



20 December 2007

**COMCARE ACCEPTS ENFORCEABLE UNDERTAKING FROM THE
DEPARTMENT OF DEFENCE**

Comcare has accepted an Enforceable Undertaking (undertaking) from the Department of Defence in relation to an alleged failure to observe its duties under the *Occupational Health and Safety Act 1991* (the Act). The undertaking is a legally enforceable commitment by Defence which has been accepted by Comcare as an alternative to Comcare pursuing civil proceedings against Defence in relation to the alleged breach of the Act.

The undertaking follows an investigation by Comcare into an accident involving a Unimog vehicle that occurred on 13 June 2005 near Townsville, Queensland, in which a member of the Australian Defence Force was seriously injured while conducting roadside repairs on the vehicle.

Comcare's investigation into the accident revealed that the Australian Defence Force member had not been provided adequate training and instruction to carry out the repairs in a safe manner. The investigation further revealed that the member had not been appropriately supervised while undertaking the repairs to ensure that he did so safely.

The investigation concluded that Defence had breached its duty of care to its employee under section 16(1) of the Act.

Defence acknowledges that there were systemic OHS failures, consistent with the findings and conclusions set out in the Investigation.

Comcare acknowledges the willingness of Defence to respond positively to the identified breaches of the Act and notes that it has commenced actions to address the issues identified.

Defence has undertaken to review the Australian Army's risk management framework and work with Comcare to design and conduct a significant research project into Occupational Health and Safety (OHS). The project will focus on developing improvement strategies for implementing OHS policies and procedures at the workplace level.

Further, Defence has undertaken to review the procedures relating to the type of repair that was conducted on the Unimog vehicle and amend its policies and procedures where required. It will then provide training to all Australian Defence Force and civilian vehicle mechanics on the new procedures.

Additionally Defence has committed to removing the item of equipment from service that contributed to the accident and will provide a case study on the incident to all potential Royal Australian Electrical and Mechanical Engineer Corps (Army) supervisors before promotion.

A copy of the undertaking can be viewed on the [Comcare website – Current Actions page](#).

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