



Work Health and Safety Act 2011 (Cth)

Part 11 – Enforceable Undertakings

REASONS FOR DECISION

Comcare reference	MC00011060
Applicant	The Royal Australian Mint
ABN	45 852 104 259
Incident location	61 Denison Street, Deakin ACT 2600
Decision-maker	Michael Duke, Acting Chief Executive Officer Comcare
Date of decision	16 April 2026

DECISION

Pursuant to section 216 of the *Work Health and Safety Act 2011 (Cth)* (**WHS Act**), Comcare has decided to accept the written WHS undertaking dated 15 October 2025 (the **WHS undertaking**) given by the Royal Australian Mint (the **RAM**) in connection with a matter relating to alleged contraventions of the WHS Act.

- On 4 May 2019, at Deakin, in the Australian Capital Territory (**ACT**), workers at the RAM were exposed to the risk of serious injury or death arising from the fall of a John Heine Blanking Press (**blanking press**) weighing between 2.5 and 4 tonnes, while it was being transported within the RAM building from the ground floor to the basement of the workplace (**RAM workplace**). As the blanking press fell, it narrowly missed a worker standing next to and supporting it.

BACKGROUND

- On 4 May 2019, a blanking press weighing between 2.5 and 4 tonnes was being relocated from the ground floor engineering workshop of the RAM workplace at Deakin, ACT to the basement for storage when it became unbalanced and fell from the tines of a forklift onto the basement corridor floor (the **incident**).
- Following an investigation conducted by Comcare inspectors, a criminal prosecution was commenced against the RAM on 3 May 2021 in the Magistrates' Court of the ACT for an alleged breach of two counts contrary to sections 32, 19(1) and 19(3)(a) and 19(3)(c) of the WHS Act and one count contrary to sections 33, 19(1) and 19(3)(f) of the WHS Act.
- The RAM is charged with two counts contrary to section 32 of the WHS Act and one count contrary to section 33 of the WHS Act as Comcare alleged (in summary) that the RAM failed to conduct an adequate risk assessment of load stability, failed to implement a control measure to adequately address the risk of the blanking press falling as it was moved and failed

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to provide Skyhire Enterprises Pty Ltd with an adequate Safe Work Method Statement prepared by the RAM.

THE SEQUENCE OF WHS UNDERTAKING PROPOSALS

4. On 28 April 2022, the RAM submitted a WHS undertaking proposal to Comcare in connection with the allegation that the RAM had contravened section 19(1) of the WHS Act.
5. Following negotiations with Comcare, the RAM proposed a second draft undertaking on 12 September 2022, which was under consideration by the regulator. However on 8 November 2022, in an unrelated proceeding, *John Holland Pty Ltd v Wallis* [2022] WASC 358 (**John Holland**), Archer J handed down a decision quashing proceedings commenced by Comcare against John Holland Pty Ltd, as invalidly commenced.
6. The decision in *John Holland* was subsequently appealed by the CDPP on behalf of Comcare and on 24 November 2022, the RAM advised Comcare in writing that would not sign the undertaking unless it was satisfied that the proceedings against it were validly commenced, pending the outcome of the appeal *John Holland*.
7. Having regard to the correspondence received from the RAM on 24 November 2022, on 14 February 2024, Comcare wrote to the RAM to advise that if the RAM wanted subsequently to proceed with an application for a WHS undertaking that the RAM would need to submit a new WHS undertaking proposal.
8. On 22 March 2024, the Court of Appeal of the Supreme Court of Western Australia held that the proceedings in *John Holland* were validly commenced.
9. Following the Court of Appeal's decision on appeal, the RAM then submitted a third proposal on 23 December 2024.
10. Comcare provided feedback to the RAM regarding the third proposal on 21 February 2025. The RAM submitted a fourth undertaking proposal on 11 April 2025.
11. On 22 September 2025, Comcare wrote to the RAM inviting it to address certain matters regarding aspects of the WHS undertaking. The RAM then submitted a fifth undertaking proposal on 15 October 2025. It is this final proposal that is the subject of my decision.

JURISDICTION

12. Pursuant to section 216 of the WHS Act, Comcare may accept a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by a person of the WHS Act.
13. Under section 19(1) of the WHS Act, persons conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged, or caused to be engaged by the person, and workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.
14. Failure to comply with a health and safety duty in circumstances where the failure exposes an individual to a risk of death or serious injury or illness is an offence pursuant to section 32 of the WHS Act. Failure to comply with a health and safety duty is an offence pursuant to section 33 of the WHS Act.

15. Comcare is defined as the regulator under section 4 of the WHS Act. Comcare is established under section 68 of the *Safety, Rehabilitation and Compensation Act 1988* (Cth) and is constituted by the Chief Executive Officer under section 74(1A) of that Act.
16. The CEO of Comcare may exercise any authority vested in the regulator under the WHS Act, including the authority to accept a written undertaking under section 216.
17. Comcare has published a *Guide to WHS Undertakings* and a *Regulatory Guide — WHS Undertakings*, both of which provide general guidelines in relation to the acceptance or otherwise of WHS undertakings under the WHS Act as required by section 230(2) of the WHS Act.

EVIDENCE AND MATERIALS CONSIDERED

18. In reaching the decision to accept the WHS undertaking, I have considered the following:
 - a. the WHS Act;
 - b. Comcare's [Guide to WHS Undertakings](#);
 - c. Comcare's [Regulatory Guide — WHS Undertakings](#);
 - d. Comcare's [Regulatory Guide — Prosecutions](#);
 - e. Comcare's [Compliance and Enforcement Policy](#);
 - f. the WHS undertaking;
 - g. the information and summons filed in the ACT Magistrates' Court on 3 May 2021;
 - h. WHS regulatory activity for the RAM; and
 - i. the [Prosecution Policy of the Commonwealth](#).

REASONS FOR MY DECISION

19. I am satisfied that the proposed undertaking is capable of acceptance by the regulator under section 216 of the WHS Act because:
 - a. the undertaking was proposed in connection with a matter relating to a contravention or alleged contravention under the Act; and
 - b. the alleged contravention is not a category 1 offence under the Act or an offence against subsection 30A(1) (industrial manslaughter).
20. I have considered the factors outlined in the Comcare *Guide to WHS Undertakings* and the Comcare *Regulatory Guide — WHS Undertakings*, and in particular that a WHS undertaking will not usually be appropriate where the alleged failure to comply with a health and safety duty results in the death of an individual or a very serious injury. I am satisfied that no death or 'very serious injury' resulted from the alleged failure to comply.¹

¹ The term 'very serious injury' is not defined in the WHS Act and is used in the *Regulatory Guide - WHS Undertakings* document to refer in a non-exhaustive way to an injury that has caused nervous system damage

21. Similarly, a WHS undertaking will not usually be appropriate where the person proposing the undertaking has two or more prior convictions or finding of guilt under the WHS Act (or equivalent state or territory legislation), or a prior conviction or finding of guilt under the WHS Act (or equivalent legislation) connected to the death of a person, within the five years preceding an alleged contravention. I am satisfied that the RAM has not had a conviction or finding of guilt under the WHS Act (or equivalent state or territory) legislation within the five years preceding the incident.
22. The reasons for Comcare determining to accept the WHS Undertaking were (in summary):
- a. the WHS undertaking addresses the criteria as set out in Comcare's *Comcare Guide to WHS Undertakings*;
 - b. the deliverables proposed in the WHS undertaking have been assessed as likely to deliver superior work health and safety outcomes that are likely to result in measurable improvements to WHS outcomes at the workplace, industry and community level;
 - c. the RAM has provided assurances to Comcare that, as a result of the incident, it has rectified the training and competence of staff in relation to high-risk activities, created a new contractor specific induction and revised the risk management system across the organisation; and
 - d. the WHS undertaking is considered by Comcare to represent an appropriate alternative to a possible court sanction.

The proposed deliverables (initiatives) of the WHS undertaking

23. The consideration to which I have given the most weight, is the quality of the proposed deliverables contained in the WHS undertaking. Broadly and in summary, the RAM has proposed four initiatives as follows:
- a. ***Initiative 1 — Fund the Revision and Update of OHS Body of Knowledge Chapter on Cranes, Lifting and Mobile Plant, Accompanying Training for Mobile Plant and Contractor Management, and Professional Case Studies*** – the RAM has undertaken to fund the revision and update of OHS Body of Knowledge Chapter on Cranes, Lifting and Mobile Plant, Accompanying Training for Mobile Plant and Contractor Management, and Professional Case Studies in approximately 24 months, with an estimated cost of \$235,000 (**Initiative 1**);
 - b. ***Initiative 2 — Development and installation of a gallery interactive display*** – the RAM has undertaken to develop and install a gallery interactive display in approximately 24 months, with an estimated cost of \$300,000 (**Initiative 2**);
 - c. ***Initiative 3 — Development and delivery of safety culture program*** – the RAM has undertaken to develop and deliver a safety culture program in approximately 14 months, with an estimated cost of \$250,000 (**Initiative 3**); and

liable to lead to mental incapacity or permanent restriction of mobility or involves a major amputation of a limb or parts of the body, for example, amputation above the knee or elbow.

- d. **Initiative 4 — Partner with the Australian Institute of Health and Safety (AIHS)** – the RAM has undertaken to partner with the AIHS to administer a workplace safety improvement program in approximately 5 months, with an estimated cost of \$200,000 (**Initiative 4**).

24. I consider each proposed initiative in turn below.

Initiative 1

25. The OHS Body of Knowledge Chapter proposed by Initiative 1, broadly undertakes to provide access to up to date and improved evidence-based guidance, tools and training on current and emerging advancement in mobile plant safety to WHS professionals, those studying WHS, the wider community and the RAM workforce.
26. The RAM has identified in the WHS undertaking that Initiative 1 will deliver:
 - a. an OHS Body of Knowledge Chapter on mobile plant;
 - b. training programs on mobile plant and contractor management developed by the AIHS (with input from the RAM) to benefit “*the broader industry, but also the Mint’s workforce*”; and
 - c. professional case studies available to the RAM’s workforce and the broader industry but that will also be promoted through the RAM’s proposed museum gallery installation.
27. In addition, the RAM has advised Comcare that the AIHS has provided a letter of assurance in relation to this initiative.
28. I consider that Initiative 1 contemplates commitments that are intended to directly improve the safety of workers at the RAM workplace specifically as well as the broader industry.

Initiative 2

29. The gallery interactive display proposed by Initiative 2, is broadly intended to explore the automation of the manufacturing process, the risks inherent in a manufacturing environment, and provide a broader community benefit by promoting awareness of contemporary WHS practices by outlining ways to manage and reduce risk in the manufacturing process.
30. The RAM has identified in the WHS undertaking that Initiative 2 will deliver an installation in the museum that:
 - a. will address the importance of safety and safe work practice, as well as the risk inherent in a manufacturing environment, and how essential it is to manage and reduce risk;
 - b. will address other potential hazards in the RAM’s workplace relating to worker and machine safety, including chemicals, manual handling, moving plant, fire, fixed and mobile machines and moving parts, worker fatigue, worker environmental conditions (including working metal), electrical safety, and confined spaces;
 - c. will incorporate professional case studies into the installation, including those developed under Initiative 1, that will be linked to the RAM factory floor where

practicable and as part of developing these case studies. I note that the RAM has undertaken that its workforce will be actively engaged during the development stage of this Initiative 2 to ensure it contributes to safety knowledge and the distribution of that safety knowledge to the broader community; and

- d. highlights common risks in the workplace and provides visitors the chance to explore those challenges, focussing on forklifts and the risks associated with moving this type of plant, to encourage the visitor to think about safety in a direct way.
31. I note that the RAM has provided assurances that the gallery interactive display was not commenced or planned prior to the WHS undertaking being proposed by the RAM and that this Initiative 2 represents a new project with separate additional funding.
32. I consider that Initiative 2 demonstrates the RAM's commitment to addressing the risks associated with the incident, namely the risks associated with mobile plant. I acknowledge that the deliverable is intended to improve safety for the RAM's workers and enhance WHS knowledge and engagement for the broader community.

Initiative 3

33. The safety culture program proposed by Initiative 3, is broadly intended to improve the safety of workers at the RAM workplace. Specifically, the RAM has proposed to undertake a new project involving a comprehensive review and revision of its safety culture (including as it relates to mobile plant and equipment) by providing *"training and support that goes beyond the Mint's statutory obligations to provide information, instruction, training or supervision to its workers"*.
34. The RAM has identified in the WHS undertaking that this Initiative 3 will deliver:
- a. a leadership course, working sessions and a virtual learning artefact provided by an appropriately skilled organisational psychologist with WHS experience (or similar) from the Whole of Australian Government Management Advisory Services Panel;
 - b. develop a front-line safety leadership program for the RAM's front-line leadership team and middle managers;
 - c. develop a *"virtual learning"* of the incident outlining the actions taken before and after, reflection, learnings and consequent changes to the RAM's safety practices and procedures as a result of the incident; and
 - d. develop focused working sessions with the entirety of the RAM's workforce on a positive safety culture and the RAM's overarching role (and the role of its employees) in creating a safe and healthy workplace.
35. I consider that this Initiative 3 includes WHS focussed deliverables intended to produce and deliver workplace safety benefits specific to the RAM's whole workforce.

Initiative 4

36. The partnership with the AIHS proposed by Initiative 4, is broadly focussed on administering a workplace safety improvement program called *"ForkSafe"*, a national WHS initiative that is focused on reducing incidents involving forklift and pedestrian interaction.

37. The RAM has identified in the WHS undertaking that this Initiative 4 is comprised of three workplace safety improvement programs, each valued at \$54,000 (individually) and will deliver:
- a. workplace safety improvement programs that will be made available to three small to medium enterprises from a range of industry sectors exposed to mobile powered plant related safety risks and the three enterprises will be selected by the RAM via an expression of interest process;
 - b. case studies that will be developed and presented to industry professionals at the conclusion of each workplace safety improvement program.
38. I consider that this Initiative 4 is focussed on delivering workplace safety improvement programs and resulting case studies that are intended to be relevant to the incident, and to reduce incidents involving forklift and pedestrian interaction.

Further factors considered

39. Having assessed the quality of the WHS undertaking, I now turn to consider the nature and extent of the alleged contravention. The information and summons filed in this matter alleges that the RAM held a health and safety duty under section 19(1) of the WHS Act and failed to comply with that duty as there were a range of reasonably practicable measures that would have eliminated or minimised the risk, but these measures were not taken.
40. The information and summons alleges two offences against s 32 where the failure to comply with a health and safety duty exposed an individual to a risk of death or serious injury or illness. The maximum penalty for Category 2 offence was \$1.5 million at the time of the incident, indicating the legislature's view that this offending, if made out, is objectively serious. The third charge alleged an offence against s 33 for failing to comply with a health and safety duty. The maximum penalty for a Category 3 offence was \$500,000 at the time of the incident.
41. In consideration of the Prosecution Policy of the Commonwealth and Comcare's *Regulatory Guide — Prosecutions*, the fact that proceedings have been instituted in this case reflects the assessment of Comcare and of the Commonwealth Director of Public Prosecutions that there was sufficient evidence for reasonable prospects of conviction and it was in the public interest to bring the proceedings. I have given significant weight to this factor, as the primary goal of a WHS undertaking is to be an appropriate and effective alternative to a criminal prosecution. I am however satisfied that the WHS undertaking represents an effective alternative to prosecution in these circumstances, taking into account the deliverables and associated safety improvements outlined above.
42. I have considered the total financial commitment of the WHS undertaking, involving a total estimated expenditure of \$985,000, specifically directed towards the WHS undertaking initiatives. My view is that this is significant expenditure which will be directed towards improving health and safety arrangements at the RAM, as well as across industry and the broader community.
43. I have considered the remedial steps taken by the RAM following the incident, at a total cost of \$414,515 as set out in the proposed undertaking. These include:
- a. engaging subject matter experts to support staff undertaking high risk activity work planning, risk assessment, and execution;

- b. providing additional dogging and rigging training for workers;
 - c. providing health, safety, and environment (HSE) risk management training to workers and making the resources available to staff;
 - d. creating contractor-specific induction materials covering safe work method statements, risk assessments, and licence verification;
 - e. requesting Comcare to deliver various training sessions on supervisors' WHS responsibility, contractor management, and officers' due diligence obligations;
 - f. revising management procedures for manual handling, plant and equipment, cranes and lifting, and fitness for work and developing training resources on these procedures; and
 - g. introducing a new approach to risk management with the launch of a digital and launching a revised approach to HSE risk management.
44. I have considered the RAM's past performance and history of compliance with work health and safety laws. Specifically, for the five years preceding the incident, I have taken into account the number and types of notifiable incidents notified to Comcare by the RAM. I am satisfied that the RAM's compliance history does not preclude me from accepting the proposed WHS undertaking.

DECISION AND NEXT STEPS

45. Having regard to those matters, and consistent with the factors set out in the *Guide to WHS Undertakings*, I consider it appropriate in these circumstances to accept the WHS undertaking given by the RAM in connection with a matter relating to a contravention or alleged contravention by RAM of the WHS Act, pursuant to s 216 of the WHS Act.
46. Pursuant to section 218, the WHS undertaking takes effect on the date that Comcare's authorised decision-maker counter-signs the WHS undertaking.
47. As required by section 217 of the WHS Act, Comcare will publish its reasons for accepting the WHS undertaking on its website. The fully executed version of the WHS undertaking will also be published on the Comcare website.
48. After the WHS undertaking comes into effect and pursuant to section 222(4) of the WHS Act, Comcare will take all reasonable steps to discontinue the prosecution proceedings as soon as possible, by writing to the Commonwealth Director of Public Prosecutions requesting that the prosecution of *Comcare (Poole) v Commonwealth of Australia (Royal Australian Mint)* be discontinued.



Michael Duke
Acting Chief Executive Officer