



**Planning &  
Environment**  
Resources Regulator

## **WHS undertaking**

Undertaking to the Secretary,  
**Department of Planning and Environment**  
given for the purposes of Part 11 of the *Work Health and Safety Act 2011*

**by**

Department of Finance, Services and Innovation  
Heritage Stoneworks

ACN N/A

ABN 81 913 830 179

## WHS undertaking proposal

### Purpose

The purpose of this WHS undertaking is to document the undertaking given to the regulator, the Secretary of the Department of Planning and Environment, for the purposes of Part 11 of the *Work Health and Safety Act 2011* (WHS Act) in connection with a matter relating to a contravention or alleged contravention by the person of the WHS Act.

### Section A - general information

#### 1. details of the company or individual proposing the undertaking

Name (include NSW trading name if applicable)	Department of Finance, Service and Innovation (DFSI)	
Registered office address	McKell Building 2-24 Rawson Place, Sydney NSW 2000	
Workplace street address (if different from above)	Heritage Stoneworks (HSW) 92 Burrows Road, Alexandria NSW 2015	
Mailing address (if different from above)	as above	
Telephone	02 9565 9000	Mobile:
Email address	Heritage.stoneworks@finance.nsw.gov.au	
Legal structure	Heritage Stoneworks is and was at all material times, a business unit with the Government and Corporate Services division of the Department of Finance, Services and Innovation ( <b>Heritage Stoneworks</b> )	
Type of business	Heritage building including stonemasonry production	
Commencement date of the entity	1 July 2009	
Workers	Full time: 42	Part time: NIL
Products and services	Heritage Stoneworks manages the physical project delivery and construction management of the Minister's Stone Program and other heritage projects for individual government client agencies. Heritage Stoneworks has a skilled workforce of banker masons and stone processors and collaborates with private sector contractors as well. It is also the major employer of apprentices for the heritage stonework industry. Services include: <ul style="list-style-type: none"><li>• stonemasonry preservation, restoration, replacement and protection</li><li>• intricate carving and shaping of stone</li><li>• heritage roofing, including slate and metal deck roofing, copper and lead work</li><li>• heritage refurbishment and building maintenance work</li><li>• provision of expert advice on heritage maintenance, and project and/or construction management services</li><li>• provision of expert advice on a range of stone and slate selection as well as its processing to suit your requirements</li><li>• sandstone processing (cutting and shaping) at the Alexandria sandstone production yard.</li></ul>	

2. the details of the alleged contravention

The alleged contraventions pertain to two separate incidents at the Heritage Stoneworks site located at 92 Burrows Road, Alexandria (the **site**). The first involved a worker being exposed to the risk of injury from an overloaded stacker lift on 31 January 2017. The other incident involved the risk of exposure to airborne respirable crystalline silica (RCS).

It is alleged in relation to each incident that Heritage Stoneworks being a person conducting a business or undertaking, had a health and safety duty under section 19(1) of the *Work Health and Safety Act 2011(NSW)* (**WHS Act**) to ensure, so far as is reasonably practicable, the health and safety of workers while they were at work in the business or undertaking, failed to comply with that duty, and the failure to comply exposed workers to a risk of death or serious injury.

3. details of the events surrounding the alleged contravention, e.g. incident details

**3.1 The stacker lift incident:**

On 31 January 2017, a worker at Heritage Stoneworks was struck on the head by a TASK Cobra legless stacker lift as it fell forwards under load. He sustained head injuries as a result of the incident.

The worker was using the stacker lift to lift a large piece of stone that weighed 1 tonne (with a jib attachment affixed to the stacker lift).

**3.2 Potential exposure to RCS**

On 23 November 2016 and 13 December 2016, SafeWork NSW undertook exposure monitoring at the site. The silica dust at levels exceeded the acceptable standard.

4. an acknowledgement that the Department alleged a contravention has occurred

It is acknowledged that, arising out of both incidents, the Department of Planning and Environment has alleged that, Heritage Stoneworks has contravened section 32 of the WHS Act by failing to comply with a health and safety duty under section 19(1) of the Act.

5. the details of any injury that arose from the alleged contravention



6. the details of any enforcement notices issued that relate to the alleged contravention

Notices received:

Yes (provide details)  No

Date issued	Notice type	Notice number	Contravention	Action taken to respond to notice
1 February 2017	Improvement Notice issued by SafeWork NSW	7-302020	s19 Work Health and Safety Act 2011 Clause 49 Work Health and Safety Regulation 2011	An action plan was developed which set out all steps to address the following: 1. Provide all banker masons in the area with Powered Air Purifying Respirators (PAPR). 2. Designate the stone masonry work area in the front workshop as a "Powered Air Purifying Respirators (PAPR) Use" area. 3. Reposition the LEV hoods at work benches and use them.



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				4. Use vacuum cleaners to remove dust from work bench tops and other dusty work area surfaces.
1 February 2017	Prohibition Notice	35301	S16 Work Health and Safety Act 2011  Clause 218 & 219 Work Health Safety Regulation 2011	The below steps and checks were conducted to the satisfaction of SafeWork NSW  1. A copy of the notice was displayed in a prominent place within the workplace and communicated to all staff.  2. Checks were conducted by an independent competent person to ensure that the subject pedestrian operated TASK Fork was safe for operation and systems of work were reviewed ensuring the systems in place and any engineered attachments used are suitable for the loads being lifted.  3. Workers and supervisors are appropriately trained and competent in the safe use of pedestrian operated fork trucks.
2 February 2017	Improvement Notice issued by SafeWork NSW	7-302039	S16 Work Health and Safety Act 2011  Clause 218 & 219 Work Health Safety Regulation 2011	A review of the systems of work was conducted with improvements implemented to ensure that;  1. The plant is selected for use and is suitable for the task.  2. Lifting attachments used such as slings are appropriate for the task.  3. Engineered lifting attachments are appropriately secured to the forklift/s
2 February 2017	Improvement Notice issued by SafeWork NSW	7-302044	S16 Work Health and Safety Act 2011  Clause 218 & 219 Work Health Safety Regulation 2011	A review of training, supervision and competency provided to workers using forklifts was conducted with improvements implemented to ensure that;  1. Appropriate plant is selected for use and is suitable for the task.  2. Any lifting attachment used such as slings is appropriate for the task.  3. Any engineered lifting attachments are appropriately secured to the forklift.



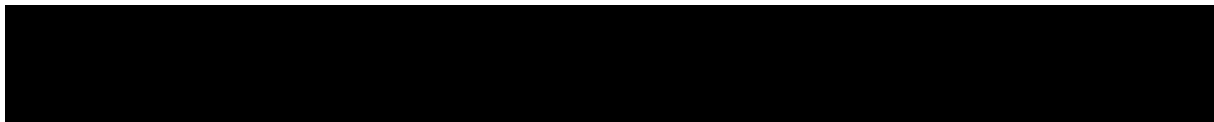
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7. a statement of assurance about future work health and safety behaviour

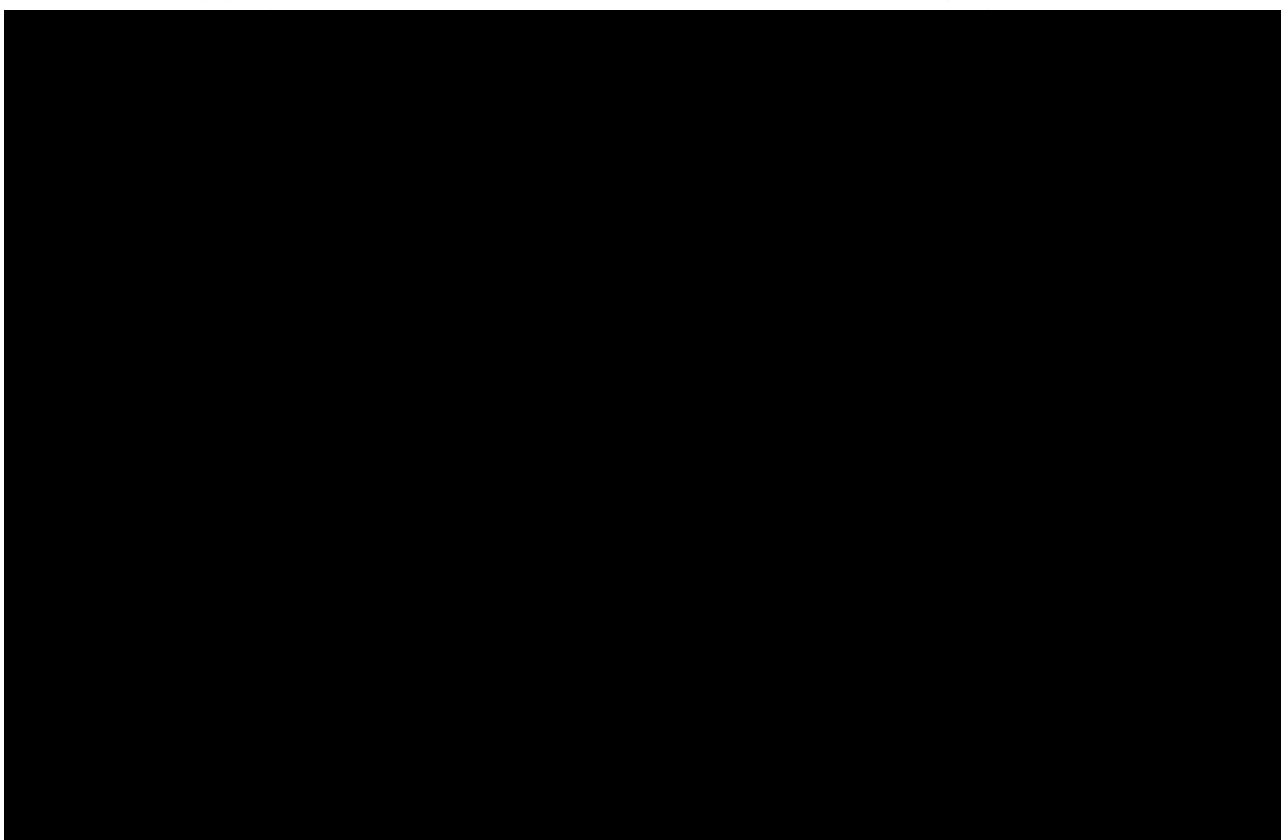
Heritage Stoneworks is committed to driving positive work health and safety behaviours at all levels within the business.

8. When an alleged contravention is associated with an injury or illness

- 8.1. the details of the type of workers compensation provided (if the injured person(s) is a worker of the person)



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



9. if the matter involves a fatality or very serious injury<sup>1</sup>, a claim to demonstrate that exceptional circumstances exist and the WHS undertaking is a more appropriate response than pursuing prosecution

Does the contravention involve a fatality or very serious injury?

Yes       No

<sup>1</sup> An injury that has caused nervous system damage liable to lead to mental incapacity or permanent restriction of mobility or involves a major amputation of a limb or parts of the body, for example, amputation above the knee or elbow. This term is not defined in the WHS Act; it is used within this document to identify certain circumstances which will trigger additional steps in the WHS undertaking process.

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10. the details of any existing safety management systems at the workplace including the level of auditing currently undertaken

The health and safety management system at Heritage Stoneworks site originally derived from a broader management system which covers the Construction Services Group Project Management (DEC and Special Projects) and the Management Team within NSW Public Works Sydney Region.

Following reporting changes initiated in August 2016, Heritage Stoneworks has undertaken an extensive Safety and Quality management review process including establishment of internal safety, quality and environmental officer resource responsible for maintaining the system and conducting internal surveillance audits. The updated and improved management system consists 'in part' the following policies and procedures;

### *Safety Management System*

- HSW Quality, Safety and Environmental Policy (August 2017)
- HSM-003 Management System Overview (November 2017)

### *Work Instructions and Plans*

- HSI-007 – WHS Induction (August 2017)
- HSP-010 – Site WHS Management Plan (January 2016)
- HSP-016 – Project Safety Management Plan
- HSP-018 – Traffic Management Plan dated 16/10/2013
- HSI-025 Issue of Contractor ID Cards (September 2017)
- HSI-022 – Management Review (November 2017)
- HSI-033 – Stone Production (November 2017)
- HSI-043 - Management of Scaffolding (November 2017)
- HSI-2103 - HSW WHS Consultation Statement

### *Standard Operating Procedures*

- HS-SOP-01 – Forklift Truck Operation (August 2017)
- HS-SOP-02 – Gantry Crane Operation (August 2017)
- HS-SOP-03 – Axia Saw Operation (August 2017)
- HS-SOP-05 – Bridge Saw Operation (August 2017)
- HS-SOP-06 – Stonemasonry Floor Cleaning (August 2017)
- HS-SOP-07 – Splitting Stone on Hydro Split Machine (August 2017)
- HS-SOP-08 – Profile Saw Operation (August 2017)
- HS-SOP-10 – Wire Saw Operation (August 2017)
- HS-SOP-11 – Using Core Drill (August 2017)
- HS-SOP-12 – Rock Roller Operation (August 2017)
- HS-SOP-13 – Stone Masonry Pneumatic Hand Tool (August 2017)
- HS-SOP-14 – Stone Masonry Using Angle Grinders (August 2017)
- HS-SOP-15 – Stone Masonry Hot Work Forge (August 2017)
- HS-SOP-16 – Stone Masonry Demolition Saw (August 2017)
- HS-SOP-17 – Stone Masonry Flex Polisher (August 2017)
- HS-SOP-19 – Walkie Fork Truck Operation (August 2017)
- HS-SOP-20 – Rock Roller Jib Attachment (August 2017)

Many of the above safety management system documents and procedures link to standard form documents such as safety checklists/risk management tools.



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Operational teams are structured with tiers of trade based supervisors and team leaders allowing low level consultation and communication on work activities, workplace hazard identification and the management of risks. Teams conduct regular scheduled workplace and site inspections which are monitored through the management system utilising iAuditor app. Team leaders have been supplied with smartphones as an improved way of conducting inspections and HSW have purchased a Chemwatch licence to improve employee access and maintenance of hazardous chemicals registers.

The safety, quality and environmental officer throughout 2017 has co-ordinated audits to the below internal and external audit schedule. HSW have further participated in two external BSI accredited (Safety/Quality) audits in 2017 and commissioned independent safety and environmental review of operations and systems for compliance to relevant legislative requirements.

The commitment to continuous improvement by management is incorporated into HSI-022 Management Review including the review of effectiveness of existing controls has resulted in many measurable improvements to the working environment. Maintenance and modifications to the dust extraction system, water mist use and work methods has resulted in a reduction of up to 85% from monitoring of airborne contaminants when compared to the air monitoring six months prior.

11. the details of any consultation undertaken within the workplace regarding the proposal of a WHS undertaking

Heritage Stoneworks has undertaken consultation with all managers and the workforce about the enforceable undertaking. This has been escalated to all levels of the senior executive within DFSI.

12. a statement of regret that the incident occurred (ie not an admission of guilt)

Heritage Stoneworks regrets that these incidents occurred and that a worker was injured.

Heritage Stoneworks is committed to complying with its obligations under the WHS Act and ensuring, so far as reasonably practicable the health and safety of all workers and those who may be affected by its business or undertakings, including workers who use its plant and equipment.

13. any rectifications made as a result of the contravention

Heritage Stoneworks have undertaken the following steps (set out in the Action Plans developed in consultation with SafeWork NSW to address the risks and develop improvements to workers wellbeing arising from both incidents):

### **RCS exposure**

#### *Issue all banker masons with Powered Air Purifying Respirators (PAPR)*

1. Assessment of existing equipment, consultation and trial different types of full face Powered Air Purifying Respirators (PAPRs) equipment for suitability, effectiveness and comfort based on a range of tasks.
2. Consultation process with workers and supervisors on types of equipment, effectiveness and comfort factors.
3. Purchase additional (spare) PAPRs in consultation with employees and storage/cleaning requirements.
4. Staff are trained and inducted into the correct usage/fit, maintenance, cleaning and storage of PAPRs including face fit tests.

#### *Designate the stone masonry work area in the front workshop as a "Powered Air Purifying Respirators (PAPR)" area at all times and establish safe work practice measures including restricted entry / access to that area*

1. Update site safety rules and Induction procedure to reflect Banker Shed as designated the stone masonry work area in the front workshop as a "Powered Air Purifying Respirators (PAPR)"
2. Display safety signage to reflect restricted PAPR area to banker shop and restrict access to traffic areas.



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3. Modifications to rear office entry by partitioning the entry ramp providing separation to the banker area.
4. Review effectiveness of signage, induction process and access to/from the office including paths and ramps and resolve all adverse issues.
5. Toolbox staff and induct visitors into changes (significant changes and improvements to induction process and site facility rules).

*Reposition the LEV hoods at work benches and effectively use. All Hoods to be fully operational and remove fans from work areas.*

1. Update site safety rules and operating procedures to reflect the positioning and use of LEV hoods.
2. Test effectiveness of LEV hoods through smoke test and air monitoring of the environment
3. Consultation and toolbox staff into changes and improvements.
4. Consult and toolbox staff into changes, reason for not using fans, correct usage of LEV hoods within the work areas.
5. Prototypes of improved LEV cowl design are further being designed manufactured and trailed (still in progress)

*Use vacuum cleaners to remove dust from work bench tops and other dusty work area surfaces*

1. Check existing stock of HEPA vacuums including condition.
2. Purchase additional HEPA vacuums for banker and saw shop areas as required.
3. Toolbox staff into process changes including banker shed rules (no use of air blowers to clear work)

*Conduct workplace air monitoring and health screening to reduce dust levels and potential exposure*

1. Schedule further air monitoring consistent with Safe Work NSW dust report to gauge improvements to dust levels at Alexandria and sites (4 x separate series of air-monitoring conducted since March 2017)
2. Conducted series of air monitoring of dust levels on construction sites and within occupied areas where sandstone or other masonry removal is being conducted.
3. Continue I Care (Dust diseases Authority) health screening and future schedule for all HSW workers.

Other notable improvements;

- Engagement of an additional Safety resource and project manager from March 2017 for up to 12 months to establish, monitor and drive improvement initiatives.
- Scheduled 6 monthly cleaning of the entire site by third part supplier including offcut removal, dust removal from, banker, saw and scaffold sheds.
- Independent third-party safety and environmental review of work practices at the Alexandria site.
- Development of specific 'Sydney Sandstone' safety data sheet aligned with global harmonisation system and Chemwatch licence.
- Put out Expression of Interest document through NSW Procurement eTendering for proposals and/or innovative response from industry relating to dust management (suppression or capture)

### **Stacker lift**

*Ensuring appropriate plant is selected for use and is suitable for the task*

- Review Training and Induction required for lifting loads in workshop
- Toolbox talk around incident and lessons learnt on SOPs
- Training provided to Banker workers on the Reach Fork truck.

*Ensuring that any lifting attachment used (such as slings) is appropriate for the task*

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- Review Training and Induction records for DG licence to ensure correct selection of slings for loads is being performed by competent persons
- Team Leaders and Supervisors ensure apprentices do not perform any lifts unsupervised.

### *Ensuring that any engineered lifting attachments are appropriately secured to the forklift*

- Review Training and Induction records for DG licence to ensure correct use and de-rating of load capacity of fork truck being used is performed by competent persons
- Specific operator induction and training provided to workers in safe operation of the TASK hand operated fork trucks by supplier.
- Training provided and tool boxed on safe lifting methods with fork and lifting jib and de-rating of load capacity.

### *Ensuring the plant selected for use is suitable for the task*

- Review size and weights of loads being lifted in Banker workshop
- Review the load capacity of lifting equipment being used in Banker workshop
- Review the WLL capacity of lifting attachments being used in Banker workshop

### *Any engineered lifting attachments are appropriately secured to the forklift*

- Walkie hand fork equipment not to be used with attachments and palletised loads only.
- Training and Induction and toolbox to all to ensure lifting pins are used with lifting attachments on fork lift tines.
- SOP updated to include compliance and understanding of SafeWork guidance guide and information sheet.
- Training and Induction and toolbox provided to all workers to ensure understanding of NSW SafeWork guidance guide & information sheet and updated SOP.

### Other notable improvements;

- Review and improvements to all standard operating procedures including writing the weight of stones on the stone being moved/lifted.
- Standardised pelleting of scaffold equipment and tabled weights for handling, lift management and transport incorporated into work instruction HSI-043 Management of Scaffolding
- Development of a lift management plan (currently in draft) for the Alexandria site incorporating all lifts, equipment, attachments and guidelines linked to improved Standard Operating Procedures.

Total amount spent on rectifications excluding internal resource costs - \$300,000 (exclusive of GST)

14. an acknowledgement that the WHS undertaking may be published and publicised

Heritage Stoneworks acknowledges that the undertaking may be published on the regulator's website and referenced in Department of Planning and Environment material.

Heritage Stoneworks acknowledges that the undertaking may be publicised in newspapers or other publications as specified in Section B – Enforceable terms.

15. a statement of ability to comply with the terms of the undertaking

DFSI's Heritage Stoneworks has the financial ability to comply with the terms of this WHS undertaking.



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### 16. statement regarding relationships with beneficiaries

Heritage Stoneworks acknowledges there are no known current relationships with any of the beneficiaries outlined in the enforceable undertaking, other than the current employees of Heritage Stoneworks and the injured worker.

### 17. intellectual property licence

Heritage Stoneworks grants the Department of Planning and Environment 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 WHS undertaking:

### 18. the company or individual may be required to provide a statutory declaration

The Department of Planning and Environment has requested a statutory declaration outlining details of any prior work health and safety convictions 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

Heritage Stoneworks is not aware of any prior work health and safety convictions of DFSI related to contraventions of health and safety legislation at any Heritage Stoneworks workplace.

### 19. a commitment to participate constructively in all compliance monitoring activities of the undertaking

Heritage Stoneworks acknowledges that responsibility for demonstrating compliance with this undertaking rests with the person who has given this undertaking. Evidence to demonstrate compliance with the terms will be provided to the Department of Planning and Environment by the due date for the term.

Heritage Stoneworks acknowledges that the Department of Planning and Environment may undertake other compliance monitoring activities to verify the evidence that is provided and compliance with the relevant term. The evidence provided to demonstrate compliance with the undertaking will be retained by the person who has given this undertaking until advised by the Department of Planning and Environment that the undertaking has been completely discharged.

Heritage Stoneworks acknowledges that the Department of Planning and Environment may initiate additional compliance monitoring activities, such as inspections, as considered necessary at the Department of Planning and Environment's expense.

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

Heritage Stoneworks commits that the behaviour that lead to the contravention has ceased and that it will take all reasonably practicable steps to prevent recurrence of this type of incident.

### 21. a commitment to the ongoing effective management of work health and safety risks

Heritage Stoneworks is committed to the ongoing effective management of WHS risks in accordance with the WHS Act.

### 22. acknowledgment of WHS undertaking overview and guidelines

Heritage Stoneworks has read and understood:

*Enforceable undertakings guidelines version 3 July 2017.*



## Section B – enforceable terms

1. A commitment to cause to be published information about the undertaking

The Department of Finance, Services and Innovation's Heritage Stoneworks will, within 30 days of the date of acceptance of this undertaking, cause a public notice to be published in the Daily Telegraph and Discovering Stone, which will be drafted using the script provided in Annexure 1.

2. A commitment to disseminate information about the undertaking to workers, and other relevant parties (which may include work health and safety representatives), and in the annual report (if applicable)

Dissemination will be achieved by implementing the following:

- verbally and in writing to the workplace
- dissemination will occur within four weeks from the date of acceptance of the enforceable undertaking.

3. Strategies that will deliver worker benefits

### 3.1 Internal Resource Improvements and Support

Provide for an additional labourer resource to support and assist the stonemasonry team at the Alexandria Production Facility to assist in lift management activities, cleaning of work areas and general labour to support worker trade activities in order to improve resource pressures of the skilled labour.

Resource the WHS support relating to the Enforceable Undertaking equivalent to 0.25 FTE additional resource over two years. The resource will continue to drive safety improvements and assist in the delivery of the EU over the two-year period. This resource will commence within one month following the acceptance of the undertaking.

### 3.2 Air Shower Dust Capture Unit (Bat Booth)

Supply and installation of a proprietary Air Shower Dust Capture Unit (booth design) to blow and capture dust from workers clothes. This will be linked to the transition room (noted below) and the process to removal as much dust as possible from PPE clothing prior to exiting the banker masonry area. The goal of this objective is to go as far as possible in removing RCS dust from workers clothing and any potential transfer to other parties or areas.

Delivery plan: By 30 June 2018

### 3.3 Transition Room

Extending on the process mentioned above the design and building of a new 'transition' room off the banker stonemason area. The room will provide an additional buffer between common areas to better the working environment for workers. The room will also provide additional facilities for cleaning and storage of personal RPE.

Delivery plan: By 30 June 2018

4. Strategies that will deliver industry benefits

### 4.1 Video media/Safety Awareness (RCS)

Develop a series of short informative videos to be uploaded on You Tube focusing on specific areas of awareness/learnings resulting from the two topics (RCS and lift management), including:

- a) Risk management approach and controls working with Crystalline Silica (focusing on sandstone)
- b) Learnings from reviews of effectiveness of controls (dust suppression and capture)
- c) Monitoring airborne contaminants and exposure to RCS.

- d) Lift practices; considerations in lifting and/or turning bespoke Masonry loads.
- e) Impact/Using fork attachments (derating equipment) and compliance plating equipment.
- f) Protection factors and appropriate use/selection of RPE for airborne contaminants (RCS)

The short 5 to 10 minute clips are envisaged to be developed by a production firm with the assistance of the DFSI corporate affairs/media unit and HSW resources. The budget will also include marketing and distribution within NSW Government Website/s and YouTube. The goal of the material is to make the clips relatable and easy to digest for small business.

#### 4.2 Broad Reaching Education Campaign

Embark on a multi-level education campaign designed to lift awareness via Heritage Stoneworks networks within the stonemasonry industry. The team propose to undertake a number of education initiatives aimed at raising awareness and instilling best practice in the management and control of airborne contaminants (Respirable Crystalline Silica) and in the use of fork lifting equipment including attachments;

- 4.2.1 Conduct two annual contractor forums established as dedicated calendar events. As a minimum, mandatory attendance by at least five or more of the prequalified suppliers within the HSW Prequalification Scheme and sub-contract SOR vendors, with an open invitation to the broader industry that may see the forums catering for a minimum of five attendees up to 100 attendees. The 4-6 hr event will include key note speakers from the industry focusing on learnings of RCS and lift practices including fork attachments/derating equipment.
  - 4.2.2 Develop Short 30-60min presentation to be integrated into HSW contractor/supplier inductions. All sub-contract workers are required to undergo a HSW specific induction as a mandatory step in obtaining contractor ID cards as a requirement to work on HSW sites. Presentation specific in learnings of RCS and lift practices including fork attachments/derating equipment.
  - 4.2.3 Support SafeWork NSW in regional education campaign over the next two years in attending 3 to 4 regional forums as part of the low risk/high consequence program (specific to Silica exposure). Allocated resource as key note speaker at scheduled forums.
- 4.3 Develop a presentation and a report, and present them to the NSW Procurement Construction Leadership Group detailing the benefits in making minor changes to standard form Contracts GC21 and MW 21 in safety and environmental management. The report will identify minor changes to the contracts preliminary clause/s, designed to specifically address the management of construction dust/Silica, through Safety and Environmental management plan.

Delivery plan: within 18 months following the acceptance of the undertaking.

#### 5. Strategies that will deliver community benefits

Engage with TAFE NSW to present information to students of the Monumental Stonemasonry Course at Miller TAFE with the goal to reach out to enrolled students. (equal to 4 days of presentations in enrolled years 2018 and 2019). Presentation specific in learnings of RCS and lift practices including fork attachments/derating equipment. Presentation materials will be provided to TAFE for future use on or before 30 June 2019. Based on previous enrolments, it is envisaged that the information will be presented to at least fifteen students or more, depending on numbers enrolled in 2018 and 2019 years.

Delivery plan: May 2018 to 30 June 2019.



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6. A commitment regarding linking the promotion of benefits to the WHS undertaking

Heritage Stoneworks is committed to ensuring that any promotion of a benefit arising from this enforceable undertaking will clearly link the benefit to the undertaking and that the undertaking was entered into as a result of the alleged contravention.

7. A commitment to reimburse the department's agreed costs associated with any monitoring of the enforceable undertaking

Where the Department of Planning and Environment considers appropriate in the circumstances:

Agreement is given to paying the regulators costs associated with the undertaking, as itemised below, and acknowledgment that payment is due **30 days** after receipt of the regulator's invoice:

<input type="checkbox"/> investigative, legal and administrative costs	\$ see note below
<input checked="" type="checkbox"/> compliance monitoring costs	\$8,500
<input type="checkbox"/> publication costs	\$

**Total amount** **\$8,500**

Note: The Department of Planning and Environment has recovered its full investigation and legal costs under the terms of the Memorandum of Understanding (MOU) with SafeWork NSW. The MOU provides for the recovery of costs when a matter is referred from one regulator to the other.

8. Minimum spend

Department of Finance, Services and Innovation commits to a minimum spend of \$498,500 for this undertaking, inclusive of the Department of Planning and Environment's recoverable costs.

Heritage Stoneworks acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost
Benefits to workers	\$250,000 (excl. GST)
Benefits to industry	\$125,000 (excl. GST)
Benefits to community	\$115,000 (excl. GST)
Department of Planning and Environment recoverable costs	\$8,500
Estimated total value of the undertaking	\$498,500



**Section C - Offer of undertaking**

I offer this undertaking and commit to the terms herein.

Signed: .....  
[Person]

Name: .....  
[Print name]

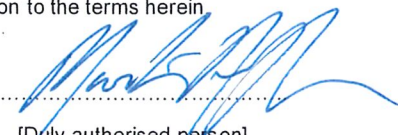
Position: .....

Dated at ..... this  
..... day of ....., 20.....

OR

As a duly authorised person of  
Department of Finance, Services and Innovation

I offer this undertaking and commit Department of Finance, Services and  
Innovation to the terms herein

Signed:   
[Duly authorised person]

Name: MARTIN HOFFMAN  
[Print name]

Position: SECRETARY

Dated at SYDNEY this  
15 day of JANUARY, 2018

**Section D – NSW Department of Planning and Environment’s acceptance of undertaking**

I accept this undertaking as an enforceable undertaking under section 216 of the *Work Health and Safety Act 2011*.

Signed: 

Position: Secretary delegate of the Secretary,  
Department of Planning and Environment

Dated at Sydney this 6 day of February 2018



## Annexure 1 – Public Notice of regulator’s acceptance of undertaking

### Notice of acceptance of a WHS undertaking under Part 11 of the Work Health and Safety Act 2011

Workers were exposed to silica dust on 23 November 2016 and 13 December 2016 at the Department of Finance, Services and Innovation’s Heritage Stoneworks Alexandria production facility.

The Department of Planning and Environment investigated the incidents and subsequently alleged that the Department of Finance, Services and Innovation contravened section 32 of the Work Health and Safety Act 2011 (WHS Act) by failing to comply with a health and safety duty under section 19(1) of the WHS Act for each of the incidents.

This notice has been placed under the terms of a WHS undertaking and acknowledges acceptance of an undertaking, that is enforceable under the WHS Act.

The undertaking requires the following actions:

- Provide additional labour resource for lift management and dust suppression
- Install an air shower dust capture unit
- Design and build a transition room to separate clean and dirty work environments
- Provide educational videos on airborne crystalline silica and lifting practices
- Provide education campaign to the stonemasonry industry
- Supply specific information and materials on airborne crystalline silica and lifting practices to stonemasonry students at TAFE NSW.

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