



Notice of Decision — acceptance

A work health and safety (WHS) undertaking is a legally binding agreement between Comcare and a person who has allegedly contravened the *Work Health and Safety Act 2011* (Cth) (WHS Act). An undertaking is proposed by the person as an alternative to other enforcement action and becomes enforceable once accepted by Comcare. A WHS undertaking obliges the person to carry out the specific activities that have been proposed.

Cleanaway Operations Pty Ltd ACN 010745 383 (Cleanaway)

On 4 June 2021 a Cleanaway worker was injured while inserting wire (**the task**) into an unguarded section of a baler machine at Cleanaway's solid waste and recycling services site located at 88 Sawmill Circuit, Hume, ACT. As the worker was undertaking the task, their hand came into contact with moving parts of the baler, causing them to sustain injuries to the middle finger and ring finger of one hand, including a broken middle finger which required surgery to insert a pin.

Alleged breach

Comcare commenced criminal proceedings against Cleanaway in the ACT Magistrates Court for an alleged breach of sections 19(1) and 32 of the WHS Act 3 June 2023.

On 21 January 2025, Comcare accepted an undertaking proposed by Cleanaway in relation to the alleged contravention. Comcare alleged that Cleanaway failed to install guarding to prevent access to internal moving parts of the baler and failed to provide or train the worker in a procedure for carrying out the task or provide information on a lock-out tag-out procedure for operating the baler.

Summary of the undertaking

Cleanaway will deliver the following initiatives as part of the undertaking:

Initiative 1 – Cleanaway will develop a virtual reality (VR) application in driver safety training in heavy vehicles and mobile plant for drivers to gain competency in waste collection and landfill operations and focusing on specific high-risk scenarios. The VR training will provide drivers with an opportunity to identify and assess hazards and risks that resemble real-life scenarios, which is intended to bridge the gap between classroom conducted safety training and on the job training; estimated cost \$265,000;

Initiative 2 – Cleanaway will trial and install new technology involving side loader pedestrian detection to reduce risks to pedestrians and cyclists around heavy vehicles, particularly side loading waste vehicles. Cleanaway will identify the areas where the risk of uncontrolled interactions between side loader vehicle and members of the public is highest. Cleanaway will engage a specialist provider to install an engineering control that will detect, alarm and prevent movement of the vehicle or side-loader arm, in the event of potential interaction with a person; estimated cost \$255,000;

Initiative 3 – Cleanaway will conduct a targeted public education campaign in partnership with local councils aiming to reduce incorrect battery disposal in residential waste bins. The campaign will identify the most effective and efficient means of communication to influence a behaviour change in the public who may not be aware of the potential for fires to be initiated by batteries in the waste management stream; estimated cost \$225,000;

Initiative 4 – Cleanaway will support programs undertaken in partnership with BackpackBeds for Homeless and Orange Sky to reduce the risks to rough sleepers who make seek shelter or forage for food or other items of value in waster skip bins. Cleanaway will provide funding for 500 backpack beds and laundry and shower services for rough sleepers; estimated cost \$180,000.

The undertaking involves a total expenditure of \$925,000.

Reasons for accepting the undertaking

The reasons for accepting the WHS undertaking were:

- the undertaking addresses the criteria set out on Comcare's *Guide to WHS Undertakings*;
- the initiatives proposed in the undertaking have been assessed as likely to deliver outcomes that are tangible, measurable and achievable, within specified timeframes for each initiative, and that would deliver benefits to Cleanaway workplaces, the waste management industry and the community; and
- the undertaking represents an appropriate enforcement outcome.

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