



**Planning,  
Industry &  
Environment**

## **WHS undertaking**

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

**by**

Otraco International Pty Limited

ACN 008 809 265

ABN 72 008 809 265

## WHS undertaking

### Purpose

The purpose of this WHS undertaking is to document the undertaking given to the **regulator**, the Secretary of the Department of Planning, Industry and Environment, for the purposes of Part 11 of the *Work Health and Safety Act 2011 (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	Otraco International Pty Limited ( <b>Otraco</b> )
Registered address	Level 1, 130 Fautleroy Avenue, Redcliffe, Western Australia 6104
Mailing address (if different from above)	See above
Telephone	[REDACTED]
Email address	[REDACTED]
Legal structure	Private company
Type of business	Tyre management services
Commencement date of the entity	1972
Workers	Full time: 863                      Part time: N/A                      Other: N/A
Products and services	Tyre and rim management services including engineering, consulting, tyre change out and industrial products supply.
Comments	Otraco is a wholly owned subsidiary of Downer.

#### 2. the details of the alleged contravention

It is alleged that on 10 August 2017, Otraco, being a person conducting a business or undertaking at the Mt Arthur Mine near Muswellbrook, New South Wales (**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 Otraco, 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, e.g. incident details

Otraco is contracted to Mt Arthur Coal Pty Ltd (**Mt Arthur Coal**) to provide onsite tyre management services at the mine for Mt Arthur Coal's fleet of light and heavy vehicles. On 10 August 2017, a worker employed by Otraco (**Injured Worker**) was refuelling a diesel-powered tyre handler at Mt Arthur Coal's heavy vehicle refuelling facility. The refuelling hoses at the refuelling station were fitted with quick connect (dry break) couplings, but the tyre handler's fuel tank was not. The worker attached a free flow adapter nozzle, which did not positively connect to the tyre handler's fuel tank and did not have the capability to automatically stop the flow of diesel when the tank was full. During refuelling, the adapter ejected from the filling neck and fuel flowed onto the tyre handler's engine cover and splashed back onto the Injured Worker. The fuel ignited on the hot engine surface of the tyre handler and the flame extended out towards the Injured Worker. [REDACTED]

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

It is acknowledged that the regulator has alleged that Otraco has contravened section 19(1) of the WHS Act.

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

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

Notices received:

Yes (provide details)  No

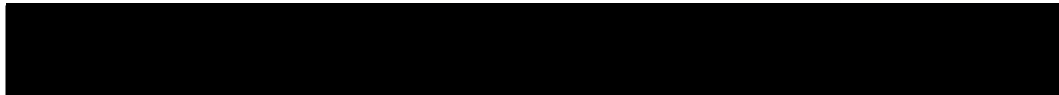
Date issued	Notice type	Notice number	Contravention	Action taken to respond to notice
N/A	N/A	N/A	N/A	N/A

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

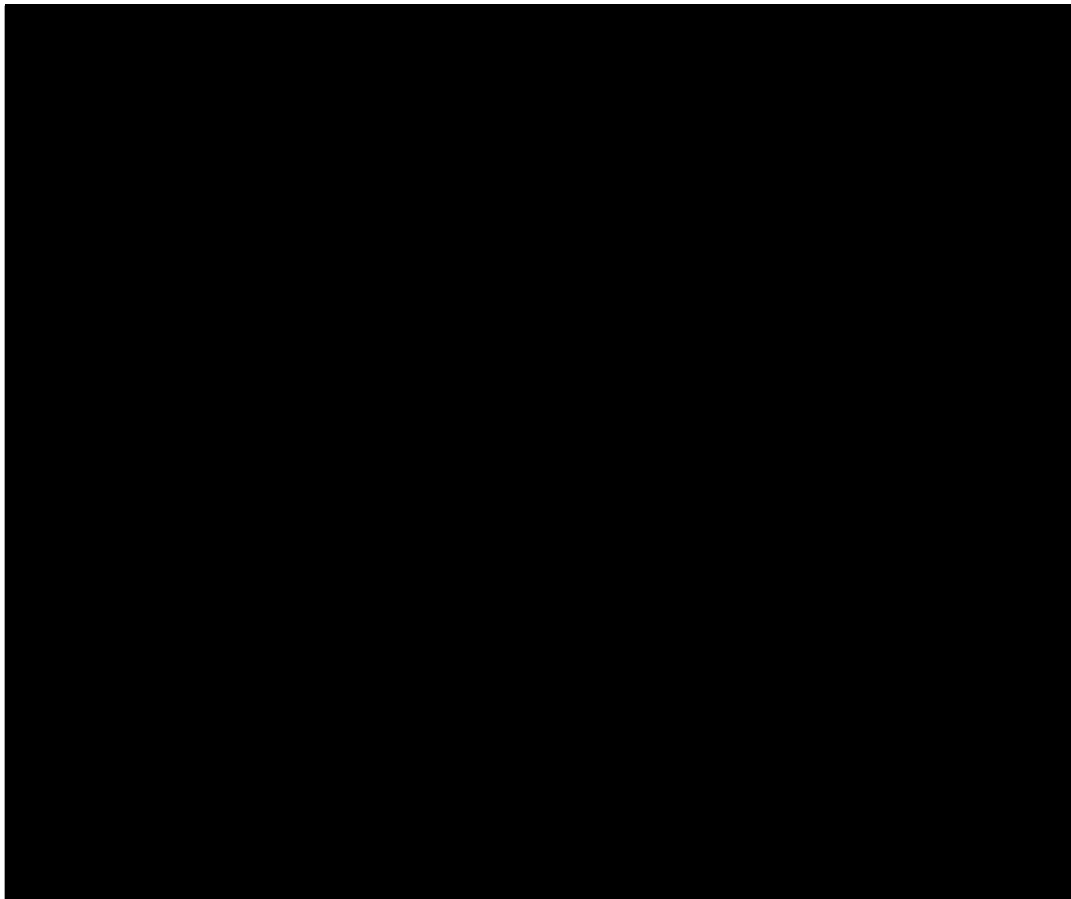
Otraco is committed to complying with its obligations under the WHS Act, *Work Health and Safety (Mines and Petroleum Sites) Act 2013* (NSW) (**WHS Mines Act**) and relevant regulations.

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)



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



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

The Otraco zero harm management system is comprised of 18 elements, grouped under 5 headings of Leadership, Risk and Control, Planning and Improvement, Monitoring, and Documentation and Records.

The intent of each element is defined with supporting expectations that incorporate applicable legislative and client requirements, including applicable requirements under the WHS Act, WHS Mines Act and associated regulations.

Otraco undertakes internal and external auditing to the following Australian/ISO Standards – ISO 9001:2015, ISO 14001:2015, OHSAS 18001:2007, and AS/NZS 4801:2001.

Element Group	Element
<b>Leadership</b>	1. Responsibility, Leadership, Accountability and Commitment 2. Engagement, Consultation and Employee Support
<b>Risk and Control</b>	3. External Requirements 4. Hazard and Risk Management 5. Operational Control 6. Process Safety, Engineering and Design 7. Supplier, Contractor and Materials Management 8. Environmental Sustainability 9. Incident Management
<b>Planning and Improvement</b>	10. Planning, Improvement and Resourcing 11. Change Management 12. Emergency Preparedness 13. Training, Competence and Awareness
<b>Monitoring</b>	14. Audit and Inspection 15. Management Review 16. Performance Evaluation 17. Health and Hygiene
<b>Documentation and Records</b>	18. Document Control and Record Management

At a site-level, monitoring activities include Visiting Manager's Audits, HSEQ Inspections, planned task observations and critical risk verifications.

Otraco identifies, understands and communicates critical risks across all levels of the organisation. Critical controls are defined and continually verified to confirm their effectiveness at site level. A verification and reporting (assurance) program is applied so that Otraco's critical risk profile is effectively managed and strategic risk reduction initiatives are implemented.

**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 WHS undertaking proposal has been conducted with the Injured Worker, Downer Mining Energy and Industrial leaders, the Otraco Operational Management team, and the participants of Otraco's International Tyre Handler Safety Working Group (**Working Group**). The Working Group consists of Engineers, Zero Harm Managers, an Innovation and Improvement Manager and a Process Development Manager, from across Australia and Southern Africa.

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

Otraco regrets that the Incident occurred.

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

- Following the Incident an information bulletin was distributed to Supervisors across the Otraco business by email. Supervisors then delivered the information to workers during Toolbox Talks and added the information bulletin to site notice boards. The information bulletin advised of the Incident and required an audit to be undertaken across all Otraco sites to verify methods used for re-fuelling of tyre handlers and ancillary

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equipment. This information was shared with clients, and Otraco received feedback that Wiggins fittings (open-ended extended pipe and male coupling for refuelling) had been removed from clients' operations as a result.

- A follow-up audit on refuelling practices to verify methods used for re-fuelling of tyre handlers and ancillary equipment on all Otraco sites was conducted during 2018.
- A Bowtie review was undertaken on risk of 'fire during re-fuelling activities' in 2018. The controls were reviewed and an action plan was developed. Information on defined controls has now been incorporated into the Downer Critical Risk programme.
- Training materials at the Otraco Training Centre (Registered Training Organisation) were updated. In particular, the Use of Earthmoving & OTR Tyre Handlers (AURKTJ006) training was updated to incorporate refuelling risks and controls. Downer has reviewed its refuelling procedures and training/assessment materials.
- The use of Wiggins free flow adapter nozzle fittings has been added to the Downer Prohibited Items Register.
- A risk assessment was conducted on refuelling tyre handlers at Mt Arthur. Tyre handlers are now refuelled via a low flow fuel pod system located at the tyre bay.

The actions listed above were undertaken using Otraco's internal resources.

Total amount spent on rectifications: \$12,440.00 (Being the cost of the low flow fuel pod system.)

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

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

Otraco 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

Otraco 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

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

#### 16. intellectual property licence

Otraco 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 Otraco have any such prior convictions or findings?

Yes  No

<sup>2</sup> 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

Otraco 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

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be provided to the regulator by the due date for the term.

Otraco 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.

Otraco 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

Otraco acknowledges 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

Otraco is committed to the ongoing effective management of work health and safety risks in accordance with the WHS Act, WHS Mines Act, and applicable regulations.

### 21. acknowledgment of WHS undertaking guidelines

Otraco has read and understood:

*Enforceable undertakings guidelines* version 4 dated June 2018.

## Section B – enforceable terms

### 1. Publication of information about the undertaking

Otraco 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 Sydney Morning Herald, Newcastle Herald and Muswellbrook Chronicle, 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)

Otraco must disseminate information by implementing the following:

- Information bulletin sent by email to all Otraco workers; and
- Supervisors to discuss the WHS undertaking during toolbox talks, as applicable; and
- Discussion at relevant Downer and Otraco senior management and leadership forums. As a minimum, the Downer Mining Energy and Industrial leaders, the Otraco Operational Management team, and the participants of Otraco's International Tyre Handler Safety Working Group.

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.

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

N/A

### 3. Strategies that will deliver worker benefits

Otraco 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 (**WHS Projects**).

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

- (a) In collaboration with the regulator, the development of a best practice video training package to enhance the current unit of competency for the use of earthmoving and off-the-road (OTR) tyre

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handlers (**Video Training Package Project**). The Video Training Package Project will assist communicate key messages to the audience and will ultimately assist with enhancing operator competence. The Video Training Package will be delivered to applicable workers in NSW and throughout Otraco's operations. This will provide a benefit to the operators and more broadly, the workers who may be involved in work that is affected by the use of earthmoving and OTR tyre handlers.

- (b) The provision of internships for two recent graduates from a NSW university to oversee the Video Training Package Project (**Internship Project**). The Internship Project will provide benefits to workers by utilising the graduates' expertise and skills to oversee the delivery of an effective and engaging Video Training Package. The Internship Project will be run in addition to Otraco's existing graduate program and will be separate to Otraco's usual internship intake.

Further details regarding the Video Training Package Project and Internship Project are listed in Attachment 1.

### 4. Strategies that will deliver industry benefits

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

- (a) Donating \$80,000 to the Westpac Rescue Helicopter Service, Upper Hunter branch to assist the Westpac Rescue Helicopter Service provide aeromedical assistance across the Upper Hunter Valley region (**Donation Project**). Supporting this valuable service will contribute to the emergency services available in the region and will provide a benefit to industry in the event a worker requires the Westpac Rescue Helicopter Service following an incident at work.
- (b) The Video Training Package and Supporting Guide, developed as part of the Video Training Package Project, which will be made available to industry on Otraco's website. In addition, the material will also be made available to the regulator to further share with industry, as suitable. The availability of this material may assist in educating and increasing the capabilities of tyre handler operators across the industry.
- (c) The Internship Project, which will allow a graduate to further develop skills and utilise expertise gained during university in the industry. This, in turn, may encourage new talent to the industry and increase the capabilities of young engineers wishing to work in the industry.

### 5. Strategies that will deliver community benefits

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

- (a) The Donation Project, which will contribute to the continuance of the valuable work that the Westpac Rescue Helicopter Service provides, not just to workers in the industry, but to the community as a whole.
- (b) The Internship Project, which will also benefit the community by creating new opportunities and experiences for graduates after university.

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

Otraco will link the strategy and any promotion of benefits from the WHS undertaking to the WHS undertaking.

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

Otraco 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	\$59,034
<input checked="" type="checkbox"/> compliance monitoring costs	\$8,500
<input checked="" type="checkbox"/> publication costs	\$5,115

**Total amount** **\$72,649**

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

N/A

8. Minimum spend

Otraco must spend a minimum of \$458,219, excluding GST, in carrying out its obligations as set out in this WHS undertaking, inclusive of the regulator's recoverable costs.

Otraco acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost
Donation to Charity	\$80,000 (excl GST)
Video Training Package Project	\$127,770 (excl GST)
Internship Project	\$177,800 (excl GST)
Regulator recoverable costs	\$72,649 (excl GST)
<b>Estimated total value of the undertaking</b>	<b>\$458,219 (excl GST)</b>

9. Project of undertaking

Where a project or projects are proposed to deliver benefits to workers, industry and community Otraco 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 Otraco on or before 14 months following the 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 Otraco International Pty Limited I offer this undertaking and commit Otraco International Pty Limited to the terms herein.

Signed: .....  
[Director]

Name: **ROBERT JOHN REGAN**  
[Print name]

Position: Director

Dated at North Ryde this  
31st day of July, 2019

Signed: .....  
[Director or company secretary]

Name: **MICHAEL FERGUSON**  
[Print name]

Position: Director

Dated at North Ryde this  
31st day of July, 2019

**Section D – Regulator’s acceptance of undertaking**

I accept this undertaking as an enforceable undertaking under section 216 of the *Work Health and Safety Act 2011*.

Signed: .....

Position: Executive Director delegate of the Secretary,  
Department of Planning, Industry and Environment

Dated at Maitland this 16th day of September, 2019



## ATTACHMENT 1

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

### OTRACO WHS UNDERTAKING PROJECTS

Otraco will undertake the following:

1. **Project 1: Donation to Charity**

1.1. **Objective**

- To provide a donation to a local charity or organisation in order to support the Hunter Valley community.

1.2. **Purpose**

The Westpac Rescue Helicopter Service provides emergency aeromedical and rescue services to those in need throughout Northern NSW. In 2018, the Westpac Rescue Helicopter Service undertook approximately 2,000 life-saving missions.

The Westpac Rescue Helicopter Service transported the Injured Worker to hospital following the incident. The Injured Worker specifically requested the charitable donation to be provided to the Westpac Rescue Helicopter Service, in order to continue to support the work that they do.

1.3. **Deliverables**

Donation of \$80,000 to the Westpac Rescue Helicopter Service, Upper Hunter branch to assist the Westpac Rescue Helicopter Service to provide aeromedical assistance across the Upper Hunter Valley region. Details of the donation resulting from the incident and acceptance of the WHS undertaking by the regulator will be communicated to the Westpac Rescue Helicopter Service.

1.4. **Timeframe and costs**

Donation of \$80,000 to be made within 3 months of WHS undertaking acceptance.

2. **Project 2: Tyre Handler Best Practice Training Resource (Video Training Package Project)**

2.1. **Objective**

Development of a best practice video training package to enhance the current unit of competency for the use of earthmoving and off-the-road (OTR) tyre handlers. The video package will assist to communicate key messages to the audience and will ultimately assist with enhancing operator competence. The video training package will be developed in consultation with the regulator.

2.2. **Purpose**

Tyre handlers are large powered mobile plant at the heart of any OTR tyre maintenance facility. The Automotive Tyre Servicing Technology course (AUR21916) includes a unit of competency AURKTJ006 - Use of earthmoving and OTR tyre handlers, which covers off on the basics associated with checking the tyre handler and work site for suitability, operating the tyre handler, and completing work according to operational requirements.

According to Safe Work Australia, mobile plant is a major cause of workplace death and injury in Australian workplaces. There are significant risks associated with using plant and severe injuries can result from the unsafe use of plant including:

- burns or scalds due to contact with hot surfaces, or exposure to flames or hot fluids;

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- being crushed by mobile plant;
- sustaining fractures from falls while accessing, operating or maintaining plant; and
- electric shock from plant that is not adequately protected or isolated.

Other risks include hearing loss due to noisy plant and musculoskeletal disorders caused by manually handling or operating plant that is poorly designed.

Otraco believes that the current training package being delivered at Otraco and through Mining, Energy and Industrial (a division of Downer) could be enhanced by creating a series of videos detailing the risks associated with the use, misuse (exposures if operated outside of safe parameters) or consequences associated with maintenance requirements not being adhered to. This package will be able to be used as a resource to be incorporated in the AURKTJ006 as well as a standalone resource to upskill already qualified Tyre Technicians (**Video Training Package**).

To accompany the Video Training Package, Otraco will also develop a supporting guide to assist Otraco, as well as the broader industry, to implement the Video Training Package (**Supporting Guide**).

Beyond the scope of this undertaking, the Video Training Package is also to be delivered to relevant workers in Otraco's operations across Southern Africa, Australia and Chile. Accordingly, Otraco will have the videos and Supporting Guide translated so relevant Otraco workers (including relevant contractors) can benefit from the training (**Translation**).

Otraco will also engage an external legal advisor in each jurisdiction to review the Video Training Package and Supporting Guide from a legal compliance perspective (**Compliance Assurance**).

In order to further support the development of skills in the industry, Otraco will provide two internships for an engineering university graduate and a safety (or related area) university graduate to oversee the development and implementation of the Video Training Package Project (see *Project 3* below).

To assist in the delivery of the Video Training Package, Otraco will also engage an external marketing consultant to liaise with the video production company and the interns. The marketing consultant will oversee marketing and distribution aspects, and assist with overseeing the delivery of the Video Training Package, as required.

#### 2.3. Deliverables

- (a) Development of the Video Training Package, in consultation with the regulator at regular intervals. The Video Training Package will be made up of a number of videos of approximately 2 to 3 minutes in length, totalling between 10 - 25 minutes. The videos will cover:
  - (i) The risks associated with the use, misuse (exposures if operated outside of safe parameters) or consequences associated with maintenance requirements not being adhered to;
  - (ii) Previous incident learnings across the tyre maintenance industry (including the Incident, other non-Otraco incidents including a Western Australia fatality where a tyre was being held during inflation, and other relevant, known near misses across the industry);
  - (iii) Common failure modes; and
  - (iv) Preventative/mitigating controls (highlighting critical controls) – explaining the 'why'.
- (b) Development of the Supporting Guide to accompany the videos, in consultation with the regulator at regular intervals.

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- (c) Translation of the Video Training Package and Supporting Guide in both English and Spanish.
- (d) Compliance Assurance, including a legal compliance review for each jurisdiction the video will be viewed.
- (e) Delivery of the Video Training Package to Otraco workers that conduct onsite tyre management services to coal and metalliferous mines in NSW, totalling a minimum of 49 workers..
- (f) Making the Video Training Package and Supporting Guide available to the public by publishing it on Otraco's website and providing the regulator access to the Video Training Package and Supporting Guide.

For noting and not a deliverable of this WHS undertaking:

The Video Training Package will also be delivered to approximately 800 workers at Otraco's operations in other Australian locations, Chile and South Africa. This broader training will be delivered over a longer period of time and in accordance with a separate timeframe. It does not form part of this WHS undertaking.

**2.4. Timeframes**

<b>Key Milestones</b>	<b>Date</b>
Recruitment of interns to undertake Video Training Package Project	Within 2 months of acceptance of WHS undertaking
Engagement of consultant to develop Video Training Package	Within 2 months of acceptance of WHS undertaking
Engagement of marketing consultant	Within 2 months of acceptance of WHS undertaking
Development of Video Training Package concepts for the Supporting Guide and video story boards in consultation with the regulator at regular intervals	Within 5 months of acceptance of WHS undertaking
Feedback from regulator on Video Training Package for Supporting Guide concepts and video story boards	Within 6 months of acceptance of WHS undertaking
Compliance Assurance activities completed	Within 8 months of acceptance of WHS undertaking
Completed Video Training Package and Supporting Guide including consultation and review by regulator	Within 9 months of acceptance of WHS undertaking
Delivery of Video Training Package to Otraco workers in NSW	Within 10 months of acceptance of WHS undertaking
Release Video Training Package and Supporting Guide to industry by making the Video Training Package publicly available on Otraco's website and by providing the regulator access.	Within 11 months of acceptance of WHS undertaking

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### 2.5. Costs

Estimated costs	Costs (excl. GST)
Development of Video Training Package by production company	\$64,270
External marketing consultant	\$38,500
Compliance Assurance review of Video Training Package and Supporting Guide across three jurisdictions	\$25,000

Total: \$127,770

### 3. **Project 3 - Internship Project**

#### 3.1. Objective

Provide an engineering university graduate and a safety (or related area) university graduate with an internship at Otraco to oversee the Video Training Package Project (**Internship Project**).

#### 3.2. Purpose

Otraco would like to provide an internship opportunity to two recent graduates from a NSW university to oversee the development and delivery of the Video Training Package Project. The Internship Project will be based at the Otraco Mount Thorley site and will be supervised by the Operations Support Superintendent. During the internship, the interns will receive experience in tyre management and project management while overseeing the Video Training Package Project.

The Internship Project will run for 12 months. During the Internship Project, the interns will be required to develop the content for the videos and oversee the video production, as well as to develop the content for the Supporting Guide. The interns will also be directly involved in delivering the Video Training Package to relevant workers in NSW.

The recruitment and selection for the internships will be performed and co-ordinated by the Recruitment Team, in consultation with the Group Training and Development Team and the Eastern Region Operations Manager, and will be conducted in accordance with Downer's Recruitment and Selection Procedure. The interns will be recruited from the Newcastle/Hunter Valley region. After the Video Training Package Project has been delivered, the interns will also have the opportunity to enter the Downer Graduate Development Program should their degree course be applicable to the company's requirements.

Management and administration of the Internship Project will be performed by the Operations Support Superintendent and the region's Operations Manager. This will include:

- (a) Regular contact to check on progress and advise accordingly;
- (b) Liaising with Operational Managers concerning the development of the Internship Project deliverables;
- (c) Support with administration of the Internship Project; and
- (d) Progress against the plan reviewed by the interns with the Manager/s.

The interns will be supported to develop a Project Management Plan which will be used to manage, monitor and report on progress. Any requirements for training and knowledge development for this process will be available within the Downer Mining, Energy and Industrial Training and Development framework. This will include any internal and external training courses that are deemed suitable by Otraco.

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The Internship Project will be run in addition to Otraco's existing graduate program and will be separate to Otraco's usual internship intake.

#### 3.3. Deliverables

- (a) Two internships - for an engineering university graduate and a safety (or related area) university graduate from a NSW university;
- (b) Interns to oversee the development and delivery of the Video Training Package Project; and
- (c) Final reflection report to be prepared by the interns following completion of the internships. A copy to be provided to the regulator.

#### 3.4. Costs

Estimated costs	Costs (excl. GST)
Two internships for 12 months	\$ 177,800

#### 3.5. Timeframes

Key Milestones	Date
Engage with NSW universities to confirm internships	Within 1 month of acceptance of WHS undertaking
Recruitment of interns to undertake Video Training Package Project	Within 2 months of acceptance of WHS undertaking
Commencement of internships	Within 2 months of acceptance of WHS undertaking
Final reflection report by interns following completion of internships and provided to the regulator	Within 14 months of acceptance of WHS undertaking

The timeframes for the Video Training Package Project are listed above at 2.4.

#### 4. *Internal project management team*

4.1. All three projects proposed as part of this WHS undertaking will be overseen by the following roles:

- (a) Operations Support Superintendent;
- (b) Eastern Regional Manager; and
- (c) Mining, Energy and Industrial Zero Harm and Quality Manager.

**(Project Management Team)**

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- 4.2. The Project Management Team will meet (either by phone or in person) 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 regulator as part of compliance reporting within 14 days of the meetings.

#### 5. **Consultation and external resources**

Otraco will consult and engage with external personnel to assist with the delivery of the WHS undertaking projects. The external personnel include:

- (a) Westpac Rescue Helicopter Service;
- (b) NSW universities (as applicable for the internships);
- (c) External WHS legal advisors;
- (d) External marketing consultant; and
- (e) Video production company.

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**ATTACHMENT 2**

**Public Notice of regulator's acceptance of undertaking**

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

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

On 10 August 2017, a worker suffered [REDACTED] when diesel fuel ignited while the worker was refuelling a tyre handler at the Mt Arthur Coal Mine.

The Department of Planning, Industry and Environment investigated the incident and subsequently alleged that Otraco International Pty Limited contravened 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 Otraco International Pty Limited, ACN 008 809 265.

The undertaking requires the following actions:

- Donation of \$80,000 to the Westpac Rescue Helicopter Service, Upper Hunter branch to assist the Westpac Rescue Helicopter Service provide aeromedical assistance across the Upper Hunter Valley region.
- Develop and deliver a video training package that details the risks associated with use and maintenance of earthmoving and off-the-road tyre handlers (large powered mobile plant), to improve operator competence.
- Provision of two internships at Otraco to oversee the development and delivery of the video training package.

The total value of the WHS undertaking is \$458,219.

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