

## WHS undertaking

### *Work Health and Safety Act 2011*

Undertaking to the Secretary, Department of Primary Industries and Regional Development,  
given for the proposes of Part 11 of the WHS Act

By

Total Relines Australia Pty Limited

ACN: 663 614 971

ABN: 856 636 14 971

## Section A – general information

1. Details of the company or individual proposing the undertaking			
Name of company or individual	Total Relines Australia Pty Ltd		
Registered address:	19 Majestic Way, Orange, NSW 2800		
Mailing address (if different from above)			
Telephone	██████████	Mobile	██████████
Email address	██████████		
Legal structure	Proprietary Limited		
Type of business	Reline in mills on mine site (shutdown maintenance work)		
Commencement date of the entity	04 Nov 2022		
Workers	Full time: 6	Part time: N/A	Other: 30 contractors
Products and services	Contract work to reline mills (maintenance work)		
Comments	None additional		

### 2. The details of the alleged contravention

It is alleged that on 4 April 2023 Total Relines Australia Pty Limited (TRA), being a person conducting a business or undertaking at the Northparkes copper and gold mine located 27 kilometres north-west of Parkes, NSW (the Mine), failed to discharge its obligations under section 19(1) of the Work Health and Safety Act 2011 (NSW) (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 TRA.

### 3. The details of the events surrounding the alleged contravention eg incident details

TRA contract workers were undertaking maintenance work at the mine's processing plant as part of a planned shutdown.

To facilitate the removal of waste product from the processing plant, workers obtained what they believed to be empty intermediate bulk containers (IBCs) from a nearby storage area and cut the top portion off the container so that they could be used as waste bins. A forklift operator retrieved a 1000 litre plastic IBC, which was supported by an external aluminium cage like frame, from a nearby storage area and placed it in an open area outside the processing plant. It had not been cut and appeared to be empty.

The IBC bore a label indicating the product that had been stored in it was Fisherchem C503, a caustic alkali liquid used as a flotation reagent. The product is classified as dangerous goods and is a hazardous chemical in accordance with the Globally Harmonised System of Classification and Labelling of Chemicals (GHS). The product label contained GHS pictograms indicating that the product was an environmental and corrosive hazard. A crane operator involved in the maintenance work obtained an angle grinder and began cutting the top of the IBC. A short time later workers in the area reported hearing a rush of air and a loud bang. They observed the worker laying on the ground several metres from the IBC. The angle grinder that the worker had been using was also on the ground a short distance from him. The worker was pulling at his shirt, which was smouldering. Several nearby workers removed the worker's shirt and requested assistance. ██████████  
██████████

Source: Resources Regulator investigation information release (IIR23-03) "Worker suffers serious burns using an angle grinder" April 2023

### 4. An acknowledgement that the Resources Regulator alleged a contravention has occurred

The Managing Director of TRA [REDACTED] acknowledges that the incident occurred where a TRA employee [REDACTED]

It is also acknowledged that the Resource Regulator has alleged that TRA contravened the WHS Act in respect of the incident.

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

[REDACTED]

**6. The details of any enforcement notices issued that relate to the alleged contavention**

Notices received:

Yes (provide details)     No

Date issued	Notice type	Notice number	Contravention	Action taken to respond to notice

**7. A statement of assurance about future work, health and safety behaviour**

TRA is committed to complying with all its obligations under the following legislation:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- Work Health and Safety (Mines and Petroleum Sites) Act 2013; and
- Work Health and Safety (Mines and Petroleum Sites) Regulation 2022

**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)

During time off work the injured person was on workers compensation

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)      Subcontracts to TRA
- not applicable

Support provided to the injured person(s) family

Date	Description of support	Comment

Date of incident: 4 April 2023	Provided travel and accommodation for patient's partner on the date of the incident	Booked and paid for by Total Relines Australia

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

TRA works under the Northparkes Mines Safety Management System when on site. The NPM safety management system includes contractor management requirements. The NPM safety management system is audited on a regular basis.

**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)**

The Managing Director of TRA has communicated the Enforceable Undertaking to TRA employees.

**11. A statement of regret that the incident occurred (ie not an admission of guilt)**

TRA regrets that the incident occurred and the stress and anxiety it has caused not only to the injured worker and his family but also to TRA and Northparkes Mines employees.

**12. Any recifications made as a result of the alleged contravention**

TRA introduced a directive that no TRA employee are to, under any circumstance, to cut IBC on any mine site. This practice is to cease.

TRA scoped the purchase of 2 x fit for purpose tipping bins for use during mill relines. Northparkes Mines paid for the two bins

Total amount spent on rectification \$8,000

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

The Managing Director, TRA acknowledges that the undertaking will be published on the Regulator's website and may be referenced in Resources Regulator material.

The Managing Director, TRA 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**

TRA has the ability to comply with the terms of the undertaking.

The Managing Director of TRA has the financial ability to comply with the terms of this WHS undertaking and have provided evidence with this undertaking to support this declaration.

#### 15. Statement regarding relationships with beneficiaries

The hazard identification training that TRA subcontractors will be attending will be delivered by employees from Occurio (RTO 45526). [REDACTED] is also the person who has assisted with the preparation of information contained in this document for the enforceable (WHS) undertaking between TRA and the NSW Resource Regulator.

#### 16. Intellectual property licence

1, [REDACTED], the Managing Director of TRA, grant the 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 legislation<sup>2</sup> or work health and safety related legislation.

Does [REDACTED] have any such prior convictions or finding?

Yes  No

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

The list is attached (if applicable)

Yes  No N/A

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

The Managing Director of TRA 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 Regulator by the due date for the term.

The Managing Director of TRA acknowledges that the 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 regulator that the enforceable undertaking has been completely discharged.

The Managing Director of TRA acknowledges that the 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

The Managing Director of TRA commits that the behaviour that led to the alleged contravention has ceased and that it will take all reasonably practicable steps to prevent recurrence of the incident.

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

TRA is committed to the ongoing effective management of work health and safety risks in accordance with WHS Act 2011 and relevant regulations.

## 21. Acknowledgment of WHS undertaking guidelines

I have read and understood: Enforceable Undertakings Guidelines version 8 (November 2023). PUB17/121/DOI  
Published by the Department of Regional NSW

## Section B – enforceable terms

### 1. Publication of information about the undertaking

The Managing Director of Total Relines Australia 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 Central Western Daily and the Parkes Champion Post Newspapers which will be drafted using the script provided in Attachment 2.

### 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)

The Managing Director of TRA, must disseminate information by implementing the following:

- a) display a summary of the WHS undertaking at the TRA main office noticeboard and the Northparkes Mine Maintenance workshop noticeboard for a period of at least 30 days commencing within 30 days of receiving notification from the regulator of the acceptance of the WHS undertaking;
- b) communicate, as far as reasonably practicable, the WHS undertaking through toolbox talks to workers, including staff and contractors, following acceptance.

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.

*If the person is not a body corporate or a crown/public authority, please state:*

Total Relines Australia is not a crown / public authority nor is it a body corporate

### 3. Strategies that will deliver worker benefits

TRA will train their subcontractors (approx. 30 workers) in nationally accredited hazard identification / Job Hazard Analysis with Occurrio (RTO 4526). The course will include the IBC burns incident as a case study and the animation referred to below at 4. Total Cost of Training for Subcontractors \$10,000

### 4. Strategies that will deliver industry benefits

TRA will wholly fund, in the sum of \$20,000 for the development of an animation (Learning from Investigations) about this incident. Approximate cost – \$20,000

The incident animation will cover the details of the incident, its causes, key learnings and best practice risk controls and will be:

- I. Developed by a 3rd party specialist nominated by the Resources Regulator'
- II. In collaboration with TRA, Evolution Mining (Northparkes) Pty Ltd and the Resources Regulator;
- III. Wholly funded by TRA;
- IV. Subject to the approval of the Resources Regulator; and

Made available to Evolution Mining (Northparkes) Pty Ltd for use in its internal and external (industry) education and training projects under its WHS undertaking



#### 5. Strategies that will deliver community benefits

Total Relines Australia will donate \$20,000 to the Burns Unit at Concord Hospital

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

TRA is committed to delivering projects and making donations which in TRA's view gives back to the workers, industry and community.

- A monetary donation to the Burns Unit at Concord Hospital will assist in patient care of burns victims and enable equipment to be purchased;
- The development of an animation about the incident (Learning from Investigations) will assist industry to learn from this incident and to prevent recurrence;

Training workers in hazard identification and job safety analysis will help reduce the risk of injury and illness and ensures that employees understands the hazards they are likely to encounter in the course of their job.

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

The Managing Director of Total Relines Australia must pay the Regulator's 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 checked="" type="checkbox"/> investigative, legal and administrative costs	\$ 7,465
<input checked="" type="checkbox"/> compliance monitoring costs	\$ 6,250
<input type="checkbox"/> publication costs	\$
<b>Total amount</b>	
Insert case, if any, for why the Regulator would not seek to recover costs	\$13,715
N/A	

#### 8. Minimum spend

The Managing Director of Total Relines Australia must spend a minimum of \$63,715, excluding GST, in carrying out its obligations as set out in this WHS undertaking, inclusive of the Regulator's recoverable costs.

The Managing Director of TRA acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost
Benefits to workers	\$ 10,000 (excl GST)
Benefits to industry	\$ 20,000 (excl GST)
Benefits to community	\$ 20,000 (excl GST)
Regulator recoverable costs	\$ 13,715 (excl GST)

<b>Estimated total value of the undertaking</b>	<b>\$ 63,715 (ex GST)</b>
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**9. Project of undertaking**

Where a project or projects are proposed to deliver benefits to workers, industry and community The Managing Director of TRA offers and will carry out the projects set out in Attachment 1 to this WHS undertaking.

**10. Timeframe for delivery**

The strategies set out in this WHS undertaking must be completed by [REDACTED] on or before 12 months following acceptance of this enforceable undertaking by the Regulator.

### Section C – Offer of undertaking

By an individual	By a corporation
I offer this undertaking and commit to the terms herein. Signed: .....	As a duly appointed and authorised officer or agent of Total Relines Australia PTY LTD I offer this undertaking and commit [REDACTED]
[REDACTED]	to the t [REDACTED] Signed: [REDACTED]
[Person]	[REDACTED]
Name: [Print name] .....	[Director]
Position:	Name: [Print name] .....
Dated:	Position: Dated:
	Signed: ..... [Director or company secretary]
	Name: [Print name] .....
	Position:

	Dated:
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**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: **Executive Director Resources Regulator**  
delegate of the Secretary, Department of Primary Industries and Regional Development

Dated: **26 August 2024**

## Attachment 1

This attachment is incorporated in and considered part of the WHS undertaking given by [REDACTED] Managing Director of Total Relines Australia for the purposes stated herein, and are enforceable terms given under section B of the undertaking.

The Managing Director of Total Relines Australia will undertake the following:

1. Donation of \$20,000 to the Burns Unit at Concord Hospital.
2. Funding, in the sum of \$20,000 for a “Learning from Investigations” animation of the incident, which will be published on the NSW Resource Regulators Website and incorporated in TRA’s training of subcontractors (item 3)
3. Paying for TRA’s Subcontractors to attend nationally accredited training in hazard identification and job safety analysis (RIIRIS201E - Conduct local risk control (Release 1) with Occurrio (RTO 45526). Total Cost \$10,000