



**Planning &
Environment**
Resources Regulator

WHS undertaking

Undertaking to the Secretary,
Department of Planning and Environment
given for the purposes of Part 11 of the *Work Health and Safety Act 2011*

by

Bloomfield Collieries Pty Ltd
ACN 000 106 972
ABN 76 000 106 972



WHS undertaking

Purpose

The purpose of this WHS undertaking is to document the undertaking given to the Resources Regulator (**regulator**), the Secretary of the Department of Planning and Environment, for the purposes of Part 11 of the *Work Health and Safety Act 2011* (NSW) (**WHS Act**) in connection with a matter relating to a contravention or alleged contravention by the person of the WHS Act.

Section A - general information

1. details of the company or individual proposing the undertaking

Name of company or individual	Bloomfield Collieries Ply Ltd (Bloomfield)		
Registered address	Lot 35, Four Mile Creek Road, Ashlonfield, NSW, 2323		
Mailing address (if different from above)	As above		
Telephone	[REDACTED]		
Email address	[REDACTED]		
Legal structure	Private Company		
Type of business	Coal mining		
Commencement date of the entity	10 June 1952		
Workers	Full time: 315.6	Part time: 4.8	Other: 18
Products and services	Coal		
Comments	The Incident occurred at Rix's Creek Mine. Bloomfield Collieries Ply Ltd is a member of a group of companies, some of which share resources. Accordingly, employee numbers from the group companies attributable to Rix's Creek Mine have been calculated in accordance with group practice.		

2. the details of the alleged contravention

It is alleged that on 13 December 2016, Bloomfield, being a person conducting a business or undertaking at the Rix's Creek Mine at Singleton NSW, who had a health and safety duty under section 19(1) of the WHS Act to ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by Bloomfield, while they were at work in the business or undertaking, failed to comply with that duty, and that failure exposed a worker to a risk of death or serious injury or illness.

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

On 13 December 2016 at Rix's Creek Mine, a worker's head was struck by the steel tailgate of a haulage truck (**Incident**). At the time of the Incident the injured person was attempting to climb into the trailer under the suspended tailgate in order to clean out residual material in the trailer. [REDACTED]

4. an acknowledgement that the regulator alleged a contravention has occurred

It is acknowledged that the regulator has alleged Bloomfield has contravened section 19(1) of the WHS Act in connection with the Incident.

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

[REDACTED]

WHS undertaking

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
13/12/2016	Non-disturbance Notice	Notice No. 161213-AT001	Notice issued because inspector reasonably believed it was necessary to do so to facilitate the exercise of the inspector's powers.	<p>Bloomfield observed the following requirements:</p> <ul style="list-style-type: none"> No person is to enter the area known as the clean coal loop road, barricaded with barrier tape and high-viz cones, which includes a Volvo prime mover registration No. CG-50-MV and its attached trailer W-68252. The area is to remain secured with barrier tape and a copy of this notice should be displayed in two prominent locations on the barrier tape or prime mover and a copy on the staff notice board. If the barrier tape or security seals over the prime mover doors are affected by adverse weather a department representative must be contacted immediately to arrange security of the area, prime mover and trailer. If it is suspected the incident site has been entered and either the prime mover or trailer tampered with in any way, immediate contact is to be made with a department representative.
13/12/2016	Prohibition Notice	N195-2016/00123	Notice issued because inspector reasonably believed that an activity was occurring at the workplace which involved or could have involved a serious risk to the health and safety of a person emanating from an immediate or imminent exposure to a hazard.	<p>Bloomfield observed the requirements of the Prohibition Notice, being:</p> <p>No person is permitted to work in the trailer or on or about the tailgate of the trailer of the coal haulage trucks owned and operated by the contracting company involved in the Incident.</p> <p>Delivered a toolbox talk on the Prohibition Notice to the contracting company involved in the Incident immediately following the Incident and prior to coal haulage resuming.</p> <p>Emailed a reminder to the contracting company involved in the Incident of the Prohibition Notice still being in place in April 2017.</p>

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

Bloomfield is committed to complying with all of its obligations under the WHS Act, the *Work Health and Safety (Mines and Petroleum Sites) Act 2013 (NSW) (WHS Mines Act)*, and 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 of the person)

N/A.

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

- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

WHS undertaking

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

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

Bloomfield has developed a safety management system (**SMS**) in accordance with the WHS Act, WHS Mines Act and associated regulations. The SMS is designed so that Bloomfield's business is conducted in accordance with the following conditions:

- 1. People:** are fit for work in that they are competent, free from the influence of drugs and alcohol and are in a suitable frame of mind to be able to perform their work effectively and efficiently with a safe outcome.
- 2. Equipment:** is fit for purpose in that it is the correct equipment for the job and is in a suitable condition to not present a danger to people when it is being used.
- 3. Work methods:** appropriate methods of work are available and in place so that work can be carried out safely.
- 4. Work environment:** is suitable for the work to be carried out in a safe manner. The work environment includes the physical, cultural and ethical environment.

Bloomfield has adopted a risk management-based approach to health and safety in conjunction with applicable statutory requirements, in order to guide the development and ongoing improvement of appropriate controls for identified risks.

Bloomfield follows the criteria provided in AS/NZS 4801 and AS/NZS 4804 as a guide to maintaining a structured approach to the Bloomfield SMS.

The ongoing effectiveness and efficiency of Bloomfield's SMS is monitored as part of Bloomfield's day-to-day management. Feedback from this and other more formal reviews and/or following specific occurrences, form the basis for SMS improvement and re-design.

Bloomfield conducts internal audits on the SMS, including:

- Audits of Management Systems: including standards, competencies and procedures.
- 'MY TAPs' (Targeted Assessment Programs).

Bloomfield's SMS is subject to ongoing audits in order to continue to verify that it meets the requirements of the business, remains compliant with applicable legislation and is effectively implemented at each operation.

In addition, workers across Bloomfield are audited on certain relevant aspects of the SMS, including their task/work area, knowledge of the SMS, and their ability to identify hazards and implement effective controls through MY TAP's.

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 in relation to this WHS undertaking proposal has occurred with Bloomfield senior management, relevant WHS roles, Directors and senior management at Rix's Creek Mine.

Consultation with members of Bloomfield's WHS Committee and other relevant workers to be undertaken once the WHS undertaking and initiatives have been approved by the Regulator.

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

Bloomfield deeply regrets that the Incident occurred.

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

Following the Incident, Bloomfield undertook the following:

- Before the contracting company involved in the Incident resumed work, Bloomfield conducted toolbox talks with the employees of the contracting company on the following topics:

WHS undertaking

- refresher hazard identification and risk control;
 - fatigue management;
 - fitness for work;
 - suitable frame of mind;
 - EAP services; and
 - the workers were reminded they should speak to their contracting supervisor immediately if they have any safety concerns.
- Required that the contracting company involved in the Incident formally appoint a dedicated site supervisor.
 - Required a job safety analysis be prepared for the task Operating Coal Trucks before coal haulage could recommence.
 - Required an increased level of job safety analysis to be completed by the contracting company involved in the Incident for non-truck driving tasks.
 - Conducted Mine Inspection System training and Supervisor Orientation for the contracting company's site supervisor.
 - Required more frequent supervisor audits on the contracting company involved in the Incident.
 - Reviewed and updated Bloomfield's Contractor Induction in relation to working under a suspended load.
 - Conducted refresher hazard identification and risk control competencies with the contracting company involved in the Incident.
 - Maintained a higher degree of monitoring of the contracting company involved in the Incident.
 - Reviewed the regulator's Information Release IIR16-08 Fatality after being struck by truck tailgate (the Release) during the site WHS Committee and displayed the Release on noticeboards around the business.
 - Ongoing monitoring of the health and wellbeing of the workers involved in the incident and insisted on EAP support / assessment as required.
 - Considered enhancements to the Contractor Administration process including:
 - the creation of a Contractor and Audit Manager position to support the business in the contractor mobilization and administration processes;
 - introduced a forum to improve the communication between the business and contracting companies; and
 - increased the auditing of contracting company's compliance to the Contractor Management Plan.

As the majority of the above rectifications were implemented using Bloomfield's internal resources Bloomfield is unable to determine the exact amount that was spent on rectifications. However, Bloomfield estimates approximately \$84,000 was spent to undertake the rectifications listed above.

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

Bloomfield acknowledges that the WHS undertaking may be published on the regulator's website and may be referenced in NSW Resources Regulator material.

WHS undertaking

Bloomfield 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

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

15. statement regarding relationships with beneficiaries

Bloomfield acknowledges the following known relationships:

- The Bloomfield Foundation provides financial support and personal services to the Hunter Medical Research Institute (**HMRI**); and
- Bloomfield workers and the broader industry.

Other than those listed above, there are no other known relationships with any of the beneficiaries in the WHS undertaking.

16. intellectual property licence

Bloomfield 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 Bloomfield have any such prior convictions or findings?

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

Bloomfield acknowledges that responsibility for demonstrating compliance with this WHS undertaking rests with the organisations who have given this WHS undertaking. Evidence to demonstrate compliance with the terms will be provided to the regulator by the due date for the term.

Bloomfield 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 WHS undertaking. The evidence provided to demonstrate compliance with the WHS undertaking will be retained by the organisation that has given this WHS undertaking until advised by the regulator that the WHS undertaking has been completely discharged.

Bloomfield acknowledges that the regulator may initiate additional compliance monitoring activities of compliance with the terms of the WHS 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

Bloomfield commits that the behaviour that led to the alleged contravention has ceased and will not reoccur.

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

Bloomfield is committed to the ongoing effective management of WHS risks in accordance with the WHS Act, WHS Mines Act and associated regulations.

21. acknowledgment of WHS undertaking guidelines

I have read and understood:

Enforceable undertakings guidelines version 4 dated June 2018.

Section B – enforceable terms

1. Publication of information about the undertaking

Bloomfield 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 Newcastle Herald and Singleton Argus, which will be drafted using the script provided in Attachment 2.

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

Bloomfield must disseminate information by implementing the following:

- Displaying information about the WHS undertaking on noticeboards across the Bloomfield Group sites;
- Discussion at toolbox talks; and
- Discussion at relevant Bloomfield senior management and/or leadership forum/s.

Dissemination will occur within 30 days of receiving notification from the regulator of the acceptance of the WHS undertaking.

3. Strategies that will deliver worker benefits

In collaboration with the regulator, Bloomfield will develop an animated video that will share safety lessons from the Incident. In addition, Bloomfield will develop a further animated video aimed at providing education on truck safety. The videos will be made freely available to the regulator and will be published on Bloomfield's website (**Animation Initiative**). The videos will benefit workers by providing an accessible and engaging educational tool on important safety lessons. Further details regarding the Animation Initiative are detailed in Attachment 1.

Bloomfield will also develop a program designed to help protect the mental health of workers, before, during and after a serious workplace incident (**Mental Health Program Initiative**). The Mental Health Program Initiative will utilise technology to enhance the accessibility of information and will equip key workers with the tools to assist in managing mental health risks following a serious workplace incident. Further details regarding the Mental Health Program Initiative are detailed in Attachment 1.

4. Strategies that will deliver industry benefits

The Animation Initiative will be made available to the regulator and will be available online through the Bloomfield website. This will allow the valuable benefits that the videos provide workers to be shared with the wider industry. Further, Bloomfield will actively share the lessons from the Incident with the wider industry through presentations at select mining and transport industry forums and/or events.

WHS undertaking

The Mental Health Program Initiative will also be made available to the regulator and select key industry organisations. This will allow the benefit of the tools and resources developed as part of the initiative to be available to and accessed by the wider industry.

5. Strategies that will deliver community benefits

The Hunter Medical Research Institute (**HMRI**) has identified the need for funding towards its medical research into Advancing Traumatic Brain Injury Treatment. Bloomfield will donate to the HMRI in order to fund this research. Supporting the HMRI's research into this highly critical area of traumatic brain injury recovery research will benefit the Hunter community, and may potentially have a broader impact on the global medical community.

6. A commitment regarding linking the strategy and promotion of benefits to the WHS undertaking
Bloomfield commits that it will link the promotion of any benefits arising from the WHS undertaking and associated initiatives to the WHS undertaking.

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

Bloomfield must pay the regulator's recoverable costs associated with the undertaking, as itemised below, and acknowledges that payment is due **30 days** after receipt of the regulator's invoice:

<input type="checkbox"/> investigative, legal and administrative costs	\$109,205
<input type="checkbox"/> compliance monitoring costs	\$8,500
<input type="checkbox"/> publication costs	\$0
Total amount	\$117,705

Insert case, if any, for why the regulator would not seek to recover costs.

Nil.

8. Minimum spend

Bloomfield must spend a minimum of \$507,705 (excluding GST) in carrying out its obligations as set out in this WHS undertaking, inclusive of the regulator's recoverable costs.

Bloomfield acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost (excluding GST)
Animation Initiative	\$55,000
Mental Health Program Initiative	\$285,000
Hunter Medical Research Institute Donation (GST free)	\$50,000
Regulator recoverable costs	\$117,705
Estimated total value of the undertaking	\$507,705

9. Project of undertaking

Where a project or projects are proposed to deliver benefits to workers, industry and community, Bloomfield 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 Bloomfield on or before 24 months following acceptance of this enforceable undertaking by the regulator.

Section C - Offer of undertaking

BY AN INDIVIDUAL

I offer this undertaking and commit to the terms herein.

Signed:
[Person]

Name:
[Print name]

Position:

Dated at this

..... day of, 20.....

BY A CORPORATION

As a duly appointed and authorised officer or agent of
Bloomfield Collieries Pty Ltd

I offer this undertaking and commit
Bloomfield Collieries Pty Ltd
to the terms hereih.

Signed:
[Signature]

[Director]
Name: *Brian Lewis*
[Print name]

Position: Director

Dated at *Maitland* this

23rd day of *NOVEMBER*, 20*18*

Signed: *[Signature]*
[Director or company secretary]

Name: *John Richards*
[Print name]

Position: *DIRECTOR*

Dated at *Maitland* this

23rd day of *NOVEMBER*, 20*18*

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: *[Signature]*
Position: *Chief Compliance Officer*
Department of Planning and Environment

delegate of the Secretary,

Dated at *SYDNEY* this *12TH* day of *December*, 20*18*.



ATTACHMENT 1

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

Bloomfield will undertaking the following:

Initiative 1

Animation Initiative

Bloomfield recognises the value that visual educational tools can provide in relation to sharing safety lessons with the workforce and broader industry. Bloomfield deeply regrets that the Incident occurred and believes that developing an animated video of the Incident could assist many that work in and around road registered trucks to learn valuable safety lessons from the Incident. Accordingly, Bloomfield would like to work collaboratively with the regulator to assist in the development of an animated video and fund the production of that video.

In addition, Bloomfield believes that there are some valuable practices of 'truck safety' that could be shared more broadly throughout the mining and transport industries. Sharing these practices could also be enhanced by being presented visually in an animated video. Accordingly, Bloomfield will create a further animated video that focuses on hazards that exist when working in and around road registered trucks, in order to build on the momentum of the Incident animated video.

Deliverables	<p>Two animated videos:</p> <p>One animated video to be created in collaboration with the regulator, approximately one to two minutes in duration, that shares safety lessons from the Incident. The Incident Animation will include an illustration of the sequence of events that led to the Incident, outcomes following the Incident, learning from the regulator's investigation and recommendations from the regulator to prevent recurrence.</p> <p>One additional animated video on truck safety, duration of approximately one to three minutes that could be used as an education tool in the mining and transport industries.</p> <p>Audience:</p> <p>Both videos will be shown to the Bloomfield workforce, including its contractors (approximately 800 workers). Bloomfield will also make both videos freely available to the public as well as the mining and transport industries through:</p> <ol style="list-style-type: none"> 1. presenting the videos at a minimum of four industry forums and/or events, to be agreed with the regulator 2. providing the animated videos to the regulator for use; and 3. publishing the videos on Bloomfield's Website.
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Initiative 2

Protecting Your Mental Health: The Before, During and After Program

The mental health of workers can be seriously impacted by a workplace incident. This is particularly the case for key workers such as first responders, WHS professionals and human resources professionals. Bloomfield has recognised that there is an opportunity to enhance the mental health awareness available to these key workers in order to develop internal capabilities and skills for workers, while also creating a positive conversation about mental health within the workplace.

The Protecting Your Mental Health: The Before, During and After Program (**Mental Health Program Initiative**) will equip key workers with the tools to help protect their mental health, as well as the tools to assist others manage their own mental health, following a serious workplace incident.

WHS undertaking

The Mental Health Program Initiative will be designed to support all businesses, but particularly those managing high consequence risks, in understanding how better to be prepared from a mental health risk perspective following a serious incident.

The Mental Health Program Initiative proposes to use technology to enhance the accessibility of the required tools and skills.

The Mental Health Program Initiative will also be assessed and reviewed from a WHS legal compliance perspective.

The Mental Health Program Initiative may assist workers and businesses better understand the following:

Mental Health Program Initiative Focus Areas		
BEFORE: Building a resilient culture	DURING: Taking care of your people as they respond	AFTER: Continuing to recover and grow
Covering aspects that may include		
Build a culture of connection and support in your organisation.	Provide appropriate Employee Assistance Program support and clinically appropriate treatment.	Understanding the enduring mental health impact on those assisting with the investigations.
Understand next of kin and/or power of attorney.	Manage the situation in accordance with the beliefs and requests of the injured/deceased.	Understand the appropriate ongoing treatment that is required.
Awareness of hospital practices and authorities.	Understand the various degrees of effect an incident can have on individuals in and around the incident.	Awareness of resourcing requirements and the impact on normal day to day activities.
Awareness of diverse beliefs and how these may influence a response to a serious incident.	Understand the various levels of support required during an incident.	Understand the impact of reminders and how to support your team through this.
Understand how to prepare senior leaders in mental health, incident response, and understanding human behaviours.	Normalise the acceptance of psychological support and take steps to create a healthy workplace for all levels.	Eliminate negative stigma of mental health.
Build a relationship with the Employee Assistance Program and promote through the workforce.	Learn how to support those that choose not to be supported.	Encourage a culture of psychological health and resilience.
Establish peer support and networks	Draw on strengths within peer support.	Awareness of benefits for peer support to be provided back to others.

Deliverables: Develop a mental health resource toolkit to assist senior managers before, during and after a serious incident. The toolkit will be supported by and/or incorporate a compelling and engaging visual asset (video or similar) and will utilise technology to enhance the accessibility of information (**Mental Health Resource Toolkit**).

The Mental Health Resource Toolkit will be provided to a minimum of 20 key workers within Bloomfield.

Mental Health Resource Toolkit will be made freely available to the regulator.

Bloomfield will also make the Resource Toolkit freely available to a minimum of three industry groups and/or organisations, to be agreed in consultation with the regulator.

Duration

Bloomfield will maintain the assets developed for the Mental Health Resource Toolkit for 12 months following the launch of the Mental Health Resource Toolkit.

Initiative 3

Hunter Medical Research Institute Donation

The Hunter Medical Research Institute (**HMRI**) has identified the need for funding towards its medical research into Advancing Traumatic Brain Injury Treatment.

According to the HMRI, deaths from traumatic brain injury are rapid, with over two-thirds of patients dying prior to hospitalisation. A further 27 percent die within 48 hours and all but two percent die within seven days of the incident. Those that survive these initial seven days are most likely to have severe and life-long disability. Effective and comprehensive treatments are vital to reduce these deaths and subsequently improve the long-term outcomes for survivors.

The HMRI has identified that lowering mortality rates for traumatic brain injury patients can be achieved through prevention (public health campaigns, regulations and safety strategies), improved post-hospital rehabilitation care and improved and targeted in-hospital treatments.

The HMRI project solution focuses on providing better in-hospital care to both reduce the high mortality rate in these patients and give survivors the best chance at gaining back function.

The HMRI's aim is to develop better diagnostic tests with improved understanding of the cellular and molecular mechanisms of secondary brain injury. This could lead to customised timing of therapies for optimal individual patient outcomes.

Deliverables: Bloomfield will donate \$50,000 to the HMRI to contribute to the funding of the HMRI project.

WHS undertaking final report

Bloomfield will provide the regulator with a final report, which will include details of the completion of each of the WHS undertaking initiatives in accordance with the project staging and timeframes for delivery, as set out below.

Management of WHS undertaking

Initiative deployment

Bloomfield will establish a WHS undertaking committee to oversee the WHS undertaking initiatives. The WHS undertaking committee will comprise of the following:

- Bloomfield's Health and Safety Manager - who will oversee the Video Animation Initiative;
 - Bloomfield's Corporate Services Project Manager - who will oversee the Mental Health Project Initiative; and
 - Bloomfield's Chief Corporate Services Officer - who will oversee the HMRI Donation Initiative.
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External resources and engagement

External personnel will be engaged to assist with the delivery of certain aspects of the WHS undertaking project, including:

- NewPsych psychologists (or other suitable psychologists);
- Animation / app development company;
- Learning development specialist;
- Industry specialists; and
- WHS legal advisors.

WHS undertaking project staging and timeframes for delivery

Component	Timeframes for delivery Following the acceptance of the WHS Undertaking
Animation Initiative	
Development of content and inputs for Incident video animation to Bloomfield in consultation with the Regulator	Within 2 months
Video animation proposal for both the Incident video and truck safety video (Video Animation)	Within 3 months
Review of draft Video Animation proposal with Regulator to obtain feedback	Within 4 months
Final Video Animation provided to Regulator	Within 9 months
Video Animation published of Bloomfield's website	Within 10 months
Video Animation presented at a minimum of four industry forums and/or events, to be agreed with the Regulator	Within 20 months
Mental Health Program Initiative	
Mental Health Resources Toolkit proposal	Within 4 months
Development of Mental Health Resources Toolkit	Within 12 months
Launch of Mental Health Resources Toolkit	Within 14 months
Mental Health Resources Toolkit available to regulator	Within 14 months
Mental Health Resources Toolkit available to a minimum of three industry groups, to be agreed in consultation with the regulator	Within 15 months
The Mental Health Resource Toolkit will be provided to relevant Bloomfield workers, totalling a minimum of 20	Within 16 months

WHS undertaking

Ongoing maintenance of the Mental Health Resource Toolkit for 12 months following launch	Ongoing for 12 months following launch
HMRI Donation Initiative	
Confirm scope of donation	Within 2 months
Donation provided to HMRI	Within 5 months
Final report of WHS undertaking initiatives	
Draft report provided to regulator for comment	Within 22 months
Final report submitted to regulator	Within 24 months

All timeframes in the above table are from the acceptance of the WHS Undertaking, unless otherwise stated.

Costs

Bloomfield will spend the minimum amounts in relation to the following components of the WHS Initiatives:

Initiative	Minimum cost (excl GST)
Video Animation initiative	\$55,000
Mental Health Program Initiative	\$285,000
HMRI Donation Initiative (GST free)	\$50,000
Total minimum cost	\$390,000

Variations

Any proposed variations to any aspects of the initiatives or the WHS undertaking must be approved by the WHS undertaking committee and will not take effect unless accepted in writing by the regulator.



Attachment 2

Public Notice of regulator's acceptance of undertaking

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

On 13 December 2016, at the Rix's Creek Mine a worker who was the employee of a contractor to the mine, was struck by the steel tailgate of a truck [REDACTED]. The worker was attempting to climb into the trailer under the tailgate, while it was suspended, in order to clean out residual material.

Bloomfield Collieries Pty Ltd is the mine operator at Rix's Creek Mine. The Department of Planning and Environment investigated the incident and subsequently alleged that Bloomfield Collieries Pty Ltd contravened the Work Health and Safety Act 2011 (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 Bloomfield Collieries Pty Ltd, ACN 000 106 972.

The undertaking requires the following actions:

- Bloomfield will develop an animated video that will share safety lessons from the incident, as well as a further animated video on truck safety, to be shared with the Regulator and the wider industry.
- Bloomfield will develop a program designed to protect the mental health of workers, before, during and after a serious workplace incident. This program and the resources developed will be made available to the Resources Regulator and wider industry.
- Bloomfield will donate \$50,000 to the Hunter Medical Research Institute to support the Institute's research into traumatic brain injury recovery.

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