



Australian Government

Comcare

Notice of Decision — acceptance

A work health and safety (WHS) undertaking is a legally binding agreement between Comcare and a person who has allegedly contravened the *Work Health and Safety Act 2011* (Cth). An undertaking is proposed by the person as an alternative to other enforcement action and becomes enforceable once accepted by Comcare. A WHS undertaking obliges the person to carry out the specific activities that have been proposed.

John Holland Pty Ltd (John Holland)

On 11 September 2018, a DJD Brick and Blocklaying Pty Ltd worker (subcontracted to the Northwest Rapid Transit Consortium) was injured when he fell over seven metres through a penetration cover at the Castle Hill Metro Station in New South Wales.

Alleged breach

Comcare commenced criminal proceedings against John Holland for one alleged breach of s 19(1) of the WHS Act.

On 7 April 2022, Comcare accepted an undertaking proposed by John Holland in relation to the alleged contravention.

Summary of the undertaking

John Holland will deliver the following undertakings:

- 1. Immersive technology application for working from height training** - development of a virtual reality (VR) application (app) to be used for working from height training. The VR app will provide an immersive and interactive experience, and an opportunity to practice identifying and assessing hazards and risks in height training scenarios. The VR training app will be made freely available to the broader industry under a freeware license.
- 2. Immersive technology for site inductions** - the development and delivery of an improved site induction process using 360-degree cameras and VR systems with an aim to highlight locations and site plan key hazards. The technology aims to provide the trainee with an immersive visual experience and improved engagement, familiarisation and understanding of the risks and hazards of the site.
- 3. Immersive / Digital Engineering technology for GMR Good Practices** - capturing and publishing of best practice using 360-degree camera/photogrammetry technologies to record good Global Mandatory Requirements (GMR) practices and link them to respective GMRs on the John Holland GMR online guide website (gmr.jhg.com.au) which is publicly available.
- 4. Presentation to industry on working at height and immersive safety training applications** - engagement with the construction industry to share information about the incident, the lessons learnt and working at height initiatives arising from the undertaking. John Holland has engaged with Australian Constructors Association, the Office of the Federal Safety Commissioner, and the Master Builders Association (NSW) to assist in facilitating this presentation.

5. **Wellness in Infrastructure Mentorship Program** -a partnership with, and a financial contribution to, the Wellness in Infrastructure Mentoring Program. The Mentoring Program will select and train mentors and mentees, with a view to becoming Wellness Champions. John Holland commits to running speaking events, group sessions with specialised EI coaching and developing a smart phone application.
6. **Developing the next generation of Aboriginal & Torres Strait Islander Engineers** - involves Sponsorship of NSW Aboriginal Education Consultative Group to support regional Science, Technology, Engineering, and Maths (STEM) camps, annual scholarships and work experience for the Aboriginal and Torres Strait Islander students undertaking STEM-related university studies. Opportunities will also be given for students to visit John Holland Projects and Offices and provide casual, ongoing paid work experience.
7. **Supporting disengaged CALD & Refugee youth from Western Sydney** – a partnership with SydWest Multicultural Services, a non-for-profit organisation supporting culturally diverse communities in Western Sydney, and become a financial sponsor and employment partner for the duration of the undertaking. Due to John Holland’s position within the construction industry, the commitment to improve mental health by partnering with ‘Wellness in Infrastructure’ has the potential for far-reaching impact across the industry.

The undertaking involves a total expenditure of \$1,221,840 by John Holland.

Reasons for accepting the undertaking

The reasons for accepting the WHS undertaking were:

- the undertaking addresses the criteria set out on Comcare’s *Guide to WHS Undertakings*;
- the deliverables proposed in the undertaking have been assessed as likely to deliver long-term sustainable safety improvements in the workplace and across the construction industry; and
- the undertaking represents an appropriate enforcement outcome.

More information

- [John Holland Enforceable Undertaking](#)
- [Reasons for decision](#)