

**LEGISLATIVE COUNCIL**  
**Question on notice**

20 NOV 2013

**Tuesday, 15 October 2013**

334. Hon Robin Chappie to the Leader of the House representing the Minister for State Development.

(1) Was a meeting held with Nimbus Mines and the Minister or his staff in September 2011 to discuss Nimbus Mines desire to acquire ML 235SA and ML 249SA:

(a) if yes to (1), which Ministers, Members of Parliament, departmental officers and representatives of Nimbus Mines were in attendance;

(b) if yes to (1), in what capacity did each of those persons in attendance participate in the discussions;

(c) if yes to (1), did the Premier indicate support for the Nimbus Mines concept and indicate that the State Government would endeavour to support Nimbus Mines in bringing the parties together to facilitate a commercial agreement for the transfer of the Mount Goldsworthy Iron Ore Project to Nimbus Mines from the current State Agreement holder BHP-Billiton;

(d) if yes to (c), did such facilitation occur; and

(e) if yes to (d), on what date did this occur and who was present at that facilitation meeting?

(2) Was a subsequent meeting held with Nimbus Mines and the Minister or his staff in early 2012 to further discuss Nimbus Mines desire to acquire ML 235SA and ML 249SA:

(a) if yes to (2), which Ministers, Members of Parliament, departmental officers and representatives of Nimbus Mines were in attendance;

(b) if yes to (2), in what capacity did each of those persons in attendance participate in the discussions; and

(c) if yes to (2), was any action committed to by any Minister or departmental officer as a result of that meeting?

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**Answer**

(1) Yes.

(a-b) Hon Colin Barnett MLA, Premier; Minister for State Development  
Hon John Bowler MLA, Member for Kalgoorlie  
Mr Chris Dawes, Director, Nimbus Mines Limited  
Mr John Kingswood, Nimbus Mines Limited  
Mr Brian Pontifex, Chief of Staff, Office of the Premier

(c) Yes. The Minister for State Development advised Nimbus Mines that the State was supportive of the concept and encouraged them to work together with BHP Billiton to establish a commercial agreement.

(d-e) Yes. On 8 September 2011, the Minister for State Development wrote to BHP Billiton Iron Ore Pty Ltd encouraging further discussion between BHP Billiton and Nimbus Mines regarding the potential re-opening of the Mount Goldsworthy mine and requesting information on BHP Billiton's business development plans for the Mount Goldsworthy mine and Mining Lease 235SA.

2(a-c) On 13 October 2011 and 14 December 2011, subsequent meetings were held between representatives of BHP Billiton Iron Ore Pty Ltd; Mr Chris Dawes, Director, Nimbus Mines Limited; and Mr Richard Wilson, Policy Advisor, Office of the Premier.

At the meetings and in subsequent correspondence from the Minister for State Development to BHP Billiton it was outlined to the parties that:

- the State Government has previously approved the assignment of assets held under a State Agreement or excision of leases from a State Agreement where there is agreement between the transacting parties and State, and in accordance with the terms of the State Agreement;
- it is the State's view that a staged approach to the matter needs to be taken in order for all parties to be more fully informed of the likelihood of a commercial and technically feasible solution being able to be achieved; and
- as a general position, the State Government does not provide release from the Contaminated Sites legislation or the indemnity provisions of State Agreements as this is counter to their intent. The treatment of any liability issues would be a major consideration of the State of any proposed excision of a portion of the lease.

