

ENFORCEABLE UNDERTAKING

PART 11

Work Health and Safety Act 2011 (Cth)

21 January 2025

The commitments in this enforceable undertaking
are offered to Comcare

by

Cleanaway Operations Pty Ltd
(ACN 010 745 383)

PRIVACY STATEMENT

Your privacy is important to us. We will only collect, use or disclose personal information in accordance with the *Privacy Act 1988* (Cth) and if it is reasonably necessary for, or directly related to, one or more of our functions, powers and/or activities. These include functions and activities under the *Safety, Rehabilitation and Compensation Act 1988* (Cth), the WHS Act, the *Seafarer's Rehabilitation and Compensation Act 1992* (Cth), and the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005* (Cth). If Comcare does not collect personal information from you, for the purposes of its legislated functions or related functions, we may not be able to respond appropriately.

Comcare is the Commonwealth agency authorised by the WHS Act to collect personal information relevant to the exercise of functions and powers under the WHS Act, *Work Health and Safety Regulations 2011* and the administration and evaluation of Comcare's WHS programs. Any personal information collected in these forms will be used for those purposes.

In exercising our functions and powers, we may disclose personal information, subject to confidentiality of information provisions under the WHS Act, to the following bodies and agencies, including but not limited to:

- Comcare's internal and external legal advisers
- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

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ENFORCEABLE UNDERTAKING

Purpose

The purpose of this enforceable undertaking is to document the undertakings offered to Comcare pursuant to Part 11 of the *Work Health and Safety Act 2011* (Cth) (**WHS Act**) in connection with matters relating to alleged contraventions of the WHS Act or the *Work Health and Safety Regulations 2011* (Cth) (**WHS Regulations**).

1. SECTION 1: GENERAL INFORMATION

1.1. Details of the person proposing the undertaking

Cleanaway Operations Pty Ltd (ACN 010 745 383) (**Cleanaway**):

Registered address – Head Office:	Level 4, 441 St Kilda Road, Melbourne VIC 3004
Postal address:	As above
Telephone contact:	██████████ Head of Health, Safety and Regulatory Compliance Mobile: ██████████
Email address:	██
Status under the WHS Act:	Non-Commonwealth Licensee
Legal structure:	Australian Proprietary Company, Limited by Shares (and a wholly owned subsidiary of Cleanaway Waste Management Limited, a publicly listed Australian Company)
Type of business:	Waste management business
Commencement date of the entity:	1 February 2016
Number of workers (full-time; part-time; casual):	Total of 7970 Permanent (Full time) – 6855 Permanent (Part time) – 181 Casual – 884 Fixed term - 50
Products and/or services:	Cleanaway’s services and solutions are built around the needs of businesses, industry and

	<p>communities, and are organised around three major operating segments:</p> <ul style="list-style-type: none"> • Solid waste services; • Liquids and health services; and • Industrial and waste services.
Comments:	Not applicable

1.2. Details of the alleged contravention(s)

An incident occurred at Cleanaway’s solid waste and recycling services site located at 88 Sawmill Circuit in the Australian Capital Territory (**Site**) on 4 June 2021 (**Incident**). Cardboard and plastic waste delivered to the Site is compressed into bales using a Godswill Automatic Baling Press 4 Way Free Floating Type GB-1108F (**Baler**).

As a result of its investigation, Comcare alleges that on 4 June 2021 Cleanaway failed to discharge its obligations as a person conducting a business or undertaking under sections 19(1) and 32(1) of the WHS Act, in that it did not ensure, so far as reasonably practicable, the health and safety of a worker engaged by it, exposing that worker to a risk of death or serious injury or illness. Comcare alleges Cleanaway’s contraventions on 4 June 2021 related to the following failures:

- i. to install additional guarding to prevent access to the internal moving parts of the Baler at a small gap between two parts of the Baler;
- ii. to include in its risk assessment for the Baler the re-wiring task being conducted at the time of the Incident (**Task**);
- iii. to specifically require the Baler to be isolated by a lock out and tag out process while the Task was being performed (**Requirement**);
- iv. to include the Requirement in a Work Instruction or similar written safe work procedure; and
- v. to provide training to relevant workers regarding the Task and the Requirement.

1.3. Details of the events surrounding the alleged contravention e.g. incident details

The waste processed by Cleanaway at the Site is collected by Cleanaway employee and sub-contractor truck drivers from various commercial clients before being delivered to the Site for processing. The Baler is an automatic baling press used by Cleanaway as part of that processing and is the only baler machine in operation at the Site.

The baling process commences with cardboard being loaded by a forklift onto an ascending conveyor belt which then falls into a hopper. The cardboard is pressed by two hydraulic rams to form large rectangular bales, which are automatically tied off with wire inside the baler to form a bale.

On 4 June 2021, a Cleanaway worker was operating the Baler when a wire inside the Baler required replacing. There was no guarding in place between the

inserter and the main body of the Baler to prevent workers from accessing internal moving parts of the Baler. Cleanaway had not provided or trained the worker in a procedure for carrying out this task or provided information on a lockout-tagout procedure for operating the Baler. As the worker was undertaking the task, his hand came into contact with moving parts of the Baler, causing the worker to sustain injuries to the middle and ring fingers of his left hand, including a broken middle finger which required surgery to insert a pin. The worker returned to work (on modified duties) with Cleanaway on 23 June 2021 (i.e. within one month of the Incident) and remains a valued member of the Cleanaway team. The worker resumed full pre-injury duties on 17 December 2021.

1.4. Acknowledgement that Comcare alleged a contravention has occurred

It is acknowledged that Comcare alleges Cleanaway contravened sections 19(1) and 32 of the WHS Act on 4 June 2021.

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

The worker sustained injuries to the middle and ring fingers of his left hand, including a broken middle finger, which required surgery to insert a pin.

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

Were enforcement notices received?

No

or

Yes

Please provide details in the table below.

Date issued:	8 June 2021
Notice type:	Prohibition Notice
Notice number:	MC00022295-NT02
Contravention or Prohibited Activity:	Cleanaway was prohibited from carrying on, allowing, authorising or permitting, or carrying on in a specified way, the activity of operating the Baler.
Action taken in response to notice:	In response to the notice, Cleanaway: <ul style="list-style-type: none"> engaged a competent person to undertake a full inspection of the plant; carried out maintenance and testing and conducted a thorough clean of the area;

	<ul style="list-style-type: none"> ensured all persons who operate the plant received necessary information, training and instruction; conducted a review of the documented work instruction; and provided all records to the Comcare inspector demonstrating compliance. <p>Based on this, the inspector was satisfied that the risks subject of the notice had been remedied and the notice was lifted.</p>
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Additional notices issued? YES

Date issued:	7 June 2021
Notice type:	Improvement Notice
Notice number:	MC00022295-NT03
Contravention or Prohibited Activity:	The notice indicates the Comcare inspector had formed a reasonable belief that Cleanaway contravened section 21(2) of the WHS Act as it did not ensure, so far as is reasonably practicable, that plant at the workplace was without risks to health and safety of any person and contravened regulation 213 of the WHS Regulations, as the person with management or control at the workplace it did not ensure that appropriate maintenance and inspection of the plant was carried out by a competent person and that it was reasonably practicable for Cleanaway to do so.
Action taken in response to notice:	<p>In response to the notice, Cleanaway conducted a review of all plant in the workplace to ensure, so far as is reasonably practicable, the provision of a workplace that was without risks to health and safety. This included:</p> <ul style="list-style-type: none"> identifying all reasonably foreseeable hazards; assessing the risk/s that could arise; identifying control measures to eliminate or minimise the risk/s; carrying out appropriate maintenance; and providing necessary training, information and instructions to all workers at the workplace.

Date issued:	10 June 2021
Notice type:	Improvement Notice
Notice number:	MC00022295-NT04
Contravention or Prohibited Activity:	<p>The notice indicates the Comcare inspector had formed a reasonable belief that:</p> <ul style="list-style-type: none"> • Cleanaway did not ensure, so far as is reasonably practicable, that the layout of the workplace was maintained so as to allow for persons to enter and exit and move about without risks to health and safety, in accordance with WHS Regulation 40(a); and • Cleanaway, in accordance with Part 3.1, had not managed the risks to health and safety associated with plant colliding with any person or thing, in accordance with WHS Regulation 214(d).
Action taken in response to notice:	In response to the notice, Cleanaway conducted a review of the workplace to ensure, so far as is reasonably practicable, the layout of the workplace and the way it was maintained allowed persons to enter or exit and to move about with risks to health and safety.

Date issued:	8 June 2021
Notice type:	Non-Disturbance Notice
Notice number:	MC00022295-NT01
Contravention or Prohibited Activity:	To preserve and prevent disturbance of the Baler and all cardboard materials contained in the Baler at the Site.
Action taken in response to notice:	Cleanaway secured the Baler and all the cardboard materials contained in the Baler with barricading to prevent the operation of the Baler to ensure it was not disturbed. Cleanaway also communicated to all relevant workers that the non-disturbance notice had been issued. The notice automatically elapsed on 15 June 2021.

When an alleged contravention is associated with an injury/illness

1.7. Details of the workers' compensation or other benefits provided

The following describes the workers' compensation arrangements relevant to the injured person:

Description of compensation
<ul style="list-style-type: none"> The injured person lodged a Workers' Compensation claim on 10 June 2021. Liability for the injured person's Workers Compensation claim was accepted on 17 June 2021. The injured person was entitled to incapacity payments and reasonable medical expenses. The injured person received worker's compensation payments and reimbursement for reasonable medical expenses. The injured person returned to work on 23 June 2021.

More than one person injured? NO

1.8. Details of the support provided or proposed to the injured person

Does the alleged contravention involve injury to a person?

No

or

Yes

The injured person is:

An employee of the entity:	Yes
A self-employed person:	
Other (please specify):	
Not applicable:	

Cleanaway has provided the following support to the injured person:

Date	Description of support
Various dates	<p>During the injured person's return to work on modified duties at the Site, Cleanaway provided support in various forms.</p> <p>The injured person was offered access to Cleanaway's Employee Assistance Program (EAP) following their injury. Cleanaway also supported the injured person by providing time off work when required at no cost to them, checking in with the injured person throughout each day whilst they were at work and allowing the injured person to rest whenever required.</p> <p>Cleanaway also offered support by providing transport for the injured person to their medical appointments.</p>

1.9. If the matter involves a death or very serious injury, or where the applicant has relevant prior convictions under the WHS Act, a claim to demonstrate that exceptional circumstances exist that the WHS undertaking is a more appropriate response than pursuing prosecution

Does the contravention involve a death or very serious injury?

No Yes

Does the applicant have relevant prior convictions under the WHS Act within the preceding 5 years of the alleged contravention/incident:

No Yes

If yes, provide details to demonstrate that exceptional circumstances exist.

See Annexure 1.

1.10. Details of any existing work health and safety management system (WHSMS) at the workplace including the level of auditing currently undertaken

[Please choose one of the following paragraphs that most accurately describes the level of auditing currently undertaken (if any)]:

Cleanaway has an existing Occupational Health and Safety Management System compliant with ISO-45001:2018. External auditing of the workplace against ISO-45001:2018 is conducted on a yearly basis.

1.11. Consultation within the workplace

As a result of the alleged contravention Cleanaway has consulted within the workplace regarding the proposal of a WHS undertaking in the following manner:

Cleanaway has carried out constructive consultation in relation to this proposal. Cleanaway has engaged internally with its health and safety leaders and multiple teams, including members of the executive team, senior health and safety business partners, corporate affairs, and marketing. Additional consultation with Cleanaway's Health and Safety Representatives and Health and Safety Committees, including for the Site, will be undertaken if the WHS Undertaking is ultimately accepted by Comcare.

Cleanaway has also spoken with the injured person and the branch manager of the Site where the incident occurred and discussed each of the proposed initiatives. Both the branch manager and the injured person were very supporting of the initiatives and the WHS Undertaking approach more generally.

1.12. A statement of regret that the incident occurred

Cleanaway regrets that the Incident occurred and the worker sustained injuries as a result of the Incident.

1.13. Details of the rectifications to the workplace or work practices made as a result of the alleged contravention

As a result of the alleged contravention Cleanaway has made the following rectifications within the workplace:

Cleanaway made several enhancements to its work health and safety practices in response to the alleged contravention to ensure that risks to health and safety were continuing to be managed, so far as is reasonably practicable. These actions can be broken down into enhancements specific to the Site, as well as broader enhancements implemented across Cleanaway's national operations (or in relevant business units across Cleanaway, as appropriate).

Cleanaway took the following steps specific to the Site:

- An immediate stop work direction was issued for all activities involving the use of the Baler, until an authorised agent performed a preventative maintenance check of the baler to identify any faults with the machine.
- An incident investigation was conducted by Cleanaway following the incident which resulted in Cleanaway issuing a Serious Incident Notification Memo (**SIN Memo**) to all Cleanaway business units on 9 June 2021.
- Reviewed and enhanced the risk assessment for operating the Baler to include the Requirement (i.e. to *'lock out tag out of the baler when any housekeeping, wire feed or wire breakages on the baler occur, any maintenance adjustment activities are undertaken'* and the Task, stating *'if the wire runs out or the wire breaks during operation, the baler must be locked and tagged isolated when you feed new wire or a wire breaks'*.
- Reviewed and enhanced the work instruction for the operation of the Baler to include isolation of the Baler when the Task is being completed or any other inspection, adjustment and maintenance activities are being undertaken on the Baler.
- The Baler was inspected by an independent technical expert, leading to a recommendation to install additional guarding to prevent the operator from accessing the gap between the inserter and main body of the Baler.
- On 17 June 2021, two barrier guards were installed around the wire feed area of the Baler to implement the above recommendation by the independent technical expert.
- Enhanced the pre-start checklist process for the operation of the Baler.
- Enhanced the routine maintenance procedures for the Baler.
- Provided refresher training to all relevant workers regarding Cleanaway's lock out tag out policies and procedures. The competencies covered isolation procedures, energy sources, isolation devices and tags.
- The independent technical expert assisted Cleanaway in the development and provision of refresher training to all relevant workers regarding the operation of the Baler, including regarding the Task and

the Requirement. This included specific training for all relevant workers on the enhanced risk assessment and work instruction.

Cleanaway took the following steps at an organisational level:

- Reviewed the guarding in place on all similar pieces of plant across Cleanaway's national operations, including fixed and interlocking (barrier) guards.
- Ensured all similar pieces of plant across Cleanaway's national operations had a preventative maintenance plan in place and confirmed that plan was being implemented appropriately.
- Conducted an audit to ensure pre-start checklist procedures were being complied with for all similar pieces of plant across Cleanaway's national operations.
- Reviewed risk assessments and work instructions for all similar pieces of plant across Cleanaway's national operations to ensure they were appropriate, in particular to ensure they included appropriate content regarding the Task (where relevant) and the Requirement (where relevant).
- Conducted an audit of training records for all operators of similar pieces of plant across Cleanaway's national operations, particularly focussing on currency of training in relevant risk assessment and work instruction documentation, including Cleanaway's lock out / tag out procedures.

Total amount spent on rectifications within the workplace, as outlined above:

\$52,010.74 in external costs associated with maintenance and guarding enhancements. Additional internal costs associated with the enhancements not included.

1.14. Statement of assurance about future work health and safety behaviour

Cleanaway is committed to complying with its obligations under the WHS Act and WHS Regulations and ensuring, so far as is reasonably practicable, the health and safety of all workers and other persons who may be affected by its business or undertaking.

1.15. Statement of commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur

Cleanaway commits that the behaviour that led to or was associated with the alleged contravention has ceased, and that it will take all reasonably practicable steps to prevent recurrence of this type of incident or behaviour.

1.16. Statement of commitment to the ongoing effective management of work health and safety risks

Cleanaway commits that it will exercise its best endeavours to the ongoing effective management of work health and safety risks. Examples of Cleanaway's

commitment to the ongoing effective management of HSE risks are outlined in section 1.13.

1.17. Statement of ability to comply with the terms of the WHS undertaking and meet the projected costs of the activities

Cleanaway acknowledges that it has the financial ability to comply with the terms of the enforceable undertaking and can provide evidence to support this declaration, if required.

1.18. Details of any prior work health and safety convictions

Comcare 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.

Yes

On 3 May 2017, the District Court of South Australia imposed a fine of \$650,000 with conviction on Cleanaway. The matter related to one count of contravening sections 19 and 32 of the WHS Act, and arose from an incident on 25 July 2013 involving a chemical fire. See more information in Annexure 1.

1.19. Statement of assurance relationships with beneficiaries (of donations or scholarship or financial benefit contained in this undertaking)

Cleanaway acknowledges there are no known current relationships with any of the beneficiaries outlined in the WHS Undertaking, other than the current workers of Cleanaway and the injured worker.

1.20. Statement regarding Intellectual Property Licence

Cleanaway grants Comcare a permanent, irrevocable, royalty- free, worldwide, non-exclusive licence to use, reproduce, distribute, electronically transmit, electronically distribute, adapt and modify any materials developed as a result of this enforceable undertaking.

1.21. Acknowledgement of WHS undertakings guidelines

Cleanaway has read and understood Comcare's enforceable undertaking guidelines for proposing a WHS undertaking and any other identified information.

2. SECTION 2: ENFORCEABLE TERMS

2.1 Acknowledgement that the WHS undertaking will be published and publicised

Cleanaway acknowledges that the enforceable undertaking will be published on Comcare's internet site and may be referenced in Comcare's publications.

Cleanaway will, within thirty (30) days of the date of acceptance of this enforceable undertaking, cause a public notice to be published in the Australian newspaper, which will be drafted using the script provided in Annexure 2.

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

Cleanaway is committed to ensuring that any promotion of a benefit arising from this enforceable undertaking will clearly link the benefit to the undertaking and that the undertaking was entered into as a result of the alleged contravention.

2.3 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)

Cleanaway agrees to disseminate information about the WHS Undertaking within the workplace, including to the members of any health and safety committee, health and safety representatives and all subcontractors working for Cleanaway. This information will be disseminated through Cleanaway's internal communication channels including the Intranet, emails and health and safety committee meetings and will be completed within 60 days from the date of acceptance of the WHS Undertaking.

Cleanaway commits that it will publish details of the WHS Undertaking in the first annual report due after the date the undertaking is accepted.

2.4 A commitment to participate constructively in all compliance monitoring activities of the undertaking

Cleanaway acknowledges that the responsibility for demonstrating compliance with this undertaking rests with the person who has given this undertaking. Evidence to demonstrate compliance with the terms will be provided to Comcare by the due date for the term.

Cleanaway acknowledges that Comcare may undertake other compliance monitoring activities to verify the evidence that is provided and compliance with the relevant term. The evidence provided to demonstrate compliance with the undertaking will be retained by the person who has given this undertaking until advised by Comcare that the undertaking has been completely discharged.

Cleanaway acknowledges that Comcare may initiate additional compliance monitoring activities, such as verification inspections, as considered necessary, at Comcare's expense.

2.5 Undertakings that will deliver benefits for workplace, industry and community

The undertakings set out below have been developed as a result of this WHS Undertaking proposal and were not already in progress or planned as part of Cleanaway's ordinary business initiatives.

➤ **Undertakings that will deliver workplace benefits**

➤ **Initiative 1: Use of Virtual Reality in Driver Safety Training**

Scope:

Cleanaway will develop a virtual reality (**VR**) application to create a training experience in a heavy vehicle and mobile plant.

This program aims to use the advantages of VR to create a step-change in heavy vehicle and mobile plant driver training.

The program will utilise the use of VR simulations and gamification to create a richer and more impactful training experience for mobile plant and heavy vehicle drivers gaining competency in waste collection and landfill operations. The program will focus on specific high-risk scenarios.

Target issue:

In conducting waste collection and landfill operations, drivers may encounter infrequent, high-risk events. These may include truck and mobile plant roll-overs on sloping or unstable ground, interactions between heavy vehicles and mobile plant, and interactions with pedestrians, cyclists and light vehicles.

Cleanaway currently conducts training techniques using classroom presentations followed by theory assessments and / or in-vehicle assessments. Whilst examples of high-risk scenarios are discussed, illustrated, and competency assessed, this traditional approach to training may be improved by providing a more immersive training experience, including the opportunity to simulate high risk scenarios.

Research indicates that the use of VR can deliver several advantages over traditional training, including:

- hazardous situations can be explored without compromising the safety of the learner;
- training is more engaging for learners, leading to a higher rate of knowledge retention; and
- learners can be provided feedback and assessed across several attempts applying a critical skill.

As a result, research indicates learners have greater confidence in applying knowledge and skills.

The VR training will provide workers with an opportunity to practice identifying and assessing hazards and risks in specific tasks and scenarios that will closely resemble real-world scenarios, which is intended to bridge the gap between classroom conducted safety training and real life, on the job training.

Source: *What does virtual reality and the metaverse mean for training?* Price Waterhouse Coopers, September 16, 2022. <https://www.pwc.com/us/en/tech-effect/emerging-tech/virtual-reality-study.html>

The VR training program will target specific high-risk scenarios under the following topics:

- mobile plant blind spots;
- mobile plant and heavy vehicle roll-overs; and
- heavy vehicle blind spots, including pedestrian interactions with side arm waste collection.

These topics have been identified after reviewing Cleanaway's history of incidents involving less experienced driver/operators.

Tangible outputs / deliverables:

A set of VR training applications will be developed for the specific high-risk scenarios identified. The training will address the critical controls and skills required to prevent an incident for each given scenario.

Cleanaway will provide the draft content of the material to Comcare for review.

After an initial trial phase for feedback and development, the VR training will be progressively rolled out to drivers/operators based at two large landfill sites:

- Melbourne Regional Landfill in Victoria; and
- Kemps Creek landfill in NSW.

As the Melbourne Regional Landfill and Kemps Creek Landfill are both owned and operated by Cleanaway, no third-party consent is required to access these sites.

Cleanaway will invite Comcare to be involved in the feedback process.

The VR training is intended to be rolled out across further Cleanaway sites and operations outside the scope of this undertaking.

A non-VR application based on the same content is intended to also be developed, outside the scope of this undertaking, for learners who react unfavourably to the VR experience.

Cleanaway will then prepare a presentation for the waste management industry that captures the program learnings and share this presentation with stakeholders in the waste management industries at a suitable forum.

Audience / beneficiaries:

In 2023, Cleanaway trained over 1,000 drivers in waste collection and landfill mobile plant operations. This program will initially target new drivers/operators at the specified sites, although the technology developed could have broader educational benefits for:

- re-assessment of experienced drivers/operators;
- managers and supervisors; and
- HSE professionals and other staff who would benefit from understanding the relevant risks and risk controls.

The VR training may also be used for broader educational purposes outside the scope of this undertaking.

Delivery method:

A Cleanaway Project Manager will be nominated to manage the project.

In selecting a Cleanaway Project Manager, Cleanaway will first look at internal capability. If a suitable internal person is not identified, Cleanaway will engage an external consultant to project manage some or all the initiatives. The Project Manager's role will involve (but not be limited to):

- planning, coordinating and executing the initiative;
- liaising with, coordinating and managing, internal teams and stakeholders and external service providers;
- assisting Cleanaway to participate in any compliance monitoring activities that may be undertaken by Comcare during the term of the Cleanaway WHSU; and
- ensuring effective and on time delivery of the initiative.

Cleanaway have engaged with and obtained preliminary quotes from two potential external specialists to develop the virtual reality training packs and advise on the required headsets and other associated equipment, being:

- NextWorldXR
- Sentient

Both NextWorld and Sentient are very experienced in VR technology with a great reputation for developing high-level virtual reality scenarios.

Both NextWorld and Sentient have provided quotations (see Annexure 3) and letters of commitment (see Annexure 5) to assist Cleanaway to deliver this initiative and acknowledged that the work would form part of a WHS Undertaking, should it be accepted by Comcare.

Following acceptance of this WHS Undertaking, Cleanaway will formally engage one of the two external specialists to develop scenarios tailored to heavy vehicle and mobile plant in waste collection and landfill operations and support Cleanaway with the delivery of the VR training to new and existing drivers and operators.

Cleanaway's IT team will collaborate with the external specialist to manage IT aspects of the application. Cleanaway's HSE and Capability and Culture team will collaborate with the provider to design the VR experience to deliver the desired training outcomes.

Once the scenarios have been developed, a pilot group of experienced drivers/operators and Driver Trainers will be established to test and provide feedback on the training content and delivery method for a trial period (at this stage estimated to be a minimum of 3 months) at two sites.

During the trial period, Cleanaway will monitor the number of on-site incidents and near misses to determine the benefits of the training. The drivers/ operators will be required to undertake a participant survey to seek their feedback. The Cleanaway Project Manager will use this data to assess the need for improvement. Comcare will be invited to be part of this process.

Given the nature of this training, individuals will not be competency tested however, Cleanaway has a robust training and assessment program currently in place for its workers which consists of face to face and in-field verification of competencies. An in-field 'buddy system' which consists of an experienced and competent operator providing on the job training, accompanying a final in-field verification of competency assessment. These processes will still be required notwithstanding the additional training provided through the VR scenarios.

The effectiveness of this VR training will be measured through a comparison of incident reporting (specifically relevant to these scenarios) before and after the trial period for the VR training, as well as the participant survey discussed above.

Cleanaway's current Driver Trainers for the nominated sites will be upskilled in delivering the training.

The finalised VR training will then be rolled out to all new drivers/operators at the nominated sites.

Cleanaway will share the key program learnings with waste management stakeholders at a suitable industry forum. This forum may be an in-person conference or exhibition, a virtual event, or a similar forum. Cleanaway will consult with Comcare regarding the forum prior to the planned event.

Timeframes:

Cleanaway agrees to provide quarterly updates to Comcare on the progress of all undertakings. The specific timeframes for this initiative are as follows:

Stages		Commencement	Completion
1.1	Appoint Project Manager. Engagement and planning with external specialist providers.	Within 1 month of the acceptance of this undertaking	Within 3 months of the acceptance of this undertaking.
1.2	Solution development by external specialist providers.	Following Stage 1.1	Within 3 months following Stage 1.1.
1.3	Deployment, pilot training and finalisation.	Following Stage 1.2	Within 6 months following Stage 1.2.
2	Rollout to nominated sites and drivers.	Following Stage 1.3	Within 12 months following Stage 1.3.
3	Sharing of program learnings via industry forum.	Following Stage 2	Within 3 months following Stage 2.
Total Duration			Within 27 months of the acceptance of this undertaking.

Work health and safety outcome:

This program will provide new and current drivers/operators with an immersive simulated training experience that will better equip them to manage tasks with a

potential exposure to a set of specific safety risks without having to physically place them in an at-risk situation.

Cleanaway's learning and development function will collect data, including name, site, role and training results, which will provide a basis for continuous improvement of the package and delivery.

Cost Breakdown:

Documents supporting the cost breakdown below can be provided by Cleanaway, if required.

Description	\$ Amount
Allowance for internal Project Management for duration of program	\$55,000
VR content creation by external specialists	\$150,000
Training hardware including provision and set up of 20 VR headsets by specialist provider	\$30,000
IT set-up and instruction	\$30,000

Total estimated cost: \$265,000

Initiative 2: Side Loader Pedestrian Detection

Scope:

Cleanaway will identify and install new technology to reduce risks to pedestrians and cyclists around heavy vehicles, particularly side-loading waste collection vehicles.

Significant advancements have occurred over the past decade in heavy vehicle safety technology. Specifically, systems using cameras and artificial intelligence (**AI**) to monitor blind spots, prevent vehicle movement and provide drivers with dashboard video images and alarming where there is a danger, are now available, including from third-party provider SGESCO.

Cleanaway aims to identify and install brand new AI technology that can be fitted to new and/or existing fleet to improve detection and protection against uncontrolled interactions when conducting residential waste collection using a side-loader vehicle.

While Cleanaway understands similar technology has been trialled in New Zealand and by other manufacturers in Australia, this will be the first trial of this type of ground-breaking technology by the relevant manufacturer on side-loading vehicles in Australia.

Target issue:

Cleanaway conducts domestic waste collection in urban areas with a high volume of pedestrian and cyclist traffic. As there is limited ability to control the placement of domestic waste bins on the kerb or roadway, and the movement of pedestrian and cyclists can be unpredictable, the collection operation has the potential for uncontrolled interactions between vehicle movements, the side loader arm, the waste bin, and members of the public.

Small children can also be attracted by waste collection activities and, if left unsupervised, are known to approach the kerb to get a better view of the vehicle. Under some circumstances, pedestrians or cyclists may move into blind spots at the side or rear of the vehicle, unaware the vehicle needs to change direction, for example, to reverse back in laneways with low manoeuvrability.

Whilst Cleanaway's vehicle fleet meets the required standards, emerging technology has become available that can detect a potential interaction, set off audible and visual alarms, and/or prevent movement of the vehicle and side loader arm.

The technology is available in separate modules that offer different aspects of protection depending on the vehicle use and the operating environment, including "Side Arm Protection", which provides audible and visual warnings to both the driver and the pedestrian if a pedestrian is detected in danger zones around the side loader arm. However, Cleanaway understands this specific technology has only been tested in New Zealand by the relevant manufacturer and not yet been tested on any Australian waste collection vehicle, making Cleanaway one of the first operators in Australia to have this technology installed on its waste collection fleet of vehicles.

Tangible outputs / deliverables:

This program will, through analysis of Cleanaway's incident history and consultation with drivers, identify areas where the risk of uncontrolled interactions between the side-loader and members of the public is highest.

This data will be compared to data regarding the asset life for the fleet of vehicles servicing these areas. Where the opportunity presents, Cleanaway will target the roll-out of new fleet as this will provide the maximum benefit at lowest cost per vehicle. However, as new fleet acquisitions are dependent on the awarding of municipal waste contracts, existing fleet with long asset lives may be retrofitted to align to the timing and objectives of this program.

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 a potential interaction with a person.

The technology will be initially trialled on a specific vehicles/sites under controlled conditions. A report showing the outcomes of the trials will be prepared and provided to Comcare.

A scaled approach to implementation will then be undertaken to:

- refine the detection AI;
- minimise false alarms; and
- collect driver feedback.

Cleanaway will invite Comcare to participate in the feedback process.

Following successful refinement of the technology, the side-loader fleet servicing the nominated high-risk areas will be upgraded and drivers instructed in its function. It is estimated that between 15 and 25 vehicles will be upgraded (depending on the split between new fit-outs vs retrofitting).

If any refinements to the technology are identified during the trial, these will be considered in conjunction with SGESCO following the completion of the trial.

Strategies for ongoing maintenance of the technology will be incorporated into Cleanaway's asset management system.

Cleanaway will then prepare a presentation for the waste management industry that captures the program learnings and share this presentation with stakeholders in the waste management industry at a suitable forum.

SGESCO and Cleanaway will monitor the progress of the trial and if successful, will create a report demonstrating the benefits of the technology. The intention would then be to offer this technology as an enhanced safety feature in the future when submitting proposals for Council tenders and roll out this technology out for Cleanaway's operations where requested by Councils.

Audience / beneficiaries:

By targeting specific areas based on risk, this program will benefit the pedestrians and cyclists in those areas.

Waste collection requires drivers to interact with the public in a unique way whilst performing a skilled job. This program also aims to reduce the psychosocial risk for drivers who service highly populated areas.

Delivery method:

A Cleanaway Project Manager will be nominated to manage the project.

In selecting a Cleanaway Project Manager, Cleanaway will first look at internal capability. If a suitable internal person is not identified, Cleanaway will engage an external consultant to project manage some or all the initiatives. The Project Manager's role will involve (but not limited to):

- planning, coordinating and executing the initiative;
- liaising with, coordinating and managing, internal teams and stakeholders and external service providers;
- assisting Cleanaway to participate in any compliance monitoring activities that may be undertaken by Comcare during the term of the Cleanaway WHSU; and
- ensuring effective and on time delivery of the initiative.

The pilot site and other areas for roll-out will be identified by Cleanaway's Operations, Assets and HSE Teams.

Cleanaway intends to engage SGESCO to install, trial and refine the technology. SGESCO is a leader in developing advanced vehicle safety solutions for the Heavy Vehicle industry, helping to reduce risk to drivers and the public and has successfully trialled similar pedestrian detection technology in New Zealand.

SGESCO has provided a letter of commitment (see Annexure 5) to assist Cleanaway to deliver this initiative and acknowledged that the work would form part of a WHS Undertaking, should it be accepted by Comcare.

Annexure 4 sets out a copy of a SGESCO-Max Smart Environmental news announcement, which includes feedback from the initial trial in New Zealand. Smart Environmental is one of New Zealand's largest waste management companies who

were involved in the trial. The pedestrian detection trial using technology from SGESCO was extremely successful.

In the news announcement, Smart Environmental's General Manager states "*Less than 45 minutes into day one of the trial, the system prevented what could have been a serious accident with an adult*". The General manager also states "*Fortunately, the trial also far exceeded our expectations on the technologies' ability to actively remove the arm and bin as a safety hazard*".

This feedback demonstrates the success of the technology trialled in New Zealand, and Cleanaway expects to have similar success in Australia's current climate and working environment.

The introduction of this technology is important because it reduces the potential for the operating side arm to cause injury to members of the public.

Cleanaway intends to have this technology installed onto one side loader vehicle in NSW used under the Glendenning Hills municipal contract to trial for an agreed period of time(i.e. 2-3 months). This trial will involve the operation of that side lift vehicle for an average of 10-12 hours per day. This proposed timeframe will allow for appropriate monitoring, improvements, and feedback from the trial so that continuous improvement can be made.

SGESCO will provide relevant training on this technology to any driver involved in the trial, so that they are aware of the capability and purpose of the technology and how it operates. This technology is designed to prevent any person in close proximity of the operating side arm (which collects the residential bin) being struck and potentially causing serious injuries. This technology will include two additional cameras (with artificial intelligence capability), which will automatically cease the side arm motion if a person is detected within the exclusion zone. A visual and audible alarm will activate, warning the person and the driver of the hazard.

Cleanaway's Fleet team will collaborate with the provider to manage technical compatibility and other aspects of the project and determine ongoing maintenance requirements.

Testing of the technology will be conducted by experienced drivers. The Cleanaway Project Manager will work with stakeholders to collect feedback and assess the need for improvement. Comcare will be invited to be part of this process.

The finalised technology will then be rolled out to the fleet servicing the nominated areas. Drivers will be provided instruction on the use of the technology.

Cleanaway will share the key program learnings with waste management stakeholders at a suitable industry forum. This forum may be an in-person conference or exhibition, a virtual event, or similar forum. Cleanaway will consult with Comcare regarding the forum prior to the planned event.

Given the nature of this training, Cleanaway's view is that individuals who have received this training cannot be competency tested. However, as explained above in relation to initiative 1, Cleanaway's existing robust training and assessment program, including verification of competency, will continue to apply to these individuals.

Timeframes:

Cleanaway agrees to provide quarterly updates to Comcare on the progress of all undertakings. The specific timeframes for this initiative are as follows:

Stages		Commencement	Completion
1.1	Identification of pilot area, other targeted areas and fleet.	Within 1 month of the acceptance of this undertaking	Within 3 months of the acceptance of this undertaking.
1.2	Sourcing of suitable technology.	Following Stage 1.1	Within 3 months following Stage 1.1.
1.3	Technology trials and feedback.	Following Stage 1.2	Within 6 months following Stage 1.2.
2	Rollout to nominated fleet.	Following Stage 1.3	Within 12 months following Stage 1.3.
3	Sharing of program learnings via industry forum.	Following Stage 2	Within 3 months following Stage 2.
Total Duration			Within 27 months of the acceptance of this undertaking.

Work health and safety outcome:

This project will introduce an engineering control to manage a risk that the general public are largely unaware of until a serious incident takes place.

Whilst the driver endeavours to monitor and predict the behaviour of people, cyclists, and even dogs, their focus on the task limits their ability to isolate the movement of the vehicle or side loader arm in time to prevent an incident. Although they are located on the kerbside of the vehicle, the raising of the waste bin can obstruct their vision of a person or cyclist approaching from behind the vehicle, or from the front whilst their attention is on the bin engagement. In highly populated, busy areas, these circumstances can create a stressful environment for the driver to operate and, hence, there is a potential psychosocial risk.

Cost Breakdown:

Description	\$ Amount
Allowance for internal Project Management for duration of program	\$55,000
Fleet technology upgrade by external specialist provider	\$200,000

Total estimated cost: \$255,000

Total estimated cost of workplace benefits \$520,000

➤ **Undertakings that will deliver industry benefits**

Initiative 3: Battery Disposal Education Program

Scope:

Cleanaway will conduct a targeted public education campaign in partnership with Local Government Areas (LGAs) aiming to reduce the number of batteries and battery-containing devices that are incorrectly disposed of in residential waste bins. The campaign will seek specialist assistance in identifying the most effective and efficient means of communication to influence a behaviour change in the general public who may not be aware of the potential for fires to be initiated by batteries in the waste management stream.

The learnings from the project will be shared with other industry stakeholders.

Target issue:

Research into waste recycling habits indicates that, in general, Australians have poor awareness of the hazards of incorrect battery disposal and the correct disposal pathways available to them. Cleanaway's recycling 2023 Recycling Behaviours Report found that 37% of households don't take batteries to specialised disposal, with 24% of households wrongly disposing of batteries into their kerbside bins.

Incorrect disposal of batteries has led to an increase in battery-related fires in waste collection and processing streams world-wide. A recent Issues Paper produced by the Australian Council of Recycling states "Battery fires are now a real and present threat across MRFs (Mixed Recycling Facilities), in waste and recycling trucks, and in depots—in short, at every point across collection, disposal and recovery streams." The Issues Paper reports that "in the year ending 30 June 2023, there were over one thousand battery-related fire incidents reported in the waste and recycling sectors nationwide, amounting to over three a day."

Fires are initiated when the battery is damaged by compaction, in the truck or landfill, as part of the waste handling process. Batteries may be disposed of as a separate unit or embedded in an electronic device. In one e-waste recycling facility, for example, a recent fire was caused by a lithium-ion battery in an electric toothbrush.

Source: *A Burning Issue: Navigating the battery crisis in Australia's recycling sector, December 2023 Prepared by the Australian Council of Recycling.* <https://acor.org.au/wp-content/uploads/2023/04/231219-ACOR-Battery-Crisis-Issues-Paper.pdf>

Once a battery is placed in a domestic or commercial waste bin, there are few available controls to prevent the risk of a fire being initiated. Therefore, current controls tend to be focused on mitigating the consequences through use of fire extinguishers or other fire suppressant technology.

This initiative seeks to reduce the numbers of batteries making it to waste bins in the first place, through education. Cleanaway currently runs some general campaigns about correct battery disposal. However, this initiative will differ from Cleanaway's current activities as it will be a more targeted and localised approach, to providing education around correct battery disposal. Cleanaway has not yet completed any activities at a local level. Therefore, this campaign will use a more targeted approach to reach people in 3-5 selected LGAs, such as:

- through direct letterbox mailouts;

- stickers on kerbside bins; and
- decals to be placed on Cleanaway trucks driving in those areas and geo-targeted social media ads.

The hope is that this will lead to an improved awareness and understanding of the dangers of incorrect battery disposal.

Tangible outputs / deliverables:

A public awareness and education program will be developed and implemented to influence recycling behaviour of the Australian public, with a specific focus on battery disposal.

The history of battery-related fire incidents will be reviewed to determine specific LGAs where a targeted campaign to change waste disposal behaviour could reduce the risk. Cleanaway will provide the results of this review to Comcare.

A specialist provider will then be engaged to assist Cleanaway to develop:

1. survey methods to assess behaviour before and after the campaign; and
2. high impact campaign material and communication methods to raise awareness of the danger of battery fires and provide instruction on accessing the correct pathway for disposal.

Cleanaway will provide the draft content of the campaign material and methodology to Comcare for review.

Cleanaway will then progressively implement the campaign across the 3-5 selected LGAs, with the involvement of Councils, to identify the most effective combination of communication methods. Some of the methods Cleanaway will consider include:

- affixing consistent bin warning labels;
- council, Cleanaway, community and broader industry social media;
- promotional signage on waste collection trucks;
- use of Cleanaway's existing education teams in schools and other public forums;
- development and promotion of an education module on Cleanaway's "Greenius" platform;
- a letterbox drop containing educational material; and
- electronic signboards or billboards.

Cleanaway will use survey methods before and after the campaign and social media statistics to determine the overall effectiveness of the campaign and the most effective combination of communication methods.

Cleanaway will provide the results of this review to Comcare.

Cleanaway will then prepare a presentation for the waste management industry that captures the campaign learnings. Cleanaway will sponsor an industry forum to share this presentation and the campaign material with stakeholders in the waste management and battery recycling industries.

If successful, Cleanaway intends to extend the campaign to other LGAs outside the scope of this undertaking.

Audience / beneficiaries:

This campaign aims to educate the general public in the nominated LGAs on the correct disposal of batteries to prevent fires in waste collection vehicles and facilities, benefitting:

- the members of the public;
- drivers and other workers who may experience a battery-related waste fire;
- the waste management providers who service those areas now and in the future;
- the emergency responders who are called to extinguish fires and treat any resulting injuries; and
- the battery recycling industry who can convert recycled batteries into a usable resource.

Delivery method:

A Cleanaway Project Manager will be nominated to manage the project.

In selecting a Cleanaway Project Manager, Cleanaway will first look at internal capability. If a suitable internal person is not identified, Cleanaway will engage an external consultant to project manage some or all the initiatives. The Project Manager role will involve (but not limited to):

- planning, coordinating and executing the initiative;
- liaising with, coordinating and managing, internal teams and stakeholders and external service providers;
- assisting Cleanaway to participate in any compliance monitoring activities that may be undertaken by Comcare during the term of the Cleanaway WHSU; and
- ensuring effective and on time delivery of the initiative.

The 3-5 LGAs to be targeted will be identified in consultation with local Councils, by reviewing incident history, past bin audits where available, past behaviour survey results where available, and other general observations.

Cleanaway's Marketing team will collaborate with industry stakeholders to ensure campaign material is factual, aligned to other industry initiatives (such as B-Cycle), and effective.

The finalised campaign material will then be rolled out to the targeted LGAs with the support of specialist providers. Cleanaway's marketing team will coordinate a social media campaign to support the various promotional methods used.

In partnership with specialist providers, Cleanaway's marketing team will evaluate the success of the campaign and results will be reported to Comcare. This will be achieved through Cleanaway undertaking a survey before the commencement of the campaign in the areas where the campaign is run around participants' awareness and understanding of correct battery disposal, and then undertaking a further survey after the end of the campaign to identify if the education campaign has shifted understanding of correct battery disposal. Effectiveness will be measured based on whether a positive shift in the behaviours and attitudes of the cohort towards the issue after exposure to the education materials is evident.

Cleanaway will sponsor a suitable forum to effectively share the campaign material and key learnings with industry stakeholders. This forum may be an in-person conference or exhibition, a virtual event, or a similar industry forum. Cleanaway will consult with Comcare regarding the forum prior to the planned event.

Timeframes:

Cleanaway agrees to provide quarterly updates to Comcare on the progress of all undertakings. The specific timeframes for this initiative are as follows:

Stages		Commencement	Completion
1.1	Appointment of Cleanaway Project Manager. Identification of 3-5 targeted LGAs.	Within 1 month of the acceptance of this undertaking	Within 3 months of the acceptance of this undertaking.
1.2	Development of campaign material and communication methodologies.	Following Stage 1.1	Within 3 months following Stage 1.1.
2	Production and implementation of campaign for target LGAs.	Following Stage 1.2	Within 12 months following Stage 1.2.
3.1	Review of campaign effectiveness.	Following Stage 2	Within 3 months following Stage 2.
3.2	Sharing of program learnings via industry forum.	Following Stage 3.1	Within 3 months following Stage 3.1.
Total Duration			Within 24 months of the acceptance of this undertaking.

Work health and safety outcome:

This program will help the general public understand the importance of correct battery disposal, creating a measurable change in waste disposal habits, specifically in regard to battery recycling. Investigations by National Waste and Recycling Industry Council (**NWIRC**) have identified that on average, 3 fires per day in Australia are attributable to the indiscriminate disposal of battery waste.

In addition to the obvious risk of fires to human life, fires in waste collection vehicles are extremely stressful for the driver and therefore represent a significant psychosocial risk. Fires from facilities and vehicles can also lead to the emission of harmful smoke and fumes impacting neighbouring areas.

Cost Breakdown:

Description	\$ Amount
Allowance for internal Project Management for duration of program.	\$55,000
Development of campaign material.	\$20,000
Production and distribution of campaign material.	\$65,000
Social media campaign.	\$45,000

Pre and post surveys.	\$25,000
Industry forum sponsorship.	\$15,000

Total estimated cost: \$225,000

Total estimated cost of industry benefits \$225,000

➤ **Undertakings that will deliver community benefits**

Initiative 4: Support for Rough Sleepers

Scope:

Cleanaway acknowledges the responsibility to support the communities within which it operates. A program will be undertaken, in partnership with [Backpack Bed for Homeless](#) and [Orange Sky](#) to reduce the risk of harm to rough sleepers who may seek shelter, or forage for food or other items of value, in waste skip bins.

The program will include:

- partnering with Orange Sky to support their work in the high-risk areas where there is a known cohort of rough sleepers, and working with their volunteers to educate rough sleepers on the danger of sheltering in skip bins; and
- Cleanaway providing funding to enable the provision of 500 backpack beds for rough sleepers through a donation to Backpack Bed for Homeless.

Target issue:

Record low rental vacancy rates and high rents have led to a surge in demand for homelessness help in 2023. Data from the 2021 Census and various homelessness agencies indicates that whilst there has been some reduction in the rates of homelessness and rough sleepers, the raw numbers are relatively unchanged over the last 15 years.

Source: *ACT HOMELESSNESS DATA SNAPSHOT 2023, Housing ACT.*
https://www.communityservices.act.gov.au/_data/assets/pdf_file/0003/223179/6/ACT-Homelessness-Data-Snapshot-2023.pdf

High instances of homelessness can lead to an increased incidence of rough sleeping in waste skip bins. Internationally, fatalities have occurred where rough sleepers fall from height or are inadvertently crushed during waste collection and compaction. Whilst Cleanaway has fortunately not experienced a fatality from its operations, fatalities have occurred in the wider waste collection industry in Australia and near misses, where rough sleepers are disturbed as the bin is engaged, are not uncommon. In addition to the individual involved, near misses can be traumatic for the driver of the waste collection vehicle.

Source: *Research into the issues associated with people sleeping in waste containers, The Open University and Biffa, February 2020*
<https://www.biffa.co.uk/-/media/project/biffa-sites/biffa/pdfs/insights/biffa-people-sleeping-in-bins-research.pdf>

Tangible outputs / deliverables:

Cleanaway will support the homelessness charities Backpack Bed for Homeless and Orange Sky by making donations of \$75,000 and \$50,000 respectively. Cleanaway will also internally promote opportunities for our employees to support Orange Sky field activities through volunteering events, further increasing the impact of this undertaking.

The program will:

- partner with Orange Sky to communicate the dangers of rough sleeping in skip bins, by leveraging their network of volunteers, in the areas of highest risk based on homelessness data and incident history, where available;
- promote the involvement of employees in volunteering events with Orange Sky and the opportunity to personally provide education on the dangers of rough sleeping in waste bins; and
- fund the provision of 500 backpack beds.

Cleanaway will provide Comcare with a report at the end of each year of this undertaking outlining the engagement activities and progress towards the desired outcomes of the program.

Audience / beneficiaries:

This program will directly benefit rough sleepers through provision of funding for 500 backpack beds and laundry and shower services. 2021 Census data indicates there are more than 45,800 people sleeping rough in Australia, many of whom suffer hypothermia, frostbite, trench-foot and other illnesses.

By working with Orange Sky, who are active in the areas of high risk, this program will communicate a safety message directly to those at risk. Orange Sky uses the term "friends" to refer to the people they provide services to. In 2023 they helped 25,500 friends. The target for 2024 is to help 29,500 friends.

Delivery method:

A Cleanaway Project Manager will be nominated to manage the project.

In selecting a Cleanaway Project Manager, Cleanaway will first look at internal capability. If a suitable internal person is not identified, Cleanaway will engage an external consultant to project manage some or all the initiatives. The Project Manager role's will involve (but not limited to):

- planning, coordinating and executing the initiative;
- liaising with, coordinating and managing, internal teams and stakeholders and external service providers;
- assisting Cleanaway to participate in any compliance monitoring activities that may be undertaken by Comcare during the term of the Cleanaway WHSU; and
- ensuring effective and on time delivery of the initiative.

Cleanaway will provide funding to Backpack Beds for Homeless to allow them to provide rough sleepers with a backpack bed. This will help to provide an alternative to sheltering in bins. Cleanaway's financial contribution to Backpack Beds for Homeless will equate to over 500 backpack beds distributed through partner agencies in the Backpack Bed for Homeless network.

Backpack Beds works with over 800 homelessness agency partners nationally to distribute backpack emergency beds, consisting of a swag and sleeping bag. Studies show emergency beds immediately improve dignity, health, sleep, warmth, comfort and safety.

While funding for the provision of 500 backpack beds will be provided within the timeframe set out below, the timeframe for Backpack Beds for Homeless providing the backpack beds to rough sleepers will be determined by Backpack Beds for Homeless, and not Cleanaway.

Cleanaway will also support those suffering from homelessness through a donation to Orange Sky. Cleanaway will partner with Orange Sky to support their work in high-risk areas where there is a known cohort of rough sleepers and working with their volunteers to educate rough sleepers on the danger of sheltering in bins.

Orange Sky provides a platform for everyday Australians to connect through a regular laundry and shower service provided by mobile vans and supported by over 3,000 volunteers. As a mobile service, Orange Sky operates in the areas where rough sleeping is most prevalent. In 2023, Orange Sky volunteers facilitated approximately 14,000 shifts conducting over 80,000 hours of conversations. These conversations provide an opportunity for a discussion on the risks of seeking refuge in skip bins, the near misses and fatal incidents that have occurred, and the alternatives, including backpack beds, that are available to them.

The regular conversations between staff and volunteers working with Orange Sky, Backpack Beds and the cohort of rough sleepers in the high-risk areas will ensure the risks of sheltering in bins is effectively and clearly communicated, along with alternative sleeping options for their safety.

The effectiveness of this program will be measured through feedback and reporting from Orange Sky in relation to the number of rough sleepers they have reached and had conversations with on the risks of sleeping in waste bins. These regular conversations will confirm if the rough sleepers are not taking refuge in waste bins for protection, therefore reducing risk for serious injury when bins are emptied into waste management trucks.

Cleanaway intends to continue relationships with these organisations beyond the scope of this undertaking.

Timeframes:

Cleanaway agrees to provide quarterly updates to Comcare on the progress of all undertakings. The specific timeframes for this initiative are as follows:

Stages		Commencement	Completion
1.1	Appoint Cleanaway Project Manager. Provide donations to Backpack Beds for Homeless and Orange Sky.	Within 1 month of the acceptance of this undertaking	Within 3 months of the acceptance of this undertaking.
1.2	Develop talking points and supporting material to assist Orange Sky volunteer conversations. Develop plan for Cleanaway communications and events supporting employee	Following Stage 1.1	Within 6 months following Stage 1.1.

	volunteering opportunities with Orange Sky.		
1.3	Progressively implement Orange Sky conversations.	Following Stage 1.2	Within 6 months following Stage 1.2.
2	Program feedback and review.	Following Stage 1.3	Within 12 months following Stage 1.3.
Total Duration			Within 27 months of the acceptance of this undertaking.

Work health and safety outcome:

This program aims to communicate a safety message and provide alternative sleeping arrangements to reduce the risk to rough sleepers seeking refuge in skip bins.

This program also aims to reduce the psychosocial risk to Cleanaway drivers who may experience a near miss.

Cost Breakdown:

Description	\$ Amount
Allowance for internal Project Management for duration of program	\$55,000
Donation to Backpack Beds for Homeless	\$75,000
Donation to Orange Sky	\$50,000

Total estimated cost: \$180,000

Total estimated cost of community benefits \$180,000

TOTAL ESTIMATED VALUE OF THE UNDERTAKING \$925,000

2.6 A commitment to establish and maintain (or maintain if a system already exists) a WHSMS

Cleanaway is committed to ensuring its existing WHSMS continues to comply with the principles of ISO45001:2018 Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques.

Cleanaway acknowledges that the WHSMS will be maintained in accordance with the standard.

2.7 A commitment to ensure the WHSMS is audited by third-party auditors

Cleanaway commits to continuing to ensure the WHSMS will be audited by accredited third-party auditors to meet the requirements of ISO45001:2018, in accordance with established timeframes as set by Comcare.

Cleanaway acknowledges that the third-party auditors selected to perform WHSMS audits must be certified by a certification body accredited by JAS-ANZ to ISO/IEC 17024: 2004 General requirements for bodies operating certification of persons.

Cleanaway acknowledges that details of the auditors' qualifications against the stated requirements will be provided with audit reports submitted to Comcare.

Cleanaway acknowledges that an initial third-party audit will be undertaken within 12 months following the date of acceptance of the enforceable undertaking.

2.8 A commitment to provide a copy of each finalised WHSMS audit report to Comcare

Cleanaway acknowledges that audit reports received from the auditor will be sent to Comcare, within 60 days of the audit along with a letter certifying that the report has not been altered from the copy provided to the person by the auditor.

Cleanaway acknowledges that within 120 days of receipt of the auditor's written report, Comcare will be advised of the intended action in addressing each of the report's recommendations.

2.9 A commitment to implement the recommendations from these audits (unless otherwise negotiated with Comcare)

Cleanaway commits to fully implementing the intended actions arising from the audit within a reasonable timeframe from receiving the audit report from the WHSMS auditor and in accordance with the action plan agreed between Cleanaway and the WHSMS auditor.

2.10 Minimum spend

Cleanaway commits to a minimum spend of \$925,000 for this WHS undertaking.

Item	Cost
Undertakings	\$925,000
Publications	To be confirmed
Comcare's costs	To be confirmed

3. OTHER ENFORCEABLE TERMS

3.1 Term

The deliverables proposed by the undertaking must be met by the timeframes outlined in part 2 of this undertaking.

This undertaking will conclude when Comcare confirms in writing that all terms have been fully met (within the agreed term of the undertaking), and all undertakings are completely discharged.

3.2 Reporting

Cleanaway must:

- i. provide a formal report to Comcare, on a quarterly basis, on the development and/or implementation of any measures it has committed to develop and/or implement in accordance with this undertaking;
- ii. provide all documents and information requested by Comcare from time to time for the purpose of enabling Comcare to monitor compliance with this undertaking; and
- iii. develop and provide to Comcare, within one calendar month of the formal acceptance of this undertaking, procedures which will ensure that Cleanaway, its board and senior management, and any workers or other persons affected by this undertaking (including any affected person/s or their family) are regularly informed on the implementation of measures described in or effected in accordance with this undertaking.

3.3 Costs

Cleanaway agrees to pay Comcare's reasonable legal, administrative, compliance monitoring and publishing costs associated with the WHS Undertaking.

3.4 Variation

If Cleanaway proposes to vary this undertaking, then:

- i. Cleanaway will submit its request to vary this undertaking in writing to Comcare, giving reasons for the request;
- ii. upon receipt of the request, Comcare, in its absolute discretion, may decide whether or not to allow a variation to this undertaking; and
- iii. Comcare's written approval of any request to vary this undertaking, including but not limited to a letter or an instrument of variation, constitutes a variation to this undertaking.

3.5 Enforceability

Cleanaway acknowledges that this undertaking is enforceable at law and that it may be subject to penalties if it does not comply with this undertaking.

Without limiting the generality of this clause, Comcare may, in its absolute discretion, deem any finding by the auditor that Cleanaway has failed to give full effect to any provisions of this undertaking to be a breach of this undertaking.

Without limiting any other power, right, authority, or privilege it may enjoy, Comcare may, in proceedings arising from any breach or anticipated breach of this undertaking, among other things:

- i. apply for the imposition of a penalty
- ii. apply for an order directing compliance with the undertaking
- iii. apply for an order discharging this undertaking and pursue or recommence the proceedings, or if no proceedings are on foot, commence proceedings against Cleanaway in respect of the alleged contravention or any matters dealt with in the [report of investigation/inspector's report]
- iv. apply for an order directing Cleanaway to pay the costs of the proceedings to the Commonwealth
- v. apply for an order directing Cleanaway to pay Comcare's reasonable costs in monitoring compliance with this undertaking in the future, to the Commonwealth
- vi. apply for any further order it considers appropriate.
- vii. if Cleanaway fails to comply, or proposes a failure to comply, or withdraws this undertaking then Comcare may apply for an order discharging this undertaking and:
 - a. may pursue or recommence the proceedings, or
 - b. if no proceedings are on foot, commence proceedings against Cleanaway in respect of the alleged contravention resulting from the incident or any matter dealt with in the [report of investigation/inspector's report], and
 - c. in any such proceedings Cleanaway cannot object to Comcare tendering this undertaking.

Any act or omission by Cleanaway which is inconsistent with or in contravention of this undertaking is and may be deemed by Comcare to be a breach of this undertaking.

Cleanaway acknowledges that it will bear the costs of the proceedings incurred as at the undertaking date or any other action taken by Comcare in accordance with or pursuant to this clause.

3.6 Acknowledgements

Cleanaway acknowledges that:

- i. Comcare's acceptance of this undertaking does not affect Comcare's:
 - a. power to investigate or pursue civil or criminal proceedings in respect of similar or related incidents or injuries; or
 - b. authorities, powers, and obligations in respect of any conduct of Cleanaway which is not the conduct which gave rise to the incident.

- ii. This undertaking in no way derogates from the rights and remedies available to any other person or entity other than Cleanaway and Comcare arising from any conduct described in this undertaking or arising from future conduct.
- iii. This undertaking has no operative force until accepted in writing by Comcare.

5 Section 3: Offer of undertaking

As a duly authorised person of	(insert person)	Cleanaway Operations Pty Ltd
I offer this undertaking and	(insert person)	Cleanaway Operations Pty Ltd
commit		
to the terms herein, to be completed within 27 months after the acceptance of this undertaking		

Signed:

[Redacted Signature]

[Redacted Name]

Duly authorised person

Print name

Position:

General Manager - SWS, NSW/ACT

Dated at: Sydney, NSW

this 20th day of January, 2025

6 Section 4: Comcare's acceptance of undertaking

The duration of an enforceable undertaking is determined by the content of the agreed terms. An enforceable undertaking commences and is enforceable once accepted by Comcare. The enforceable undertaking will be concluded on written advice from Comcare when all requirements of the undertaking have been satisfactorily executed.

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

Signed:

[Redacted Signature]

[Redacted Name]

Person OR Duly authorised person

Print name

Position: a/g General Manager, Comcare

Dated at: Brisbane, QLD

this 21st day of January, 20 25

Annexure 2 – Public Notice of Comcare’s acceptance of undertaking

Notice of Acceptance of an Enforceable Undertaking under Part 11 of the *Work Health and Safety Act 2011* (Cth).

On 4 June 2021, a worker employed by Cleanaway Operations Pty Ltd ACN 010 745 383 (**Cleanaway**) was undertaking activities involving a baler machine which required the replacement of a wire. The worker commenced re-wiring the machine without any guarding in place between the inserter and the main body of the baler machine, causing the worker to sustain injuries. The injured worker recovered and returned to work within one month after the incident, and resumed full pre-injury duties on 17 December 2021.

Cleanaway deeply regrets that the incident on 4 June 2021 occurred and that the worker sustained injuries as a result of the incident.

Comcare investigated the incident and subsequently alleged that Cleanaway contravened section 19(1) and 32(1) of the *Work Health and Safety Act 2011* (Cth) (**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 Cleanaway as finalisation of the abovementioned alleged contravention.

The undertaking requires the following actions:

- Cleanaway will develop a virtual reality application to create a training experience in a heavy vehicle and mobile plant.
- Cleanaway will install and trial new technology to reduce risks to pedestrians and cyclists around heavy vehicles, particularly side loading waste collection vehicles.
- Cleanaway will conduct a targeted public education campaign in partnership with Local Councils aiming to reduce the number of batteries and battery-containing devices that are incorrectly disposed of in residential waste bins.
- Cleanaway will support programs undertaken in partnership with Backpack Bed for Homeless and Orange Sky to reduce the risk of harm to rough sleepers who make seek shelter, or forage for food or other items of value in waste skip bins.

The full WHS undertaking and general information about WHS undertakings is available at www.comcare.gov.au.