tailored software package to digitize Combeda Constructions' WHS compliance.

**WHS outcome and beneficiaries:**

The training in various aspects of work health and safety will provide Combeda Constructions with increased skills and capability in relation to the management of health and safety risks in the workplace and compliance with work health and safety obligations. The employees that complete the training will acquire transferrable skills and knowledge that will be of benefit to workers through the improvements to work health and safety that will come from the acquisition of those skills.

The engagement of a Contract Administrator/WHS Compliance Officer will provide for a higher level of engagement with sub-contractors so that relevant work health and safety issues are managed pro-actively and increased monitoring of sub-contractor compliance. It is also anticipated that the Contract Administrator/WHS Compliance Officer will either have or acquire the increased skills and capability in relation to the management of health and safety risks in the workplace and compliance with work health and safety obligations, will also extend the knowledge transfer to subcontractors through the Contract Administrator/WHS Compliance Officer dealings with subcontractors through their work related interactions.

Together with the skills acquired through further training of key workers, Combeda Constructions will also seek to improve its WHS compliance strategies through both auditing and developing a corrective action plan as necessary and digitizing Combeda Constructions WHS management systems. The implementation of these changes will be supported by the engagement of a Contract Administrator/WHS Compliance Officer.

As a result of this strategy WHS benefits are expected in the:

- ✓ Workplace
- ✓ Industry
- Community

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the below.

What is happening	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Certificate IV training delivered to the WHS Officer and Contract Administrator/WHS Compliance Officer (if required)	RTO to deliver Certificate IV training	WHS Officer: Within 12 months of the Commencement Date of the enforceable undertaking.  Contract Administrator/WHS Compliance Officer:	Responsible: Combeda Constructions' Director to confirm workers attend training  Involved: WHS Officer and Contract Administrator/WHS Compliance Officer (if required)	Copies of certificates of completion or attainment for all successfully completed

		within 12 months of the recruitment of the role		
WHS due diligence training to Combeda Constructions' Director	RTO to deliver WHS due diligence training including all competencies	Within 6 months of the Commencement Date of the enforceable undertaking	Combeda Constructions' Director	Copies of certificates of completion or attainment
Combeda Constructions is to engage a full time Contract Administrator/WHS Compliance Officer	Combeda Constructions to recruit a Contract Administrator/WHS Compliance Officer with suitable qualifications and experience	Within 6 months of the Commencement Date of the enforceable undertaking	Responsible: Combeda Constructions' Director Involved: Contract Administrator/WHS Compliance Officer	Copies of employment contract and copies of qualifications confirming the engagement of the Contract Administrator/WHS Compliance Officer
Engage independent third party auditor	Combeda Constructions to engage auditor	Within 3 months of the Commencement Date of the enforceable undertaking	Combeda Constructions' Director	Copy of service agreement or contract
Development of audit scope	Combeda Constructions with the selected auditor to document the audit scope and audit plan with clear focus on contractor management processes and procedures. The standards the audit will be measured against include the Code of Practice – Work health and safety consultation, cooperation and coordination, and, Code of Practice – How to manage work health and safety risks.	Within 6 months of the Commencement Date of the enforceable undertaking (so that the Contract Administrator can be involved in developing the scope)	Combeda Constructions' Director	Copy of documented audit plan
Audit conducted and audit report	Audit completed in accordance with the audit plan in the above step. A final audit report will be supplied by the auditor.	Within 6 months of the Commencement Date of the enforceable undertaking	Combeda Constructions' Director	A copy of the final audit report including verification from the auditor the report has not been altered.
Development of corrective action plan	Combeda Constructions, in consultation with the auditor will develop an audit corrective action plan to address any areas identified during the audit	Within 7 months of the Commencement Date of the enforceable undertaking	Combeda Constructions' Director	Copy of corrective action plan that outlines actions, due dates and responsibilities.

Implementation of corrective action plan	Contract Administrator/WHS Compliance Officer to implement corrective action plan as a project. All corrective actions will be implemented by Combeda Constructions unless otherwise agreed by SafeWork NSW.	Within 18 months of the Commencement Date of the enforceable undertaking	Responsible: Combeda Constructions' Director Involved: Contract Administrator/WHS Compliance Officer	Copies of project documents planning implementation of the corrective action plan and documents evidencing completion of each corrective action outlined in the plan as necessary arising from the scope of the yet to be developed corrective action plan.
Digitization of Combeda Constructions WHS compliance systems	Combeda Constructions to engage a third party to implement a tailored software package to digitize Combeda Constructions' WHS compliance.	Within 18 months of the Commencement Date of the enforceable undertaking	Responsible: Combeda Constructions' Director Involved: Contract Administrator/WHS Compliance Officer	Copies of purchase order or equivalent document, proof of payment and a demonstration of the fully implemented system. Availability of Combeda Constructions workers/contractors (if requested) to interview to confirm implementation of software

**Cost:**

Description	\$ Amount
Cost of certificate IV training	██████████
Cost of WHS due diligence training to Combeda Constructions' Director	██████████
Cost of engaging full time Contract Administrator/WHS Compliance Officer (inclusive of salary for one year as well as other related costs)	██████████
Cost of WHS compliance audit and development of corrective action plan	██████████
Cost of implementation of corrective action plan	██████████
Cost of tailored software package to digitize Combeda Constructions' WHS compliance	██████████
Coordination and relevant administration costs incurred by Combeda Constructions	██████████
<b>Total estimated costs</b>	<b>\$227,600</b>

## Strategy 4 - Industry seminar

### Summary:

Combeda Constructions will host a catered seminar event for a minimum of 35 participants from the construction industry. The seminar is designed to provide construction industry duty holders with:

- an avenue for Combeda to share their real life story and lessons learnt in relation to the incident with industry, including the legal and personal impact.
- an opportunity to educate industry on the impact serious workplace incidents can have on families.
- an opportunity to educate industry about their WHS obligations to help to strengthen the level of WHS compliance (see details below).

Combeda Constructions' Director will MC the event and provide a presentation about the incident, the failures that Combeda Constructions was charged with in relation to the incident and the lessons that attendees can take away from Combeda Constructions' experience. Part of this presentation will also cover some takeaways from the investigation and interactions with SafeWork NSW to educate other duty holders in the construction industry about the process from the perspective of a colleague.

The seminar will also include content regarding the safety of young, inexperienced workers in the construction industry and lessons from the incident managing risks to those workers in particular. The seminar will also include a keynote address from the [REDACTED] to assist with education from the perspective of the family members of young persons who have been killed on construction sites.

Combeda Constructions will make arrangements to have counsellors on site to provide assistance to any attendees arising from any confronting and/or distressing subject matter covered during the seminar.

The seminar will also include a legal briefing component, delivered by [REDACTED] at Combeda Constructions' expense, to educate attendees regarding the general obligations owed under work health and safety legislation. The content of the legal briefing will be tailored to include content that is relevant to the attendees that will attend. WHS obligations covered will include the primary duty of a PCBU, the duties of officers and workers as individuals, duties of principal contractors, and the obligations to notify an incident and preserve an incident scene, as well as consequences for breaches of these duties.

To assist in supporting the distribution of safety resources to industry, Combeda will ensure that copies of the SafeWork NSW Construction Pocket Guide are available at the seminar and distributed to all attendees (in either a print or digital copy). SafeWork NSW will be invited to attend and contribute to the seminar at a time closer to the event. Combeda will look to publish details regarding the event through industry associations to enable a broader number of persons to attend the seminar.

### WHS outcome and beneficiaries:

The goal of this strategy is to educate others in the construction industry regarding what they should be doing in their own workplaces and their work health and safety obligations. The legal briefing component will benefit participants from the industry by improving their

understanding of their legal obligations regarding work health and safety. An evaluation will be provided to participants following the seminar, to confirm whether their understanding regarding WHS obligations has increased.

As a result of this strategy WHS benefits are expected in the:

- ✓ Workplace
- ✓ Industry
- ✓ Community

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the below table.

What is happening	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
<p>Catered industry seminar that will include a presentation regarding the incident and lessons learned, a legal briefing and a keynote from [REDACTED]</p>	<p>Combeda Constructions will host a seminar for participants from the construction industry. The seminar will include:</p> <ul style="list-style-type: none"> <li>• a presentation from the Director of Combeda Constructions on the incident, the failures, and lessons learnt from the incident, investigation and subsequent enforceable undertaking. SafeWork NSW to approve the content of the presentation prior to delivery.</li> <li>• a keynote speaker from the [REDACTED]</li> <li>• a presentation by [REDACTED] on safety obligations. SafeWork NSW to review the contents prior to delivery.</li> <li>• an invitation to SafeWork NSW to present</li> <li>• distribution to all attendees copies of the SafeWork NSW Construction Pocket Guide</li> <li>• the provision of onsite counsellors for workers that</li> </ul>	<p>Within 18 months of the Commencement Date of the enforceable undertaking</p>	<p>Combeda Constructions' Director</p>	<p>Confirmation of engagement of the [REDACTED], invitation to SafeWork NSW, attendee sign on record of attendance</p> <p>Copy of the Combeda presentation 3 weeks prior to the delivery of the presentation to allow review and approval to be provided by SafeWork NSW.</p> <p>Copy of the [REDACTED] presentation 3 weeks prior to the delivery of the presentation to allow the opportunity for feedback to be provided by SafeWork NSW.</p>



	may be impacted by the content of the seminar.			
Evaluation of seminar	Through an anonymous survey of participants	Following the conclusion of the seminar	Combeda Constructions' Director	A summary of the outcomes of the survey to be provided to SafeWork NSW.

**Cost:**

Description	\$ Amount
Cost of seminar venue and catering	██████████
Cost of ██████████ keynote	██████████
Cost of ██████████ legal briefing	██████████
Cost of 2 counsellors on site at the seminar	██████████
Coordination and relevant administration costs incurred by Combeda Constructions	██████████
Preparation of seminar evaluation	██████████
<b>Total estimated costs</b>	<b>\$46,200</b>

## Strategy 5 - Sharing lessons learnt – Webinar

**Summary:**

Combeda Constructions in collaboration with SafeWork NSW will develop and record a webinar that covers the circumstances of the incident and lessons learnt by Combeda Constructions to help reduce similar incidents happening within the industry. Following approval of the content of the webinar, the webinar will be made available to SafeWork NSW.

**WHS outcome and beneficiaries:**

The value of sharing lessons about real incidents with industry cannot be underestimated. It helps to provide valuable information to industry to prevent similar incidents and injuries to other workers. The webinar will leave a lasting reference for industry and can be shared through a variety of forums and channels across the industry.

As a result of this strategy WHS benefits are expected in the:

- ✓ Workplace
- ✓ Industry
- ✓ Community

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the below table.

What is happening	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Webinar development	Combeda Constructions will work in collaboration with SafeWork NSW to develop a script for the webinar that covers the details of the incident, action immediately taken (including support for workers) and lessons learnt because of the incident and subsequent SafeWork NSW investigation	Within 6 months of the Commencement Date of the enforceable undertaking	Combeda Constructions' Director	Attendance at any meetings required during the development of the webinar and evidence of script reviews completed by Combeda Constructions
Webinar recording	Combeda Constructions will record the webinar at a date and time agreed with SafeWork NSW	Within 8 months of the Commencement Date of the enforceable undertaking	Combeda Constructions' Director	Physical attendance at the webinar recording by Combeda Constructions
Webinar promotion	<p>Combeda Constructions will place a link to the webinar on their website for a period of no less than 12 months following the release of the webinar.</p> <p>Combeda Constructions will also send links to the webinar to the NSW Master Builders Association.</p> <p>Combeda Constructions will distribute a link to the webinar to industry contacts.</p>	Within 12 months of the Commencement Date of the enforceable undertaking	Combeda Constructions' Director	<p>Evidence of link on Combeda Constructions' website</p> <p>Evidence of emails promoting the webinar to listed associations and industry contacts.</p> <p>Webinar metrics showing number of listeners and downloads (that is those metrics currently available to SafeWork NSW in relation to its webinars)</p>
Webinar promotion to TAFE students within the Greater Metropolitan Sydney area	Combeda Director to present to TAFE students two times in a 12-month period on the incident and lessons learnt, including promoting the webinar. SafeWork NSW will provide a	Within 12 months of the Commencement Date of the enforceable undertaking	Combeda Constructions Director	Confirmation of two separate Combeda presentations to TAFE students in a 12 month period. Confirmation to be provided by attending SafeWork NSW inspectors.

	schedule of dates available to present at TAFE along side SafeWork NSW inspectors.			
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**Cost:**

Description	\$ Amount
Administrative and indirect costs incurred by Combeda Constructions in the development of the podcast	██████████
Attendance and presentation of the webinar to TAFE students within Greater Metropolitan Sydney area	██████████
<b>Total estimated costs</b>	<b>\$15,600</b>

**TOTAL ESTIMATED VALUE OF THE UNDERTAKING**

**\$291,800**

## Section 6 – Execution of Undertaking

Combeda Constructions Pty Ltd give this undertaking and commit to the terms herein.

Signed:  
[Person



Name:



Position: Director

Dated at Liverpool this 19th day of June, 2024

Witnessed in the presence of:

Signed:



Name:

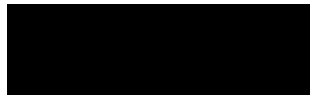


Dated at Liverpool this 19th day of June, 2024

## Section 7 – SafeWork NSW's acceptance of undertaking

I accept this undertaking as an enforceable undertaking under section 216 of the WHS Act.

Signed:



Name: Mary Snell

Position: Executive Director, Operations and Enforcement.

Authorised delegate for SafeWork NSW, an agency within the Department of Customer Service.

Dated at Parramatta this 26th day of June , 2024

## Annexure 1 – Public Notice of SafeWork NSW’s acceptance of undertaking

### Notice of Acceptance of an Enforceable Undertaking under Part 11 of the Work Health and Safety Act 2011.

On 1 February 2021, at a construction site located at Shellharbour NSW, an apprentice who was tasked with installing Dincell formwork wall panels on level 2 of the construction site, stepped onto a piece of plywood. The plywood was covering a penetration. The apprentice fell through the penetration to the basement floor, approximately 12 metres below.

SafeWork NSW investigated the incident and subsequently alleged that Combeda Constructions Pty Ltd contravened section 32 of the Work Health and Safety Act 2011 (**WHS Act**) by failing to comply with a health and safety duty under s19(1) of the WHS Act.

SafeWork NSW has accepted an enforceable undertaking from Combeda Constructions Pty Ltd, ACN 101 148 529 in accordance with Part 11 of the Work Health and Safety Act 2011 in relation to the abovementioned alleged contravention. This notice has been placed under the terms of the Enforceable Undertaking and acknowledges acceptance of the Enforceable Undertaking by Combeda Constructions Pty Ltd.

The undertaking requires the following actions:

- WHS knowledge and capability building including:
  - the appointment of a Contract Administrator/WHS Compliance Officer.
  - due diligence training.
  - a third-party audit of WHS operations.
  - digitising WHS compliance systems.
- Host an Industry Seminar that includes:
  - a lessons learnt presentation by Combeda Constructions Pty Ltd to industry attendees.
  - a presentation on the impact serious workplace incidents can have on families.
  - a presentation on work health and safety obligations for duty holders.
- Produce and promote a lessons learnt webinar in partnership with SafeWork NSW.

The full undertaking and general information about enforceable undertakings is available at [safework.nsw.gov.au](https://safework.nsw.gov.au).