

Workplace Health and Safety Undertaking

Workplace Health and Safety Act 1995

Undertaking to the Chief Executive, Department of Justice and Attorney-General given for the purposes of Section 42 of the *Workplace Health and Safety Act 1995*

by

R.B. Russell Transport Pty Ltd

ABN 59 997 322 705

Background

1. R.B. Russell Transport Pty Ltd (Trading As: Russell Transport) commenced operations in the Heavy Vehicle Road Freight Industry in 1925. The company has remained a family own private business focusing its operations in South East Queensland for the past 84 years. Russell Transport operates a variety of equipment and completes a number of various freight tasks from Contract distribution to the movement of extreme dimension loads. The Company's Head Office is located at 199 Fison Avenue (West) Eagle Farm, Queensland.
2. Russell Transport currently has a fleet of 120 vehicles and 180 full time employees. The company's service package includes: general and specialised bulk goods transportation across Australia, heavy haulage transportation across Australia, delivery transportation under contract with manufacturers and distributors of: steel, roofing products, tyres, rubbish, tallow, drums and alcohol in South East Queensland.

Incident

3. On 20 July 2007, Russell Transport scheduled a mixed load of roofing products to be delivered (on behalf of our contract customer) to 46 Kremzow Road Brendale. The load was pre-loaded by our contract customer at Crestmead. A driver was assigned to the task the previous day and instructions given. The driver took the load out to the site arriving on site at 12 noon. The vehicle was parked in the yard of the site to be unloaded. The unloading method was via a crane which was located on the site. The driver climbed onto the trailer to prepare the load for lifting off by the crane.
4. Whilst preparing the load, the driver used a steel rod to pry the loaded pack apart, in order to feed the chain through the load. The steel rod slipped whilst in use by the driver. The driver lost balance and fell backwards and to the left. The driver attempted to regain balance by grabbing onto another pack of product. The driver fell from the vehicle and landed on his left side injuring his hip, arms and legs. The momentum of the injured workers fall and the grabbing action caused some other product to fall from the vehicle. This product landed next to the injured worker. The injured worker sustained a fractured left hip and bruises to his left arm and leg as a result of the fall.

5. Russell Transport has worked with the injured worker to provide suitable duties, and a supportive framework for which he could continue to work. The injured worker has returned to work at Russell Transport in a new role. The injured worker has been retrained by Russell Transport to ensure he is capable and able to perform his new role safely and with confidence.

Acknowledgment

6. It is acknowledged that Workplace Health and Safety Queensland has alleged R.B. Russell Transport Pty Ltd has contravened provisions of the *Workplace Health and Safety Act 1995*. These allegations are considered very serious and R.B. Russell Transport Pty Ltd has conducted its own investigations into both the incident itself and the necessary remedial measures required to ensure there is no repetition of the incident.

Alleged contravention

7. R.B. Russell Transport Pty Ltd being a person on whom a workplace health and safety obligation prescribed by section 28(1) of the Workplace Health and Safety Act 1995 is alleged to have failed to discharge the obligation contrary to section 24 of the Workplace Health and Safety Act 1995 in that its workers were exposed to risks to their health and safety arising out of the conduct of its business or undertaking.

Statement of regret

8. Russell Transport sincerely regrets the incident which occurred on the 20 July 2007 in which one of our workers was unnecessarily exposed to an unquantified risk in their normal daily work undertakings.

Assurance about future behaviour

9. As a result of the incident, R.B. Russell Transport Pty Ltd has reviewed its Workplace Health and Safety management processes and practices and has committed to monitor, train, educate and regularly review our processes and procedures. Russell Transport has also documented and retrained workers on safe unloading practices for purlins and other similar products and will continue to reinforce these standards across the workplace.

Post Incident Activities

10. R.B. Russell Transport has re-trained drivers on documented Safe Work Practices for loading and unloading roofing product. Documentation for Safe Work Practices of loading and unloading roofing product was introduced on the 14 January 2008. Drivers received a copy of the procedures with their new Operators Manuals during the month of January and February 2008. The estimated costs for the printing of the manuals, issuing to drivers (with instructions) etc was approximately \$1,622.00.
11. Appointment of Full-Time Yard Supervisor – this role is dedicated to being the face to face contact for drivers in the Crestmead Contract operations yard, first up in the morning. The Yard Supervisor is responsible for conducting random audits on loads, load restraint practices (including loading / unloading techniques) of drivers, escalating loading issues with customer, fielding any other issues drivers may raise in the course of their morning /

day. The Yard Supervisor role was created to fill a specific "Safety" function as a direct result of the incident. The position was filled on the 15th September 2008 by a person with many years experience in the trucking industry and in particular the safe loading and unloading of trucks. Estimated cost for this role is \$50,000.00. At least 75 percent of the Yard Supervisors role is directly related to Safety. Accordingly, \$37,500 can be attributed to the overall value of this proposal. This position will be maintained throughout the duration of the undertaking, while the current Stramit contract is in place.

12. Undertake a company-wide process mapping / procedure documentation and risk assessment on all tasks associated with road transport. The procedure documentation and risk assessment process commenced in October 2007. Approximately 100 different tasks have been identified as requiring procedures to be formally documented and risk assessments quantified. Currently 10 procedures and 3 risk assessments have been conducted. The documentation and risk assessment process was awaiting a dedicated resource to undertake. The documentation and risk assessment process is estimated to take approximately 18 months to fully complete (including training of workers), at a estimated cost of \$12,500.00 (of which we acknowledge the cost associated with this work is minimum compliance requirements and not included in our overall workplace benefits).

Terms of undertaking

OHS management system audits

13. R.B. Russell Transport Pty Ltd will have a formal documented OHS management system that is consistent with the requirements of AS/NZ 4804:2001, *Occupational Health and Safety Management Systems General guidelines on the principles, systems and supporting techniques*, developed and implemented within 12 months of signing the undertaking. Following this, third party audits will be undertaken against the requirement defined in AS/NZ 4801:2001 *Occupational Health and Safety Management Systems – Specification with guidance for use*. The initial audit will be undertaken within six months of implementation of the system with provision made for a further two audits at 12 month intervals commencing 12 months after the initial audit report has been provided.
14. Auditors selected to perform these OHS management system audits will be accredited by JAS-ANZ to ISO/IEC 17024:2003 General Requirements for bodies operating the certification of persons or registered with the Government as PQC Auditors.
15. Audit reports shall be forwarded by the auditor to the company, with a copy sent by the company direct to the Executive Director, Workplace Health and Safety Queensland.
16. Within 30 days of receipt of the auditor's written report R.B. Russell Transport Pty Ltd will advise the Executive Director, Workplace Health and Safety Queensland of their intended action in addressing each of the report's recommendations.
17. R.B. Russell Transport Pty Ltd will, within six months, fully implement the recommendations resulting from the OHS management systems audits, unless exempted by the Chief Executive of the Department of Justice and Attorney-General as being unreasonable.

18. Costs associated with developing and auditing the AS/NZ 4804:2001 Management System are estimated to be \$37,220.41

Benefits to Workers

19. R.B. Russell Transport have, as a result of the incident on 20 July 2007, commenced or intend to commence the following:
- a. Appointment of Full-Time Risk and Compliance Officer – role dedicated to ensuring all processes and procedures are documented, and risk assessments on all procedures are maintained, reviewed and updated regularly. The Risk and Compliance Officer role was sourced and filled on 17 September 2008. The risk and Compliance Officer will be a qualified Workplace Health and Safety Officer (WHSO) or hold a higher tertiary risk management or safety qualification. The company commits to maintaining this position (filled) for at least the duration of the undertaking. Estimated cost for this role is \$50,000.00.
 - b. Qualified Trainers appointed – Russell Transport has committed to training 3 staff members in Certificate IV Training and Assessment. By having qualified trainers, Russell transport is able to train to a higher and more consistent training process, internally. The cost of training our staff in Certificate IV Training and Assessment has been between \$1000.00 and \$2,000.00. Currently two staff have been trained in Certificate IV and it is expected the third staff member will complete their training by December 2009. Total costs estimated at \$4,185.00
 - c. Occupational Therapist Review of safest levering technique - The Company has consulted with an Occupational Therapist, with background in the Transport Industry, to identify and validate the safest method for prying packs apart. The consultation with the Occupational Therapist took place during the period 10 - 17 December 2007 at a cost of \$455.14
 - d. To ensure that the Company's OHS Committee members have the necessary skills to perform their committee task effectively and efficiently, all members of the OHS Committee who do not possess formal OHS qualifications, will be provided with specific OHS Committee training through an appropriate registered training provider. The cost of this training is estimated to be \$1800.00. This training will be completed within six months of signing the undertaking.

Benefits to relevant industry

20. To ensure the lessons learned as a result of this incident are passed on to other members of the transport industry R.B. Russell Transport will sponsor an event (seminar) in consultation with a recognised industry association. The company will engage an OHS/Risk Consultant to deliver a case study presentation and to discuss the application of risk assessments in the Heavy Vehicle Transport Industry. This presentation will be undertaken within 24 months of signing the undertaking. The estimated cost of this presentation is \$3,000.00.

Benefits to the general community

21. R. B. Russell Transport Pty Ltd will within 12 months of the signing of this undertaking, donate \$3,000.00 to Spinal Cure Australia (www.spinalcure.org.au). Russell Transport are aware that falls, such as the one that occurred on the 20 July 2007 can result in ongoing spinal problems and believe that a donation to help with research into treatment of spinal injuries would benefit the community.

Other terms

22. R. B. Russell Transport is a private company and as such will deliver information (through open access to the full Enforceable Undertaking document, newsletters or notices) to our Workplace Health and Safety Committees at each site setting out the details of the terms of the Enforceable Undertaking.

Compliance with Terms of the Undertaking

23. R.B. Russell Transport Pty Ltd acknowledges that the Department will conduct a series of audits to ensure Russell Transport's compliance with the terms of this undertaking. The following compliance audit schedule is agreed:

First compliance audit is to be conducted during July 2009;

Second compliance audit is to be conducted during September 2010;

Third compliance audit is to be conducted during September 2011;

Fourth (final) compliance audit is to be conducted during September 2012;

24. R.B. Russell Transport Pty Ltd acknowledges its responsibility to cooperate with the Department's Compliance Auditor and will ensure relevant material (evidence of compliance) will be available. R.B. Russell Transport Pty Ltd understands that the cost of these compliance audits will be met by Russell Transport, and is detailed at Clause 26(iii).
25. R.B. Russell Transport Pty Ltd acknowledges that the Department may initiate additional compliance audits as considered necessary, at the Department's expense.

Costs

26. The following costs shall be payable to the Department:

- (i) Investigation costs in the amount of \$(2 735.29), representing the reasonable investigation costs arising out of the incident.
- (ii) Consideration costs of \$800.00.
- (iii) Compliance Auditing and Regulatory Monitoring costs of \$2 673.54 representing costs to the Department in monitoring and auditing of compliance with the terms of this undertaking.

(iv) Costs of \$2 000.00 being the costs to the Department in publishing the "Notice of Acceptance."

27. The total amount of \$8 208.83 will be due for payment 30 days after receipt of the Department's invoice.
28. The estimated value of this undertaking is \$145,369.38. R.B. Russell Transport Pty Ltd is committed to investing a minimum of \$145,000.00 on this undertaking which will significantly enhance the company's safety systems and provide benefits to industry and the community. Accordingly, if the 'actual' total expenditure associated with delivery of the undertaking is less than \$145,000.00, the cost difference will be spent providing additional safety related training for workers (beyond compliance), including where appropriate, outsourcing training to Registered Training Organisations.

29. EU Cost Summary Table

Total value of workplace benefits	\$131,160.55
Total value of industry benefits	\$3 000.00
Total value of community benefits	\$3 000.00
DEIR recoverable costs	\$8 208.83
Sub Total	\$145,369.38
Sub total rounded down to nearest \$1,000	\$145,000.00
Minimum Agreed Spend	\$145,000.00

30. This undertaking will be deemed to be formally concluded when the Chief Executive confirms in writing that the undertaking has been satisfactorily executed.



Julie Russell
Director, R.B. Russell Transport Pty Ltd

Dated at [Redacted] 2009

ACCEPTED BY THE CHIEF EXECUTIVE, DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL PURSUANT TO SECTION 42E OF THE *WORKPLACE HEALTH AND SAFETY ACT 1995*

R Hunter
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Rachel Hunter
Director-General, Department of Justice and Attorney-General

Dated at ^{BRISBANE} ~~BRISBANE~~ this 28th day of June 2009