

Dear
Amanda Assoum
Principal Council Officer
Committee Office
Legislative Council

GHELLA PTY LTD

Question on Notice/Transcript:

Ms ABIGAIL BOYD: Do you require your occupational hygienists to sign non-disclosure agreements?

CORNELIUS BUITENDAG: I'm not aware of that. I will have to take that on notice.

Response:

Ghella does not specifically require certified occupational hygienists “**COH**” to sign non-disclosure agreements “**NDA**”. The requirement for a COH to sign a NDA is determined on a project-by-project basis, depending on specific contractual obligations set by the client and/or joint venture (**JV**) partners. Ghella is required to adhere to the specific policy of the JV and/or client. The purpose of an NDA is primarily to protect the client's interest and not the subcontractors.



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Question on Notice/Transcript:

The Hon. MARK BANASIAK: I might reword the question I asked the other witnesses. What we saw through the documents that we got through the Standing Order 52 was a high prevalence of breaches in what I would probably consider quite basic workplace health and safety areas, like making sure your mask is on at all times—really basic stuff, and repeated. In your tunnelling projects, have you ever had cause to remove workers or groups of workers, or retrain them, for continued breaches of really basic work health and safety principles like that?

CORNELIUS BUITENDAG: Yes, I'm surely aware of instances like that occurring. I have, in the past, known that there have been instances where workers or employees have not always complied with certain or specific requirements. But to my knowledge, supervisors or other employees or workers on the project normally pick up on that and provide advice to those workers, normally within the sense of either retraining or picking them up on the spot.

The Hon. MARK BANASIAK: Have you ever had cause to actually stop a project or pause a project because of those repeated breaches, or is it the case that you just push on and hope that the talking-to works?

CORNELIUS BUITENDAG: To my knowledge, I do know of an instance at least where work has been stopped to ensure a safer work environment where breaches have been identified.

The Hon. MARK BANASIAK: Can you give details as to how that occurred, where it was and for how long?

CORNELIUS BUITENDAG: I'll take that on notice and provide you feedback.

The Hon. MARK BANASIAK: And the reasons why it was stopped.

CORNELIUS BUITENDAG: Yes, of course.



Response:

I would like to clarify my earlier response to the question concerning work stoppages for safety reasons. In my initial response, I referred to instances where work had been stopped to ensure a safer work environment where a breach had been identified.

A relevant example occurred on a project in January 2025 involving a subcontractor. Two workers were observed by a JV supervisor engaging in a high-risk activity that breached the JV's safe work policies and procedures. The supervisor immediately stopped the work and reported the incident.

In response to the incident, the following steps were taken:

1. All related work activities were stopped immediately.
2. The subcontractor's operations were suspended on the project pending the investigation.
3. The workers involved in the incident were stood down from all work activities pending a full investigation of the incident.
4. Following the investigation, two workers were terminated, and another worker received a final warning.

This example demonstrates the JV's commitment to enforcing compliance with its WHS policies and procedures by taking prompt and proportionate action in response to unsafe conduct. This includes immediate risk control measures, ensuring accountability of duty holders, and implementing corrective actions to eliminate or minimise risks so far as is reasonably practicable.

Other example(s) involves non-compliance with personal protective equipment requirements. In line with WHS Regulations and company policies, appropriate risk controls are applied based on the severity and nature of the breach. These issues are usually addressed immediately on-site. This may include actions such as re-training the worker to reinforce safety knowledge and increasing supervision to ensure ongoing compliance.

Specific examples extracted from the JV database include:

- **Event:** Two workers were observed with Versaflow visor raised.
Immediate Action: Non-compliance was corrected at the time of observation.
- **Event:** Four subcontractor workers were observed with the Versaflow up, in breach of mandatory site respiratory protective equipment requirements within the tunnel.
Immediate Action: Workers were removed from the project.
- **Event:** Two subcontractor workers were observed with raised Versaflow visors, in breach of mandatory site respiratory protective equipment requirements within the tunnel.
Immediate Action: Both workers were spoken to and removed from the tunnel and the Just culture procedure, the JV's framework for managing breaches of WHS on site, was initiated.

