



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 SYDNEY SPEAKER FACULTY



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HOW TO REGISTER

Visit: www.albmasterclass.com

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E-mail: eventqueries@keymedia.com.au

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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

Sydney Agenda: Tuesday 9 November 2010

8:30am **Registration opens**

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

- Reflecting on the mining and resources landscape

Darren Lee, partner, **Deloitte**

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

Vivian Chang, partner, **Blake Dawson**

9:55am **Mining joint ventures & 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

Ayman Guirguis, partner, **Blake Dawson**

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

11:00am **Exploring land access agreements: Latest developments and lessons learned**

- Latest developments from NSW on land access agreements and requirements to give notice to landholders
 - > *Brown v Coal Mines Australia Pty Ltd* [2010] NSWSC 143
 - > *Mining and Petroleum Legislation Amendments (Land Access) Bill 2010*
 - > Looking at why and how the circle has been closed
- Comparing land access regimes in NSW, VIC & QLD and drawing out the common themes
- Tips on securing land access agreements

Simon Ball, partner, **Minter Ellison**

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 effect 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?

Sharon Henrick, partner, **Mallesons Stephen Jaques**

2:00pm **Native Title & the resources industry: Analysing proposed changes and the current best-practice models**

- What will the effect of the proposed changes be?
 - > Focusing on the government report 'Leading Practice Agreements: Maximising outcomes from native title benefits' (July 2010)
 - > Anticipating and preparing for any changes
 - > The move towards intergenerational sustainability in Native Title
- Native Title and Cultural Heritage as part of the project approval process
 - > How to manage a valid cost- and time-efficient ILUA

James Fitzgerald, consultant, **Chalk & Fitzgerald**

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 some of the new structures caught after changes brought about by the commencement of the *Foreign Acquisitions and Takeovers Amendment Bill 2010*
- Examining the Australian Government's foreign investment policy (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?

Jason Mendens, partner, **Chang, Pistilli & Simmons**

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

Maureen Peatman, partner, **Hunt & Hunt**

4:30 **Closing remarks from the Chair & conclusion of Masterclass**

