

29 August 2025

WHS undertaking

Notice of variation

WHS undertaking varied by Total Relines Australia Pty Limited

Entity	Total Relines Australia Pty Limited
Issue	Application to vary a WHS undertaking made by Total Relines Australia Pty Limited
Legislation	Part 11 of the Work Health and Safety Act 2011
Decision maker	Jamie Tripodi A/Executive Director, Resources Regulator Department of Primary Industries and Regional Development

Section 221 agreement

Pursuant to section 221 of the *Work Health and Safety Act 2011* (**WHS Act**) I, Jamie Tripodi, having delegated authority from the Secretary of the Department of Primary Industries and Regional Development (**the regulator**)¹, give written agreement to the varying of the WHS undertaking made by Total Relines Australia Pty Limited (**TRA**) as follows:

- The timeframe for Term B-10 to the WHS undertaking is extended by 4 months from 'within 12 months' to 'within 16 months' from acceptance of the WHS undertaking

All other terms, commitments and timeframes within the WHS undertaking remain in force.

In accordance with section 221(3) of the WHS Act, the notice of variation of the WHS undertaking will be published on the regulator's website.

Reasons for agreement

Legislation

- The Secretary of the Department of Primary Industries and Regional Development

¹ Work Health and Safety (Mines and Petroleum Sites) Laws Instrument of Delegation (Regulator) 2022

(**Secretary**) is the regulator for the purposes of the WHS Act². The Secretary has delegated the function under section 221 of the WHS Act to the Executive Director, Resources Regulator³.

2. Section 221 'Withdrawal or variation of WHS undertaking' of the WHS Act relevantly provides that (emphasis added):
 - (1) *A person who has made a WHS undertaking may at any time, with the written agreement of the regulator:*
 - (a) *withdraw the undertaking, or*
 - (b) *vary the undertaking.*
 - (2) *However, the provisions of the undertaking cannot be varied to provide for a different alleged contravention of the Act.*
 - (3) *The regulator must publish, on the regulator's website, notice of the withdrawal or variation of a WHS undertaking.*
3. The Secretary has issued, and published on the Resources Regulator's website, general guidelines in relation to the acceptance of WHS undertakings (Guidelines), as required by section 230(4)(b) of the WHS Act.

Background

1. On 4 April 2023 a subcontracted worker engaged by TRA was performing maintenance work at the Northparkes Mine processing plant during a planned shutdown. The work involved use of an angle grinder to cut and remove the top of a used, and believed to be empty, 1,000 litre plastic intermediate bulk container (IBC), so that it could be used as a waste bin during the maintenance works. During the process of cutting the IBC the worker heard a loud whoosh, moved back from the IBC and felt immense heat to the front of his body. Two other subcontracted workers immediately assisted the first worker by removing his shirt. The first worker sustained serious burns to his arm and minor burns to his face and chest and a second worker sustained a minor burn to his hand.
2. On 26 August 2024 the Secretary's delegate accepted a WHS undertaking from TRA.

Reasons for variation

1. Meeting the current timeframe for completion of the WHS undertaking (Term B-10) cannot be met due to circumstances outside the control of TRA.
2. Term B-3 requires TRA to train its subcontractors in a nationally accredited Hazard Identification / Job Hazard Analysis with Occurrio (RTO 4526). The course includes the IBC burns incident as a case study and the animation developed by the regulator (funded by TRA).
3. The animation of the incident was made available to TRA on 30 June 2025.

² Section 4 definition of 'regulator' and sch 2 cl 1(1)(b) of the WHS Act and section 5(1) definition of 'regulator' Work Health and Safety (Mines and Petroleum Sites) Act 2013

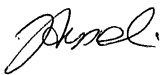
³ WHS Laws (Mines and Petroleum Sites) Instrument of Delegation 2022

4. By email dated 29 July 2025 to the regulator, TRA advised that it expected to meet the due date of 26 August 2025 to complete the training of its workers.
5. By email dated 25 August 2025, the registered training organisation, Occurrio, notified TRA that 50% of the training of the workers was incomplete.
6. By email dated 26 August 2025, TRA advised the regulator that it could not meet the due date to complete the WHS undertaking (Term B-10) due to the training being incomplete.
7. Occurrio has indicated that it will require at least 3 months to complete the training of all workers and issue certificates of completion.
8. TRA has requested an extension of 4 months to the due date for completion of the WHS undertaking (Term B-10) to allow sufficient time for the training to be completed and the certificates issued and provided to the regulator.
9. The variation to the timeframes of the WHS undertaking is agreed between TRA and the regulator.

Conclusion

1. I am satisfied that the varying of the undertaking meets the requirements of the WHS Act and the Enforceable Undertakings Guidelines.
2. Accordingly, I have determined to agree to vary the WHS undertaking made by TRA as proposed.

Date of decision: **29 August 2025**



Jamie Tripodi

A/Executive Director

Resources Regulator

Department of Primary Industries and Regional Development

Note: In accordance with Section 221(3) of the Work Health and Safety Act 2011 this will be published on the Regulator's website

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