



**Planning &  
Environment**  
Resources Regulator

## **WHS undertaking**

Undertaking to the Secretary,  
**Department of Planning and Environment**  
given for the purposes of Part 11 of the *Work Health and Safety Act 2011*

**by**

Ulan Coal Mines Limited

ACN 000 189 248

ABN 80 000 189 248

**and**

Ulan West Operations Pty Limited

ACN 143 383 377

ABN 49 143 383 377

## Section A general information

### 1. details of the persons proposing the undertaking

Name (include NSW trading name if applicable)	Ulan Coal Mines Limited ( <b>UCML</b> )	Ulan West Operations Pty Limited ( <b>UWO</b> )
Registered office	Ulan Coal Mines Limited 'Gateway' Level 44 1 Macquarie Place Sydney NSW 2000	Ulan West Operations Pty Limited 'Gateway' Level 44 1 Macquarie Place Sydney NSW 2000
Australian Company Number	ACN 000 189 248	ACN 143 383 377
Workplace/street address (if different from above)	Ulan Coal Mines Limited 4505 Ulan Road Ulan NSW 2850	Ulan West Operations Pty Limited 4505 Ulan Road Ulan NSW 2850
Mailing address (if different from above)	Ulan Complex PMB 3006 NSW 2850	Ulan Complex PMB 3006 NSW 2850
Telephone	██████████	██████████
Email address	██████████	██████████
Legal structure	UCML is a registered corporation, an Australian Public Company limited by shares. UCML is the manager and agent of the Ulan Joint Venture.	UWO is a registered corporation, an Australian Proprietary Company limited by shares. UWO is a wholly-owned subsidiary of UMCL.
Type of business	Coal mining operations in the western coalfields of NSW.  UCML holds all relevant mining leases and is the mine holder for the Ulan West Operations.  The Ulan Mining Complex consists of two underground mining operations (Ulan No.3 and Ulan West) and an open cut.	UWO is the mine operator of the Ulan West Mine.  The Ulan West Mine utilises continuous and longwall mining methods to extract coal from the Ulan Seam.
Commencement date of the entity	14 November 1956	29 April 2010
Number of workers	645 (includes UWO figure of 281)	281
Products and/or services	Management of the Ulan Mine Complex and mining operations. Exporter of thermal coal.	Operator of Ulan West mining operations and underground mining activities.

### 2. the details of the alleged contravention

It is alleged that on 26 November 2015, UCML and UWO being persons conducting a business or undertaking that each had a health and safety duty under section 19(1) of the *Work Health and Safety Act 2011* (NSW) (**WHS Act**) to ensure, so far as is reasonably practicable, the health and safety of workers while they were at work in the business or undertaking, failed to comply with their duty, and the failure to comply exposed a worker to a risk of death or serious injury.

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

UCML had engaged one of its longstanding mining contract services providers to undertake leak testing of used polypropylene (PipeLion brand) pipes at the Ulan West Underground Mine (**Mine**) that were to be used for the Mine's nitrogen inertisation line. The task was being undertaken over a period of several days in late November 2015 and was, performed by a subsidiary of the mining contract services provider. The subsidiary was the employer of the workers performing the task.

One of the subsidiary's employees was the "Person in Charge of job" and the Ventilation Officer for UWO was the Task Coordinator. This was set out in a work authorisation form completed prior to the commencement of the task.

The pipes being tested had recently been recovered from the underground workings of the Mine. The recovered pipes were visually inspected for damage before being pressure leak tested using compressed air from the Mine's reticulated compressed air system. Pressurised leak testing required a pressure manifold and pressure gauge manifold to be fitted to either end of the pipe being tested, with the pressure manifold coupled to the Mine's compressed air supply using a flexible hose.

When the pipes were ready to be tested, compressed air was directed into the pipe via a gate valve that was isolated once the pressure in the pipe equalled the Mine's compressed air supply of approximately 870kPa. The pressured leak testing then began. Any pressure drop within the pipe over a 15-minute test period was recorded during the pressurised leak test. If there was no drop in the pressure, within the pipe, the pipe was considered fit for reuse.

The testing of the pipes was being conducted in accordance with a work procedure provided by UWO.

The incident occurred when the workers were testing the last of the group of pipes. The air supply was connected to one of the pipes and turned on. As the pressure rose to approximately 650kPa, the swaged pipe end fitting that was coupled to the pressure manifold separated from the pipe end.

[REDACTED] This is referred to in this document as the **Incident**.

- 4. an acknowledgement that the regulator, the Secretary of the Department of Planning and Environment, alleged a contravention has occurred

It is acknowledged that, arising out of the Incident, the Secretary of the Department of Planning and Environment (the **Regulator**) has alleged that both UCML and UWO have each contravened section 32 of the WHS Act by failing to comply with a health and safety duty under section 19(1) of the WHS Act.

- 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 contravention

Notices received:

- Yes (provide details)  No

Date issued	Notice type	Notice number	Contravention	Action taken to respond to notice
27/11/15	Prohibition	RM151127	An inspector of the Regulator believed that an activity was occurring at the workplace that involved a risk to the health and safety of the person by means of pressure testing of "pipe lion" piping by the means of compressed air.	The action that was taken to respond to the notice was to immediately cease pressure testing and any new installation of the PipeLion pipe for the use of nitrogen gas carriage for spontaneous combustion control.

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

UCML and UWO are committed to complying with obligations they each have under the WHS Act, *Work Health and Safety (Mines and Petroleum Sites) Act 2013 (NSW) (WHS Mines Act)* and relevant

regulations, to ensure, so far as reasonably practicable the health and safety of all workers engaged, or caused to be engaged by UCML or UWO, and workers whose activities in carrying out work are influenced or directed by UCML or UWO, while the workers are at work in the business or undertaking.

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)

Not applicable.


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

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted] [Redacted]
- [Redacted]

[Redacted]

[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]

		
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9. if the matter involves a fatality or very serious injury<sup>1</sup>, a claim to demonstrate that exceptional circumstances exist and the WHS undertaking is a more appropriate response than pursuing prosecution

Does the contravention involve a fatality or very serious injury?

Yes  No



UCML and UWO believe that exceptional circumstances exist, as outlined below, and that this enforceable undertaking is a more effective regulatory outcome than a legal proceeding.

Under this undertaking, UCML and UWO will provide valuable facilities and resources to their workforces, the community and industry, as set out in the three focus areas of the project proposed by this enforceable undertaking (**Project**). In short, these will include:

- a mental health and wellbeing of workforces training seminar for workers at six mining operations in the Mudgee region (**Training Seminar**);
- the facilitation of an industry workshop (**Skills Workshop**), development of a communications training package (**Communications Training Package**) to be made publicly available, and industry education session (**Plus One Session**); and
- the funding of local public physical rehabilitation facilities.

UCML and UWO will make significant and ongoing commitments through the Project, aimed at achieving improved compliance outcomes beyond what might be able to be achieved in legal proceedings. The initiatives in relation to the focus areas of the Project, described briefly above, will be rolled out over a period of approximately 18 months, with the benefits of the initiatives expected to have positive long term health and safety benefits.

UCML and UWO consider that this enforceable undertaking will be a more effective means of improving work, health and safety outcomes at mining workplaces in NSW through the timely provision of information, education and training to workers and industry via the Project.

The enforceable undertaking will also provide opportunities for UCML and UWO to consult with their workforce, industry and the community via the consultation aspects of each of the focus areas of the

Project. This broader engagement also provides opportunities to demonstrate the benefits of the coal mining industry in the local community.

UCML and UWO consider that the deterrent effects of this enforceable undertaking will be similar to or better than a successful legal proceeding, as this enforceable undertaking aims to engage workers, industry and the local community in three focus areas of the Project, including through significant education components.

UCML and UWO believe that the enforceable undertaking will provide a more timely resolution to the matter than a legal proceeding, with reduced costs to the Resources Regulator and the taxpayer.

UCML and UWO also note that this enforceable undertaking will provide numerous opportunities to communicate to their industry peers and the community generally about the consequences of the Incident, and the opportunities improved overall compliance can bring.

<sup>1</sup> An injury that has caused nervous system damage liable to lead to mental incapacity or permanent restriction of mobility or involves a major amputation of a limb or parts of the body, for example, amputation above the knee or elbow. This term is not defined in the WHS Act; it is used within this document to identify certain circumstances which will trigger additional steps in the WHS undertaking process.

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

Each of the three Ulan sites, comprising the Mine, Ulan Underground (**ULU**) and Ulan Surface Operations (**USO**) has a Safety Management System Framework in place which includes the policies, principles, and practices by which health, safety, environment and community (**HSEC**) requirements are managed, and provides guidance and direction in the development of operational HSEC Management Systems and alignment with relevant Australian and state legislative obligations.

Each Safety Management System Framework is developed and implemented to meet the requirements of:

- *Work Health and Safety Act 2011 (NSW).*
- *Work Health and Safety Regulation 2011 (NSW).*
- *Work Health and Safety (Mines and Petroleum Sites) Act 2013 (NSW).*
- *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 (NSW).*

Each Safety Management System Framework also refers to applicable Australian and international standards, including AS/NZS 4801:2001 Occupational health and safety management systems – Specification with guidance for use, and International Standard 31000:2009 Risk Management – Principles and Guidelines.

The level of auditing undertaken is as follows:

- Planned Task Observations (**PTO**) and Safety Observations undertaken on a frequent basis at each of the three (3) Ulan sites, numbering several thousand per year for each site.
- Critical Control Audits and Inspections undertaken on a monthly basis for each site, with approximately 14-16 being carried out each month. The audits and inspections are undertaken by site personnel and reported.
- Legislative audits, for example, ventilation control audits and dust explosion management plan audits, which are undertaken by external certified bodies on an annual basis.
- High Potential Incident (**HPI**) audits, where, following any HPI, an audit of systems and processes will be undertaken remotely, and then on site to verify findings of the remote audit.
- Legislation self-assessment audits, which occur approximately every two years and comprise a site self-assessment, followed by a third-party review of the site's compliance with applicable legislation.
- Auditing to HSEC standards, whereby each site undertakes a self-assessment against HSEC standards, and this is followed by an external assessment carried out approximately every two years.

- Fatal Hazard Protocol audits, which involves assessment of site compliance with Fatal Hazard Protocols approximately every three years.

11. the details of any consultation undertaken within the workplace regarding the proposal of a WHS undertaking

Consultation about the proposal of this enforceable undertaking has occurred amongst the senior management of UCML and UWO, including the Chief Operating Officer, Director NSW Underground Operations, General Manager for Health Safety and Training, General Manager-Western Operations, the Operations Manager, the Health Safety and Training Manager, and the Compliance Manager.

Consultation has also occurred with the workers at the Mine. A number of sessions were held at the Mine in order to present an overview of the working draft proposal to the workforce and workers were invited to ask questions and provide feedback.

12. a statement of regret that the incident occurred (ie not an admission of guilt)

UCML and UWO regret that the Incident occurred.

13. any rectifications made as a result of the contravention

Following the Incident, the use of the PipeLion brand piping onsite at the Mine as a nitrogen inertisation line was immediately ceased (it was not being used at either of the other two Ulan sites).

Any installed PipeLion brand pipe installed at the Mine was subsequently recovered throughout the mining process and discarded.

From the time of the Incident, nitrogen inertisation has been managed by the installation of 4 inch steel victaulic pipes.

The cost of recovery and disposal of the PipeLion brand pipe is approximately \$20,000.

The cost of installation of the 4 inch steel victaulic pipes is approximately \$180,000 over a period of 18 months. (It is noted that it is difficult to provide a cost for the rectification work, as much of the cost for recovery and installation of pipe would have been incurred in any event, noting that the labour costs associated with the installation of steel pipe are approximately 50% higher than in respect of the PipeLion brand piping).

Total amount spent on rectifications (approx.)	\$200,000
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14. an acknowledgement that the WHS undertaking may be published and publicised

UCML and UWO acknowledge that the enforceable undertaking may be published on the Regulator's web site and referenced in material published by the Regulator.

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

UCML and UWO have the financial ability to meet the costs of complying with the terms of this enforceable undertaking and agree to be held jointly and severally liable for all commitments, including financial, referred to herein.

16. statement regarding relationships with beneficiaries

There are no known current relationships with any of the beneficiaries outlined in the enforceable undertaken, other than the current workers of UCML and UWO and the broader coal mining industry.

17. intellectual property licence

UCML and UWO 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 enforceable undertaking.

18. the person may be required to provide a statutory declaration

Has Department of Planning and Environment requested a statutory declaration outlining details of any prior work health and safety convictions or findings of guilt under work health and safety legislation or work health and safety related legislation?

Yes  No

The statutory declaration is attached (if applicable)

Yes  No

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

It is acknowledged that responsibility for demonstrating compliance with this enforceable undertaking rests with the persons who have given this enforceable undertaking. Evidence to demonstrate compliance with the terms will be provided to the Regulator by the due date for each component of the enforceable undertaking.

It is acknowledged 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 persons who have given this enforceable undertaking until advised by the Regulator that the enforceable undertaking has been completely discharged.

It is acknowledged that the Regulator may initiate additional compliance monitoring activities in relation to the compliance with the terms of this enforceable undertaking, such as inspections, as considered necessary at the Regulator's expense.

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

UCML and UWO each commit that the behaviour that led to the alleged contravention has ceased and that they have taken and will continue to take steps to prevent recurrence of the Incident, so far as is reasonably practicable.

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

UCML and UWO are committed to the ongoing effective management of WHS risks in accordance with the WHS Act, WHS Mines Act and relevant regulations.

22. acknowledgment of WHS undertaking overview and guidelines

UCML and UWO have read and understood:

*Enforceable undertakings—Guideline version 3 dated July 2017.*

## Section B – enforceable terms

1. 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)

UCML and UWO agree to disseminate information about this enforceable undertaking to workers and other relevant parties by implementing the following:

- UCML and UWO will jointly issue a written communication to all workers at the Mine, ULU and USO in relation to the enforceable undertaking. This communication will provide information about the enforceable undertaking and the Project as set out in the Attachment to this document. This will occur within 28 days of the enforceable undertaking being accepted by the Regulator.
- Dissemination will also be achieved by ongoing consultation with the stakeholders at UCML and UWO as set out under the heading "Consultation" in the Attachment to this document.



- Dissemination will also be achieved by delivery of the Project, as set out in the Attachment to this document, including through delivery of the Training Seminar, delivery of the Skills Workshop, delivery of the Communications Training Package at the Plus One Session and industry events as applicable.
2. Strategies that will deliver worker benefits

The Project, as set out in the Attachment to this document, will deliver worker benefits through the Training Seminar that will be offered at the Mine, ULU and USO. UCML and UWO recognise that good mental health is a challenge for the coal mining industry and the Mining Safety and Advisory Council (**MSAC**) has identified wellbeing (mental health and lifestyle factors) as a priority area for its health and wellbeing actions, and has identified psycho social issues as an emerging trend for the industry (see NSW Mine and Safety Advisory Council – Strategic Plan to 2020, p4). UCML and UWO will engage an expert mental health organisation to develop the contents of the Training Seminar and deliver the Training Seminar which will be offered to workers in three (3) to four (4) sessions at each of the Mine, ULU and USO.

In addition, the Project will deliver worker benefits through attendance at the Skills Workshop (to be offered to representatives from each of the Mine, ULU and USO, as well as contractor representatives from each of those sites), and attendance at the Plus One Session (of 2-3 hours in duration) to be offered to representatives from the Mine, ULU and USO and contractors from each of those sites (where contractors will be required to bring a “plus-one” subcontractor or labour-hire partner). Further, the Communications Training Package delivered at the Plus One Session will be updated and made publicly available on the UCML website.

### 3. Strategies that will deliver industry benefits

The Project will deliver industry benefits through the Training Seminar as referred to above, which will also be offered to attendees from Yancoal’s Moolarben Open Cut and Moolarben Underground mines, and Peabody’s Wilpinjong Mine in three (3) to four (4) sessions at each mine site.

In addition, the Project will deliver industry benefits through attendance at the Skills Workshop, which will also be offered to representatives from each of Moolarben Open Cut, Moolarben Underground and Wilpinjong Mine, and contractor representatives from each of those sites. The industry will also benefit from attendance at the Plus One Session to be offered to persons including workers at each of Moolarben Open Cut, Moolarben Underground and Wilpinjong Mine, and contractors from each of those sites (with contractors being required to bring a “plus-one” subcontractor or labour-hire partner).

Further, the Project will deliver industry benefits through the delivery of the Communications Training Package at applicable industry events such as industry forums, and Glencore Operations contractor forums as set out in the Attachment to this document.

As noted above, the Communications Training Package will also be updated and it will be made publicly available on the UCML website resulting in a broad range of industry participants being able to benefit from this activity.

The Project will also deliver industry benefits through the provision of funding to the medical facilities in the Mid-West region for the rehabilitation of musculoskeletal disorders. MSAC has identified musculoskeletal disorders as a priority area for MSAC’s health and wellbeing actions (see NSW Mine Safety and Advisory Council – Strategic Plan to 2020). The equipment purchased with the funds from the Project will be available to the broader community, including industry participants who are undergoing treatment for a musculoskeletal disorder.

### 4. Strategies that will deliver community benefits

The Project will deliver community benefits through the Training Seminar as it is anticipated that the increased awareness and discussion of mental health issues will have a positive impact on workers’ families and their communities, as workers will be able to share those learnings, including awareness of mental health issues and strategies, with family members and other community members.

In addition, the Project will deliver community benefits through the provision of funding to the medical facilities in the Mid-West region for the rehabilitation of musculoskeletal disorders. The equipment

## WHS undertaking proposal

purchased with funding from the Project will enable a broad cross-section of persons in the community to derive a benefit from this enforceable undertaking.

5. A commitment regarding linking the promotion of benefits to the WHS undertaking

UCML and UWO will link the promotion of all benefits arising from this enforceable undertaking to this undertaking.

6. A commitment to reimburse the department's agreed costs associated with any monitoring of the enforceable undertaking

Where the Regulator considers appropriate in the circumstances:

Agreement is given by UMCL and UWO to pay the regulators costs associated with the undertaking, as itemised below, and acknowledgment that payment is due **30 days** after receipt of the regulator's invoice:

<input checked="" type="checkbox"/> investigative, legal and administrative costs	\$244,244
<input checked="" type="checkbox"/> compliance monitoring costs	\$8,500
<input checked="" type="checkbox"/> publication costs	\$0
<b>Total amount</b>	<b>\$ 252,744 (inc GST)</b>

7. Minimum spend

UCML and UWO jointly and severally agree to and will spend a minimum of \$502,744 in complying with this enforceable undertaking, inclusive of the Regulator’s recoverable costs.

UCML and UWO acknowledges the minimum spend comprises of:

Activities to deliver	Total minimum cost (inc GST)
Minimum cost of the proposed Project (as set out in the Attachment)	\$250,000
Regulator’s recoverable costs	\$252,744
<b>Minimum total value of the enforceable undertaking</b>	<b>\$502,744</b>

8. Project of undertaking

Where a project or projects are proposed to deliver benefits to workers, industry and community UCML and UWO jointly and severally offers and commits to carry out such projects as described in the attachment to this document.

9. Timeframe for delivery

The WHS undertaking will be delivered on or before the estimated 19 months following acceptance of this enforceable undertaking by the Regulator.

**Section C - Offer of undertaking**

I offer this undertaking and commit to the terms herein of behalf of Ulan Coal Mines Limited.

Signed: .....  
[Person]

Name: .....  
[Print name]

Position: .....

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

I offer this undertaking and commit to the terms herein of behalf of Ulan West Operations Pty Limited.

Signed: .....  
[Person]

Name: .....  
[Print name]

Position: .....

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

**OR**

As a duly authorised person of  
Ulan Coal Mines Limited  
and  
Ulan West Operations Pty Limited

I offer this undertaking and commit  
Ulan Coal Mines Limited  
and  
Ulan West Operations Pty Limited

to the terms herein.

Signed:  .....  
[Duly authorised person]

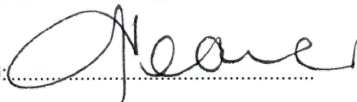
Name: Charlie Allan .....  
[Print name]

Position: Director, Ulan Coal Mines Limited  
Director, Ulan West Operations Pty Limited

Dated at this 4<sup>th</sup> day of April 2018

**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: Deputy Secretary,  
Resources Regulator ..... delegate of the Secretary,  
Department of Planning and Environment

Dated at Maitland, NSW this 6th day of April, 2018

# ATTACHMENT

(This attachment is incorporated in and considered part of this WHS undertaking for the purposes stated herein, and are enforceable terms given under Section B of the undertaking by Ulan Coal Mines Limited and Ulan West Operations Pty Limited)

## 1 Project proposal

Ulan Coal Mines Limited (UCML) and Ulan West Operations Pty Limited (UWO) (the **Companies**) have identified three key focus areas for the project (**Project**):

1. mental health and wellbeing of workers,
2. sharing learnings from the Incident, and
3. physical rehabilitation of those who have suffered an injury or illness in the community, whether at work, or elsewhere.

The Companies, through the Project, wish to take steps to address each of the three focus areas in ways that will bring benefit to persons including their own workforce, the local coal mining industry and the local community.

The Project is divided into three parts, which addresses each of the Project's focus areas in turn.

## 2 Scope and activities

### 2.1 Mental health and wellbeing of workforces training seminar

#### (a) Overview

The Companies recognise that good mental health is a challenge for the coal mining industry. The Mining Safety and Advisory Council (**MSAC**) has identified wellbeing (mental health and lifestyle factors) as a priority area for its health and wellbeing actions, and has also identified psycho social issues as an emerging trend for the industry.<sup>1</sup>

In order to seek to promote a positive mental health culture, enhance awareness of mental health issues, and share management strategies that can assist in dealing with those issues, the Companies will engage an established expert mental health organisation to deliver awareness training to managers and workers at specified mine sites (identified below) in the Mudgee region (**Training Seminar**). It is intended that managers and workers will benefit from the Training Seminar, and that those benefits will extend to the communities where the mine workers live.

The target issues to be covered by the Training Seminar are:

- **Mental health literacy:** The importance of mental health literacy and its relevance across local mining workforces;
- **Risk identification:** How to identify threats to workplace wellbeing;
- **Symptom identification:** Suggestions as to how to identify symptoms of poor mental state;

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<sup>1</sup> NSW Mine Safety and Advisory Council – Strategic Plan to 2020, p4.

- **Strategies:** How to identify strategies for organisations to promote wellbeing;
- **Resources:** Where to go to seek further information or assistance.

(b) Scope and activities

The Companies will undertake the following activities:

*i. Consult with mental health organisation and other mining operations*

The Companies have had initial conversations with the Black Dog Institute. The Black Dog Institute is an organisation that is dedicated to understanding, preventing and treating mental illness. It works with organisations to deliver programs to workers to reduce the incidence and impact of mental health issues.

The Companies have also consulted with the General Managers of Peabody's Wilpinjong Mine and Yancoal's Moolarben Complex (comprising Moolarben Open Cut and Moolarben Underground) and provided a draft of this proposal for their consideration. Peabody and Yancoal have both confirmed that they will participate and provide attendees for the Training Seminar.

The Companies will work with the nominated mental health organisation to collate and analyse feedback from the Training Seminar. The Companies will consult with Peabody and Yancoal following the completion of all sessions of the Training Seminar regarding the feedback received, comprising a discussion with senior management at those operations.

*ii. Develop Training Seminar*

The Companies will engage an expert mental health organisation to develop the Training Seminar that will address the target issues identified in 2.1(a) above and assist in identifying any specific needs of the area's coal mining industry.

*iii. Offer attendance at Training Seminar to six (6) mining operations*

The Companies will invite mining organisations operating in the Mudgee region at the following sites to have their workforce and contractor representatives attend the training seminar:

- The Mine;
- Ulan Underground (**ULU**);
- Ulan Surface Operations (**USO**);
- Moolarben Open Cut (operated by Yancoal);
- Moolarben Underground (operated by Yancoal); and
- Wilpinjong Mine (operated by Peabody).

Collectively referred to as the **Nominated Mining Operations**.

The Companies intend that the Training Seminar will be rolled out to a significant portion of the workforce at each of the Nominated Mining Operations. Between 18-24 sessions (3-4 at each of the **Nominated Mining Operations**) of the Training Seminar

will be held to accommodate attendance at the **Nominated Mining Operations**. At least 300 attendees from the Mine, ULU and USO will attend sessions, and at least 300 individuals from the other **Nominated Mining Operations** will be invited to attend sessions.

## 2.2 **Facilitation of Skills Workshop, Communications Training Package and Plus One Session**

### (a) Overview

The Companies each recognise the value in sharing learnings with other industry participants following an incident, as it allows a broader audience (beyond the immediate workforce) to learn from the experiences of others and promotes awareness of important technical issues.

In order to enable a broad range of industry participants to gain the benefit of the learnings derived from the Incident, the Companies will facilitate an industry workshop to consider learnings from the Incident (**Skills Workshop**).

The target issues to be addressed in the Skills Workshop are:

- **Contractor management:** This will cover pre-planning, risk assessments, Safe Work Procedures etc, including the importance of identifying ongoing improvement opportunities associated with active risk management practices;
- **Legal obligations for contractors:** This will cover legal obligations under applicable work health and safety legislation, including the interrelationship between the contractors' safety management plans and those that exist at the mine sites at which those contractors conduct work;
- **Control of energy** including the control of potential and stored energies; and
- **Associated Non-Technical Skills (ANTS):** Enhancing awareness of, and providing guidance on the application of ANTS, specifically, situational awareness, decision-making and leadership.

The Companies will also design a communications training package regarding the learnings (**Communications Training Package**), conduct a plus-one industry education session (**Plus One Session**) and conduct industry education sessions about lessons learned, described further below.

### (b) Scope and activities

The Companies each agree to undertake, or procure the undertaking of the following activities:

#### *i. **Facilitation of Skills Workshop***

The Companies will engage a suitable training provider eg Forsythes Training, and legal advisors to develop and facilitate the Skills Workshop. The Skills Workshop will be one day in duration and is intended to cover the target issues identified in 2.2(a) above.

The Skills Workshop will be held at a location in the Mudgee region and the Companies will invite the **Nominated Mining Operations** identified in 2.1(b), as well

as contractor organisations as nominated by those mining operations. A minimum of 18 persons will attend, comprising the following:

- Representatives who are involved in the management, coordination and supervision of workers from the **Nominated Mining Operations**;
- Representatives involved in the management, coordination and supervision of workers from contractor organisations as nominated by the **Nominated Mining Operations**.

**ii. Develop Communications Training Package**

The Companies will engage the training provider to utilise the output derived from the workshop and feedback provided by the Skills Workshop's participants to develop the Communications Training Package, to be presented to a broader industry audience. The Communications Training Package will comprise a slide pack and other associated (handout) materials of learnings from the Incident.

The Communications Training Package will cover the following outputs:

- **Contractor management.** This will include descriptions and examples of good practices in contractor management, planning tasks, identification and assessment of risk and implementing risk controls including use of procedures.
- **Legal obligations for contractors.** Setting out legal obligations under applicable work health and safety legislation, including the interrelationship between the contractors' safety management plans and those that exist at the mine sites at which those contractors conduct work.
- **Control of energy.** This will include information about the identification of energy sources, good practice control of energy practices and procedures and the importance of testing for dead.
- **ANTS.** This will include information about factors for situation awareness, effective decision-making and effective communications and leadership.

The initial draft of the Communications Training Package will be sent by the Companies to the Skills Workshop attendees for feedback. The Companies will collate the feedback, review and amend the Communications Training Package accordingly, in consultation with the training provider.

**iii. Delivery of Communications Training Package at Plus One Session convened by the Companies**

The Companies will deliver the Communications Training Package at an industry education session to be convened by the Companies of between 2-3 hours in duration (**Plus One Session**).

The Companies will invite individuals to attend who have responsibilities for the planning and execution of work tasks involving contractors, including: site / contract management team members, contract owners/managers, work planners, task coordinators and frontline supervisors. A minimum of 50 persons will be invited to attend.



The Companies will require attending contractors to bring a “plus-one” (employees of subcontractors and labour-hire partners) to assist in dissemination of training information to subcontractors and labour-hire partners who may not ordinarily have access to such training.

**iv. *Delivery of Communications Training Package at industry events as applicable***

The Companies will deliver the Communications Training Package at a minimum of one external industry event eg the Mine Managers Meeting, or a Mine Safety & Health Representatives Annual Information and Training Day.

The Companies will also deliver the Communications Training Package at a minimum of two Glencore operations contractor forums (one in the Mudgee region, and one in the Hunter Valley area).

The Communications Training Package may be abridged or otherwise modified to suit the attendees of the particular event at which it is being presented.

**v. *Publication of the Communications Training Package***

The Companies will publish the Communications Training Package on the UCML website for public access.

### **2.3 Funding equipment at local public physical rehabilitation facilities**

The NSW Mine Safety Advisory Council's (MSAC) Strategic Plan to 2020 identifies musculoskeletal disorders as a priority area for MSAC's health and wellbeing actions.<sup>2</sup> However, the Companies note that rehabilitation patients in regional areas may face challenges in gaining access to the equipment that is more readily available in more populous areas.

In order to enhance the services provided by local public medical facilities to the community, the Companies will fund the purchase of equipment for the rehabilitation of musculoskeletal disorders at the following public medical facilities in the Mid-West region

- Mudgee Hospital, and
- facilities in Gulgong and Rylstone.

## **3 Project Personnel and Resources**

The Companies will resource internal personnel and engage external personnel as required to carry out the Project activities as described above. Any personnel allocated, engaged or recruited will be suitably qualified, skilled and experienced.

A Project Steering Committee (**Steering Committee**) will be established to oversee the governance of the Project. The Steering Committee will review the progress of the Project on a quarterly basis. Its members will include:

- General Manager-Western Operations, UCML;
- Operations Manager, UWO;

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<sup>2</sup> NSW Mine Safety and Advisory Council – Strategic Plan to 2020, p4.

- The appointed Project Manager (who may be one of the individuals otherwise listed);
- Health, Safety and Training Manager, UWO; and
- Compliance Manager, UWO.

A Project Manager will be appointed by the General Manager-Western Operations UCML for the duration of the Project. The Project Manager will:

- be responsible for managing the Project activities and deliverables for the Companies;
- report to the General Manager-Western Operations, UCML in relation to the Project;
- be the contact and monitoring point for the Department of Planning and Environment; and
- coordinate the activities of the internal and external resources to ensure the delivery of the Project outcomes.

Internal Health, Safety, Training and Technical personnel from both of the Companies will support the Project as applicable. They:

- will be appointed by the General Manager-Western Operations, UCML as required to ensure the delivery of the Project activities timetable and outcomes; and
- will be coordinated and managed by the Project Manager.

The companies will engage external Safety and Technical consultants to support the Project as applicable. They:

- will be appointed as required for the delivery of the Project activities timetable and outcomes; and
- will be coordinated and managed by the Project Manager.

In addition to the as required reporting and monitoring of the Department of Planning and Environment, the Project Manager will periodically provide reports to the Steering Committee, the Health Safety and Environment Committee (**HSEC**) at UWO and the Mine Safety and Health Representative (or Representatives) at UWO (**MSHR**).

## 4 Consultation

The Companies will consult with the following stakeholders about the Project:

- 4.1 Mine safety and health representatives (MSHR) and Health, Safety and Environment Committee (HSEC) members at the Mine;
- 4.2 recognised mental health organisation eg Program Manager of Workplace Education or most similar position at the Black Dog Institute;
- 4.3 representatives of the Nominated Mining Operations referred to in 2.1(b) above eg General Manager and/or Operations Manager or most similar position;

- 4.4 training provider with experience in workshop facilitation eg Forsythes Training;
- 4.5 representatives of the public medical facilities referred to in 2.3 above eg Health Services Manager or most similar position; and
- 4.6 external legal representatives with expertise in health and safety law.

Consultation will be completed through the following methods:

- i. existing HSEC meeting agendas on site at the Mine (which are attended by the MSHR);
- ii. scheduled training days with UWO workforce;
- iii. direct contact with executive management of the mining operations referred to in 2.1(b) above;
- iv. direct contact with subject matter experts in the areas identified;
- v. direct contact with the representatives of the medical facilities referred to in 2.3 above; and
- vi. Skills Workshop, and distribution of draft Communications Training Package to attendees following the Skills Workshop for their feedback.

The expected outcome of broad consultation and involvement of the stakeholders referred to above is a greater understanding of the key issues to be addressed in the Training Seminar and the Communications Training Package, and the needs of the medical facilities in the Mid-West region for the treatment of musculoskeletal disorders.

## 5 Project Deliverables

UCML and UWO commit, on a joint and several basis, to deliver the Project. UMCL and UWO will:

- 5.1 Develop and provide the Training Seminar as described in this enforceable undertaking.
- 5.2 Deliver the Training Seminar to a minimum of 300 workers from the Mine, ULU and USO, and invite a minimum of 300 workers from the other Nominated Mining Operations listed in 2.1(b) above. Between 18-24 sessions will be delivered by the mental health organisation.
- 5.3 Develop the Skills Workshop about the Incident learnings that is one day in duration as described in this enforceable undertaking.
- 5.4 Host and deliver the Skills Workshop to a minimum of 18 people, with invitations extended to the Nominated Mining Operations identified in 2.1(b), as well as contractor organisations nominated by the Nominated Mining Operations.
- 5.5 Develop the Communications Training Package for industry as described in this enforceable undertaking.
- 5.6 Provide the Communications Training Package to participants of the Skills Workshop for feedback.
- 5.7 Deliver the Communications Training Package in the Plus One Session of between 2-3 hours, inviting a minimum of 50 people.

- 5.8 Deliver the Communications Training Package during at least one external industry event eg Mine Managers Meeting, Mine Safety & Health Representatives Annual Information and Training Day, etc, and a minimum of two Glencore contractor forums.
- 5.9 Publish the Communications Training Package on the UCML external website and supply the final version to the Regulator.
- 5.10 Provide funds to public medical facilities in the Mid-West region for the purchase of equipment for the rehabilitation of musculoskeletal disorders.
- 5.11 Provide a final report on WHS undertaking and Project outcomes to the Regulator. The final report will include:

#### Training Seminar

- 5.11.1 overview of the content covered at the Training Seminar;
- 5.11.2 copies of all materials developed and used at the Training Seminar;
- 5.11.3 details of attendance at the Training Seminar (including the number of workforce and contractor representatives and the role or position of each attendee);
- 5.11.4 summary of feedback (anonymised as appropriate) from attendees at Training Seminar

#### Skills Workshop

- 5.11.5 an overview of the content covered in the Skills Workshop;
- 5.11.6 copies of all materials developed and used at the Skills Workshop;
- 5.11.7 details of the attendance at the Skills Workshop (including the number of workforce and contractor representatives and the role or position of each attendee);

#### Communications Training Package and Plus One Session

- 5.11.8 the draft of the Communications Training Package provided to participants of the skills workshop for feedback;
- 5.11.9 summary of the feedback received on the Communications Training Package from participants of the Skills Workshop;
- 5.11.10 list of all industry events, (include location, date, time and number of attendees) at which the Communication Training Package was delivered;
- 5.11.11 an overview of the content covered at the Plus One Session;
- 5.11.12 attach copies of materials developed and used at the Plus One Session;
- 5.11.13 list of attendees at Plus One Session, include the number of workforce and contractor representatives and employer organisations and the role or position of each attendee;
- 5.11.14 attach a copy of the final Communications Training Package for publication on UCML's website; and

#### Funding of medical equipment

5.11.15 a report that includes details of the payment and use of the funds committed to the specific public medical facilities in the Mid-West region. A list of the public medical facilities that received funds as a result of this enforceable undertaking.

## 6 Project staging and timing

	Component	Due Date
1.	Consultation with a mental health organisation to develop Training Seminar.	7 months from acceptance of this Enforceable Undertaking by the Regulator
2.	Facilitation of the Skills Workshop.	7 months from acceptance of this Enforceable Undertaking by the Regulator
3.	Provision of \$100,000 to fund equipment at public health facilities in the Mid-West region.	7 months from acceptance of this Enforceable Undertaking by the Regulator
4.	Development of the Communications Training Package, including obtaining feedback from participants at the Skills Workshop.	13 months from acceptance of this Enforceable Undertaking by the Regulator
5.	Delivery of the Training Seminar over 18-24 sessions.	13 months from acceptance of this Enforceable Undertaking by the Regulator
6.	Consultation with Peabody and Yancoal regarding feedback received from the Training Seminar.	13 months from acceptance of this Enforceable Undertaking by the Regulator
7.	<ul style="list-style-type: none"> <li>• Delivery of the Plus One Session; and</li> <li>• Delivery of the Communications Training Package at the Plus One Session; and</li> <li>• Delivery of the Communications Training Package during at least one external industry event; and</li> <li>• Delivery of the Communications Training Package to a minimum of two Glencore contractor forums; and</li> <li>• Completion of an update to the Communications Training Package; and</li> <li>• Publication of the Communications Training Package on the UCML website; and</li> <li>• Provision of the Communications Training Package to the Regulator.</li> </ul>	19 months from acceptance of this Enforceable Undertaking by the Regulator
8.	Provision to the Regulator of a final report on compliance with this Enforceable Undertaking and Project outcomes.	19 months from acceptance of this Enforceable Undertaking by the Regulator

## 7 Costs

UCML and UWO agree, on a joint and several basis, to pay the following minimum amounts in relation to the following components of the project.

<b>Component</b>	<b>Minimum cost (inc GST)</b>
The development and delivery of the Training Seminar (refer to 5.1 and 5.2 above)	\$60,000
The development and delivery of the Skills Workshop (refer to 5.3 and 5.4 above). The preparation of Communications Training Package (refer to 5.5 and 5.6 above). The delivery of Communications Training Package at the Plus One Session (refer to 5.7 above). Delivery of the Communications Training Package at a minimum of one external industry event and two Glencore contractor forums (refer to 5.8 above) Update and publish the Communications Training Package on UCML's external website (refer to 5.9 above)	\$90,000
Commitment of funds to public medical facilities in the Mid-West region for the rehabilitation of musculoskeletal disorders (refer to 5.10 above).	\$100,000
<b>Total minimum cost</b>	<b>\$250,000</b>

## 8 Variations

Any proposed variations to any aspects of the Project or this enforceable undertaking must be approved by the Steering Committee and will not take effect unless accepted in writing by the Regulator.