

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

Grahams Quarry Cedar Point Pty Ltd

ACN: 13 864 4121

ABN: 32 302 591 771

Section A – general information

1. Details of the company or individual proposing the undertaking

Name of company or individual: Grahams Quarry Cedar Point Pty Ltd

Registered address: 1 Craig Street, Kyogle NSW 2474 1

Mailing address: (if different from above)

Telephone: [REDACTED]

Mobile: [REDACTED]

Email address: [REDACTED]

Legal structure: Family Trust

Type of business: Quarry

Commencement date of the entity: August 2009

Workers: 53

Full time: 48

Part time: 5

Other:

Products and services: Quarry Products

2. The details of the alleged contravention

It is alleged that on 2nd March 2024, Grahams Quarry Cedar Point Pty Ltd, being a person conducting a business or undertaking at the Cedar Point Quarry (the Quarry), failed to discharge its obligations under section 19(1) of the Work Health and Safety Act 2011 (the WHS Act) to ensure, so far as is reasonably practicable, the health and safety of a worker at the Quarry while the worker was at work in the business or undertaking conducted by Graham's Quarry Cedar Point Pty Ltd.

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

On 2 March 2024, at Cedar Point Quarry, near Casino, a worker was injured when he was struck by a forklift's jib attachment in the mechanical workshop of the Quarry. The jib, the forklift's tynes and load guard detached from the forklift which was being used to lift a damaged truck cabin. The worker was standing in front of the forklift at the time of the incident.

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

It is acknowledged that the Resources Regulator has alleged that Grahams Quarry Cedar Point Pty Ltd contravened the WHS Act in respect to this incident.

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

[REDACTED]

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

Notices received:

☒ Yes (provide details) ☐ No

Date issued	Notice type	Notice number	Contravention	Action taken to respond to notice
4/3/2024	Non-disturbance Notice	NTCE0013777	The area surrounded by danger tape (encompassing truck GQ03 and forklift GF02) in the workshop area (as shown in the attached photos) is not to be disturbed.	Exclusion zone set up with signage. Toolbox meeting informing all workers and contractors NTCE0013779 of the incident and instruction not to disturb anything within the exclusion zone.
4/3/2024	Notice to Produce Documents	NTCE0013779	Notice to give information and produce documents to the NSW resources regulator	Information and documents provided to NSW Resources Regulator as requested.
4/3/2024	Prohibition Notice	NTCE0013776	The use of the red fork tyne lifting jig associated with the incident notified to the Resources Regulator as IncNot0046449.	Lifting jig placed in locked container with access only by Quarry Manager.
4/3/2024	Prohibition Notice	NTCE0013775	The operation of Forklift GF02 other than for inspection and repairs subsequent to the incident and backplate failure notified to the Resources Regulator as IncNot0046449.	Forklift included in the exclusion zone only person with keys Quarry Manager.
4/3/2024	Prohibition Notice	NTCE0013778	The recovery of the jib associated with the incident notified to the Resources Regulator as IncNot0046449	Jig included in the exclusion zone
4/3/2024	Prohibition Notice	NTCE0013780	Recovery of the truck cabin associated with the incident notified to the Resources Regulator as IncNot0046449.	Conduct a risk assessment and develop of work method for the recovery of the truck cabin with consideration of positive control of the cabin as it pivots on its mounts. Consider the required qualifications and experience of workers to conduct this task and appropriate plant or equipment.
4/3/2024	Notice to Produce Documents	NTCE0013787	Notice to give information and produce documents to the NSW resources regulator	Information and documents provided to NSW Resources Regulator as requested.
4/3/2024	Receipt for Seized things	NTCE0013788	Notice to remove curtain items from site	STH0001012 Four plastic retaining strips and two metal sliders
6/3/2024	Notice to obtain information, documents or evidence	NTCE0013796	Notice to give information and produce documents to the NSW resources regulator	Information and documents provided to NSW Resources Regulator as requested.

8/3/2024	Improvement Notice	NTCE0013818	<p>1. Conduct a risk assessment on mechanical plant and tasks for the development of a Mechanical Engineering</p> <p>Control Plan (MECP) with reference to NSW code of practice: Mechanical engineering control plan - Work Health and Safety (Mines and Petroleum Sites) legislation, specifically including, but not limited to: ensuring plant, equipment and implements introduced and operated on site have appropriate design and engineering assessment and certification.</p> <p>2. Create and implement a Mechanical Engineering Control Plan (MECP) with reference to NSW code of practice: Mechanical engineering control plan - Work Health and Safety (Mines and Petroleum Sites) legislation, specifically including, but not limited to ensuring plant, equipment and implements introduced and operated on sites have appropriate design and engineering assessment and certification.</p> <p>3. Implement Controls Nominated in the risk assessment in 1 and MECP 2 above.</p> <p>4. Train workers in components of MECP 2 relevant to the work activities they undertake or plant and equipment they use.</p>	Completed all directions/recommendations.
8/3/2024	Improvement Notice	NTCE0013782	<p>1. Conduct a risk assessment of lifting and load shifting activities likely to be conducted at Cedar Point Quarry including consideration of qualifications of people conducting various tasks (dogging, rigging, forklift or crane high risk work licences) and the types of plant and equipment and its suitability for tasks that may be used as well as no-go zones and drop zones for workers around tasks.</p> <p>2. Based on the risk assessment in 1, review and update or create procedures where they do not exist for the operation of forklifts, cranes or other devices used for shifting loads.</p> <p>3. Implement, the actions and controls from the risk assessment in 1 and the procedures updated and created in 2.</p> <p>4. Train workers including contractors, in the procedures updated and created in 2.</p>	Completed and directions and recommendations

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

Grahams Quarry Cedar Point Pty Ltd is committed to complying with all obligations under the Work Health and Safety Act 2011 and the Work Health and Safety (Mines and Petroleum Sites) Act 2013

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)

[REDACTED]

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

Date	Description of support	Comment
Within a week of incident	[REDACTED]	

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

Grahams Quarry Cedar Point Pty Ltd has an existing Safety Management System in place and a Control Plan Audit and Review Program:

Grahams Quarry Safety Management System

Version 3 February 2020

Control Plan Audit and Review Program

1. AIM: Our audit and review program is a structured process that is undertaken at regular intervals to confirm that our safety management system (SMS) and control plans are implemented and remain effective in managing the hazards associated with our operation. Audits and reviews can include internal (monthly reviews and self-auditing) and external (independent) audits, where additional expertise is required.

2. WHAT: An internal review of our SMS will be conducted as per the requirements of the yearly plan set out in Program 1 and Form 1A. Each month, we propose to review, as a minimum, a program from our SMS along with

one of our safe work method statements (SWMS). By completing these regular reviews, we intend to satisfy the requirement to have the SMS reviewed every three years.

In addition, we also plan to use the small mines safety management self-assessment tool as a less frequent but more thorough examination of our system's effectiveness.

We will also make the necessary modifications to our SMS if a control measure is revised as a result of an incident, a worker is moved from a hazard in response to a recommendation from a health report or any other audit or review has identified a deficiency in a control measure.

If during the early stages of either review it is identified that additional external resources are required or additional subject matter experts are needed, the person nominated to initiate this requirement and seek suitably qualified people will be either the Quarry Manager or the Safety Officer.

3. WHO: The person responsible for ensuring that the monthly reviews are completed as per the yearly schedule is the Safety Officer or delegated person.

When the small mines management self-assessment tool is used to conduct the more thorough self-assessment, the process will involve 3 members of the workforce and management.

The reviews will be completed by at least one member of the management team and one worker. However, more people are encouraged to be involved.

4. HOW: When a program from the SMS, a SWMS or a control plan is being reviewed, it will be made available to the review team before the meeting to allow people the opportunity to review the documentation.

The review will consist of a comparison between the controls identified in each document and those that are used on site. Where a discrepancy is identified the document will be reviewed, modified to reflect the appropriate control, approved and returned to the master list of documents.

5. WHEN: The two-tiered approach will be held at the following times and will include:

- Monthly review – will consist of a comparison between the documented instructions (SMS programs, SMWS and control plans) and what occurs on site. Held at frequencies as per the yearly plan.
- Three-yearly review – will consist of a more thorough review using the small mines safety management self-assessment tool.

6. ACTION: During either review, when a control document is identified as requiring modification, it will be completed in consultation with the workforce, signed off and returned to the SMS. Modifications to control documents will be approved by Quarry Manager.

Any high and medium hazards identified during the review will be recorded in the daily diary for action.

The daily diary is to be signed off as each action is completed.

7. DOCUMENT CONTROL: All modified documents and forms are to be recorded on the document control master list, (Form 3A). Completed forms are to be:

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)

Grahams Quarry Cedar Point Pty Ltd has discussed with its workers that it plans to submit a proposal for an enforceable Undertaking. Grahams Quarry has discussed the proposed projects with their workers and the workers are supportive of these projects.

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

Grahams Quarry Cedar Point Pty Ltd regrets that the incident occurred and the stress, injury and anxiety it has caused Grahams Quarries workforce in particular the injured worker and the workers assisting at the incident.

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

Updated SWMS No.3 – Truck and tipper operations (Added lifting truck cab).

Updated SWMS No 8 – Operate Forklift (Added select and use of jib attachment, Lifting loads).

Created SWMS No 19 - Lifting Loads.

Toolbox talks to review forklift SWMS around exclusion zones and that attachments for forklifts are approved and plated.

Completed systematic review of Safety System by numerous management and workers.

Provided training (on site from Pinnacle safety) on Risk Assessment to 12 workers.

Upskilled Safety Officer with Cert 4 Work Health and Safety Certificate.

Transported Forklift back to Manufacture to repair to current standards.

Upskilling 3 workers to complete Cert 4 in Surface Extraction Certificate.

Replaced all lifting gear in all quarry locations.

Replaced and added to all exclusion and signage equipment.

Total amount spent on rectification \$ 35,945

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

Grahams Quarry Cedar Point Pty Ltd acknowledges that the undertaking will be published on the Regulator's website and may be referenced in Resources Regulator material.

Grahams Quarry Cedar Point Pty Ltd 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

Grahams Quarry Cedar Point Pty Ltd has the financial ability to comply with the terms of this WHS undertaking. Statement from accountant Attachment C.

15. Statement regarding relationships with beneficiaries

There are no known current relationships with any of the beneficiaries outlined in the enforceable undertaking, other than current employees and contractors of Grahams Quarry Cedar Point Pty Ltd.

16. Intellectual property licence

Grahams Quarry Cedar Point Pty Ltd, 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 Grahams Quarry Cedar Point Pty Ltd, have any such prior convictions or finding?

☐ Yes ☒ No

WHS Undertaking

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

Grahams Quarry Cedar Point Pty Ltd 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.

Grahams Quarry Cedar Point Pty Ltd 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.

Grahams Quarry Cedar Point Pty Ltd 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

Grahams Quarry Cedar Point Pty Ltd commits that the behaviour that led to the alleged contravention has ceased and that it will take all reasonably practical steps to prevent recurrence of the incident.

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

Grahams Quarry Cedar Point Pty Ltd is committed to ongoing effective management of work health and safety risks in accordance with WHS Act 2011 and relevant regulations.

21. Acknowledgment of WHS undertaking guidelines

I have read and understood:

Enforceable undertakings guidelines version dated November 2023

Section B – enforceable terms

1. Publication of information about the undertaking

Grahams Quarry Cedar Point Pty Ltd, 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 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)

Grahams Quarry Cedar Point Pty Ltd, must disseminate information by implementing the following:

1. Toolbox meetings (held Weekly)
2. Mangers Meetings (held quarterly)
3. The Daily Telegraph

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

Grahams Quarry Cedar Point Pty Ltd plan to provide the training referred to in term B-4 to all staff involved with mechanical engineering and manufacturing of tools, equipment and attachments via the Institute of Quarrying Australia (IQA) specially developed training regarding mechanical engineering and manufacturing of tools, equipment and attachments.

4. Strategies that will deliver industry benefits

The Face-to-Face Workshop and Online Mechanical Engineering training ('the Training Project') proposed will assist in the safe design, manufacture and use of tools, equipment and attachments used in and around quarries.

It will give those with limited experience in this field the knowledge and confidence to proceed with designing, manufacturing and using tools, equipment and attachments.

The Training Project will provide both short term and long-term benefits to industry as the Online workshop will be available for a minimum of five (5) years at a reduced cost to attendees.

Face-to-Face Workshops

The Training Project will be designed and developed by two Institute of Quarrying Australia (IQA) mechanical engineers and delivered Face-to-Face to 25 participants by one of those mechanical engineers at each of the following (11) locations:

1. Penrith
2. Wollongong
3. Newcastle
4. Dubbo
5. Orange
6. Wagga Wagga
7. Coffs Harbour
8. Grafton
9. Port Macquarie
10. Goulburn
11. Ballina

The Training Project course content is detailed at **Attachment A**.

The workshops will include printed Fact sheets and Templates for toolbox meetings that attendees will take back to their workplace.

Online Training Course

IQA will also develop an Online training course to commence after the Face-to-Face delivery. This Online Course will be self-paced delivered on the IQA learning Management System and upon completion students will receive a certificate.

The first 50 participants will be funded by this WHS undertaking. After the free allocation is taken up this course will then be offered at a reduced fee by IQA as a direct result of Grahams Quarry paying for development of the course. IQA will complete regular updates to the course content to ensure all standards and codes referred to remain current throughout the life of the Online training course.

5. Strategies that will deliver community benefits

Grahams Quarry Cedar Point Pty Ltd will donate \$36,000 to the State Emergency Service Kyogle (\$12,000-), Tabulam (\$12,000-) and Urbenville (\$12,000-) to purchase much needed equipment that will benefit the community for many years into the future.

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

Grahams Quarry Cedar Point Pty Ltd is committed to delivering projects which in our view gives back to the workers, industry and community through the delivery of the Face-to-Face workshops, online course and the donations for the State Emergency Services will benefit all the community.

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

Grahams Quarry Cedar Point Pty Ltd, must pay the Regulator's recoverable costs associated with the undertaking, as itemised below, and acknowledges that payment is due **30 days** after receipt of the Regulator's invoice:

<input checked="" type="checkbox"/> investigative, legal and administrative costs	\$ 23,488
<input checked="" type="checkbox"/> compliance monitoring costs	\$ 12,500
<input type="checkbox"/> publication costs	\$
Total amount	
Insert case, if any, for why the Regulator would not seek to recover costs	\$ 35,988

8. Minimum spend

Grahams Quarry Cedar Point Pty Ltd must spend a minimum \$208,695, in carrying out its obligations as set out in this WHS undertaking, inclusive of the Regulator's recoverable costs. Grahams Quarry Cedar Point Pty Ltd acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost
Benefits to workers	\$ 10,500
Benefits to industry	\$124,500
Benefits to community	\$ 36,000
Regulator recoverable costs	\$ 35,988
Publication Costs (Daily Telegraph)	\$ 1,707
Estimated total value of the undertaking	\$208,695

9. Project of undertaking

Where a project or projects are proposed to deliver benefits to workers, industry and community Grahams Quarry Cedar Point Pty Ltd offers and will carry out the projects set out in Section B part 4 to this WHS undertaking.

10. Timeframe for delivery

All projects set out in this WHS undertaking except the Online Training (refer 4 Strategies that will deliver industry benefits) must be completed by Grahams Quarry Cedar Point Pty Ltd on or before 2 years following acceptance of this enforceable undertaking by the Regulator and the Online Training must be available for 5 years.

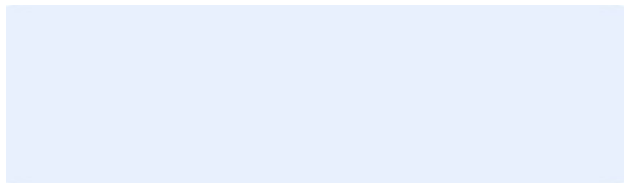
Section C – Offer of undertaking

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: #e6f2ff; height: 80px; 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 Grahams Quarry Cedar Point Pty Ltd</p> <p>I offer this undertaking and commit Rodney John Graham to the terms herein.</p> <p>Signed:</p> <div style="background-color: black; height: 60px; width: 100%;"></div> <p>Name: Rodney John Graham</p> <p>Position: Director</p> <p>Dated: 4th of March 2025</p> <p>Signed:</p> <p>[Director or company secretary]</p> <p>Name:</p> <p>[Print name]</p> <p>Position:</p> <p>Dated:</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:



Position: **Executive Director Resources Regulator**

delegate of the Secretary, Department of Primary Industries and Regional Development

Dated: **16 May 2025**

Attachment A

This attachment is incorporated in and considered part of the WHS undertaking given by Grahams Quarry Cedar Point Pty Ltd for the purposes stated herein, and are enforceable terms given under section B of the undertaking by Grahams Quarry Cedar Point Pty Ltd

Grahams Quarry Cedar Point Pty Ltd will undertake the following:

- Project 1: Development of Mechanical Engineering Workshop
- Project 2: Deliver Face to Face Mechanical Engineering Workshop
- Project 3: Develop online Mechanical Engineering Course
- Project 4: Online course delivered to first 50 attendees free of charge
- Project 5: Online course delivered to attendees beyond first 50 at reduce cost for minimum 5 years

Project Overview

Project 1

Development of Mechanical Engineering Workshop \$44,000 (paid on Development)

Preparing to engineer tools and equipment

- Relevant design standards e.g. AS4100, AS/NZS1554
- What needs to be engineered?
- Assessment of risk
- What details should be provided when seeking an engineering design? (specification, procurement).
- What level of engineering is required?
- What materials and records are required when selecting material to build an engineered item? (intended application, environmental conditions it will be used in)
- What paint specification should be considered? Is a protective coating required and if so, to what specification based on the operating conditions?
- Who can build a mechanical or electrical item designed by a certified engineer? (competency requirements)
- How is the quality assessed of workmanship on an item built (testing/acceptance requirements)
- How do you ensure that it has been built to the engineering design?
- How does the item get certified?

Implementing designed tools and equipment

- How do you set a maintenance routine for an item?
- How often does the item need to be retested?
- What guidance to the user needs to be on any labels/plaques? (e.g. Safe Working Load, safety instructions)
- What documents need to be supplied? (e.g. maintenance manual, operational manual, pre-start/pre-use checklist, spares list, risk assessments such as design, operational, maintenance, fire)
- Are any instructions needed if the item is to be attached to something else? (e.g. jib on a forklift or telehandler)
- What competence does the user need?

Project 2 (Paid as workshops delivered over 2 years)

Delivery of course for up to 275 attendees, face to face 25 per location \$60,500

The IQA will arrange a facilitator, training venue, catering, and all materials required for delivery.

This scope of work includes facilitators travel, and delivery of the presentation.

Attendees will be provided with printed fact sheets and toolbox talk templates to take back to their workplace.

Project 3

Develop Mechanical Engineering Online Course \$20,000 (includes project 4 and 5 paid when developed and after all the face to face delivered) with course content as for Project 1 above. (Development will be completed within 2 years from start of project 1 and 2)

Project 4

IQA Deliver online course to first 50 attendees free of charge (costed with Project 3). Delivery to be completed with 12 months of the completed face to face.

Project 5

Online course delivered to attendees at reduce cost for minimum of 5 years (costed with Project 3)

IQA to regularly review and update online course to ensure all standards and codes are current.

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*

On 1 March 2024, at Cedar Point Quarry, near Casino, a worker was injured when he was struck by a forklift's jib attachment in the mechanical workshop of the Quarry. The jib, the forklift's tynes and load guard detached from the forklift which was being used to lift a damaged truck cabin. The worker was standing in front of the forklift at the time of the incident.

The Department of Primary Industries and Regional Development investigated the incident and subsequently alleged that Grahams Quarry Cedar Point Pty Ltd, the operator of Cedar Point Quarry, 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 Work Health and Safety Act 2011.

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 Grahams Quarry Cedar Point Pty Ltd, ACN 13 864 4121.

The undertaking requires the following actions:

- i. Develop and deliver 11 face-to-face workshops in Mechanical Engineering and Manufacturing of tools and attachments throughout regional NSW.
- ii. 25 Grahams Quarry Cedar Point staff to attend a Mechanical Engineering and Manufacturing of tools and attachments workshop
- iii. Develop and deliver an online course in Mechanical Engineering and manufacturing of tools and attachments, make the course available to the first 50 participants free of charge and at a reduced rate for participants beyond the 50.
- iv. Donate \$36,000 to State Emergency Services Kyogle, Tabulam and Urbenville.

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