

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 *Work Health and Safety Act 2011 (the WHS Act)*

By

Denrith Pty Ltd trading as Divall's Earthmoving & Bulk Haulage

ACN 060 434 871

Section A – general information

1. Details of the company or individual proposing the undertaking

Name of company or individual	Denrith Pty Ltd		
Registered address	17090 Hume Highway, Goulburn NSW 2580		
Mailing address (if different from above)	Same as registered address		
Contact officer	[REDACTED]		
Position	WHS and Compliance Manager		
Telephone		Mobile	[REDACTED]
Email address	[REDACTED]		
Legal structure	Proprietary Limited		
Type of business	Earthmoving and bulk haulage, quarrying, civil construction, bitumen sealing and landscaping supply		
Commencement date of the entity	30 July 1996		
Workers	Full time:	Part time:	Other:
Products and services	Earthmoving and bulk haulage services, quarrying (road base and aggregate), civil construction works, bitumen sealing (Southern Tablelands Bitumen), landscaping supply (Goulburn Sand and Soil)		
Comments			

2. Details of the alleged contravention

The NSW Resources Regulator ("Regulator") alleges that on 23 October 2024, Denrith Pty Ltd ("Denrith"), being a person conducting a business or undertaking at Carrick Hill Quarry, Goulburn NSW ("the Quarry"), 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 one workers at the Quarry while the workers were at work in the business or undertaking conducted by Denrith.

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

On 23 October 2024, crushing and screening operations were underway at the Quarry operated by Denrith. As part of those operations, a Honda GX200 petrol-powered water pump was used to supply water to the crushing and screening plant via a spray bar. When the pump ceased operating (indicating it required refuelling), the injured worker attended the pump location to refuel it. During the refuelling process, a fire occurred resulting in serious burn injuries to the worker. The water pump had been in use at this location since approximately August 2024.

4. Acknowledgement that the Resources Regulator alleged a contravention has occurred

It is acknowledged that the Resources Regulator has alleged that Denrith contravened the WHS Act in respect of this incident.

5. Details of any injury that arose from the alleged contravention

[REDACTED]

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

☐ Yes (provide details) ☐ No

Date issued	Notice type	Notice number	Contravention	Action taken to respond to notice
23 October 2024	S 198	NTCE0015555	Non-disturbance notice.	Complied with directions within notice until it was cancelled on the 25 October 2024.
24 October 2024	S 178	241024DP03	Receipt for things seized	Complied with directions within notice.
24 October 2024	S 177	241024DP03	Seizure/Requirement Notice	Complied with directions within notice.
25 October 2024	S 155	241025DP01	Notice to obtain information, documents or evidence	Information and documents supplied on 29 October 2024.
1 November 2024	S 191	NTCE0015598	Improvement	Complied with directions within notice.
1 November 2024	S 191	NTCE0015599	Improvement	Complied with directions within notice.
1 November 2024	S 191	NTCE0015601	Improvement	Complied with directions within notice.
22 November 2024	S 155	241122AB01	Notice to obtain information, documents or evidence	Information and documents supplied on 14 February 2025.
3 July 2025	S 155	250703AB01	Notice to obtain information, documents or evidence	Information and documents supplied on 4 July 2025.
1 September 2025	S 155	250901AB01	Notice to obtain information, documents or evidence	Information and documents supplied on 22 October 2025.

7. Statement of assurance about future work, health and safety behaviour and compliance with the WHS Act

Denrith is committed to complying with its obligations under the WHS Act, the Work Health and Safety (Mines and Petroleum Sites) Act 2013 (NSW) ("WHS Mines Act") and their associated regulations.

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)

[Redacted]

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

[Redacted]

- 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

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

Denrith has a comprehensive safety management system (SMS) in place. The SMS has been developed to ensure compliance with the WHS Act, WHS Mines Act and other applicable legislative requirements.

Denrith operates a safety management system accredited to ISO 45001:2018 Occupational Health & Safety Management Systems (certified by Citation Services, expiry 17 September 2027). The company was first accredited to ISO 4801:2001 OH&S Management Systems in 2015, converting to ISO 45001:2018 in 2021. The Mine Safety Management System was implemented in 2018 and was last reviewed internally in November 2023. An ISO recertification audit was conducted in August 2024 by Citation Services. A Resources Regulator site assessment was conducted on 10 August 2023 by Inspector Phillip Moreton, covering principal hazards including fire or explosion, pressure vessels and the management and use of electricity. Internal auditing is conducted via monthly departmental toolbox meetings (recorded via Zoom with written minutes provided to workers), daily pre-start meetings documented in the site Project Management Plan, annual management reviews, and periodic compliance reviews. Workers sign confirmations that they have viewed and understood meeting content.

10. 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 proposed WHS undertaking has been conducted with workers and management of Denrith, including through the company's WHS Committee, monthly toolbox meetings, and direct consultation with [REDACTED].

Workers have been informed of the proposed undertaking and its terms. Workers were provided the opportunity to raise concerns or provide feedback regarding the proposed undertaking.

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

Denrith regrets that the incident occurred and any impact it has had on employees involved in the Incident. The health and safety of our people remain our highest priority and we are committed to maintaining the highest safety standards across all our operations.

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

Post the incident Denrith has implemented the following rectifications:

- (1) The petrol-powered water pump (Honda GX200) involved in the incident has been replaced with a diesel-powered water pump. This pump has a higher flash point than petrol, reducing the risk of fire or explosion during refuelling. The new pump also has a larger fuel tank capacity, reducing the number of times refuelling is required to be carried out to once per day at prestart.
- (2) A documented safe system of work (PSOPJSA072 Operation of Water Pump) has been prepared by WHS Manager in consultation with Crushing Operations Manager and implemented on site.
- (3) All relevant workers have been trained in PSOPJSA072 and have signed confirmation of this training.
- (4) Competency assessment checklists for crushing and screening activities have been amended to capture dust suppression methods and refuelling activities.
- (5) The procedural document has been implemented across other company sites utilising similar equipment.
- (6) Documentation of training and verification of competency has been improved.
- (7) Across all sites, petrol pumps have been replaced with diesel pumps.

Total amount spent on rectifications \$50,000 (other internal costs were incurred)

13. Acknowledgement that the WHS undertaking may be published and publicised

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

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

14. Statement of ability to comply with the terms of the undertaking

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

15. Statement regarding relationships with beneficiaries

Denrith has had a long-standing relationship with the Local fire brigade through community events and donations. Amounts proposed in this undertaking are above and beyond pre-existing arrangements.

Employees of Denrith are members of the Institute of Quarrying Australia (IQA).

There are no other known relationships with beneficiaries outlined in the WHS undertaking, other than current employees, contractors of Denrith and the broader industry.

16. Intellectual property licence

To the extent permitted by law, Denrith 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. Acknowledgement that materials, information or deliverables under WHS undertaking accurate

Denrith acknowledges that any material, information or deliverable developed as a result of, or representations otherwise related to, this WHS undertaking are accurate, true, correct, complete, balanced, objective and not misleading.

18. 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 legislation¹ or work health and safety related legislation.

Does Denrith, have any such prior convictions or finding?

☐ Yes x No

The list is attached (if applicable)

☐ Yes ☐ No

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

Denrith 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.

Denrith acknowledges that co-operation will be provided to the Regulator in the event that the Regulator chooses to undertake other compliance monitoring activities (such as a site visit) to verify the evidence provided.

Denrith acknowledges that material offered as evidence of compliance will be retained by the person throughout the period of the undertaking.

¹ Subject to any local legal constraints such as spent conviction legislation

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

Denrith 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 the Incident.

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

Denrith is committed to the ongoing effective management of work health and safety risks in accordance with its obligations under the WHS Act, the WHS Mines Act and relevant regulations.

22. Acknowledgment of WHS undertaking guidelines

Denrith have read and understood Enforceable undertakings guidelines version 9.1 dated May 2025

Section B – enforceable terms

1. Publication of information about the undertaking

Denrith, 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 Goulburn Post and Daily Telegraph which will be drafted using the script provided in Attachment A.

2. 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)

Denrith must disseminate information by implementing the following:

- communicating, so far as is reasonably practicable, a summary of the WHS undertaking through an initial tool box talk to workers;
- communicating, so far as is reasonably practicable, a summary of the progress of the WHS undertaking at quarterly site WHS meetings;
- and displaying a summary of the WHS undertaking on notice boards across the business.

3. Strategies that will deliver worker benefits

Further details about the projects that Denrith will undertake in order to deliver benefits to workers are outlined in Attachment B.

Project 1: Development and implementation of digital WHS software module for task-based risk assessments.

Cost: \$10,800 for the software development across 3 years plus training and implementation costs.

Project 2: Purchase and implementation of software to manage small plant items, tools and equipment for recording of allocation and maintenance.

Cost: \$10,400 for the software development across 3 years plus training and implementation costs.

Project 3: Purchase of a wireless, networked emergency alert system.

Cost: \$15,000 including installation and training.

Total \$36,200 plus training and implementation costs

4. Strategies that will deliver industry benefits

Denrith will implement the following strategies to deliver benefits to the earthmoving, quarrying and bulk haulage industry:

Project 4: Fund a WHS related initiative(s) approved by the Resources Regulator for the benefit of the quarrying industry with the IQA to the value of \$40,000 to be delivered within a two year period.

Project 5: Participation in industry forums and safety initiatives agreed to by the Resources Regulator to share learnings from the incident and promote improved safety standards for the use and refuelling of petrol-powered plant and equipment in quarry environments. 4 shows across 2 years \$20,000

Total \$60,000

5. Strategies that will deliver community benefits

Denrith will implement the following strategies to deliver community benefits:

Project 6: Purchase of a fire-fighting truck to be used (via formal agreement) by both Denrith and the Towrang Rural Fire Service Brigade for the purpose of training operators and responders, and for more effective firefighting responses on local fire incidents. Cost \$100,000.

Project 7: Attend 8 community truck festivals and shows across 3 years donating staff time and fuel. Have a stall at each show and provide information on IQA and the Regulator at the stall. Demonstrate small plant equipment at no cost to encourage engagement and demonstrate safety around mobile equipment. \$40,000

Total \$140,000

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

Denrith acknowledges that any promotion of a benefit arising from the undertaking will clearly link the benefit to the undertaking and that the undertaking was entered into as a result of an alleged contravention.

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

Denrith, 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:

x investigative, legal and administrative costs	\$ 24,500
x compliance monitoring costs	\$12,500
x publication costs	\$5,000
Total amount	
Insert case, if any, for why the Regulator would not seek to recover costs as an attachment	\$42,000

8. Minimum spend

Denrith must spend a minimum of \$200,000 in carrying out its obligations as set out in this WHS undertaking, inclusive of the Regulator’s recoverable costs.

Denrith acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost
Benefits to workers	\$ 36,200
Benefits to industry	\$ 60,000
Benefits to community	\$ 140,000
Regulator recoverable costs	\$ 42,000
Estimated total value of the undertaking	\$ 278,200 (excl GST)

9. Project of undertaking

Where a project or projects are proposed to deliver benefits to workers, industry and community Denrith offers and will carry out the projects set out in Attachment 1 to this WHS undertaking.

10. Timeframe for delivery

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

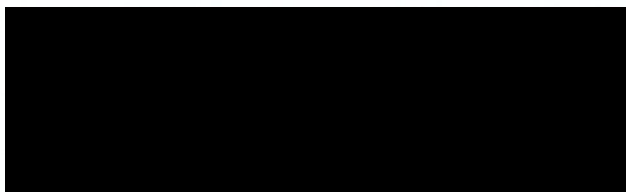
Section C – Offer of undertaking

By an individual	By a corporation
I offer this undertaking and commit to the terms herein. Signed: [Person] Name: [Print name]	As a duly appointed and authorised officer or agent of I offer this undertaking and commit to the terms herein. Signed: [Director] Name: [Print name] Position: Managing Director Dated: 03/06/2026 Signed: [Director or company secretary] Name: [Print name] Position: Director Dated: 03/06/2026

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: [DATE] Executive Director Resources Regulator

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

Dated: [DATE] 12/06/2026

Attachment A – 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 23 October 2024, a worker suffered serious burn injuries to his legs and hands while refuelling a petrol-powered water pump.

The Department of Primary Industries and Regional Development investigated the incident and subsequently alleged that Denrith Pty Ltd trading as Divall's Earthmoving & Bulk Haulage (**Denrith**) 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 Denrith, ACN 060 434 871.

The undertaking requires the following actions - Denrith:

- Develop and implement of digital WHS software for task-based risk assessments.
- Purchase and implement software to manage maintenance and allocation of small plant items.
- Purchase and install a wireless networked emergency alert system.
- Fund the Resources Regulator's WHS knowledge-shared initiatives delivered through IQA sessions specifically designed for quarry managers.
- Participation in industry forums and safety initiatives agreed to by the Resources Regulator to share learnings from the incident.
- Purchase a fire truck for use by the Towrang Rural Fire Service Brigade and Denrith.
- Attend eight community events across three years providing information on IQA, Resources Regulator and promote safety around mobile equipment.

The total value of the WHS Undertaking, including the Regulators recoverable costs is **278,200 (excl GST)**

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

Attachment B – Strategy/ Project details

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

Denrith will undertake the following:

Denrith will implement the following strategies to deliver benefits to workers in the earthmoving, quarrying and bulk haulage industry:

Project 1: Development and implementation of digital WHS software module for task-based risk assessments.

This project will be implemented utilising an existing software Denrith uses for time recording and work allocations. The additional risk assessment module will be developed by the third-party owner of the software (Equipr Software) in consultation with Denrith. It will be trialled by each work group to develop custom forms relevant to each work group before being rolled out to the entire workforce. This will provide worker benefits by:

- Providing workers with a customised, fit for purpose digital solution to undertake task risk assessments in real time.
- Increasing hazard and risk awareness for workers undertaking manual tasks regularly.
- Improving worker understanding and implementation of safety controls utilising the hierarchy of control.
- Providing real time data on the hazards and risks faced by workers that can be monitored by supervisors, WHS representatives and management. This will provide current and relevant data for systematic review of hazards, risks and safety controls in the workplace.

Training will be delivered to 20 staff, and evidence will be supplied to the Regulator including participant surveys and training registers.

Cost: \$10,800 for the software development across 3 years plus training and implementation costs.

Project 2: Purchase and implementation of software to manage small plant items, tools and equipment for recording of allocation and maintenance. This project will include trial and selection of the software, integration of data into the software, training and roll out across the relevant work areas of the company. This will provide worker benefits by:

- Improving quality control measures for small plant and equipment, including improved maintenance and repair systems.
- Providing workers with real time data on the location and availability of small plant and equipment.
- Providing workers with improved digital access to relevant information on the use and maintenance requirements for small plant and equipment.

Training will be delivered to 180 staff and evidence will be supplied to the Regulator in the form of participant surveys and training registers.

Cost: \$10,400 for the software development across 3 years plus training and implementation costs.

Project 3: Purchase of a wireless, networked emergency alert system. This system will provide an integrated emergency response system across the site operations, linking the quarry to other operations occurring nearby including company administration, mechanical repair services, function and events building and heavy vehicle operations. The Vanguard Orisent Emergency Alert System also includes a UHF alert for heavy vehicle operators in the vicinity of the quarry, allowing for instant notification to nearby operators in the case of a full-site emergency shut down. This project will provide worker benefits by:

- Providing a more effective emergency response system which links each of the operations occurring near to the quarry site.

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- Providing an effective alert system to heavy vehicle operators near to the quarry of an emergency and of an emergency requiring full site shut down.
- Implementing a local network system, managed by a control panel will also provide instant notification to the relevant emergency wardens of an emergency in each work area. This will remove the need for manual notification and improve site responses.

Cost: \$15,000 including installation and training.

Total \$36,200 plus training and implementation costs

Denrith will implement the following strategies to deliver benefits to the earthmoving, quarrying and bulk haulage industry:

Project 4: Fund a WHS related initiative(s) approved by the Resources Regulator for the benefit of the quarrying industry with the IQA to the value of \$40,000 to be delivered within a two year period.

Project 5: Participation in industry forums and safety initiatives agreed to by the Resources Regulator to share learnings from the incident and promote improved safety standards for the use and refuelling of petrol-powered plant and equipment in quarry environments. 4 shows across 2 years \$20,000

Total \$60,000

Denrith will implement the following strategies to deliver community benefits:

Project 6: Purchase of a fire-fighting truck to be used (via formal agreement) by both Denrith and the Towrang Rural Fire Service Brigade for the purpose of training operators and responders, and for more effective firefighting responses on local fire incidents. Cost \$100,000.

The Fire truck will be similar to that attached.

The Regulator will be supplied with the terms of the agreement and evidence of purchase.

The Truck will be maintained by Denriith workshop by licenced mechanics in alignment with manufacturer guidelines including both the truck and any accessories.

Project 7: Attend 8 community truck festivals and shows across 3 years donating staff time and fuel. Have a stall at each show and provide information on IQA and the Regulator at the stall. Demonstrate small plant equipment at no cost to encourage engagement and demonstrate safety around mobile equipment. \$40,000

Total \$140,000