

NSW Resources
Resources Regulator



26/11/2024

WHS undertaking

Undertaking to the Secretary, Department of Primary Industries and Regional Development,
given for the proposes of *Part 11 of the Work Health and Safety Act 2011 (NSW)*

By

Maules Creek Coal Pty Limited

ACN: 140 533 875

ABN: 70 140 533 875

WHS Undertaking

Section A – general information

1. Details of the company or individual proposing the undertaking			
Name of company or individual	Maules Creek Coal Pty Limited (MCCPL)		
Registered address:	Level 28, 259 George Street, Sydney NSW 2000		
Mailing address (if different from above)	PO Box R113, Royal Exchange NSW 1225		
Telephone	██████████	Mobile	██████████
Email address	██		
Legal structure	Australian proprietary company, limited by shares		
Type of business	Coal mine operator of the Maules Creek Coal Mine, located near Boggabri, NSW		
Commencement date of the entity	12 November 2009		
Workers	Full time: 534	Part time: 2	Other: 300
Products and services	Coal		

2. The details of the alleged contravention

It is alleged that on 6 December 2021, MCCPL, being a person conducting a business or undertaking at the Maules Creek Coal Mine 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 MCCPL.

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

At approximately 2:00 pm on Monday 6 December 2021, a loaded Hitachi EH5000 haul truck (**RDT028**) narrowly avoided colliding with a light vehicle (**UF100**) which had stopped near the Ramp 6/IPD 275RL intersection (the **Intersection**).

The light vehicle (UF100), a Toyota dual-cab 4WD utility, occupied by the driver and one passenger, had stopped near the Intersection to give way, in accordance with the Mine’s road rules, to a Caterpillar CAT789C rear dump truck (**RDT895**) that was to their right ascending a ramp.

At that time, RDT028 approached and proceeded around the left-hand corner/bend located on the road behind where UF100 was stopped. The RDT028 operator had not seen UF100 as RDT028 proceeded around the left-hand corner of the road. The RDT028 operator also noted that RDT895 had stopped on the approach to the terminating road leading into the intersection, to give right of way for RDT028 to proceed through the Intersection.

The RDT028 operator became aware of UF100 sometime after driving around the left-hand corner and then took an evasive path to avoid a collision with UF100. The RDT028 operator used the retarder to slow down and steered the truck into a windrow beside UF100 to avoid the collision.

Hereafter the above will be referred to as ‘the **Incident**’.

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

It is acknowledged that the Resources Regulator (**the Regulator**) has alleged that MCCPL has contravened section 19(1) of the Work Health and Safety Act 2011 in respect of the Incident.

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

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No persons were physically injured as a result of the Incident. However, first aid assessments and ongoing support were provided to the RDT028 operator and the LV UF100 driver and passenger regardless.

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
07/12/2021	Section 198	NTCE0009451	Non disturbance notice	Complied with direction
07/12/2021	Section 195	NTCE0009454	Prohibition notice - cease all mining	Complied with direction
07/12/2021	Section 155	NTCE0009452	Request for camera footage, two comms, etc.	Complied with direction
21/12/2021	Section 155	211221MF01	Company name, drivers' names, history	Complied with direction
14/02/2022	Section 155	220214MF01	Intersection construction, inspections	Complied with direction
16/05/2022	Section 155	NTCE0010240	Remedial, corrective actions taken	Complied with direction
03/06/2022	Section 155	NTCE0010360	Survey drawings	Complied with direction
07/06/2022	Section 155	NTCE0010383	Photos of incident	Complied with direction
16/06/2022	Section 155	220616JQ1	Roads, distances, topography	Complied with direction
18/07/2022	Section 155	220718JQ1	Intersection checklists	Complied with direction
15/08/2022	Section 155	220815JQ1	Blind spot diagrams	Complied with direction
15/08/2022	Section 155	220815JQ2	Intersection audits, inspections, drone footage	Complied with direction
29/09/2022	Section 155	220929JQ1	Hazard reports	Complied with direction
10/10/2022	Section 155	221010JQ1	LV corridors, speed data, windrow heights	Complied with direction

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08/11/2022	Section 155	221108JQ1	Node speeds	Complied with direction
05/12/2022	Section 155	221205JQ1	Management Plans	Complied with direction
16/12/2022	Section 155	221216JQ1	Provision of risk assessment	Complied with direction
13/01/2023	Section 155	230113JQ1	Remedial actions timing	Complied with direction
20/03/2023	Section 155	230320JQ1	Cost of intersection design	Complied with direction
01/05/2023	Section 155	230501JQ1	Intersection design	Complied with direction

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

MCCPL is committed to complying with its obligations under the WHS Act and the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* (NSW) (the **WHS Mines Act**) and their associated regulations to ensure, so far as is reasonably practicable, the health and safety of all workers engaged or caused to be engaged by MCCPL and all workers whose activities are influenced or directed by MCCPL 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)

No workers compensation was claimed as a result of the Incident.

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)
- not applicable

Support provided to the injured person(s) family:

- not applicable

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

MCCPL has a safety management system (**SMS**) in accordance with the WHS Act, WHS Mines Act (including their associated regulations), other applicable legislative requirements and Australian Standards.

The SMS covers the range of work health and safety matters applicable to open cut mining. It is comprised of Standards, Management Plans, Procedures, Permits, Forms, TARPs and Checklists.

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The SMS is designed in line with Whitehaven Coal’s overarching Risk Management Standard and it includes the Seven Safehaven Rules for managing critical risks.

The SMS includes a number of processes for conducting audits to verify that the SMS meets MCCPL’s legislative requirements and is being complied with. Such audits include:

- (a) OCE inspections each shift;
- (b) Regular Mine Engineering Manager inspections;
- (c) Planned Task Observations and Safety Interactions undertaken on a frequent basis;
- (d) Specific task observations;
- (e) Material Risk Evaluations;
- (f) Critical Control Monitoring and verification;
- (g) A Document Control Standard which forms part of the SMS;
- (h) Internal and external audits;
- (i) Monthly health and safety meetings with representatives from the workforce.

In addition to the above audits, the SMS contains processes to identify hazards in the workplace which include defect management and hazard identification.

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)

MCCPL has undertaken the following consultation in relation to this WHS undertaking:

- (a) MCCPL’s WHS Committee (including HSR and MHSR);
- (b) MCCPL’s Mine Safety and Health Representatives;
- (c) Operations crew team members;
- (d) Members of Whitehaven Coal (MCCPL’s parent company) executives and leadership team (including the Chief Executive Officer, Chief Operating Officer, Executive General Manager – Health, Safety, Environment, General Manager Community Engagement);
- (e) Members of MCCPL’s management team, including the General Manager, Senior Operations Manager, Mining Engineering Manager, HSEC Manager; and
- (f) Whitehaven Coal’s Manager, Aboriginal Community Relations.

Additionally, MCCPL consulted the Regulator for suggestions of safety initiatives with regard to the Incident that could potentially improve safety at the Mine or across the mining industry.

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

MCCPL regrets that the Incident occurred and any impact it has had on the MCCPL employees involved in the Incident.

Protecting the health and safety of our people and workplaces, and the communities around us, is our first priority. We believe our people should expect to go home safe and healthy after work every day, and we are committed to integrating insights from this incident to enhance our overall approach.

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

Total amount spent on rectification (excluding long term actions) \$1.78M

Incident intersection remediation

The intersection at the site of the Incident was reviewed. Road widths were reduced to 30m and a 20m flat spot was created at the top of the ramp on the terminating road. Windrows, that were not protecting vehicles from a significant drop, were reduced to improve intersection visibility.

Procedural Changes

Post the Incident, components of the MCCPL Safety Management System were reviewed and revised, where necessary, to improve the effectiveness of the SMS to manage risk. In particular, the following changes were made:

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- The risk assessment for the *Road and Dump Design Standard* was reviewed which resulted in the introduction of mandatory centre bunds at all approaches to haul road intersections and consideration for other intersection.
- The *Maules Creek Vehicles and Driving Standard* was updated to include Section 3.5 – ‘Safe Intersection Site Distance’ which outlines how a vehicle should approach and position at an intersection to allow for maximum protection from the line of fire and to enable maximum visibility of the vehicle to other vehicles.
- The *Construction of Intersection Checklist* was reviewed and updated.
- A checklist, *Shift Circuit Inspection Checklist*, has been developed for each of the area supervisors to be completed each shift. These checklists include items specifically relating to some of the issues identified in the HV-LV near hit investigation.
- Communication of the updated standard was provided to the crews at their stump talks.

Other changes

- Rangefinder distance measuring devices were issued to the crew supervisors for accurate and convenient measuring of road and intersection distances.
- The Survey team developed a weekly road width and grade compliance process through the use of aerial data. This information is used in the weekly planning process to check compliance of road widths and grades.
- A service brake application test has been included into the haul truck practical competency assessment checklist and the reassessment checklist.
- An Operator Alertness In-Cab Monitoring System – An engineering/technology system installed in haul trucks to monitor operator alertness, both fatigue and distraction events.
- A MCCPL representative attended the Regulator collision avoidance forum in March 2022.
- A MCCPL representative attended the Regulator online forum for collision avoidance.
- Whitehaven joined the (Earth Moving Equipment Safety Round Table) EMERST as a Tier 2 member.

A number of **longer-term actions** have also been implemented including:

- (i) August 2022: STRIVE Values based recognition program – Safety, Teamwork, Respect, Integrity, Value and Excellence (STRIVE) are the Whitehaven Values. A recognition and rewards program was developed to improve communication and recognition across Whitehaven. This program includes wellbeing resources, employee communication, retail discounts and employee recognition and rewards;
- (ii) December 2023: The first Immersive training simulator was commissioned at MCCPL. The simulators enable operators to safely train on heavy vehicles (i.e. trucks and excavators) and be challenged with emergency scenarios. The simulator includes an emergency scenario training in the use of the emergency brake, which was made a mandatory component of training for rear dump truck operators.

The rectification measures detailed above were undertaken internally by MCCPL, on MCCPL's own volition, and far exceeded the scope and extent of requirements in the Improvement Notices issued in relation to the Incident. MCCPL points to this as reflecting it's institutional desire to achieve the highest standard possible in its safety systems and processes.

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

MCCPL acknowledges that the undertaking will be published on the Regulator’s website and may be referenced in Regulator material.

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

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

MCCPL has the financial ability to comply with the terms of this WHS undertaking and has provided evidence with this undertaking to support this declaration.

15. Statement regarding relationships with beneficiaries

MCCPL acknowledges that there are no known current relationships with any of the beneficiaries outlined in the WHS undertaking, other than the current workers of MCCPL, MCCPL's contractors and the broader industry.

16. Intellectual property licence

To the extent permitted by law, MCCPL grants 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 by MCCPL 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 MCCPL 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

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

MCCPL 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.

MCCPL 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.

MCCPL 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

MCCPL commits that the behaviour that led to the alleged contravention has ceased and that it will take steps to prevent recurrence of the Incident, so far as is reasonably practicable.

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

MCCPL is committed to the ongoing effective management of WHS risks in accordance with the WHS Act, the WHS Mines Act and their applicable regulations.

21. Acknowledgment of WHS undertaking guidelines

MCCPL have read and understood:

Enforceable undertakings guidelines version 8 dated November 2023.

Section B – enforceable terms

1. Publication of information about the undertaking

MCCPL 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 Daily Telegraph, Sydney Morning Herald, Narrabri Courier and the Gunnedah Times which will be drafted using the script provided by the Regulator in **Attachment A**.

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)

MCCPL must disseminate information by the following means within 30 days of receiving notification from the Regulator of acceptance of the WHS undertaking.

- (a) Issue a written communication to all MCCPL workers in relation to the WHS undertaking. The written communication will provide information about the WHS undertaking and the initiatives;
- (b) Display a summary of the WHS undertaking on mine, mine office and contractor safety notice boards at the Mine 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;
- (c) Review the implementation and progress of the WHS undertaking each month at the Site Leadership Team meeting; and
- (d) Review the implementation and progress of the WHS undertaking at scheduled Site Work Health and Safety Committee meetings.

The reviews in paragraphs (c) and (d) must continue throughout the life of the WHS undertaking at regular intervals of no more than three months.

3. Strategies that will deliver worker benefits

Further details about the projects that MCCPL will undertake in order to deliver benefits to workers, the industry and the community are outlined in **Attachment B**.

Project #1: Implementation of a safety culture/mindfulness program for the workforce (minimum cost \$200,000, duration 24 months)

MCCPL recognises that an effective and holistic approach to safety is about more than skills and systems. An important attribute of any safety conscious, high-reliability organisation is a workforce that presents to each shift with a clear and focused mind, and a deep understanding of the safety behaviours expected of them.

Ensuring individuals have the right mindset to approach each task in an engaged, considered and methodical way will help to deliver better safety outcomes.

To achieve this, MCCPL propose implementing a behavioural or mindset-based safety program that aims to improve safety culture through mindset change. To do so, MCCPL will engage a third party, Aframes Consulting Pty Limited, to implement a custom version of its 'Mindful Safety Program'. This tailored program will incorporate

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feedback from Regulator's investigation into the Incident and aim to address the insights identified following the Incident.

MCCPL believe the implementation of this program will help to promote a safety mindset for workers and leaders at the Mine and deliver lasting positive change. This will occur by promoting and aligning the safety culture beliefs of our workforce by changing the safety mindset of workers. Consequently, it is anticipated that the workforce will become more proactive in the field of safety, feel valued and feel that it is safe to speak up, resulting in shifting the safety culture along the safety maturity model to a culture of high performance and collaboration.

4. Strategies that will deliver industry benefits

Further details about the projects that MCCPL will undertake in order to deliver benefits to the industry are outlined in Attachment B and Annexure 1.

MCCPL recognises the mining industry faces significant safety challenges, particularly in the prevention of adverse vehicle interactions which can result in fatalities. The projects proposed at **Attachment B and Annexure 1** outline innovative vehicle interaction control development projects designed to enhance safety, reduce operational risks, and improve overall efficiency, integrating insights from the Incident at the Mine. These projects are envisaged to be developed quickly and are scalable, which will ensure that any technology and learnings can be shared and deployed within the industry to prevent reoccurrence of similar incidents.

Project #2: Conduct field trials at WHC Tarrawonga operations for the development of an integrated Operator Alertness Cameras and Collision Avoidance System (minimum cost \$135,000, duration 24 months)

Develop and trial an integrated system that automatically records camera footage from the operator alertness system cameras when near miss vehicle events occur as detected by the collision avoidance system. This integrated system would improve safety by enabling automated video evidence recording of vehicle interaction events for post-event analysis, coaching, and reducing high-risk driving behaviours, and increasing capability to identify potential hotspots within the Mine.

In addition, this project has potentially significant industry benefits due to the number of existing and planned operator alertness systems and collision avoidance system installations both in NSW and Australia. MCCPL would make the system available to other mine sites that utilise Operator Alertness cameras and Collision Avoidance Systems.

Project #3: Development of a video series to assist mining personnel to understand, implement and maintain effective vehicle interaction controls based on the EMERST level 1 to 7 Vehicle Interaction Defensive Controls (minimum cost \$300,000, duration 24 months).

The purpose of the video series will be to educate and demonstrate to mine personnel, and the broader mining industry, what best practice vehicle interaction controls look like in real world examples, enhancing industry knowledge in a visual and audible format based on the EMERST Vehicle Interaction Defensive Control model, sharing insights and guidance with the wider mining sector.

EMERST are an industry leader of vehicle interaction control methodologies utilised by mine operators within Australia and the wider, global mining community.

Project #4: Investigate, develop, and trial a system leveraging Artificial Intelligence (AI) to identify and analyse positive radio communications within the mining environment. The scope will focus on exploring the feasibility, potential constraints, and outcomes of such a system, recognising that the completion and success of development are subject to ongoing evaluation. (Minimum cost: \$300,000, Duration: 24 months).

Positive communication (**Pos Comms**) via the mine radio is a key control in reducing adverse vehicle interactions on a mine site. Pos Comms must be implemented by personnel in a systematic and structured way to be effective. MCCPL propose to develop and trial a system that utilises AI to continuously monitor, transcribe and audit radio conversations to identify compliant Pos Comms or the lack thereof.

This information can be used to provide feedback to personnel to improve their Pos Comms and ensure the effectiveness of Pos Comms is maintained. It is envisaged that this system should be able to assist with identifying hotspots, individuals, crews and situations where Pos Comms was not effective or could be improved by producing a heat map of the mine site identifying areas for improvement to provide an easy-to-read tool.

5. Strategies that will deliver community benefits

MCCPL representatives engaged with several local organisations to explore if there are opportunities to fund initiatives that would result in community benefits. As a result, MCCPL has received applications for funding from multiple organisations. Two projects were selected that deliver health and safety benefits to the community. The proposed projects are listed below.

Project #5: Winanga-Li Aboriginal Child & Family Centre (minimum cost \$20,000, duration 12 months)

Winanga-Li Aboriginal Child and Family Centre (Winanga-Li) is a non-profit, self-managed, Aboriginal community organisation, with centres in Gunnedah and Narrabri. Winanga-Li delivers support programs across family, disability, health services, education and care, and Whitehaven Coal (Whitehaven) has previously supported program delivery through infrastructure investments and property access.

MCCPL proposes to provide a \$20,000 contribution to Winanga-Li towards furnishing each centre with desks, equipment, office supplies and computers to provide enough working space at each centre, as well as some IT equipment that would add value to the learning experiences within the centre, such as a smart TVs for group presentations and art supplies.

These centres will operate as safe havens for youth to be provided with information, advice and advocacy support. They will provide support for students who are in care, or at risk, with a focus on providing a safe space for learning and development for those in need. Each centre will also operate as homework centres accessible to the entire community. These proposals will be an enhancement of services and facilities for the Gunnedah centre and a new service for the Narrabri centre.

Project #6: Wee Waa main street security CCTV (minimum cost \$35,000, duration 12 months)

Local crime in Wee Waa is difficult to manage, with low Police numbers and staff sometimes called out of area. The Police rely on security cameras installed in the main street of Wee Waa to deter criminal activities and to monitor activities in the area in real-time.

The Narrabri Shire Council (NSC) has identified that the closed-circuit television cameras (CCTV) server in Wee Waa is outdated and needs replacing, and that there is at least one camera that is inoperable.

MCCPL propose to provide a \$35,000 contribution to fund a new CCTV system and server.

The updated system will provide local Police with the capability to reliably monitor the CCTV network and access real-time information, while the two additional CCTVs will provide greater coverage.

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

MCCPL is committed to linking any promotion of a benefit arising from this WHS undertaking to the WHS undertaking.

Protecting the safety of our people and workplaces, and the communities around us, is our first priority. We believe our people should expect to go home safe and healthy after work every day, and we are committed to integrating insights from this incident to enhance our overall approach.

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

MCCPL 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 type="checkbox"/> investigative, legal and administrative costs	\$ 197,599
<input type="checkbox"/> compliance monitoring costs	\$ 12,500

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<input type="checkbox"/> publication costs	\$ N/A
Total amount	
Insert case, if any, for why the Regulator would not seek to recover costs	\$ 210,099

8. Minimum spend

MCCPL must spend a minimum of \$1,200,099, excluding GST, in carrying out its obligations as set out in this WHS undertaking, inclusive of the Regulator’s recoverable costs.

MCCPL acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost
Benefits to workers	\$ 200,000 (ex GST)
Benefits to industry	\$ 735,000 (ex GST)
Benefits to community	\$ 55,000 (ex GST)
Regulator recoverable costs	\$ 210,099 (ex GST)
Estimated total value of the undertaking	\$1,200,099 (ex GST)

9. Project of undertaking

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

10. Timeframe for delivery

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


Strategy		Timeframe for completion (months)
Project#1	Safety culture/mindful safety program	24
Project#2	Integration of OAS/CAS	24
Project#3	EMERST training video development	24
Project#4	Positive communication AI radio analysis	24
Project#5	Winanga-Li Aboriginal Child and Family centre	12
Project#6	Wee Waa CCTV upgrade	12

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Section C – Offer of undertaking

By a corporation

As a duly appointed and authorised officer or agent of *Maules Creek Coal Pty Limited (ACN 140 533 875)* I offer this undertaking and commit *Maules Creek Coal Pty Limited (ACN 140 533 875)* to the terms herein.

Signed: 
DocuSigned by:
59BBB25E8A0B435...

Signed: 
DocuSigned by:
A81B26B45B77495...

Name: 

Name: 

Position: Chief Operating Officer / Director

Position: Company Secretary

Dated: November 26, 2024 | 5:25 PM AEDT

Dated: November 26, 2024 | 3:20 PM AEDT

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: 12 December 2024

Attachment A – Undertaking publication

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

Public notice of Regulators acceptance of a WHS undertaking under Part 11 of the *Work Health and Safety Act 2011*

On Monday 6 December 2021, a loaded Hitachi EH5000 truck narrowly avoided colliding with a light vehicle which had stopped at a T- intersection of a haul road and the top of a ramp.

The light vehicle, a Toyota dual-cab 4WD utility, occupied by the driver and one passenger, had stopped at the intersection to give way, in accordance with the Mine's road rules, to a Caterpillar CAT789C truck that was to their right ascending a ramp.

At that time, the EH5000 truck approached and proceeded around the left-hand corner/bend located on the haul road behind where the light vehicle was stopped at the intersection. The EH5000 truck operator had not seen the light vehicle as they proceeded around the left-hand corner of the road. The EH5000 truck operator also noted that the CAT789 truck had stopped on the approach to the terminating road leading into the intersection, to give right of way for the EH5000 truck to proceed through the Intersection.

The EH5000 truck operator became aware of the light vehicle stopped at the intersection sometime after driving around the left-hand corner and they then took evasive action to avoid a collision with the light vehicle. The EH5000 operator used the retarder to slow down and steered the truck into a windrow beside the light vehicle to avoid a collision. The Department of Primary Industries and Regional Development investigated the incident and subsequently alleged that MCCPL contravened section 32 of the *Work Health and Safety Act 2011* 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 MCCPL, ACN 140 533 875.

The undertaking requires the following actions:

- Implementation of a safety culture/mindfulness program for the workforce at the Mine;
- Conducting field trials at the Tarrawonga mine site for the development of an integrated Operator Alertness Cameras and Collision Avoidance System;
- Development of a video series to assist mining personnel to understand, implement and maintain effective vehicle interaction controls based on the EMERST level 1 to 7 Vehicle Interaction Defensive Controls;
- Investigate, develop, and trial a system leveraging Artificial Intelligence (AI) to identify and analyse positive radio communications within the mining environment. The scope will focus on exploring the feasibility, potential constraints, and outcomes of such a system, recognising that the completion and success of development are subject to ongoing evaluation;
- The Mine will contribute \$20,000 to Winanga-Li, a non-profit, self-managed, Aboriginal community organisation, which manages aboriginal and child centres in Gunnedah and Narrabri. This funding will be used to purchase furniture, office supplies and computers to improve learning experiences at the centres.
- The Mine will provide \$35,000 to the Narrabri Shire Council to be used for improving the CCTV security network in the Wee Waa main street. This CCTV system is used by Police to deter criminal activities and to monitor activities in the area in real-time.

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

Attachment B – Strategy/Project details

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

MCCPL will undertake the following:

Project 1: Mindful Safety Program (*\$200,000, 24 months duration, benefit to workers*)

MCCPL intends to develop a practical approach to manage the safety mindset and performance of personnel at our mine site (Mine). MCCPL is looking for a straight-forward, robust system to help our workforce engage in a meaningful way with the current safety framework at the Mine.

To achieve this, MCCPL will engage Aframes Consulting Pty Limited (Aframes) to implement its '*Mindful Safety Program*', which delivers improved safety performance through employee mindset change. Recognising that the decision-making capabilities of individuals directly impacts the effectiveness of safety management strategies, the *Mindful Safety Program* examines and quantifies thinking processes that are highly correlated with the identification, consideration and assessment of risk.

MCCPL will work with Aframes to develop a targeted behavioural-based safety program that will deliver significant benefits for our workers. By understanding the principal determinants of a safety mindset, specific safety behaviours can be identified and addressed to therefore improve the effectiveness of safety management systems and strategies.

An individual's safety mindset, the cognitive state through which safety decisions are made, can influence individual's:

- Risk awareness (specifically, mindful awareness of risk)
- Safety attitude (specifically, the attitudes driven by the safety mindset of an organisation)
- Emotional control (specifically, the ability to make rational safety decisions)
- Safety aptitude (specifically, safety knowledge and experience).

Objectives

The objective of this initiative is to assist in the alignment of the workforce to a more progressive safety mindset, consistent with Whitehaven Coal's values of Safety, Teamwork, Respect, Integrity, Excellence (**STRIVE**).

The areas that MCCPL is seeking improvements in are:

- Reduction in Total Recordable Injury Frequency Rate (TRIFR) and Lost Time Injuries (LTI)
- Improvement in employee engagement
- Increase situational awareness leading to lower slips/ lapse style errors
- Increase in the lead safety indicators (both quantity and quality)
- Improve completion of all safety tools onsite (Take5, PTO, SI, CCM, JHA, Hazard identification).

Expected outcomes and benefits

The project aims to deliver the following improvements:

- Reduction in TRIFR and LTI
- Improved employee engagement (as measured by employee engagement surveys)
- Increased situational awareness leading to lower slips/ lapse style errors
- Increased (quality and quantity) in the lead safety indicators (Take5, PTO, SI, CCM, JHA, Hazard identification).

Upon conclusion of the project MCCPL will provide a report to the Regulator detailing the effectiveness (or otherwise) of the project in delivering improvements in the factors set out above and any other relevant factors measured.

WHS Undertaking

Work Program and Timeframe

Phase	Month											
	1,2	3,4	5,6	7,8	9,10	11,12	13,14	15,16	17,18	19,20	21,22	23,24
Safety Mindset review												
Mindful Safety Program -Hybrid												
Aframes Program Facilitator Training and Accreditation												
1:1 Program Facilitator support (monthly)												
Mindful Leadership - One on One coaching (monthly)												
Mindful Safety Program - reporting												

WHS Undertaking

Project 2: Develop and trial of an integrated Operator Alertness Cameras and Collision Avoidance System (minimum cost \$135,000, duration 24 months, benefit to the industry)

MCCPL aims to enhance safety and vehicle interaction (VI) control effectiveness by developing and trialling an integrated Operator Alertness and Collision Avoidance system.

The proposal is to integrate the Hexagon Collision Awareness System (CAS) and Operator Alertness System (OAS) resulting in a system that will enable automated video evidence recording of vehicle interaction events for improved incident investigation, coaching and reducing high-risk driving behaviours.

It is envisaged, that if the trial is successful, this system would be made available to mine sites operating within New South Wales, Australia and the wider global mining community who are already utilising Hexagon OAS and CAS products resulting in significant safety improvements across the wider mining industry.

This integrated system would improve safety by allowing enhanced analysis and review of critical vehicle interaction events, the identification of potential hotspots within the mine site, and high-risk driving behaviours.

This project has significant industry benefits due to the number of existing and planned operator alertness systems and collision avoidance system installations both in NSW and Australia.

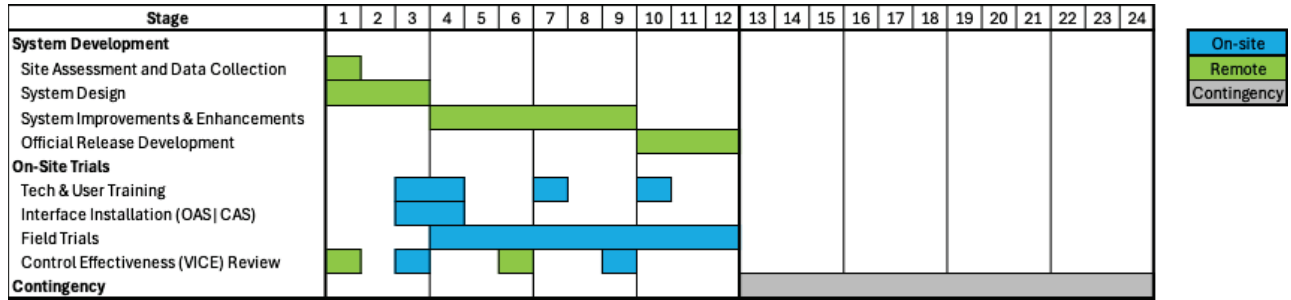
Expected outcomes and benefits

- The ability to provide video evidence of vehicle interaction events for auditing and compliance monitoring;
- Enhanced post event analysis for worker training and identifying at risk operator behaviours;
- Identification of potential hotspots and high-risk driving behaviours, for the purpose of preventative action.

Learnings from this project will be shared amongst the wider mining community and made available to share at NSW Mining Industry seminars including Mine Managers Association of Australia seminars and the Regulators Mechanical, Electrical and Mining Engineering Managers forums.

If the above seminars do not fall within the 24-month life of the undertaking (2025 – 2026) then the presentation will occur at the next occurrence of the relevant seminars in 2027.

Work Program and timeframe



WHS Undertaking

Project 3: Development of a video series to assist mining personnel to understand, implement and maintain effective vehicle interaction controls based on the EMERST level 1 to 7 Vehicle Interaction Defensive Controls (minimum cost \$300,000, duration 24 months, benefit to the industry).

MCCPL aims to enhance safety and vehicle interaction control effectiveness by developing a series of videos focused on EMERST level 1-7 of vehicle interaction controls. Layers 1 to 7 of the EMERST 9-layer defensive control model consist of:

- Layer 1: Site Requirements;
- Layer 2: Segregation Controls;
- Layer 3: Operating Procedures;
- Layer 4: Authority to Operate;
- Layer 5: Fitness to Operate;
- Layer 6: Operating Compliance;
- Layer 7: Operator Awareness.

The purpose of the video series will be to educate and demonstrate to mine workers and supervisors’ best practice in vehicle interaction controls, further enhancing industry knowledge in a visual and audible format based on the EMERST Vehicle Interaction framework, sharing insights and guidance with the wider mining sector.

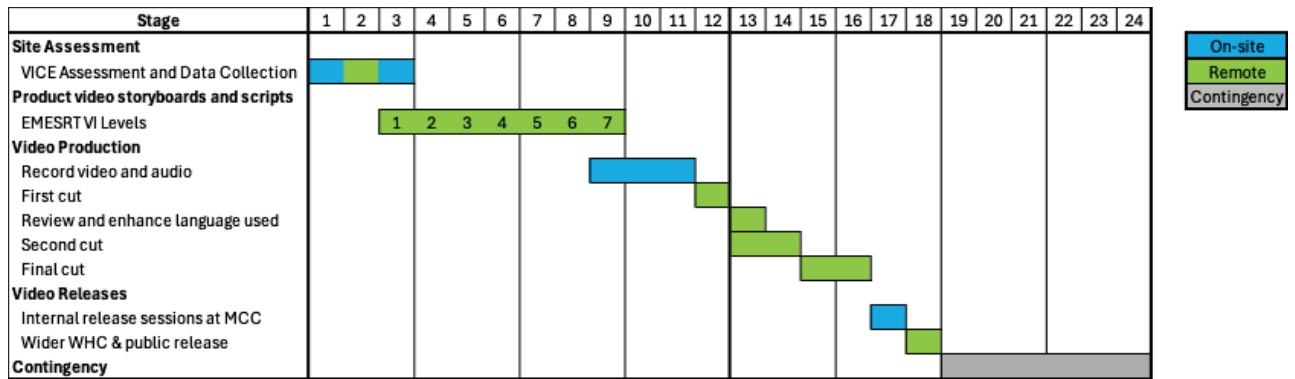
EMERST are an industry leader of vehicle interaction control methodologies utilised by mine operators within Australia and the wider, global mining community. The EMERST control framework has been widely accepted by the mining industry. By creating real world examples of best practice, this video series will assist mine operators and supervisors to quickly and effectively assess their operation and understand areas that could be improved to further enhance safety.

Expected outcomes and benefits

- Assist mine operators and supervisors to better understand the EMERST control framework levels 1 to 7 by translating complex documentation into an easy-to-understand video series which also provides guidance as to best practice.
- This video series will assist mine operators and supervisors to quickly and effectively assess their operation to understand how adverse vehicle interaction controls could be improved to further enhance safety.

The video series will be made available to the wider mining community via Youtube, Vimeo, etc.

Work Program and timeframe



WHS Undertaking

Project 4: Investigate, develop, and trial a system leveraging Artificial Intelligence (AI) to identify and analyse positive radio communications within the mining environment. The scope will focus on exploring the feasibility, potential constraints, and outcomes of such a system, recognising that the completion and success of development are subject to ongoing evaluation. (minimum cost \$300,000, duration 24 months, benefit to the industry)

MCCPL aims to enhance safety and vehicle interaction control effectiveness by developing an AI supported auditing tool to evaluate and report on Positive Radio Communications between the mining fleet. Positive communication (**Pos Comms**) via the mine radio is a key control in reducing adverse vehicle interactions on a mine site. Pos Comms must be completed by personnel in a systematic and structured way to be effective. MCCPL propose to develop and trial a system, that utilises AI, to continuously monitor, transcribe and audit radio conversations to identify compliant Pos Comms or the lack there of.

This information can be used to provide feedback to personnel to improve their Pos Comms and ensure the effectiveness of Pos Comms is maintained. It is envisaged that this system will assist with identifying hotspots, individuals, crews and situations where Pos Comms was not effective or could be improved.

Expected outcomes and benefits

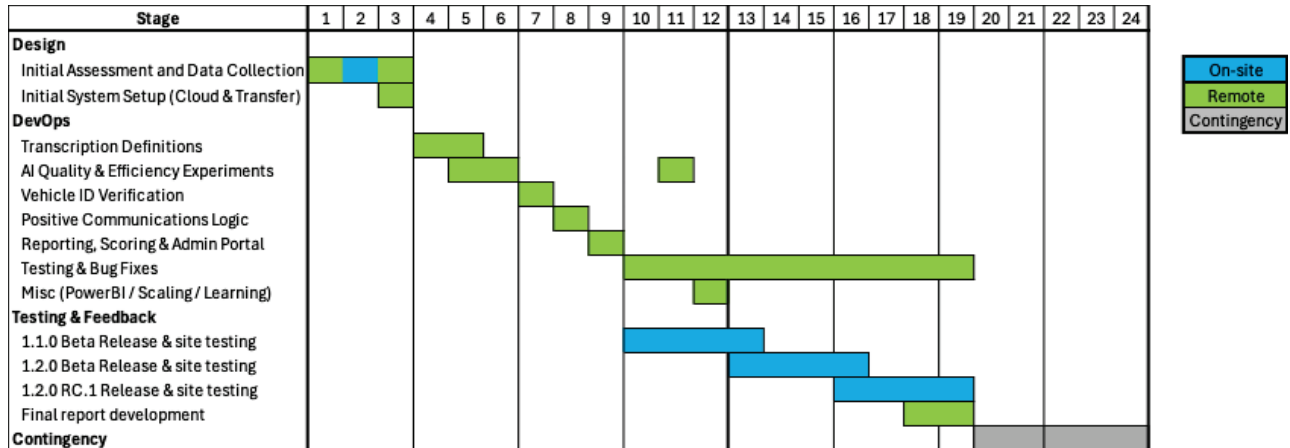
Audit and Compliance:

- Identify areas of the mine site where Pos Comms is not occurring in accordance with its policies and procedures;
- Ability to produce a heat map of the mine site to provide an easy-to-read tool for supervisors to understand areas for improvement;
- Identify whether potential environmental and/or operational factors such as tight corners or high traffic zones are impacting Pos Comms and use this data to improve them;
- Use the tool to provide real feedback on compliance and training impacts to reinforce the importance of Pos Comms on mine sites for the safety of personnel.

Learnings from this project will be shared amongst the wider mining community and made available to share at NSW Mining Industry seminars including Mine Managers Association of Australia seminars and the Regulators Mechanical, Electrical and Mining Engineering Managers forums.

If the above seminars do not fall within the 24-month life of the undertaking (2025 – 2026) then the presentation will occur at the next occurrence of the relevant seminars in 2027.

Work Program and timeframe



WHS Undertaking

Project 5: Winanga-Li Youth Centres, Narrabri and Gunnedah (\$20,000, 12 months duration, benefit to the community).

Winanga-Li Aboriginal Child and Family Centre (Winanga-Li) is a non-profit, self-managed, Aboriginal community organisation, with centres in Gunnedah and Narrabri.

Winanga-Li delivers support programs across family, disability, health services, education and care, and Whitehaven Coal (Whitehaven) has previously supported program delivery through infrastructure investments and property access.

This proposal will involve MCCPL providing a \$20,000 contribution to Winanga-Li to be used to purchase desks, office equipment, computers and a smart tv for the Winanga-Li Youth Centre in Narrabri and the Gunnedah Youth Centre.

These centres will operate as safe havens for youth to be provided with information, advice and advocacy support. They will provide support for students who are in care, or at risk, with a focus on providing a safe space for learning and development for those in need.

Each centre will also operate as homework centres accessible to the entire community weekly.

Narrabri Youth Centre:

- Address: 35 Hinds Street, Narrabri

Gunnedah Youth Centre:

- Address: 2/204 Conadilly Street, Gunnedah

Narrabri

The Narrabri Youth Centre will be managed by one staff member who will oversee daily operations, provide assistance with homework, and coordinate activities. Winanga-Li intends to establish five study stations equipped with all resources a student would need to complete any homework, assessments, or assignments.

Cost: \$10,000 (excluding GST).

Gunnedah

The Gunnedah Youth Centre refurbishment project will focus on upgrading existing learning spaces, enhancing technology access, and creating a comfortable and inviting environment.

Currently, there are four study stations. This initiative plans to increase the number of study stations and improve the resources available to include noise-reducing headphones and additional screening that will help children focus and minimise distractions. A small community library section will also be added, featuring reading materials tailored to children and young people to foster a love for reading.

In addition to academic support, more recreational activities will be introduced to make the space more inviting for students. This will include fun activities to encourage kids to come to the centre and create a balanced environment where learning and leisure can coexist.

Cost: \$10,000 (excluding GST).

Number of students and school collaboration

- Winanga-Li anticipates that each centre will serve approximately 20-30 students weekly.
- Winanga-Li is collaborating with local schools to ensure that students are aware of and can access these centres. This includes partnerships with Gunnedah High School and other primary schools in the area.

Expected outcomes and benefits

- The centres will be open Monday to Friday from 9:00am to 5:00pm as regular opening hours. Opening times on the weekend and after-hours throughout the week will be determined based on demand and community feedback.
- Children of these areas will have a safe space to attend and enable them to do their homework.

WHS Undertaking

Work Program

MCCPL will assist Winanga-Li to furnish each centre with desks, equipment, office supplies and computers to provide enough working space at each centre, as well as some IT equipment that would add value to the learning experiences within the centre, such as a smart TVs for group presentations and art supplies.

The estimated cost for these items is approximately \$10,000 per site (excluding GST).

Timeframe

Complete within 12 months from approval.

Project 6: Narrabri Shire Council – Wee Waa Main Street Security CCTV (\$35,000, 12 months duration, benefit to the community)

The Narrabri Shire Council (NSC) has identified that the closed-circuit television cameras (CCTV) server in Wee Waa is outdated and needs replacing, and that there is at least one camera that is inoperable.

MCCPL's proposal will see the provision of a \$35,000 contribution to fund a new CCTV system and server.

Expected outcomes and benefits

Local crime in Wee Waa is difficult to manage, with low Police numbers and staff sometimes called out of area.

The updated system will provide local Police with the capability to reliably monitor the CCTV network and access real-time information, while the two additional CCTVs will provide greater coverage.

This will significantly enhance safety and security, and ensure a greater level of comfort for the entire community.

Work Program

The program will involve replacing the old CCTV server and UPS at the Wee Waa Library including configuration and installation of the server and UPS. This work should be completed onsite at Wee Waa within a week once all the equipment is ready to go and a contractor is available to conduct the work.

The NSC anticipates that they will be able to get viewing access to the CCTV system on one of the existing Wee Waa Police station workstations or a mobile device via a web browser. However, if this option is not viable, the police may need to install a microwave connection from the Library to the Police Station and install their own workstation, similar to the setup at the Narrabri Police Station.

If additional infrastructure (microwave link) is required at the Police Station, the timeframe to secure the approval from the property owner may impact the timeline to complete if it is not forthcoming. Contingency has been allowed in the delivery schedule to account for any delays in approvals.

Timeframe

Complete within 12 months from approval.