



ACT
Government

Justice and Community Safety

*Work Health and Safety Act 2011 (WHS Act) –
Work Health and Safety Regulation 2011 (WHS Regulation)*

Enforceable undertaking proposal

Date: **5th December 2014**

Enforceable undertaking

Undertaking to - WorkSafe ACT - given for the purposes of part 11 of the Work Health and Safety Act 2011 (**WHS Act**).

Section 216.

by *Virgin Tech Pty Ltd* **ACN 101 808 879**

Privacy statement

WorkSafe ACT 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 the WorkSafe ACT given for the purposes of part 11 of the WHS Act. This information will be managed within the requirements of the current ACT government privacy policy.

The department 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. The department 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 www.justice.act.gov.au/news/view/1602/title/jacs-privacy-policy

SECTION 1 - GENERAL INFORMATION

a. Details of the person proposing the undertaking

Residential address:	56 Edmonstone Road, Bowen Hills QLD 4006
Postal address (if different from residential address):	PO Box 1034, Spring Hill QLD 4004
Telephone contact number:	[REDACTED]
Mobile contact number:	[REDACTED]
Email address:	[REDACTED]
Legal structure:	Proprietary Limited Company ABN 37 (101 808 879)
Type of business:	Aviation
Commencement date of the entity:	28 August 2002
Number of workers: (Full Time / Part Time)	440
Products and Services:	Aviation Engineering
Comments:	Contact: [REDACTED] Manager, Group Workplace Safety

b. Details of the alleged contravention

It is alleged by WorkSafe ACT that on 23 May 2013, Virgin Tech 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 (ACT)* (**WHS Act**) in that it did not ensure so far as reasonably practicable the health and safety of workers.

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

On the evening of Thursday the 23rd of May 2013, the injured worker (an engineer) was walking from the tarmac area to the Line Maintenance Office at Canberra Airport. The worker and another engineer were transiting through the vehicular access area, which incorporates a "high speed door", when the door closed striking the worker to the head and neck region. [REDACTED]

d. An acknowledgement that WorkSafe ACT alleged a contravention has occurred

It is acknowledged that WorkSafe ACT has alleged that Virgin Tech Pty Ltd has contravened provisions of the WHS Act.

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

[REDACTED]

f. The details of any enforcement notices issued that relate to the alleged contravention:

Notices received:

Yes (provide details) No

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

The Virgin Australia Group (including Virgin Tech 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 all workers and those who may be affected by our business or undertakings. The Virgin Australia Group (including Virgin Tech) will, so far as reasonably practicable, provide and maintain a safe and healthy workplace for our workers, guests and visitors.

When an alleged contravention is associated with an injury/illness

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

The injured worker received workers' compensation payments following the injury (including wages, medical expenses and hospital costs).

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

Does the contravention involve injury to person?

Yes No

The injured person is an employee of Virgin.

The following support has been provided to the injured person(s) or injured person(s) family:

May to August 2013	Weekly calls to injured worker offering all support and to check on his progress and recovery.	Managed by Virgin Tech Pty Ltd, Leader Maintenance & Group Workers Compensation Team
June 2013	Accompanied the injured worker when the neck brace was removed. Offered all support to injured worker and family.	Managed by Virgin Tech Pty Ltd, Leader Maintenance
June – August 2013	Managed return to work program in consultation with Virgin Australia Group Workers Compensation Team.	Return to work plan implemented. Medical assistance provided pursuant to [REDACTED] return to work plan dated 25 th June 2013. Case manager appointed. Plan was successfully implemented and injured worker returned to full duties.
June to August 2013	Offered Virgin Employee Assistance Program for injured worker and family.	EAP was not accepted by injured worker, however ongoing support from Virgin Tech Leadership team and Workers Compensation Team was offered.
June to August 2013	All wages and medical expenses provided to injured worker. Ongoing medical expenses if required will be funded.	Direct benefits paid to injured worker \$20,503.99

i. If the matter involves a fatality or very serious injury¹, a claim to demonstrate that exceptional circumstances exist that the enforceable undertaking is a more appropriate response than pursuing prosecution

Does the contravention involve a fatality or very serious injury¹?

Yes No

¹ 1. 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 enforceable undertaking process.

j. The details of any existing occupational health and safety management system at the workplace including the level of auditing currently undertaken

Virgin Australia Group’s work, health and safety management system (**WHSMS**) has been developed and implemented in line with the AS/NZS 4801:2001 “*Occupational Health and Safety Management Systems*”. The WHSMS was externally audited in April 2014 and will continue to be audited annually.

k. The details of any consultation undertaken within the workplace regarding the proposal of an enforceable undertaking

Virgin Tech Pty Ltd has consulted with Health and Safety Representatives of Virgin and the Executive Committee regarding the proposal of an enforceable undertaking.

l. A statement of regret that the incident occurred (i.e. not an admission of guilt)

Virgin Tech Pty Ltd sincerely regrets that the incident on 23 May 2014 occurred and that the worker sustained injuries as a result of the incident. All endeavours have been made to support the worker after the incident. The worker has returned to the work place and continues to be a valued member of the maintenance team in Canberra. Virgin is committed to ensuring that there is no repeat of this incident.

m. Any rectifications made as a result of the contravention

Virgin Australia Group has developed a new WHSMS (SSM5) which was externally reviewed by [REDACTED].
Virgin Australia has created a range of training resources (Online and facilitated materials) relating to the roll-out of the WHSMS.
Virgin Australia Group has employed a Leader, Group Work Place Health and Safety to coordinate and lead all WHS Operations across its business.
Virgin Australia Group has reviewed and assessed all its Workplace Health and Safety Policies with new strategies developed for the entire business (including Virgin Tech).
Virgin Australia Group has established a WHS Executive Review Committee to ensure that the Executive and Board of Virgin Australia are actively involved in the work health and safety operations of the whole business.
Virgin Australia Group has reorganised Engineering and transferred the Engineering Safety Specialist to the Virgin Australia Group WHS Department. This is a full time permanent position.
Virgin Tech Pty Ltd has developed new induction procedures, new Standard Operating Procedures and new checklists to ensure that workers are informed of hazards and the controls developed so as to reduce the risk of injury so far as reasonably practicable.

Total amount spent on rectifications	\$28,416.30 on direct external action rectifications, and \$217,000.00 per annum on restructure and resource salaries.
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n. An acknowledgement that the enforceable undertaking may be published and publicised

Virgin Tech Pty Ltd acknowledges that the undertaking may be published on WorkSafe ACT’s internet site and may be referenced in WorkSafe ACT publications. **Virgin Australia requests to discuss the content prior due to the “type” of business operations and distinct separations between aviation safety and WHS.**

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

Virgin Australia Group, incorporating Virgin Tech Pty Ltd, acknowledges that it has the financial ability to comply with the terms of this enforceable undertaking and can provide evidence if requested.

p. Statement regarding relationships with beneficiaries

Virgin Tech Pty Ltd acknowledges there are no known current relationships with any of the beneficiaries outlined in the Undertaking, other than current employees of Virgin Australia Group and the injured worker.

q. Intellectual property licence

Virgin Tech Pty Ltd grants WorkSafe ACT a permanent, irrevocable, royalty-free, worldwide, non-exclusive licence to use, reproduce, distribute, electronically transmit, electronically distribute, adapt, and modify any materials developed as a result of this enforceable undertaking.

r. The person may be required to provide a statutory declaration

Not Applicable

s. Acknowledgement of enforceable undertakings overview and guidelines

Virgin Tech Pty Ltd has read and understood “*Enforceable undertakings – An overview – guidelines for proposing an enforceable undertaking*”, as listed on WorkSafe ACT website.

SECTION 2 – ENFORCEABLE TERMS**a. A commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur**

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

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

Virgin Tech Pty Ltd commits that it will exercise its best endeavours in respect of the ongoing effective management of work health and safety risks.

c. 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)

Virgin Tech Pty Ltd agrees to disseminate information about the undertaking within the workplace, including to the members of any health and safety committee, health and safety representatives, workers and other relevant parties. This information will be delivered through leadership meetings, work health and safety committees within a reasonable time from commencement of the undertaking. Virgin Tech Pty Ltd commits that it will publish details of the enforceable undertaking in the first annual report due after the date the undertaking is accepted.

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

Virgin Tech Pty Ltd acknowledges that the responsibility for demonstrating compliance with this undertaking rests with the person who has given this undertaking. Virgin Tech Pty Ltd agrees to cooperate with WorkSafe ACT in the event that WorkSafe ACT chooses to undertake other compliance monitoring activities (such as a site visit) to verify the evidence provided.

STRATEGIES THAT WILL DELIVER BENEFIT TO WORKERS, INDUSTRY AND THE COMMUNITY.**e. STRATEGIES THAT WILL DELIVER WORKER BENEFITS****Strategy 1 – Injury management/Early intervention (Triage) program – Estimated Cost \$270,000.00****Scope**

The proposed solution will act as an early intervention, injury triage and immediate notification for workers who have sustained a work place accident or illness. This new system will be available to all Virgin Australia Group workers, regardless of their location, 24/7. The telephone centre is staffed by occupational health professionals who are trained in statutory reporting obligations, initial care and injury management. Upon completion of the call, information is disseminated in real time to the workers’ managers, supervisors and WHS investigators to ensure timely care is provided. Investigations will commence and regulators will be notified pursuant to the relevant work health and safety legislation in each jurisdiction.

Tangible Outcome

1. Improved injury management processes;
2. Immediate medical / injury intervention for the worker;
3. Immediate notification to supervisors and managers; and
4. Real time data analysis, tracking causes of injuries and informing better practice to reduce injury frequency.

Beneficiaries / audience

1. All workers in Virgin Australia Group

Delivery method

1. Project plan to be developed with a preferred provider;
2. Pilot program to be delivered; and
3. Assessment of pilot program.

Timeframe

1. Pilot November 2014.

Safety Outcome

1. Reduction in Lost Time Injuries as defined in the AS 1885.1:1990 – *Measurement of occupational health and safety performance – Describing and reporting occupational injuries and disease (AS 1885.1:1990)*;
2. Reduction in Lost Time Injury Frequency Rate as defined in AS 1885.1:1990. Increased welfare provided to injured workers; and
3. More proactive investigations and improved preventive measures.

Strategy 2 – Implementation of WHS training programs for Virgin Tech Pty Ltd engineers – Estimated cost \$40,000.00

Scope

Strategy 2 is proposed with the aim of increasing the knowledge and skills of Virgin Tech Pty Ltd engineers in the area of identified hazards and risks in their area of operation. Learning from this incident, the education, induction and training of the engineers is a critical to providing a safe work place.

Tangible Outcome

Delivery of specialist training to Virgin Tech Pty Ltd Technical Staff consisting of:

1. Supervisor due diligence;
2. Conducting health and safety investigations;
3. Developing/Reviewing safe method statements and job safety analyses; and
4. Elevated work platform.

Beneficiaries / audience

1. All Virgin Tech Pty Ltd Engineers

Delivery method

1. Conduct a gap analysis of training requirements;
2. Develop training programs with our RTO partner, [REDACTED] EMT;
3. Deliver training programs; and
4. Evaluate training programs commensurate to workers' needs.

Timeframe

1. It is anticipated this program will commence in early 2015 and conclude in December 2015.

Safety Outcome

1. Virgin Tech Pty Ltd has entered into a contractual arrangement with [REDACTED] [REDACTED] (an ACT based training provider and winner of ACT Chief Minister's Education and Training Award for outstanding innovation and international success in the field of education and training services, expertise and curriculum including vocational training) for the provision of work health and safety training programs.
2. The training programs will ensure that workers and leaders are aware of their work health and safety responsibilities under WHS legislation and that they apply these responsibilities in practical situations so that a safe workplace is maintained. It is anticipated that the level of reporting of hazards will increase, risk assessments increase and more safety plans will be prepared. It is further anticipated that there will be a reduction in workplace injuries as a result of the improvement in safety management and awareness.

**Strategy 3 – Implementation of Mock Court scenario training to educate Virgin Australia Group Senior Managers
Estimated Cost - \$15,000.00**

Scope

1. The Mock Court program is designed to educate Virgin Australia Group Senior Managers on what can be expected should they fail to comply with their duties under WHS legislation.

Tangible Outcome

2. A greater understanding of the requirements of the WHS Act and Regulations in Australia, by Virgin Australia Group 'officers' and others in management control positions.

Beneficiaries / audience

3. Virgin Australia Group managers and leaders across the Virgin Australia Group.

Delivery method

4. Mock Court Sessions will be held and Virgin Australia Group senior managers and above will be required to attend either session.

Timeframe

5. January 2015 to June 2015.

Safety Outcome

6. The Mock Court program will ensure that leaders are aware of their work health and safety responsibilities under WHS legislation and that they apply these responsibilities in practical situations so that a safe workplace is maintained. It is anticipated that the level of leadership in safety management will increase, resulting in an improvement of general safety management awareness, and ultimately a reduction in workplace injuries.

Strategy 4 – Implementation of the “Virgin Safety Continuum Program” to ensure safety leadership, operational management and compliance across all Virgin Australia Group – Estimated Cost \$15,000.00 per annum

Scope

The development of a Senior Leadership Safety Process known as “Virgin Safety Continuum Program”. This process aims to:

1. Measure and celebrate safety success across the Virgin Australia Group;
2. Learn from each other (and other industries) about good safety practice;
3. Reward and recognise safety champions across the Virgin Australia Group;
4. Identify safety risks across the Virgin Australia Group and work collaboratively on those risks to eliminate or minimise injury to our workers and customers / clients;
5. Ensure compliance with WHS Legislation, Regulations and the WHSMS; and
6. Provide evidence of collaboration and consultation across all divisions of the Virgin Australia Group.

Tangible Outcome

1. The development and measurement of lead indicators for Safety Management Leadership; and
2. A qualitative assessment of Virgin Australia Group's safety performance measured against the lead indicators.

Beneficiaries / audience

The Safety Continuum will include the following personnel

1. Senior Leaders within Virgin Australia Group,
2. WHS Committee Member Chairpersons,
3. Nominated WHS Safety Champions from each Division.

Delivery method

1. Safety Continuum Program is a forum style strategic analysis of safety performance and leadership.

Timeframe

1. It is proposed that the Safety Continuum Program, meet twice a year as an extension of and support to the Work Health and Safety Executive Review Committee (WHSERC).

Safety Outcome

1. Safety culture is driven throughout the Virgin Australia Group;
2. Increased learning and development of safety management and best practice; and
3. Development of a library of learning to inform strategic safety management.

Strategy 5 - Implementation of a assurance and compliance reporting platform to enable workers in all locations to report safety incidents, complete inspections and inductions using both pc and tablet devices to identify WHS hazards and manage WHS risks – Estimated cost \$50,000.00

Scope

Through the research in the development of this enforceable undertaking, the Virgin Australia Group realised that whilst our safety reporting culture is strong, improvement is required in our ability to manage safety reporting and deal with issues such as those that lead up to this incident. This incident reporting platform will significantly enhance our ability to manage safety reporting, investigate incidents and reduce injuries. The development of new electronic versions of workplace inspection checklists will enable real time reporting to supervisors and management.

Tangible Outcome

Platform will enable

1. Workplaces to be inspected on a regular basis;
2. Hazards identified;
3. Risk assessments completed;
4. Treatment of risk expedited;
5. Reporting of safety issues improved; and
6. Initial investigations to be undertaken to initiate immediate preventative and corrective actions.

Beneficiaries / audience

1. All Virgin Australia Group employees and contractors that provide services to the Virgin Australia Group.

Delivery method

2. Technology based via application and web based interface.

Timeframe

3. Implementation January 2015.

Safety Outcome

4. This incident reporting and checklist platform will significantly enhance our ability to manage safety reporting, investigate incidents and reduce injuries in the work place ,so far as reasonably practicable.

Strategy 6 – Implementation of a workplace induction platform to enable workers commencing work in new workplaces to be understand hazards applicable to that workplace – Estimated Cost \$10,000.00

Scope

1. One of the key issues for the Virgin Australia Group to address in light of this incident is the way we induct and train our workers. This induction platform will enable workers to understand hazards and what risk mitigation has been developed to eliminate or manage risks.

Tangible Outcome

1. A Virgin Australia Group wide standard induction program for new workers.

Beneficiaries / audience

1. All Virgin Australia Group employees and contractors that provide services to the Virgin Australia Group.

Delivery method

1. Technology based via application and web based interface.

Timeframe

1. Implementation – January 2015.

Safety Outcome

1. Standardisation of induction programs across the Virgin Australia Group;
2. Enhanced contractor management and safety compliance; and
3. Enhanced guest and visitor safety.

Strategy 7 – Annual External audits of Group WHS Management System to AS/NZS 4801:2001 - Estimated Cost \$30,000.00

Scope

1. The Virgin Australia Group implemented the WHSMS on 1 August 2014. Independent assessment and ongoing audit process, will enable progression with a goal to achieve certification to AS/NZS 4801:2001 and maintain into the future.

Tangible Outcome

1. Certification to AS/NZS 4801:2001.

Beneficiaries / audience

1. All Virgin Australia Group employees and contractors that provide services to the Virgin Australia Group.

Delivery method

1. Independent audit process;
2. Review findings; and
3. Implement recommendations.

Timeframe

1. Annually

Safety Outcome

1. The development and improvement of a robust and certified WHS Management System.

Strategy 8 - Restructure and employment of a WHS Specialist – Regional Airports – Estimated Cost \$85,000.00

Scope

1. The employment of a WHS specialist for regional port management.

Tangible Outcome

1. Greater surveillance of regional ports across Australia;
2. Safety leadership in the management of regional ports; and
3. Management of joint PCBU responsibilities with regional ports and contractors.

Beneficiaries / audience

1. Virgin Australia Group
2. Regional port leadership teams;
3. Virgin Tech Pty Ltd Engineers; and
4. Regional ports workers.

Delivery method

1. Employment of a full time specialist to manage WHS risk in regional ports.

Timeframe

1. January 2015.

Safety Outcome

1. Standardisation of safety management strategies across regional ports including engineering bases;
2. Enhanced safety compliance;
3. Enhanced guest and visitor safety; and
4. Reduction in injuries.

Total amount to be spent on benefits to workers

\$ 515,000.00

F. STRATEGIES THAT WILL DELIVER INDUSTRY BENEFITS

Strategy 9 – Investment in the delivery of Certificate IV WHS in WHS, delivered by the Virgin Australia Group and its RTO Partner ██████ ██████ – Estimated Cost \$20,000.00

Scope

1. To ensure supervision in WHS is at the forefront of the aviation industry, the Virgin Australia Group will deliver a Certificate IV in WHS to aviation workers.

Tangible Outcome

1. Contextualisation of WHS in relation to aviation.

Beneficiaries / audience

1. Aviation industry.

Delivery Method

1. Training programs; and
2. Evaluate training programs commensurate to workers' needs.

Timeframe

1. It is anticipated this program will commence in early 2015 and will conclude in December 2015.

Safety Outcome

1. The training programs will ensure that workers and leaders are aware of their work health and safety responsibilities under WHS legislation and that they apply these responsibilities in practical situations so that a safe workplace is maintained. It is anticipated that there will be an increase in the level of hazard reporting, frequency of risk assessments and number of safety plans prepared. It is further submitted that due to the increase in safety management and awareness, there will be a reduction in the number of injuries which occur.

Strategy 10 – The development of Post Graduate Leadership programs - Vocational Graduate Certificate in Work, Health and Safety – Estimated cost \$20,000.00

Scope

1. To ensure safety management and leadership is at the forefront of the aviation industry, the Virgin Australia Group will develop a work health and safety post-graduate leadership program to enable workers to obtain a AQF level 8 Vocational Graduate Certificate.

Tangible Outcome

1. An increased vocational pathway to recognise the importance of safety practitioners and leaders; and
2. Tailored safety leadership program.

Beneficiaries / audience

1. Industry.

Delivery Method

1. Conduct a gap analysis of training requirements;
2. Develop training programs with our RTO;
3. Deliver training programs; and
4. Evaluate training programs commensurate to workers' needs.

Timeframe

1. It is anticipated this program will commence in early 2015 and conclude in December 2015.

Safety Outcome

1. An increased vocational pathway to recognise the importance of safety practitioners and leaders; and
2. Increasing levels of knowledge in safety leadership.

Total amount to be spent on benefits to industry

\$40,000.00

f. STRATEGIES THAT WILL DELIVER COMMUNITY BENEFITS

Strategy 11 - A donation to Neurosurgical Unit, Canberra Hospital, ACT Health in the sum of \$50,000

Scope

1. Acknowledging the importance of spinal research relating to injuries similar to those occasioned in this instance, the Virgin Australia Group will make a donation of \$50,000 to the Neurosurgical Unit, Canberra Hospital, ACT Health.

Tangible Outcome

1. \$50,000.00 investment in research.

Beneficiaries / audience

1. Community of the ACT.

Delivery method

1. Donation.

Timeframe

1. December 2014.

Safety Outcome

1. Donation to Neurosurgical Medicine for the community of the ACT.

Strategy 12 – A Virgin Australia Group sponsored education program dedicated to the ACT for the delivery of the WHS Course – Estimated Cost \$20,000.00

Scope

1. Sponsoring an education program to members of the ACT community (nominated by WorkSafe ACT) to enable them to achieve WHS qualifications.

Tangible Outcome

1. An increased knowledge in work health and safety delivered by active WHS subject matter experts; and
2. Tailored safety program.

Beneficiaries / audience

1. Community.

Delivery Method

1. Deliver training programs.

Timeframe

1. It is anticipated this program will commence in early 2015 and conclude in December 2015.

Safety Outcome

1. Increasing levels of knowledge in work health and safety.

Total amount to be spent on benefits to the community **\$70,000.000**

Total cost of the strategies proposed (e-g)

Total amount to be spent on strategies **\$625,000.000**

g. A commitment regarding linking the promotion of benefits to the enforceable undertaking

Virgin Tech Pty Ltd is committed to ensuring that any promotion of a benefit arising from this undertaking will clearly link the benefit to the undertaking and that the undertaking was entered into as a result of the alleged contravention.

h. A commitment to establish and maintain (or maintain if a system already exists) an occupational health and safety management system (OHSMS)

Virgin Tech Pty Ltd is committed to ensuring our existing WHSMS complies with the principles of AS/NZS 4804: 2001 *“Occupational health and safety management”*.

i. A commitment to ensure the OHSMS is audited by third party auditors

Virgin Australia Group commits to ensuring the WHSMS will be audited by accredited third party auditors that meet the principles of AS/NZS 4801: 2001 as set by WorkSafe ACT in accordance with established timeframes.

Virgin Australia Group acknowledges that the auditors selected to perform WHSMS audits will meet the qualification requirements as set by WorkSafe ACT.

Virgin Australia Group acknowledges that details of the auditors' qualifications against the stated requirements will be provided with audit reports submitted to WorkSafe ACT.

Virgin Australia Group acknowledges that an initial third party audit has been undertaken and Virgin acknowledges that two further annual third party audits will be undertaken during the course of the undertaking following signing of the enforceable undertaking.

j. A commitment to provide a copy of each finalised OHSMS audit report to WorkSafe ACT

Virgin Australia Group acknowledges that audit reports received from the auditor will be made available to WorkSafe ACT along with a letter certifying that the report has not been altered from the copy provided to the person by the auditor.

Virgin Australia Group acknowledges that it will provide a written report advising the intended action in addressing each of the report's recommendations.

k. A commitment to implement the recommendations from these audits (unless otherwise negotiated with WorkSafe ACT)

Virgin Australia Group commits to implementing corrective actions related to “non-compliance” with WHS Act & Regulations arising from the audit within a reasonably practicable timeframe from receiving the audit report from the WHSMS auditor unless agreed in consultation with WorkSafe ACT.

l. Timeframe

Virgin Australia Group commits to implementing the aforementioned strategies within 24 months or as agreed in consultation with WorkSafe ACT.

SECTION 3 – OFFER OF UNDERTAKING

I offer this undertaking and commit to the terms herein.

Signed

[Signature box]

Name

[Name box]

Position

[Position box]

Dated at [] this [] (suburb)

day of [] 20 []

OR

As a duly authorised person of

Virgin Australia Group

I offer this undertaking and commit to the terms herein.

Signed (duly authorised person)

[Signature box]

Name

[Name box]

Position

[Position box]

Dated at [] this [] (suburb)

day of [] 20 14

[Empty signature box]

The duration of an enforceable undertaking is determined by the content of the agreed terms. An enforceable undertaking commences and is enforceable once accepted by WorkSafe ACT. The enforceable undertaking will be concluded on written advice from WorkSafe ACT when all requirements of the undertaking have been satisfactorily executed.

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

Signed

[Signature box]

Name

[Name box]

Position

[Position box]

Dated at [] this [] (suburb)

WorkSafe ACT

day of [] 20 []

ANNEXURE 1 – PUBLIC NOTICE OF WORKSAFE ACT ACCEPTANCE OF UNDERTAKING

Notice of Acceptance of an enforceable undertaking under Part 11 of the Work Health and Safety Act 2011.

On 23 May 2014, an employee of Virgin Tech Pty Ltd ABN 37 (101 808 879) (**Virgin**) sustained an injury to his neck while undertaking work at Canberra Airport.

WorkSafe ACT investigated the incident and subsequently alleged that Virgin contravened section 19 of the Work Health and Safety Act 2011.

This notice has been placed under the terms of an enforceable undertaking and acknowledges acceptance of an undertaking, that is enforceable under the Act, from Virgin as settlement of the abovementioned alleged contravention.

The enforceable undertaking requires the following actions:

- Implementation of a new injury management/early intervention program;
- Implementation of work health and safety (WHS) training programs for Virgin Engineers;
- Education and training of Virgin Australia Group Senior Managers in relation to their obligations under WHS legislation;
- The development of a leadership safety assessment process;
- Implementation of an assurance and compliance reporting platform to enable workers in all locations to report safety incidents, complete inspections and inductions to identify WHS hazards and manage WHS risks
- Implementation of a workplace induction platform for workers commencing work at new work sites so they are aware of site specific hazards;
- Performance of annual external audits of the Virgin Australia Group WHSMS pursuant to the AS/NZS 4801:2001 "*Occupational Health and Safety Management Systems*
- Employment of a WHS specialist for regional port management;
- Investment in the provision of training to enable workers to achieve a Certificate IV WHS in WHS (to be delivered by the Virgin Australia Group and its RTO Partner, ██████████);
- The development of post-graduate leadership programs to enable workers to achieve a Vocational Graduate Certificate in WHS;
- A donation to Neurosurgical Unit, Canberra Hospital, ACT Health; and
- Sponsorship of an education program for community members in the ACT (to be selected by WorkSafe ACT) to enable community members to achieve a WHS qualification.

The full undertaking and general information about enforceable undertakings is available at www.worksafe.act.gov.au