



Regional
NSW

CONFIDENTIAL DRAFT
WHS undertaking

Undertaking to the Secretary,
Regional NSW
given for the purposes of Part 11 of the *Work Health and Safety Act 2011*

by

Endeavour Coal Pty Ltd

ACN 099 830 476
ABN 38 099 830 476



Purpose

The purpose of this WHS undertaking is to document the undertaking given to the **regulator**, the Secretary of Regional NSW, for the purposes of Part 11 of the *Work Health and Safety Act 2011 (WHS Act)* in connection with a matter relating to a contravention or alleged contravention by the person of the WHS Act.

Section A - general information

1. details of the company or individual proposing the undertaking

Name of company or individual	Endeavour Coal Pty Ltd		
Registered address	[REDACTED]		
Mailing address (if different from above)	[REDACTED]		
Telephone	[REDACTED]	Mobile:	[REDACTED]
Email address	[REDACTED]		
Legal structure	Australian Proprietary Company, limited by shares		
Type of business	Coal Mine Operator of Appin Mine		
Commencement date of the entity	1959		
Workers	Full time: 659	Part time: [REDACTED]	Other: 471
Products and services	Coal		
Comments	[REDACTED]		

2. the details of the alleged contravention

It is alleged that, on the 8th June 2019, Endeavour Coal Pty Ltd (**Endeavour Coal**), being a person conducting a business or undertaking at Appin Colliery in Appin, NSW (the **Mine**), failed to discharge its obligations under section 19(1) of the WHS Act to ensure, so far as is reasonably practicable, the health and safety of workers at the Mine while the workers were at work in the business or undertaking conducted by Endeavour Coal.

3. details of the events surrounding the alleged contravention, e.g. incident details

On 8th June 2019, a labour-hire worker employed by Mastermyne Pty Ltd, [REDACTED], was tasked with assisting with the installation of a new scraper conveyor at the underground coal mine known as the Appin North Mine, which is located approximately 30 kilometres northwest of Wollongong in NSW.

Due to the accumulated coal in the relevant area of the Mine, the new conveyor was assembled on top of the fines and was not in its final operational position. The Coal Clearance Team was tasked with installing the conveyor into its operational position. In preparation for the installation the sump had been widened at the contact points. During installation, however, the conveyor was unable to be lowered into an operational position due to the accumulated coal in the sump.

Accordingly, in order to lower the conveyor into position the work crew worked the coal fines into a sump located at the lower end of the scraper conveyor while the conveyor was operating so that the movement from operating the conveyor would enable it to bed itself into the sump.

At the time of the incident, [REDACTED] was located on a steel enclosure on top of the scraper conveyor. The steel enclosure was covered with a finer mesh (**tech mesh**), which was installed as an interim measure to prevent fingers entering the scraper conveyor.

[REDACTED] continued to hose down the coal fines while standing on the conveyor and walking on the steel enclosure. [REDACTED] walked to the end of the tech mesh where there was a gap in the steel enclosure under the mesh. [REDACTED] foot bent the tech mesh down and his foot and a small section of the mesh became entangled in the scraper conveyor (**Incident**). [REDACTED] pulled his foot out of the scraper conveyor, and while doing so, suffered injuries to his toes and foot.

4. an acknowledgement that the regulator alleged a contravention has occurred

It is acknowledged that the NSW Resources Regulator (**Resources Regulator**) has alleged that Endeavour Coal contravened the WHS Act in respect of the Incident.

5. the details of any injury that arose from the alleged contravention

[REDACTED] suffered severe crush injuries to his right foot, which included a complete laceration of the sole, multiple fractures of the forefoot and degloving of the right great toe, fourth toe and plantar fat pad.

Upon arrival at the hospital, [REDACTED] underwent a debridement procedure on his right foot. [REDACTED] had an operation which involved the amputation of the great toe and partial amputation of the fourth toe as well as over 60 sutures on the plantar fat pad and the sole of his foot.

Subsequent to the initial surgery, [REDACTED] underwent another round of surgery to undertake debridement of the foot and further amputation of the injured toes.

After his treatment, [REDACTED] suffered blood clots and severe pain from nerve damage requiring medical treatment. The injuries sustained during the incident will have a lifelong impact on [REDACTED], including ongoing medical complications.

6. the details of any enforcement notices issued that relate to the alleged contravention

Notices received:

Yes (provide details) No

Date issued	Notice type	Notice number	Contravention	Action taken to respond to notice
10 th June 2019	S195	NTCE0002877	Prohibition of Activity Notice	Complied with directions of the notice.
11 th June 2019	S155	NTCE0002882	Notice to provide information	Information and documentation provided in accordance with the notice.
13 th June 2019	S155	NTCE0002912	Notice to provide information	Information and documentation provided in accordance with the notice.
13 th June 2019	S155	NTCE0002914	Notice to provide information	Information and documentation provided in accordance with the notice.
13 th June 2019	S155	NTCE0002915	Notice to provide information	Information and documentation provided in accordance with the notice.
13 th June 2019	S155	NTCE0002917	Notice to provide information	Information and documentation provided in accordance with the notice.
13 th June 2019	S155	NTCE0002918	Notice to provide information	Information and documentation provided in accordance with the notice.

13 th June 2019	S155	NTCE0002921	Notice to provide information	Information and documentation provided in accordance with the notice.
13 th June 2019	S155	NTCE0002922	Notice to provide information	Information and documentation provided in accordance with the notice.
17 th June 2019	S198	NTCE0002962	Non-disturbance Notice	Complied with directions of the notice
1 st July 2019	S177	190701-AT001	Seizure of Item	Complied with directions of the notice
11 th July 2019	S155	190711-GD001	Notice to provide information	Information and documentation provided in accordance with the notice.
14 th August 2019	S191	NTCE0003535	Improvement Notice to comply with directions	Endeavour Coal provided no formal response to this notice.
20 th August 2019	S155	190820-GD001	Notice to provide information	Information and documentation provided in accordance with the notice.
11 th October 2019	S155	191011-GD001	Notice to provide information	Information and documentation provided in accordance with the notice.
16 th October 2019	S155	191016-GD001	Notice to provide information	Information and documentation provided in accordance with the notice.
18 th October 2019	S155	191018-GD001	Notice to provide information	Information and documentation provided in accordance with the notice.
5 th May 2020	S155	200505-GD001	Notice to provide information	Information and documentation provided in accordance with the notice.
24 th July 2020	S155	200724-GD001	Notice to provide information	Information and documentation provided in accordance with the notice.
2 nd October 2020	S155	201002-GD001	Notice to provide information	Information and documentation provided in accordance with the notice.

7. a statement of assurance about future work health and safety behaviour

Endeavour Coal is committed to complying with its obligations under the WHS Act, the *Work Health & Safety (Mines and Petroleum Sites) Act 2013 (NSW) (WHS Mines Act)* and their associated Regulations to ensure, as far as is reasonably practicable, the health and safety of all workers engaged or caused to be engaged by Endeavour Coal and all workers whose activities in carrying out work are influenced or directed by Endeavour Coal while the workers are at work in the business or undertaking. Endeavour Coal has used the circumstances of the Incident to review its overall approach for guarding, including an operation wide audit and review of training needs to address the risk and hazards.

8. when an alleged contravention is associated with an injury or illness

8.1. the details of the type of workers compensation provided (if the injured person(s) is a worker of the person)

The injured worker was engaged through a labour hire company. Accordingly, [REDACTED] is not an employee of Endeavour Coal and details of the type of workers compensation provided by [REDACTED] employer are not known to Endeavour Coal.

8.2. details of the support provided, and proposed to be provided, to the injured person(s) to overcome the injury/illness

The injured person is:

- an employee of the entity
- a self-employed person
- other (please specify)

The injured worker was engaged through a labour hire company, Mastermyne Pty Ltd (**Mastermyne**)

- not applicable

Support provided to the injured person(s) or injured person(s) family:

As [REDACTED] was employed by Mastermyne, support was provided by them.

Date	Description of support	Comment
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

9. the details of any existing safety management systems at the workplace including the level of auditing currently undertaken

Safety Management System

Endeavour Coal has a Safety Management System (**SMS**) in place in accordance with WHS Act, WHS Mines Act, the Work Health and Safety Regulation 2017 (NSW) (**WHS Regulations**) and the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 (NSW) (**WHS Mines Regulations**).

The SMS is the framework for the management of the health and safety risks at the Mine. It is designed to be used by the Mine as the primary means of managing, as far as reasonably practicable, the health and safety of workers.

The SMS takes a multi-faceted approach, comprising of a series of integrated documents, policies and procedures including Principal Hazard Management Plans (**PHMP**), Control Plans, Standards of Engineering Practice (**SEP**), Procedures, Trigger Action Response Plans (**TARP**), Registers, Permits, Forms and Checklists. As well as (relevantly):

- The Appin Change Management Procedure (APNP0607);
- The Standard of Engineering Practice (SEP) Introduction of Mechanical and Electrical Plant (APNSTD0207);
- The Site Introduction of Plant - General Equipment Standard (APNP0092);
- The SEP Equipment Safeguarding (APNSTD0261);
- The SEP Isolation Standard (APNSTD0203);
- The SEP Conveyor Isolation and Safety (APNSTD0259);
- The Supervision Arrangements Procedure (APNMP0047); and
- The Drift Belt Scraper Conveyor Installation Procedure (APNP0799).

The Endeavour Coal SMS aligns with *ISO 45001 Occupational Health and Safety Management System* and *AS ISO 31000:2018 Risk Management*.

The SMS is a live suite of documents that are constantly reviewed to facilitate a safe workplace for all Endeavour Coal workers. There is also a formalised SMS review process, which requires that the SMS is reviewed in a range of circumstances, including (but not limited to) in response to the following:

- Where a control measure does not control a risk to as low as reasonably practicable;
- Hazard reports;
- Identification of new hazards;
- Periodic reviews;
- Incidents;
- Changes in the workplace that may give rise to a risk;
- Request by a health and safety representative;
- Request by a representative of the Resources Regulator;
- Response to an internal or external audit; and
- Change of Legislation.

This continual review of the SMS demonstrates the importance Endeavour Coal places on fostering a positive safety culture at the Mine.

Risk Management Process

As part of this SMS, Endeavour Coal operates under a Safety Standard and Risk Management Procedure, which outlines the minimum requirements for the management of health and safety risks. Risk management within the health and safety context is the logical and systematic process of identifying, assessing and controlling potential threats to the health, safety and wellbeing in which an organisation operates. It can also cover growth opportunities to enhance health and safety outcomes.

Endeavour Coal's risk process involves 5 key steps:

1. Establishing context;
2. Identifying the risks;
3. Analysing the risks;
4. Evaluating the risks; and
5. Treating (controlling) the risks.

Throughout the process, communication and consultation with stakeholders is required as well as ongoing monitoring and review of effectiveness and adequacy.

As the level of risk increases, so too does the detail and complexity of the methodology employed to identify and manage the activities. In this regard, Endeavour Coal adopts a range of safety management tools, including both pre-task risk assessments (for example, Take 2 risk assessments) and on-the-job risk assessments (for example, Task Analysis). Endeavour Coal also utilises Qualitative Risk Assessments, Bowtie Analysis and material risk critical controls.

Another important aspect of Endeavour Coal's risk management process is auditing and review, whereby supervisors and managers review the effectiveness of the risk management system in consultation with workers. The auditing and review mechanisms enable Endeavour Coal to identify trends that may be emerging as well as identify possible deficiencies in its SMS. This is achieved through the following:

- Potential fatality event reviews;
- Pre and post-shift meetings;
- Statutory inspections;
- In field engagements with workers and review of risk management tools (i.e. Take 2, Task Analysis, workplace interactions);
- Site wide daily performance review;
- Planned task observations and leadership interactions;
- Site inspections with Health and Safety Representatives;
- Audits;
- Risk assessments;
- Investigations;
- Monthly Health and Safety Committee meetings;
- Performance reporting;
- Change management process;
- Introduction to site process for plant and equipment;
- Internal and external audits;
- Weekly area review meetings; and

- Risk reviews, deep dives, control performance verifications and control effectiveness tests.

In addition to the above, Endeavour Coal has a rigorous safety governance framework which includes reporting to leadership across a variety of time domains (including daily, weekly, monthly and quarterly). By way of example, in the weekly, monthly and quarterly leadership reports, leading and lagging safety metrics are presented in graphic format to assist in the identification of emerging trends and to enable subsequent mitigating or preventative actions to be implemented.

In addition to these risk management tools, Endeavour Coal has the following lifesaving rules which are focused on managing potential fatality risks including;

- Always comply with and verify isolations to ensure all energy sources have been controlled;
- Never work at height above two meters without having effective safeguards in place;
- Never be under unsupported ground or suspended loads;
- Never operate equipment unless competent and authorised to do so;
- Never enter a restricted area unless competent and authorised to do so; and
- Never remove, breach or bypass and safety device without formal authorisation.

Management of Material Risk

As part of its overall Risk Management processes, Endeavour Coal has also implemented a comprehensive risk register which categorises the risks applicable to the operations at the Mine.

To develop this register, Endeavour Coal engaged with a multi-disciplinary group of site leaders, workforce representatives and subject matter experts to identify the risks applicable to the site and its operations in the form of a broad brush risk assessment. Identified risks were then rated based on their likelihood and impact, and risks deemed to be 'material' (i.e. of a certain severity level of higher, such as multi-fatality, environmental damage over a certain level, financial loss over a pre-set amount etc.) would then have more detailed risk assessments conducted by an appointed and dedicated risk owner.

Once a material risk has been identified, Endeavour Coal develops and implements dedicated preventative and mitigating controls. To ensure the effectiveness of each control, Endeavour Coal then appoints personnel to take ownership of the risk and control (**Control Owners**). Control Owners are required to create management plans to establish the performance standard of the control. When developing this performance standard, each Control Owner will set out how the control is to be executed and what activities are required to verify that the control is in place and effective. The Control Owner must then articulate these requirements in a series of execution and verification activities that are scheduled to specific members of the workforce. These verification activities are called Critical Control Tasks (**CCTs**) in the software used on site to manage the system.

CCTs in each control are scheduled, conducted and recorded in dedicated software (SAI Global's G360 software), providing a centralised location to manage, analyse and audit the data collected on each control and its verification system. Each Control Owner will specify the frequency of each activity, based on the specific need/complexity of the control, and will assign the CCTs to the appropriate members of the workforce who are best suited to conduct that check.

Results of CCT checks are presented and analysed in various levels of site and operation reporting. There is then feedback and quality checks on findings, and actions to rectify gaps are implemented.

This system of critical control management also works in conjunction with analysis of other leading and lagging performance indicators such as ad-hoc workplace safety interactions, event/incident/hazard trends and audit/assurance task findings.

Mechanical Engineering Control Plan and the Electrical Engineering Control Plan

Finally, and for completeness, we also note that, as per Schedule 2 of the WHS Regulations, part of Endeavour Coal's SMS is the Mechanical Engineering Control Plan (**MECP**) and the Electrical Engineering Control Plan (**EECP**).

The purpose of the MECP and EECP is to define the systems and processes associated with mechanical and electrical engineering at the Mine and to outline how risks to health and safety from mechanical and electrical aspects of plant and structures will be managed so as to provide a safe, controlled and monitored environment.

The MECP and EECP are applicable to all underground mechanical and electrical plant and installations. They provide guidance on managing risks associated with introducing plant into mines and

installing, commissioning and maintaining plant. Within the MECP and EECP sits the following Standards relevant to the Incident:

- Introduction of Mechanical and Electrical Plant;
- Change Management Procedure;
- Equipment Safeguarding;
- Mechanical Maintenance and Inspections; and
- Conveyor Isolation and Safety.

Amongst a range of other obligations, these Standards require that:

- engineering/technical reviews must be completed prior to implementing a modification or change, as well as a site-specific operational and maintenance risk assessment;
- a complete notification of change must be communicated to relevant personnel, groups and legislative bodies and material risk controls must be current;
- any equipment not in accordance with the standard *AS/NZS 4024.1100:2014 Safety of Machinery* must be subject to a risk assessment and the safety controls approved by senior management at the mine; and
- personnel conducting isolations on conveyers must ensure the correct isolations are applied in each case and seek clarification from their supervisor if they are unsure prior to work commencing.

As with the SMS as a whole, the MECP and EECP are constantly reviewed to facilitate a safe workplace for all Endeavour Coal workers.

10. the details of any consultation undertaken within the workplace regarding the proposal of a WHS undertaking (including workers and work health and safety representatives)

EU Project Management Team

Endeavour Coal formulated an Enforceable Undertaking Project Committee (**EUPC**) to better aid and facilitate the consultation process with key stakeholders at the Mine. Through this committee, key projects were identified, developed in consultation with workforce representatives, internal and external subject matter experts and management and leadership representatives, and endorsed, and form part of this submission.

The EUPC meets fortnightly to provide updates, report on the various initiatives, and interrogate the initiatives for their overall effectiveness. During each of the EUPC meetings, the members were urged to “think outside the box” to ensure that the initiatives being proposed by Endeavour Coal exceed mere compliance with the WHS Act and would provide substantial benefits to the workers, industry and community at large.

Workforce consultation

Consultation of draft enforceable undertaking initiatives occurred in two separate meetings; initially to a cross section of workforce representatives on 10 November 2021, followed by a full Health, Safety and Environment Committee (**HSEC**) meeting on 16 November 2021. During these meetings, the initiatives, which now form part of this submission, were discussed and developed. Consultation occurred with the following group members:

- Staff representatives;
- Statutory officials (including undermanagers and deputies);
- HSEC members; and
- Site Safety and Health Representatives.

At each meeting, a PowerPoint presentation was delivered which outlined:

1. Process and Timeline of an Enforceable Undertaking;
2. How Enforceable Undertakings are assessed;
3. Investigation findings;
4. Proposed initiatives to address findings;
5. Proposed initiatives to benefit workers, the mining industry and the community;
6. Decisions and feedback;
7. Recent WHS undertakings with the Resources Regulator;
8. Recent WHS undertakings, General jurisdictions; and
9. Estimated costs.

The purpose of this presentation was to provide workforce representatives with an overview of the process and an opportunity to provide feedback on the proposal, including to challenge or improve the content of the initiatives.

The workforce representatives were supportive of the proposed enforceable undertaking and the initiatives outlined in the presentation and provided feedback for consideration, which was incorporated into this submission.

Union consultation

In addition, Endeavour Coal contacted the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU) Industry Safety and Health Representative for suggestions or safety initiatives with regards to the Incident that could potentially improve safety at the Mine. The suggestions received were incorporated into this proposal.

Consultation with the injured worker

Lastly, Endeavour Coal has committed to approaching the injured worker and colleagues to see if they would like to be involved in the enforceable undertaking.

11. a statement of regret that the incident occurred (i.e. not an admission of guilt)

Endeavour Coal sincerely regrets that the Incident occurred and is remorseful for the injury suffered.

12. any rectifications made as a result of the alleged contravention

Rectifications

Immediately following the Incident, Endeavour Coal isolated and demarcated the area and conducted an Incident Cause Analysis Method (ICAM) investigation into the Incident.

Endeavour Coal implemented the following rectifications and improvements:

- completed a Site Introduction of Plant for the scraper conveyor and engaged an independent third party to carry out an audit against AS/NZS 4024.1100:2014 *Safety of Machinery (AS/NZS 4024)* on the plant;
- redesigned and installed the scraper conveyor guarding in line with AS/NZS 4024;
- installed new barrier fencing adjacent and perpendicular to the conveyor;
- re-installed and commissioned the emergency stop lanyard, upgraded guarding around the drift conveyor boot-end and re-established the area lighting in the conveyor drift;
- installed the underground intercom communication system (DAC) in the conveyor drift;
- installed and repositioned the two warning signs and the pneumatic water pump for ease of access;
- cleaned the walkway down to the concrete floor, maintaining the effectiveness of fencing as a barricade, and added a "Brain Mud Skimmer" pump to manage slurry and coal fines; and
- extended the discharge point of the scraper conveyor to prevent a build-up of material on the walkway;
- carried out an operational risk assessment on the operation of the scraper conveyor in consultation with workforce representatives to identify potential hazards, existing and further controls for safe operation;
- updated the isolation procedure and isolation board for the scraper conveyor in consultation with workforce representatives, which was then made available at the job site; and
- updated the operational procedure in respect of hazards and controls for working in this area of the Mine.

To date, Endeavour Coal has spent approximately \$121,351 on rectification works.

In addition to the above, Endeavour Coal created a 52-week maintenance plan for guarding audits to be undertaken across all departments at the Mine.

Over the past 12 months, the Coal Clearance department at the Mine has spent approximately \$535,000 on preventative actions which included installing guarding and railings, Conveyor Walkway replacement, AS/NZS 4024 third party guarding audits and associated OPEX Work Orders.

Training

The Incident arose in circumstances where Endeavour Coal had detailed and extensive systems in place to mitigate the risk associated with introduction to site and change management processes.

Endeavour Coal acknowledges that those systems require adherence by workers working on or near the network. In light of the Incident, which involved departure from these systems of work, Endeavour Coal is improving its supervision and training processes as well as on-site procedures (e.g. allocation of roles and communications) to address the risk of non-compliance, including the following initiatives (that are either in development or completed):

- (1) A refresher awareness training in Life Saving Rules (Isolation Requirements);
- (2) An "Introduction to Site" training assessment, which will enable workers to gain a clearer understanding of the process for introducing mechanical and electrical plant or equipment to site, including how to identify that the mechanical and electrical plant or equipment:
 - (a) is fit for its intended use, either on the surface or underground and when operated as intended;
 - (b) is suitable for operation by trained and authorised persons;
 - (c) complies with the standards of engineering practice for design, installation, commissioning, operation, maintenance and decommissioning of the relevant plant or equipment; and
 - (d) has, as part of the supply, suitable documentation for systematic examination or testing so that the correct use of such plant or equipment does not present a risk to health and safety when operated as intended;
- (3) A "Change Management" training assessment, which will enable workers to gain a clearer understanding of the Change Management process and procedures. This assessment will focus on:
 - (a) providing detailed guidance on how changes are planned, approved, implemented and reviewed in a structured way, as well as how to complete the change management process using the associated forms;
 - (b) helping workers identify the potential risks associated with change management; and
 - (c) helping workers ensure that changes do not result in the injury to people, harm to the environment, damage to physical assets, or result in adverse effects on the community.
- (4) A new Supervisors Appointment process, which will be designed to validate statutory and non-statutory supervisors' knowledge, skills and understanding of:
 - (a) WHS Act and Regulations;
 - (b) WHS Mines Act and Regulations;
 - (c) Endeavour Coal Safety Management System;
 - (d) Endeavour Coal Engineering Standards;
 - (e) Code of Business Conduct;
 - (f) Behavioural Standards; and
 - (g) Supervisors Obligations.
- (5) A review of the training needs and pathways as per the Training and Competence Management Scheme and the WHS Mines Regulations. This review will include a focus on:
 - (a) communicating roles and responsibilities to workers;
 - (b) developing and reviewing training and assessment requirements for new and existing personal with a focus on supervisory and non-supervisory roles;
 - (c) developing and reviewing training and assessment requirements for existing workers changing roles; and
 - (d) making training and assessment provisions available through an established process.

13. an acknowledgement that the WHS undertaking may be published and publicised

Endeavour Coal acknowledges that the undertaking will be published on the regulator's website and may be referenced in Resources Regulator material.

Endeavour Coal acknowledges that the undertaking may be publicised in newspapers or other publications (where applicable, as specified in Section B – enforceable terms).

14. a statement of ability to comply with the terms of the undertaking

Endeavour Coal has the resources and financial ability to comply with the terms of this WHS undertaking and can provide evidence with this undertaking to support this declaration.

15. statement regarding relationships with beneficiaries

There are no known current relationships with any of the beneficiaries outlined in the enforceable undertaking, other than current employees and contractors of Endeavour Coal and the broader mining community.

16. intellectual property licence

Endeavour Coal grants the Resources Regulator a permanent, irrevocable, royalty-free, world-wide, non-exclusive licence to use, reproduce, publish, distribute, electronically transmit, electronically distribute, adapt and modify any materials developed as a result of this WHS undertaking.

17. the company or individual may be required to provide information of any prior work health and safety convictions

The regulator requests a list outlining details of any prior work health and safety convictions or findings of guilt under work health and safety legislation² or work health and safety related legislation.

Does Endeavour Coal have any such prior convictions or findings?

Yes No

2 Subject to any local legal constraints such as spent conviction legislation.

The list is attached (if applicable)

Yes No

List of any prior work health and safety convictions or findings of guilt under work health and safety legislation:

Citation: *Regan v Endeavour Coal Pty Ltd* [2011] NSWIRComm 141

Date of Decision: 28 October 2011

Date of Incident: 7 July 2006

Provision breached: Contravention of section 8(2) of *Occupational Health and Safety Act 2000* (NSW)

Orders: Endeavour Coal Pty Ltd was fined \$65,000 and was required to pay the prosecutor's costs as well as \$3,000 for the costs of the prosecutor's investigation.

18. a commitment to participate constructively in all compliance monitoring activities of the undertaking

Endeavour Coal acknowledges that responsibility for demonstrating compliance with this enforceable undertaking rests with the organisations who have given this enforceable undertaking. Evidence to demonstrate compliance with the terms will be provided to the Resources Regulator by the due date for the term.

Endeavour Coal acknowledges that the Resources Regulator may undertake other compliance monitoring activities to verify the evidence that is provided and compliance with the relevant terms of this enforceable undertaking.

The evidence provided to demonstrate compliance with the enforceable undertaking will be retained by the organisations who have given this enforceable undertaking until advised by the Resources Regulator that the enforceable undertaking has been completely discharged.

Endeavour Coal, acknowledges that the Resources Regulator may initiate additional compliance monitoring activities of compliance with the terms of the enforceable undertaking, such as inspections, as considered necessary at the regulator's expense.

19. a commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur

Endeavour Coal commits that the behaviour that led to the alleged contravention has ceased and that Endeavour Coal will take all reasonably practicable steps to prevent the reoccurrence of such behaviour.

20. a commitment to the ongoing effective management of work health and safety risks

Endeavour Coal commits to the ongoing effective management of work health and safety risks in accordance with the legislation and regulations referred to above.

21. acknowledgment of WHS undertaking guidelines

Endeavour Coal have read and understood:

Enforceable undertakings guidelines version 7 dated August 2020.

Section B – enforceable terms

1. Publication of information about the undertaking

Endeavour Coal must, within 30 days of receiving notification from the regulator of the acceptance of the WHS undertaking, cause a public notice to be published in the Illawarra Mercury and surrounding local papers which will be drafted using the script provided in Attachment B.

2. A commitment to disseminate information about the undertaking to workers, and other relevant parties (which may include work health and safety representatives), and in the annual report (if applicable)

Endeavour Coal must disseminate information by implementing the following:

- a) display a summary of the enforceable undertaking on all mine, mine office and contractor notice boards for period 30 days;
- b) communicate, as far as reasonably practicable, the WHS enforceable undertaking through toolbox talks to workers at the mine, following acceptance;
- c) present the enforceable undertaking at the mine monthly Site Health and Safety Committee meeting; and
- d) present the enforceable undertaking at the mine Site Leadership Team monthly meeting.

Dissemination by each of the above methods must occur within 30 days of receiving notification from the regulator of the acceptance of the WHS undertaking and continue at regular intervals of no more than three months throughout the life of the undertaking.

3. Strategies that will deliver worker benefits

Endeavour Coal is seeking this opportunity to drive significant change within Endeavour Coal and the broader Mining Industry through a variety of initiatives. The proposals set out in this section and sections 4 and 5 below are expected to present safety improvements and the application of risk management recognition techniques across all areas of Endeavour Coal.

Workplace and Home Safety

Endeavour Coal will develop the “Workplace and Home Safety” program (**WPHS Program**), which will provide workers with the awareness and safety tools to better identify, manage and enact decision-making and safety behavioural techniques, both at work and at home. The WPHS Program will contribute at a holistic level to fostering a personal proactive safety culture, and will focus on assisting

workers draw a link between workplace injuries and the possible impact that a workplace injury may have on a worker's personal life and vice versa.

This WPHS Program will consist of the following initiatives:

- The creation and delivery of a single message digital postcard to all workers consisting of an animated "Incident recreation" video developed by Coal Services of the incident, a detailed summary of the safety lessons learnt from the Incident and a high point message by a senior executive of Endeavour Coal to demonstrate the business's commitment and response to this event (**Digital Postcard**). The Digital Postcard would be developed by an external media and communications specialist and will be designed to reach workers away from the distractions of work, and encourage workers to share this message with their family, partners and wider cohort.
- The development and dissemination of a message from an injured person describing how their workplace injury has impacted both their work and personal life, and any guidance they have in relation to the importance of risk management. To ensure this message is received by all, this message will be contained within the Digital Postcard.
- The development of a comprehensive and dedicated training program for all workers in workplace hazard identification, risk recognition, risk awareness mindset and the application of risk management techniques. In addition to trainings already implemented by Endeavour Coal, this training program will specifically focus on the impact of workplace risks on a worker's personal life.

Endeavour Coal will implement a formal qualification (RIIRIS301) to increase the individual risk management skills and knowledge for all permanent workers and full-time equivalents to apply to mining industry processes and, where relevant, in tasks undertaken in their personal life. This will be delivered by a registered training organisation and will be contextualised to align with Endeavour Coal's Risk Management processes, procedures and forms. This represents a higher standard of risk management training than currently applies in the industry.

4. Strategies that will deliver industry benefits

Background and Research

When investigating strategies that will delivery industry benefits, Endeavour Coal wanted to ensure that it took a tailored and hierarchical approach – exploring the landscape of engineering controls in the industry before turning to whether any administrative controls could be developed to reduce hazards. In this regard, Endeavour Coal:

- undertook a comprehensive investigation into currently recognised and near future technologies available to determine whether projects/research are underway/planned that would improve the safety of workers during their interaction with rotating/moving equipment in the workplace;
- engaged equipment suppliers to determine what technological advancements have been made to improve control measures for the safe operation of plant. This included site visits to equipment suppliers of guarding, as well as engagements with industry leading technology providers (e.g. light curtains and lasers);
- reviewed Australian Coal Association Research Program (**ACARP**), SafeWork and several leading universities' research in major mining states (NSW, Queensland and Western Australia); and
- consulted independent industry auditors to understand how other organisations control the risk of entanglement and crush injuries, considering the hazard and hierarchy of control measures. This review also included information made available by the Resources Regulator in the form of Safety Alerts and Bulletins, Safety newsletters and other publications on their website, a number of which related to entanglement and crush injuries to workers.

The above steps led Endeavour Coal to conclude that the most effective methods for controlling risks of plant or equipment in the workplace include the following:

1. design, operational and maintenance risk assessments;
2. safe operating procedures;

3. restricting access to the workplace and preventing non-approved persons from accessing the hazard;
4. effective guarding (i.e. that is fixed and requires a tool to remove); and
5. workers are educated on how to recognise workplace hazards, use of risk management tools and the implementation of effective control measures.

This review process determined that proven, recognised and established solutions already exist for the first four items above in the form of Codes of Practice, Australian Standards, International Standards and Mining Design Guidelines. Looking at the fourth item specifically, guarding of rotating plant and equipment appears to be a mature and recognised risk that is well understood across the coal and mining industry and experts consulted by Endeavour Coal, who believed that additional technological improvements (i.e. light curtains, etc.) were impractical in underground coal environments due to the environmental conditions of the workplace and legislative requirements of NSW coal mining industry. This is highlighted and reinforced by the material published regularly by the Resources Regulator.

However, there appears to be a significant gap for workers in the wider mining and extractives industries in the form of fit for purpose education programs that are tailored to the hazards that may be encountered on a regular basis. Indeed, the review identified that existing training materials are in the form of written Standards, guidelines and Codes of Practice, which are not practical for delivery to the workforce nor develop desired hazard identification skills that workers can implement. The industry still has further work to do in effectively educating and training its workers to identify and managing hazards in the workplace, better implement control measures and enact decision making and safety behavioural techniques.

In light of the above, the proposals set out in this section are designed to improve the education and training processes across the industry in relation to guarding and underground safety.

Industry Training and Education

The training tool Endeavour Coal proposes to develop is an interactive program that enables workers to virtually move through a workplace, identify hazards, and choose a suitable control to address each hazard. The objects of the training will include:

- identification of major entanglement hazards (e.g. missing guarding);
- identification of crush potentials (e.g. line of fire).

This program, which will be developed in partnership with Coal Services, will focus on potential entanglement and crush injuries in the workplace and will be similar to the identification of environmental hazards required in a coal mine (comparable to outburst, coal burst interactive training modules currently available through Coal Services). The program will be aimed at all workers performing routine tasks in mines, and supervisors who are responsible for ensuring that safe systems of work are being implemented and adhered to.

Interactive training modules are far superior than current alternatives due to the ability to provide active real time feedback as the worker moves through a variety of simulations. Performance measures will be built into these programs so that supervisors and managers can understand a worker's hazard identification strengths and weaknesses, and tailor future to address any identified shortfalls.

Endeavour Coal, in consultation with the Resources Regulator and the wider mining industry, will provide resources to develop these modules focused on entanglement and/or crush hazards across a variety of scenarios based on industry events. These interactive training modules will be made available through Coal Services at various locations across the State for the broader mining and extractive industries to utilise in educating workers about the risk of entanglement and/or crush injuries in the workplace.

The intent of the interactive training modules will be that they are developed in such software formats that will allow the modules to be accessible via the internet and deliverable to workers wherever an internet service is available.

5. Strategies that will deliver community benefits

Endeavour Coal is passionate about delivering important and tangible benefits to the community. As part of this undertaking, Endeavour Coal proposes to consult with NSW Health (the Sydney Children's Hospital Network (Limb Management)) to identify plant and/or equipment that can be either upgraded or purchased to assist in the specialist support of children and young person's needs.

The Limb Management Service attached to The Children's Hospital Network (Sydney and Westmead) is for children and young people who have a congenital limb difference, limb malformation or who undergo an amputation early in life due to illness or accident.

The Limb Management Service helps to coordinate the child/young person's rehabilitation needs by providing hands on medical and allied health services, and by providing advice and support to parents and families, local health professionals, teachers, and others who are involved in the care of these children and young people.

The proposal will provide families from the local and far reaching NSW communities to access hands on medical and allied health services, receive multidisciplinary specialist support, rehabilitation, advice and support to those who are involved in the care of these children and young people.

We have had initial contact with the Limb Management Service and have received indications of the plant and/or equipment that they require. This list of potential initiatives will be put to the workforce in further consultation for their consideration.

6. A commitment regarding linking the strategy and promotion of benefits to the WHS undertaking

Endeavour Coal commits that it will link the promotion of any benefits arising from the enforceable undertaking and associated initiatives to the enforceable undertaking.

7. *Reimbursement of the regulator's agreed costs associated with, and any monitoring of, the enforceable undertaking*

Endeavour Coal must pay the regulators recoverable costs associated with the undertaking, as itemised below, and acknowledges that payment is due **30 days** after receipt of the regulator's invoice:

<input type="checkbox"/> investigative, legal and administrative costs	\$179,370
<input type="checkbox"/> compliance monitoring costs	\$10,000
<input type="checkbox"/> publication costs	TBC
Total amount	\$189,370

Insert case, if any, for why the regulator would not seek to recover costs.

N/A

8. Minimum spend

Endeavour Coal must spend a minimum of \$739,370.00, excluding GST, in carrying out its obligations as set out in this WHS undertaking, inclusive of the regulator's recoverable costs.

Endeavour Coal acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost
Benefits to workers	\$250,000.00
Benefits to industry	\$150,000.00
Benefits to community	\$150,000.00
Regulator recoverable costs	\$189,370.00
Estimated total value of the undertaking	\$739,370.00*

* This figure is exclusive of the costs in kind (including the cost of the workforce completing the trainings contemplated in Projects 1 and 2). The current anticipated cost in kind value is \$1,303,261.00.

9. Project of undertaking

Where a project or projects are proposed to deliver benefits to workers, industry and community, Endeavour Coal offers and will carry out the projects set out in Attachment A to this WHS undertaking.

10. Timeframe for delivery

The strategies set out in this WHS undertaking must be completed by Endeavour Coal on or before 24 months following acceptance of this enforceable undertaking by the Resources Regulator.

DRAFT

Section C - Offer of undertaking

BY AN INDIVIDUAL

I offer this undertaking and commit to the terms herein.

Signed:
[Person]

Name:
[Print name]

Position:

Dated at this
.....day of, 20.....

BY A CORPORATION

As a duly appointed and authorised officer or agent of
[insert person]

I offer this undertaking and commit
[insert person]

to the terms herein.

Signed:
[Director]

Name:
[Print name]

Position: Director

Dated at this
.....day of, 20.....

Signed:
[Director or company secretary]

Name:
[Print name]

Position:

Dated at this
.....day of, 20.....

Section D – Regulator’s acceptance of undertaking

I accept this undertaking as an enforceable undertaking under section 216 of the *Work Health and Safety Act 2011*.

Signed:

Position: delegate of the Secretary, Regional NSW

Dated atthisday of, 20.....



ATTACHMENT A

(This attachment is incorporated in and considered part of the WHS undertaking given by Endeavour Coal for the purposes stated herein, and are enforceable terms given under section B of the undertaking by Endeavour Coal)

Endeavour Coal will be undertaking the following:

1. Project 1, Workers Benefit: Workplace and Home Safety Program.

a. Objective

To develop the “Workplace and Home Safety” program (“**WPHS Program**”), a dedicated training program for all workers in workplace hazard identification, risk recognition, risk awareness mindset and the application of risk management techniques. Elements of the WHS Program will include:

- a) Hazard Identification - What is a Hazard
- b) Risk recognition
- c) Risk Awareness Mindset
- d) Risk Management techniques
- e) How these link to personal and home life; and
- f) How each person contributes to their personal safety and the mines positive safety culture.

In addition to trainings already implemented by Endeavour Coal, this training program will specifically focus on the impact of workplace risks on a worker’s personal life. The workers will also establish their individual “safety purpose / commitment”, including the encouragement of positive beliefs that will assist their decision-making process both at work and in their personal life. Each person’s “safety purpose/ commitment” will be written down, stored and presented at their annual refresher training through Coal Services, where it can be tracked against their annual achievements.

The WPHS Program will be delivered through the following;

- Onsite modules through a consultancy / training provider;
- Annual refresher trainings through Coal Services; and
- A Digital Postcard.

b. Purpose

To provide workers with the awareness and safety tools to better identify, manage and enact decision making and safety behavioural techniques, both at work and at home. The WPHS Program will contribute at a holistic level to fostering a personal proactive safety culture, and will focus on assisting workers draw a link between workplace injuries and the possible impact that a workplace injury may have on a worker’s personal life and vice versa.

c. Deliverables

Engagement of an external media and communication specialist to develop of the Digital Postcard, consisting of:

- an animated “Incident recreation” video developed by Coal Services of the Incident, a detailed summary of the safety lessons learnt from the Incident and a high point message by a senior executive of Endeavour Coal to demonstrate the business’s commitment and response to this event; and
- a message from an injured person describing how their workplace injury has impacted both their work and personal life, and any guidance they have in relation to the importance of risk management.

d. Timeframe

Task	Timeline
Development of a training schedule for the implementation of RIIRIS301 – Apply risk management processes, delivered to the Mine’s full-time equivalent workforce	Within 3 months of acceptance of WHS undertaking
Engagement of an external media and communication specialist to develop the Digital Postcard	Within 3 months of acceptance of WHS Undertaking
Engagement of speaker to be integrated into the Digital Postcard	Within 3 months of acceptance of WHS Undertaking
Complete delivery of RIIRIS301 – Apply risk management processes training to the applicable workforce within 24 months of acceptance of WHS Undertaking	Within 24 months of acceptance of WHS Undertaking

2. Project 2, Mining Industry Benefit: Virtual Reality “Free Roam” Entanglement/Crush Hazard Interactive Training.

a. Objective

Coal Services (Virtual Reality Team) will develop a training program for Endeavour Coal by integrating its current engineering standards, safety procedures and photographs of current plant and equipment into Coal Services’ Virtual Reality “Free Roam” Entanglement / Crush Hazard Training Program (**VRFR Program**).

The training will be designed specifically for identification of entanglement/crush hazards and the responses required to control those hazards using documented processes. It is proposed that the VRFR Program will be designed to have both teams-based and individual components as part of the competencies, and the “Free Roam” Virtual Reality technology will allow the workers to enter into a realistic mining environment using the Gen4 VR Software Systems.

b. Purpose

The purpose of the training will be to provide the Mining Industry workforce with an innovative virtual reality technology tool that trains workers on identification of potential entanglement and/or crush hazards. The VRFR Program will enable participants to communicate safety information from engineering standards using messages, questions and small animations.

The training will test participants' understanding of the types of hazards they are being presented with and what steps they need to take. Effective hazard identification is a key piece in managing work health and safety risks in the Mining Industry, and a core component to effective hazard identification is the sufficient training of all workers on the identification of conditions and implementation of the hierarchy of risk controls.

While Endeavour Coal has provided its workers with training on the application of its Risk Management Safety tools, developments in virtual reality technologies and the VRFR Program has created innovative training and development opportunities that will enable Endeavour Coal to optimise learning outcomes for its workforce and the wider mining industry. The virtual reality technology provides the flexibility to learn as you go whilst participating in problem solving entanglement and crush related hazards by using the Mine's documented standards and processes.

Endeavour Coal has identified Coal Services as a partner for it to work with to achieve these training objectives. Coal Services is a specialised health and safety scheme that provides an integrated suite of services to help identify, assess, monitor and control risks inherent in the coal mining industry.

c. Deliverables

Coal Services (Virtual Reality Team) will develop a training program for Endeavour Coal by integrating its current engineering standards, safety procedures and photographs of current plant and equipment into the VRFR Program. The VRFR Program will conclude with a competency assessment using both interactive on-screen assessments and an e-learning module that can be used in conjunction with a desktop version of the VRFR Program.

The VRFR Program can be shared with wider mining industry as a new benchmark in interactive training. Further, a video will be prepared by Coal Services identifying key parts of the VRFR Program including learnings made by Endeavour Coal through participation in the VRFR Program. The video will be shared amongst the wider mining community and made available to share at NSW Mining Industry seminars, including the Mechanical Engineering Managers Safety Seminar and the Mine Managers Association of Australia Annual CPD Seminar.

d. Timeframe

Task	Timeline
Engagement of Coal Services to start Gen4 development of the VRFR Program and the E-Learning Module	Within 3 months of acceptance of WHS undertaking
Completion of the review and test of the VRFR Program including receiving input from Endeavour Coal team and the workforce to confirm accuracy of the scope and practicality of the VRFR Program	Within 6 months of acceptance of WHS undertaking
Completion of the rollout of the VRFR Program and the E-Learning Module to Endeavour Coal workforce. Approximately 1200 workers will complete the VRFR Program	Within 24 months of acceptance of WHS undertaking
Development of a video, by Coal Services, depicting the benefits of the VRFR Program to be made available to the Industry and presented at three mining industry seminars	Within 24 months of acceptance of WHS Undertaking

3. Project 3: Development of a short animation video presentation of the incident and safety lessons learnt

a. Objective

To develop, in consultation with Coal Services, a short-animated video presentation of the incident, causal findings, investigation recommendations and the safety lessons learnt. The animation would be approved by the Resources Regulator before being made available to the Industry and workers to learn from.

b. Purpose

The purpose of the animation will be to share causal factors of the Incident with mining and extractives industry peers so others can better understand the circumstances of the event, findings from the investigation, and review of their own safety management systems to reduce the likelihood of a reoccurrence at other mining operations. The animation will provide a clear message to the workforce and industry about the impact of safety incidents on individuals and will reinforce the need to think safe, work safe and home safe.

c. Deliverables

Endeavour Coal will engage Coal Services to produce a short-animated video presentation.

The workforce will be consulted to confirm that the video accurately captures the Incident and to encourage engagement with the initiative. Endeavour Coal will also consult with the Resources Regulator to obtain its feedback.

The video will be made available to the Mining Industry through the Resources Regulator and delivered at three mining industry seminars including the Mechanical Engineering Managers Safety Seminar and the Mine Managers Association of Australia Annual CPD Seminar.

d. Timeframe

Task	Timeline
Engagement of Coal Services to develop a short-animated video presentation of the incident and safety lessons learnt	Within 3 months of acceptance of WHS Undertaking
Delivery of animated video to Endeavour Coal workforce and the mining industry through the Resources Regulator website	Within 18 months of acceptance of WHS Undertaking

4. Project 4: Community Benefit: The Sydney Children’s Hospital Network. Limb Management

a. Objective

To provide NSW Health (the Sydney Children’s Hospital Network (Limb Management)) the necessary funds to purchase or upgrade identified plant and/or equipment that will assist in the specialist support regarding the child’s/young person’s needs.

b. Purpose

The Limb Management Clinics at The Children Hospitals (Sydney and Westmead) is for children and young people who have a congenital limb difference, limb malformation or who undergo an amputation early in life due to illness or accident.

The Limb Service helps to coordinate the child/young person’s rehabilitation needs by providing hands on medical and allied health services, and by providing advice and support to parents and families, local health professionals, teachers, and others who are involved in the care of these children and young people.

The proposal will provide families from the local and far-reaching NSW communities to access hands on medical and allied health services receive multidisciplinary specialist support,

rehabilitation, advice and support to those who are involved in the care of these children and young people.

c. Deliverables

Provision of \$150,000.00 (excl GST) to the Limb Management Clinics at The Children Hospitals to purchase or upgrade identified plant and/or equipment.

d. Timeframe

Task	Timeline
Consultation with the Sydney Children’s Hospital Network to identify plant and/or equipment that can be either upgraded or purchased to assist in the specialist support regarding the child’s/young person’s needs.	Within 3 months of acceptance of WHS Undertaking
Delivery of upgraded or purchased plant and/or equipment to The Sydney Children’s Hospital Network.	Within 18 months of acceptance of WHS Undertaking

5. Costs

Endeavour Coal agrees to pay in full the following minimum amounts as tabled in relation to each project identified.

Project	Costs (\$ AUD)
Project 1: Workplace and Home Safety Program	\$250,000.00
Project 2: Virtual Reality “Free Roam” Entanglement/Crush Hazard Interactive Training.	\$125,000.00
Project 3: Development of Animation Video	\$25,000.00
Project 4: The Sydney Children’s Hospital (Limb Management)	\$150,000.00
Regulator recoverable costs	\$189,370.00
Total Minimum Spend Enforceable (Undertaking).	\$739,370.00*

* This figure is exclusive of the costs in kind (including the cost of the workforce completing the trainings contemplated in Projects 1 and 2). The current anticipated cost in kind value is \$1,303,261.00.

6. Enforceable Undertaking Project Management Team.

The Mine has assembled an Enforceable Undertaking Project Management Team (**Project Team**) that comprises of a cross section of roles specific to area that is required to manage each of the project elements:

- Mining Engineering Manager (Appin) – Peter Quinn
- Maintenance Engineering Manager (Appin) – Chris Freeman
- Mechanical Engineering Manager (Appin) – Jason Quirk
- Surface & Infrastructure Manager (Appin) – Quinton Wilkinson
- Lead Health and Safety (Appin) – Greg Taylor-Adams

- Coal Clearance Superintendent (Appin) – Justin Adams
- Engineering Manager (ROC) – Lakmal Korathota
- Superintendent Training (ROC) – Karen Murphy
- Lead Corporate Affairs (ROC) – Liam Stower
- Workforce Representative/s (Appin) - TBA
- Appin EU Project Manager (Appointed) – Robert Madeley

Overall responsibility for the project will be allocated to the Mining Engineering Manager and the appointed Appin EU Project Manager

The appointed Appin EU Project Manager will act as the Project EU Chairperson and is responsible for organising the Project Committee meeting, allocating actions and tracking overall progress of each element of the projects. The Project Team will meet on a minimum monthly basis, but this may be more frequent depending on the project status. The appointed Appin EU Project Manager will be responsible for scheduling meetings as required.

Any external resources, for example training providers, will be organised through the Project Team and scheduled by the appointed Appin EU Project Manager.



Regional
NSW

(This attachment is incorporated in and considered part of the WHS undertaking given by Endeavour Coal for the purposes stated herein, and are enforceable terms given under section B of the undertaking by Endeavour Coal)

Attachment B

Public Notice of regulator's acceptance of undertaking

Notice of acceptance of a WHS undertaking under Part 11 of the Work Health and Safety Act 2011

On 8th June 2019, at Appin North Mine (the **Mine**) a labour-hire worker was injured when the workers foot became entangled in a scraper conveyor (the **Incident**). Endeavour Coal Pty Ltd (**Endeavour Coal**) is the mine operator at the Mine.

The Department of Regional NSW investigated the Incident and subsequently alleged that Endeavour Coal contravened section 32 of the *Work Health and Safety Act 2011* (**WHS Act**) by failing to comply with a health and safety duty under section 19(1) of the WHS Act.

This notice has been placed under the terms of a WHS undertaking and acknowledges acceptance of an undertaking, that is enforceable under the WHS Act, from Endeavour Coal, ACN 099 830 476.

The undertaking requires the following actions:

- Deliver a training program to the workforce on Workplace and Home Safety;
- Deliver a training program for the Mining Industry on Entanglement and Crush Hazards using virtual reality technology and develop a video of the benefits of the training;
- Donate \$150,000 to the Sydney Children's Hospital Network (Limb Management) for equipment, repairs and upgrades; and
- Engage Coal Services to prepare a short-animated video presentation of the Incident and safety learnings to be delivered to the mining industry.

The total value of the WHS undertaking is approximately \$739,370.00.

The full undertaking and general information about enforceable undertakings is available at www.resourcesregulator.nsw.gov.au.