

18/12/2024

WHS undertaking

Work Health and Safety Act 2011

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

By

Cobar Management Pty Ltd

ACN: 083 171 546

ABN: 38 083 171 546

Section A – general information

1. Details of the company or individual proposing the undertaking	
Name of company or individual	Cobar Management Pty Ltd
Registered address:	1 Louth Road, Cobar NSW 2835
Mailing address (if different from above)	
Telephone	[REDACTED] Mobile [REDACTED]
Email address	[REDACTED]
Legal structure	Australian proprietary company, limited by shares
Type of business	Operator of the CSA (Copper) Mine in Cobar, NSW
Commencement date of the entity	29 June 1998
Workers	Full time: 498 Part time: 5 Other: 18 (Fixed Term)
Products and services	Copper
Comments	

2. The details of the alleged contravention

It is alleged that Cobar Management Pty Ltd (**CMPL**), being a Person Conducting a Business or Undertaking (**PCBU**), failed to discharge its obligations 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 at the CSA Mine in Cobar NSW (**Mine**). Specifically, it is alleged that CMPL failed to take reasonably practicable steps to eliminate or minimise the risk of workers being exposed to psychosocial hazards at the Mine, and in failing to do so, exposed two workers to a risk of serious injury or death.

In particular, it is alleged that:

The first worker was exposed to:

1. role overload (including as a result of a lack of staff, long working hours and demanding tasks associated with performing her substantive role, time pressures and time zone issues associated with project work, inadequate rest opportunities and inadequate fatigue management);
2. role conflict / lack of role clarity (including as a result of a lack of project coordination and resourcing, the arrangement of meetings at short notice that clashed with other commitments, a lack of clarity on post project work and lack of clarity regarding managerial responsibility for work health and safety);
3. poor support from Supervisors and Management; and
4. poor procedural justice.

The second worker was exposed to:

1. role overload (including as a result of a lack of staff, long working hours and demanding tasks associated with performing her substantive role, inadequate rest opportunities and inadequate fatigue management);
2. role conflict / lack of role clarity (but only to a limited extent compared to the first worker);
3. poor support from Supervisors and Management; and
4. poor procedural justice.

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

The first worker

1. The first worker was employed by CMPL at the CSA Mine as a Senior Mine Accountant from 5 December 2016. She was promoted to the role of Finance Superintendent on 1 March 2020.
2. Although worker 1 reported to the Finance Manager based at the CSA Mine, CMPL's finance team was effectively overseen and directed by the head office of Glencore (CMPL's parent company at that time) in Baar, Switzerland.
3. In or around August 2020, worker 1 was seconded to work on a project, which related to centralising the control of Glencore's global financial functions in Johannesburg, South Africa.
4. Staff on the project, including worker 1, were required to report to Glencore Copper's Chief Financial Officer for the APAC region (**Glencore Copper APAC CFO**), who was the Regional Finance Lead for the project. This person was employed by Glencore and based in Baar, Switzerland.
5. Although worker 1's role on the project was full-time, she was also required to continue performing 'end-of month' financial duties in her capacity as Finance Superintendent. As a result, worker 1 claimed she was required to regularly work excessive hours in order to meet the required project and end of month deadlines.
6. Worker 1 also claims she had annual leave booked for Christmas in 2020 that was revoked by the Glencore Copper APAC CFO.
7. Worker 1 raised concerns with her manager that procedures to manage risks were not followed.
8. In May 2021, worker 1 took some time off work due to health issues she claims were caused by circumstances at the workplace, including being required to regularly work excessive hours. Later that year, worker 1 took further time off and did not return to work after 26 October 2021.
9. In or around July 2022, worker 1 lodged a workers compensation claim related to workplace stress. The date of injury stated in the claim was 26 October 2021. Worker 1 was subsequently diagnosed as suffering from a work-related adjustment disorder with anxiety and depression.
10. Around this time, worker 1 also raised a complaint with the Resources Regulator regarding psychosocial safety concerns at the CSA Mine.
11. Worker 1's employment was terminated on 23 February 2024. Up until the date of the end of her employment, worker 1 was medically certified as being fully unfit to return to work.

The second worker

12. Worker 2 commenced employment with CMPL at the CSA Mine as a Management Accountant in September 2021. Like worker 1, worker 2 directly reported to the Glencore Copper APAC CFO based in Switzerland.
13. Due to the restructuring of the finance team and other issues, worker 2 was the only member of the finance team at the CSA Mine for a period of time. As a result, worker 2's workload increased, and she was required to regularly work additional hours to manage this.
14. Worker 2 raised concerns with her manager that procedures to manage risks were not followed.
15. [REDACTED]
16. [REDACTED]
17. On or around 2 June 2023, worker 2 resigned from her employment with CMPL.

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

It is acknowledged that the Resources Regulator has alleged that CMPL contravened the WHS Act in respect of the two workers.

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

Both workers were [REDACTED] in connection with their employment, as noted above.

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
29 December 2022	Section 155	221229-AT01	Notice to give information and produce documents to the Department of Regional NSW (the Regulator)	Information and documents provided by email on 10 February 2023. Further documents provided by email on 10 August 2023.
20 March 2023	Section 155	230320-AT01	Notice to give information and produce documents to the Department of Regional NSW (the Regulator)	Information and documents provided by email on 27 March 2023
13 April 2023	Section 155	230413-AT01	Notice to give information and produce documents to the Department of Regional NSW (the Regulator)	Information and documents provided by email on 12 May 2023
4 July 2023	Section 155	230704-AT01	Notice to give information and produce documents to the Department of Regional NSW (the Regulator)	Information and documents provided by email on 17 August 2023
3 January 2024	Section 155	240103-AT01	Notice to give information and produce documents to the Department of Regional NSW (the Regulator)	Information and documents provided by email on 2 February 2024
4 January 2024	Section 155	240104-AT02	Notice to give information and produce documents to the Department of Regional NSW (the Regulator)	Information and documents provided by email on 2 February 2024
15 February 2024	Section 155	240215-AT01	Notice to give information and produce documents to the Department	Information and documents provided by email on 8 March 2024

			of Regional NSW (the Regulator)
--	--	--	------------------------------------

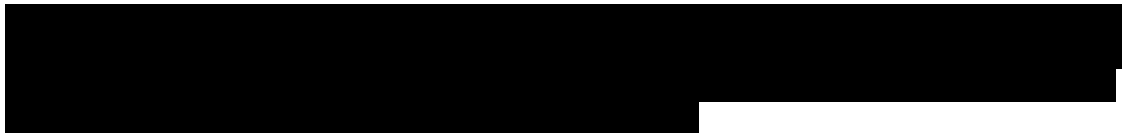
7. A statement of assurance about future work, health and safety behaviour

CMPL considers the health and safety of all of its workers to be of the highest priority and is fully committed to complying with all of its obligations under the WHS Act, the Work Health and Safety (Mines and Petroleum Sites) Act 2013 (NSW) (**WHS Mines Act**), and relevant regulations.

Metals Acquisition Limited took ownership of CMPL from its previous owners, Glencore, in June 2023 and have empowered the new management team to engage with workers in an ongoing process of assessing and auditing existing health and safety management systems at the CSA Mine and implementing a range of measures to improve on and add to those systems.

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)

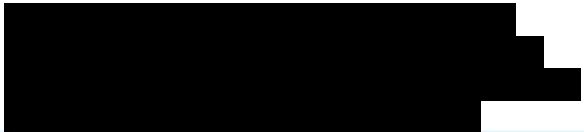


8.2 Details of the support provided, and proposed to be provided, to the injured person(s) to overcome the injury/illness

The injured persons are:

- employees of the entity
- a self-employed person
- other (please specify)
- not applicable

Support provided to the injured person(s) family

Date	Description of support	Comment
	As noted above, CMPL has worked in conjunction with its insurer, GIO Insurance, to ensure the workers received the best possible care to assist with their rehabilitation and recovery.	
December 2022 – May 2023	Rehabilitation services provider Beneco was engaged to support worker 1 with her rehabilitation plan. As part of this plan, worker 1 commenced regular treatment with a psychologist and engaged with a Mental Health Nurse. While worker 1 was incapacitated, she was also provided with home cleaning and garden maintenance services approved by GIO.	
December 2022 – August 2023		

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

The safety management system at CSA Mine includes a framework designed to ensure compliance with relevant legislation and promote a strong safety culture. Key elements of the system are as follows:

- CSA Mine follows a safety policy aligned with ISO 45001:2018 and ISO 31000:2018 standards, supported by visible leadership and accountability at all levels. Safety performance is regularly reviewed, and measurable objectives are set.
- The Switch On Program initiative focuses on preventing serious injuries and fatalities, promoting safety pledges that outline critical behaviours expected from all workers, through communication of site hazards and incidents, as well as any regulatory news that is pertinent to site.

A multi-level approach to risk assessment is used, including:

- SLAM (Stop, Look, Assess, Manage) cards for basic task hazard identification.
- Job Safety Analysis (JSA) and Safe Work Instructions (SWIs) for more detailed risk management.
- Formal risk assessments for high-risk activities, using methodologies like Bowtie Analysis and Failure Mode Effects Analysis (FMEA).
- Training programs ensure that all workers, including contractors, are competent in risk management, safety systems, and their specific job roles. This includes SLAM training, JSA use, which is done in the course of induction, and critical control verifications, which are conducted monthly.
- The safety system undergoes active monitoring through internal and external audits, inspections, and safety interactions. These reviews ensure that safety systems are effective, up-to-date, and compliant with regulations. Regular and periodic audits and reviews are conducted, and critical controls are verified regularly to ensure their effectiveness. A Safety Management System Audit was conducted in September 2023 against the requirements of AS45001.
- Regular and ongoing consultation with workers is conducted via daily pre-shift meetings, monthly WHS committee meetings, and risk assessments. Information is communicated through shift handovers, site wide safety alerts, and leadership safety interactions. Overall, approximately 350 safety interactions are performed each month.

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)

Consultation regarding the WHS undertaking has been carried out with key stakeholders. A consultation session with the Workplace Health and Safety (WHS) Committee was held on the 20th of November 2024. Additionally, department leaders were consulted on the 24th of October 2024 to gather their input and ensure alignment across all teams.

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

CMPL sincerely regrets that the workers sustained injuries in the course of their employment at the CSA Mine in October 2021 and December 2022 respectively. CMPL is committed to ensuring the health and safety of all workers in accordance with its obligations under the WHS Act and the WHS Mines Act.

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

CMPL has implemented the following remedial measures designed to address the identified areas of concern arising from the alleged contraventions:

- a. A psychosocial risk survey was conducted in May 2023 by an external company, Howsafe, through which the business was able to identify the top four psychosocial risks (below) on site. The survey results were then used as the basis for developing the further initiatives referred to in this undertaking.
 - i. Poor communication,
 - ii. Poor visibility of leaders across site,
 - iii. Low levels of organisational justice, and
 - iv. Aggressive behaviour.
- b. Development and implementation of a new HR system (HumanForce) that consolidates the procedure for taking RDOs, working of additional hours and time in lieu (TIL) and outlined the requirements, approval processes and controls for these procedures through the HumanForce Timekeeping System. As part of this system, 9-day fortnights were replaced by scheduled and documented RDOs and overtime/TIL was required to go through an approval process that included fatigue management considerations. The HumanForce system also allows CMPL to more effectively monitor hours worked and raises alerts when action needs to be taken in relation to employees working excessive hours.
- c. CMPL's Fatigue Management Plan was updated in February 2023 to address working hours (including defining what was excessive hours), hours worked off-site or across different time zones and ensuring managers in different time zones undertake a risk assessment plan. Further, it was communicated to staff (through updating the induction presentation and otherwise) that the updated Fatigue Management Plan was fully applicable to all work carried out off-site and remotely.
- d. Since 7 February 2023, the Fatigue Management Procedure (CSA-HSET-PRO-1152) requires workers to manage and monitor the number of weekly hours they work in accordance with the Procedure.
- e. Hard controls were introduced through HumanForce around taking of scheduled RDOs, hours of work, and employees' consecutive number of days at work in support of the HumanForce HR Procedure and Fatigue Management Plan.
- f. Hard IT controls were implemented on or around 3 February 2023 to prevent staff from working outside the defined parameters of working hours. Specifically, a "lock-out" function was introduced where staff (including non-continuous rostered workers and offsite/remote workers) cannot log on to their computers between 9.00pm and 5.00am, unless a temporary exemption was authorised through the Fatigue Management Plan, which required a JSA registered in CMPL's HSET systems that addressed fatigue.
- g. All continuous and site-based workers are also subject to fatigue assessments that can be initiated through CMPL's site entry and exit system, where workers use cards to "swipe in" and "swipe out" on entering and leaving site. This allows CMPL to monitor the number of hours a worker has been on site. Should an employee swipe out and is shown to have been on site for a period of 14 hours, an internal alarm is triggered in the system and a fatigue assessment will be organised for that worker.
- h. CMPL's EEO Policy (which covers harassment, discrimination and bullying) was reviewed and updated to outline CMPL's commitment to removing unlawful EEO conduct. As part of this process, the new position of EEO Coordinator was created and the CSA Peer Support team (volunteers from the workforce) have been trained to act as EEO Contact Officers. Through this process, a Peer Support network was established to act as the first point of contact for members of the workforce who wished to raise a query or a claim regarding unlawful EEO workplace conduct. Peer Support members, as well as some members of senior leadership (approximately 23 in total), have been trained to perform Mental Health First Aid to assist in the identification of people in crisis and how to best provide and direct them to the support network and services i.e. EAP, emergency services, EEO complaints process.

- i. In support of the above process, an investigation procedure was outlined to staff, which included options for making a complaint, and associated forms were created and made available. Also, training in relation to unlawful workplace conduct was provided to EEO Contact Officers and HR and leadership personnel.
- j. An e-learning training module regarding harassment, discrimination and bullying was designed and created in support of the updated EEO Policy. This e-learning training module was made a mandatory training requirement as part of the process for site induction and refresher training is required every 4 years.
- k. Training was also provided to staff on site in relation to unlawful workplace conduct by an external provider King & Wood Mallesons.
- l. The Usual Duties Register has been updated to include a physical and cognitive assessment of the tasks and demands of each CMPL role.
- m. In September 2023, the Employee Working Group (EWG) was formed consisting of volunteers from the workforce which focusses on business improvements, including employee rewards and recognition. The EWG meets monthly is an avenue for employees to voice their ideas and initiatives directly through to the General Manager, removing barriers of communication.
- n. In response to employee feedback on poor organisational justice and poor reward and recognition, the Rewards and Recognition program for the CSA Mine was amended and updated to ensure a more fair and just system of reward was implemented.
- o. The administration and coordination of the Work Health and Safety (WHS) Committee is the responsibility of a dedicated person within the CMPL health and safety team. This dedicated resource coordinates initiatives and provides support to the committee and Health and Safety Representatives (HSR), removing barriers for health and safety communication directly to the HST department.
- p. All CMPL roles' Training Needs Analysis have been reviewed to clarify required competencies for career progression and safety requirements.
- q. In August 2023, members of the Health and Safety leadership team have attended the Psychosocial Risk Management Workshop facilitated by Marcus Evans, ensuring awareness and education in workplace psychosocial risk and control.
- r. An eLearning training package was created for site leadership (both operational and senior leadership) on the changes made to workplace law in relation to the Right to Disconnect, to ensure leadership were aware of lawful conduct and their own rights and obligations under the new laws.
- s. CMPL has appointed four Health, Safety and Training Officers to provide ongoing contact and support for site, further providing avenues of communication to the Health and Safety department.
- t. In May 2023, Drake Workwise, the Employee Assistance Program provider, conducted toolbox talks and face to face sessions on mental resilience for site.
- u. Crucial Conversations workshops were conducted for site leadership providing education and skills for speaking candidly and directly, yet compassionately, respectfully and professionally to their direct reports.
- v. CMPL currently has 48 people enrolled in the LEDA operational leadership program. The program included self-reflection skills, work and time management, team building and rapport. The program also provided connection between senior leadership and operational leadership as senior leaders were assigned mentors.
- w. Selected employees were enrolled in Certificate IV Training and Assessment to provide career development opportunities, as well as, to increase access to training and skills share among workers.
- x. Selected employees were enrolled in Certificate IV Metalliferous Mining to provide career development opportunities, awareness to legal responsibility and obligation under Work Health and Safety Act and Regulations. Both the Certificate IV Training and Assessment and Certificate IV Metalliferous Mining courses address compliance with applicable WHS legislation, including in relation to psychosocial hazards.
- y. The mining department was separated into three areas of operation to give underground supervisors smaller reporting groups to ensure suitable supervision and improved communication is provided to the workforce, considering the location of workers and nature of work. Separating the mining department into three areas of operation with smaller reporting groups supports the psychosocial and psychological health of workers by ensuring more focused supervision, improved communication, and location-specific support. This structure allows supervisors to better monitor workloads, address individual concerns, and reduce stress caused by role ambiguity or overwork. Smaller teams also foster stronger peer relationships, creating a sense of community

and mutual support that helps buffer psychosocial stressors. By tailoring supervision to the specific nature of tasks and worker locations, the approach enhances psychological safety, aligns with regulatory best practices, and demonstrates a commitment to proactively managing workplace hazards, improving overall well-being and productivity.

Total amount spent on rectification initiatives **\$1, 251,511.10**

Program / Initiative	Date	Cost / Expense
Human Force		\$170,000 pa
Mental Health First Aid		\$7,721.19
Usual Duties Register		\$50,548.50
Employee Working Group (EWG)		\$14,400
Peer Support Program		\$4,000
WHS Committee		\$7,497.60
Psychosocial Risk Management Workshop facilitated by Marcus Evans Seminar		\$9,961.87
Training Needs Analysis project		\$10,800
EEO e-learning training module		\$11,986
eLearning training package on the "Right to Disconnect"		\$1,060
Implementation of Hard IT controls - Computer lock-out system		\$10,000
Four new WHS Team officers		\$622,000 pa
Rewards		\$12,000
EAP Pre-start presentations to crews		\$18,956.94
Crucial Conversations workshops conducted for site leadership		\$18,865
LEDA program delivered to operational leadership group		\$45,000
Cert IV TAE		\$54,414
Cert IV Metals		\$182,300
Total		\$1, 251,511.10

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

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

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

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

CMPL has the financial ability to comply with the terms of this WHS undertaking and have provided evidence with this undertaking to support this declaration. Please see **attached** Half Year Financial Statements for Metals Acquisition Limited for the year ending 30 June 2024.

15. Statement regarding relationships with beneficiaries

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

16. Intellectual property licence

CMPL 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 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 CMPL 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

CMPL acknowledges that responsibility for demonstrating compliance with this enforceable undertaking rests with CMPL. Evidence to demonstrate compliance with the terms will be provided to the Regulator by the due date for the term.

CMPL 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.

CMPL 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

CMPL commits that the behaviour that led to the alleged contravention has ceased and that it will take all reasonably practicable steps to prevent recurrence of such behaviour.

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

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

21. Acknowledgment of WHS undertaking guidelines

I have read and understood:

Enforceable undertakings guidelines version 8 dated November 2023.

Section B – enforceable terms

1. Publication of information about the undertaking

CMPL 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 Sydney Morning Herald and Daily Telegraph which will be drafted using the script provided in Attachment B.

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

CMPL must disseminate information by implementing the following:

- a. Providing the information to the Employee Working Group (ESG) (the main conduit for worker representation on site), so they can inform and advise other workers;
- b. Display a summary of the WHS Undertaking on all Mine, Mine office and contractor noticeboards at the Mine for 30 days; and
- c. Communicate, as far as reasonably practicable, the WHS Undertaking through toolbox talks to workers at the Mine, following acceptance.

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

3. Strategies that will deliver worker benefits

In addition to the measures and strategies described in Section A, Item 12 above, CMPL will undertake the following projects to deliver benefits to workers in terms of maintaining a safe and supportive work environment:

- a. CMPL will conduct a health and safety culture survey aimed at workers, to provide anonymous feedback on health and safety within crews and own thoughts, thereby creating a “safe” space where workers can voice their true opinions and concerns without fear of reprisal, the results of which will provide input for future strategies and programs.
- b. Psychometric testing will be implemented in the recruitment process for high cognitive-demand roles (as per the Usual Duties Register) to ensure candidates meet cognitive requirements of roles.

- c. CMPL will implement a leadership support mental health program to provide leaders with the skills and knowledge to identify, manage and support potential mental health impacts and risks in their teams. The objective is to foster a mentally healthy workforce and create a culture that is inclusive and builds capability.
- d. CMPL is implementing a site wide communication procedure called “G Comm” that includes developing a communication platform to convey information to employees prior to the commencement of their shift.
- e. CMPL will implement a visual literacy program which teaches workers how to “see” their workplace competently and identify hazards. This is based on new research from the US and will be a first in Australia, providing a case study for its effectiveness in incident prevention. This will also assist workers who are new to the industry to develop skills in identifying issues in a “high-risk” environment with new concepts that they are learning through experience. The visual literacy program will incorporate and provide strategies for identifying psychosocial as well as physical hazards.

4. Strategies that will deliver industry benefits

CMPL recognises the importance of promoting and sharing of safety initiatives within the wider mining industry and proposes to take the following measures to deliver industry benefits:

- a. CMPL will organise and fund the NSW Metalliferous Mining Industry Psychosocial Safety Workshop, which will be held in Dubbo, NSW in or around November 2025 (excluding 29-20 October 2025 and 12-13 November 2025). The Workshop is a full-day event focused on managing psychosocial risks in mining, which aims to equip participants with tools and strategies to create safer, healthier workplaces, aligning with WHS regulations and the Code of Practice: Managing psychosocial hazards at work. The Workshop, which shall be open to stakeholders across the NSW mining industry at no cost to them, demonstrates a commitment from CMPL to provide leadership in safety and mental health across the mining industry.
- b. As noted above, CMPL will implement an innovative visual literacy program which teaches workers how to “see” their workplace competently and identify hazards. This is based on new research from the US and will be a first in Australia, providing a case study for its effectiveness in incident prevention. The program will also provide workers who are new to the industry with the skills to identify issues in a “high-risk” environment with new concepts that they are learning with experience.

In addition to providing workers benefits, it is envisioned that this program will also deliver benefits to the wider industry. As CMPL will be the first entity to implement this program in Australia, CMPL will develop a report that assesses and analyses the effectiveness of the program. This report will be shared with other stakeholders in the mining industry, and CMPL will also prepare a presentation that can be given at future industry seminars.

5. Strategies that will deliver community benefits

CMPL is committed to supporting the local community of which it is a part, and proposes to implement the following projects to deliver community benefits:

- a. In addition to engaging the Resilience Project to work with its own workforce, CMPL will also engage the Resilience Project to work with Cobar community schools who are committed to teaching positive mental health strategies to prevent mental ill health and build young people’s capacity to deal with adversity. Teachers and students will engage in activities around the key principles of gratitude, empathy, mindfulness and, emotional literacy to build resilience.
- b. CMPL will make a donation of \$100,000 to the Royal Flying Doctor Service (RFDS) in recognition of the important role the RFDS plays in the local Cobar community, not just in relation to providing emergency services, but also in supporting the community in a range of ways, including in relation to mental health. The RFDS has recently provided a mental health counsellor to the Cobar township in addition to its normal air support (when available) for emergency flights, so this donation reflects the high esteem in which the RFDS is held in Cobar and will hopefully assist the RFDS in continuing to provide invaluable health services to the local community going forward.

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

CMPL commits that it will link the promotion of any benefits arising from the WHS Undertaking and associated initiatives to the WHS Undertaking.

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

CMPL 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	\$ 163,560
<input type="checkbox"/> compliance monitoring costs	\$ 12,500
<input type="checkbox"/> publication costs	\$ N/A
Total amount	
Insert case, if any, for why the Regulator would not seek to recover costs	\$ 176,060

8. Minimum spend

CMPL must spend a minimum of \$ 1,031,060, excluding GST, in carrying out its obligations as set out in this WHS undertaking, inclusive of the Regulator's recoverable costs.

CMPL acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost
Benefits to workers	\$ 555,000
Benefits to industry	\$ 150,000 (minimum)
Benefits to community	\$ 150,000
Regulator recoverable costs	\$ 176,060
Estimated total value of the undertaking	\$1,031,060 (ex GST)

9. Project of undertaking

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

10. Timeframe for delivery

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

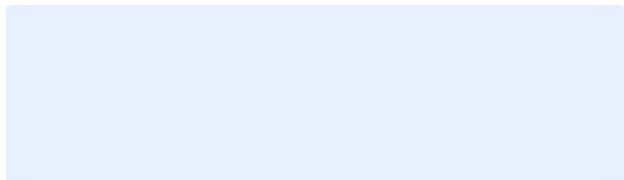
Section C – Offer of undertaking

By an individual	By a corporation
<p>I offer this undertaking and commit to the terms herein.</p> <p>Signed:</p> <div style="background-color: #e0f0ff; height: 70px; width: 100%;"></div> <p>[Person]</p> <p>Name:</p> <p>[Print name]</p> <p>Position:</p> <p>Dated:</p>	<p>As a duly appointed and authorised officer or agent of Cobar Management Pty Ltd</p> <p>I offer this undertaking and commit Cobar Management Pty Ltd to the terms herein.</p> <p>Signed:</p> <div style="background-color: black; width: 150px; height: 30px; margin: 0 auto;"></div> <p>Director</p> <p>Name: [REDACTED]</p> <p>Dated: 18 December 2024</p> <div style="background-color: black; width: 250px; height: 50px; margin: 0 auto;"></div> <p>Signed:</p> <p>Director or company secretary</p> <p>Name: [REDACTED]</p> <p>Dated: 18 December 2024</p>

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: [REDACTED]



Position: **Executive Director Resources Regulator**
delegate of the Secretary, Department of Primary Industries and Regional Development
Dated: 22 January 2025

Attachment A

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

CMPL will undertake the following:

Project 1: Workforce Safety & Mental Health Enhancement

1. Objective

To improve safety, mental health, and communication systems for workers at the CSA Mine, fostering a safer and more inclusive work environment.

2. Deliverables

a. Health and Safety Culture Survey – \$50,000 AUD

- i. Engage an external consultant to design and conduct a comprehensive survey targeting all workers, focusing on their safety perceptions, mental health concerns, and team interactions. The anonymous feedback will inform future WHS strategies.

b. Psychometric Testing for Cognitive Roles – \$75,000 AUD

- i. Implement psychometric testing during the recruitment process for roles requiring high mental acuity. This will involve hiring a third-party testing company to assess candidates' cognitive capabilities, ensuring the right fit for critical roles.

c. Leadership Mental Health Support Program – \$150,000 AUD

- i. Develop (by engaging a 3rd party expert) and deliver a training program to equip leaders with mental health awareness skills, including how to identify, manage, and support workers experiencing mental health challenges. This initiative will include workshops, online modules, and ongoing mental health first aid training.

d. Visual Literacy Program (Hazard Identification) – \$280,000

- i. Implement a training program that focuses on hazard identification through visual literacy, teaching workers to recognize potential safety risks through visual clues. This is especially critical in high-risk areas and will be a case study in Australia, shared with industry peers.

e. Presentation of Project Learning's - \$3,000 [Included in costs for Project 2 below]

- i. Learnings from this project will be shared amongst the wider mining community and made available to share at the Regulators Mechanical, Electrical and Mining Engineering Managers forums.

3. Total Project Cost: \$555,000

4. Timeframe

12 months from the acceptance of the enforceable undertaking.

Project 2: Industry-wide Risk and Safety Improvements

1. Objective

Enhance industry-wide safety protocols by addressing psychosocial risks and improving hazard identification methods in high-risk environments.

2. **Deliverables:**

a. **NSW Metalliferous Mining Industry Psychosocial Safety Workshop - \$147,000 AUD (minimum)**

- i. CMPL will organise and fund an interactive Full-Day Workshop, to be held in Dubbo, NSW in or around November 2025 (excluding 29-30 October 2025 and 12-13 November 2025). The Workshop will be presented by a professional external facilitator and will be dedicated to equipping participants with tools and strategies related to psychosocial risk management in mining in order to create safer, healthier workplaces.
- ii. As the mining industry in Australia rapidly transforms through automation, technological advancements, and global competition, job demands are becoming more cognitively demanding. While established mining companies have decades of experience in managing physical hazards, many are less prepared to confidently ensure a psychologically safe work environment. The development of new health and safety regulations for the management of psychosocial risks means that mining workplaces need to understand and effectively address these emerging psychosocial risks and hazards. Ensuring a psychologically safe work environment is now as crucial as managing physical safety, requiring a comprehensive approach to health and safety in the mining sector.
- iii. At this stage, it is proposed that the Workshop will be comprised of the following modules:

Module 1: Understanding how ‘Best Practice’ Psychosocial Risk Management can Drive Better Health, Productivity, and Retention Outcomes

- What is psychological health and wellbeing and why is it important?
- Discuss the psychosocial factors and how do they impact workplace wellbeing
- Prevention through job design: How can job design impact bullying in the workplace?
- The theory of stress at work

Module 2: Identifying Psychosocial Hazards in Your Organisation

- Discussing on why are we hearing so much about psychosocial factors?
- Looking at when does psychosocial factors become hazards?
- What are the differences between psychosocial hazards and risk?
- How to utilise lead indicators for psychosocial risk and to predict future trends in workplace health and safety (WHS) and wellbeing
- Using Psychosocial Safety Climate (PSC) as a leading of employee’s health

Module 3: Exploring Several Psychosocial Risk Assessment Tools to help you to Respond to Psychosocial Risk in Your Workplace

- ISO standard 450003
- Guarding Minds at Work
- People at Work
- Psychosocial Safety Climate
- Proactive Reactive Climate
- **Activity** Explore the risk assessment tools, their strengths and their weaknesses

Module 4: Review Case Studies Highlighting Specific Strategies that Successfully Reduced Psychosocial Risk at the Individual, Team, and Organisational Levels

- Research based programs for multiple employers and industries
- Explore the employers’ activities and frameworks used
- Examples of effective actions to include in action plans
- Key learnings from the case studies

Module 5: Develop a Psychosocial Intervention Plan that you can Start to Implement Immediately

- Learn about the action planning tool to bring back to your workplace
- Complete an action plan for hazards in your workplace
- Get tips and tricks on taking effective action

- Explore some of the barriers to success and how to ensure ongoing evaluation
- Have the opportunity to receive feedback on your Action Plan

- iv. The Facilitator of the WorkShop will be Dr Tessa Bailey, Principal Consultant and CEO of OPUS. Dr Bailey is a registered psychologist and leading researcher who completed her PhD on Psychosocial Safety Climate & Psychosocial Safety Factors at Work, for which she received the 2019 Ian Davies award for the most outstanding PhD thesis in the University of SA. Dr Bailey has 20 years' experience working in the areas of human resource management, injury prevention, and injury management in both public and private sectors across a wide range of industries including health, social services, and aviation.

Dr Bailey's current appointment as CEO at OPUS focuses on applied practice engaging with industry to build the capacity of Workforce Health and Safety systems to provide a safe working environment, protect worker health and promote wellbeing.

Please see additional information regarding the Interactive WorkShop and projected costs **attached** with this Undertaking.

b. Industry Rollout of Visual Literacy Program – \$3,000 [Note: \$280,000 allocated in Project 1]

- i. Expand the hazard identification program developed at CSA Mine to industry peers, creating training modules and workshops to share the approach to recognising visual cues for hazards at the Regulators Mechanical, Electrical and Mining Engineering Managers forums in 2025 or 2026.

3. **Total Project Cost:** \$150,000 AUD (minimum)

4. **Timeframe:** 12 months from the acceptance of the enforceable undertaking.

Project 3: Cobar Health & Wellbeing Initiative

1. **Objective**

Provide critical health services and mental health support to the Cobar community, focusing on resilience and well-being.

2. **Deliverables:**

a. The Resilience Project in Local Schools – \$50,000 AUD

- i. Partner with local schools to deliver the Resilience Project, a program focusing on mental health education through gratitude, empathy, and mindfulness. This initiative will build emotional resilience in young people, equipping them with tools to manage life's challenges.

b. Donation to the Royal Flying Doctor Service - \$100,000 AUD

- i. CMPL will make a donation of \$100,000 to the Royal Flying Doctor Service (RFDS) in recognition of the important role the RFDS plays in the local Cobar community, which has included recently providing a mental health counsellor to the Cobar township. This donation reflects the high esteem in which the RFDS is held in Cobar and will hopefully assist the RFDS in continuing to provide invaluable health services to the local community going forward.

3. **Total Project Cost:** \$150,000 AUD

4. **Timeframe:** 24 months from the acceptance of the enforceable undertaking.

Attachment B

Work Health and Safety Act 2011

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

In two separate periods of between approximately August 2020 and October 2021, and between approximately September 2021 and November 2022, two workers employed by Cobar Management Pty Limited at the CSA Mine in Cobar, NSW, sustained serious psychological injuries in connection with their employment. The two workers subsequently lodged complaints with the Department of Primary Industries and Regional Development related to psychosocial hazards, including alleged excessive hours of work and a failure to observe proper fatigue management procedures.

The Resources Regulator, acting for the Department of Primary Industries and Regional Development, investigated the complaints and subsequently alleged that Cobar Management Pty Limited contravened section 32 of the *Work Health and Safety Act 2011* (NSW) (**WHS Act**) by failing to comply with a health and safety duty under section 19(1) of the WHS Act and by doing so, exposed the workers to the risk of death or serious injury; or alternatively, that Cobar Management Pty Limited contravened section 33 of the WHS Act by failing to comply with a health and safety duty under section 19(1) of the WHS Act.

This notice has been placed under the terms of a WHS undertaking and acknowledges acceptance of an undertaking, that is enforceable under the WHS Act, from Cobar Management Pty Limited, ACN 083 171 546.

The undertaking requires Cobar Management Pty Limited to take the following actions to provide benefits to workers, the wider industry and the local Cobar community:

- Engage an external consultant to design and conduct a Health and Safety Culture Survey;
- Implement psychometric testing during the recruitment process for roles requiring high mental acuity;
- Develop (engaging external experts) and deliver a training program to equip leaders with mental health awareness skills, including how to identify, manage, and support workers experiencing mental health challenges;
- Implement a training program that focuses on hazard identification through visual literacy, teaching workers to recognize potential safety risks through visual clues;
- Organise and fund the NSW Metalliferous Mining Industry Psychosocial Safety Workshop, which will be held in Dubbo, NSW, in or around November 2025. The Workshop is a full-day event focused on managing psychosocial risks in mining, which aims to equip participants with tools and strategies to create safer, healthier workplaces, aligning with new WHS regulations. The Workshop shall be open and available to stakeholders across the NSW mining industry;
- Expand the visual literacy hazard identification program developed at the CSA Mine to share with industry peers, creating training modules and workshops to share the approach to recognising visual cues for identifying hazards;
- Partner with local schools to deliver the Resilience Project, a program focusing on mental health education through gratitude, empathy, and mindfulness; and
- Make a donation of \$100,000 to the Royal Flying Doctor Service (RFDS) in recognition of the important role the RFDS plays in the local Cobar community, which has included recently providing a mental health counsellor to the Cobar township.

The full undertaking and general information about enforceable undertakings is available at:

[Enforceable undertakings \(WHS\) | Resources Regulator](#)