
Application for an enforceable undertaking

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe NZ

by

Trojan Holdings Limited – Trading as AllWaste

Application for an enforceable undertaking

Part 4, Health and Safety at Work Act 2015

The commitments in this undertaking are offered to WorkSafe New Zealand (WorkSafe) by

Peter John Carnahan, Director

On behalf of

Trojan Holdings Ltd

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*. **Contravention** means an action which offends against the Health and Safety at Work Act 2015 and/or any Regulations made under it. It includes both health and safety contraventions. A contravention also includes an alleged contravention.

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

TERM	DEFINITION
Contravention	An action which offends against the Health and Safety at Work Act 2015 and/or any Regulations made under it. It includes both health and safety contraventions. A contravention also includes an alleged contravention.
HSMS	Health and Safety Management System
Person	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.
Health and Safety Legislation	<i>Health and Safety at Work Act 2015</i> and associated regulations
Enforceable undertaking	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).

Section 1: General Information

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

Name of person(s) making this undertaking:

Peter John Carnahan, Director
Logan Miller, Group Health and Safety Manager

Name of Entity:

Trojan Holdings Ltd

Type of Legal entity:

Company

Nominated contact person:

Logan Miller, Group Health and Safety Manager

Physical address:

The Station Building,
Cnr Camp & Shotover Streets
Queenstown, 9348

Postal address (if different):

PO Box 956,
Queenstown, 9348

Work phone:

03 450 1900

Mobile phone:

Email:

Logan@trojanholdings.co.nz

Industry:

Waste collection and disposal

Workers (enter numbers:

Full-time

34

Part-time

Casual

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

The AllWaste division of Trojan Holdings Limited, provides commercial and residential waste collection and disposal services throughout Central Otago, Queenstown Lakes District and Southland.

AllWaste operates six Transfer Stations throughout Central Otago and Queenstown Lakes on behalf of the local Councils.

Comments:

Nil.

1.2 Detail of the contravention

Trojan Holdings Ltd has been charged with one offence under section 36(1)(a), 48(1) and (2)(c), of the Health and Safety at Work Act 2015 in relation to an incident on 26th June 2017 at the Cromwell Transfer Station on Barry Avenue, Cromwell.

It is alleged that being a PCBU Trojan Holdings Ltd, failed to ensure, so far as was reasonably practicable, the health and safety of workers who worked for the PCBU, including the victim, while the workers were at work in the business or undertaking, namely assisting with the unloading of a rubbish skip truck, and that failure exposed the victim to a risk of serious injury, arising from exposure to a fall from height into the compactor, approximately three meters below.

While the risk of crushing by the compactor had been identified and managed appropriately using engineering controls, the risk of falling from height into the compactor had not been assessed correctly.

In particular it is alleged that it was reasonably practicable for Trojan Holdings Ltd to have:

- identified the specific risks created by the task of unloading a skip bin at the Cromwell Transfer Station; and
- developed, implemented and ensured compliance with an adequate safe system of work in respect of the task of unloading a skip bin at Cromwell Transfer Station.

1.3 Detail the events surrounding the contravention

The victim has been employed by AllWaste since May 2016. He relocated as a Transfer Station Operator to the Cromwell Transfer Station in May 2017. Prior to this he had been employed as a Driver and Transfer Station Operator at the Wanaka Transfer Station, where he undertook similar tasks. During his time at AllWaste the victim has operated various waste collection vehicles including a Gantry Skip Truck, Frontover Rubbish Truck and Wheel Loaders.

On the 26th of June 2017 at approximately 11:20am a Gantry Skip Truck, that was also operated by Trojan Holdings Ltd, returned to the Cromwell Transfer Station to make its second delivery for the day. The driver weighed the truck in as per standard procedure and proceeded to the hopper tipping area of the site where the victim had already set up the blocks for the truck to reverse onto and against standard process had also opened the gates (**Figure 1**).

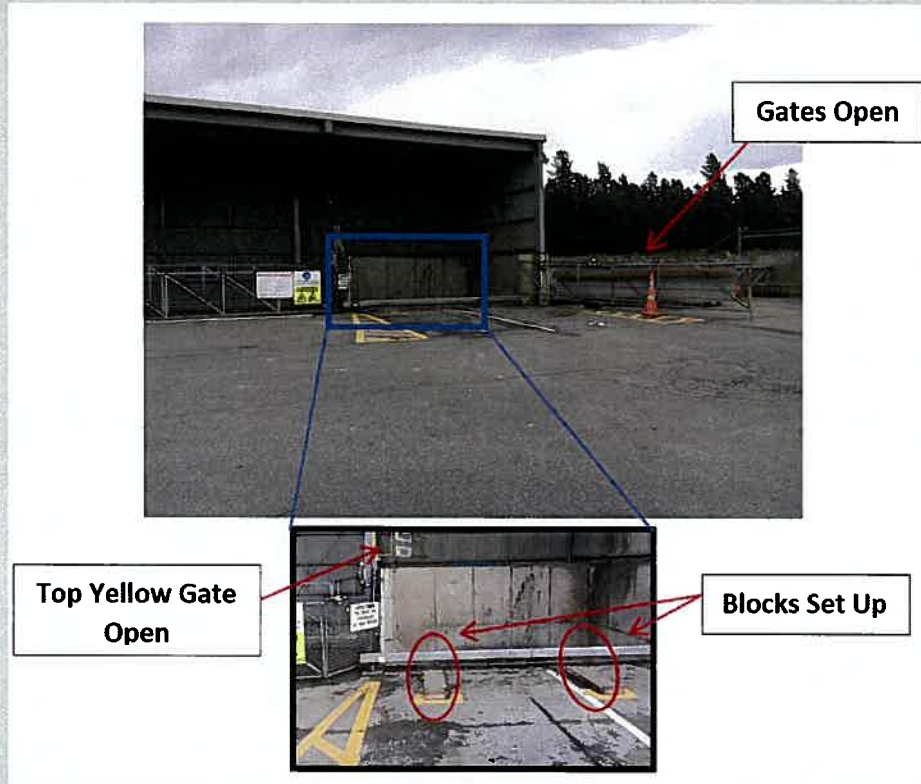


Figure 1 – Unloading Area Set Up

The truck was backed up towards the blocks. The victim at this stage was standing beside the open gates holding the pole used to open the latches on the bins.

Our investigation has concluded it is likely that at this point the victim has walked behind the truck to start unlatching the bin. The truck has then continued to reverse onto the blocks (**Figure 2**) and has struck the victim, resulting in him falling into the hopper.

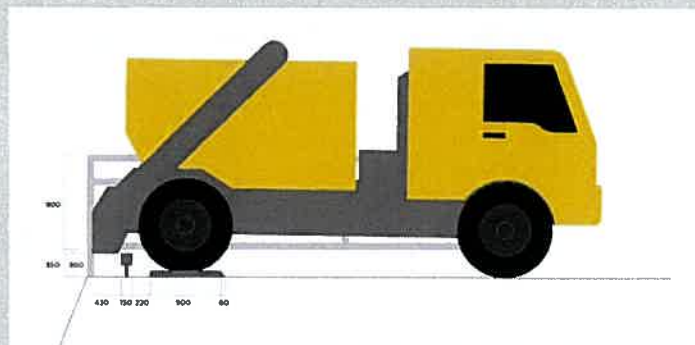


Figure 2 – Gantry Truck on the blocks

Another worker on site has shouted to the truck driver to stop, as he believed he may have struck the victim. This worker then ran to the edge of the hopper and saw the final stages of the victim's fall.

The truck driver retrieved the hopper ladder, chained it to the top rail, and descended down it to attend to the victim. The other worker called emergency services. The workers cared for the victim and kept him warm until emergency services arrived.

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
27 / 06 / 2017	Prohibition Notice	WSNZ17103	Unloading of waste	Formalise SOP

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 incident, Trojan Holdings Ltd:

1. **Locked** the gate that had been opened to directly tip rubbish into the hopper.
2. **Redesigned** the gate to ensure that it cannot be opened as part of normal operations.
3. **Reviewed** the Safe Operating Procedure for Tipping Vehicles.
4. **Developed** a Cromwell Transfer Station Tipping Procedure.
5. **Trained** Transfer Station staff and customers in accordance with the new Cromwell Transfer Station Tipping Procedure (Completed 27/06/17).
6. **Developed** a documented site specific safety plan (**SSSP**) for the Cromwell Transfer Station, and all other Transfer Stations, that is to be reviewed regularly, and provided workers with training on the SSSP.
7. **Reviewed** the hopper design and re-presented improvement options to Central Otago District Council (**CODC**), the facility owner.
8. **Implemented** a temporary workaround involving using a ground level bin rather than tipping directly into the hopper for unloading skips while awaiting CODC approval for the improvement options.
9. **Restricted** the opening of the redesigned hopper gate by permit with senior management approval only. If the gate is opened there is a safe system of work in place and there are engineering controls in place to ensure the safety of the operator.
10. **Diverted** trucks that pick up wheelie bins to other sites to minimise use of the hopper.
11. **Obtained** CODC approval for additional signage to be installed at the Cromwell Transfer Station.
12. **Instructed** Cromwell Transfer Station Staff to tell members of the public that no one is allowed to stand on the back of vehicles or trailers and throw rubbish into the hopper. CODC support obtained for this instruction.
13. **Reviewed** and updated processes for reporting of hazards and near misses.
14. **Reviewed** and updated processes for hazard identification and management.

1.6 Total amount of money spent on rectifications

Due to some of the costs not being directly held or partially shared by Trojan Holdings Ltd a specific amount cannot be identified, however it is conservatively estimated to be between \$40,000 and \$60,000.

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 victim sustained a fractured right femur, contusion on forehead and cerebral (brain) haemorrhage. Surgery was required to stabilise the fracture, and medicated swelling reduction was required for the haemorrhage. The victim required hospital care for 79 days and ongoing outpatient treatment to recover.

He returned to work on light duties 20 weeks after the incident and is still not currently deemed fit to resume full duties.

We acknowledge that there was the potential for a more serious injury and this has been considered as part of this offer of amends.

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)

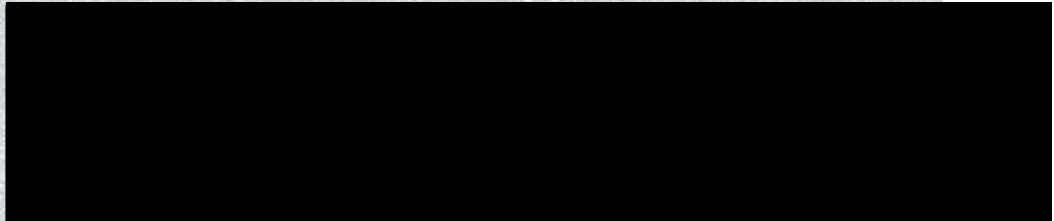
Describe the victim(s) relationship to you / the entity in question -

The victim was an employee of Trojan Holdings Ltd. Due to family reasons, the victim has recently resigned from Trojan Holdings Ltd and moved out of Central Otago. This was after successfully returning to work on restricted hours for over 8 months.

Detail offer of amends or payments:

As part of this enforceable undertaking we have made payments and will offer further amends to the victim to a total amends of **\$45,000.00** which includes amounts as follows:

1. Support payments of **\$6,742.38**. This has included payments for:



2. First week injury pay of [redacted]
3. Payments totalling **\$8,409.96** as additional 20% top of the victims wages in addition to the ACC weekly compensation payments.
4. Payments totalling **\$5,247.95** as [redacted]



Total	\$45,000.00
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Two experienced ACC Case Managers have provided the following feedback in relation to Trojan Holdings Ltd's care of the victim:

- Trojan Holdings Ltd *"have always shown a genuine concern for our client's wellbeing"*;
- Trojan Holdings Ltd has *"been both positive and practical in filling any gaps where ACC entitlements didn't fully meet the client needs"*; and
- *"Throughout this time I have found Trojan Holdings to be extremely supportive and accommodating towards the management of [the victim] and his rehabilitation."*

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

Trojan Holdings Ltd has advised the victim about Trojan Holdings Ltd's application to seek an enforceable undertaking as an alternative to prosecution. The victim has been invited to review and comment on the enforceable undertaking application.

On 02 August 2018, the victim confirmed their support for Trojan Holdings Ltd to seek an enforceable undertaking from WorkSafe and approved of the initiatives being proposed.

In addition to the victim, Trojan Holdings Ltd has also explained and sought the approval from the other worker that was on site at the time of the incident. We believe that this was appropriate as the other Worker was impacted by the event.

On 31st July 2018, the other worker confirmed their support for Trojan Holdings to obtain an enforceable undertaking from WorkSafe, as an alternative to prosecution, and approved of the initiatives being proposed.

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

While formulating this application Trojan Holdings Ltd has consulted with the Central Otago District Council (CODC) as it owned and managed the facility where the incident occurred. CODC has offered their support for Trojan Holdings Ltd application.

Trojan Holdings Ltd has not consulted directly with any unions in relation to the enforceable undertaking as the victim was not a member of any union, nor is there any union representation within Trojan Holdings Ltd – AllWaste division.

In widely recognising that education is a fundamental pillar in any community, Trojan Holdings Ltd consulted with the Cromwell Primary School on this application. They offered their support for the application, in particular, for the community benefit from this application.

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

DATE	DESCRIPTION OF SUPPORT	COMMENTS
26 / 06 / 2017	Accommodation and meal support in Dunedin for Partner	Accommodation was provided for the duration of the victims stay in hospital for his partner and meals were provided where requested
28 / 06 / 2017	Group Health and Safety Manager contact with ACC to expediate weekly compensation entitlement	Support to victim and his partner
28 / 06 / 2017	Trojan Holdings Ltd Director visited the victim in Hospital	Support to victim and his partner
30 / 06 / 2017	Group Health and Safety Manager visited the victim in Hospital, provided initial additional financial support to victim and partner	Support to victim and his partner
02 / 07 / 2017	Provided additional financial support	Support to victim and his partner
03 / 07 / 2017	Group Health and Safety Manager visited the victim in Hospital	Support to victim and his partner
05 / 07 / 2017	Group Health and Safety Manager met with ACC in Dunedin to assist with the claim process and ensure weekly compensation was starting	Support to victim and his partner
14 / 07 / 2017	Group Health and Safety Manager visited the victim in Hospital	Support to victim and his partner
24 / 07 / 2017	Group Health and Safety Manager visited the victim in Hospital	Support to victim and his partner

02 / 08 / 2017	Group Health and Safety Manager visited the victim in Hospital and attended rehabilitation meeting	Support to victim and his partner
07 / 08 / 2017	Group Health and Safety Manager & Central Otago Manager met with occupational therapist to assist medical professionals better understand victims role	Support to victim and his medical professionals
08 / 08 / 2017	Group Health and Safety Manager contact with ACC & victim to ensure correct support is in place and appropriate external specialists have been agreed to by ACC	Support to victim and his partner
18 / 08 / 2017	Group Health and Safety Manager visited the victim in Hospital and attended rehabilitation meeting	Support to victim and his partner
04 / 09 / 2017	Group Health and Safety Manager visited the victim at home in Kaitangata and organised lawn mowing and ensured support was in place for groceries	Support to victim and his partner
18 / 09 / 2017	Group Health and Safety Manager supported the victim at a Hospital appointment and attended a rehabilitation meeting with ACC	Support to victim and his partner (repeated eight times over next four months)
09 / 10 / 2017 to 15 / 02 / 2018	Group Health and Safety Manager contact with Support Worker & victim to ensure correct support is in place	Support to victim and his partner (repeated eight times over next four months)
20 / 11 / 2017 to 10 / 08 / 2018	Group Health and Safety Manager and Central Otago Manager supported workplace rehabilitation meetings at work.	Support to victim and his partner (repeated 23 times through till 10/08/2018)
19 / 01 / 2018 to 02 / 05 / 2018	Group Health and Safety Manager and Central Otago Manager supported case conferences with ACC etc.	Support to victim and his partner
10 / 08 / 2018	Provided additional financial support	Support to victim and his partner
10 / 08 / 2018	Provided Traffic Controller course and accommodation to aid with retraining	Support to victim

1.12 Detail any current HSMS implemented and maintained by the person

Trojan Holdings Ltd currently has a Health and Safety Management system that is based on elements of AS/NZS 4801 and the impending ISO 4500. When ACC ceased its WSMP program, Trojan Holdings Ltd held a Tertiary qualification.

The core elements of the system are:

- Leadership & Engagement
- Planning & Review
- Incident Management
- Hazard & Risk Management
- Health and Wellbeing
- Injury Management
- Contractor Management
- Emergency Management
- Performance Reporting
- Training & Competency
- Internal Audit
- Drug & Alcohol

A specific plan for the safe operation of the Cromwell Transfer Station is set out in the 'Quality Management Customer Service Environmental Health and Safety Operations and Procedures Plan for Transfer Station Operation' (Operations and Procedures Plan) (Version 2 issued on 15 September 2016).

In accordance with paragraph 13.3.6 of the Operations and Procedures Plan, all drivers are specifically trained, and assessed, against the Standard Operating Procedure for the loading and unloading of the Gantry Truck.

In addition to this, the following methods were used in the system to manage risks:

- Monthly site safety meetings
- Regular senior management visits
- Safe system of work (permit to work)
- Regular hazard identification

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

Trojan Holdings Ltd maintains an annual health and safety plan and carries out annual reviews of this plan.

Trojan Holdings Ltd undertakes regular internal audits against AS/NZS4801 :2001.

Trojan Holdings Ltd is also audited as part of the following Programs:

- ACC Accredited Employers' Programme. The last accreditation audit was held in July 2016, where Tertiary status was maintained.
- Sitesafe – SiteWise. The last accreditation audit was held in October 2017, where Green status was maintained.

In addition to the internal and self-organised auditing, A client audit of the Trojan Holdings Ltd - AllWaste Transfer Station system is regularly undertaken by relevant District Councils.

The most recent client audit of Trojan Holdings Ltd – All Waste was carried out on 21/22 May 2018 by Ian Williams (Health and Safety Consultant) for Santec. Discussions with management, an examination of Trojan Holdings Ltd - AllWaste 's documents and a physical site visit resulted in the conclusion that Trojan Holdings Ltd – Allwaste has good systems and processes in place to ensure the healthy and safe operations of the sites.

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

In addition to 1.10 above, if this undertaking is accepted by WorkSafe, Trojan Holdings Ltd plans to consult directly with the victim, worker and all other staff employed by Trojan Holdings Ltd regarding the implementation and timing of the undertaking.

In addition to this, consultation will be conducted across the Trojan Holdings Ltd affiliated companies through the Group CEO/GM forum and to the Board of Directors.

Section 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

Trojan Holdings Ltd acknowledges that WorkSafe alleges Trojan Holdings Ltd has contravened sections 36(1)(a) and 48(1) and (2)(c) of the Health and Safety at Work Act 2015.

2.2 Statement of regret that the contravention occurred

We deeply regret the harm and distress to the victim as a result of the incident and we acknowledge the ongoing physical and emotional impacts. We are truly remorseful that the incident occurred.

We have involved the victim throughout the process by assisting him to return to work and by making financial contributions to support his rehabilitation.

We are committed to undertaking our Health and Safety at Work Act 2015 obligations and we have cooperated fully with WorkSafe during the investigation into this incident.

We acknowledge that compliance is not sufficient to justify this undertaking being accepted by WorkSafe as an alternative to proceeding with a prosecution of Trojan Holdings Ltd. We are committed to learning from this experience and ensuring that such an incident does not reoccur.

This undertaking is seen as an opportunity to show leadership in health and safety, within the waste / transport industries, and with the communities that we operate in.

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

Trojan Holdings Ltd would like to respond to the incident in a way that directly benefits our workers and workplaces, the wider waste / transport industries and the community. This undertaking allows us to do this in ways that make use of our knowledge and experience.

This undertaking also gives us the opportunity to publicly express our regret and remorse and share what we have learned from the incident to reduce the likelihood of such an incident reoccurring elsewhere.

Proceeding with this undertaking will allow us to focus our time and resources on initiatives that will improve health and safety for our workers and workplaces, the waste / transport industries and the community, rather than a judicial process, while also expressing remorse, making amends to the victim, and supporting him and his family.

This undertaking will result in:

1. Targeted health and safety improvements at Trojan Holdings Ltd that will directly benefit its workers, including:

- a. a more worker friendly and effective electronic health and safety system;
- b. joining the Business Leaders' Health & Safety Forum;
- c. health and safety related upskilling within the Trojan Holdings Ltd Group; and
- d. employing an Occupational Health Advisor.

2. Benefits to the waste collection and disposal / transport industry in the form of increased knowledge, skills and funding, including:

- a. online training relating to traffic management;
- b. a \$25,000 fund Waste/Transport and wider industry education sessions; and
- c. a \$10,000 scholarship fund for workers to complete a NEBOSH International General Certificate program.

3. Benefits to the community, including:

- a. a \$5,000 donation to the Starship Foundation for health and safety related issues;
- b. a \$25,000 fund for Community school holiday programs support within Central Otago;
- c. a \$2,000 donation to the Central Otago Health & Safety Forum; and
- d. a \$3,500 donation to the Brain Injury Otago Region.

These benefits, and the beneficial relationships and outcomes that will flow from them, are not of a kind that would be achieved by prosecution. This undertaking will have tangible positive outcomes for workers and the community at zero cost to other entities.

We believe that the steps we have proposed are proportionate in this case, and amount to an appropriate response to the incident.

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

We are committed to ensuring that the behaviour, activities and other factors which caused or led to the contravention have ceased and will not reoccur.

This commitment is demonstrated by:

1. extensive reviews of procedures and processes;
2. improvements to our Standard Operating Procedure;
3. coaching of senior leadership and Directors about health and safety best practise;
4. implementing workplace rectifications and improving our health and safety culture; and
5. investing in a more robust electronic health and safety system, increased health and safety training, and employing an occupational health advisor.

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

Trojan Holdings Ltd

has read and understood the Enforceable Undertakings Policy.

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

Trojan Holdings Ltd

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

Trojan Holdings Ltd

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

A certified letter from Bank of New Zealand Ltd confirming financial ability to comply within the time period

with this undertaking to support this declaration.

2.7.2 In the event of impending receivership, liquidation or sale of the entity,

Trojan Holdings Ltd

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

The victim who will receive a total of \$45,000.00 in financial amends from Trojan Holdings Ltd.

A number of Trojan Holdings Ltd workers are members of the Central Otago Health and Safety Forum.

2.9 Statement regarding Intellectual Property

Trojan Holdings Ltd

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

Trojan Holdings Ltd

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.

Trojan Holdings Ltd

Section 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

Trojan Holdings Ltd is committed to perform the activities set out in this enforceable undertaking application and to continuously improve how risks to health and safety are effectively managed in the conduct of our business.

Management strategies that we employ to put this commitment into effect include:

1. Having a focus on risk reduction, engagement with workers, industry partners and other stakeholders, and fostering a strong, company-wide, health and safety culture.
2. Having a risk identification and assessment process in place.
3. Providing workers with ongoing health and safety engagement opportunities, information and training.
4. Ensuring health and safety incidents are reported, reviewed and learned from, and that risks and learnings are understood across management and communicated to workers.
5. Undertaking assurance activities, including audits, which assess health and safety performance and produce recommendations to be followed.

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

Dissemination will be achieved by doing the following:

We commit to disseminate information about this undertaking to workers and other relevant parties.

If accepted, information about this undertaking will be disseminated to workers and other relevant parties by:

1. Informing workers of the undertaking by e-mail and at a health and safety meeting at the earliest opportunity after acceptance, and ensuring they are aware that they will be able to access the full undertaking.
2. Publishing a summary of the enforceable undertaking and what it will involve and what they can expect to see, and communicating this to all workers of Trojan Holdings Ltd and other relevant parties within three months of acceptance.
3. Providing workers with an informed point of contact for any workers who have questions about the undertaking.
4. Discussing enforceable undertaking progress and outcomes at Health and Safety Committee and management meetings.
5. Publishing quarterly reports on enforceable undertaking progress and outcomes.

Dissemination will occur by

Within three months of acceptance of this EU.

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

ACTIVITIES (outline the activity and the expected outcomes)	COSTS \$ (Incl GST)	TIMEFRAMES
<p>Invest in a new H&S electronic system In response to the incident Trojan Holdings Ltd has undertaken work to review its event reporting and contractor management procedures. Trojan Holdings Ltd has started the implementation planning of a new electronic health and safety system that will enable easier reporting and stronger management of those events. In addition, the system will enable robust and best practice consultation, cooperation and coordination with contractors, clearing the critical link between pre-qual, inductions and onsite monitoring. Delivery: Trojan Holdings Ltd will implement the Beakon health and safety system across the wholly owned entities, including the risk, event and contractor modules. This will be a fully electronic system from sign in and inductions through to onsite verifications and regular inspections. Outcome: To support the strive for best practice and a valuable increase in event reporting and better consultation, cooperation and coordination with contractors. To ensure that no contractor is on our worksite without the appropriate training and induction records. To enable the robust management of critical risk bowtie defences.</p>	\$25,000	Within 12 months of EU acceptance
<p>Join the Business Leaders' H&S forum The Business Leaders' Health and Safety Forum is a coalition of business and government leaders committed to improving the performance of workplace health and safety. Their focus is to make workplaces safer by growing world-class CEO safety leadership in New Zealand, and by leveraging the combined skill, influence and resources of members. Delivery: Trojan Holdings Ltd will join the Business Leaders Health & Safety Forum as a group and ensure CEO's across the Trojan Holdings Group of companies participate in the Forum. Outcome: Enabling enriched support and education at the CEO level across the Trojan Holdings Group.</p>	\$7,500	Within three months of EU acceptance
<p>H&S Upskill across the group Training and providing great supporting tools to line management is key to any business being successful in health and safety. It was identified in the investigation that the quality of training relating to health and safety management should be increased. This training will cover high risk work, contractor engagement and management, critical risk management and incident investigation. Delivery: Trojan Holdings Ltd will spend a minimum of \$30,000 within six months on custom designed health and safety technical and management training. This training will be designed specific to our business and the intricacies of it. Outcome: It is expected that following the training there will be an improved level of understanding and the wider importance of a positive health and safety culture within the business. A sound robust understanding of how to manage critical risks within senior leadership.</p>	\$30,000	Within six months of EU acceptance
<p>Employ Occupational Health Advisor Trojan Holdings Ltd is supportive of the important move to focus on Occupational Health matters in the</p>	\$70,000	Within six months of EU acceptance

workplace. Every year between 600 to 900 people die from work-related disease in New Zealand. In addition to work-related deaths, each year about 30,000 people suffer from work-related health conditions in New Zealand. Trojan Holdings Ltd wants to be a leader in management of Occupational Health in the Central Lakes area, the best way to achieve that is to have an inhouse resource that is able to support the business on a daily basis.

Delivery: Trojan Holdings Ltd will spend a minimum of \$70,000 employing an Occupational Health Advisor (OHA) as a permanent employee.

Outcome: To support the goal of greater health and safety for the workers of Trojan Holdings Ltd and to support the goal of leading central lakes in Occupational Health management in the workplace. The OHA will be responsible for the following key areas; pre-employment medicals; annual health monitoring; exit health monitoring; ACC claim management and preventative discomfort clinics.

Total estimated cost of benefits for workers / others - \$132,500 incl GST

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

ACTIVITIES (outline the activity and the expected outcomes)	COSTS \$ (Incl GST)	TIMEFRAMES
<p>Online training traffic management training. Trojan Holdings Ltd identified through the investigation of this incident that very little onsite traffic management education was available for transport yards or waste facilities. Most of the training available was specific to manufacturing or construction. Delivery: Trojan Holdings Ltd will create an open source online course that provides guidance on onsite traffic management outside the manufacturing or construction industries. This training course will be shared and published for the wider community and specifically with the transport and waste sectors via Road Transport Forum and WasteMINZ. Consultation with Worksafe / ACC / NZTA will be paramount. Outcome: To increase industry awareness about traffic management in a format that the industry is able to relate to.</p>	\$5,000	Within 12 months of EU acceptance
<p>Waste/Transport and wider industry education sessions. Throughout the transport and waste industries there are a number of funding opportunities for waste minimisation and fleet optimisation. There is little or no access to specific funding for health and safety or education initiatives. This is also replicated throughout the wider industries within Central Otago. Delivery: Trojan Holdings Ltd will work with the Road Transport Forum, WasteMINZ and in particular the Central Otago Health and Safety Forum Inc (COHSF) to create two one day education opportunities. COHSF are supportive of these education sessions. The opportunities will be at no or little cost. These education opportunities will have a specific focus on critical risks and safety differently. Specific break out sessions will be intended for the Waste/Transport industries. Outcome: The education opportunities will support a wide range of industries, specifically the waste and transport industries. To provide best practice education from national and international sources. To increase the level of knowledge of the attendees</p>	\$25,000	Within 12 months of EU acceptance

relating to safety differently and the better business benefits of managing critical risks. To provide the attendees with some takeaway tools to use within their business.

Scholarship for workers in the Waste / Transport Industry to Complete NEBOSH IGC.

\$10,000

Within 12 months of EU acceptance

Quality health and safety knowledge is paramount in any industry. The National Examination Board in Occupational Safety and Health (**NEBOSH**) is a world-wide benchmark in health and safety education. The International General Certificate covers off specific subjects such as:

- Management of international health and safety
- Control of international workplace hazards
- International health and safety practical application

Delivery: Trojan Holdings Ltd will create a scholarship fund of \$10,000 for workers in the Transport and Waste industries to assist them in completing the NEBOSH International General Certificate.

Outcome: This scholarship fund will promote the health and safety knowledge growth within the Waste and Transport industries. The fund will contribute to course costs and study material only. The fund will be distributed to approximately five candidates on an application basis. The application criteria will be; the individual is working within the Waste and Transport industries; the candidate has a letter of support from their employer and one other business within the industry; and agreement that the candidate will create a "learning profile" to be shared with Road Transport Forum, WasteMINZ, or Safeguard.

Total estimated cost of benefits for industry - \$40,000 incl GST

3.5 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for community

ACTIVITIES (outline the activity and the expected outcomes)	COSTS \$ (Incl GST)	TIMEFRAMES
<p>Starship Foundation. Trojan Holdings employ a number of staff that have children. Due to its remote location from major cities and townships, Central Otago is very reliant on air ambulance support for specialist care, and children in our community are some of the most deserving of this support. Delivery: Trojan Holdings Ltd will donate \$5,000 to the Starship Foundation. Outcome: Continuation and improvement of air ambulance service from Central Otago and to continue the creation of meaningful and magical opportunities that enrich the health of every young New Zealander.</p>	\$5,000	Within 12 months of EU acceptance
<p>Community school holiday programs support within Central Otago. The two primary schools along with the one secondary school in Cromwell have seen significant growth within the school community. With the closure of the Roxburgh Health Camp within the past six months it has put extra pressure on the afterschool and community holiday programs that operated in the community. It was identified that both the afterschool and the</p>	\$25,000	Within 12 months of EU acceptance

community school holiday programs were bringing vital wellbeing benefits to both the students and the wider families. The community school holiday program is oversubscribed with every programme having a long waiting list due to the lack of physical capacity to take any more children into the programme.

Delivery: Trojan Holdings Ltd will create a fund of \$25,000 to ensure the ongoing security of the community school holiday program in the Central Otago Community.

Outcome: To support the Cromwell Primary School fit out a new to be built multipurpose building for the community holiday program to be run from. As agreed with the Cromwell Primary School, the fitout will be conducive to positive health and wellbeing of the community users and encourage physical activity.

Central Otago Health & Safety Forum.

The Central Otago Health & Safety Forum is a community organisation that has a goal to improve knowledge and engagement of Health & Safety in the wider Central Otago Region. Currently there are over 100 people from across the region who benefit from the information sessions and regular email update.

Delivery: Trojan Holdings Ltd will donate \$2,000 to the Central Otago Health & Safety Forum.

Outcome: This donation will support the growth of the forum to the wider community and support a regular regional email update.

\$2,000

Within six months of EU acceptance

Brain Injury Otago.

Trojan Holdings Ltd grateful that there was valuable support provided to the victim by Brain Injury Otago. Brain Injury Otago was identified by the victim as being an organisation who would benefit from the donation and feels very passionate about being able to support Brain injury Otago

Delivery: Trojan Holdings Ltd will donate \$3,500 to Brain Injury Otago.

Outcome: This donation will support the continuation and improvement of ongoing support to individuals and families affected by a brain injury in the Otago region.

\$3,500

Within three months of EU acceptance

Total estimated cost of benefits for the community - \$35,500 incl GST

3.6 Minimum spend

3.6.1

Trojan Holdings Ltd

commits to a minimum spend of

\$263,300 incl GST

for this undertaking.

3.6.2

Trojan Holdings Ltd

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.

3.6.3

Trojan Holdings Ltd

Acknowledges the minimum spend comprises of the:

TOTAL COST	MINIMUM SPEND (\$)*
Financial amends paid to victims (if applicable)	\$45,000.00
Benefits to workers / others	\$132,500.00
Benefits to industry	\$40,000.00
Benefits to community	\$35,500.00
WorkSafe's recoverable costs (fixed)	\$10,300.00
Estimated cost of the undertaking	\$263,300.00

* including GST (if any)

Section 4: Execution

This undertaking is given by the person on the date it is accepted by WorkSafe as set forth in section 5 below.

DIRECTOR OR AUTHORISED REPRESENTATIVE OF A COMPANY

Undertaking given by -

Peter John Carnahan

In my own right and in my capacity as -

Director

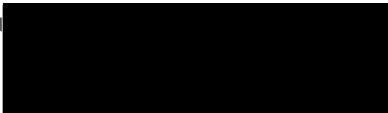
Of -

Trojan Holdings Ltd

On the -

11th day of October 2018

Signature of



Undertaking given before me -

Witness Name

Wi

Witness Address

Logan Miller



Cnr Camp & Shotover st,
Queenstown.

Section 5: Acceptance

This undertaking is accepted by WorkSafe

On the 15 day of November 2018.

Signature of person accepting the undertaking:



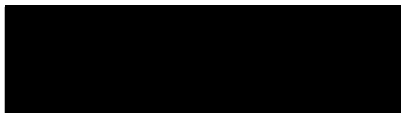
Name of WorkSafe representative:

Simon Humphries

General Manager, WorkSafe (or delegate)

Witness: Cordell Heir

Signature:



Address: 86 Custom House Quay - WGTN