



MASTERCLASS SERIES

Mining & Resources Law MASTERCLASS 2010

The ALB Masterclass Series is delighted to present a new series of learning and networking events for legal practitioners and business leaders working in the mining and resources industries. Gain insight into the complex legal issues impacting on this dynamic sector.

Earn up to 6 CPD points!

PROGRAM HIGHLIGHTS

- Mineral Resources Rent Tax: Brace for impact
- Mining joint ventures & cartel conduct: Navigating a complex legal minefield
- Land access agreements: Latest developments and lessons to be learnt
- Coal Seam Gas in focus: The boom industry and its broader implications
- Access to infrastructure: Examining the perennial issue
- Native Title & the resources industry: Analysing proposed changes and current best-practice models
- An important update on FIRB guidelines: Providing clarity to foreign investors
- Risk mitigation post-BP: Preparing for and responding to environmental incidents

Masterclass runs 8:30am-4:30pm

Sydney: Tuesday 9 November 2010
Sydney Harbour Marriott Hotel at Circular Quay, 30 Pitt St

Melbourne: Wednesday 10 November 2010
Rendezvous Hotel Melbourne, 328 Flinders St

Brisbane: Wednesday 17 November 2010
Brisbane Marriott Hotel, 515 Queen St

YOUR BRISBANE SPEAKER FACULTY



Matthew Austin
partner
Mallesons Stephen Jaques



Simon Crane
national leader, mining
KPMG



Teresa Dyson
partner
Blake Dawson



Jane Ellis
special counsel
Blake Dawson



Nick McHugh
partner
Norton Rose



Robert Milbourne
partner
Norton Rose



Janelle Moody
partner
McCullough Robertson



James Plumb
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Carter Newell



Craig Rogers
senior associate
Mallesons Stephen Jaques



John Ware
Partner
Freehills



Ben Zillman
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Allens Arthur Robinson

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Mining & Resources Law

MASTERCLASS 2010

KEY BENEFITS

- Earn up to 6 CLE/CPD points
- Hear the latest case law updates and legislative reforms
- Develop new strategies and innovative practices
- Receive comprehensive course notes
- Increase your industry contacts through networking

Brisbane Agenda: Wednesday 17 November 2010

8:30am **Registration opens**

9:00am **Welcome & opening remarks from the Chair**

- The state of play for the mining industry – Where to from here?

Simon Crane, national leader, mining, **KPMG**

9:10am **Mineral Resources Rent Tax: Brace for impact**

- Analysing the details of the proposed MRRT and the compliance requirements
- How will it affect existing projects and those in the pipeline?
 - > Examining possible ramifications for project structuring and pricing
- Ensuring you are best prepared for the landing
 - > Contracting tips on pass through and change of law clauses

Teresa Dyson, partner, **Blake Dawson**

9:55am **Mining joint ventures and cartel conduct: Navigating a complex legal minefield**

- Measuring the impact of the *Trade Practices Amendment (Cartel Conduct and Other Measures) Act 2009* on mining JVs
 - > Ensuring your arrangements with competitors or potential competitors are TPA compliant
 - > Structuring your JV to maximise the prospects of falling within the JV exception
- Addressing the practical complications of relying on the JV exception and the contract requirement

Robert Milbourne, partner & **Nick McHugh**, partner, **Norton Rose**

10:40am **Refreshment & networking break**

11:00am **Examining the impact of the Land Access Policy Framework and its effect on land access agreements in QLD**

- Background to the *Geothermal Energy Bill 2010* and the introduction of a single common land access code
- Structure and key provisions of the Framework
 - > What types of exploration will the Framework apply to?
 - > How has the requirement to give notice changed?
 - > What are the new procedures for conduct and compensation agreements?

James Plumb, partner, **Carter Newell**

11:45am **Coal Seam Gas in focus: The boom industry and its broader implications**

- Spotlight on the Coal Seam Gas industry in QLD
- Dissecting the legal issues:
 - > How are overlapping tenures being managed?
 - > What approaches are being taken to developing new infrastructure hubs?
 - > What steps are being taken to manage coal seam gas water?
 - > What are the techniques being used to secure land access agreements?
 - > What affect will domestic gas reservation have on future investment in the industry?
- Analysing the broader implications for the resources industry

Matthew Austin, partner & **Craig Rogers**, senior associate, **Mallesons Stephen Jaques**

12:30pm **Networking lunch for speakers & delegates**

1:15pm **Examining the perennial issue of access to infrastructure**

- Important recent update from the Australian Competition Tribunal
 - > Australian Competition Tribunal determination on the Pilbara Railways (30 June 2010)
 - > *Trade Practices Amendment (Infrastructure Access) Bill 2009*
 - > Analysing the relationship between the public interest and costs of allowing access
- What are the lessons to be learnt and the traps to avoid?

Jane Ellis, special counsel, **Blake Dawson**

2:00pm **Native Title Agreements & the resources industry: Analysing proposed changes and the implications of "best practice" assessment**

- Native Title and Cultural Heritage as part of the resources project approval process
 - > What are the current legal requirements and options?
- Proposed changes to native title agreements and their potential impact
 - > Examination of the recent government discussion paper 'Leading Practice Agreements: Maximising outcomes from native title benefits' and similar papers in recent years - Where is it headed?
 - > The move towards intergenerational sustainability in Native Title
 - > How will such changes impact on Native Title agreement making?

Ben Zillmann, partner, **Allens Arthur Robinson**

2:45pm **Refreshment break**

3:00pm **Revised Australian foreign investment law and policy: An important update on changes to the Foreign Acquisitions and Takeovers Act and the Australian Government's new policy being administered by FIRB**

- Considering changes to the *Foreign Acquisitions and Takeovers Act*
- Examining the Australian Government's foreign investment policy (updated on 30 June 2010) with a focus on changes in policy and approach
- How Treasury, on the advice of FIRB, considers the 'national interest' test:
 - > Has this removed the perceived opaqueness in the FIRB decision making process?
 - > Is the position for Foreign Governments (and their agencies and sovereign wealth funds) any clearer?

Janelle Moody, partner, **McCullough Robertson**

3:45pm **Mitigating risk post-BP: Preparing for and responding to environmental incidents**

- How Australia would address an environmental disaster?
 - > Spotlight on the USA Gulf of Mexico oil spill (2010)
 - > What lessons can we take from the American response?
 - > How does it compare to the response to the WA Montarra Oil Spill (2009)?
- Front-end and back-end tips for dealing with an environmental incident
 - > Important tips on environmental risk management, insurance and indemnities to achieve desired risk allocation
 - > Strategies to deal with investigations and prosecutions by environmental agencies – Privilege, interviews, and document production and disclosure

John Ware, partner, **Freehills**

4:30pm **Concluding Remarks from the Chair and Close of Conference**

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