



MINISTER FOR MINES  
AND PETROLEUM;  
FISHERIES;  
ELECTORAL AFFAIRS;  
LEADER OF THE  
GOVERNMENT IN THE  
LEGISLATIVE COUNCIL

FOI Ref No: 20100023/26-07665

RECEIVED  
15 JUL 2011

BY:.....

Hon Mark McGowan MLA  
Member for Rockingham  
PO Box 5324  
ROCKINGHAM BEACH WA 6969

Dear Mr McGowan

**FREEDOM OF INFORMATION APPLICATION**

I refer to your application dated 10 September 2010 seeking access to:

- All documents to and from the Minister's Office concerning Queensland businessman and mining identity Professor Clive Palmer
- All documents to and from the Minister's Office concerning the company Mineralogy
- All minutes of meetings between the Minister and/or his staff, and Professor Palmer and/or his representatives.

I also refer to the complaint dealt with by the Office of the Information Commissioner against a decision dated 4 November 2010 to grant access to edited copies of documents and to refuse access to documents.

The Information Commissioner has advised this agency in his decision number F2010338 that we put the decision into effect and release those documents in accordance with the decision dated 4 November 2010.

I am therefore pleased to enclose copies of the documents, edited to delete information that is considered to be exempt under Clauses 3(1), 4(2), 4(3) and 7.

Yours sincerely

BERNADINE D'SA  
FOI COORDINATOR  
HON NORMAN MOORE MLC  
MINISTER FOR MINES AND PETROLEUM

Encls

14 JUL 2011

D'sa, Bernadine

**From:** [REDACTED]@mineralogy.com.au]  
**Sent:** Tuesday, 7 October 2008 1:18 PM  
**To:** Moore, Minister  
**Subject:** Letter - Meeting with [REDACTED]  
**Attachments:** AR-C260\_20081007\_132233.pdf  
**Importance:** High

Dear Minister

Please refer to the letter attached seeking meeting appointment with [REDACTED]  
[REDACTED]

Thanks you for your attention.

[REDACTED]  
[REDACTED]  
Mineralogy Pty Ltd



# MINERALOGY PTY. LTD.

A.C.N. 010 582 680

WESTERN AUSTRALIA OFFICE:

Level 7, 218 St George's Terrace

PERTH WA 6000

PO Box 7334, CLOISTERS SQUARE WA 6850

PH: 08 9324 2227 FAX 08 9324 2244

EMAIL: [perth@mineralogy.com.au](mailto:perth@mineralogy.com.au)

7<sup>th</sup> October 2008

Honourable Norman Moore BA DipEd JP MLC  
Minister for Mines and Petroleum; Fisheries; Electoral Affairs  
4th Floor, London House,  
216 St Georges Terrace  
PERTH WA 6000

Dear Hon Moore

**RE: Iron Ore Projects Developments at Cape Preston – Meeting with  
Mineralogy [REDACTED]**

As you are aware, Mineralogy is developing several large scale magnetic iron ore mining, processing and exporting projects in the Cape Preston region of the Western Australia (WA).

[REDACTED] will be in Perth the week starting the 20th October 2008 and would like the opportunity to meet and brief you on the status of the projects currently under development.

The Mineralogy projects at Cape Preston represent the Era in iron ore mining in Western Australia with the emergence of the magnetite iron ore industry. The projects are of world class scale, with [REDACTED] project already twelve months into construction. [REDACTED] of the same scale currently having completed feasibility studies and following the completion of its current EIA approval process will also be implemented providing enormous economic gains to the State of WA.

*"Together we achieve the extraordinary"*

More than ever, the approval process in WA is becoming a constraint on the development of resource based projects, and whilst Mineralogy is appreciative of your initial position on this matter, It looks forward to your leadership in streamlining the approval process for the State's benefit in maximizing on the opportunities available to it through these long term projects.

Please confirm a suitable date, time and venue for this proposed meeting.

Yours sincerely

[Redacted signature]

[Redacted text]

[Redacted text]

[Redacted text], Mineralogy Pty Ltd

Released under Freedom  
of Information Act 1992

(2a)



Our Ref: D12471

[REDACTED]  
[REDACTED]  
Mineralogy Pty Ltd  
GPO Box 1538  
BRISBANE QLD 4001

Dear [REDACTED]

**IRON ORE PROCESSING (MINERALOGY PTY LTD) AGREEMENT ACT 2002  
RATIONALISATION OF SECTION 19 EXEMPTION AREAS**

I wish to advise that I have this day granted Exploration Licences 47/1405 to 1407 over areas of land that were declared exempt from the provisions of Divisions 1 to 5 Part IV of the *Mining Act 1978* on 17 October 1996 (designated as "S19/72" and "S19/73" in the Department of Industry and Resources' information system (Tengraph)).

As you are aware, residual portions of these section 19 exempted areas are not included in these licences or earlier granted Exploration Licence 08/1451. Pursuant to the provisions of Section 19(4) of the Act, I hereby invite Mineralogy to lodge applications for prospecting licences over these remaining areas (highlighted in yellow on the attached plans).

The applications are to be lodged at the Perth Office of the Department of Industry and Resources by **10 December 2008** and must be accompanied by the appropriate fees as prescribed under the *Mining Act 1978*.

The applications will not be subject to the service of notices normally required under the *Mining Act*, advertising or Warden's Court process, however normal *Native Title Act 1993 (Cth)* procedures must apply. Each application lodged is not to exceed the statutory maximum area of 200 hectares.

If you have any queries about this process please contact the General Manager, Tenure and Native Title on (08) [REDACTED]

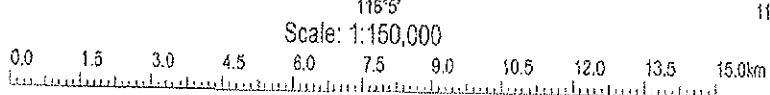
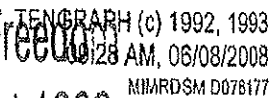
Yours sincerely

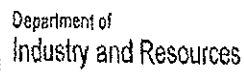
[REDACTED]  
[REDACTED]  
NORMAN MOORE MLC  
MINISTER FOR MINES AND PETROLEUM

Enc: Plans

[REDACTED]

4th Floor, 216 St Georges Terrace, Perth Western Australia 6000  
Telephone: +61 8 9422 3000 Facsimile: +61 8 9422 3001 Email: Minister.Moore@dpm.wa.gov.au



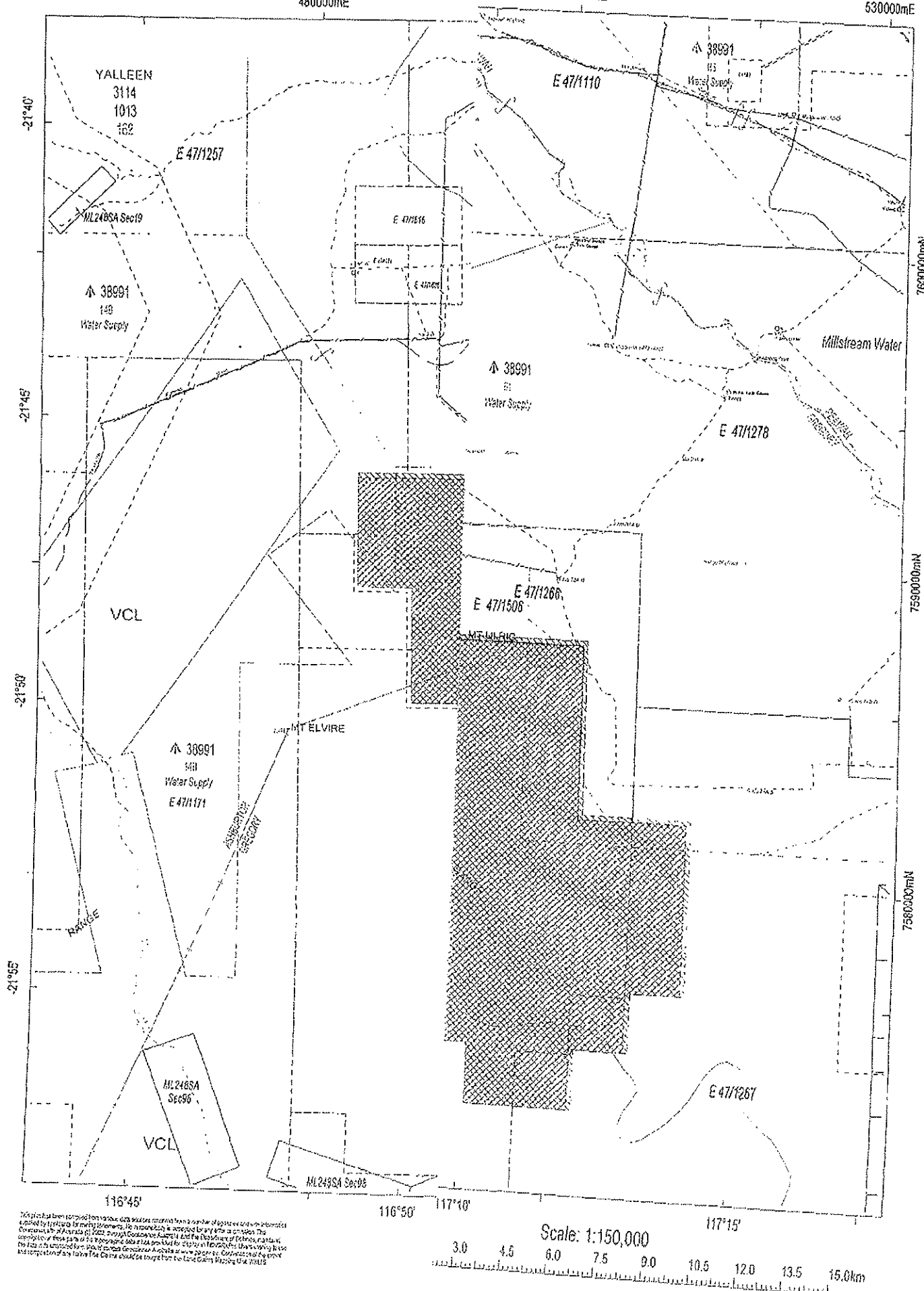


Enquiry System V7 1352



Released under Freedom  
of Information Act 1992

TENGRAPH (c) 1992, 1993  
04:34 PM, 05/08/2008  
[Customized Screen] MIMRDSM D078177





**MINERALOGY PTY LTD**  
A.C.N. 65 010 582 680

**FACSIMILE TRANSMITTAL SHEET**

<b>TO:</b> Honourable Norman Moore Minister for Mines		<b>FROM:</b> [REDACTED]	
<b>COMPANY:</b>		<b>DATE:</b> 15 October 2008	
<b>FAX NUMBER:</b> (08) 9422 3001		<b>TOTAL NO. OF PAGES INCLUDING COVER:</b> 9	
<b>PHONE NUMBER:</b>		<b>SENDER:</b> [REDACTED]	
<b>RE:</b> Mineralogy Application for General Purpose Lease 08/63 Wardens Court Decision		<b>COPIES TO:</b> Honourable Colin Barnett Premier; Minister for State Development Fax: (08) 9322 1213  Mr Peter King General Manager – New Projects North Dept. of Industry and Resources Fax: (08) 9222 3862	

☒ URGENT    ☐ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please see **attached** letters. The originals and attachments (approx. 100 pages) referred to in each letter will be sent by post today.

GPO BOX 7334  
CLOISTERS SQUARE, PERTH WA 6850  
PHONE: (08)9324 2227





**MINERALOGY PTY. LTD.**

A.C.N. 010 582 680

WESTERN AUSTRALIA OFFICE:

Level 7, 218 St George's Terrace

PERTH WA 6000

PO Box 7334, CLOISTERS SQUARE WA 6850

PH: 08 9324 2227 FAX 08 9324 2244

EMAIL: [perth@mineralogy.com.au](mailto:perth@mineralogy.com.au)

(3a)

15 October 2008

The Honourable Norman Moore  
Minister for Mines  
4<sup>th</sup> Floor  
London House  
216 St Georges Terrace  
PERTH WA 6000

Dear Minister,

**Mineralogy Application for General Purpose Lease 08/63**  
**Wardens Court Objection KR45/067 Heard By Warden Calder, Perth Warden's Court**

We refer to our letter of today's date and note the Department of Industry and Resources letter dated 10 September 2008 (copy attached). We respectfully submit it is in the public interest that the Minister make a decision to grant Mineralogy's application for general purpose lease 08/63 (GPLA8/63). We also refer to recent High Court of Australia judgments with respect to the principles of natural justice. We have a right to be heard under that doctrine and request an urgent meeting with you to discuss this matter. A decision on the grant of GPLA08/63 cannot be made on this matter until we have had an opportunity to meet to discuss this application.

Kindly advise your earliest availability to meet to discuss this matter.

Kind Regards,



Mineralogy Pty Ltd

*"Together we achieve the extraordinary"*



Department of Industry and Resources  
Government of Western Australia

Your ref:

Our ref: CL-608-83

Enquiries:

Enqll:

Mineralogy Pty Ltd  
GPO Box 1538  
Brisbane QLD 4001

Dear Sir

**APPLICATION FOR GENERAL PURPOSE LEASE 08/83 - NATIVE TITLE ACT 1993  
(Cth) OBJECTION NT3/008 BY THE KURAMA MARTHUDUNERA NATIVE TITLE  
CLAIMANTS**

I refer to your letter of 8 September 2008 referring to your earlier letter of 7 July 2008 seeking that the Department trigger the process under Section 24MD (6B) (f) of the *Native Title Act 1993 (NTA)*, that being the referral of NTA Objection NT 3/008 to the State appointed independent person.

No doubt you will be aware that on 29 May 2008 Warden Calder delivered a recommendation in *Mineralogy -v- Kurama Marthudunera Native Title Claimants [2008] WAMV 3* that the Minister for Mines refuse application for General Purpose Lease 08/83. That recommendation is yet to be determined by the Minister.

Given that the above-mentioned *Mining Act 1978* matter is yet to be resolved, the Department is of the view that it is not appropriate to instigate referral of NTA Objection NT 3/008 to the independent person at present. You will be kept informed should the situation change.

Yours faithfully

For/  
Director  
MINERAL & TITLE SERVICES DIVISION

10 September 2008

Mineral House 108 Plain Street East Perth Western Australia 6004  
Telephone +61 8 9222 1333 Facsimile +61 8 9222 1352  
www.doil.wa.gov.au  
AMH 89 410 315 556



# MINERALOGY PTY. LTD.

A.C.N. 010 582 680

**WESTERN AUSTRALIA OFFICE:**

Level 7, 218 St George's Terrace

PERTH WA 6000

PO Box 7334, CLOISTERS SQUARE WA 6850

PH: 08 9324 2227 FAX 08 9324 2244

EMAIL: [perth@mineralogy.com.au](mailto:perth@mineralogy.com.au)

(3c)

15 October 2008

The Honourable Norman Moore  
Minister for Mines  
4<sup>th</sup> Floor  
London House  
216 St Georges Terrace  
PERTH WA 6000

Dear Minister,

**Mineralogy Pty Application for General Purpose Lease 08/63  
Wardens Court Objection KR45/067 heard by Warden Calder, Perth Wardens Court**

We refer to the Wardens Courts recommendation in response an objection against Mineralogys application for general purpose lease 08/63 (GPLA8/63). A copy of the Wardens decision, *Mineralogy Pty Ltd v The applicants for Kuruma Marthudunera NTC* [2008] WAMW 3 (the Decision), is attached.

The purpose of this letter is to set out the reasons why the Wardens recommendation should be overturned and request a determination that the State grant Mineralogy's application for general purpose lease 08/63.

## Background

The Objectors (the Kuruma Marthudunera native title claimants) objection against Mineralogy's application for GPLA8/63 was heard by the Warden's Court on 5 July 2007. The Warden's recommendation to the Minister was delivered on 29 May 2008. The recommendation was to refuse the grant of GPLA8/63 or in the alternative to impose certain conditions in addition to the standard conditions of grant.

The Warden's decision to recommend refusal of the grant is based on two reasons; the first that the grant of GPLA8/63 is not in the public interest and the second that Mineralogy failed to obtain a permit to enter.

## Wardens Recommendation

The Warden has erred and made mistakes and thereafter errors in Law in delivering his recommendations. We respectfully submit the Minister should disregard the Warden's recommendations and grant the said tenement.

*"Together we achieve the extraordinary"*

1. Public Interest

The Warden has failed to consider the public interest in granting GPLA8/63 and has erred in fact and Law in determining the private interests of the Objectors are of greater importance than billions of dollars of investment and thousands of jobs for the Pilbara and West Australian community.

The Warden stated a *most significant factor* that led him to concluding the grant of GPLA8/63 is not in the public interest, was that *the information that has accompanied GPLA8/63 reveals that a very large proportion of the whole of the ground applied for will be directly taken up in the construction of the facilities* (at para 139 of the Decision). The Warden deemed this to be a significant factor in the context of what he considered to be the applicant's demonstrated attitude towards the Objectors of "take it or leave it" in relation to proper consultations (at para 141 of the Decision). The Warden concluded it is a matter of considerable public concern... that the genuine and reasonable concerns of the Objectors and the potential for sites... to be damaged... and if the Applicant has its way, will not be, adequately addressed or responded to or taken into account by the Applicant (at para 143 of the Decision).

Public Interest Benefits of Projects

Mineralogy's application for GPLA8/63 is required as a matter of urgency to support Mineralogy's Cape Preston Iron Ore projects. These projects, which currently include the Mineralogy Iron Ore Project, the CITIC Pacific Project (also known as the Sino Iron Project) and the International Minerals Project are being developed in accordance with the *Iron Ore Processing (Mineralogy Pty Ltd) Agreement Act 2002* (the *State Agreement Act*). The State Agreement Act was ratified by Parliament in 2002 to fast track development of Mineralogy's iron ore projects in the Pilbara. The State Agreement provides that *the State, for the purposes of promoting employment opportunity and industrial development in Western Australia, has agreed to assist the establishment of the proposed projects upon and subject to the terms of this Agreement* (see para (d) of the recitals on page 4 of the State Agreement). GPLA8/63 will provide infrastructure necessary for projects to develop the 6 billion tonnes of iron ore already assessed on Mineralogy's Cape Preston mining leases which are located directly adjacent to GPLA8/63.

The CITIC Pacific Project for example is being developed on Mineralogy's Cape Preston mining leases and has (along with the Mineralogy Project) been recognised by the State as a significant Western Australian resource project (see page 29 of the current edition of the Department of Industry and Resources (DOIR) Prospect Magazine). The CITIC Project will add nearly [REDACTED] in revenue to the Australian economy over the next 25 years and expenditure on operations is expected to exceed [REDACTED] over the current life of the project. The project will provide employment for 2,500 people during the construction phase and 500 permanent positions during operations. GPLA8/63 will support the CITIC Project.

# Released under Freedom of Information Act 1992

The Mineralogy and CITIC Pacific iron ore projects are currently the 5<sup>th</sup> largest proposed resource projects in Western Australia by estimated project value at [REDACTED]. Only the Woodside - Pluto LNG Project [REDACTED], the Gorgon Joint Venture LNG Project [REDACTED], the Inpex - Ichthys LNG Project [REDACTED] and the BHP Billiton Iron Ore - Rapid Growth Projects [REDACTED] have a greater estimated project value. The proposed Mineralogy and CITIC Pacific projects will also provide a greater number of construction and permanent employment opportunities than any other resource project currently proposed in Western Australia. (See page 29 of the current edition of the DOIR Prospect Magazine.)

It is clearly in the public interest that GPLA8/63 be granted to Mineralogy to ensure the Mineralogy Cape Preston iron ore projects proceed for the benefit of the Pilbara and West Australian community.

The Warden has ignored the abovementioned benefits to the public and instead has determined the private interests of the Objectors outweigh any public interest benefits in granting GPLA8/63. The Warden failed to consider the policy of the State in facilitating Mineralogy's Cape Preston iron ore projects and the Law as provided in the State Agreement Act.

## Mineralogy's Actions Towards the Objectors

The Warden's views in respect of Mineralogy's actions towards the Objectors are ill conceived and not supported by the evidence. The Warden's comments that the concerns of the Objectors will not be addressed or taken into account are in direct contrast to the views of both the Department of Indigenous Affairs (DIA) and the National Native Title Tribunal (NNTT). The DIA and NNTT, unlike the Warden, have special responsibility for indigenous communities and administration of the *Aboriginal Heritage Act* and *Native Title Act*.

The DIA has determined Mineralogy's actions and intents in respect of consultations with the Objectors is *acceptable and responsible* (see **attached** letter from DIA).

The NNTT has determined *there is no evidence to suggest (Mineralogy) has or will act contrary to law and particularly the regulatory regime dealing with Aboriginal sites based on the Aboriginal Heritage Act and, there is nothing to suggest that (Mineralogy's) approach to consultation... is contrary to the law or administrative practice deemed acceptable by the DIA. Indeed the contrary is the case as (Mineralogy's) actions have been acceptable to the DIA.*

(See **attached** decision of *Wilfred Hicks and Others on behalf of the Wong-goo-tt-oo / Mark Lockyer and Others on behalf of Kuruma Marthudunera / Western Australia / Mineralogy Pty Ltd*, [2008] NNTTA 3 at paras 110 and 112.)

The above comments by the DIA and the NNTT, all of which directly relate to Mineralogy and the Objectors, show the Warden's comments regarding Mineralogy's approach to consultations and the Objectors in general are ill conceived and should be disregarded.

Released under Freedom  
of Information Act 1992

**2. Permit to Enter**

The Warden's second reason for recommending the refusal of the grant was on the grounds that Mineralogy was required to obtain a permit to enter. This is incorrect for three reasons.

Firstly, the Warden determined that the failure to obtain such permit meant GPLA8/63 is not an application which empowers or enables the Minister to grant the tenement. In previous Wardens Court general purpose lease decisions involving the same parties (namely, Mineralogy's applications for general purposes leases 08/52, 08/53 and 08/54) the Warden there had also determined a permit to enter was required. These findings were overturned and the applications were subsequently granted by the Minister.

Attached is a copy of the DOIR briefing note detailing the State's position in respect of a 'permit to enter' (amongst other things) provided to the Minister prior to making his decision to grant general purpose leases 08/52, 08/53 and 08/54. We understand the State's position regarding this matter has not changed.

The Wardens Court has once again, erred in Law and in making such determination.

Secondly, clauses 3(a) and 5(1) of the State Agreement Act permit Mineralogy to enter upon Crown Land where such land relates to Projects or proposed projects under such Act. GPLA8/63 relates to the Sino Iron Project which has been approved as a Project under the State Agreement. There is therefore no requirement to obtain a permit to enter.

Thirdly, the land over which the application is made is a Pastoral Lease and is not private land and on this basis alone, a permit to enter is not required.

**Wardens Alternate Recommendation**

The Warden has, in the alternate recommended certain conditions should apply if the Minister determines GPLA8/63 should be granted (see paras 164 to 167 of the Decision). Those recommendations relate to environmental and Aboriginal heritage matters. It is inappropriate for a Mining Warden to recommend conditions with respect to environmental and Aboriginal heritage matters without proper consideration of the relevant laws and regulations.

Environmental and Aboriginal heritage matters will relevantly and appropriately be dealt with pursuant to relevant legislation such as the *Environmental Protection Act* and the *Aboriginal Heritage Act* and by governmental agencies such as the Environmental Protection Agency and the Department of Indigenous Affairs. Mineralogy has and will continue to comply with all relevant environmental and Aboriginal heritage laws and regulations.

We respectfully submit the Minister should overturn the Warden's recommendation and grant Mineralogy's application for GPLA8/63 in accordance with the usual terms and conditions.

Released under Freedom  
of Information Act 1992

Kind Regards,

[REDACTED]

[REDACTED]

Mineralogy Pty Ltd

Cc: The Honourable Colin Barnett  
Premier; Minister for State Development  
24<sup>th</sup> Floor  
197 St Georges Terrace  
PERTH WA 6000

Peter King  
General Manager  
New Projects - North  
Department of Industry and Resources  
1 Adelaide Terrace  
EAST PERTH WA 6004

Page 5 of 5

Released under Freedom  
of Information Act 1992

(4a)

WESTERN  
AUSTRALIA



MINISTER FOR MINES  
AND PETROLEUM;  
FISHERIES;  
ELECTORAL AFFAIRS;  
LEADER OF THE  
GOVERNMENT IN THE  
LEGISLATIVE COUNCIL

Our Ref: D12480

[REDACTED]  
Mineralogy Pty Ltd  
PO Box 7334 Cloisters Square  
PERTH WA 6850

Dear [REDACTED]

**APPLICATION FOR GENERAL PURPOSE LEASE 08/63 BY MINERALOGY PTY LTD**

I refer to your letter of 15 October 2008 requesting determination of this application.

I am advised that Mineralogy has sold its interest in this application to Citic Pacific Pty Ltd, which is presently negotiating an agreement with the affected native title party that will allow the grant of this and other applications to proceed.

I am therefore not prepared to consider this application while this process is continuing. Should agreement not be reached in a reasonable timeframe however, the submission included with your letter together with input from the native title party will be addressed in due course.

On this basis I support the position put to you by the Department of Industry and Resources that the process required by section 24MD(6B) of the *Native Title Act 1993* should not proceed further until a final position in respect to negotiations becomes clear.

Yours sincerely

[REDACTED]  
NORMAN MOORE MLC  
MINISTER FOR MINES AND PETROLEUM

18 NOV 2008





# MINERALOGY PTY. LTD.

A.C.N. 010 582 680

**WESTERN AUSTRALIA OFFICE:**

Level 7, 216 St George's Terrace  
PERTH WA 6000  
PO Box 7334, CLOISTERS SQUARE WA 6850  
PH: 08 9324 2227 FAX 08 9324 2244  
EMAIL: [perth@mineralogy.com.au](mailto:perth@mineralogy.com.au)

19 November 2008

Honourable Norman Moore MLC  
Minister for Mines and Petroleum  
4<sup>th</sup> Floor  
216 St Georges Terrace  
PERTH WA 6000

MINISTER'S OFFICE

19 NOV 2008

RECEIVED

By Post and  
Facsimile: (08) 9422 3001

Dear Minister,

**Re: Your letter dated 18 November 2008 - Your Ref: D12480**  
**Application for General Purpose Lease 08/63 by Mineralogy Pty Ltd**

We refer to your letter dated 18 November 2008 regarding Mineralogy Pty Ltd's application for general purpose lease 08/63 (the application).

Mineralogy's [REDACTED] has instructed me to advise your office that Mineralogy has not sold its interest in the application to Citic Pacific Pty Ltd. The Minister has been wrongly advised by the Department of Industry and Resources (the Department) regarding this matter. We are not surprised the Minister has been wrongly advised by the Department as this was a frequent occurrence by the Department under the previous Government.

We would like to set the record straight and confirm that we have not sold any interest in the application or licence to Citic Pacific Pty Ltd.

In the future, before writing any such letters to us, the Minister should check the facts directly with us. The Minister should not act on rumors or unsubstantiated allegations. We would love the opportunity to meet with you to discuss this matter.

We request your office write to us and withdraw your abovementioned letter immediately.

Kind Regards,

[REDACTED]

Mineralogy Pty Ltd

*"Together we achieve the extraordinary"*



**MINERALOGY PTY. LTD.**

A.C.N. 010 582 680

WESTERN AUSTRALIA OFFICE:

Level 7, 218 St George's Terrace

PERTH WA 6000

PO Box 7334, CLOISTERS SQUARE WA 6850

PH: 08 9324 2227 FAX 08 9324 2244

EMAIL: [info@mineralogy.com.au](mailto:info@mineralogy.com.au)

(6)

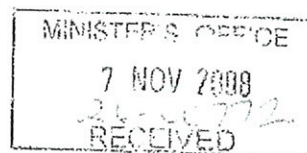
Mr Colin Barnett M.L.A.

6<sup>th</sup> November 2008

Premier; Minister for State Development

197 St Georges Terrace

Perth WA 6000



Dear Sir,

We note with interest your recent announcement in respect of the break up of the two major departments and their split into three which is designed to improve approval process.

However, you should know until the EPA Act is amended, there are time limits put on each and every stage of approval process of the EPA Act. Until that happens, Western Australia will continue to be the worst approval State in the Commonwealth.

In addition, your Government needs to consider necessity for major projects having gone through EPA process once, and being required to continually go through that process for expansion, this seriously damages Australia's ability to compete.

I will also encourage you to seriously look at the Marine and Environmental Parks operating in Pilbara which further stops the development of Port in Pilbara and seriously jeopardizing Australian exports.

Yours sincerely,



CC: Hon Brendon Grylls – Leader of National Party, WA

~~Hon Norman Moore – Minister for Mines & Petroleum~~

Hon Donna Faragher – Minister for Environment

"Together we achieve the extraordinary"

MINERALOGY PTY LTD  
A.B.N. 65 010 582 680

MINISTER'S OFFICE

28 JAN 2009

RECEIVED

(8)

## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
<b>The Honourable Norman Moore</b> <b>Minister for Mines &amp; Petroleum</b>	[REDACTED]
COMPANY:	DATE:
	28 January 2009
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
08 9422 3001	7
PHONE NUMBER:	SENDER:
	[REDACTED]
RE:	COPIES:
<b>Mineralogy Applications for</b> <b>Miscellaneous Licences 08/22 &amp; 23</b>	<b>Mr Peter King</b> Dept. of Industry and Resources Fax: 9222 3862
	[REDACTED]

☒ URGENT    ☒ FOR REVIEW    ☐ PLEASE COMMENT    ☒ PLEASE REPLY    ☐ PLEASE RECYCLE

Please find attached letter the original of which will be send by post. Please note that the 'statement of consultations' referred to in our letter is not attached to this facsimile due to its size (327 pages).

GPO BOX 3225  
BUNDALL QLD 9726  
PHONE: (07) 5531 7599  
FAX: (07) 5592 0779  
E-MAIL: mineralogy@mineralogy.com.au

**MINERALOGY PTY. LTD.**

A.C.N. 010 582 680

GOLD COAST OFFICE:

Level 2, 9 Ouyen Street

BUNDALL QLD 4215

PO Box 8225, GCMC QLD 9726

PH: 07 5531 7599 FAX 07 55920779

EMAIL: [mineralogy@mineralogy.com.au](mailto:mineralogy@mineralogy.com.au)

(8a)

28 January 2009

Hon. Norman Moore  
Minister for Mines and Petroleum  
4<sup>th</sup> Floor  
London House  
216 St Georges Terrace  
PERTH WA 6000

By Post &amp; Facsimile: (08) 9422 3001

Dear Minister,

**Mineralogy Pty Ltd Applications for Miscellaneous Licences 08/22 and 08/23**

We refer to our applications for Miscellaneous Licences 08/22 and 08/23 (the **applications**).

We believe the only matters preventing the grant of the applications to Mineralogy are for the State to, in accordance with section 24MD(6B)(g) of the *Native Title Act (Cth)*:

1. take into account Mineralogy's consultations with the Minister for Indigenous Affairs, and
2. determine that it is in the social or economic interests of the State and the interests of the Pilbara community **not** to comply with the Independent Person's determination that the objections against the grant of the applications be upheld (see below).

The purpose of this letter is to inform the Minister of Mineralogy's consultations with the Minister for Indigenous Affairs and to briefly highlight the benefits the grant of the applications will have on the Pilbara and the wider West Australian community, in an effort to expedite the grant of Miscellaneous Licences 08/22 and 08/23.

The applications for Miscellaneous Licences 08/22 and 08/23 were lodged with the Department of Industry and Resources (**DIR**) on 5 September 2002. An objection under the *Mining Act 1978 (WA)* was dismissed by Warden Heaney on 20 February 2004 (see Wardens Court decision [2003] WAMW 35).

Objections under the *Native Title Act 1993 (Cth)* were addressed in accordance with the Act via consultations with the relevant native title claimants. The Independent Person determined in 2005 (Referral 1/2004) that the objection against the grant of the applications be upheld for, in effect, insufficient consultation with the objecting native title claimants (the **determination**). Following this determination, Mineralogy engaged in a further 2 years of extensive consultation with the native title claimants. In accordance with the requirements of

*"Together we achieve the extraordinary"*

## Released under Freedom of Information Act 1992

the *Native Title Act*, Mineralogy then consulted with the Minister for Indigenous Affairs, the Hon. Dr Kim Hames. Attached is a copy of the most recent correspondence sent to Minister Hames on 16 January 2009.

Minister Hames was provided with a 327 page statement evidencing consultations conducted with the objecting native title claimants. Minister Hames has not sought any further information or consultation with Mineralogy regarding this matter.

The abovementioned statement of consultation (a copy of which is attached) was also provided to the DOIR and the [REDACTED] in September 2007. The DOIR and the [REDACTED] have each subsequently indicated to Mineralogy that the requirement to consult with the native title claimant objectors has been met.

These applications form part of Area A of the Mineralogy State Agreement (*Iron Ore Processing (Mineralogy Pty Ltd) Agreement Act 2002*). Mineralogy recently, with the support of the State of Western Australia, varied the Mineralogy State Agreement (*Iron Ore Processing (Mineralogy Pty Ltd) Agreement Act 2002*) to provide a \$100,000,000 (one hundred million) Fund for the advancement of medical research and the support of the indigenous communities in Western Australia. The relevant clause is 5A(9) of Schedule 2 of the Mineralogy State Agreement. A copy of this clause is attached for your reference.

[REDACTED]

In view of the above, it is in the interests of the Pilbara and the State of Western Australia that these tenements be granted forthwith.

If there is any reason why the Honourable Minister will not grant these miscellaneous licences our [REDACTED] would like to meet to make representations directly.

Kind Regards,

[REDACTED]

Cc: Mr Peter King  
General Manager - Major Projects  
Department of Industry and Resources  
Facsimile: (08) 9222 3862

[REDACTED]



of Information Act 1992  
**MINERALOGY PTY. LTD.**

A.C.N. 010 582 680

QUEENSLAND OFFICE:  
Level 8, 135 Wickham Terrace  
SPRING HILL QLD 4000  
GPO Box 1538, BRISBANE QLD 4001  
PH: 07 5832 2044 FAX: 07 5832 2021  
EMAIL: [perth@mineralogy.com.au](mailto:perth@mineralogy.com.au)

(8b)

16 January 2009

The Hon. Kim Hames  
Minister for Indigenous Affairs  
28<sup>th</sup> Floor  
Governor Sterling Tower  
197 St Georges Terrace  
PERTH WA 6000

By Facsimile: (08) 9222 8799

Dear Minister,

**Section 24MD(6B)(g) Native Title Consultation**  
**Mineralogy Pty Ltd Applications for Miscellaneous Licences 08/22 and 08/23**

We refer to the above and our previous correspondence to you dated 7 October 2008 and 26 November 2008 and our correspondence to the previous Minister for Indigenous Affairs the Hon. Michelle Roberts dated 21 August 2008 and 25 June 2008.

Mineralogy has consulted with the relevant native title claimants in relation to our applications for miscellaneous licences 08/22 and 08/23 (**the applications**). (See the 327 page statement of consultation attached to our letter of 7 October 2008.) Mineralogy has with the support of the State of Western Australia also varied the Mineralogy State Agreement (the *Iron Ore Processing (Mineralogy Pty Ltd) Agreement Act 2002*) to provide a \$100,000,000.00 (one hundred million) Fund for the advancement of medical research and the support of the indigenous communities in Western Australia. See clause 5A(9) of Schedule 2 of the Mineralogy State Agreement – a copy of which is attached for your reference. The applications form part of Area A of the Mineralogy State Agreement.

As evidence by our previous correspondence (particularly our letter of 7 October 2008 and the statement of consultation attached thereto) we feel we have fully consulted with you in relation to the applications as required by section 24MD(6B)(g) of the *Native Title Act (Cth)*. If you feel you require further consultation with us, please contact us within seven (7) days of receipt of this letter.

Kind Regards,



*"Together we achieve the extraordinary"*

Released under Freedom  
of Information Act 1992

61738322044

p.6

*Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Act 2002*  
Schedule 2 Variation agreement

Iron Project and such plan shall include a process for regular consultation by Sino Iron with the relevant local government or local governments in respect of the strategies; and

- (c) submit to the Minister the plan prepared pursuant to subclause (4)(b) and confer with the Minister in respect of the plan.
- (5) The Minister shall within one month after receipt of a plan submitted under subclause (4)(c), either notify Sino Iron that the Minister approves the plan as submitted or notify Sino Iron of any changes that the Minister requires be made to the plan. If Sino Iron is unwilling to accept the changes which the Minister requires it shall notify the Minister to that effect and either party may refer to arbitration hereunder the question of the reasonableness of the changes required by the Minister.
- (6) The effect of an award made on an arbitration pursuant to subclause (5) shall be that the plan submitted by Sino Iron pursuant to subclause (4)(c) shall, with such changes required by the Minister under subclause (5) as the arbitrator determines to be reasonable (with or without modification by the arbitrator), be deemed to be the plan approved by the Minister under this Clause.
- (7) During the continuance of this Agreement, Sino Iron shall implement the plan approved or deemed to be approved by the Minister under this Clause.
- (8) Sino Iron shall report to the Minister about the results of its periodic ongoing consultation with the relevant local government or local governments in accordance with the plan approved or deemed to be approved by the Minister under this Clause and as soon as practicable after each such consultation takes place.
- (9) The State acknowledges that the Company is intending to:



Released under Freedom  
of Information Act 1992

61738322044

p.7

Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Act 2002  
Variation agreement Schedule 2

- (a) establish as soon as practicable after commencement of shipping operations as part of the Sino Iron Project a Prescribed Private Fund ("the Fund") as defined in section 995-1 of the Income Tax Assessment Act of 1997;
- (b) include the advancement of medical research and the support of the indigenous communities in Western Australia ("the Objects") as part of the objects of the Fund; and
- (c) provide the Fund during the term of this Agreement with a total of \$100,000,000 of benefits and grants to achieve the Objects.

Land to be the subject of this Agreement

- 5B. (1) Area A covers the areas of Fortescue and Cape Preston in the Pilbara region of the said State that the Company believes will satisfy requirements for development in the short to medium term after the variation date. Area B1 and Area B2 contain iron ore formations which are seen by the Company as having long term exploration and development potential.
- (2) Subject to subclause (3) of Clause 19, the land to be granted pursuant to this Agreement, whether under the LA Act, the Mining Act or otherwise, will be drawn from within:
- (a) Area A; and
  - (b) such other areas of land in the vicinity of Area A as the Minister, before the Project Proponents submit proposals in respect thereof, approves as land the Project Proponents may as part of the particular proposals and in accordance with but subject to this Agreement request the grant to the Company of leases, licences or other tenure





MINISTER FOR MINES  
AND PETROLEUM,  
FISHERIES,  
ELECTORAL AFFAIRS,  
LEADER OF THE  
GOVERNMENT IN THE  
LEGISLATIVE COUNCIL

Our Ref: M26-01732

[REDACTED]  
[REDACTED]  
Mineralogy Pty Ltd  
PO Box 8225  
GCMC QLD 9726

Dear Ms Singh

**MINERALOGY APPLICATIONS FOR MISCELLANEOUS LICENCES 08/22 & 23**

I refer to your letter of 28 January 2009 requesting grant of these applications.

As you are aware, the State may consider an alternate decision to the determination of the Independent Person under paragraph (g) of section 24MD(6B) of the *Native Title Act 1993* provided consultation with the Minister for Indigenous Affairs is taken into account and it is in the interests of the State to do so.

Before a final assessment is made of the State's interests in terms of the provision, I intend to await a report from the Minister for Indigenous Affairs on the consultation initiated by Mineralogy. [REDACTED]

[REDACTED]

[REDACTED]

Yours sincerely

[REDACTED]

NORMAN MOORE MLC  
MINISTER FOR MINES AND PETROLEUM

- 7 APR 2009



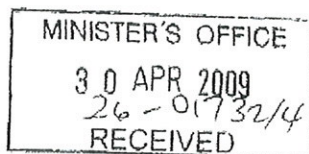
# MINERALOGY PTY. LTD.

A.C.N. 010 582 680

GOLD COAST OFFICE:  
Level 2, 9 Ouyan Street  
BUNDALL QLD 4215  
PO Box 8225, GCMC QLD 9726

PH: [REDACTED] FAX [REDACTED]  
EMAIL: [REDACTED]

(8e)



24 April 2009

Hon. Norman Moore  
Minister for Mines and Petroleum  
4<sup>th</sup> Floor  
London House  
216 St Georges Terrace  
PERTH WA 6000

By Post & Facsimile: [REDACTED]

Dear Minister,

**Mineralogy Applications for Miscellaneous Licences 08/22 and 08/23**  
**Your Ref: M26-01732**

We thank you for your letter dated 7 April 2009 regarding our applications for Miscellaneous Licences 08/22 and 08/23 (the **applications**).

We understand from your letter that the Department of Mines and Petroleum (the **DMP**) is of the view that the execution of a heritage protection agreement with the Kuruma Marthudunera group would be an option to progress these applications. We disagree.

There is no legislative requirement to enter into a heritage protection agreement. The DMP's suggestion refers to previous Labor Government policy. We do not believe the current government or the DME should blindly follow Labor policy. That policy directed tenement applicants to agree to enter into a regional standard heritage agreement in order to access the expedited procedure processes under the Commonwealth *Native Title Act*. The Commonwealth National Native Title Tribunal (which hears and determines expedited procedure applications under the *Native Title Act*) has stated that there is no legal requirement to enter into a regional standard heritage agreement.

Further, heritage agreements restrain the archaeological and ethnographic work of people trained in universities such as the University of WA. Heritage agreements of the type suggested by the DME mandate that people, some of whom cannot read or write and have no formal qualifications, conduct archaeological and ethnographic work. So, you understand why we prefer work to be conducted by people professionally qualified such as those employed by the University of Western Australia.

"Together we achieve the extraordinary"

Released under Freedom  
of Information Act 1992

Furthermore, as the DME would be aware, we have previously offered to enter into a heritage protection agreement with the Kuruma Marthudunera people. That offer was rejected. Having outlaid significant time and expense in consulting with the Kuruma Marthudunera group and completing all legal processes, the suggestion that a heritage protection agreement may nevertheless be required or imposed as a condition of grant undermines legal process.

As we have done all that is required by law we respectfully request these applications be granted so that we may proceed with the activities proposed for the tenements and the creation of 40 jobs for the State.

Kind Regards,

[REDACTED]

[REDACTED]

From: Moore, Norman [Norman.Moore@mp.wa.gov.au]  
Sent: Monday, 23 February 2009 2:51 PM  
To: Howe, Shelley  
Subject: FW: Mineralogy Site Visit

(9)

---

From: [REDACTED]@mineralogy.com.au]  
Sent: Monday, 23 February 2009 10:53 AM  
To: Moore, Norman  
Subject: Mineralogy Site Visit

Dear Hon Norman Moore,

[REDACTED] would like to invite you to visit the Mineralogy Iron Ore developments at Cape Preston Site. As you would be aware the first Project "Sino Iron Project" is currently in construction with a capital outlay of more than [REDACTED] with [REDACTED] other projects of similar size currently in development. [REDACTED] has also invited Minister Grylls and would very much appreciate you time.

I would like to propose the following arrangements:

- Date 22<sup>nd</sup> April 2009
- Depart Perth at 8am [REDACTED]
- Site visit
- Return to Perth by 6pm

Please let me know if this would suit and I can provide a more detailed itinerary.

Kind Regards,

[REDACTED]

*Mineralogy Pty Ltd*



*Mineralogy Pty Ltd*

Howe, Shelley

From: [REDACTED]@mineralogy.com.au  
Sent: Thursday, 5 March 2009 2:42 PM  
To: Howe, Shelley; Ling, Susanna  
Cc: Richard Umbel  
Subject: RE: 26-02053 Mineralogy Site Visit - Apologies from Minister Moore

(9a)

Hi Shelly and Susanna,

If you don't know each other Shelley is the appointments secretary for the Hon Norman Moore and Susanna is the Principal Policy Adviser - State Development for the Hon Brendon Grylls.

I have been liaising with both of you on a site visit to Cape Preston with [REDACTED] from Mineralogy to view the iron ore developments. Hon Norman Moore is not available on the 22<sup>nd</sup> of April and proposed the following dates:

- Friday 29<sup>th</sup> May,
- Wednesday 10<sup>th</sup> June,
- Friday 19<sup>th</sup> June &
- Friday 26<sup>th</sup> June

Mineralogy's preference would be for the 29<sup>th</sup> May - Susanna does this date suits Minister Grylls?

Mineralogy is looking forward to hosting the site visit and hopes the new date is suitable.

Kind Regards,



Mineralogy Pty Ltd

0422 955 411



Mineralogy Pty Ltd

From: Howe, Shelley [REDACTED]  
Sent: Thursday, 5 March 2009 2:17 PM  
To: [REDACTED]  
Subject: RE: 26-02053 Mineralogy Site Visit - Apologies from Minister Moore

Dear [REDACTED]

Thank you for your email inviting Minister Moore to visit the Cape Preston Site on 22<sup>nd</sup> April. Unfortunately the Minister will be overseas at that time, however he has advised me that he is keen to visit the site and inspect the iron ore developments there and has asked me to endeavour to arrange a visit on his return. Perhaps it would be possible to postpone the tour until May or June?

Friday 29<sup>th</sup> May, Wednesday 10<sup>th</sup> June, Friday 19<sup>th</sup> June & Friday 26<sup>th</sup> June would be good days for Minister Moore.

Could you please confirm whether it would be at all possible to reschedule this visit? Or to arrange a second visit for Minister Moore? Many thanks.

Regards,

Released under Freedom  
of Information Act 1992

*Shelley Howe*

A/Appointment Secretary to  
Hon Norman Moore MLC  
Minister for Mines and Petroleum; Fisheries; Electoral Affairs;  
Leader of the Government in the Legislative Council

Ph: 08 9422 3000 Fax: 08 9422 3001

**From:** Moore, Norman [mailto:Norman.Moore@mp.wa.gov.au]  
**Sent:** Monday, 23 February 2009 3:51 PM  
**To:** Howe, Shelley  
**Subject:** TRIM: FW: Mineralogy Site Visit

**From:** [REDACTED]@mineralogy.com.au]  
**Sent:** Monday, 23 February 2009 10:53 AM  
**To:** Moore, Norman  
**Subject:** Mineralogy Site Visit

Dear Hon Norman Moore,

[REDACTED] would like to invite you to visit the Mineralogy Iron Ore developments at Cape Preston Site. As you would be aware the first Project "Sino Iron Project" is currently in construction with a capital outlay of more than [REDACTED] other projects of similar size currently in development. [REDACTED] has also invited Minister Grylls and would very much appreciate you time.

I would like to propose the following arrangements:

- Date 22<sup>nd</sup> April 2009
- Depart Perth at 8am [REDACTED]
- Site visit
- Return to Perth by 6pm

Please let me know if this would suit and I can provide a more detailed itinerary.

Kind Regards,

[REDACTED]

*Mineralogy Pty Ltd*



*Mineralogy Pty Ltd*

To open any Office 2007 documents that may be attached to this e-mail it may be necessary to download the Microsoft Office Compatibility Pack from <http://office.microsoft.com/en-us/products/HA101686761033.aspx>. Please consult with your local IT support if necessary over this download. Information on this is also available at the DPC site: <http://www.dpc.wa.gov.au/pages/disclaimer.aspx>

The Department of the Premier and Cabinet Legal Notice.

The contents of this email or its attachments are intended only for the use of the addressee(s). It may contain information that is private and confidential and

Released under Freedom  
of Information Act 1992

Howe, Shelley

From: [REDACTED]@mineralogy.com.au]  
Sent: Wednesday, 6 May 2009 8:33 AM  
To: Howe, Shelley  
Subject: RE: Site Visit

Hi Shelly,

Unfortunately I am unable to re-arrange the Site Visit. [REDACTED]  
[REDACTED] will be sending a personal letter to Minister Moore but I thought I would send you a quick email.

Many thanks



Mineralogy Pty Ltd

Phone [REDACTED]

Fax [REDACTED]



Mineralogy Pty td

---

From: [REDACTED]  
Sent: Tuesday, 5 May 2009 10:52 AM  
To: 'Howe, Shelley'  
Subject: RE: Site Visit

Hi Shelly,

Can you please confirm the 26<sup>th</sup> June for the site visit to Cape Preston. Minister Grylls can not change prior arrangements for the 2<sup>nd</sup> July – but is free on the 26<sup>th</sup> June. As discussed, a tour of Citic Pacific's Sino Iron project is part of the itinerary.

For logistical reasons Mineralogy's preference is for Minister Moore to travel on [REDACTED]  
[REDACTED] It is planned to undertake site induction on the plane to save time on the ground. The plane will depart Perth at 8:00am on the 26<sup>th</sup> June and return by 6pm that day.

Your urgency to confirm this date would be appreciated as I need to re-arrange bookings for hotels, helicopters, flights etc.

Kind Regards,



Mineralogy Pty Ltd

Phone [REDACTED]

Fax [REDACTED]



Mineralogy Pty td

From: Howe, Shelley [REDACTED]  
Sent: Tuesday, 28 April 2009 9:52 AM  
To: [REDACTED] Grgurinovic, Rebecca  
Subject: RE: Site Visit

Hi [REDACTED]

Something has come up in Minister Moore's diary for the 29<sup>th</sup> May and I believe it might be something that he must attend. However, I need to confirm this with him personally before I can tell you either way, which I will do as soon as he is back from overseas next week. In the meantime we are on stand-by...

If the Minister is unavailable on that day, what are your thoughts about re-scheduling? Would that be possible?

Kind regards,

*Shelley Howe*

A/Appointments Secretary to the Hon Norman Moore MLC  
Minister for Mines and Petroleum; Fisheries; Electoral Affairs;  
Leader of the Government in the Legislative Council

Phone: 08 9422 3000  
Facsimile: 08 9422 3001  
Email: [REDACTED]  
Address: L4, London House, 216 St Georges Tce, Perth WA 6000

From: [REDACTED]@mineralogy.com.au]  
Sent: Tuesday, 28 April 2009 7:41 AM  
To: Grgurinovic, Rebecca; Howe, Shelley  
Subject: RE: Site Visit

Good morning Rebecca and Shelley.

Sorry to bother you, we are currently making final arrangements for the Cape Preston Site Tour and I need to get the names of attendees asap. Could you please send through or let me know when I could expect.

Talk soon,

[REDACTED]

Mineralogy Pty Ltd

Phone [REDACTED]

Fax [REDACTED]



Mineralogy Pty td



From: [REDACTED]  
Sent: Thursday, 23 April 2009 9:30 AM  
To: 'Grgurinovic, Rebecca'; 'Howe, Shelley'  
Cc: Richard Umbel  
Subject: RE: Site Visit

Hi Rebecca and Shelley,

As requested please find the Skelton Itinerary for the Site Visit:

7:30am – meet at Perth International Airport Gate TBC

8:00 am – Depart Perth International Airport

10:00am – Arrive Karratha

10:15am – Depart by Helicopter Tour to Cape Preston (7 passenger helicopter – [REDACTED] and 6 others)

10:15am – Those not in helicopter transport will be arranged to Site

12:00pm – Lunch and presentations

1:00pm – Mine Site Tour

2:00pm – Depart Site to Karratha Airport

4:00pm – Flight Karratha to Perth

6:00pm – Arrive Perth International Airport

Please note Mineralogy will be using Private Plane and Helicopter. The plane will seat 40+ passengers and the helicopter 7. As we will be entering a mine site:

- An induction will be arranged – I will try and get this arranged for on the plane;
- Long Pants and long shirt must be worn
- Safety boots must be worn
- Hard hats and safety glasses will be provided on site

Food will be provided on the plane trips and on site.

As discussed with Doug staff members are welcome to join the trip. Some may not fit into the helicopter, but road transport will be provided.

Thank you for your assistance.

[REDACTED]  
*Mineralogy Pty Ltd*

Phone [REDACTED]

Fax [REDACTED]



*Mineralogy Pty td*

From: Grgurinovic, Rebecca [REDACTED]  
Sent: Thursday, 23 April 2009 8:39 AM  
To: [REDACTED]  
Subject: Site Visit

Released under Freedom  
of Information Act 1992

Dear [REDACTED]

I was wondering if you could please send me all the details for the Minister's site visit on Thursday 29 May 2009.

Can you please let me know the flying times from Perth to the site and where the site is located.

I will also need an itinerary for the visit.

Also can you please add The Hon Wendy Duncan MLC to the passenger list.

Kind Regards  
Rebecca

Rebecca Gruninovic  
Appointment Secretary  
to Hon Brendon Grylls MLA  
Minister for Regional Development; Lands

Tel: [REDACTED]

Level 9, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

To open any Office 2007 documents that may be attached to this e-mail it may be necessary to download the Microsoft Office Compatibility Pack from <http://office.microsoft.com/en-us/products/H-A101686761033.aspx>. Please consult with your local IT support if necessary over this download. Information on this is also available at the DPC site: <http://www.dpc.wa.gov.au/pages/disclaimer.aspx>

The Department of the Premier and Cabinet Legal Notice.

The contents of this email or its attachments are intended only for the use of the addressee(s). It may contain information that is private and confidential and may be privileged or otherwise protected from disclosure in the public interest. If you are not the intended recipient of this email any use, interference with, disclosure, distribution or copying of this material is unauthorised and prohibited. If you receive this in error, please notify the sender by return e-mail, delete the email and attachments from your system and destroy any copies you have taken of the email and attachments. Before taking any action based upon advice and/or information contained in this email you should carefully consider the advice and information and consider obtaining relevant independent advice.

While every care is taken, it is recommended that you scan any attachments for viruses.

Please consider the environment before printing out this email

To open any Office 2007 documents that may be attached to this e-mail it may be necessary to download the Microsoft Office Compatibility Pack from <http://office.microsoft.com/en-us/products/H-A101686761033.aspx>. Please consult with your local IT support if necessary over this download. Information on this is also available at the DPC site: <http://www.dpc.wa.gov.au/pages/disclaimer.aspx>

The Department of the Premier and Cabinet Legal Notice.

The contents of this email or its attachments are intended only for the use of the addressee(s). It may contain information that is private and confidential and may be privileged or otherwise protected from disclosure in the public interest. If you are not the intended recipient of this email any use, interference with, disclosure, distribution or copying of this material is unauthorised and prohibited. If you receive this in error, please notify the sender by return e-mail, delete the email and attachments from your system and destroy any copies you have taken of the email and attachments. Before taking any action based upon advice and/or information contained in this email you should carefully consider the advice and information and consider obtaining relevant independent advice.

While every care is taken, it is recommended that you scan any attachments for viruses.

Please consider the environment before printing out this email.

Released under Freedom  
of Information Act 1992

(96)

Howe, Shelley

From: Moore, Norman [Norman.Moore@mp.wa.gov.au]  
Sent: Monday, 23 February 2009 3:51 PM  
To: Howe, Shelley  
Subject: FW: Mineralogy Site Visit

From: [REDACTED]@mineralogy.com.au]  
Sent: Monday, 23 February 2009 10:53 AM  
To: Moore, Norman  
Subject: Mineralogy Site Visit

Dear Hon Norman Moore,

[REDACTED] would like to invite you to visit the Mineralogy Iron Ore developments at Cape Preston Site. As you would be aware the first Project "Sino Iron Project" is currently in construction with a capital outlay of more than [REDACTED] with [REDACTED] other projects of similar size currently in development. [REDACTED] has also invited Minister Grylls and would very much appreciate you time.

I would like to propose the following arrangements:

- Date 22<sup>nd</sup> April 2009
- Depart Perth at 8am [REDACTED]
- Site visit
- Return to Perth by 6pm

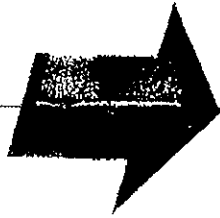
Please let me know if this would suit and I can provide a more detailed itinerary.

Kind Regards,

[REDACTED]  
Mineralogy Pty Ltd



Mineralogy Pty Ltd



# MINERALOGY PTY. LTD.

A.C.N. 010 582 680

**QUEENSLAND OFFICE:**

Level 2, 9 Ouyan Street

BUNDALL QLD 4217

PO Box 8225, GOLD COAST MC QLD 9726

PH: 07 5531 7599 FAX 07 5592 0779

EMAIL: [mineralogy@mineralogy.com.au](mailto:mineralogy@mineralogy.com.au)

MINISTER'S OFFICE

03 JUN 2009

26-02986.

RECEIVED

31 May 2009

Honourable Norman Moore  
Minister for Mines and Petroleum  
4<sup>th</sup> Floor  
London House  
216 St Georges Terrace  
PERTH WA 6000

Dear Minister,

It has been reported to us that a fatality has occurred at the Sino Iron project site at approximately 3:15am on Saturday 30 May 2009 and that this matter is now being investigated by the Department of Mines and Petroleum and the police. We expect to be fully briefed by Sino Iron in the coming days.

Kind Regards,

Mineralogy Pty Ltd

*"Together we achieve the extraordinary"*

Whittington, Trevor

**From:** Whittington, Trevor  
**Sent:** Wednesday, 24 March 2010 12:24 PM  
**To:** Tim Stevens  
**Subject:** RE: Meeting today....

3pm

*Trevor Whittington*

*Chief of Staff*

*Minister for Mines and Petroleum - Fisheries, Electrical Affairs*

*4th Floor, London House 240 St Georges Tce*

08 94222000

**From:** [REDACTED]@mineralogy.com.au]  
**Sent:** Wednesday, 24 March 2010 12:23 PM  
**To:** Whittington, Trevor  
**Subject:** Meeting today....

Trevor,

As discussed, to confirm a meeting with you at 3pm today. If you could please let me know where you are located that would be greatly appreciated.

Regards,

[REDACTED]

PTY LTD

Level 7 218 St Georges Terrace Perth WA 6000

PO Box 7131 Courtier Square WA 6850

[REDACTED]

[REDACTED]

From: Whittington, Trevor  
Sent: Thursday, 8 April 2010 7:21 PM  
To: [REDACTED]@mineralogy.com.au  
Subject: Re: Fwd: Summary of detailed geological information regarding the Mineralogy Expansion Project (MEP)....

Noted

Trevor Whittington [REDACTED]

From: [REDACTED]@mineralogy.com.au>  
To: Whittington, Trevor  
Cc: [REDACTED]@mineralogy.com.au>  
Sent: Thu Apr 08 19:01:51 2010  
Subject: Fwd: Summary of detailed geological information regarding the Mineralogy Expansion Project (MEP)....

Trevor.

Just to keep you in the loop, please find the additional information we all agreed upon that we would provide to DMP at our recent meeting.

Many thanks for the opportunity for us to meet with you earlier and appreciate your assistance.

Regards,

[REDACTED]

Begin forwarded message:

From: [REDACTED]@mineralogy.com.au>  
To: "tim.griffin@[REDACTED]" <tim.griffin@[REDACTED]>  
Cc: "Richard.SELLERS [REDACTED]" <Richard.SELLERS [REDACTED]>, [REDACTED]@mineralogy.com.au>, [REDACTED]@mineralogy.com.au>, [REDACTED]@mineralogy.com.au>, [REDACTED]@mineralogy.com.au>  
Subject: Summary of detailed geological information regarding the Mineralogy Expansion Project (MEP)....

[REDACTED]

As requested, please find attached a summary of detailed information regarding the Mineralogy Expansion Project (MEP). If you require further information, please do not hesitate to let me know.

FYI - A hard copy of this summary will be mailed to you asap also.

Regards,

[REDACTED]

41 10

From: [REDACTED]@mineralogy.com.au  
Sent: Monday, 12 April 2010 5:41 PM  
To: Whittington, Trevor  
Cc: [REDACTED]  
Subject: Mineralogy Exploration Licence Balmoral

Hi Trevor,

I wonder if you might have some time available to discuss one of Mineralogy's tenements?

Regards,

[REDACTED]

[REDACTED]

PO Box 7334 Cloisters Square WA 6850

[REDACTED]

[REDACTED]

Whittington, Trevor

**From:** Whittington, Trevor  
**Sent:** Monday, 12 April 2010 6:59 PM  
**To:** [REDACTED]@mineralogy.com.au  
**Subject:** Re: Mineralogy Exploration Licence Balmoral

Sorry missed you today. Call me at work tue.  
Trevor Whittington [REDACTED]

**From:** [REDACTED]@mineralogy.com.au>  
**To:** Whittington, Trevor  
**Cc:** [REDACTED]@mineralogy.com.au>  
**Sent:** Mon Apr 12 17:40:46 2010  
**Subject:** Mineralogy Exploration Licence Balmoral

Hi Trevor,

I wonder if you might have some time available to discuss one of Mineralogy's tenements?

Regards,  
[REDACTED]

[REDACTED]  
PO Box 7334 Cloisters Square WA 6850  
[REDACTED]  
[REDACTED]



Whittington, Trevor

(21)

From: Whittington, Trevor  
Sent: Tuesday, 13 April 2010 7:30 PM  
To: [REDACTED]@mineralogy.com.au; Stevens, Bob  
Subject: Re: E08/1331 S 65 deferral

[REDACTED] Bob will look into it. T  
Trevor Whittington [REDACTED]

From: [REDACTED]@mineralogy.com.au>  
To: Whittington, Trevor  
Cc: [REDACTED]@mineralogy.com.au>; [REDACTED]@mineralogy.com.au>  
Sent: Tue Apr 13 19:26:42 2010  
Subject: E08/1331 S 65 deferral

Hi Trevor,

As discussed, Mineralogy wrote to the Minister on 29<sup>th</sup> October 2009 to seek deferral of the 50% compulsory surrender (Section 65) of E08/1331. We believed that prescribed grounds exist (reg 22A(a)) to defer the 50% compulsory surrender as E08/1331 is authorised under Section 111 to explore for iron ore.

The letter received from DMP on 31 March 2010 (attached as scan0001.pdf) states that the reasons given do not fall within specified criteria (I was advised that the letter was a pro-forma). I have attempted to discuss the criteria with the DMP officer but was advised that she was away for the week and I will endeavour to contact her next week to further understand the reasons for refusal.

[REDACTED]  
[REDACTED] We therefore request that the Department provide relief from the provisions of S 65 of the Mining Act 1978 and defer any compulsory surrender of E08/1331 (and renew the term of the licence, should this be required)  
[REDACTED]

#### Background information:

- [REDACTED]
- More that 67% of the land that makes up E08/1331 is overlain by L08/23 (pending) [REDACTED]
- [REDACTED]
- Mineralogy has also been advised by officers from DMP that even though L08/23 [REDACTED] because it is a miscellaneous licence it does not impart any exclusive occupation rights to Mineralogy. Therefore should portions of E08/1331 fall away due to the provisions of S 65 the land could be at risk of being pegged by competitors (we have a differing opinion to this, but do not wish to test it).
- [REDACTED]

Should you require further information then please do not hesitate to ask and I will endeavour to respond to your query.

Released under Freedom  
of Information Act 1992

Regards,

[REDACTED]

[REDACTED]

PO Box 7334 Cloisters Square WA 6850

[REDACTED]

[REDACTED]

Whittington, Trevor

From: Whittington, Trevor  
Sent: Monday, 21 June 2010 11:45 AM  
To: [REDACTED] Stevens, Bob  
Subject: RE: Request for Section 19 over land due to be released

Bob

Can you have a read and get back to [REDACTED] asap

Trevor Whittington  
Chief of Staff  
Minister for Mines and Petroleum / Minister Electoral Affairs  
14th Floor, London House 216 St Georges Terrace PERTH WA  
[REDACTED]  
08 94223000

From: [REDACTED]@mineralogy.com.au]  
Sent: Monday, 21 June 2010 11:06 AM  
To: Stevens, Bob; Whittington, Trevor  
Cc: [REDACTED]  
Subject: Request for Section 19 over land due to be released  
Importance: High

Hi Bob and Trevor,

Seeking the Minister's help to use his power under s 19 to set aside an area of land which has been compulsory surrendered and is subject to a Forfeiture application.

Background:

1. Mineralogy lodged objections to the Exemption Applications and forfeiture applications over these licences on the 7th October 2009 (**Forfeiture Applications**). These matters are still being heard before the Warden.
2. On 19 April 2010 Blackfin lodged compulsory surrenders for exploration licences E04/1515, 1517, 1520, 1521, 1523 and 1524 (**Surrendered Tenements**) pursuant to s 65(1)(b) of the Act and applications for exemptions from surrender for E04/1516, 1522 and 1529.
3. The areas surrendered from the Surrendered Tenements (**Surrendered Areas**) are due to be released by the Mining Registrar as land open for mining at 8:30am on 23 June 2010.
4. If another party or other parties apply for tenements over the Surrendered Areas, Mineralogy will have to enter into a ballot with the other parties and, depending on the results of such a ballot, may not acquire any rights to the Surrendered Areas.

We have been advised from Roger Pike on the 17<sup>th</sup> of June that "both these actions are provisions that the holder of a tenement has no control over and is therefore not seeking to circumvent the operation of the Act and therefore must continue to occur as a matter of course in compliance with the Act".

Mineralogy as applicants for forfeiture also have no control over these matters and it appears that in the drafting of the Act the applicants rights have not been considered. It would be a simple matter to amend the Act and use the powers of s19 to set aside the ground until the matters have been decided.

We believe that it is important that the self-policing nature of the Act is supported, as in the second reading speeches made when s 100 was inserted in the Act where on Tuesday 29 June 1993 the Honourable Mark Nevill said that the provision:

*overcomes the situation where someone plights another's tenement...and the holder of that tenement surrenders that lease before the date of the warden's court hearing; someone else pegs it; and the person who has plighted it and done all the work has the rug pulled out from under him."*

[REDACTED]

We urge that the Minister place a S19 over the release areas until the outcome of the forfeiture applications is known.

Regards,

[REDACTED]

[REDACTED]

PO Box 7334 Cloisters Square WA 6850

[REDACTED]

[REDACTED]

Stevens, Bob

From: PIKE, Roger [REDACTED]  
 Sent: Thursday, 17 June 2010 2:52 PM  
 To: [REDACTED] BULLEN, Tony  
 Cc: [REDACTED]  
 Subject: RE: Tenements partial surrender and Application for Forfeiture

I beg to differ, [REDACTED]

The requirement in section 65 means that compulsory surrenders occur as a matter of course and are therefore processed on that basis. Contrary to Mineralogy's view, section 100 of the *Mining Act 1978* specifically refers to s.65 partial surrenders not being a reason for an applicant for forfeiture getting priority to the ground. If the intention of the provision was to acknowledge a special circumstance for a forfeiture applicant regarding the timing of subsequent ground release then the provision would have said so.

I say this as I have firsthand knowledge as to the intent of the provision as I was involved in the drafting of later subsection (1a) which came into effect on 17 January 2003. At that time withdrawal of a lease keeping an EL in force was added as a concession to forfeiture applicants. At the same time extending this same consideration to a forfeiture applicant affected by (a) a compulsory partial surrender or (b) an EL that expired before a forfeiture application was determined were not included in the amendment. The reason – both these actions are provisions that the holder of a tenement has no control over and is therefore not seeking to circumvent the operation of the Act and therefore must continue to occur as a matter of course in compliance with the Act.

Your situation is not a unique one and the department will continue with the release, as required.

Regards  
 Roger

From: [REDACTED]@mineralogy.com.au]  
 Sent: Thursday, 17 June 2010 1:53 PM  
 To: BULLEN, Tony  
 Cc: PIKE, Roger; [REDACTED]  
 Subject: Tenements partial surrender and Application for Forfeiture  
 Importance: High

Hi Tony and Roger,

We note that the following Blackfin tenements will be partially surrendered under Section 45(5)

E04/1521	RN10/213
E04/1520	RN10/211
E04/1523	RN10/214
E04/1524	RN10/215
E04/1515	RN10/206
E04/1517	RN10/209

The surrendered areas are due to be released on 23/6/2010 11:30am

Mineralogy has lodged applications for forfeiture in these tenements and believes that the department may not release ground until these are over a resolution of the applications.

As a consequence [REDACTED] need for the department to proceed with the release would be in contravention of the Mining Act 1978 and contrary to the legislation. We advise that the department will not release the ground until the withdrawal of the forfeiture applications has been completed. We have discussed this with the relevant stakeholders and they have agreed to proceed with the release of the ground.

Stevens, Bob

From: Stevens, Bob  
Sent: Wednesday, 23 June 2010 6:48 PM  
To: [REDACTED]  
Subject: FW: Request for Section 19 over land due to be released  
Attachments: RE: Tenements partial surrender and Application for Forfeiture  
  
Importance: High  
  
Categories: Yellow Category, Purple Category

(27a)

Hi [REDACTED]

I finally managed to discuss this matter today at some length with the Minister, and I put both yours and DMP's arguments to him for his decision.

I'll be brief, he agrees with the essence of my previous comments to you (and with DMP's position) – ie, that we see no compelling reason to begin using section 19 exemptions to "reserve" every area that is compulsorily surrendered out of a plained exploration licence before the plaint is heard by the Warden and finally determined by the Minister. Such a policy would result in scores of such section 19 areas all over the State, requiring DMP to then monitor (for years in some cases) both the progress of the relevant plaints and the section 19 areas to ensure that they remain in place until the plaints are finally determined.....and, then to have to formally cancel these s19 areas and take action appropriate to the success or failure of the plaint (ie, either DMP would have to invite the plaintiff to then apply for the ground or, if the plaint was dismissed or withdrawn by the plaintiff, to then release the ground for application by other parties). This would place an onerous and unnecessary additional administrative burden on DMP – for little real purpose.

As I said to you, a plaint is an **unsubstantiated allegation** which may take many months or years to finalise, and there is always an **element of jeopardy** in choosing to plaint a mining tenement which is due to expire in a short time or must be compulsorily surrendered during the expected duration of the plaint action – the plaint cannot be allowed to "suspend" the normal workings of the Act. Of course, a voluntary surrender in the face of a plaint properly results in the plaintiff being given 14 days to apply for the ground as if they had won the plaint action. I believe that this is totally justified, but not any s19 exempted areas as you have suggested.

Regards

Bob Stevens

PRINCIPAL POLICY ADVISOR to the  
MINISTER FOR MINES AND PETROLEUM

From: [REDACTED]@mineralogy.com.au]  
Sent: Monday, 21 June 2010 11:06 AM  
To: Stevens, Bob; Whittington, Trevor  
Cc: [REDACTED]  
Subject: Request for Section 19 over land due to be released  
Importance: High

Hi Bob and Trevor,

Seeking the Minister's help to use his power under s 19 to set aside an area of land which has been compulsory surrendered and is subject to a Forfeiture application.

Background:

1. Mineralogy lodged objections to the Exemption Applications and forfeiture applications over these licences on the 7th October 2009 (**Forfeiture Applications**). These matters are still being heard before the Warden.
2. On 19 April 2010 Blackfin lodged compulsory surrenders for exploration licences E04/1515, 1517, 1520, 1521, 1523 and 1524 (**Surrendered Tenements**) pursuant to s 65(1)(b) of the Act and applications for exemptions from surrender for E04/1516, 1522 and 1529.
3. The areas surrendered from the Surrendered Tenements (**Surrendered Areas**) are due to be released by the Mining Registrar as land open for mining at 8:30am on 23 June 2010.
4. If another party or other parties apply for tenements over the Surrendered Areas, Mineralogy will have to enter into a ballot with the other parties and, depending on the results of such a ballot, may not acquire any rights to the Surrendered Areas.

We have been advised from Roger Pike on the 17<sup>th</sup> of June that "both these actions are provisions that the holder of a tenement has no control over and is therefore not seeking to circumvent the operation of the Act and therefore must continue to occur as a matter of course in compliance with the Act".

Mineralogy as applicants for forfeiture also have no control over these matters and it appears that in the drafting of the Act the applicants rights have not been considered. It would be a simple matter to amend the Act and use the powers of s19 to set aside the ground until the matters have been decided.

We believe that it is important that the self-policing nature of the Act is supported, as in the second reading speeches made when s 100 was inserted in the Act where on Tuesday 29 June 1993 the Honourable Mark Nevill said that the provision:

*"overcomes the situation where someone complains another's tenement...and the holder of that tenement surrenders that lease before the date of the warden's court hearing; someone else pegs it; and the person who has complained it and done all the work has the rug pulled out from under him."*

[REDACTED]

We urge that the Minister place a S19 over the release areas until the outcome of the forfeiture applications is known.

Regards,

[REDACTED]

[REDACTED]

PO Box 7121 City Square Square WA 6860

[REDACTED]

[REDACTED]



Minister for Environment; Youth

Can Reference: 504419

[REDACTED]  
[REDACTED]  
Mineralogy Pty Ltd  
PO Box 7334  
Cloisters Square  
PERTH WA 6850

Dear [REDACTED]

APPEAL AGAINST REPORT AND RECOMMENDATIONS - BALMORAL SOUTH  
IRON ORE PROJECT, CAPE PRESTON, EPA REPORT 1340

Thank you for your letter appealing the Environmental Protection Authority's (EPA) report and recommendations in respect to the proposal by Mineralogy Pty Ltd (the proponent) to develop a magnetite iron ore mine at Cape Preston, south west of Karratha.

Pursuant to section 106 of the *Environmental Protection Act 1986* (the EP Act) I have obtained a report from the EPA in relation to the matters raised in your appeal. I am also advised that representatives of the Office of the Appeals Convenor have discussed the appeal with your office. The Appeals Convenor has prepared a report on the matters raised in the appeal, a copy of which is attached for your information.

The Appeals Convenor's report describes the background to the proposal and outlines the grounds of appeal. By way of summary, you have objected to the EPA's recommendation that a performance bond be applied to the proposal. You have submitted that the amount of the bond recommended by the EPA [REDACTED] is unreasonable and that in any event, the application of a bond is not consistent with the requirements of the *Iron Ore Processing (Mineralogy Pty Ltd) Agreement Act 2002* or the EP Act.

In its response to the appeal, the EPA noted recent advice it received from the Department of Mines and Petroleum which indicated that a bond could apply to the proposal under the terms of the *Mining Act 1973*. The Appeals Convenor received similar advice. On the basis of this information, the EPA has noted that the application of a bond under the EP Act should not be necessary.

Having considered the information provided to me, it is my view that the Department of Mines and Petroleum has the appropriate expertise and powers under the *Mining Act* to manage a mine related to mine closure and management.



# Released under Freedom of Information Act 1992

I have therefore written to the Minister for Mines and Petroleum recommending that a performance bond be considered within the context of the *Mining Act*, noting the Department of Mines and Petroleum policy with respect to the application of bonds under that Act and the EPA's advice in relation to managing potentially acid forming minerals and asbestiform minerals.

It follows from the above that I have allowed Mineralogy's appeal to the extent that the question of the application of a performance bond in respect to rehabilitation and mine closure be considered under the *Mining Act*, consistent with relevant policy and addressing the risks identified by the EPA.

In accordance with section 45 of the EP Act, I will proceed to consult with relevant decision-making authorities on whether or not the proposal may proceed, and if so, on what conditions.

Thank you for bringing your concerns to my attention.

Yours sincerely



Hon Donna Faragher JP MLC  
MINISTER FOR ENVIRONMENT; YOUTH

encl.

07 DEC 2009