



Regional
NSW

Mining Act undertaking

Undertaking to the Secretary,
Department of Regional NSW
given for the purposes of Part 17A, Division 4B of the *Mining Act 1992*

by

Rangott Mineral Exploration Pty. Limited

ACN 002 536 825
ABN 36 002 536 825

Purpose

The purpose of this Mining Act undertaking is to document the undertaking given to the Secretary of the Department of Regional NSW (**Regulator**), for the purposes of Part 17A, Division 4B of the *Mining Act 1992* (**Mining Act**) in connection with a matter relating to a contravention or alleged contravention of the Mining Act.

Section A - general information

1. details of the company or individual proposing the undertaking

Name of company or individual	Rangott Mineral Exploration Pty. Limited
Registered address	3 Barrett Street, Orange NSW 2800
Mailing address (if different from above)	
Contact Officer	Max Rangott
Position	Senior Geologist
Telephone	
Email address	
Legal structure	Australian Private Company
Type of business	Exploration and mining company
Commencement date of the entity	12 April 2000

2. alleged contravention

It is alleged that between October 2021 and April 2022, Rangott Mineral Exploration Pty. Limited (ACN 002 536 825) contravened section 378EA of the Mining Act 1992 – (Aiding and abetting the commission of offence) that caused the contraventions under section 378D by the licence holder of EL9155, Shree Minerals Ltd.

3. details of the events surrounding the alleged contravention

Shree Minerals Ltd is the holder of EL9155, which comprises an area of 59 units and is located about 25km south-south-west of Cooma in New South Wales.

Shree Minerals Ltd is based in Western Australia. The employees of Shree Minerals Ltd are also based in Western Australia.

On or around 15 June 2021, Shree Minerals Ltd's Technical Director (at that time) flew from Western Australia to conduct a site visit of the land over under EL9155 in New South Wales.

The purpose of the site visit was to assess existing access tracks, consult with landowners, assess logistics, validate previous exploration (including geological mapping and drill hole locations) and obtain rock chip samples for analysis.

Following the above site visit by Shree Minerals Ltd's Technical Director, a travel ban between Western Australia and New South Wales was imposed due to the unprecedented global pandemic COVID-19.

Due to strict COVID-19 border restrictions between Western Australia and New South Wales, Shree Minerals Ltd decided to engage a suitable company to perform a range of works including but not limited to completing the ESF4 Application form (**Application**) seeking approval for ground disturbing activities including drilling; carrying out environmental reporting and Native Title works; and managing and supervising site preparation work and drilling activities at site.

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After extensive due diligence with respect to suitable companies who could provide services required at EL9155 and who also had a long history of mineral exploration in New South Wales, Shree Minerals Ltd engaged Rangott Mineral Exploration Pty Limited to perform a range of works including but not limited to:

- a) assist with preparation of the Application (as Rangott Mineral Exploration Pty. Limited staff had greater experience and expertise to complete the form); and
- b) carry out all fieldwork at the Rock Lodge Prospect, including:
 - i. conducting soil sampling program;
 - ii. liaising with and confirming landowners;
 - iii. arranging access agreements;
 - iv. carrying out a search of Aboriginal sites as part of preparation of the Application;
 - v. supervising and managing of site preparatory works for drilling;
 - vi. supervising and managing track clearing for commencement of exploration works; and
 - vii. supervising and managing exploration works including drilling activities.

On 1 October 2021, the Regulator granted the Activity Approval [MAAG0012185 – LETT0006595] (**Activity Approval**) under section 23A (7) of the Mining Act that was submitted by Rangott Mineral Exploration Pty Limited on behalf of Shree Minerals Ltd.

On 21 April 2022, the Regulator issued Shree Minerals Ltd a commencement of investigation letter and a Notice under section 240(1)(d) of the Mining Act [NTCE0010106] (**Suspension Notice**) directing Shree Minerals Ltd to immediately cease all works associated with the Activity Approval until it is notified that this Notice has been revoked.

In subsequent correspondences, the Regulator alleges the following contraventions have been committed between 1/10/2021 and 21/04/2022:

No.	Alleged Offence	Alleged Offence - Particulars
1	Failure to have sediment and erosion controls- No adequate erosion and sediment controls were implemented at any of the drilling traverses to mitigate against the migration of sediment and drilling wastes. No measures congruent with measures outlined in <i>Managing Urban Stormwater: Soils and Construction Volume 2E, Mines and Quarries (DECC 2008b)</i> were implemented.	This has occurred at (indicative location) Drilling Traverse SRL013 – SRL016 per Figure 3 in MAAG00012185
2		This has occurred at (indicative location) Drilling Traverse SRL008-SRL011 per Figure 3 in MAAG00012185.
3		This has occurred at (indicative location) Drilling Traverse SRL004-SRL005 per Figure 3 in MAAG00012185.
4	Unapproved clearing of vegetation. Trees including canopy and understory have been cleared beyond the commitments specified in MAAG0012185. No measures were implemented to comply with the <i>Code of Practice: Environmental Management (EM Code)</i> .	No mitigation measures were implemented to protect against impacts to fauna. This has occurred across the footprint of the Project Area 1 as specified in Figure 3 in MAAG0012185.
5		No mitigation measures (including inspection) were implemented to demarcate hollow bearing trees. This has occurred across the footprint of the Project Area 1 as specified in Figure 3 in MAAG0012185.
6		No records (including photos where relevant) of fauna habitat inspections, fauna habitat demarcation and any fauna relocation were taken of any actions undertaken in the protection / identification / demarcation of trees, habitat and other vegetation.
7	Streambank or stream works including, to but not limited to, the augmentation of a bed level crossing over Jinny Brother Creek (>=3 order stream) at 55H 688758E, 5961470N. This and other works including track / pad construction along the eastern bank of Jinny Brother Creek (less than 40 metres from channel) within Project Area 1 were conducted without any other approval and in contravention of the commitments in MAAG0012185 and the EM Code (s.2.1)	

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8	Failure to comply with safeguards- Aboriginal heritage sites to comply with the <i>Exploration Code of Practice: Environmental Management (EM Code)</i> .	No physical measures were implemented to delineate Aboriginal Heritage sites, despite an AHIMS search being conducted and, that no further administrative searches or assessments were conducted in accordance with <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> .
9		No records were taken of any actions undertaken in the protection of Aboriginal Cultural heritage and non-indigenous cultural heritage.
Total number of alleged offences: 9		

On or around 16 May 2022, Max Rangott of Rangott Mineral Exploration Pty Limited made a submission stating:

- a) almost all of the relevant work was carried out under the supervision of Rangott Mineral Exploration Pty Limited's Principal Geologist Max Rangott in late 2021 and early 2022 and the balance of works were carried out under supervision of a Geologist sub-contracted by Rangott Mineral Exploration Pty Limited; and
- b) accepting responsibility for infringements, which related mainly to the preparation of the drill pads and access tracks, not the drilling operations. The drilling operations were carried out under supervision and management of a Geologist sub-contracted by Rangott Mineral Exploration Pty Limited.

Shree Minerals Ltd reiterates its submissions on 23 May 2022 and 16 June 2022 in particular:

- a) The alleged contraventions were not caused by Shree Minerals Ltd, rather by Rangott Mineral Exploration Pty Limited who had extensive mining exploration experience, and who had been engaged to supervise and manage the works as a result of COVID-19 travel restrictions; and
- b) Shree Minerals Ltd took all reasonable steps practically possible to prevent any contravention and met its obligations of environmental care under the Mining Act.

Rangott Mineral Exploration Pty. Limited accepts the responsibility for the alleged contravention under the aid and abet the commission of an offence - section 378EA of the Mining Act 1992. Rangott Mineral Exploration Pty. Limited seeks to enter into this enforceable undertaking to jointly carry out strategies with Shree Minerals Ltd to carry out rectification activities in respect of the alleged contraventions.

Shree Minerals Ltd as the holder of EL9155 accepts ultimate responsibility for the aforesaid alleged contraventions and has offered a separate enforceable undertaking committing minimum of \$140,000 to deliver benefits in relation to the management of the title, industry and community.

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

Rangott Mineral Exploration Pty Limited acknowledges that the Regulator has alleged that Rangott Mineral Exploration Pty. Limited has contravened section 378EA of the Mining Act 1992 – 'Aiding and abetting the commission of offence under section 378D of the Act.'

5. any rectifications made as a result of the contravention

Rangott Mineral Exploration Pty Limited acknowledges the Suspension Notice issued to Shree Minerals Ltd on 28 June 2022 which suspended all operations under EL9155 with the exception of those activities required to maintain a safe workplace or as otherwise directed by the Regulator. However, Rangott Mineral Exploration Pty Limited notes that Shree Minerals Ltd. acknowledges and intends to comply with and fulfil all conditions and rectification works required.

6. an acknowledgement that the undertaking and reasons for decision will be published and publicised

Rangott Mineral Exploration Pty. Limited acknowledges that the undertaking and reasons for decision will be published on the Regulator's website and may be referenced in NSW Resources Regulator material.

7. a statement of ability to comply with the terms of the undertaking

Rangott Mineral Exploration Pty. Limited has the financial ability to comply with the terms of this enforceable undertaking and have provided evidence with this enforceable undertaking to support this declaration.

8. statement regarding relations with beneficiaries

Rangott Mineral Exploration Pty. Limited acknowledge that there are no known current relationships with any of the beneficiaries outlined within the enforceable undertaking.

Rangott Mineral Exploration Pty. Limited gives a commitment that no person involved or employed by Rangott Mineral Exploration Pty. Limited will receive a direct financial benefit from the donations offered in this enforceable undertaking.

9. intellectual property licence

Rangott Mineral Exploration Pty. Limited grant the Regulator a permanent, irrevocable, royalty-free, world-wide, non-exclusive licence to use, reproduce, publish, distribute, electronically transmit, electronically distribute, adapt and modify materials developed as a result of this undertaking.

10. a commitment to participate constructively in all compliance monitoring activities of the undertaking

Rangott Mineral Exploration Pty. Limited acknowledges that responsibility for demonstrating compliance with this enforceable undertaking rests with Rangott Mineral Exploration Pty. Limited who has given this enforceable undertaking. Evidence to demonstrate compliance with the terms will be provided to the Regulator by the due date for the term.

Rangott Mineral Exploration Pty. Limited acknowledges that the Regulator may undertake other compliance monitoring activities to verify the evidence that is provided complies with the relevant terms of this enforceable undertaking. The evidence provided to demonstrate compliance with the enforceable undertaking will be retained by the organisations who have given this enforceable undertaking until advised by the Regulator that the enforceable undertaking has been completely discharged.

Rangott Mineral Exploration Pty. Limited acknowledges that the Regulator may initiate additional compliance monitoring activities with the terms of the enforceable undertaking, such as inspections, as considered necessary.

11. a commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur

Rangott Mineral Exploration Pty. Limited commits that the behaviour that led to the alleged contravention has ceased and will not reoccur.

12. acknowledgement of enforceable undertaking guidelines

Rangott Mineral Exploration Pty. Limited have read and understood:

NSW Resources Regulator Enforceable Undertaking Guidelines version August 2020

Section B – enforceable terms

Pursuant to Division 4B of Part 17 of the *Mining Act 1992*, Rangott Mineral Exploration Pty. Limited has committed to the following enforceable terms.

1. Strategies that will deliver benefits in relation to the management of the title

Rangott Mineral Exploration Pty. Limited will undertake, in consultation with the regulator, the following activities which will deliver benefits in relation to the management of EL9155 and works it does on behalf of exploration licence holders at a minimum cost of \$10,000:

Table 1

	Program	Outline of Program	Completion Date
1	Review of operations	Commission a suitably qualified independent person, to the satisfaction of the Regulator, to conduct a review of Rangott Mineral Exploration Pty. Limited's systems and	The review will be commissioned and completed within 6 months of the enforceable undertaking taking effect. Rangott Mineral Exploration Pty. Limited will provide a copy of the

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		processes for meeting its compliance obligations under the Mining Act. Rangott will provide this to the Regulator and then implement any findings to the satisfaction of the Regulator	review report to the Regulator within 1 week of completion of the review report and ensure compliance with its findings within 3 months.
2	Compliance training	Rangott Mineral Exploration Pty. Limited will carry out training on the applicable requirements of the Mining Act for all employees and contractors who supervise, manage and carry out works on behalf of exploration licence holders and are responsible for ensuring compliance with the Mining Act	Within 6 months of the enforceable undertaking taking effect compliance training will occur for all employees and contractors who access the site. Rangott Mineral Exploration Pty. Limited will provide a report to the Regulator within 1 month of the completion of the training.

2. Strategies that will deliver industry benefits

Rangott Mineral Exploration Pty. Limited will engage a speaker, to be agreed with the Regulator, to carry out research and deliver the results of that research to the Association of Mining and Exploration Companies on best practice for consultants engaged to carry out work on behalf of tenement holders. This will occur within 9 months of this enforceable undertaking being agreed.

Minimum cost \$10,000

3. Strategies that will deliver community benefits

Rangott Mineral Exploration Pty. Limited will make a donation to the following organisation for the purposes of delivering community benefits:

- a) A payment of \$52,500 will be made to the Upper Snowy Landcare Network to be used for the purpose of the protection and management of local threatened ecological communities.

Rangott Mineral Exploration Pty. Limited will enter into an MOU with the relevant group to monitor the works undertaken and report on their outcome within 3 months of their completion.

The payment to the Upper Snowy Landcare Network will be made within 30 days of the acceptance of the EU, and evidence of the payment will be provided to the Regulator.

4. Reimbursement of the Regulator's agreed costs associated with this enforceable undertaking

Rangott Mineral Exploration Pty. Limited must pay the Regulator's recoverable costs associated with the undertaking, including investigation, administrative and compliance monitoring costs itemised below, and acknowledges that payment is due **30 days** after receipt of the Regulator's invoice.

- Investigation and administration costs - \$12,000
- Compliance monitoring costs - \$3,000

5. Minimum spend

Rangott Mineral Exploration Pty. Limited must spend a minimum of \$87,500, excluding GST, in carrying out its undertakings in this enforceable undertaking, inclusive of the Regulator's recoverable costs.

Rangott Mineral Exploration Pty. Limited acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost, excluding GST
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Benefits in relation to the management of the title	\$10,000
Benefits to industry	\$10,000
Benefits to community	\$52,500
Regulator recoverable costs	\$15,000
Estimated total value of the undertaking	\$87,500

6. Project of undertaking

Where a project or projects are proposed to deliver benefits in relation to the management of the title, industry and community Rangott Mineral Exploration Pty. Limited offers and commits to carry out the projects set out in Section B Item 5 of this enforceable undertaking.

7. Timeframe for delivery

The activities to deliver the benefits of this enforceable undertaking must be completed on or before 12 months following acceptance of this enforceable undertaking following acceptance of this enforceable undertaking by the regulator.

Section C - Offer of undertaking

BY A CORPORATION

As a duly appointed and authorised officer or agent of
Rangott Mineral Exploration Pty. Limited

I offer this undertaking and commit
Rangott Mineral Exploration Pty. Limited
to the terms herein.

Signed: Maxel Rangott
[Director]

Name: MAXEL FRANZ RANGOTT
[Print name]

Position: Director

Dated at ORANGE this

28th day of APRIL, 2023.

Signed:
[Director or company secretary]

Name:
[Print name]

Position:

Dated at this

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

Section D – Regulator's acceptance of undertaking

I accept this undertaking as an enforceable undertaking under section 378ZFB of the *Mining Act 1992*.

Signed: *Peter Day*.....

Position: **Executive Director** delegate of the Secretary,

Department of ~~XXXXXXXXXXXX~~ **Regional NSW**

Dated at **Orange** this **5th** day of **May**, 20**23**