

17/07/2024

## 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

Evolution Mining (Northparkes) Pty Ltd

ACN: 164 997 317

ABN: 17 164 997 317

## Section A – general information

1. Details of the company or individual proposing the undertaking	
Name of company or individual	Evolution Mining (Northparkes) Pty Ltd ( <b>Northparkes</b> )
Registered address:	Level 24, 175 Liverpool Street, Sydney NSW 2000
Mailing address (if different from above)	PO Box 995, Parkes NSW 2870
Telephone	██████████ Mobile ██████████
Email address	████████████████████
Legal structure	Australian proprietary company limited by shares
Type of business	Mine operator of the copper and gold mine located 27 kilometres north-west of Parkes in the Central West of New South Wales
Commencement date of the entity	25 July 2013
Workers	Employees: 380 Contractor: 579 Total 959
Products and services	Copper and gold
Comments	On 15 December 2023, Evolution Mining Limited acquired 100% of the issued share capital in CMOC Mining Pty Limited from CMOC Group Limited. Following the sale, CMOC Mining Pty Limited's name was changed to Evolution Mining (Northparkes) Pty Ltd.

### 2. The details of the alleged contravention

It is alleged that on 4 April 2023, Northparkes being a person conducting a business or undertaking at the Northparkes copper and gold mine located 27 kilometres north-west of Parkes, NSW (the **Mine**), failed to discharge its obligations under section 19(1) of the *Work Health and Safety Act 2011* (NSW) (the **WHS Act**) to ensure, so far as is reasonably practicable, the health and safety of workers at the Mine while the workers were at work in the business or undertaking conducted by Northparkes.

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

On 4 April 2023, a worker employed by a subcontractor undertaking maintenance work at Northparkes' processing plant as part of a planned shutdown, used 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 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. ██████████  
████████████████████  
████████████████████

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

It is acknowledged that the NSW Resources Regulator (**Resources Regulator**) has alleged that Northparkes contravened section 32 of the WHS Act by failing to comply with its duty under section 19(1) of the WHS Act.

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

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

Notices received:

 Yes (provide details)  No

Date issued	Notice type	Notice number	Contravention	Action taken to respond to notice
4 April 2023	s195	NTCE0011995	Prohibition Notice	Prohibition on cutting of IBC's or flammable liquid storage containers implemented on site
4 April 2023	s198	NTCE0011994	Non-disturbance Notice	Complied with directions in notice
6 April 2023	s195	NTCE0012013	Prohibition Notice	Prohibition on the use of IBC's which currently or have previously contained corrosive chemicals as rubbish bin implemented on site
6 April 2023	s177	230406-AT01	Seizure/Requirement Notice	Complied with directions in notice
12 April 2023	s178	230412-AT01	Receipt for seized things	
16 April 2023	s155	No 230416JQ1	Notice to Obtain Information, Documents or Evidence	Information and documents provided to Resources Regulator as directed
19 April 2023	s171	No 230419JQ1	Notice to Produce Documents	Complied with directions in notice
27 April 2023	s177	230427JQ1	Seizure/Requirement Notice	Complied with directions in notice
28 April 2023	s155	No 230428JQ1	Notice to Obtain Information, Documents or Evidence	Information and documents provided to Resources Regulator as directed
7 June 2023	s178	No 230607JQ1	Receipt for seized things	
28 August 2023	s177	No 230828JQ1	Seizure/Requirement Notice	Complied with directions in notice
1 September 2023	s155	No 230901JQ1	Notice to Obtain Information, Documents or Evidence	Information and documents provided to Resources Regulator as directed
30 October 2023	s178	No 231030SM1	Receipt for seized things	
27 November 2023	s177	No 231127JQ2	Seizure/Requirement Notice	Complied with directions in notice

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

Northparkes 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 relevant 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 of the person)

Not applicable – worker is not an employee of Northparkes.

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)                      A worker employed by a subcontractor
- not applicable

Support provided to the injured person(s) family

Date	Description of support	Comment
4 April 2023	<p><b>Emergency response assistance</b></p> <p>First aid was administered at site at the time of the incident. Emergency responders arrived within 5 minutes of the Incident.</p>	

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

Northparkes has a Safety Management System (**SMS**) in place for the safety of employees, contractors and visitors to the Mine and compliance with its obligations under the WHS Act, the WHS Mines Act and relevant regulations.

The SMS consists of the following elements which are supported by underlying procedures, protocols, training modules, work instructions, guidance notes, forms, templates, manuals and other materials:

<ul style="list-style-type: none"> <li>• Health and safety policy</li> </ul>	<ul style="list-style-type: none"> <li>• Management structure, including statutory functions</li> </ul>
<ul style="list-style-type: none"> <li>• Arrangement for managing risk including:                             <ul style="list-style-type: none"> <li>○ Identifying hazards</li> <li>○ Risk Assessment</li> <li>○ Controlling risks</li> <li>○ Review of control measures</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Communication and consultation</li> </ul>

<ul style="list-style-type: none"> <li>• Principal Hazard Management Plans for prescribed principal hazards including:             <ul style="list-style-type: none"> <li>○ Ground or strata failure</li> <li>○ Inundation and inrush of substances</li> <li>○ Mine shafts and winding systems</li> <li>○ Gas outbursts</li> <li>○ Spontaneous combustion</li> <li>○ Subsidence</li> <li>○ Roads or other vehicle operating areas</li> <li>○ Air quality or dust or other airborne contaminants</li> <li>○ Fire or explosion</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Principal Hazard Management Plans for other principal hazards including:             <ul style="list-style-type: none"> <li>○ Confined spaces</li> <li>○ Working at heights</li> <li>○ Fixed plant crush</li> <li>○ Mobile plant crush</li> <li>○ Chemical incident</li> <li>○ Tyre explosion</li> <li>○ Fallen objects</li> <li>○ Air blast</li> <li>○ High pressure injection</li> <li>○ Electric shock/arc flash</li> <li>○ Explosive product incident</li> <li>○ Surface fire</li> <li>○ Underground fire</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Principal control plans covering:             <ul style="list-style-type: none"> <li>○ Health</li> <li>○ Mechanical engineering</li> <li>○ Electrical engineering</li> <li>○ Explosives</li> <li>○ Emergency</li> <li>○ Ventilation</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Risk exposure groups             <ul style="list-style-type: none"> <li>○ Health management</li> <li>○ Mechanical safety</li> <li>○ Electrical safety</li> <li>○ Mining [explosives and airborne contaminants]</li> <li>○ Mining [ground control and inrush &amp; inundation]</li> <li>○ Mining – surface</li> <li>○ Roads and other vehicle operating areas</li> <li>○ Hazardous work</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Contractor management</li> </ul>	<ul style="list-style-type: none"> <li>• Information, training and instruction</li> </ul>
<ul style="list-style-type: none"> <li>• Document control and records management</li> </ul>	<ul style="list-style-type: none"> <li>• Health management</li> </ul>
<ul style="list-style-type: none"> <li>• Measuring and monitoring</li> </ul>	<ul style="list-style-type: none"> <li>• Incident and action management</li> </ul>
<ul style="list-style-type: none"> <li>• Audits and Inspections</li> </ul>	<ul style="list-style-type: none"> <li>• Emergency management arrangements</li> </ul>

Northparkes has an integrated health, safety and environment management system, which is certified to ISO 14001 [environmental management system]. Northparkes has maintained this certification since 2004 with both internal

and external annual audits undertaken to confirm ongoing compliance. Although Northparkes' SMS is not certified to ISO 45001, it is aligned with these requirements.

Various internal and external audits are undertaken annually to assess compliance, in accordance with an annual audit schedule. The level of auditing currently undertaken includes annual internal and external audits to maintain Northparkes' ISO14001 certification, in addition to internal audits of Northparkes' safety management system, external hazardous substances audits and a number of external regulatory and insurance audits. These audits provide verification that the various systems and processes have been properly implemented. Further, work area inspections are scheduled periodically across all areas of the business. This enables members of the health and safety team to assess work areas with area owners, so housekeeping is maintained and hazards are raised for any issues identified.

Northparkes identifies, understands and communicates critical risks across all levels of the organisation. Critical controls are defined and enforced through visible leadership walks, supervisor checks, work area inspections and peer to peer interactions. Where critical controls are found not to be in place, work is stopped, and corrective action is taken; and are reviewed through the relevant risk exposure group.

Risk exposure groups have been established, which consist of various workers from across the business and are championed by a department manager. These groups have defined performance standards for measuring the effectiveness of all aspects of the safety management system; and oversee the management of critical risks across the business.

#### 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 on the proposed enforceable undertaking has occurred with:

- the Northparkes Health and Safety Committee established as per the requirements under the WHS Act and which comprises representatives nominated by workers across the operation to represent the health and safety interests of workers. All nominated Health and Safety Committee representatives complete nationally accredited training, as well as annual refresher training. The Health and Safety Committee meets quarterly and includes the General Manager – Northparkes, the Manager People, Safety and Environment, the Health, Safety, Emergency Management & Risk Superintendent, a Geotechnical Engineer, Tailings Specialist, Ore Processing Training Advisor, Ore Processing Production Operator, Mechanical Engineer – Projects, Underground Training Advisor, Laboratory Technician, Mobile Maintenance Technician, Ore Processing Production Operator, Underground Production Superintendent, Fixed Plant Maintenance Planner and Scheduler, Health and Safety Advisor, Warehouse Officer and Exploration Technician;
- the Northparkes Site Leadership Team including the General Manager – Northparkes, Manager Mining, Manager Processing, Manager Asset Management, Manager Finance, Manager Supply Chain, Manager People, Safety and Environment and Manager Technical Services; and
- the Northparkes Hazardous Work Risk Exposure Group which is a working group that reviews and oversees chemical management processes on site, consisting of the Manager Processing, Health, Safety, Emergency Management & Risk Superintendent, Planning, Scheduling & Facilities Coordinator, Senior Health and Safety Advisor, OPD Coordinator and Emergency Management & Access Control Team Leader.

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

Northparkes regrets that the Incident occurred and that injuries were sustained by workers.

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

Following the Incident, the following rectifications were made:

1. Northparkes conducted an investigation of the Incident to determine the root cause of the Incident and to identify recommended actions to be implemented to prevent a recurrence;
2. Northparkes implemented a site wide prohibition against the activity of cutting of IBCs or flammable liquid storage containers [as per s195 Notice No. NTCE0011995] and/or using IBCs, which currently or have previously contained corrosive chemicals, as rubbish bins [as per s195 Notice No. NTCE0012013];
3. Northparkes engaged a third party to re-test the chemical properties of Fischerchem Collector C503;
4. Northparkes removed Fischerchem Collector C503 from use and relocated all remaining Fischerchem Collector C503 (including all IBCs which contained C503) to a non-operational, undercover, barricaded and electrically isolated area behind danger tape [separate to the seized Fischerchem Collector C503 under Notice No. 230427JQ1]. All remaining Fischerchem Collector C503 was subsequently removed from site;
5. Northparkes amended its chemical approval process [PRO-0136] to include chemical and container end of life (storage, reuse and/or removal from site);
6. Northparkes reviewed its hydrocarbon storage area for clear segregation and disposal process for hydrocarbon and chemical waste and containers;
7. Northparkes implemented alternative waste storage options on site;
8. all cut IBCs previously containing corrosive chemicals were relocated to the hydrocarbon storage area and removed from site;
9. approximately 40 IBCs containing corrosive chemicals that were no longer in use, were relocated to a demarcated area and subsequently removed from site;
10. Northparkes conducted a review of hazard identification processes and is to provide refresher training to workers on hazard identification, risk management and risk assessment requirements;
11. Northparkes engaged a consultant to conduct a review of the Hydrocarbon shed and waste management areas to provide guidance and recommendations on improvements; and
12. as a result of that audit, a number of recommendations are being progressed including the erection of fencing and gates around the hydrocarbon shed, a new eye wash and shower emergency station, a water line, security cameras and dangerous goods training. Once these recommendations have been fully implemented, Northparkes intends to investigate a number of additional improvements that will provide further health and safety benefits.

Northparkes estimates that the total amount committed and approved on these rectifications is \$132,243.

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

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

Northparkes 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**

Northparkes 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**

Northparkes has no known current relationships with the beneficiaries of this WHS undertaking, beyond the general benefits the WHS undertaking will provide to workers and the broader industry.

**16. Intellectual property licence**

Northparkes 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 legislation<sup>2</sup> or work health and safety related legislation.

Does Northparkes, 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**

Northparkes 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.

Northparkes 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.

Northparkes 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**

Northparkes 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.



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

Northparkes 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.

#### 21. Acknowledgment of WHS undertaking guidelines

Northparkes has read and understood:

Enforceable undertakings guidelines version PUB17/121/D01 dated November 2023

## Section B – enforceable terms

### 1. Publication of information about the undertaking

Northparkes, 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 Parkes Champion Post and Forbes Advocate which will be drafted using the script provided in Attachment 2.

### 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)

Northparkes, must disseminate information by implementing the following:

- Information bulletin to be sent by email to all Northparkes workers;
- Supervisors to discuss the WHS undertaking during toolbox talks, shift change meetings, monthly HSE meetings and contractor shutdown meetings;
- Discussion at all Evolution Mining operational site leadership team meetings.

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.

**Note** for the purpose of this WHS undertaking, the term “worker” has the meaning set out in the WHS Act.

*If the person is not a body corporate or a crown/public authority, please state:*

Not applicable

### 3. Strategies that will deliver worker benefits

Northparkes has outlined the specific projects that it will undertake in order to deliver benefits to workers, the industry and the community in Attachment 1 to this WHS Undertaking (collectively the **WHS Projects**).

The WHS Projects will deliver benefits to workers through the following:

- (a) Northparkes will engage an external specialist consultant to facilitate a risk assessment in relation to the lifecycle of chemical IBCs and to assist it in developing a best practice procedure for the safe management, use, storage, transport, disposal and re-use of chemical IBCs (**Best Practice Procedure Initiative**);
- (b) Northparkes will engage an external specialist consultant to assist it to develop and roll out to workers on site an education package covering the details of the incident, key learnings from the Incident and the best

practice procedure for the safe management, use, storage, transport, disposal and re-use of chemical IBCs (**Education Initiative**); and

- (c) The education package will include an incident animation covering the details of the incident, its causes, key learnings and best practice risk controls that will be:
- (i) Developed by a 3rd party specialist nominated by the Resources Regulator' in collaboration with Total Relines Australia, Northparkes and the Resources Regulator;
  - (ii) Wholly funded by Total Relines Australia; and
  - (iii) Subject to the approval of the Resources Regulator,
- provided that such animation has been so developed and approved within 12 months of the acceptance of this undertaking.

#### 4. Strategies that will deliver industry benefits

Northparkes recognises that empty chemical IBCs are used widely in the industry for the management of waste and that this has time and cost benefits for industry. Accordingly, the WHS Projects will deliver benefits to industry through:

- (a) Northparkes sharing details of the incident and key learnings from it with industry, which will help mitigate the risk of similar incidents occurring at other mine sites;
- (b) The development and sharing of a best practice procedure developed by an external specialist consultant for the safe management, use, storage, transport, disposal and re-use of chemical IBCs with industry which will enable industry to continue to re-use chemical IBCs without exposing their workforce to similar health and safety risks;
- (c) Following the roll out of the awareness training to workers, Northparkes will present the training package to a minimum of 3 New South Wales based industry forums, seminars or similar events, to be agreed in consultation with the Resources Regulator; and
- (d) The awareness training will include the incident animation referred to at section B – 3(c) above provided that such animation has been developed and approved within 12 months of the acceptance of this undertaking.
- (e) Northparkes will engage a consultant to develop a behavioural based safety session for high risk contracting companies engaged through Northparkes. This session will provide the contractor principals and/or their leaders a learning journey that builds the skills and mindsets of leaders and team members for effective safety leadership and attitudes.

The donation to CareFlight will also provide a benefit to the industry in that it will strengthen the availability of emergency services in the region in the event of a workplace incident.

#### 5. Strategies that will deliver community benefits

Northparkes will donate \$50,000 to CareFlight, the local Emergency Response helicopter service who air lifted the injured worker to hospital. Supporting this valuable service will contribute to the continued availability of emergency services in the region for the ongoing benefit of the community as well as the benefit to industry in the event of a workplace incident.

Northparkes will provide to the Resources Regulator a written document signed by an authorised officer of CareFlight describing how the donation will be used or to what it will be allocated.

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

Northparkes commits that it will link the promotion of any benefits arising from the WHS undertaking and associated initiatives to the WHS undertaking and will reiterate this during the presentation of the training package at the minimum of 3 industry forums, seminars or similar events, agreed in consultation with the Resources Regulator.

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

Northparkes, 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	\$ 6,828
<input checked="" type="checkbox"/> compliance monitoring costs	\$ 12,500
<input type="checkbox"/> publication costs	\$
<b>Total amount</b>	
Insert case, if any, for why the Regulator would not seek to recover costs	\$ 19,328
N/A	

#### 8. Minimum spend

Northparkes must spend a minimum of \$219,328.00, excluding GST, in carrying out its obligations as set out in this WHS undertaking, inclusive of the Regulator's recoverable costs.

Northparkes acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost
Benefits to workers	\$125,000 (excl GST)
Benefits to industry	\$25,000 (excl GST)
Benefits to community	\$50,000 (excl GST)
Regulator recoverable costs	\$19,328

<b>Estimated total value of the undertaking</b>	<b>\$ 219,328 (ex GST)</b>
---	----------------------------

**9. Project of undertaking**

Where a project or projects are proposed to deliver benefits to workers, industry and community Northparkes 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 Northparkes 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. Signed: .....</p> <p>[Person]</p> <p>Name: [Print name] .....</p> <p>Position: Dated:</p>	<p>As a duly appointed and authorised officer or agent of Evolution Mining (Northparkes) Pty Ltd I offer this undertaking and commit Evolution Mining (Northparkes) Pty Ltd to the terms herein.</p> <p>Signed: ... [Redacted] .....</p> <p>Name: [Redacted]</p> <p>Position: Mining Manager/ MEM Dated: 17 July 2024</p> <p>Signed: ..... [Director or company secretary] Name: [Print name] .....</p> <p>Position: 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: .....

A light blue rectangular box containing the handwritten signature "P J Day" in black ink.

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

Dated: 26 August 2024

# Attachment 1

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

Northparkes will undertake the following:

## NORTH PARKES WHS UNDERTAKING PROJECTS

### 1. Project 1: Best Practice Procedure Initiative

#### 1.1 Objective

Development of a best practice procedure for the safe management, use, storage, transport, disposal and re-use of chemical intermediate bulk containers (IBCs) used widely throughout the industry.

#### 1.2 Purpose/benefit

This project will benefit Northparkes' workers by enabling them to re-use empty chemical IBCs as waste receptacles thereby delivering time savings in addition to enhancing awareness of the health and safety risks associated with the management of hazardous chemicals and chemical IBCs and hazard identification and risk mitigation more generally.

This project will also benefit industry as the development and sharing of a best practice procedure will enable industry to continue to re-use chemical IBCs without exposing their workforce to similar health and safety risks.

It is intended the risk assessment and best practice procedure for the safe management, use, storage, transport, disposal and re-use of chemical IBCs (as detailed in section 1.3 below) will be facilitated by and/or developed with the assistance of a suitably qualified specialist consultant.

#### 1.3 Deliverables

The deliverables include:

1. the risk assessment in relation to the lifecycle of chemical IBCs taking into account the requirements of *Australian Standard 3780:2008 The storage and handling of corrosive substances*;
2. the best practice procedure for the safe management, use, storage, transport, disposal and re-use of chemical IBCs at the Mine; and
3. the sharing of the best practice procedure for the safe management, use, storage, transport, disposal and re-use of chemical IBCs with workers and industry as part of the Education Initiative
4. the incident animation, covering the details of the incident, its causes, key learnings and best practice risk controls, that will be developed and funded as per section B – 3(c) provided that such animation has been developed and approved within 12 months of the acceptance of this undertaking.

#### 1.4 Timeframe and costs

Northparkes will spend a minimum of \$125,000 in benefits to its workforce through the initiatives detailed above in relation to Project 1 and the delivery of the associated education package as part of Project 2.

Northparkes intends to complete Project 1 within 18 months following acceptance of this enforceable undertaking by the Resources Regulator subject to the incident animation referred to in Section B –

3(c) being developed and approved by the Resources Regulator within 12 months of the acceptance of this undertaking.

## 2. Project 2: Education Initiative

### 2.1 Objective

Northparkes acknowledges that chemical IBCs are used widely in the industry to manage waste. The re-use of chemical IBCs provides cost and time benefits to industry in being able to recycle the IBCs already available on site for the disposal of waste and not having to separately source and pay for alternative waste storage and removal options.

The objective of this initiative is to increase awareness of the incident, the key lessons learned from the incident and how workers and industry can safely manage, use, store, transport, dispose of and re-use chemical IBCs for the storage and handling of waste without a risk of similar incidents occurring.

### 2.2 Purpose/Benefit

Northparkes undertakes to develop and implement a training program in relation to the identification and appropriate control of core hazards and risks that workers will be exposed to in the life cycle of chemical IBCs. The program will combine key learnings from the incident with a best practice procedure to:

- (a) provide education to workers and the industry regarding the safe management of chemical IBCs taking into account the requirements of *Australian Standard 3780:2008 The storage and handling of corrosive substances*;
- (b) raise awareness among workers and the industry of the risks associated with the handling of hazardous chemicals and re-use of chemical IBCs, in particular the risks of ignition in certain circumstances;
- (c) provide workers and industry with time and cost benefits in educating them on how to safely re-use chemical IBCs for waste storage thereby removing the need for alternative waste storage options; and
- (d) enhance worker competencies in relation to hazard identification and risk mitigation.

The training program will:

- (a) be prepared and facilitated by a suitably qualified specialist consultant;
- (b) be provided to all workers at the Mine;
- (c) include an example pre-task hazard assessment to be used prior to the cutting of chemical IBCs;
- (d) include the incident animation, covering the details of the incident, its causes, key learnings and best practice risk controls, that will be developed and funded as per section B – 3(c) provided that such animation has been developed and approved within 12 months of the acceptance of this undertaking.
- (e) detail the circumstances in which a hot work permit would be required and an example hot work permit for such circumstances; and
- (f) include additional tailored units for specific work groups including:
  - (i) apprentices; and
  - (ii) maintenance workers including all tradespersons, engineers, supervisors, planning co-ordinators, superintendents, managers, trade assistants and operators involved in maintenance activities at the Mine.

### 2.3 Deliverables

The deliverables include:

- (a) The training package, consisting of a slide pack presentation covering details (and images where appropriate) of the incident, the incident animation referred to at section B – 3(c) provided that such animation has been developed and approved within 12 months of the acceptance of this undertaking, the

lessons learned from the incident and how those learnings have been used to develop a best practice procedure on how to safely manage, use, store, transport, dispose and re-use chemical IBCs;

- (b) The delivery of the training package to Northparkes' workers;
- (c) The delivery of the training package to a minimum of 3 New South Wales based industry forums, seminars or similar events, to be agreed in consultation with the Resources Regulator; and
- (d) The development and delivery of a behavioural based safety session for high risk contracting companies engaged through Northparkes. This session will provide the contractor principals and/or their leaders a learning journey that builds the skills and mindsets of leaders and team members for effective safety leadership and attitudes.

## **2.4 Timeframe and cost**

Northparkes will engage a suitably trained and qualified industry expert to prepare the training materials which will be delivered to all workers at the Mine, at industry forums as agreed with the Resources Regulator and to Northparkes Contractors within 24 months of the WHS undertaking being accepted subject to the incident animation referred to in Section B – 3(c) being developed and approved by the Resources Regulator within 12 months of the acceptance of this undertaking. The cost of delivering the training materials to workers is included in the \$125,000 referenced in paragraph 1.4 above relating to Project 1.

Following the roll out of this training to its workers, Northparkes will present the training package to a minimum of 3 New South Wales based industry forums, seminars or similar events, to be agreed in consultation with the Resources Regulator.

Northparkes will also engage a consultant to develop a behavioural based safety session for high risk contracting companies engaged through Northparkes. This session will provide the contractor principals and/or their leaders a learning journey that builds the skills and mindsets of leaders and team members for effective safety leadership and attitudes.

Northparkes will spend a minimum of \$25,000 in presenting the relevant training packages to industry and high-risk contracting companies.

## **3. Project 3: Donation to Charity**

### **3.1 Objective**

To provide a donation to CareFlight, the local Emergency Response helicopter service which air lifted the injured worker to hospital.

### **3.2 Purpose/Benefit**

CareFlight performs a number of services of significant benefit to the community, including critical care using air ambulances to reach critically ill and injured patients. Northparkes believes making a donation to CareFlight will contribute to the availability of emergency services in the region for the ongoing benefit of the local community and will provide a benefit to industry in the event of a workplace incident.

### **3.3 Deliverables**

Donation of \$50,000 to CareFlight.

### **3.4 Timeframe and cost**

The donation of \$50,000 will be made within 3 months of the WHS undertaking being accepted by the Resources Regulator.

## **4. Project Management**

4.1 Northparkes will engage a project manager to manage the delivery of each Project.



#### WHS Undertaking

- 4.2 The project manager will report to a senior leadership team on progress of the Projects. That leadership team will include the General Manager – Northparkes, People and Culture Manager, Sustainability Manager, Manager Mining/MEM, Commercial Manager and the Health, Safety, Emergency Management & Risk Superintendent.
- 4.3 The project manager will meet with this team at regular intervals during the delivery of the WHS undertaking projects to confirm progress. Reports or minutes of the meeting will be provided to the Resources Regulator as part of compliance reporting within 14 days of the meetings.

17 July 2024

## Attachment 2 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 4 April 2023, a worker employed by a subcontractor undertaking maintenance work at Northparkes' processing plant as part of a planned shutdown, used an angle grinder to cut and remove the top of a used 1,000 litre plastic intermediate bulk container (IBC), so that it could be used as a waste bin. During the process of cutting the IBC the worker was propelled back from the IBC and felt immense heat to the front of his body. [REDACTED]

The Department of Primary Industries and Regional Development investigated the incident and subsequently alleged that Evolution Mining (Northparkes) Pty Ltd 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.

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 Evolution Mining (Northparkes) Pty Ltd, ACN 164 997 317.

The undertaking requires the following actions:

- Development of a best practice procedure for the safe management, use, storage, transport, disposal and re-use of chemical IBCs based on a risk assessment of the lifecycle of chemical IBCs taking into account the requirements of *Australian Standard 3780:2008 The storage and handling of corrosive substances*;
- Development and delivery of an education package to workers at the Mine and to industry through 3 New South Wales based industry forums agreed with the Resources Regulator, to provide education in relation to the incident, the lessons learned from the incident, and the best practice procedure;
- Development and delivery of a behavioural based safety session for high risk contracting companies engaged through Northparkes to help build the skills and mindsets of leaders and team members for effective safety leadership and attitudes; and
- A donation of \$50,000 to CareFlight, the local emergency response helicopter service which airlifted the injured worker to hospital.

The full undertaking and general information about enforceable undertakings is available at [resourcesregulator.nsw.gov.au](https://resourcesregulator.nsw.gov.au)