

# Amended Undertaking to the Secretary of the Department

Boral Bricks Pty Limited ABN 66 082 448 342

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Given for the purposes of sections 378ZFB and  
378ZFG of the *Mining Act 1992* (NSW)

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**Boral Bricks Pty Limited ABN 66 082 448 342**

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<b>Details</b>	<b>3</b>
<b>Agreed terms</b>	<b>4</b>
1. <b>Undertakings</b>	<b>4</b>
2. <b>Acknowledgements</b>	<b>4</b>
<b>Schedule 1 – Amended Annexure A</b>	<b>5</b>
<b>Signing page</b>	<b>7</b>

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# Details

## Date

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## Parties

Name	<b>Boral Bricks Pty Ltd</b>
ABN	66 082 448 342
Short form name	<b>Boral Bricks</b>

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## Background

- A The Division of Resources and Energy within the Department of Industry, Skills and Regional Development (**Department**) has responsibility for the administration and enforcement of the *Mining Act 1992 (NSW)* (**Mining Act**) and associated regulations.
- B The Secretary of the Department (**Secretary**) may accept a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention of the Mining Act by the person pursuant to section 378ZFB of the Mining Act.
- C On 16 November 2016 Boral Bricks offered, and the Secretary accepted, the commitments set out in the enforceable undertaking of the same date (**Enforceable Undertaking**).
- D Boral Bricks may, with the written agreement of the Secretary, vary the Enforceable Undertaking, at any time pursuant to section 378ZFG of the Mining Act.
- E Since the Enforceable Undertaking was accepted, Boral Bricks have become aware that there are only four (4) regions, instead of the six (6) regions they committed to provide industry training for in accordance with item 5 of **Annexure A**.
- F Boral Bricks has offered, and the Secretary has accepted, the amendments to **Annexure A** in the Enforceable Undertaking dated 16 November 2016 as varied by Schedule 1 of this deed.
- G Except as varied by Schedule 1 of this deed, the Enforceable Undertaking remains in effect and enforceable.
- H This amendment to the Enforceable Undertaking has been prepared in accordance with, and satisfies the specific requirements for an undertaking contained in the 'Enforceable Undertaking Guidelines' prepared by the Department dated February 2017.

# Agreed terms

## 1. Undertakings

Under section 378ZFG(1)(b) of the Mining Act, Boral Bricks has varied and the Secretary has accepted the variation to the Enforceable Undertaking dated 16 November 2016.

## 2. Acknowledgements

(a) Boral Bricks acknowledges that the Secretary:

- (i) must publish, and make public, notice and a copy of the variation of enforceable undertaking;
- (ii) may from time to time publicly refer to this amended undertaking; and
- (iii) will place a copy of the executed amended undertaking on the Department's public register.

(b) Boral Bricks acknowledges that the provisions of the amended undertaking do not vary the Enforceable Undertaking so as to provide for a different alleged contravention of the Mining Act.

(c) Boral Bricks acknowledges that the variations to this undertaking take effect and become enforceable when the Secretary's decision to accept the undertaking is given to Boral Bricks or at such later date specified by the Secretary.

(d) Boral Bricks acknowledges that this undertaking may only be varied in accordance with the Mining Act.

(e) Boral Bricks acknowledges that this amended undertaking, as varied from time to time, will remain in force until withdrawn in accordance with the Mining Act.

# Schedule 1 – Amended Annexure A

## Annexure A

Boral Bricks has done, or undertakes to do, the following (as indicated below) to a maximum value of \$100,000: -

Program	Outline of program	Completion Date
Boral Bricks compliance training	<p>Boral Bricks will carry out training on the applicable requirements of the Mining Act for all employees who have operational control (such as quarry managers, quarry supervisors and senior managers of business units with such personnel reporting to them) of an extractive industry process which extracts scheduled minerals from the earth. This will be via amendment or supplement to Boral Group existing compliance programs.</p> <p><i>Estimated cost: \$5,000</i></p>	Completed
Boral Bricks audit of operations	<p>Boral Bricks and the Department will agree an independent auditor to carry out independent audit of all NSW operations operated by Boral Bricks (or any of its related bodies corporate) to extract scheduled minerals from the earth to confirm whether a mining authority is required and, if required and such authority:</p> <p>is in place, whether Boral Bricks (or the relevant body corporate) is complying with all applicable authority conditions; or</p> <p>is not in place, whether Boral Bricks (or relevant body corporate) is taking steps to obtain the required authority.</p> <p><i>Estimated cost: \$35,000</i></p>	Completed
Boral CSR Bricks Pty Ltd – compliance training	<p>Boral Bricks will pay for training on the requirements of the Mining Act for all relevant Boral CSR Bricks Pty Ltd personnel (noting that Boral CSR Bricks Pty Ltd has agreed in writing to this occurring) who have operational control (such as managers, quarry supervisors and senior managers of business units</p>	Completed

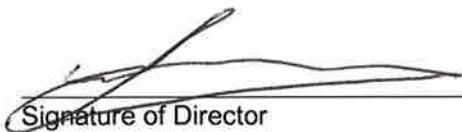
Program	Outline of program	Completion Date
	<p>with such personnel reporting to them) of an extractive industry process which extracts scheduled minerals from the earth.</p> <p><i>Estimated cost: \$5,000</i></p>	
<p>Boral CSR Bricks Pty Ltd – audit of operations</p>	<p>Boral Bricks will pay for an independent auditor (as agreed between Boral Bricks and the Department) to carry out an independent audit of all NSW operations operated by Boral CSR Bricks Pty Ltd (noting that Boral CSR Bricks Pty Ltd has agreed in writing to this occurring) that extract scheduled minerals from the earth to confirm whether a mining authority is required and, if required and such authority:</p> <ul style="list-style-type: none"> <li>• is in place, whether Boral CSR Bricks Pty Ltd is complying with all applicable authority conditions; or</li> <li>• is not in place, whether Boral CSR Bricks Pty Ltd is taking steps to obtain the required authority.</li> </ul> <p>If this offer is accepted, Boral Bricks will pay for the provision of this audit.</p> <p><i>Estimated cost: \$35,000</i></p>	<p>Completed</p>
<p>Provision of industry training</p>	<p>Boral Bricks will pay for an external consultant (the consultant to be selected after consultation with the Department) to present at the NSW Institute of Quarrying (or other relevant industry body) events for at least 6 <del>four</del> (4) regions on the application and obligations of the Mining Act.</p> <p><u>In addition, Boral Bricks will pay for an external consultant to prepare an article, on the application and obligations of the Mining Act, to be published in the Australian Quarry Magazine.</u></p> <p><i>Estimated Cost: \$20,000</i></p>	<p>Within 3 12 months of this <u>amended</u> undertaking taking effect in accordance with clause 2<del>(d)</del>(c), with status reporting every 3 months in line with clause 1.5(a)(2)(ii) of the <u>Enforceable Undertaking dated 16 November 2016.</u></p>

# Signing page

EXECUTED as a deed.

Signed, sealed and delivered by Boral Bricks Pty Ltd in accordance with section 127 of the Corporations Act 2001 (Cth)

←

  
Signature of Director

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Signature of Director/Company Secretary

WAYNE MANNERS  
Name of Director (print)

AMY JACKSON  
Name of Director/Company Secretary (print)

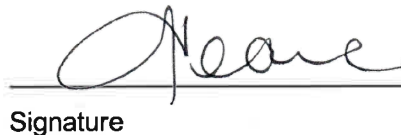
ACCEPTED BY THE SECRETARY OF THE DEPARTMENT OF PLANNING AND ENVIRONMENT PURSUANT TO SECTIONS 378ZFB and 378ZFG OF THE MINING ACT.

Lee Shearer

Name of the Secretary

Deputy Secretary Resources Regulator

Title of the Secretary

  
Signature

Date: 18 April 2018

