



**ASIC**  
Australian Securities &  
Investments Commission

<b>Committee</b>	Parliamentary Joint Committee on Corporations and Financial Services
<b>Inquiry</b>	Oversight of ASIC, the Takeovers Panel and the Corporations Legislation
<b>Question No.</b>	020
<b>Topic</b>	Strategic Minerals Corporation Pty Ltd (formerly Strategic Minerals Corporation NL)
<b>Reference</b>	Written, 19 December 2022
<b>Committee member</b>	Senator Pratt

### Question 1

ASIC acknowledges that it did not seek the confidential attachments to SMC NL's MLA 100236, nor did it contact the Mineral Hub/QLD DER as urged by Ms Veronica Oma in her ROM (May 2021).

Please explain why ASIC did not seek those confidential attachments, nor contact the Qld Mineral Hub/DER as urged by Ms Oma, in order for ASIC to independently investigate and confirm Ms Oma's allegations of serious misconduct by SMC NL's Board and QGold PL, including significant lack of material disclosure/continuous disclosure obligations, fraud and collusion – particularly in the context of the proven previous misconduct via Ms Oma's successful Application to the Takeovers Panel in 2018, and ASIC's successful prosecution of the Independent Expert engaged by SMC NL for the 2017 QGold Takeover bid?

### Answer

ASIC did not seek confidential attachments or contact the Qld Mineral Hub/DER as we decided not to make further enquiries or take further action. The reason for this decision is set out in [ASIC's answer to question on notice 020-1 taken on notice at the public hearing on 26 November 2021](#).

### Question 2

As ASIC took 2.5 months to respond to Ms Oma's ROM, and ASIC publicly states that it aims to respond to complaints within 28 days, please detail the actual investigations ASIC undertook in relation to Ms Oma's ROM?

### Answer

ASIC did not commence an investigation in relation to the matters raised in Ms Oma's report.

Rather, the report was assessed to consider whether any further enquiries or actions (i.e. such as an investigation) should be undertaken. The steps and inquiries for this process between late May and mid-August for Ms Oma's report were as follows:

- Registration of the report
- Allocation of the matter and instruction from a team leader, and later re-allocation
- Searches of internal databases
- Liaising with other teams within ASIC, including the Corporations team
- Merging the assessment of the report, with those of other related reports of misconduct
- Emailing Ms Oma with updates
- Preparing an assessment document

- Team leader approval of the recommendation to take no further action
- Responding to Ms Oma

**Question 3**

In relation to investigating Ms Oma's ROM and Question 2 above, did ASIC request and obtain any information from SMC PL and/or QGold PL that:

(a) either or both parties were not committed to funding and developing a mine to the tune of around \$200 million within 2 years of the ML 100236 being approved, with mining commencing upon completion of the construction phase (i.e. as detailed in the MLA 100236)?

(b) SMC NL had undertaken any pre or full feasibility work to justify proceeding to mine (i.e. beyond scoping studies)

**Answer**

No.

**Question 4**

Does ASIC agree that a reasonable person would view SMC's statements in its MLA 100236 as being SMC's likely intentions and expectations to establish a new mine in the short term, and therefore under the Act, the Continuous Disclosure requirements in ASX Listing Rules Ch 3 and the meaning given to 'information', this would still be required to be disclosed to the market?

**Answer**

ASIC notes that on 8 January 2020 SMC announced it had lodged the MLA. The announcement states 'the new MLA will provide additional surface areas for infrastructure and other associated activities in support of potential gold mine development and operations at Woolgar'.