

# Application for an enforceable undertaking

---

June 2019

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe New Zealand by

Name of entity or, partnership or individual applying for this undertaking

Smith Diesel Services Limited

# Application for an enforceable undertaking

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe New Zealand by

Name of the person or persons who will be signing this undertaking in section 4:

Phil Smith

On behalf of:

Smith Diesel Services Limited

Name of the entity giving this undertaking (if an individual or sole trader, leave blank - complete in all other cases)

Smith Diesel Services Limited

This enforceable undertaking is given on the day and date that it is accepted and signed by WorkSafe. The undertaking and its enforceable terms will operate as a legally binding commitment on the part of the person from the date it is given.

Do not refer to the victim by name in this document. Please refer to the victim/worker/employee/volunteer/or other term as appropriate.

WorkSafe respects your privacy and is committed to protecting personal information. The information provided in this document is for the purpose of an undertaking given to WorkSafe under Part 4 of the *Health and Safety at Work Act 2015*. This information will be managed within the requirements of both the *Privacy Act 1993* and the *Official Information Act 1982*.

There is an expectation that WorkSafe will generally publish the undertaking in full on its website.

TERM	DEFINITION
<b>Contravention</b>	An action which offends against the <i>Health and Safety at Work Act 2015</i> and/or any Regulations made under it. It includes both health and safety contraventions. A contravention also includes an alleged contravention.
<b>HSMS</b>	A Health and Safety Management System.
<b>Person</b>	An individual who or a legal entity which has a duty under the <i>Health and Safety at Work Act 2015</i> and can give a written undertaking. The term includes individuals, each partner in a partnership, corporations, trustees of trusts, and crown organisations.
<b>Health and Safety legislation</b>	<i>Health and Safety at Work Act 2015</i> and associated regulations.
<b>Enforceable undertaking</b>	An enforcement pathway that allows a duty holder to voluntarily enter into a binding agreement with WorkSafe. The agreement outlines actions the duty holder will undertake to address the contravention. It is expected to deliver activities which benefit workers, the wider industry or sector and/or the community as well as acceptable amends to any victim(s).

---

## 1. General information

### 1.1 Details of the person/persons/entity giving the undertaking

---

**Name of person(s) making this undertaking:** (in all cases complete with the name(s) of those who are signing this undertaking under Section 4)

Phil Smith

---

**Name of entity:** (if applicable, leave blank if an individual)

Smith Diesel Services Limited

---

**Type of legal entity:** (complete in all cases, for example individual, sole trader, partnership, trust, company, etc)

Company

---

**Nominated contact person:** (the same person listed above/one of those listed above)

Phil Smith

---

**Physical address:**

377 Woodstock-Rimu Road, RD3, Hokitika, 7883, New Zealand

---

**Postal address:** (if different from physical address)

377 Woodstock-Rimu Road, RD3, Hokitika, 7883, New Zealand

---

**Work phone:** 027 522 6668

---

**Mobile phone:** 027 522 6668

---

**Email:** phil@smithdiesel.co.nz

---

**Industry:** Mining

---

**Workers (enter numbers):**

Full-time: 20

Part time: 6

Casual:

---

**Description of the products and services provided by the business or undertaking:**

Smith Diesel Services Limited (SDSL) operates two gold mining operations on the West Coast of the South Island.

---

**Comments:**

---

## 1.2 Detail of the contravention

---

WorkSafe New Zealand (WorkSafe) has charged Smith Diesel Services Limited (SDSL) with an offence under the Health and Safety at Work Act 2015 (Act).

The alleged offence is that SDSL breached the duty imposed under s 36(1)(a) of the Act and is liable under s 36 (1)(a) and 48(1)( and 2(c) of the Act. The specific steps that WorkSafe alleges were reasonably practicable for Smith Diesel Services Limited to have:

- (a) Developed, implemented, and ensured workers were adequately trained in procedures for cleaning, maintaining, or repairing machinery while part or all of the machinery remained in motion.
- (b) Ensured the screen conveyor had an emergency stop in the accessible area.
- (c) Developed and implemented a plan to monitor and control workers' hours and fatigue.

---

### 1.3 Detail the events surrounding the contravention

---

On Sunday 7 April 2024, a SDSL worker at SDSL's Rimu mine site, was carrying out general maintenance on a blue trommel screen (Machine), specifically the conveyor.

The Machine had a guard installed around the conveyor, but this was removed by the worker to carry out the specific maintenance.

There was a worker from another company who was carrying out maintenance on another machine nearby. SDSL's worker asked the other worker for assistance, specifically to hold the Machine's conveyor lever in reverse, which the other worker did.

The other worker, who took the controls of the Machine, was about 4-5 metres from SDSL's worker when he pulled the lever into reverse. The other worker heard a strange sound at the same time as the Machine stalled. Instantly, the other worker knew something was wrong and reversed the lever. He looked over to see SDSL's worker come out of the Machine injured and carried out first aid before getting help.

SDSL's worker sustained injuries to his face and significant injuries to his left arm. He was airlifted to Christchurch hospital, requiring multiple surgeries, and was hospitalised for over six weeks. He is still suffering from ongoing issues with limited movement in his arm.

SDSL's worker is still employed by the company and SDSL has prepared a back-to-work plan.

As of October 2025 the worker is integrating back into work and is managing SDSL's workshop two days a week.

---

#### 1.4 Detail any enforcement notices issued that relate to the contravention as detailed in term 1.2

DATE	NOTICE TYPE	NOTICE NUMBER	CONTRAVENTION OR PROHIBITED ACTIVITY	ACTION TAKEN IN RESPONSE TO NOTICE
09 / 04 / 2024	Improvement Notices x4			Refer to Appendix 1
08 / 04 / 2024	Prohibition Notice			Refer to Appendix 1

DD / MM / YEAR

---

#### 1.5 Detail the rectifications to the workplace or work practices made as a result of the contravention (1.2), events (1.3) and the enforcement notices issued (1.4)

Following the accident, SDSL carried out a review of its systems and invested in a number of new upgrades. Relevant for the purpose of this application SDSL:

- Engaged a contractor to install:
  - o emergency stops on the Machine and all conveyors; and
  - o ground access to ensure faster shutdowns.
- Introduced lock-out switches on all its equipment and developed and implemented a Safe Operating Procedure using this system;
- Introduced Quip Check a software designed to help manage asset maintenance and health and safety requirements. SDSL now uses Quip Checks online portal for its machinery checks, monitoring site access (particularly for its contractors) and all staff training requirements.
- Installed Security Camera systems allowing full-time access to the site's operations; and
- Updated its equipment, including the provision of a defibrillator, fire extinguishers for every vehicle and new first aid kits.

##### Additional health and safety initiatives

SDSL has also:

- Appointed a full-time Health and Safety Manager;
- Appointed an A Grade Mine Manager to assist with the Mine sign-offs each year;
- Engaged a professional mine site safety person to carry out an independent safety audit on the mining operations; and
- Implemented a fatigue policy and a system, through Quip Check, that monitors staffs hours.

---

#### 1.6 Total amount of money spent on rectifications

SDSL spent a total of \$327,758.25 on rectification. The total breakdown of costs is set out in Appendix 1. Some of these costs will be ongoing, such as the Health and Safety Manager's salary, the security systems and ongoing subscription to Quip Check.

---

**1.7 Detail the injury sustained or illness suffered by victim(s) or other(s) as a consequence of the contravention or, (as applicable) the *potential* for fatal injury or future fatal illness**

---

The injured worker sustained serious injuries as a result of the incident. He suffered:

- A facial laceration on his left cheek to his jaw, which required stitches. As a result of the facial injury, he also suffered broken teeth which have resulted in numerous dental surgeries.
- The muscles and tendons in the workers left arm was damaged, from his forearm to his upper bicep. He has lost strength and function in his arm, hand and fingers and is undertaking physiotherapy. He has had multiple surgeries to try and assist in regaining his movement.

---

**1.8 Detail any offer of amends or payments made to the victim(s) who sustained injury or suffered illness (the total monetary amount here is also to be included in the table at 3.12.3)**

---

Describe the victim(s) relationship to you/the entity in question: (eg employee(s)/shareholder/director/family member/contractor, etc. If the relationship has more than one dimension, for example a family member who is also an employee and a director and/or shareholder of the business, or an employee who is a shareholder (etc) - then please describe this)

The Victim is an employee of SDSL.

---

Detail offer of amends or payments:

Following the accident, to assist the victim with rehabilitation and recovery, SDSL:

- Made several lump sum payments, amounting to \$27,234; and
- Topped up his wages while he was on ACC, which amounted to a total of [REDACTED]

SDSL has also enrolled the worker into a Mine Managers B grade COC course, which will take him around a year to complete until he receives his qualification. SDSL do not do this for all of its staff, however given the circumstances, SDSL thought it was important to encourage and help him reintegrate back into a working routine along with supporting and advancing his career.

**1.9 Detail any consultation with the victim(s) as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution**

SDSL has engaged with the worker in relation to the Enforceable Undertaking application. The worker has confirmed their support of the application. Please refer to Appendix 1.

**1.10 Detail any consultation with unions/sector/industry as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution**

SDSL has engaged with MinEx and the Mines Rescue Trust while preparing this application. A letter of support from MinEx is attached with this application.

**1.11 Detail the support provided or proposed by the person to the victim(s), other(s)**

DATE	DESCRIPTION OF SUPPORT	COMMENTS
25 / 09 / 2025	\$17,234 in lump sum payments for emotional harm	These have been paid between 12/06/2024 - 25/09/2025
DD / 07 / 2025	(b)(2)(a) OR 1982 topping up his ACC contribution to reflect 100% of his wage	
01 / 08 / 2026	\$7,498 to fund his qualification for his Mine Managers B Grade COC	1 year course, will be completed in August 2026
16 / 04 / 2026	\$10,000 additional lump sum for emotional harm	
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		

---

## 1.12 Detail any current HSMS implemented and maintained by the person

---

Describe how health and safety risks are managed, including types of procedures or policies or standards:

Safety at SDSL is managed through its Health and Safety Manager, who oversees a safety management system that covers all of its operations. SDSL's work activities are covered under the Health and Safety at Work (Mining Operations and Quarrying Operations Regulations 2016).

Ensuring that the hazards are identified and the risks are adequately controlled has been a priority of SDSL.

SDSL has always been a keen industry participant and has engaged with WorkSafe positively during on-site inspections and audits. In addition, it has now engaged an external contractor to carry out safety audits.

SDSL uses the Health and Safety at Work Act 2015 (HSWA) and relevant Regulations as the blueprint for improving workplace health and safety.

Following the accident, SDSL engaged Tech Investigations Limited to carry out a review of its health and safety systems and, as a result, have introduced QUIP Check into its day-to-day operations. This manages all health and safety aspects on its sites, including its plant. It is accessible to all worker groups and management on an app.

---

### **1.13 Detail the level of auditing undertaken on the HSMS, including compliance audits and audit frequency**

---

SDSL engages an external auditor, Tech Investigations Limited, twice a year and internally the Company's Health and Safety Manager carries out audits (initially this was implemented as twice a year but this has recently been increased to one every three months).

---

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

---

SDSL has engaged with MINEX and the Mines Rescue Trust to discuss the proposed initiatives outlined in appendix 1.

SDSL proposes an internal benefit for workers initiative outlined in appendix 1.

SDSL has carefully considered each aspect of its proposal to ensure it aligns with its standards and expectations and it is committed to ensuring each proposal is executed to these standards.

---

## 2. General terms

The person acknowledges and commits to the general terms set forth in the sub-terms below.

### 2.1 Acknowledgement that WorkSafe alleges a contravention occurred as detailed in term 1.2

---

Smith Diesel Services Limited acknowledges that WorkSafe alleges a contravention of its duty under s 36(1)(a) and s 48(1) and (2)(c) of the Act.

---

### 2.2 Statement of regret that the contravention occurred

---

SDSL is extremely disappointed and deeply regrets that a highly valued worker was injured while carrying out work for the company. SDSL takes responsibility for its omissions which contributed to the incident involving the injured worker.

With respect to the injury suffered by the worker, SDSL has worked closely to support him through his recovery and to ensure he is able to return to work. It has sincerely apologised to the worker and continues to engage with him to ensure he is supported.

Since the incident, SDSL has taken meaningful steps to prevent such an event from happening again. These include implementing lockout procedures, installing emergency stop mechanisms, introducing additional safety technology, and implementing various SOPs. A dedicated Health and Safety Manager has also been appointed to ensure ongoing reviews and improvements to the company's systems.

SDSL's focus is firmly on ongoing prevention, not just response. Its new safety measures were selected to put health and safety at the forefront of its operations, and to give workers the highest level of protection in their day-to-day roles.

---

### **2.3 Statement of the reasons why, on balance, the person considers this undertaking is the most appropriate response to the contravention**

---

SDSL does not consider that this prosecution is sufficiently different or unique to generate significant publicity or change within the industry itself. Further, having consulted with the worker, the prosecution process does not appear to be supported by the worker in terms of ensuring accountability for the harm arising from the event. The EU itself will serve the purpose of denunciation and deterrence.

SDSL immediately addressed the direct risk that was involved in this case, as well as engaging an external expert to verify the protection in place on its other machinery.

SDSL hopes that this EU will address significant gaps in knowledge and understanding of health and safety requirements in small mines across NZ, which it itself had fallen victim too. SDSL believes there is a real need for easily accessible and up to date resources in the small mining industry.

Building on this theme, as part of this proposal, SDSL wishes to engage with MinEx, to create a Health and Safety Tool Kit to help educate other mining companies about the risks associated the day-to-day operations in a mine and the expectations that are requirements at a compliance level. While it understands its primary responsibility to SOPs and health and safety systems for its workers, SDSL would love to assist educating other similar sized companies to ensure they understand the risks associated with day-to-day operations, machinery, and its regulatory compliance.

SDSL also recognises that there is a need for education on fatigue management, not only within the small mines industry, but in the wider mining industry as well. Therefore, it would be beneficial for incident prevention to provide an expert resource, such as Professor Drew Dawson, to present on this topic.

SDSL's approach to safety and desire to ensure every worker goes home safe is a critical aspect of why an undertaking is the most appropriate response. This is not a business that did not take its safety obligations seriously, and it is extremely disappointed that a worker was injured.

SDSL is confident that the benefits proposed as part of this application are a much better way to improve safety standards than continuing with a prosecution. Taking all of the above into account, SDSL considers this proposal is the best response to the alleged contravention.

---

**2.4 Statement of commitment that the behaviour, activities and other factors which caused or led to the contravention has ceased and will not reoccur**

---

As demonstrated by SDSL 's response, it is committed to ensuring the factors that played a role in the alleged contravention will not recur. It will continue to work to improve worker safety and manage the risks inherent in its business to the best of its abilities.

---

**2.5 Acknowledgment of the policy published by WorkSafe for the acceptance of an undertaking**

---

(write the name of the person(s) or entity giving the undertaking)

Smith Diesel Services Limited

has read and understood the Enforcement Undertaking Operational Policy.

---

**2.6 Acknowledgement that this undertaking will be published and publicised in full**

---

(write the name of the person(s) or entity giving the undertaking)

Smith Diesel Services Limited

acknowledges that the undertaking will, if accepted, be published on WorkSafe's website in full and referenced in WorkSafe material.

---

**2.7 Statement of the person's ability to comply with the terms of this undertaking and meet the projected costs of the activities**

---

(write the name of the person(s) or entity giving the undertaking)

Smith Diesel Services Limited

has the financial ability to comply with the terms of this undertaking and have provided evidence by way of

(type of evidence provided)

SDSL Financial Capacity - Accountant Letter 10.4.26

with this undertaking to support this declaration.

---

In the event of impending receivership, liquidation or sale of the entity, (write the name of the person(s) or entity giving the undertaking)

Smith Diesel Services Limited

will advise WorkSafe of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

---

**2.8 Statement outlining any relationship between the person and any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking**

---

NA

---

---

## 2.9 Statement regarding Intellectual Property

---

(write the name of the person(s) or entity giving the undertaking)

Smith Diesel Services Limited

grants WorkSafe a perpetual, non-exclusive, worldwide and royalty-free licence to use, for any purpose, all Intellectual Property Rights in relation to any material developed as a result of this undertaking. This licence includes the right to use, copy, modify and distribute the materials.

---

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

---

(write the name of the person(s) or entity giving the undertaking)

Smith Diesel Services Limited

acknowledges that it may be necessary for WorkSafe to obtain a statutory declaration outlining details of any prior convictions (safety related) outside of New Zealand and that it will provide such declaration if required by WorkSafe

---

## 2.11 Statement of commitment from the person to participate constructively in all compliance monitoring activities for this undertaking

1. It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with the person.
2. Evidence to demonstrate compliance with the terms will be provided to WorkSafe by the due date for each term.
3. The evidence provided to demonstrate compliance with this undertaking will be retained by the person until advised by WorkSafe, that this undertaking has been completely discharged.
4. It is acknowledged that any failure to meet the due date for an enforceable term will result in the matter being escalated and may lead to enforcement action.
5. It is acknowledged that WorkSafe may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to WorkSafe.
6. It is acknowledged that WorkSafe may initiate additional compliance monitoring activities, such as inspections, as considered necessary at WorkSafe's expense.
7. It is acknowledged that details of all seminars, workshops and training conducted by a non-registered training provider must be notified to WorkSafe, by email, at least one week prior. Notification should include time, date, location and the trainer/facilitator.

(write the name of the person(s) or entity giving the undertaking)

Smith Diesel Services Limited

---

---

### 3. Enforceable terms

The person acknowledges all activities set forth in the enforceable terms below must be auditable and include a date for completion and an estimated cost for each activity.

The person commits to performing the activities below diligently, competently and by the respective completion date.

#### **3.1 A commitment by the person to perform activities that will ensure the ongoing effective management of risks to health and safety in the future conduct of its business or undertaking**

---

Detail the management strategies to be employed that will satisfy and demonstrate to officer/s of the person that this commitment is being met:

SDSL commits to continuing to perform regular internal and external audits of its health and safety systems. Senior Management will continue to take an active part in audits and will work with employees to identify any improvements that can be made.

The continued encouragement of worker participation and regular reporting from health and safety committee meetings will enable management to have confidence that risks to health and safety are managed in an ongoing and proactive way.

---

### **3.2 A commitment by the person to disseminate information about this undertaking to workers, and other relevant parties**

---

(this may include to work health and safety representatives and in the organisation's annual report, if applicable)

Dissemination will be achieved by doing the following:

3.2.1 An alert bulletin will be issued within 30 days of acceptance of the EU application, announcing it to all SDSL employees.

3.2.2 The undertaking will be discussed at SDSL's health and safety meetings within 30 days of the acceptance of the EU application.

3.2.3 SDSL is in the process of creating a website, the website will be active within 30 days of the acceptance of the EU application. Once the website is active, a summary of the EU application will be published for 12 months and after that period the EU will be made available to workers, customers and other stakeholders upon request.

---

Dissemination will occur by: DD / MM / YEAR

---







---

### 3.6 Where WorkSafe considers appropriate in the circumstances, undertaking a SafePlus Onsite Assessment

Further information about SafePlus can be found here: [worksafe.govt.nz/about-us/who-we-are/our-priorities/safeplus/about-safeplus](https://worksafe.govt.nz/about-us/who-we-are/our-priorities/safeplus/about-safeplus)

- 3.6.1 The suitability of a SafePlus assessment will be determined by the Enforceable Undertakings Panel when your application is considered.
- 3.6.2 In addition to the total cost below (3.7) all costs of a SafePlus Onsite Assessment will be met by the person making this undertaking. The fee charged for an Onsite Assessment is a commercial matter between your business and the SafePlus Accredited Assessors that you commission.
- 

### 3.7 Minimum spend

---

(write the name of the person(s) or entity giving the undertaking)

3.7.1 Smith Diesel Services Limited

commits to a minimum spend of \$ 240,000 for this undertaking.

(write the name of the person(s) or entity giving the undertaking)

3.7.2 Smith Diesel Services Limited

agrees to spend any residual amount arising from an original term not being completed or being less costly than estimated in this undertaking. Agreement on how to spend this residual amount will be sought from WorkSafe

---

(write the name of the person(s) or entity giving the undertaking)

3.7.3 Smith Diesel Services Limited

Acknowledges the minimum spend comprises of the:

TOTAL COST	MINIMUM SPEND
Financial amends paid to victims (if applicable)	
Benefits to workers/others	
Benefits to industry	210,000
Benefits to community	30,000
<b>Estimated cost of the undertaking</b> Plus GST (if any)	<b>\$ 240,000</b>

---

#### 4. Execution

##### Authorised representative of an organisation

Undertaking given by (name of authorised representative)  
Phil Smith

In my own right and in my capacity as (eg President, Chairperson, etc)  
Director

of (eg organisation name) Smith Diesel Services Limited

On the (day) 22 day of (month) 5, 2026 (year).

s(9)(2)(a) OIA 1982

Undertaking given before me:

Witness name s(9)(2)(a) OIA 1982

s(9)(2)(a) OIA 1982

Witness signature:

s(9)(2)(a) OIA 1982

#### 5. Acceptance

This undertaking is accepted by WorkSafe.

On the (day) 26 day of (month) May, 20 (year) 26

Signature of person accepting the undertaking:

s(9)(2)(a) OIA 1982

Name of WorkSafe representative: (General Manager, WorkSafe (or delegate)

Tracey Conlon

Undertaking given before me:

Witness name: s(9)(2)(a) OIA 1982

Witness address:

s(9)(2)(a) OIA 1982

s(9)(2)(a) OIA 1982

# Appendix 1.

This appendix contains background information on Smith Diesel Services Limited (SDSL), given by Phil Smith, Director of SDSL, with the assistance of s(9)(2)(a) OIA 1982 in digitising and formatting. The numbering corresponds with the relevant section in the application document.

1.4 Detail any enforcement notices issues that relate to the contravention as detailed in term 1.2			
Date	Notice Type	Contravention	Action taken
08.04.2024	Prohibition notice	No isolation of tag-out procedure is in place at the mining operation in particular on the Blue Trommel Screen.	SDSL created an SOP for lock out tag-out (LOTO) procedures. Workers were notified, trained and required to take a questionnaire to display understanding. This procedure has been introduced into the induction process where all new employees must be trained and take the quiz. A LOTO card is issued with photo ID to all maintenance staff for their personal lock out padlocks. The LOTO station is in the Rimu office additionally there are stations located on each site in their toolbox containers. This procedure and actions in accordance are continually checked by all staff and management. LOTO is present in all machines standard work procedures and workshop safe work practices.
09.04.2024	Improvement notice	Inspector observed exposed entanglement points on the Blue IP-24-07545 Trommel Screen fan belt assembly which may pose health and safety risks to workers	This improvement notice was completed by Brightwater engineering. Before the screen was operated again.
09.04.2024	Improvement notice	Inspector observed exposed entanglement points on the White IP-24-07546 Trommel Screen fan belt assembly which may pose health and safety risks to workers.	SDSL built a new power pac and stopped using the White trommel engine.
09.04.2024	Improvement notice	Inspector observed incorrect emergency response plan IP-24-07548 displayed and out of date 1st aid equipment that resided onsite at the Rimu mining operation.	All staff completed a new induction due to the introduction of Emergency Response Plans within the induction process. Emergency plans are addressed at inductions and signs are posted where the morning toolbox talks are held. All staff are signed off at their induction by SDSL H&S manager with their files being stored at the SDSL Rimu office. Replacement first aid kits were

			put in place with location signs displaying where they are.
30.07.2024	Improvement notice	No effective safe system of work in place to control authorized access to plant for maintenance or servicing. No effective safe system of work is in place for the maintenance or repair of plant while a whole or part is moving.	SOPs were created and/or updated in accordance with this improvement notice; appropriate staff were then trained. A plant maintenance schedule and plant maintenance documentation is now managed through SDSLs H&S documentation system Quip Check. Before outside contracting companies are authorised to work onsite they must provide proof of a current up to date H&S policy. An email copy is then held with our H&S Manager.
01.08.2024	Improvement notice	No effective safe system of work in place to control worker IP-24-11424 access to the worksite, and the risks of remote or isolated work. No effective system for controlling working hours and fatigue	Sign ins and out are required when onsite. This is controlled and maintained by Quip Check, visitors must read through H&S policies and acknowledge them before signing in. A work alone policy and procedure was introduced in August 2024, employees, contractors and workshop personnel must read and sign it. A Fatigue management standard was put in place that state workers are not allowed to work more than 60 hours per week. All workers are trained on fatigue and encouraged to take fatigue checklist which is available on Quip Check if they have big weekend or have problems at home. Contractors coming on site are asked to complete a fatigue management form and read/understand SDSLs policy if they have worked over 60 hours for the week no authorisation is given to be on SDSL sites.

#### 1.6 Total amount of money spent on rectifications

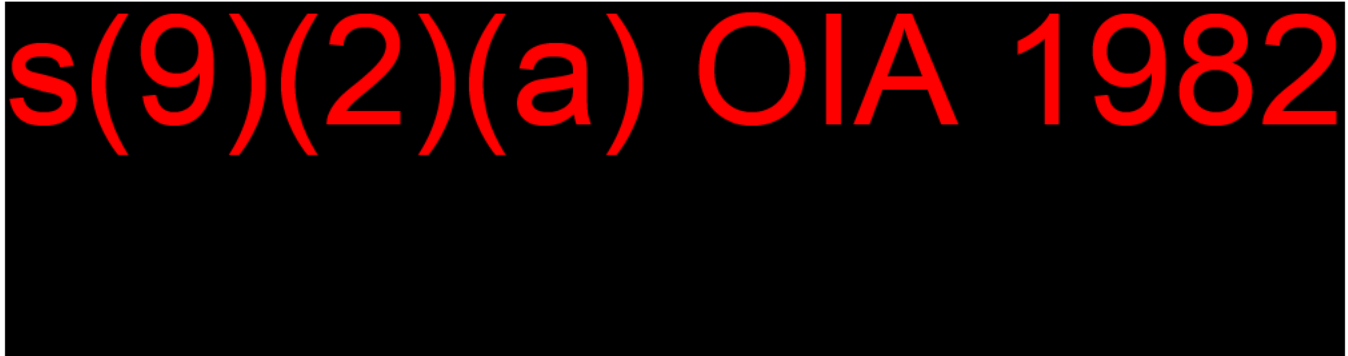
The estimated cost of the rectifications undertaken by SDSL following the incident (to the extent those costs are capable of quantification) is:

Rectification	Costs
Engaged an external contractor to install emergency stops and ground easy access on all its machinery and conveyors	\$150,000
Quip Check software	\$6,000
Installed full-time security camera systems	\$75,000
Health and Safety Manager Salary (per annum)	\$91,000

Defibrillator	\$2,412.75
Fire extinguishers for each vehicle	\$2,000
First Aid kits	\$1,345.50
<b>Total</b>	<b>\$327,758.25</b>

**1.9 Detail any consultation with victim as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution.**

SDSL has been in constant communication with the Injured Worker following the incident. They have been made aware of all the changes the company has made and the journey throughout WorkSafe's investigation and prosecution. Recently, SDSL received the following email from the Injured worker:



**3.3 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for workers and/or work and/or the workplace**

**3.3.1 SDSL workers to attend one of Drew Dawson fatigue workshop**

SDSL proposes one initiative to meet requirements 3.3 after the EU application has been accepted. SDSL is proposing to shut down all work for a minimum of half a day, maximum full day and require employees to attend one of Drew Dawsons Fatigue management workshops with full pay. SDSL hopes this fills a knowledge gap within their staff and allow them to be apart of the EU benefits that will reach the wider industry or sector.

This initiative will be scheduled upon acceptable of the EU and in accordance to Drew Dawsons workshop schedule.

This initiative will cost a minimum of \$6,520 in worker compensation for a day's work.

SDSL wishes to highlight that costs such as travel, administration resources, increase in employees employed by SDSL at time of acceptable of EU application and profit loss have not been accounted into this total.

**3.4 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for the wider industry or sector**

SDSL proposes three initiatives to meet the requirements of 3.4. SDSL wishes to highlight that it is committing internal resources and costs to carry out and complete the EU, these costs have not been accounted for in the breakdowns below.

**3.4.1 Small Mines Health and Safety Systems Toolkit (SMHS Tool Kit)**

### *Background*

SDSL has engaged MinEx and discussed the development of a SMHS Tool Kit. It was agreed by both SDSL and MinEx that there are not enough health and safety resources available to small mining companies in New Zealand. As a result, many small mines fall behind with their health and safety obligations and requirements.

A similar toolkit was designed and introduced in Queensland, Australia. The development and implementation of this tool kit has proven to be successful and has assisted countless mining companies in Queensland.

SDSL is proposing to fund MinEx to develop a small mines health and safety management tool kit that contains templates and information for small mines to assist them with the development of an effective SMHS tool kit.

This toolkit will be hosted and accessible on MinEx's website.

### **3.4.2 SMHS Toolkit Roll out and Workshops**

Additionally, SDSL will engage MinEx will develop a one-day training package to cover the SMHS Toolkit and facilitate up to six workshops across the country to educate and assist small mining companies understand and ensuring they are meeting the relevant health and safety requirements and obligations.

### *Delivery*

MinEx has provided the following proposal of costs for developing the toolkit, and preparing training materials, and presenting at the workshops.

<b>Action</b>	<b>Cost</b>
Development of the Small Mines Health and Safety Management System tool kit	\$24,000
Development of a one-day training package covering the toolkit	\$6,000
Facilitating up to 6 workshops in locations that are yet to be determined. This includes travel, accommodation, facilitation, venue, and catering costs. This proposal does not include any of SDSL's internal/external costs	\$30,000
<b>Total cost</b>	<b>\$60,000</b>

### **3.4.3 Fatigue Management Workshops**

#### *Background*

Professor Dawson is recognised internationally for his contributions to the scientific community in the areas of sleep and fatigue research, organisational psychology and human behaviour, industrial relations negotiations and the human implications of hours of work. He has instigated fatigue management programs, assisted with developing shift work and fatigue policies and facilitated educational sessions.

SDSL propose to fund and facilitate up to six fatigue management workshops that would be held across New Zealand regions, delivered by Professor Dawson. SDSL would assist with booking the events and promoting them to the mining industry.

The objectives of this undertaking would be to increase access to this valuable information for the mining sector, which is noted to be impacted by a lack of understanding of fatigue management principles.

## Delivery

SDSL will fund and facilitate up to six fatigue management workshops. While Dr. Dawson develops and presents his material, SDSL's role will be to assist in the planning and delivery of the event and promote it through its networks.

Additionally, SDSL will provide on-the-ground support at the event, ensuring it runs smoothly and achieves its goals. The proposal is for up to six workshops in locations and regions yet to be decided.

The workshops would address industry specific interventions as identified in the WorkSafe New Zealand research and evaluation paper – *'Risk Factors, Prevalence, and Interventions to Address Workplace Fatigue'*. For example, "improving workplace culture", which Professor Dawson refers to as "Cultural Engineering", as well as covering practical risk assessment and fatigue-proofing tools.

The cost for this is estimated at \$150,000. This will cover:

- Professor Dawson's travel and accommodation costs.
- Time preparing and presenting at the workshops; and
- Venue hire, catering, and additional costs.

### **3.5 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for the wider industry or sector**

SDSL proposes two initiatives to meet the requirements of 3.5, which are:

#### **3.5.1 Donation to Westpac Rescue Helicopter Trust**

Donating to the Westpac Rescue Helicopter in recognition of the fast action and professionalism shown on the day of the incident. We are deeply grateful for the lifesaving care they provided and wish to show our appreciation for the vital service they deliver to the community.

In recognition of the invaluable role the Westpac Rescue Helicopter plays in New Zealand, SDSL is proposing a donation of \$20,000. This contribution reflects SDSL's desire to give back to the community and its commitment to supporting a cause that is important to the company.

#### **3.5.2 Donation to New Zealand Mines Rescue Service:**

In recognition of the invaluable role the New Zealand Mines Rescue Service plays in New Zealand, SDSL is proposing a donation of \$10,000. SDSL is hoping that this donation will inspire the organisation and encourage more community involvement. This contribution reflects SDSL's desire to give back to the community.