

# Application for an enforceable undertaking

November 2021

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe New Zealand by

Name of entity or, partnership or individual applying for this undertaking

Melville High School Board of Trustees

## Application for an enforceable undertaking

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Part 4, Health and Safety at Work Act 2015

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

Name of the person or persons who will be signing this undertaking in section 4:

Clive Hamill

On behalf of

Melville High School Board of Trustees

Name of the entity giving this undertaking (if an individual or sole trader, leave blank – complete in all other cases)

Melville High School Board of Trustees

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* (the Act). This information will be managed within the requirements of both the *Privacy Act 1993* and the *Official Information Act 1982*.

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 <i>Health and Safety at Work Act 2015</i> and/or any Regulations made under it. It includes both health and safety contraventions. A contravention also includes an alleged contravention.
HSMS	A 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).

# 1 General

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

**Name of person(s) making this undertaking:** (in all cases complete with the name(s) of those who are signing this undertaking under Section 4)

Clive Hamill, Principal

**Name of entity:** (if applicable, leave blank if an individual)

Melville High School Board of Trustees (Melville)

**Type of legal entity:** (complete in all cases, for example individual, sole trader, partnership, trust, company, etc)

School Board of Trustees

**Nominated contact person:** (the same person listed above/one of those listed above)

As above.

**Physical address:**

6 Collins Road  
Deanwell  
Hamilton 3206

**Postal address:** (if different from physical address)

Same as above

**Work phone:** 07-8434529

**Mobile phone:** 0272434529

**Email:** ha@melville-high.school.nz

**Industry:** Education

**Workers (enter numbers):**

**Full-time:** 58      **Part time:** 21      **Casual:** 0

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

Melville is a decile four secondary school in the wider Hamilton area. It is a year 9 to 13 co-educational state-funded secondary school which caters for around 580 students between the ages of 13 to 18.

Melville is committed to its bicultural heritage, and to serving its local and international communities. Melville has facilities for sports and physical education and it encourages students to be involved in a wide range of sports, musical, cultural, drama and education outside the classroom (EOTC) activities.

**Comments:**

Melville is in South West Hamilton, an area objectively considered to be a lower-socioeconomic region within the Waikato region. The school's students come from ethnically diverse backgrounds. At the time of the school's March 1 2021 roll audit 55% of students identified as Maori, 25% as Pakeha and 15% from other ethnicities.

Whilst Melville is a decile 4 school, the environment and community in which it operates in, is a particularly poor area of Hamilton. By way of an example of Melville's wider school community:

- 62% of new students enrolled in 2020 were reading at levels well below average standards;
- 64% of the eligible Year 9 – 13 in the greater Melville area by-pass MHS to attend other secondary schools in Hamilton;
- 41% of Melville's students could not participate in online learning during the events of 2020 because they did not have personal devices or internet at home;
- Melville provides financial support to students to attend EOTC activities because families cannot afford to fund school trips or activities themselves.

Despite the background of many of Melville's students, the school is committed to supporting students all the way through their learning journey and to assist them to have successful careers and enter trades or tertiary education after their high school years. Melville is very proud that its achievement rates for students are above average standards and believes this is because the school focusses on each individual student and his or her learning needs.

Like its students, Melville's teaching and support staff come from multi-cultural backgrounds. The staff are very involved in the school community and go above and beyond for their students. Teachers often fulfil the role of being a stable role-model in students' lives because that is rare for many of Melville's students at home.

Almost all of Melville's teaching staff are NZPPTA members and the school has a good relationship with the NZPPTA.

## 1.2 Detail of the contravention

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WorkSafe has charged Melville with an offence under the Act. The charge is in relation to a fatal accident that occurred at Waihi beach on 21 February 2020. The incident involved a Year 13 geography school trip designed to help students learn more about the coastal environment. On the second day of the school trip, 17 students went swimming at Waihi beach. A year 13 student, Jaden Chhayrann, went missing, and despite an extensive search and rescue effort, Jaden drowned.

The alleged offence is that Melville breached the duty imposed under s36(2) of the Act to ensure so far as reasonably practicable the health and safety of members of the public was not put at risk by the PCBU. Melville is liable under ss 48(1) and 48(2)(c) of the Act.

The specific steps that Worksafe alleges were reasonably practicable for Melville to take to ensure the health and safety of members of the public were that Melville should have:

- (a) Updates the school's EOTC procedures and forms to what was then current best practice.
- (b) Provides adequate information, training, instruction and supervision to its EOTC co-ordinator approving the field trip.
- (c) Ensures a safe system of work for the EOTC activity of swimming in the surf at Waihi beach.
- (d) Obtained advice and assistance from local or national surf lifesaving agencies prior to and during the EOTC activity of swimming in the surf at Waihi beach.

### 1.3 Detail the events surrounding the contravention

Melville had organised a geography field trip to a coastal environment for several consecutive years. The trips were always run in summer, and the 2020 field trip was scheduled for 20 and 21 February. The trip was organised by the Head of Department Social Sciences/Head of Geography and that teacher was also the designated teacher in charge of the trip. Two other teachers (including the school's Assistant Principal) also attended the trip.

Melville had EOTC procedures in place that required the designated teacher in charge to submit an application form in advance. The EOTC form required the school to consider and put in place systems for student and teacher safety on the trip. In advance of the trip, the teacher in charge submitted an EOTC application form for approval. The EOTC application included: a risk management plan; critical incident plan; swimming risk analysis and management system (with tide data), a self-assessment re swimming ability information and the EOTC application form. Approval was granted by the EOTC co-ordinator (who was newly appointed to the role) and Assistant Principal. The EOTC Co-ordinator met with the teacher in charge and discussed the trip before approving it. The EOTC Co-ordinator also sought the advice from the former EOTC Co-ordinator. Melville accepts that whilst it had procedures in place regarding EOTC safety, those procedures were not consistent with the 2016 Ministry of Education EOTC Guidelines and that they should have had better procedures in place to assist with risk identification, minimisation and management in advance of the trip taking place.

The trip planned for student swimming activities at two different locations, Bowentown at the South-end of Waihi Beach, and at the North-end the following day. As part of the parent permission process for the trip, the students were required to indicate their swimming proficiency and complete a self-assessment swimming ability information form. The victim, after responding to questions from the teachers, assessed himself as a capable swimmer.

The two senior teachers on the trip were experienced and had run similar trips in the past. One teacher had EOTC training, and the teacher in charge was a strong swimmer and a volunteer at his son's surf lifesaving club.

On the first day of the trip, the students swam at Bowentown without incident. The students stayed overnight in accommodation in Waihi beach and a second swim was planned for around midday at the north-end of Waihi beach. It was a clear, sunny day and the school chose the far end of the beach where the water appeared calm. 17 students chose to swim, and were supervised by three teachers. The teachers used orange safety cones and two green poles to identify a safe swimming zone. There were no lifeguards on duty at the beach (being a week-day in late summer) but the teacher in charge had a set of flippers, a red buoyancy aid and a whistle. A water safety briefing was conducted with students including an instruction to signal to the teachers if they were worried. Melville accepts that had its systems and procedures been updated to adhere to the 2016 Ministry of Education EOTC Guidelines, and had more thought gone into the minimisation of open water swimming risks, there would have been better protections in place to prevent a drowning accident.

Jaden was pulled out by waves further than most of the other students. He was then caught in a rip with another student and they were taken out further. On-shore, the teacher in charge realised the students were in trouble and he ran into the water. He could not find Jaden. Another teacher sent a student to get urgent help from the local lifesaving building. 111 was subsequently called and the local lifeguards began an extensive search and rescue effort to locate Jaden. He was not able to be found.

WorkSafe was notified of the incident on 23 February.

On 1 March, Jaden's body washed ashore 28km north of Waihi beach.

### 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
N/A				



## 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)

Immediately following the incident, the school suspended all EOTC activities involving any swimming until its systems were completely reviewed and updated. Those activities remained suspended until all of the work outlined below was completed.

Melville instructed an independent EOTC expert, Gemma Periam, to carry out a review of the school's EOTC procedures and to implement recommended changes. The review included not only the school's procedural documents but also the processes that staff are expected to follow in preparation for, and during, an EOTC activity. The review was designed to identify any issues in the current procedures, but also to be forward looking and suggest actions to ensure that the school's EOTC management system met not only current legal requirements, but also best practice guidelines.

The school has implemented the following actions after the external EOTC review:

- Discarding all pre-existing EOTC documentation and introducing the EOTC Guidelines Safety Management Plan template and associated Tool Kit, recommended by Education Outdoors New Zealand (EONZ). This work has resulted in a new Melville High School EOTC Safety Management Plan;
- Providing professional development in EOTC for all teachers and detailed upskilling for the EOTC coordinator position and the school Principal, Senior Leadership Team and the School Camp facilitator.

We set out further details about these two categories of improvement below.

### Review and improvement in EOTC documents and procedures

The external review has been completed and resulted in the centralisation of the school's EOTC policies and procedures. The new EOTC Safety Management Plan was approved and implemented from 25 November 2020.

The EOTC Safety Management Plan now aligns very closely with the 2016 EOTC guidelines and the school has worked with EONZ to ensure that the guidelines adequately reflect the risks of water based activities in schools. The EOTC Safety Management Plan sits within the Melville School Safety Management System.

The new framework and procedures apply to all EOTC activities (which include: curriculum related learning offsite, field trips, day or part day trips, school camps, school site activities, sports tournaments and overnight sports trips and overseas trips) and specific, further, changes have been made to EOTC activities which involve swimming.

### *Melville School EOTC Safety Management Plan*

In accordance with the 2016 EOTC guidelines, before any EOTC activity at the school:

- The "Person in Charge" of the activity must complete an event proposal form outlining the purpose and learning needs from the trip, include an initial risk assessment identifying high level risks and classify which risk category the event fits within.
- The event proposal will be initially reviewed by the EOTC coordinator who will liaise with the Person in Charge about any concerns and if the coordinator has concerns about the safety of the activity she will discuss those concerns with the school's Principal or Deputy Principal.
- Once initial approval is granted, event planning can continue.
- In the planning phase, the Person in Charge must submit a risk assessment and supervision form outlining how risks will be identified, assessed, managed and monitored. Those risks are assessed against a risk assessment matrix included in the supporting appendices to the 2016 Ministry of Education EOTC guidelines. The Person in Charge must collect additional information about staffing and volunteers and the risks they pose by completing a volunteer assessment agreement form and staff competency agreement form.
- A finalised event proposal plan and risk assessment must be submitted and approved before the event can go ahead.
- Once the event is finalised and planned, the school uses the appropriate form of parental consent form depending on the risks that have been identified in the risk assessment.
- Final planning for logistics is considered using specific checklists and plan forms (i.e. there is a transport plan, driver and passenger permission forms, and template equipment lists).

### *EOTC activities involving swimming*

In addition to updating its general EOTC safety management policies and procedures, the school has implemented specific safety measures relating to water based activities which are based off the EOTC guidelines. The recent year 9 and 13 school camps are a good example of how those new procedures work in practice.

In line with the EOTC guidelines, the school developed its swimming safety procedures to ensure it would assess risk at the beginning before systems were in place and then reassess risk after the systems and plans were in place. By following the below procedures, the school was able to change swimming at school camp from a high risk activity to a low risk one.

The following procedures were implemented:

- The school camps were being held at a new site in 2021. Melville put aside a full day and the full teaching group (Year 9 dean, 7 teachers and representatives from the Perry Outdoor Education Trust) visited the site in Kawhia and carried out the activities that would be offered to students. This was to not only expose staff to the activities and to help facilitate early identification of the potential risks involved, but also to match activities to the particular staff member's skills.
- A plan was put in place for swimming in the estuary at the camp. The school arranged for, and paid for the cost of a trained lifeguard to be in the water for the duration of all swimming activities. A supervision structure was established which involved: a floatation device in the water, three or four staff (depending on student numbers) in the water forming a semi-circle perimeter around the students and an experienced and trained POET coordinator in a kayak in the water outside of the boundary that had been formed.
- Prior to the camps, every child had to do a swimming competency test in a local pool. Melville's PE teachers would assess if they could swim and determine what competency level the student is at, based on their own specifically designed competency forms (which were checked with POET). The competency test required the student to be able to swim for 50 metres, dive and go through hula hoops under the water).
- Melville purchased life jackets for use during swimming activities and established three categories of competency based on the results of the swim competency test. The red group had to wear a lifejacket, the amber group had to keep close to the shore/land and were very closely monitored, and the green group had the most freedom to swim.
- Melville designed its swimming plan on the basis of a maximum of 35 students swimming (but in reality at camp it is closer to 20 students and a ratio of 2 – 1 due to the reality that some students are not always able to attend)
- Prior to a swimming activity starting, 3 people assessed the weather conditions (including by reference to external data sources such as the MetService) before deciding whether to go ahead (the EOTC Coordinator, Poet Coordinator, and the lifeguard). Melville representatives and the POET Coordinator also went to the site in advance to assess the conditions and to ensure that adequate preparations were being made.
- Just prior to the activity starting, the surf lifeguard held a talk about water safety with the students.

In addition to the student specific procedures, the school implemented specific procedures for teaching staff:

- All teaching staff were required to complete swimming competency forms using the template from the Ministry of Education EOTC toolkit form. In order to supervise an activity the teacher had to self-identify as a strong swimmer.
- Staff attending the school camps had the opportunity to plan and problem solve different scenarios when they conducted the site visit.
- These procedures were also implemented for other risk based activities such as driving skills.

Melville conducted a review of its procedures following the school camp. It considered that the procedures worked well and were satisfied that with the procedures in place, the swimming activities were low risk. The school also had good feedback from teachers that their anxiety had reduced on the basis of the site visit and new planning and procedures.

The above procedures deliberately focus on swimming risks but the school has implemented the same risk assessment process for all EOTC activity including the school ball and the Cancer Society fun run. On the basis of these new procedures, the school has declined to participate in some EOTC activities because they were deemed high risk (for example an E-Velocity challenge where students had to make their own bike).

### ***Professional development improvements***

In addition to changes in its policies and procedures, Melville introduced and commenced increased professional development for all staff. This process involved:

- The EOTC Coordinator completed the two day EONZ course in 2020. On day one of the course the participants take their school's safety policies and procedures with them so they can be discussed and reviewed by EONZ and other schools.
- The EOTC Coordinator attends frequent EONZ training sessions and webinars;
- Every new staff member is inducted into EOTC procedures by the EOTC Coordinator.
- The EOTC Coordinator speaks with all staff at the beginning of each year to provide an update on procedures.
- A significant number of staff members were required to undergo and update their first aid training.



- Melville purchased new equipment including: lifejackets, wetsuits for the group of supervisors in the water, first aid kits in all school vans plus separate kits that go with the teachers;
- There is one health and safety representative for every 20 staff members and the Health and Safety Committee meets 3 times a term.

#### ***Communicating with other schools and organisations on lessons learned***

In addition to overhauling its own EOTC policies and procedures, it was important to the school that it communicated closely with other secondary schools in Waikato (and around New Zealand) to ensure that the lessons learned by Melville were being passed on and could help others. This was something that Melville voluntarily choose to do as it regarded it as important and it became a very passionate project for the school's Principal. Mr Hamill engaged with:

- The Central North Island Principals Group (CNISPA): this group includes 41 principals from schools that cover the region bordered by Te Kauwhata, Whitianga, Te Aroha, Taumarunui and Raglan. Mr Hamill presented to them on 20 November 2020;
- Volcanics eLearning. This is a group made up of 28 secondary schools across Central North Island and Wellington regions. Each Volcanics School provides at least one eLearning programme by way of a reciprocal learning exchange. Mr Hamill presented to the Volcanics and Baylink Principals meeting on 27 November 2020.
- Te Kaahui Ako o Mangakotukutuku. This is a group of 7 southwest Hamilton state primary, contributing primary, total immersion primary and a high school. Mr Hamill presented to the Principals' meeting on 28 November 2020.
- The Tui Ridge Outdoor Adventure Park Rotorua. This extensive facility hosts school and holiday camps and Mr Hamill is shortly speaking to them about the accident and the way in which Melville has changed its procedures to prevent it happening again.

For each of the above groups, Mr Hamill presented on the lessons learned by Melville after the tragic passing of Jaden. Mr Hamill provided a presentation document, summary statement and resource documents to assist the various schools and learning centres to improve their EOTC practices. His presentations covered:

- The importance of updating EOTC procedures to meet the 2016 EONZ guidelines;
- Presentation and description of Melville's updated EOTC Safety Management Plan;
- A reminder of the EONZ Good Practice Guidelines;
- Reiterating the importance of professional development and ensuring that new knowledge, practices and requirements recommended at such training are implemented;
- Encouraging a collective strategy to monitor and support students and staff wellbeing during a crisis;
- Recommendation of agencies who can support schools to undertake an audit of their EOTC policies and procedures.

Melville's Principal will continue to make himself available, and/or details of the circumstances relating to this tragedy available, to POET to supplement and support any education-based training sessions that POET is delivering to workers in other schools or providers to help increase awareness of EOTC practices.

#### ***Changes to Melville's 2021 Goals and ongoing professional development***

Melville has a set of 2021 Goals, one of which is: Sustain the implementation, development and PLD (professional learning development) of our EOTC and health and safety practices. It is important to Melville that it has a very high level of engagement with staff in its new policies and procedures and that there is a common and universal understanding of the new regime.

Melville has implemented this goal by upskilling its staff in professional development on both first aid and EOTC safety and procedures. It has also provided additional non-contact time to teaching staff to concentrate on these professional development activities. The implementation and staff engagement with the school's new EOTC procedures is highlighted as a top 10 priority and the school is committed to embedding its new policies and procedures in the development of all staff, not just staff that regularly attend or carry out EOTC activities.

The school dedicates one afternoon a week to professional development (and finishes early that day). A significant number of the school's professional development sessions focus on EOTC policies and procedures. This intensive focus on EOTC and health and safety practices within its PLD framework, and the fact that it applies to all teaching staff, is unique to Melville.

## **1.6 Total amount of money spent on rectifications**



Melville has incurred the following costs in relation to the above rectifications:

- First aid course costs \$3,365.48
- Fees charged by independent EOTC consultant Gemma Periam to review EOTC systems and procedures \$2,548.44
- Purchase of lifejackets: \$1,391.13
- Costs for relief teachers at Year 9 camp site visit and for additional supervision at camp \$7,192.54
- Costs for relief teachers at Year 13 camp site visit and for additional supervision at camp \$2,487.14
- Four specialist Outdoor Education First Aid kits and three comprehensive First Aid kits for the school vans \$493.00
- Two floatation Rescue Tubes for swim safety \$640.00
- Cost of relief teachers to cover the EOTC Coordinator and other teaching staff to assist with the updating and implementation of new procedures: \$9,746.90
- Cost to have an experienced surf lifesaver present at the year 9 and 13 school camps \$1,296.28 held in 2021

**Total:** \$ 29,160.91

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 tragically drowned.

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 3.7.3)

**Describe the victim(s) relationship to you/the entity in question:** (eg employee(s)/shareholder/director/family member/contractor, etc. If the relationship has more than one dimension, for example a family member who is also an employee and a director and/or shareholder of the business, or an employee who is a shareholder (etc) – then please describe this)

The victim was a year 13 student at Melville.

**Detail offer or amends or payments:**

Melville has made the following amendments and payments to the victim's family:

- Melville supported Jaden's family shortly following the accident by contributing to the costs of his funeral. **Melville contributed \$6,086.96 (excluding GST) to the funeral costs.**
- Melville has closely consulted with the victim's family to ensure that it can provide a package of support that is meaningful to the family and provides the right types of financial support in the family's current circumstances. Jaden's family currently live in Gisborne and run a successful bakery business. However, they have decided to leave Gisborne and relocate back to Hamilton where their extended family live. Melville offered to provide funding for a scholarship for Jaden's younger sister, currently in year 11 at Gisborne Girls High, to attend a tertiary institute to complete higher education studies and to support her with living costs during that time. The Principal has discussed Jaden's sister's future plans with the family and understands that she intends to undertake further studies and training. It is likely that she will be based away from home for her future tertiary studies and the family will therefore need support with accommodation and other living and travel costs. **Melville proposes a \$35,000 scholarship be provided for Jaden's sister.**
- In addition, Melville wishes to provide the family with wider financial support and assistance, particularly, during this period of change given the family's plan to relocate back to Hamilton. Melville therefore hopes that its financial support can assist with the costs of relocating the family, as well as providing support for other needs that may arise for the family. **Financial support of \$70,000 was provided to Jaden's family.**

A total of **\$111,087** has been paid to the victim's family.

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

Melville has kept in close contact with the victim's family since the incident. The school's principal and his wife visited Jaden's family in Gisborne in October 2020 to support them and to enquire about their healing and well-being.

Prior to notifying WorkSafe of its intention to apply for an enforceable undertaking, the school first consulted with the family to discuss the prospect of such an application and to explore whether or not the family was supportive of such an approach. On 11 March 2021, the Principal travelled to Gisborne with a translator and spoke with the family for over four and half hours. It was a good discussion where the Chhayrann family endorsed the school's proposal to apply for an enforceable undertaking rather than plead guilty to an offence and have a public sentencing hearing. The family does not wish to be in the spotlight and instead would prefer to privately remember Jaden's life and memories. The family was supportive of the fact that an enforceable undertaking would allow the school to use its limited funds to assist the school community, and other schools around New Zealand to ensure that no other accidents happen during EOTC activities. Following the meeting Mr Hamill and the translator were invited to attend dinner with the family and they presented the family with a memorial book to honour the one year anniversary of Jaden's death.

Once the school had prepared a final draft of its application, Mr Hamill travelled again to Gisborne with a translator to discuss the draft application and the initiatives proposed by Melville both to support the Chhayrann family and to improve EOTC practices in schools and the community. The family remain supportive of the school's proposal to apply for an enforceable undertaking and the specific initiatives that

have been proposed. The family's circumstances have changed somewhat since the last discussion (for example, they now intend to sell their business and move out of Gisborne) and so Mr Hamill, in consultation with the family, agreed to amend the reparation focussed activities to ensure that the reparation package is meaningful for their current circumstances.

The school intends to provide a copy of the final application as filed with WorkSafe to the family at the same time that it is filed with the panel. As English is a second language for the family, it will include a short summary with a copy of the application to confirm the initiatives and detail at a high level and will offer the services of its translator should the family wish to have the document or application explained or translated into Cambodian.

#### 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

##### *Union consultation*

Bill Harris, the Waikato representative for the NZPPTA and a national Health & Safety Trainer for the NZPPTA, is very supportive of Melville applying for an enforceable undertaking. Mr Harris has supported applications for enforceable undertakings in the past and agrees with Melville that it would be a better use of the school's limited funds. The initiatives proposed in the enforceable undertaking will also have the benefit of upskilling NZPPTA members in EOTC and health and safety activities which the union is strongly in favour of.

Prior to submitting this application, the school had a further conversation with Bill Harris and he affirmed his agreement on the school's application and the initiatives proposed by it.

##### *Melville Staff:*

The Board of Trustees and Principal have been very transparent about the WorkSafe investigation and the prosecution. They have also talked the staff through the enforceable undertaking and provided a copy of the draft application. The school's staff are overwhelmingly supportive of the school applying for an enforceable undertaking and consider it to be the most appropriate penalty in the circumstances of a low decile school with limited funding.

##### *EONZ:*

The school has the support of EONZ, the industry body responding for EOTC safety. Fiona McDonald is the CEO of EONZ and she has been incredibly supportive of the proposals made in this application. This is evidenced by the fact that the initiatives proposed include the support and facilitation of EONZ to run the necessary programmes. The school also received a thoughtful email from Catherine Kappelle, EONZ Executive Officer on the anniversary of Jaden's death, which extended EONZ's sympathy to the school and offered support for the enforceable undertaking.

##### *Perry Outdoor Education Trust:*

The school has the support of POET in applying for the enforceable undertaking. Since the accident, POET has continued to work closely with the school and representatives have attended many EOTC activities including two school camps. Mr Hamill has spoken directly to the POET CEO to discuss the school's enforceable undertaking application and she confirmed POET's support of the school's initiatives.

##### *Tarawera High School*

The principal made contact with the first-time principal of Tarawera High School Helen Tuhoro immediately after he heard about the incident involving the loss of life of a senior student on a school trip. He provided advice and support about the coping with the professional and personal challenges and about identifying strategies to support staff and students. He maintained regular contact with Helen supporting and mentoring her both professionally and personally. Ms Tuhoro and Mr Hamill are supportive of each school's enforceable undertaking applications and have consulted with one another (in conjunction with each school's legal advisor) about how the schools can combine resources and knowledge to make a greater impact on the improvement to EOTC practices in schools across New Zealand. In addition to presenting a seminar together in order to help schools learn from the lessons of Melville's and Tarawera High School's experience, they have also agreed to provide funding to support each school's primary initiative, as set out in section 3.4 (i.e. the benefits to industry section).

##### *Ministry of Education*

Since the accident in February 2020, Melville has kept its Ministry of Education contact well informed on its response to the accident, the improvements it has made, its communications with Jaden's family and its intention to apply for an enforceable undertaking. Following feedback from WorkSafe, Melville provided a copy of its initial enforceable undertaking application to the Ministry of Education, together with the application for Tarawera High School and sought the Ministry's support with its initiatives. We refer to the letter from the Ministry of Education dated 19 October which clearly outlines the Ministry's support and the fact that both schools' applications will provide "value to



the education sector” and that at least two schools have already updated their practices in response to the information and support that had been provided by Melville.

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

DATE	DESCRIPTION OF SUPPORT	COMMENTS
Provided on or around March 2020	<p>Melville was very concerned about Jaden’s family and the wider school community and wished to provide all of the support that it could. The steps that it took included:</p> <ul style="list-style-type: none"> <li>• The immediate response included a large presence at the beach until Jaden’s body was found (this included board members, teaching staff and the Principal).</li> <li>• The school held a service at its Marae when students returned from the beach. Kaumatua attended to provide support to Maori students and Buddhist monks attended to provide support to Jaden’s family.</li> <li>• The Principal and other senior teaching staff went to the Buddhist temple in Hamilton on Sunday (23 February), immediately after Jaden’s body was found.</li> <li>• A large contingent of staff and students attended the funeral. The Principal was one of three people that spoke at the funeral.</li> <li>• The students organised a celebration of Jaden’s life in between the death and finding his body. The students in attendance let off helium balloons with messages to Jaden.</li> <li>• The school instituted a friendship trophy in Jaden’s name that is now presented at each prize giving. The award goes to the year 13 student who shows friendship, is generous of heart and caring.</li> <li>• In addition to supporting the family, the school offered support to the teachers who were present at Waihi beach on the day of the accident. This support included paid time off work, paid grief counselling, and pastoral support. The school has also met the costs of the teachers’ legal fees which they incurred during the WorkSafe investigation as detailed below.</li> <li>• The school employed an additional counsellor during this period.</li> <li>• The school also wished to appropriately acknowledge the anniversary of Jaden’s death in February 2021. The school had a service planned but this unfortunately had to be cancelled as a result of the level 3 lockdown (and level 2 alert changes for the rest of the country). Instead, on 3 March, the school held a tree planting ceremony and a Kaumatua attended to support students. The principal, senior staff and Board of Trustees as 2020 Head Students planted the memorial tree.</li> <li>• The school has maintained a close relationship with the New Zealand Post Primary Teachers’ Association (NZPPTA) since the accident and has ensured that the teachers involved in the incident were supported throughout Worksafe’s investigation, including providing grief counselling to those teachers who required it.</li> </ul>	
On or around March 2020	Contribution to funeral expenses paid to the Chhayrann family	Melville paid \$6,086.96
On or around March 2020	Mileage assistance koha to family to attend funeral	Melville paid \$250
On or around March 2020	Payment of interpreter fees following accident	Melville paid \$250
On or around April 2020	Koha to Kati Kati Maori wardens (Kaumatua visited the funeral and provided support to students)	Melville paid \$500
On or around April 2020	Koha to Waihi Surf Lifesaving club	Melville paid \$500



On or around March/April 2020	Payment of traumatic grief counselling for Melville staff	Melville paid \$3,052
Q3 2020	Payment of legal expenses on behalf of employees interviewed by WorkSafe during its investigation. We note that some or all of this amount may be reimbursed by Melville's insurer. If the insurer rejects the claim, or there is a shortfall, this will remain a cost to Melville.	Melville paid \$16,726 (excluding GST)
<b>TOTAL</b>		<b>\$ 27,364.96 (GST exclusive figures)</b>

## 1.12 Detail any current HSMS implemented and maintained by the person

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Describe how health and safety risks are managed, including types of procedures or policies or standards:

Melville's HSMS is made up by way of:

- a health and safety policy;
- health and safety procedures
- Specific activity health and safety procedures. The procedures relevant to this incident were the school's EOTC health and safety procedures.

At the time of the accident, the relevant best practice standard for EOTC health and safety procedures was governed by the EOTC Guidelines 2016. The school's EOTC procedures now follow the template forms (including the template Risk Assessment and Supervision Form) recommended by EONZ. However, Melville accepts that at the time of the accident, its EOTC template risk assessment form had not been updated to reflect the most recent template published by EONZ.

We refer to the response to question 1.5 for a detailed summary of the way in which Melville's HSMS system works in respect to EOTC activities involving swimming.

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

Since the event in February, and the revamp of the school's EOTC policies and procedures it has implemented a specific audit and review regime to cross-check the effectiveness of its new EOTC procedures. The audit and review regime has two phases: (i) an event-by-event review; and (ii) a periodic review of the full system. In addition, in order to ensure that its new EOTC policies and procedures are working effectively, the school engaged Gemma Periam in June 2021 to carry out a progress review of the effectiveness of the new system's implementation. Further detail on the audit and review regime is set out below.

Ms Periam is an outdoor educator and director of EOTC consultancy HEOUTDOORS Limited. Ms Periam was formerly a Programme Coordinator with Perry Outdoor Education Trust, and works closely with EONZ including by facilitating its EOTC professional development courses.

### **Review conducted by Ms Periam in June 2021**

Ms Periam conducted an interim progress review in June 2021 to assess the implementation and effectiveness of Melville's new EOTC procedures after a six month period. Her review involved:

- A focus group discussion with a selection of 5 teachers who have used the system;
- Discussion with the EOTC Coordinator on the staff response to the new procedures and their own experiences in the role; and
- The review of a selection of EOTC event paperwork to determine whether planning is accurate and complete in sufficient detail.

The outcome of the review was positive. Ms Periam noted that there has been a "significant shift" regarding a higher level of planning and a deeper understanding by staff of the good practice required. The review highlighted the strengths in the new system and areas for refinement in the implementation including:

- The importance of briefly everyone involved in an activity (both school staff and provider staff) and clarifying roles and responsibilities between the different supervisors;
- Obtaining more specific health information from students for higher risk day activities because the information held on the school's internal systems may not be up to date.
- Clarifying the roles of senior management around school camps. The Deans do not necessarily have outdoor education expertise and the camp programmes should be co-planned with POET, the school's POET Coordinator, POET staff and EOTC Coordinator.
- Further professional learning on unpacking and practicing emergency response.

The school's systems are to be reviewed again in December 2021 following a full-year of EOTC activities using the new systems and procedures.

### **Event-by-event review**

The event-by-event review includes the following process to ensure that school's policies and procedures are continuously tested for areas of improvement:

- A review of each EOTC event by the Person in Charge of the event, with findings reported to the EOTC Coordinator.
- Ongoing monitoring of EOTC delivery by the EOTC Coordinator to ensure compliance to, and/or identify opportunities to improve safety management.

All of the EOTC event reviews happened after the EOTC events took place. The school has used Form 17 from the EONZ website to conduct these reviews.

By way of example, each school camp has a formal review meeting following a standard school camp review format. In 2021 the review of the 1-3 March Year 13 camp was held on March 11 and the review of the March 22 - 26 Year 9 Camp was held April 8. In attendance at these reviews were the EOTC Coordinator, a POET Programme Coordinator, the MHS POET facilitator, the year level Dean and staff who attended the camps. There was also a Google Doc where other staff who couldn't attend the meeting could submit their feedback and feedforward. Records are kept of every such meeting and they are used as reference point for the next initial camp planning meeting for the next camp.

At the Year 9 camp review, the issue of teacher fatigue was identified, especially the ones who were staying at camp for the entire duration of the camp (i.e. two rotations). In light of that issue, the school initiated a change in procedure for the Year 9 camp as follows:

- The teachers who stay at the camp for the whole week were given scheduled breaks, they went to bed earlier and were given the opportunity to sleep in the cabins rather than in the tent.
- There will be further changes to this process where those staff members staying for the whole week will be given a couple hours off to go offsite. This will be on a Wednesday when the second rotation of students arrives.

### **Annual review**

Melville's EOTC Coordinator conducts an annual review of the safety management system. As part of this review, the EOTC Coordinator must provide an annual report to the Board on the effectiveness of the school's EOTC policies, procedures and practices.

The first annual review was conducted in November 2020 and was included in the annual report to the Board. At a Board meeting on 24 November 2020, the school's EOTC Coordinator and external EOTC consultant presented to the Board of Trustees on the changes to the school's EOTC's policies and procedures. The presentation included a PowerPoint presentation which set out the new Emergency Response, Incident Recording & Reporting and Monitoring Review and Reporting policies, and the full new EOTC procedures. The Board of Trustees were advised (amongst other things) that:

- The EOTC Coordinator had undertaken specific professional development with all staff;
- EOTC and health and safety will feature in the induction procedures for new staff;
- The school's EOTC equipment is to be upgraded;
- The school's POET coordinator has been involved in training the EOTC Coordinator and other staff members;

The School also considers EOTC and health and safety as part of its role reviews. During a recent mid-year review of the Year Level Dean role, it was determined that their role in EOTC safety could be reduced so that the knowledge and experience of the EOTC Coordinator, the MHS POET facilitator and the POET Programme Director was better utilised.

Melville has conducted a mid-year and annual review into its EOTC policies and procedures. During the 2021 mid-year review, staff identified that the communication around the status of their EOTC applications was at times a bit unclear and slow. As a result the EOTC coordinator is developing a system (Google Sheet) which will indicate to the staff around the status of their EOTC application.

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

As set out in response to questions 1.9 and 1.10 above, Melville has consulted with the following individuals/organisations on the detail included in this undertaking. Each of the below groups have been overwhelmingly supportive of Melville's application for an enforceable undertaking:

- The Chhayrann family
- Melville School staff
- Ministry of Education
- NZPPTA – via Bill Harris
- EONZ
- Tarawera High School
- Drowning Prevention Auckland
- Surf Lifesaving Northern Region



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## 2 General Terms

Melville 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

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Melville acknowledges that WorkSafe alleges a contravention of its duty under s36(1) of the Act.

### 2.2 Statement of regret that the contravention occurred

Melville deeply regrets the tragic incident. In particular it acknowledges and expresses its remorse to Jaden's family and friends in New Zealand and Cambodia. Melville recognises that for parents, the impact of losing of a child is unimaginably immense and it extends its deepest condolences to the people most affected by Jaden's death.

Melville has a strong student and community focus. Its role is to provide the very best, well-rounded education for those of South-West Hamilton and its international students. It takes health and safety very seriously and never wants to see a student or staff member put at risk. Every student should come home healthy and safe each day. It recognises that it could have done more to ensure the safety of its students that attended the geography school trip on 20 and 21 February 2020. It has taken immediate steps to improve its EOTC safety systems and procedures and it remains committed to actively ensuring that not only does this type of accident not happen again at Melville, but also at no other school in New Zealand.

Melville is committed to ensuring it fully discharges its obligations to both workers and other persons under the Act. The school co-operated fully with WorkSafe throughout its investigation and appreciates the insight into better risk management it has provided.

The tragic incident has had a serious effect on the teachers who were present on the trip that day. Melville wishes to acknowledge their dedication on the day of the accident and the school has the utmost confidence that the teachers involved did their best on the day.

Melville also wishes to extend its deepest gratitude to the off-duty lifeguards, emergency services and members of the public that assisted the search and rescue efforts on the day of the incident and the days following. Their efforts were heroic.

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

Melville considers that an enforceable undertaking is the most appropriate response to this contravention as it will provide support for the family and result in positive changes for EOTC procedures and practices in schools across New Zealand as well as increased education and awareness on water safety. The Ministry of Education has confirmed its support for Melville's application and the positive affect it will have on the EOTC practices of other schools around New Zealand. Melville's enforceable undertaking also benefits from the combining of resources and knowledge with Tarawera High School which is also applying for an enforceable undertaking in similarly tragic circumstances.

Melville has identified areas of need and improvement as a result of this tragedy that the commitments in this undertaking are intended to meet. It wishes to use its limited funds to support the family, help meet those needs and thereby improve the protection of thousands of school students, teachers, and families who undertake water-based EOTC activities. Melville recognises that an enforceable undertaking is generally considered unsuitable in the event of a student fatality, however Melville is also conscious that this tragedy could cause some schools to remove or reduce water-based EOTC activities and it wants to ensure that schools have the support and education available to help support and encourage them continue with such learning activities in a safe manner. It believes that this undertaking, and the commitments within it, will therefore facilitate improved outcomes overall than what would otherwise be achieved through a court sentencing process.

Melville has demonstrated its genuine commitment to sharing its experiences and learnings with others. The Principal has already voluntarily chosen to present at a number of forums to help educate and improve awareness of the issues and failings involved in this tragedy. This undertaking will build on the work that the school had already started and enables the school to continue to be intimately involved in the continued education and improvements on this topic. The school wishes to emphasise that, consistent with its approach to date, it has no intention of simply outsourcing its role in that regard and believes its continued involvement in the commitments set out in this proposal is an important and appropriate component of its undertaking.

Melville has specifically chosen to focus its activities (where possible) on schools (or communities) which, like Melville itself, may have limited resources to spend on professional development and may not have the resources to get external support to improve their own practices. Melville has also identified that the Waikato region (unlike the Bay of Plenty region and others) does not have a comprehensive community water safety programme in place and so has also decided to specifically focus on initiatives that will help support increased water-safety awareness and education more broadly within the community. The proposals that Melville has included in its enforceable undertaking will support schools nationally to develop resources and initiatives to help them establish and ensure best EOTC practices as well as to provide water-safety support, education and increased awareness within the Waikato region and its community.

Further, Melville is a low-decile public school in a lower socio-economic region in Waikato. It has limited financial resources and is also a community focussed organisation that wishes to use its limited resources to improve its community including students, families and staff.

The school has sufficient reserves to meet the costs of the initiatives proposed in this undertaking. Its most recent financial summary for the month ending April 2021 shows that the school has a small surplus of \$106,120 in provisional uncommitted funds. However, as part of its financial planning, it has provisioned \$170,000 to ensure that it can meet the costs of the initiatives in this undertaking. The school also has an insurance policy with Vero Liability which will cover the costs of the reparation payments to be made to the victim's family.

One of Melville's guiding values is restoration and it uses utilises restoratives practices as its key discipline strategy. Agreeing to an enforceable undertaking with WorkSafe supports a restorative approach which is consistent with the school's values and is the best use of the school's resources.

**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**

Melville understands how important it is to learn from the incident. It is committed to ensuring that the behaviours, activities and factors which caused or led to the contravention have ceased and will not reoccur.

Melville conducted a detailed, external review of its HSMS systems and procedures and has completely overhauled its EOTC procedures and set out above. It has also ensured that it has passed on the lessons learned to other schools across New Zealand and is committed to continue to do this through the initiatives outline in this undertaking.

In addition to overhauling their systems to bring them up to current best practice standard, Melville has gone beyond the good practice standard and included new procedures that do more than what is recommended by EONZ to ensure safety of students while swimming in EOTC activities. In particular (and as set out in section 1.5 above):

- Melville has required a practical water safety test for every student to demonstrate their swimming capability;
- Melville's policies require either a human perimeter in the water when students are swimming (for river, lake or stream swimming) or for ocean swimming, a perimeter created by a rope with floatation devices to ensure that students cannot get swept out beyond the perimeter.
- Melville has implemented a periodic review system including an implementation progress review (conducted in June this year) and has scheduled a further external review to take place in December 2021 so that a full year of EOTC activities can be reviewed.
- The majority of Melville's teaching staff now hold a first aid certificate and about a dozen hold the higher level Outdoor First Aid.

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

(write the name of the person(s) or entity giving the undertaking)

Melville High School Board of Trustees

has read and understood the Enforcement Undertaking Operational Policy.

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

(write the name of the person(s) or entity giving the undertaking)

Melville High School Board of Trustees

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**

(write the name of the person(s) or entity giving the undertaking)

Melville High School Board of Trustees

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

(type of evidence provided)

See attached financial summary for the month ending April 2021

with this undertaking to support this declaration. The report shows Melville has provisioned sufficient funds in order to meet the financial commitments in this undertaking.

In the event of impending receivership, liquidation or sale of the entity, (write the name of the person(s) or entity giving the undertaking)

Melville High School Board of Trustees

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**

N/A



## 2.9 Statement regarding Intellectual Property

(write the name of the person(s) or entity giving the undertaking)

Melville High School Board of Trustees

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

(write the name of the person(s) or entity giving the undertaking)

Melville High School Board of Trustees

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 Melville School Board of Trustees.
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 Melville School Board of Trustees 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.

(write the name of the person(s) or entity giving the undertaking)

Melville High School Board of Trustees

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### 3 Enforceable Terms

Melville High School Board of Trustees 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.

Melville High School Board of Trustees 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

Detail the management strategies to be employed that will satisfy and demonstrate to officer/s of the person that this commitment is being met:

Melville High Board of Trustees (*Melville*) will take responsibility for satisfying the school's commitment to ongoing effective management of risks to health and safety in the following ways:

- Melville commits to continuing to perform regular internal and external audits of its HSMS.
- Mr Hamill, together with the other members of the Board of Trustees, will continue to play an active role in reviews and will work with employees to identify any improvements that can be made.
- Melville commits to continuing professional development in EOTC procedures for all staff including by:
  - Ensuring that any new staff receive training on EOTC activities;
  - Ensuring the EOTC Coordinator attends annual professional development courses;
  - Ensuring all staff are given the opportunity to (including paid time off), and encouraged to attend courses on EOTC safety that are offered by EONZ and other reputable agencies.

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

(this may include to work health and safety representatives and in the organisation's annual report, if applicable)

Dissemination will be achieved by doing the following:

The enforceable undertaking will be provided to the victim's family immediately upon execution.

The enforceable undertaking will be provided to all teaching staff at Melville by email within one week of execution.

It will also be provided to NZPPTA representative Bill Harris within one week of execution.

The school community will be informed of the undertaking through the school newsletter within one week of execution.

A copy will be published on Melville's website for a period of 3 years after execution.

Dissemination will occur by: 10 / 11 / 2021\*

\*or such other date that is immediately after WorkSafe's confirmation that the enforceable undertaking application has been accepted.

**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	COST (\$)	TIMEFRAME
As a high school, Melville's workers, students and families make up the wider school community, and the "industry" for the purposes of this application. This means that the initiatives included in the following sections (3.4 and 3.5) will also promote and deliver health and safety benefits for workers as well as the industry and the community. The specific "worker" proposed initiatives below should be considered along with those in sections 3.4 and 3.5.		
Co-present an EOTC health and safety presentation to the Secondary Principals Association NZ (SPANZ) conference	\$500	2022 Principals' conference Q2 2022
<b>Total estimated cost of benefits for workers/others</b>	<b>\$ \$500</b>	



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	COST (\$)	TIMEFRAME
Outline the activity and the expected outcomes		
Development and implementation of a peer-review service.	\$35,000	Q3 2022
Creation and recording of a podcast for EONZ's members	\$1000	1 February 2022
Development of a "lessons learned" workshop to be included in the one-day "Embedding Good Practice Systems for EOTC" EONZ course	\$1,000	Within four weeks' of the EU being approved
Funding for three additional EOTC and Effective Management two-day workshops in Hamilton, Taupo and Tauranga	\$26,640	Within four weeks' of the EU being approved
Funding a one-day "Embedding Good practice systems for EOTC" in the Waikato region in 2022, 2023 and 2024	\$9,990.	Within four weeks' of the EU being approved
Funding of new online course by EONZ in EOTC Safety Management in and around water environments	\$40,000	Within four weeks' of the EU being approved
Funding Drowning Prevention Auckland to provide a professional development training course in water based safety and training.	\$1,000	Within four weeks' of the EU being approved
Melville wishes to provide funding and knowledge to support Tarawera High School to prepare and implement a course for teaching staff to attend on scanning water conditions.	\$10,000	Delivered by December 2023 at latest.
<b>Total estimated cost of benefits for industry</b>	<b>\$ 124,630</b>	

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

ACTIVITIES	COST (\$)	TIMEFRAME
Funding To Surf Lifesaving Northern Region to run its summer Beach Education Programme	\$15,000	Within four weeks' of the EU being approved
Partnering with Drowning Prevention Auckland to run three Water Circuit training programmes in the Waikato.	\$15,000	Within four weeks' of the EU being approved
<b>Total estimated cost of benefits for community</b>	<b>\$ 30,000</b>	

### 3.6 Where WorkSafe considers appropriate in the circumstances, undertaking a SafePlus Onsite Assessment

Further information about SafePlus can be found here: [worksafe.govt.nz/about-us/who-we-are/our-priorities/safeplus/about-safeplus](https://worksafe.govt.nz/about-us/who-we-are/our-priorities/safeplus/about-safeplus)

- 3.6.1 The suitability of a SafePlus assessment will be determined by the Enforceable Undertakings Panel when your application is considered.
- 3.6.2 In addition to the total cost below (3.7) all costs of a SafePlus Onsite Assessment will be met by the person making this undertaking. The fee charged for an Onsite Assessment is a commercial matter between your business and the SafePlus Accredited Assessors that you commission.

### 3.7 Minimum spend

#### 3.7.1 Melville High School Board of Trustees

commits to a minimum spend of \$ 266,000 for this undertaking.

(write the name of the person(s) or entity giving the undertaking)

#### 3.7.2 Melville High School Board of Trustees

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

(write the name of the person(s) or entity giving the undertaking)

#### 3.7.3 Melville High School Board of Trustees

Acknowledges the minimum spend comprises of the:

TOTAL COST	MINIMUM SPEND
Financial amends paid to victims (if applicable)	\$111,087
Benefits to workers/others	\$500
Benefits to industry	\$124,630
Benefits to community	\$30,000
<b>Estimated cost of the undertaking</b> Plus GST (if any)	<b>\$266,217</b>

#### 4. Execution

##### Authorised representative of an organisation

Undertaking given by (name of authorised representative)

Clive Hamill

In my own right and in my capacity as (eg President, Chairperson, etc)

Principal

of (eg organisation name)

Melville High School Board of Trustees

On the

24

day of

November

20

21

Signature of the person giving the undertaking:

Undertaking given before me:

Witness name:

Jocelyn Caughey

Witness address:

44 Splitt Avenue  
Hamilton 3206

Witness signature:

SIGN HERE

#### 5. Acceptance

This undertaking is accepted by WorkSafe.

On the

7th

day of

December

20

21

Signature of person accepting the undertaking:

SIGN HERE

Name of WorkSafe representative: (General Manager, WorkSafe (or delegate))

Acting Head of Specialist Interventions  
Catherine Gardner

Undertaking given before me:

Witness name:

Dayleen Troke

Witness address:

86 Customhouse Quay  
Wellington

Witness signature:

SIGN HERE