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Folder 1: F1 - Signatories Fund, F2 - Community Relations - policy, F2B - Community Relations - general, F3 - Freehill's References;

Folder 2: F4 - Doon Doon, F4B - Doon Doon, F5 - Glen Hill, F5B - Glen Hill;

Folder 3: F5C - Glen Hill, F6 - Wuggubun, F7 - Rugan, F8 - Balangarri, F8B - Balangarri, F9 - Warmun, F9B - Warmun

Folder 4: F10 - Heritage Issues - General, F10B - Heritage Issues - General, F11 - Devil Devil Springs and Wesley Springs, F12 - Good Neighbour Policy and Agreement;

Folder 5: F13 - KLC and EKIAP, F13B - Articles, F14 - Doon Doon, Glen Hill, Warmun and other communities.

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Folder F6: F15 - ASIG; F16 - Aboriginal Heritage Act; 'Library'.

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- Diamond (Argyle Diamond Mines Joint Venture) Agreement Act 1983.*
- Diamond (Ashton Joint Venture) Agreement Act 1981*

Commonwealth

- Aboriginal Land Rights (Northern Territory) Act 1976.*
- Mabo and others v, the State of Queensland (No.2) (1992) 175 CLR 1 ('Mabo').*
- Native Title Act 1993*
- Native Title Amendment Act (1998).*

Other

- Milirrpum v. Nabalco Pty Ltd and the Commonwealth (1971) FLR 141*

Native Title Claims

- Ben Ward and Ors No WAG 6001 of 1995.*
- Neowarra v State of Western Australia [2003]FCA 1402.*
- Balanggarra Combined (WAD6027/98) and Balanggarra #3 (WAD6004/00)*

Appendices

Appendix 1:	Good Neighbour Agreement
Appendix 2:	Argyle Participation Agreement of 2004 (CD-ROM)
Appendix 3:	Leon Davis 1995 speeches (1995a)
Appendix 4:	Kimberley Land Council Research Agreement
Appendix 5:	Rio Tinto Research Agreement
Appendix 6:	Argyle Letter
Appendix 7:	Comalco Letter
Appendix 8:	Macquarie University Ethics Clearance
Appendix 9:	Summary of Argyle Corporate Structure

Document 1

CC-7

Appendix ii

"Good Neighbour" Agreement - July 1980

AN AGREEMENT made the

20th day of JULY

1980

BETWEEN

CRA Exploration Pty. Limited as Manager for and on behalf of the Ashton Joint Venture ("the Company")

AND

John Toby, George Dixon, Evelyn Hall and Peggy Patrick ("the Signatories"), members of the Gidja and Mirriwung tribes of the Kimberley region

WHEREAS

- A. The Company, pursuant to the provisions of the Mining Act 1904 of Western Australia, is the holder of Mineral and Dredging Claims over Smoke Creek near Lake Argyle. The extent of the Mineral and Dredging Claims is shown on the attached plan. For the purposes of this Agreement this area and the area of the Company's present interest which extends to an area one kilometre around the Mineral and Dredging Claims is referred to as "the Company's tenements".
- B. Within the area of the Company's tenements are located sites identified by the Western Australian Museum with the following registration numbers - K1083 (Barramundi Hole), K1098 (Kilkaynim/Kunumburuntj), K1100 (Devil Devil Spring), and K1128 (Canteen Hole).
- C. The Signatories John Toby, George Dixon, and Evelyn Hall, according to aboriginal custom, have the primary traditional interest and affinity with the area of the sites and the Signatory Peggy Patrick is recognised by John Toby, George Dixon, and Evelyn Hall as also having traditional interest with site K1098.

- D. The Company's activities in the area of the Company's tenements will have a disturbing effect on areas of traditional interest to the Signatories but the Signatories have agreed to these activities because they are anxious to ensure that they provide for their future and that of their community and their descendants by developing facilities on Glen Hill Station and the Company has agreed to provide financial and other assistance in the development of those facilities.
- E. The Signatories have approached the Company with a view to establishing and maintaining cordial and friendly relationships and to avoid the possibility of frictions that might occur through misunderstanding on both sides.
- F. The Company and the Signatories recognise that at Glen Hill on 22 July 1980, a meeting comprising the persons listed in the First Schedule acknowledged the right of the Signatories to enter into this Agreement.

NOW THEREFORE IT IS AGREED as follows

1. The Signatories acknowledge that the Company is interested in continuing an exploration and mining programme within the Company's tenements. The Signatories agree to the conduct of these activities including exploration and mining programmes being carried out generally within the Company's tenements and, in particular, on and adjacent to those sites designated by the Museum as sites K1083, K1098, K1100, and K1128.

2. The Signatories agree that, if requested to do so by the Company, they will indicate to the Western Australian Museum and to interested Governmental authorities that they have no objection to the Company's continuing exploration activities within the Company's tenements nor to any possible subsequent mining development that may be undertaken within the Company's tenements by the Company at a later date.
3. The Company and Signatories acknowledge that the proximity of the Company's tenements to areas of traditional interest to the Signatories warrant the establishment of regular communication between them and to this effect both parties agree that they will establish such communication on a regular basis.
4. The Company undertakes to commence and complete the works listed in the Second Schedule within a period of 12 months from the date of this Agreement. The total cost of the works will be approximately \$200,000.

In relation to those works listed in the Second Schedule which will be performed on Glen Hill Station, the Company agrees to first discuss details of the proposed work and the possibilities of residents of the Glen Hill community being involved in their implementation. The Company will endeavour, where practicable, to involve residents in the work, it being understood nevertheless that the Company has an obligation to complete the work within the programme and by the date set out above.

5. Subject to the Company first being free to commence exploration and mining programmes within the area of the Company's tenements, the Company agrees that during 1981, and in each year after 1981, the Company will provide assistance to the community resident on Glen Hill Station for capital works, equipment, and livestock improvements to the value of \$100,000 in real terms.

Provided that if at any time because of the action of any third party the Company's ability to operate within the Company's tenements is restricted in whole or in part, or is prevented or curtailed, the Company's obligation to provide assistance under this clause may be abated or adjusted as the Company shall reasonably and in good faith determine.

6. The actual sum expended in any year pursuant to clause 5 shall be adjusted to take account of inflation comparing the Index Number as at 31 December 1979 with the Index Number as at 31 December in the year prior to the proposed year of expenditure. Index Number means the Index Number prescribed in the Consumer Price Index (All Groups) Perth.
7. The Company undertakes to ensure that if for any reason it should cease to be involved in exploring or mining for diamonds within the Company's tenements any successor Company to it which is presently a related Company or which becomes a related Company shall become a party to the Agreement with the Signatories in terms identical to the present Agreement to the effect that there shall be no interruption in the continuity of the present Agreement.

8. Subject to the proviso in clause 5, this Agreement shall continue for the term of the Company's existing Mineral and Dredging Claims or any tenements substituted therefor and any renewal thereof. The Company undertakes to ensure that if the Mineral and Dredging Claims or any tenements substituted therefor (including an extension thereof) shall be transferred to any third party the transferee shall enter into an agreement in terms identical to the unexpired portion of this Agreement. In addition, if none of the Signatories or members of the Gidja or Mirriwung tribes shall continue to reside at Glen Hill Station this Agreement will terminate in effect.
9. Provided the activities of the Company shall not be commercially or operationally disadvantaged, the Company shall use its best endeavours to provide employment for suitably qualified residents of Glen Hill Station.
10. All costs associated with the preparation of this Agreement, including all legal and solicitors fees, and the costs of all travel shall be borne by the Company.
11. The Company and the Signatories both agree that they will do all such things as are necessary and relevant for the proper performance of their respective obligations as are recorded in this Agreement.

IN WITNESS WHEREOF the parties hereto have signed
this Agreement on the day and in the year hereinbefore
mentioned.

M.A. O'Leary
for and on behalf of
C.R.A. Exploration Pty.
Limited

M.A. O'Leary

Witness

M. Hunt (Solicitor General)

F.E. Hughes
for and on behalf of
C.R.A. Exploration Pty.
Limited

F.E. Hughes

Witness

M. Hunt (Solicitor General)

John Toby

JOHN TOBY

Witness

John Toby

George Dixon

George Dixon

Witness

M. Hunt

Evelyn Hall

Evelyn Hall

Witness

M. Hunt

Peggy Patrick

Peggy

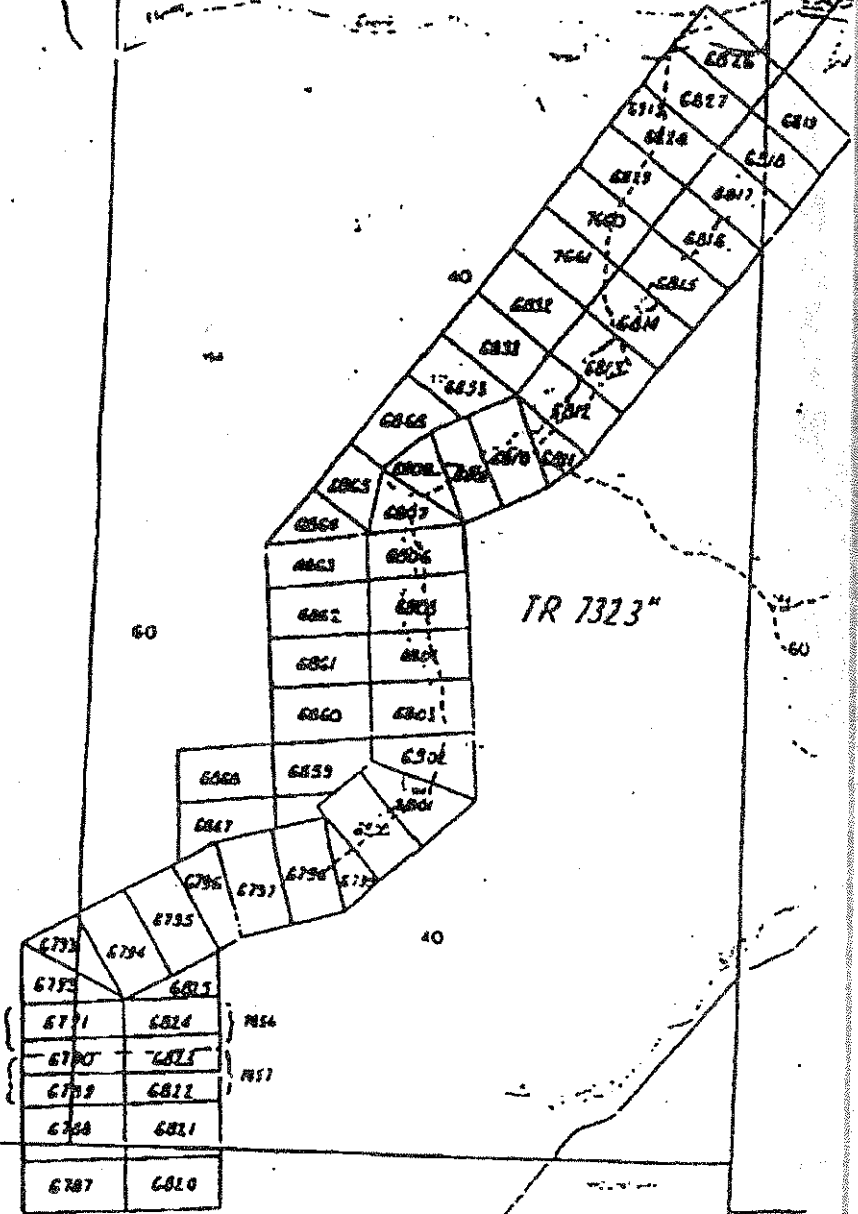
Witness

M. Hunt

T.R 7216

TR 7323

GLEN HILL



TR 7217

One tick = named in Museum
Two ticks = named in Museum & Akerman Reports

FIRST SCHEDULE

	<i>Adrian</i>	<i>Adrian</i>		
John Toby	✓	✓	Peggy Patrick	
George Dixon	✓	✓	Mona <i>Ransen</i>	✓ ✓
John Curtin	✓	✓	Liddy <i>McCarthy</i> <i>frans.</i>	✓
Jacko <i>ANZAC</i>			Linda	
Tim Tims	✓	✓	Dora	
Johnny Patrick			Eileen	
Bulla			Violet <i>Whome</i>	
<i>Charles</i> Mulligan		✓	Topsy <i>Brown</i>	✓ ✓
<i>Ed</i> Bandy		✓	Gipsy <i>Ngipany</i>	
Jeff Genever			Lena <i>Brown</i>	✓ ✓
Bob Gallagher			Evelyn <i>Wick</i>	✓ ✓
Paddy Jamaji			Maggie <i>JD...</i>	
Ronnie Ramsey		✓	Kathy <i>Wick of Anne</i>	
John Friday		✓	Patsy <i>Wick</i>	✓
George Toby			June	
Ronnie Carlton <i>Jamini</i>			Helen	
Hector Godangarri			Elsie	
Jack <i>Bhawanga</i>	✓	✓	Willy <i>Edwin</i>	✓
			<i>Harriet Lorraine</i>	✓

TRICE
JOHN TOBY
 Violet *Whome* ✓
 Lena *Brown* ✓
 Maggie *Boyd* ✓
 Patsy *Wick* ✓
 Helen *Wick* ✓
 Elsie *Wick* ✓
 June *Wick* ✓
 Kathy *Wick* ✓
 Evelyn *Wick* ✓
 Lena *Brown* ✓
 Gipsy *Ngipany* ✓

SECOND SCHEDULE

1. Install approximately 20 kilometres of fencing at locations designated by the Signatories in the vicinity of the north-east extremity of Glen Hill Station.
 2. Provide improved accommodation at Glen Hill including septic tanks, showers, and ablutions to a total cost of \$75,000.
 3. Provide a water bore sufficient to supply water to the residents of Glen Hill Station, including drilling the bore, and supplying the windmill and pump.
 4. Provide the materials and welding equipment for the residents of Glen Hill to erect stockyards.
 5. Upgrade the access road to Glen Hill Station from the Great Northern Highway through Dunham River Station subject to the relevant consents being obtained by the signatories.
 - * 6. Supply three four-wheel drive vehicles for use on Glen Hill Station.
 - to be available within 2 months of the Agreement
 - * 7. Supply one truck suitable for carrying stock.
 - to be available as early as possible.
- * The three four-wheel drive vehicles and the truck to be registered in the names of such persons as the Signatories shall advise. The Company shall make the vehicles available with the first twelve months vehicle licence and compulsory third party

insurance costs fully paid. The Signatories shall be responsible for all subsequent licencing and compulsory third party insurance costs and all other costs associated with the operation and maintenance of the vehicles including routine maintenance, fuel, and repairs. The Company shall not be responsible for the replacement of any of the vehicles if they should be lost, damaged, or destroyed.

8. Supply an administration building in the vicinity of Glen Hill homestead.
9. Provide a station type generator for the provision of power to the accommodation and administration facilities.

Appendix 2: Argyle Agreements 2004

Please note: This appendix was submitted in the original thesis as a CD-ROM as it runs to a total of more than 500 pages, including several complete maps.

It is included as a separate folder containing several PDF files.

Please note: If reproduced in total, an acknowledgement of the forum at which the speech was delivered would be appreciated.

Securities Institute of Australia Melbourne/Sydney, March 1995

New Directions for CRA



Leon Davis, Managing Director & Chief Executive, CRA Limited

I would like to thank the Securities Institute for inviting me to talk to you today. This is my first meeting with a room full of financial experts. A comment about analysts I heard recently helped me to put you in perspective. It was along the lines of - "to err is human, but to be paid for it is divine."

As you would be aware I have been Chief Executive of CRA since June last year. Since that time I have thought quite a lot about where we should go and what we should do.

What I have to say to you today reflects some of that thinking. More precisely it also reflects the deliberations of a large number of people in our Group.

The first point I want to make is that we at CRA are increasing our focus on growth. We are keen to move. We are thinking about the obstacles we will need to overcome and the nature of the opportunities we face.

The second point is that we are thinking about growth with a new set of criteria. We will stick to our knitting but, while maintaining our high standards, we are prepared to revise habits or conventions or rules which may have inhibited us.

The third point is that we have installed the machinery to identify growth opportunities. By this I mean, we have made the organisational moves necessary to increase the range and quality of opportunities that come before us.

Now I'd like to expand. Growth just does not happen overnight, or when I, as a CEO, decree it should happen. A Group like ours will grow when we focus our intellectual energies upon the task and modify our culture such that growth is an integral part of us.

This is what we have done. We have taken about one hundred of our best and brightest people and formed them into growth task forces. Some of these task forces are formed around commodities. They are due to report back in a few months. We have given them broad briefs to look for opportunities.

Other task forces are focused on regions or markets. They will have longer lives. This is because we must understand the complexities and opportunities within the target regions and at the required depth.

I don't have to tell you what such a concentrated focus implies. Our task force members all have other duties, but we are looking for a step change in the number of opportunities we are considering.

Secondly, we want our task forces to cast a wider net because there is a perception that CRA is only interested in very large, world-class mineral deposits that it discovers, owns and manages. In pursuit of growth, too rigid a prescription can be a handicap. So it is important in the interests of growth that we are not burdened by self-imposed limitation.

Of course, we do feel our strengths lie in large operations, but this doesn't mean we will rule out investing in medium sized businesses providing they are productive and profitable.

Dampier Salt is an example of such a business. It is not a big business by CRA standards although, as a joint venture, it has all the aspects and skills that a large operation needs. Dampier regularly returns a profit of between \$12 million and \$20 million to its owners. I would be more than happy to have a dozen such profitable businesses in our Group.

Of course, we like to find our own deposits - but we recognise that there are other gifted explorers and that small companies will find big deposits. That being the case, we are more than willing to talk to small explorers.

Finally, we recognise also that, along with improving existing businesses, growth can also come from acquisitions although we find that this is usually 'an expensive way to grow'. The exception is when you buy into a business certain that you can make it more productive and profitable - and there have been examples where CRA has done this.

This is what I mean by revising our thinking. After all, there is no point forming task forces with terms of reference that inhibit their initiative. So we have told our task forces that size, operational control, and even past history will not necessarily deter us.

We will pursue growth through six channels:

- by being quick and skilled at identifying more opportunities
- by mounting a stronger exploration effort

by faster development of new prospects
 by developing greater diversity in our commodity portfolio
 by a stronger focus on Asia, and
 by building on our solid financial and managerial results.

Let's look at each of these in turn.

- I have already said that our taskforces are an important fresh initiative in our hunt to identify more opportunities. So I will turn now to:
- Exploration - We already have one of the biggest and most experienced international exploration teams. Operations such as Hamersley, Comalco, Argyle, Kelian and Kaltim Prima are testimony to its effectiveness. However, we are going to put more energy and intellectual resources into exploration with the aim of increasing our strike rate.
- Increasingly, we will also work with others. As we see it, adopting an exploration farm-in strategy makes sense. It enables us to focus our effort on what we are very good at, which is following up prospective ground. Some ground may have been well worked, be already claimed but not properly assessed. I don't have to remind you that we found Century in the middle of an old field. Obviously we will be looking at partners who hold ground but do not have the capacity to assess it.
- Development - having found new deposits our aim is to test them, prove them and then build a mine more rapidly and economically than is now considered possible.

How are we going to reduce the five to ten years it typically takes to develop a major primary resource? Partly by making greater efforts to delineate the resource, partly by doing a number of technological studies concurrently and, most importantly, by instilling a sense of urgency throughout the organisation.

In addition, we will work to develop the most cooperative relations we can with government and with interested communities. Building the Marandoo iron ore mine revealed improvements that can be made to construction times and costs when we apply fresh thinking to a project. But the long, drawn out struggle to get the official approvals necessary for Marandoo emphasised the need for an equally innovative approach to the non-engineering aspects of the project.

- Diversity - it is no secret that CRA's diversity has cushioned the impact of the recent global recession. Maintaining and extending that diversity in terms of commodities and markets is part of our growth plan. However, while diversity is important, it is more important that we build and own mines in the lowest cost quartile - regardless of the commodity.

You are aware that we are looking to re-establish our former strong position in base metals through Century Zinc Limited in north west Queensland. This should

be in production by the end of 1997 or early 1998 and could become one of the world's major zinc producers.

You are also aware that, along with Outokumpu, CRA is carrying out a pre-feasibility study of the Honeymoon Well nickel deposit in Western Australia.

We have in PNG and Asia a number of gold and copper prospects, in addition to the valuable latent asset at Panguna. In Australia there are the massive industrial mineral reserves in western Victoria and the very valuable Kintyre uranium reserve in Western Australia.

- Geographical focus - I believe that, if you want to grow, you go to where the conditions encourage growth, and the prime condition is geological prospectivity. We are an international company with exploration interests and businesses around the world. We will remain international in our outlook, but we would be foolish not to recognise the growth potential on our own doorstep.

The Asia Pacific region is one where we feel comfortable. It is an exciting place in terms of its economic growth and geological prospectivity. While we don't rule out any continent, a larger part of our exploration budget will be spent in the vast arc that stretches from Pakistan to the Russian Far East.

This area includes over half the world's population and includes nations which have become text book examples for economic and social development. It also includes communities grappling with the novel concept of a free market. In this region the flame of sustainable economic growth is burning fiercely and the demand for minerals and energy is forecast to grow strongly.

While I am on the subject of CRA's future sphere of operations I would like to take this opportunity to nail one of the financial market's perennial myths.

I have often been asked whether the world is divided between RTZ and CRA. The answer of course is no and nor can it be. However we in CRA concentrate our efforts in the Asian region and RTZ elsewhere. Occasionally we cross paths, as happened a couple of weeks ago in Indonesia. There has been much speculation by analysts and others why it was RTZ that did the Freeport deal and not CRA. Perhaps I can clarify matters a little.

Firstly, Freeport approached RTZ, and, throughout the negotiation, as far as I am aware, RTZ remained the only company approached by Freeport.

Secondly, the IRS in the USA had to give a ruling on the proposed restructuring of the Freeport parent company. They stipulated that the counterparty to any sale had to be a domestic US company. This domestic company needed to be a company of some substance. That is, not just a shell company set up to do the deal. It had to be able to finance the transaction free of any support from the parent - if the parent was foreign. This of course was a severe limitation for any foreign mining company. CRA could not have met this

New Directions for CRA

condition and in our estimate only two foreign companies could have. RTZ, through its subsidiaries in the US, was one of them.

- Building on a solid foundation. I want to talk very briefly about our recent result and what it says about the inherent strength of the CRA Group and hence its capacity to grow.

Our annual profit result for 1994 was \$579.2 million, the second highest in the last five years. It was down from the last year's profit, but was better than the market anticipated.

In CRA we thought that it was a good result when compared with results in previous years. It was influenced by lower coal and iron ore contract prices and the higher 1994 US\$ exchange rate. As most of CRA's sales are denominated in US\$, the latter is an important factor. However, we are not satisfied with the rate of return on our investment and we continue to work on this through our continuous improvement programme

It's interesting to note the way in which our diverse commodities contribute to the yearly result. Some years ago aluminium was the star. Higher CIS exports and expanding stockpiles eroded aluminium prices which have been in the doldrums for some years, although they began to rebound last year. Aluminium boosted our profit by \$107 million in 1994 and in January this year aluminium prices reached their highest levels since 1990. Although the price then fell back somewhat, it is not unreasonable to expect a better return from CRA's aluminium assets in 1995.

While aluminium was languishing, iron ore flourished to the point that Hamersley Iron's efforts have been underpinning the Group's profits for some years. This year was no exception, although the strong dollar and lower contract prices meant that record production and shipments could not be converted into a record profit. While iron ore has compensated for the cyclical downturn in the contribution of CRA's aluminium assets, we have been strategically building up our coal business to the point where it is a third core business. However, this year's coal profit was affected by the strong dollar and lower coal contract prices.

Our recent result gives a clue to our corporate vitality and promises well for this year. Higher iron ore prices are agreed and will take effect from March. Coal prices in Europe are higher and auger well for improved coal prices elsewhere. Aluminium prices have improved from an average of 68.3¢/lb in 1994 to around 80¢/lb at the present time. Thus our three major earners in CRA have improved prospects for this year.

However, a strong balance sheet is the best indication of corporate endurance and ability to sustain growth, particularly in a cyclical business such as ours. The market knows that CRA is very conservatively geared and has a strong cash flow. The latter, incidentally, at \$829 million is substantial but it is down from the 1993 figure. Again, this is largely due to reduced revenue from lower contract prices and the effect of the higher exchange rate.

CRA intends to build on this strong base. We have a Group with a strong balance sheet, wide experience across nearly all aspects of mining and a core of world class mineral deposits which typically have long life spans.

Paradoxically, in mining, the more efficient and productive you are, the more rapidly you deplete your chief asset. Growth is therefore necessary to allow a company just to stay in business.

In the mining industry, any company worth its salt is on the growth escalator. Getting ahead of your competitors requires you to run vigorously uphill. If you amble or stand in place you, in effect, drop behind.

So, if we want to add to our shareholders' wealth, provide satisfying careers for our employees and meet our environmental and corporate responsibilities, we have to seize every opportunity we can.

In CRA we have already started to prepare the ground for growth by concentrating more closely on the Group's core strengths. As is well known, our aim is to put more of our resources into our upstream operations and to divest downstream operations that are typically small and peripheral to our main interests. The proceeds from those sales will help to fund new business like Century Zinc, intensified exploration effort and an on-going commitment to R&D.

Prior to taking up my present position I spent three years working out of London as RTZ's Mining Director. That secondment was an extraordinary opportunity. I was responsible for mining and smelting in twelve countries from Norway to Bolivia to PNG. It gave me a chance to study and compare mines and mining regimes in Europe, the Americas and Asia. It is an experience afforded to few chief executives and it is one that had convinced me that CRA is well positioned, in a number of ways, to enter a period of strong sustainable growth.

Could I say that I don't think there is another country that currently provides better opportunities than our own for embarking on such a growth programme. There has been a positive change in Australia's attitude towards becoming internationally competitive which has been reflected in our laws and institutions. This can be summed up in a quote from the nineteenth century political philosopher Alexis de Tocqueville when commenting on the newly emerging USA but which would equally be applied to Australia:

"Do you want to test whether a people is given to industry and commerce?" he asked. "Do not sound its ports, or examine the wood from its forests or the produce of its soil. The spirit of trade will get all these things and, without it, they are useless. Examine whether this people's laws give men the courage to seek prosperity, freedom to follow it up, the sense and habits to find it, and the assurance of reaping the benefit"

I am still surprised at the speed with which both political and social attitudes have changed in Australia. These changes were in evidence before I left Australia. But, after a three year absence from the country, I was struck afresh

by the openness of Australia society to the world at large and to the Asia-Pacific region in particular.

It has always puzzled me that for most of our history we have been inward looking economically yet outward looking politically. I guess it may be because of what Paul Kelly said in his book 'The End of Certainty'. He said, "Australia was founded on: faith in government authority, belief in egalitarianism, centralised wage fixing; protection of its industry and jobs, dependence on a great power for its security and finance and above all, hostility to its geographical location.

As Kelly said, this framework is undergoing irresistible demolition. Australians have now become far more internationally and regionally minded than would have once been thought possible and protection is being swept away. All this is a welcome change from the point of view of a company wishing to do business in the region.

I should spell out to you what this means from CRA's point of view. For decades CRA and resource-based companies like us have been, in effect, at odds with the prevailing ethos of our nation. Now, however, we are feeling that the times are moving with us at last.

Another striking difference is that governments of all persuasions now see the need for an internationally competitive export and import competing sector. There is a political consensus about the effect that domestic policies have on our international performance. And there is a corresponding appreciation that you cannot quarantine areas of economic activity from global influences without paying a prohibitive price. Whatever any country may do in one location today, the world passes judgement on it tomorrow.

I have also noticed that people now accept that it is not the government's job to protect the community from the consequences of its resistance to change. Instead most people accept the view that the role of government is to act as a personal trainer to the Australian economy. The "aim is not to buffer Australian companies from the "slings and arrows" of the international economy through tariffs or subsidies, but rather to promote a stimulating economic environment that will enable Australian business to adapt quickly and less painfully to the demands of being internationally competitive.

In particular, I am struck by the way in which the present government has encouraged debate about Australia's regional role. There is no doubt that our Prime Minister has a clear vision of how Australia should position itself in Asia. As someone who does business in Asia, and intends to do a lot more business there, I can only applaud the priority Mr. Keating gives to this most important issue.

The recent decision not to inflict a carbon tax on Australian industry was a good example of a Government acting in Australia's best long-term interests and refusing to succumb to a politically expeditious quick-fix. The Government accepted industry arguments that businesses could achieve more cost-effective emission reduction measures through co-operation and a range of self-imposed measures.

As someone keenly interested in getting access to Australia's mineral and energy resources, I am glad to see that the vexed question of whether or not native title can still exist has been settled in principle. Translating principle into law is another matter and a vitally important one for states such as Western Australia, whose economy depends upon a clearly defined and efficient system of mineral rights.

Let me say this bluntly. CRA is satisfied with the central tenet of the Native Title Act. In CRA we believe that there are major opportunities for growth in outback Australia which will only be realised with the full cooperation of all interested parties. This Government initiative has laid the basis for better exploration access and thus increased the probability that the next decade will see a series of CRA operations developed in active partnership with Aboriginal people.

As you are probably aware, there has been a trend in our Group for employees to shift to staff employment to the point where today about 9,000 of the 13,500 people working for CRA in Australia enjoy the responsibilities and privileges of staff conditions.

We have long felt that the demands of competition and growth require the CRA Group to harness all the energy, commitment and loyalty of its people. Further, the changes in Australia and the world have made this identification of interest necessary. It is best achieved when businesses can increase work satisfaction and improve effectiveness through CRA's team-based management systems.

Last year this view brought us into conflict with elements of the union movement. That was not our intention or our desire. In fact we make no bones about accepting the role of unions and the Australian Industrial Relations Commission in Australian society.

We do not think it should be our business whether an employee belongs to a union or not. By their very presence unions provide an external benchmark that measures whether or not we are meeting our own managerial standards. The standards I refer to here of course are the standards of leadership.

The Australian labour movement has been a world leader in getting decent conditions for its members. Many of the goals for which it once fought so valiantly have been achieved. In addition there are now a great range of international and domestic bodies charged with seeing that the average man and woman is treated fairly and with dignity.

But the number of workers with specialist skills that are constantly being renewed and upgraded is growing. Such people want to feel that what they do at work makes a difference - and they want the value of that difference to be recognised.

The advent of such people and the need to attract and keep them has meant that firms have had to change their organisational structures and management practices. This has been, and remains, a big challenge for companies

New Directions for CRA

because at least the old way of doing things autocratically was well understood.

In CRA we feel that management, in the human resources dimension, is all about leadership. And we acknowledge that leadership, in the context of our business, is defined more by the respect we earn from our people and less from the position we occupy.

It is not my intention to position CRA in the front of any industrial relations debate or trend in Australia. Rather, we are responding to the needs of our increasingly confident and sophisticated workforce. When I look at what has been achieved through such people at Hamersley Iron, Weipa, Tiwai Point and other operations in a relatively short period of time I am encouraged. I know what we have witnessed is but the start of a series of ongoing breakthroughs that, if handled properly, could transform this Group over the next ten years.

My predecessors have put the financial and corporate foundation in place; the signposts have been identified, and Government has cleared many obstacles from our path. It is now up to me and my team to do the rest.

So let's be more positive - in other words, no more Hanrahans! I go back to what I said before about having seen the mining industry operating all around the world and being convinced that Australia has to be one of the best places for a company like ours. We have the environment and by unleashing the talents of the quite remarkable people we have in our organisations we will succeed.

Dated *2 June* 2001

Co-operative Research Agreement

Kimberley Land Council
("KLC")

Kim Doohan
("Doohan")

Kimberley Land Council

PO Box 2145
Broome WA 6725
Western Australia
Ph 08 91936199
Fax 08 91936279

Co-operative Agreement

2/4/01 6/5/01

Date:

2001

Parties: Kimberley Land Council of 36 Pembroke Street, Broome Western Australia for and on behalf of itself and the members of the Kimberley Land Council (KLC)

Kim Doohan of Lot 67 Perkins Beach Road, Kronkup, Western Australia (Doohan)

Recitals:

Doohan has enrolled for a Doctor of Philosophy at Macquarie University in Sydney. In undertaking the Doctorate, Doohan intends to carry out the Research Project as outlined in Attachment.

1. The KLC is a body corporate representing the interests of traditional owners and other people having interests in and associations with lands throughout the Kimberley region of Western Australia.
2. KLC has agreed to assist Doohan in undertaking the Research Project on the terms and conditions of this Agreement.

IT IS AGREED as follows.

1. Definitions and Interpretation

1.1 Definitions

In this Agreement (including the Recitals and the Annexure) the following definitions apply unless the context requires otherwise:

Confidential Information means all information obtained by Doohan from KLC or the members of the KLC pursuant to this Agreement.

Research Project means the investigation of indigenous land management, cross cultural negotiations and social impact studies. In particular, research into the relationships which exist between local indigenous communities, developers and the State and the capacity for successful and appropriately negotiated outcomes for all parties.

1.2 Interpretation

In the interpretation of this Agreement, the following rules apply unless the context otherwise requires:

- (a) The singular includes the plural and vice versa.
- (b) A gender includes all genders.
- (c) If a word or phrase is defined, its other grammatical forms have a corresponding meaning.
- (d) A reference to a person, corporation, trust, partnership, unincorporated body, authority or other entity includes any of them.
- (e) A reference to a Clause, Schedule or Annexure is a reference to a clause of or schedule or annexure to this Agreement and references to this Agreement include any Schedule or Annexure.

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- (f) A reference to an agreement or document (including a reference to this Agreement) is to the agreement or document as varied, supplemented, novated or replaced.
- (g) A reference to the word "including" shall not be exclusive of any matter and shall be deemed to mean "including, without limitation".

1.3 Good faith

The parties agree to deal with one another in good faith in respect of this Agreement and all matters arising in relation to it.

2. KLC Assistance

2.1 Access to agreements and documents

KLC may permit Doohan to inspect copies of agreements and other documents which KLC considers to be relevant to the Research Project. Inspection will be at KLC's sole discretion and will be subject to confidentiality obligations of KLC and any restrictions on the right of KLC to disclose to Doohan the agreements and documents. For the avoidance of doubt, KLC will not be obliged to disclose any particular agreement or document.

Inspection must take place at KLC's premises and will be subject to the supervision of an authorised representative of KLC if considered necessary.

Doohan will not be entitled to duplicate any agreement or document without the prior consent of KLC. Doohan will not remove any agreements or other documents from KLC's premises without KLC's prior written consent.

2.2 Quality of information

Doohan acknowledges that she must make her own assessment of the Confidential Information and satisfy herself as to the accuracy and completeness of the Confidential Information. For the avoidance of doubt, Doohan acknowledges that KLC has not made, nor makes, any representation or warranty, express or implied:

- (a) as to the accuracy or completeness of the Confidential Information;
- (b) that the Confidential Information will be up to date; or
- (c) that reasonable care has been taken in compiling or preparing the Confidential Information.

2.3 Access to people

KLC will facilitate Doohan's access to any employees, consultants, contractors or agents of KLC and to local indigenous communities or their incorporated bodies if appropriate, who may be able to provide Doohan with information relevant to the Research Project. Access to such people will be at KLC's sole discretion.

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3. Obligations of Doohan

3.1 Consideration

In consideration of KLC providing access to documents and people under the provisions of Clauses 2, Doohan agrees to the following provisions of this Clause 3.

3.2 Research ethics procedures

Doohan agrees to meet all the requirements of Macquarie University's procedures, guidelines and policies regarding research ethics including, without limitation, Macquarie University's Ethical Guidelines concerning Aboriginal and Torres Strait Island Research and Guidelines for Human Ethics. Doohan further agrees with KLC to comply at all times with the terms and conditions of approval of Doohan's research by Macquarie University's Ethics Committee.

Doohan agrees to promptly provide KLC with a copy of all notices of approval received by Doohan from Macquarie University's Ethics Committee which deal with ethical aspects of Doohan's research.

3.3 KLC access to draft report

Doohan agrees to provide KLC with access to the final draft of the thesis resulting from the Research Project at least one month prior to the due date for submission of the report to Macquarie University. Doohan will provide KLC with a reasonable opportunity to comment on the thesis and Doohan will consider those comments and any information furnished by KLC in good faith.

KLC acknowledges that it shall have no right to edit the thesis. Subject to Clause 3.5, KLC further acknowledges that any changes to be made to the thesis shall be at the sole discretion of Doohan.

Doohan also agrees to deliver, in an appropriate form, a summary of the thesis in plain English to the participating Aboriginal informants. This delivery can be in a verbal as well as a written format.

3.4 KLC access to thesis

Doohan agrees to provide KLC with a copy of the final thesis resulting from the Research Project.

3.5 Publishing of information

If Doohan wishes to publish any results from the Research Project, the proposed publications must be submitted to KLC for review and approval at least one month prior to submission for publication. KLC will not withhold approval unless the proposed publication contains Confidential Information and commercially sensitive Information which is the property of KLC. In the event that the proposed publication contains Confidential Information and commercially sensitive information which is the property of KLC, then KLC may require the removal of such material before consent is granted to the publication.

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3.6 Presentations

Doohan agrees not to make any presentations regarding the results of the Research Project without KLC's prior written consent. KLC agrees that consent to presentations at conferences and other forums will not be unreasonably withheld other than to the extent necessary to protect Confidential Information and commercially sensitive information which is the property of KLC.

3.7 Submission of thesis for assessment

Nothing in this Agreement shall prevent Doohan from submitting to examiners for assessment the thesis resulting from the Research Project.

3.8 KLC policies and procedures

Doohan unconditionally agrees to comply with:

- (a) all reasonable policies and procedures of KLC and all other Aboriginal corporations that are affiliated with the KLC;
- (b) traditional laws, customs and practices of local indigenous communities visited while carrying out the Research Project and any limitations that they may impose.

4. Confidentiality

4.1 Restrictions on disclosure and use of Confidential Information

Doohan agrees to keep confidential all Confidential Information and not to disclose, or permit to be disclosed, to any person any Confidential Information without KLC's prior written consent except as permitted by Clause 4.2.

Doohan agrees to take all reasonable precautions to prevent the disclosure to third parties of any Confidential Information.

Doohan agrees to use Confidential Information solely for the purpose of carrying out the Research Project and shall not use the Confidential Information for profit or to secure any benefit or advantage.

Doohan shall not copy or reproduce any Confidential Information without the prior written consent of KLC.

Doohan shall not use any material that is considered private and confidential within the realm of traditional Aboriginal knowledge and related laws and customs.

4.2 Exceptions to confidentiality

Doohan may disclose Confidential Information in the following circumstances:

- (a) Doohan can demonstrate by written evidence that the Confidential Information:

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- (i) is in the public domain other than by reason of a breach of this Agreement;
 - (ii) was in Doohan's possession at the time of disclosure by KLC and such possession was not acquired directly or indirectly from KLC; or
 - (iii) was rightfully obtained by Doohan after the time of disclosure by KLC from a third party legally entitled to possess and disclose the Confidential Information; or
- (b) the disclosure is required in the ordinary course of events by law;
- (c) the disclosure is to Doohan's supervisors, being Dr Richard Howitt of Macquarie University in Sydney and Professor Marcia Langton of Melbourne University in Melbourne, and provided the disclosure is solely in connection with the Research Project and the supervisors have agreed to comply with Doohan's confidentiality obligations under this Agreement to the same extent as if they were named as parties to this Clause 4 in the place and stead of Doohan. Doohan agrees to immediately notify KLC of any suspected disclosure of Confidential Information by Doohan's supervisors which is not permitted by the provisions of this Clause 4.

4.3 Indemnity

Doohan indemnifies and forever keeps indemnified KLC and all members of the KLC against all claims, losses, damages, liabilities, costs or expenses (including legal fees) incurred or sustained by KLC or a member of the KLC as a result of any breach of the provisions of this Clause 4 by Doohan.

4.4 Survival of obligations

The provisions of this Clause 4 shall survive termination of this Agreement for a period of 5 years from the date of termination.

4.5 Injunctive relief

Doohan acknowledges that damages are not a sufficient remedy for any breach, or anticipated breach, by Doohan of the provisions of this Clause 5.

The parties agree that KLC shall have the right, in addition to any other remedies available at law or in equity, to seek injunctive relief against Doohan for any breach, or anticipated breach, of the provisions of this Clause 4.

5. Intellectual property

Nothing in this Agreement shall affect KLC's intellectual property rights in respect of Confidential Information or Doohan's intellectual property rights in respect of any report, paper or thesis produced by Doohan (provided such report, paper or thesis does not infringe KLC's intellectual property rights).

6. Notices

6.1 Address for service

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9/2/6/

Any notice, demand, statement or other communication (a "Notice") made under this Agreement will not be valid unless in writing addressed to the Party at the following addresses or such other address as the Party has specified in writing to the other.

KLC

PO Box 2145
Broome WA 6725
Western Australia

Tel: (08) 91936199
Facsimile: (08) 91936279

Doohan

Kim Doohan
PO Box 5404
Albany WA 6332

6.2 Time of delivery

A Notice under Clause 8.1 shall be deemed to have been received by the intended recipient:

- (a) in the case of delivery in person, when delivered;
- (b) in the case of delivery by post (prepaid and properly addressed), 3 business days after posting of the Notice within Australia and 7 business days after posting of the notice outside Australia; and
- (c) in the case of transmission by facsimile, at the time the machine on which the facsimile is transmitted displays or records information that the transmission has been completed to the Party to whom the Notice was sent if that occurs before 5.00pm on a Business Day in the place of receipt or, in any other case, on the next Business Day following the day on which confirmation of sending is displayed or recorded, provided that the sender can produce a transmission report from the machine from which the facsimile was sent which indicates that the facsimile was sent in its entirety to the facsimile number of the recipient notified for the purposes of this Clause.

7. Costs

Each Party shall bear its own expenses in relation to the preparation of this Agreement.

8. Termination

KLC may terminate this Agreement at any time for any reason by giving Doohan one month's prior notice.

Doohan shall have no right to terminate this Agreement.

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9. Governing law and jurisdiction

This Agreement and the relationship between the Parties shall be governed by the laws of the State of Western Australia except where the matter is necessarily governed by the law of another jurisdiction. Each Party irrevocably submits to the non-exclusive jurisdiction of the courts of the State of Western Australia and courts of appeal from them.

10. Miscellaneous

10.1 Enurement

The provisions of this Agreement shall enure for the benefit of and be binding on the Parties and their respective successors and permitted assigns.

10.2 Further actions

Each Party shall execute and deliver all such documents and shall do all such things as shall be necessary for the complete performance of its obligations under this Agreement and to give the other Party full benefit of the rights hereby granted.

10.3 Amendment

No amendment, variation or modification of this Agreement shall be valid or binding unless made in writing and duly executed by or on behalf of all Parties.

10.4 Waiver

No waiver by either Party of any default by the other Party in the performance of this Agreement shall operate or be construed as a waiver of any future default or defaults by that Party whether of a like or of a different character.

10.5 Other agreements

This Agreement contains the entire understanding and agreement between the Parties as to the subject matter of this Agreement and supersedes all prior agreements and understandings between the Parties in relation to the subject matter.

10.6 Severance

If any provision of this Agreement shall in any respect be in violation of any law, rule, direction, regulation or order of government or be deemed void or voidable due to uncertainty or other reasons then to the extent necessary to avoid any violation of such law, rule, direction, regulation or order or uncertainty such provision shall be severed and this Agreement as so modified shall continue in full force and effect. The Parties shall meet promptly after any such occurrence to decide on what action if any is required as a consequence.

10.7 Survival of indemnities

Each indemnity in this Agreement is a continuing obligation, separate and independent from other obligations and shall not be discharged by any one payment or act. Each indemnity shall survive termination of this Agreement.

10.8 Enforcement of indemnities

B 2/6/07 AD 6/6/07

2/6

It is not necessary for a Party to incur expense or make payment before enforcing a right of indemnity conferred by this Agreement.

10.9 No merger

The rights and obligations of the Parties will not merge on the completion of any transaction contemplated by this Agreement. They will survive the execution and delivery of any transfer, assignment or other document entered into for the purpose of implementing a transaction under this Agreement.

10.10 Counterparts

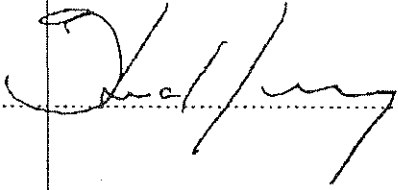
This Agreement may be executed in any number of counterparts, each of which when executed will be taken to be an original and all of which taken together will constitute the one and same instrument.

EXECUTED as an agreement in Derby.

12/6/01 900 6/6/01

Execution Page

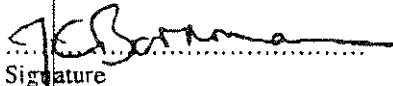
Signed for and on behalf of KLC



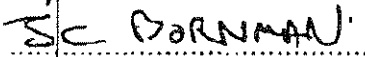
KIMBERLEY LAND COUNCIL

P.O. Box 2145
Broome W.A. 6725

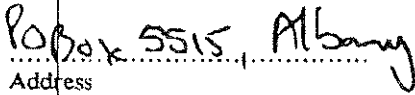
Signed by
KIM DOOHAN
in the presence of:



Signature



Name



Address


Kim Doohan

2/6/01 20 6/6/01

Dated

2000

Co-operative Agreement

Rio Tinto Limited
(*"Rio"*)

Kim Doohan
(*"Doohan"*)

Rio Tinto Limited
Legal Department

Level 36
55 Collins Street
Melbourne VIC 3000
Telephone (61 3) 9283 3333
Fax (61 3) 9283 3707
Ref: JAP:Ph. D Student

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Co-operative Agreement

Date:

2000

Parties: RIO TINTO LIMITED (ACN 004 458 404) of 55 Collins Street, Melbourne, Victoria, Australia ("**Rio**")

KIM DOOHAN of [#] ("**Doohan**")

Recitals:

- A. Doohan has enrolled for a Doctor of Philosophy at Macquarie University in Sydney. In undertaking the Doctorate, Doohan intends to carry out the Research Project.
- B. Rio has developed many large resource projects throughout Australia and is continuing to explore for world class resource projects. As part of its mining and exploration activities, Rio has successfully negotiated and developed relationships with local indigenous communities throughout Australia.
- C. Rio has agreed to assist Doohan in undertaking the Research Project on the terms and conditions of this Agreement.

IT IS AGREED as follows.

1. Definitions and Interpretation

1.1 Definitions

In this Agreement (including the Recitals and the Annexure) the following definitions apply unless the context requires otherwise:

Adjustment Event, Adjustment Note, GST, Input Tax Credit, Tax Invoice and Taxable Supply have the meaning given in section 195-1 of the *A New Tax System (Goods and Services Tax) Act 1999*.

Confidential Information means all information obtained by Doohan from Rio pursuant to this Agreement.

Protocol means the Annexure attached to this Agreement and headed "Research Protocol".

Research Project means the investigation of indigenous land management, cross cultural negotiations and social impact studies. In particular, research into the relationships which exist between local indigenous communities, developers and the State and the capacity for successful and appropriately negotiated outcomes for all parties.

Rio Tinto Group means Rio Tinto Limited, Rio Tinto plc and any other corporation in which Rio Tinto Limited and/or Rio Tinto plc owns or controls directly or indirectly more

than 50% of the shares or stock carrying the right to vote at a general meeting (or its equivalent) of the corporation.

1.2 Interpretation

In the interpretation of this Agreement, the following rules apply unless the context otherwise requires:

- (a) The singular includes the plural and vice versa.
- (b) A gender includes all genders.
- (c) If a word or phrase is defined, its other grammatical forms have a corresponding meaning.
- (d) A reference to a person, corporation, trust, partnership, unincorporated body, authority or other entity includes any of them.
- (e) A reference to a Clause, Schedule or Annexure is a reference to a clause of or schedule or annexure to this Agreement and references to this Agreement include any Schedule or Annexure.
- (f) A reference to an agreement or document (including a reference to this Agreement) is to the agreement or document as varied, supplemented, novated or replaced.
- (g) A reference to a Party to this Agreement or another agreement or document includes that Party's successors, permitted substitutes and permitted assigns (and, where applicable, the Party's legal personal representatives).
- (h) A reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
- (i) A reference to "\$" or "dollars" is a reference to Australian dollars.
- (j) A reference to the word "including" shall not be exclusive of any matter and shall be deemed to mean "including, without limitation".

1.3 Good faith

The parties agree to deal with one another in good faith in respect of this Agreement and all matters arising in relation to it.

2. Rio Assistance

2.1 Access to agreements and documents

Rio may permit Doohan to inspect copies of agreements and other documents which Rio considers to be relevant to the Research Project. Inspection will be at Rio's sole

discretion and will be subject to confidentiality obligations of Rio and any restrictions on the right of Rio to disclose to Doohan the agreements and documents. For the avoidance of doubt, Rio will not be obliged to disclose any particular agreement or document.

Inspection must take place at Rio's premises and will be subject to the supervision of an authorised representative of Rio.

Doohan will not be entitled to duplicate any agreement or document without the prior consent of Rio. Doohan will not remove any agreements or other documents from Rio's premises without Rio's prior written consent.

2.2 Quality of information

Doohan acknowledges that she must make her own assessment of the Confidential Information and satisfy herself as to the accuracy and completeness of the Confidential Information. For the avoidance of doubt, Doohan acknowledges that Rio has not made, nor makes, any representation or warranty, express or implied:

- (a) as to the accuracy or completeness of the Confidential Information;
- (b) that the Confidential Information will be up to date; or
- (c) that reasonable care has been taken in compiling or preparing the Confidential Information.

2.3 Access to people

Rio will facilitate Doohan's access to any employees, consultants, contractors or agents of Rio and to local indigenous communities who may be able to provide Doohan with information relevant to the Research Project. Access to such people will be at Rio's sole discretion.

3. Obligations of Doohan

3.1 Consideration

In consideration of Rio providing access to documents and people under the provisions of Clauses 2, Doohan agrees to the following provisions of this Clause 3.

3.2 Protocol

Doohan agrees to comply with the express provisions and spirit of the Protocol.

3.3 Rio access to draft report

Doohan agrees to provide Rio with access to the final draft of the thesis resulting from the Research Project at least one month prior to the due date for submission of the report to Macquarie University. Doohan will provide Rio with a reasonable opportunity to comment on the thesis and Doohan will consider those comments and any information furnished by Rio in good faith.

Rio acknowledges that it shall have no right to edit the thesis. Subject to Clause 3.5, Rio further acknowledges that any changes to be made to the thesis shall be at the sole discretion of Doohan.

3.4 Rio access to thesis

Doohan agrees to provide Rio with a copy of the final thesis resulting from the Research Project.

3.5 Publishing of information

If Doohan wishes to publish any results from the Research Project, the proposed publications must be submitted to Rio for review and approval at least one month prior to submission for publication. Rio will not withhold approval unless the proposed publication contains Confidential Information and commercially sensitive information which is the property of Rio. In the event that the proposed publication contains Confidential Information and commercially sensitive information which is the property of Rio, then Rio may require the removal of such material before consent is granted to the publication.

3.6 Presentations

Doohan agrees not to make any presentations regarding the results of the Research Project without Rio's prior written consent. Rio agrees that consent to presentations at conferences and other forums will not be unreasonably withheld other than to the extent necessary to protect Confidential Information and commercially sensitive information which is the property of Rio.

3.7 Submission of thesis for assessment

Nothing in this Agreement shall prevent Doohan from submitting to examiners for assessment the thesis resulting from the Research Project.

3.8 Rio policies and procedures

Doohan unconditionally agrees to comply with:

- (a) all reasonable policies and procedures of Rio;
- (b) traditional laws, customs and practices of local indigenous communities visited while carrying out the Research Project; and
- (c) legal requirements and good practice relating to health, safety and welfare.

4. Liability

4.1 Access to Rio sites

It is a condition of access to any of Rio's exploration or mining sites or other premises that Doohan be accompanied by an authorised representative of Rio at all times.

Doohan agrees to unconditionally comply with all policies and procedures of Rio and all directions given by Rio in relation to safety while present at any premises of Rio.

To the full extent permitted by law, access to Rio's exploration and mining sites shall be at Doohan's sole risk.

4.2 Release and indemnity

Doohan hereby releases and discharges Rio and all members of the Rio Tinto Group from all costs, claims, actions and demands (whether under common law or statute) which Doohan may at any time in the future have had against Rio but for this release except in respect of liability arising as a result of gross negligence or wilful misconduct on the part of Rio.

Doohan indemnifies and forever keeps indemnified Rio and all members of the Rio Tinto Group against all claims, losses, damages, liabilities, costs or expenses (including legal fees) incurred or sustained by Rio or a member of the Rio Tinto Group as a result of Doohan's access to any exploration or mining site of Rio or any other premises of Rio. This indemnity will not apply to the extent that any claim, loss, damage, liability, cost or expense has been contributed to by gross negligence or wilful misconduct on the part of Rio.

In this Clause 4.2 "**gross negligence**" or "**wilful misconduct**" means such wanton or reckless act or omission not justified by any special circumstances as amounts to a wilful and utter disregard for the harmful and avoidable consequences, but shall not include any error of judgment, mistake, act or omission whether negligent or not made by Rio or a member of the Rio Tinto Group in good faith.

5. Confidentiality

5.1 Restrictions on disclosure and use of Confidential Information

Doohan agrees to keep confidential all Confidential Information and not to disclose, or permit to be disclosed, to any person any Confidential Information without Rio's prior written consent except as permitted by Clause 5.2.

Doohan agrees to take all reasonable precautions to prevent the disclosure to third parties of any Confidential Information.

Doohan agrees to use Confidential Information solely for the purpose of carrying out the Research Project and shall not use the Confidential Information for profit or to secure any benefit or advantage.

Doohan shall not copy or reproduce any Confidential Information without the prior written consent of Rio.

5.2 Exceptions to confidentiality

Doohan may disclose Confidential Information in the following circumstances:

- (a) Doohan can demonstrate by written evidence that the Confidential Information:
 - (i) is in the public domain other than by reason of a breach of this Agreement;
 - (ii) was in Doohan's possession at the time of disclosure by Rio and such possession was not acquired directly or indirectly from Rio or a member of the Rio Tinto Group; or
 - (iii) was rightfully obtained by Doohan after the time of disclosure by Rio from a third party legally entitled to possess and disclose the Confidential Information; or
- (b) the disclosure is required in the ordinary course of events by law;
- (c) the disclosure is to Doohan's supervisors, being Dr Richard Howitt and Professor Marcia Langton from Macquarie University in Sydney, and provided the disclosure is solely in connection with the Research Project and the supervisors have agreed to comply with Doohan's confidentiality obligations under this Agreement to the same extent as if they were named as parties to this Clause 5 in the place and stead of Doohan. Doohan agrees to immediately notify Rio of any suspected disclosure of Confidential Information by Doohan's supervisors which is not permitted by the provisions of this Clause 5.

5.3 Indemnity

Doohan indemnifies and forever keeps indemnified Rio and all members of the Rio Tinto Group against all claims, losses, damages, liabilities, costs or expenses (including legal fees) incurred or sustained by Rio or a member of the Rio Tinto Group as a result of any breach of the provisions of this Clause 5 by Doohan.

5.4 Survival of obligations

The provisions of this Clause 5 shall survive termination of this Agreement for a period of 5 years from the date of termination.

5.5 Injunctive relief

Doohan acknowledges that damages are not a sufficient remedy for any breach, or anticipated breach, by Doohan of the provisions of this Clause 5.

The parties agree that Rio shall have the right, in addition to any other remedies available at law or in equity, to seek injunctive relief against Doohan for any breach, or anticipated breach, of the provisions of this Clause 5.

6. Intellectual property

Nothing in this Agreement shall affect Rio's intellectual property rights in respect of

Confidential Information or Doohan's intellectual property rights in respect of any report, paper or thesis produced by Doohan (provided such report, paper or thesis does not infringe Rio's intellectual property rights).

7. GST

7.1 GST to be added to amounts payable

If GST is payable in relation to a Taxable Supply made by either Party ("**Supplier**") to the other Party ("**Recipient**") under this Agreement, the Recipient must pay to the Supplier the amount of GST payable for that Taxable Supply within 14 days of demand.

7.2 Documentation

The Party who makes a Taxable Supply under this Agreement must provide the other Party with all documentation required by that other Party to claim any Input Tax Credit, set off, rebate or refund for or in relation to any GST included in any payment made by the other Party in relation to that Taxable Supply.

Without limiting paragraph (a), the Party making the Taxable Supply must provide the other Party with an Adjustment Note within 7 days of the happening of an Adjustment Event in relation to this Agreement.

8. Notices

8.1 Address for service

Any notice, demand, statement or other communication (a "**Notice**") made under this Agreement will not be valid unless in writing addressed to the Party at the following addresses or such other address as the Party has specified in writing to the other.

Rio

Rio Tinto Limited
Level 33
55 Collins Street
Melbourne
Australia 3000

Attention: Chief Adviser – Aboriginal Relations

Tel: (61 3) 9283 3333
Facsimile: (61 3) 9283 3707

Doohan

Kim Doohan
[#]

8.2 Time of delivery

A Notice under Clause 8.1 shall be deemed to have been received by the intended recipient:

- (a) in the case of delivery in person, when delivered;
- (b) in the case of delivery by post (prepaid and properly addressed), 3 business days after posting of the Notice within Australia and 7 business days after posting of the notice outside Australia; and
- (c) in the case of transmission by facsimile, at the time the machine on which the facsimile is transmitted displays or records information that the transmission has been completed to the Party to whom the Notice was sent if that occurs before 5.00pm on a Business Day in the place of receipt or, in any other case, on the next Business Day following the day on which confirmation of sending is displayed or recorded, provided that the sender can produce a transmission report from the machine from which the facsimile was sent which indicates that the facsimile was sent in its entirety to the facsimile number of the recipient notified for the purposes of this Clause.

9. Costs

Each Party shall bear its own expenses in relation to the preparation of this Agreement.

10. Termination

Rio may terminate this Agreement at any time for any reason by giving Doohan one month's prior notice.

Doohan shall have no right to terminate this Agreement.

11. Governing law and jurisdiction

This Agreement and the relationship between the Parties shall be governed by the laws of the State of Victoria except where the matter is necessarily governed by the law of another jurisdiction. Each Party irrevocably submits to the non-exclusive jurisdiction of the courts of the State of Victoria and courts of appeal from them.

12. Miscellaneous

12.1 Enurement

The provisions of this Agreement shall enure for the benefit of and be binding on the Parties and their respective successors and permitted assigns.

12.2 Further actions

Each Party shall execute and deliver all such documents and shall do all such things as shall be necessary for the complete performance of its obligations under this Agreement and to give the other Party full benefit of the rights hereby granted.

12.3 Amendment

No amendment, variation or modification of this Agreement shall be valid or binding unless made in writing and duly executed by or on behalf of all Parties.

12.4 Waiver

No waiver by either Party of any default by the other Party in the performance of this Agreement shall operate or be construed as a waiver of any future default or defaults by that Party whether of a like or of a different character.

12.5 Other agreements

This Agreement contains the entire understanding and agreement between the Parties as to the subject matter of this Agreement and supersedes all prior agreements and understandings between the Parties in relation to the subject matter.

12.6 Severance

If any provision of this Agreement shall in any respect be in violation of any law, rule, direction, regulation or order of government or be deemed void or voidable due to uncertainty or other reasons then to the extent necessary to avoid any violation of such law, rule, direction, regulation or order or uncertainty such provision shall be severed and this Agreement as so modified shall continue in full force and effect. The Parties shall meet promptly after any such occurrence to decide on what action if any is required as a consequence.

12.7 Survival of indemnities

Each indemnity in this Agreement is a continuing obligation, separate and independent from other obligations and shall not be discharged by any one payment or act. Each indemnity shall survive termination of this Agreement.

12.8 Enforcement of indemnities

It is not necessary for a Party to incur expense or make payment before enforcing a right of indemnity conferred by this Agreement.

12.9 No merger

The rights and obligations of the Parties will not merge on the completion of any transaction contemplated by this Agreement. They will survive the execution and delivery of any transfer, assignment or other document entered into for the purpose of implementing a transaction under this Agreement.

12.10 Counterparts

This Agreement may be executed in any number of counterparts, each of which when executed will be taken to be an original and all of which taken together will constitute the one and same instrument.

EXECUTED as an agreement.

Annexure

Research Protocol

1. The Research Project will be based on the following principles of ethical research:
 - (a) Doohan will not disclose or publish any information relating to individuals or local indigenous communities without the informed consent of the individuals or communities studied. This consent may be revoked by these individuals or the communities at any time.
 - (b) Doohan must explain the possible advantages and disadvantages of the Research Project to individuals and local indigenous communities who are to be studied as part of the Research Project.
 - (c) Doohan will fully and freely disclose the aims and sponsorship of the Research Project.
 - (d) Doohan will not claim any intellectual property rights in respect of cultural information such as genealogies, site data (maps and registers) or "dreaming information".
2. Doohan will respect pseudonyms, or other devices, which are used to maintain anonymity and will not reveal indiscriminately the true identity of individuals, committees, places, objects or material referred to anonymously.
3. Upon completion of the Research Project, the communities and individuals used to carry out the Research Project (or referred to in any paper, report or thesis in a substantial way) should be informed of the results in a clear and comprehensive manner. Copies of any material collected from communities or individuals during the course of the Research Project should be returned to the communities or individuals.
4. Material obtained from local indigenous communities or individuals should not be distributed without the people who provided the material clearly understanding and consenting to its use.
5. Doohan will respect all traditional laws and customs of local indigenous communities directly relevant to the Research Project.

ARGYLE
DIAMONDS

Ref:Mng:5107

7th March 2001

Ms Kim Doohan
Mintupela
PO Box 5405
ALBANY WA 6332

Dear Kim,

PhD Studies

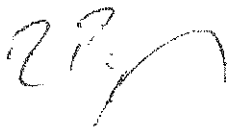
Further to our recent discussions and correspondence in this regard, I have reviewed your proposal to undertake a PhD which would encompass a case study of the historical and contemporary development of negotiations between ADM and local Aboriginal communities. Argyle would be pleased to support you in undertaking this work which we expect will provide valuable insights.

Clearly there are issues which you will be studying which have a bearing on current relationships between ADM and local communities, and discretion will need to be exercised in some instances to ensure that your activities do not compromise any sensitive processes that we may be engaged in. I agree that an appropriate working relationship can be developed to ensure ethical and professional interaction between all parties.

Our support is subject to the conclusion of an agreement defining protocols for confidentiality, indemnity and other matters. I have reviewed a draft agreement which has been prepared by Bruce Harvey, and I am satisfied that the provisions of this agreement adequately address Argyle's requirements.

I wish you the best of luck in your studies, and will look forward to the opportunity to see the outcomes of your work.

Regards,



Rob Piper
Manager – Health, Safety, Environment & Community Relations

Facsimile

Telephone 07 3867 1736

Facsimile + 07 3867 1888

E-mail : david.milne@comalco.riotinto.com.au

Date: 21 February, 2002

Pages: (including this one)

To: Kim Doohan

Fax: 08 9845 1101

Copy:

Fax:

From: David Milne Commercial Group

Subject: Mitchell Plateau Documents.

Dear Kim

Concerning your request for hard copies of certain documents on the above topic from Brisbane archives, I would like to make the following comments.

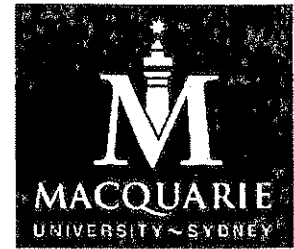
1. The overriding terms and conditions upon which we will provide you with those copies are those outlined in the Co-operative Agreement between yourself and Rio Tinto (I have not yet seen a signed and dated copy).
2. You are free to use, of course, any of the Press Clippings that you extracted from our archives.
3. I will send your selected documents shortly but I will stamp all the documents as "Confidential". I have excised one document only from your selection: this is a Comalco Board Paper from 1989.
4. If you include any of the documents in your thesis Bibliography, we would like you to include the phrase "Confidential to Rio Tinto".
5. We also propose that no individual employees, past or present, of Rio Tinto be referred to by name in the Thesis.
6. As outlined in the Co-operative Agreement with Rio Tinto, we would like to review with you, in good faith, the entries that you propose to make concerning these matters. We acknowledge Item 3.3 in the Agreement, therefore it would be useful to discuss these issues before the final drafting of the Thesis. In addition, should you wish to publish from the Thesis, we look forward to the opportunity to review at least one month (preferably longer) prior to any such publication.

I am sure that these conditions will not prove unreasonably prescriptive. I hope that your visit was useful and that the information will be valuable for your research.

Best Regards

David Milne
Commercial Group
Mining & Refining

COPY



4 September 2001

Ms Kim Doohan
PO Box 5404
Albany WA 6332

Reference: 29JUN2001-D036

Dear Ms Doohan,

FINAL APPROVAL LETTER

Project Title: "Cross cultural negotiations, resource development and Indigenous rights in the Kimberley"

Thank you for your recent correspondence. The requested information has now been reviewed and approved. You have met all conditions of approval in relation to your Initial Application and may proceed with your research.

Please note that the additional information provided on the Renewal Application form is being reviewed by the Chair of the Ethics Review Committee (Human Research) and you will be advised as soon as her response is available.

IMPORTANT INFORMATION ABOUT FUNDING FOR YOUR PROJECT AND ETHICAL APPROVAL

- If you will be applying for or have applied for internal or external funding for the above project **it is your responsibility** to provide Macquarie University's Grants Officer with a copy of this letter as soon as possible. The Grants Officer will not inform external funding agencies that you have final approval for your project and funds will not be released until the Grants Officer has received a copy of this final approval letter.

Yours sincerely,

Associate Professor Judy A Ungerer
Chair, Ethics Review Committee (Human Research)

Cc: Dr Richard Howitt
Department of Human Geography

Professor Bob Fagan
Department of Human Geography

**MACQUARIE UNIVERSITY
SYDNEY, NSW, 2109 AUSTRALIA**

Telephone: (02) 9850 8045

Facsimile: (02) 9850 8062

E-mail: judy.ungerer@mq.edu.au

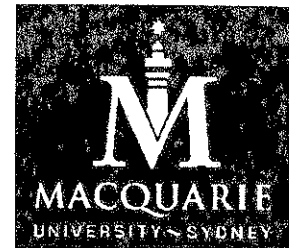
Telephone: (02) 9850 7854

Facsimile: (02) 9850 8799

E-mail: rachael.krinks@mq.edu.au

Ethics Review Committee (Human Research) website: http://www.ro.mq.edu.au/eth_hum.htm

COPY



24 September 2001

Ms Kim Doohan
PO Box 5404
Albany WA 6332

Reference: 29JUN2001-D036

Dear Ms Doohan,

"Cross-Cultural Negotiations, Resource Development and Indigenous Rights in the Kimberley"

The amendments to your original application, as set out in the Renewal Application form you signed on 10 August 2001, have been approved. Please note that we did not consider these amendments to be a 'renewal' of approval or a 'new' application. We processed the information you provided as a request for approval of amendments.

You will, of course, still need to complete and submit to the University's ethics committee a Renewal Application for the project in 12 months time, as is standard practice. Please also note that if you would like approval for further amendments to the above project, you should just write a letter to the University's ethics committee, c/- the Research Office, outlining what you want to do, and how that differs from your original application.

Please note that the Committee would like to receive copies of letters or emails approving this research from any Aboriginal corporations or any relevant individuals. I have listed below the groups that you have approached, and have noted against each group if we have received a copy of an approval letter from that group. If any part of the information below is incorrect please contact me by email, post or phone and I will correct our records. I am aware that not all groups will necessarily agree or will eventually be recruited to participate in the research, so it may be that letters of approval will not be received from all of the groups below.

Balangarra Aboriginal Corporation (Darryl Smith)
Wunambal/Gaambera Aboriginal Corporation (Albert Bandamarra/John Goonack)
Tjurabalan Aboriginal Corporation (Members)
Kimberley Land Council (Peter Yu)
Kalumburu Aboriginal Corporation (Agnes Charles) **Approval letter received**
PMB Warmun Community (Shirley Bray and Eileen Bray)
Bow River Aboriginal Community (Mona Ramsay)
Kandiwal Aboriginal Community (John Goonack) **Approval letter received**

We wish you success in your research,

Associate Professor Judy A. Ungerer
Chair, Ethics Review Committee (Human Research)

Cc: Dr Richard Howitt (Supervisor), Department of Human Geography
Professor B Fagan, Head, Department of Human Geography

MACQUARIE UNIVERSITY
SYDNEY, NSW, 2109 AUSTRALIA

Telephone: (02) 9850 8045
Telephone: (02) 9850 7854

Facsimile: (02) 9850 8062 email: judy.ungerer@mq.edu.au
Facsimile: (02) 9850 8799 email: rachael.krinks@mq.edu.au
http://www.ro.mq.edu.au/eth_hum.htm

Cross Cultural Negotiations, Resource Development and Indigenous Rights in the Kimberley.

You are invited to participate in a PhD research project which sits broadly in the area of Aboriginal land management and social impact studies with a more particular focus on the nature of cross-cultural negotiations between traditional owners, government departments, mining companies and other development interests.

Within this broad setting I am particularly keen to explore aspects of the relationships that exist between, and impact upon, local indigenous communities and corporation(s) undertaking development projects (proposed or established). The purpose of the study then is to gain an understanding of how this complex of interrelationships and interests combine to create and affect the nature and outcome of development projects and negotiated agreements. And how these relationships impact upon the capacity for both successful and appropriately negotiated outcomes as understood by all parties

Although I am engaging primarily in a scholarly project, I do believe that my research will have both strong intellectual and practical outcomes for Aboriginal people and resources development interests.

I am planning to use the historical and contemporary situation of the Argyle Diamond Mine as a major case study and the processes of mining negotiations in the Comalco bauxite mining area in the Mitchell Plateau, the Tjurabalan and Balanggarra native title claim areas as other case studies.

I also aim to view the local case study of Argyle Diamonds within its global industry context as a means to understanding some of the more local community aspects of the interactions and to gain a greater appreciation of the cultural issues within other diamond mine contexts.

The study is being conducted by Kim Doohan as a PhD student at Macquarie University within the School of Life Sciences, Human Geography. My contact details are telephone (08) 98451237, fax (08) 98451101, email min2pela@inet.net.au and my postal address is PO Box 5404 Albany 6332.

My supervisor is Dr Richard Howitt, Human Geography, Macquarie University. Dr Howitt can be contacted on +61 2 9850 8386 or by fax on +61 2 9850 6052 or e-mail Richard.Howitt@mq.edu.au. My second supervisor is Professor Marcia Langton at the University of Melbourne. Professor Langton can be contacted on (03) 8344 8239 or email m.langton@geography.unimelb.edu.au

If you decide to participate, you will be asked to participate in one-to-one interviews and possible group sessions. These will be organised at your convenience in a location of your choice and will take around an hour. They may go longer if you are interested in talking further about your experiences. Interviews will be recorded by myself taking notes and also by using audio-tape. I will transcribe these tapes and use them as part of the data for my analysis. You will receive a transcription of your interview as a record of what you said. If you feel uncomfortable with the questioning at any time you may ask that it be stopped. You may also chose to have some material taped and other material not, this can be determined during the course of the interview. Once there you and I have agreed on the transcript of an interview, the original tapes will be destroyed, unless you request that they be kept, and the transcript will be used to assist in writing up the thesis. If you request for a copy to be kept, it will be lodged at a place of your choice.

Any information or personal details gathered in the course of the study are confidential. No individual will be identified in any publication of the results unless specific approval is given by the person involved.

If you decide to participate, you are free to withdraw your consent and to discontinue participation at any time without having to give a reason and without consequence.

I have received a research scholarship from the University of Macquarie - the Rio Tinto Scholarship. A copy of the conditions of acceptance of this scholarship are attached.

**Cross Cultural Negotiations, Resource Development and
Indigenous Rights in the Kimberley.**

I, _____ have read (or, where appropriate, have had read to me) and understand the information above and any questions I have asked have been answered to my satisfaction. I agree to participate in this research, knowing that I can withdraw at any time without consequence. I have been given a copy of this form to keep.

Special conditions (eg lodgment of tape copies, restrictions on use etc):

Participant's Name:

(block letters)

Participant's Signature: _____ **Date:** _____

Investigator's Name:

(block letters)

Investigator's Signature: _____ **Date:** _____

The ethical aspects of this study have been approved by the Macquarie University Ethics Review Committee (Human Research). If you have any complaints or reservations about any ethical aspect of your participation in this research, you may contact the Ethics Review Committee through its Secretary (telephone 02 - 9850 7854, e-mail Rachael.Krinks@mq.edu.au). Any complaint you make will be treated in confidence and investigated, and you will be informed of the outcome.

(INVESTIGATOR'S [OR PARTICIPANT'S] COPY)

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APPENDIX 9 – SUMMARY OF ARGYLE CORPORATE STRUCTURE

Ownership History of Argyle Diamond Mines Joint Venture

(information provided by Erickson 2005 – unpublished document)

The Kalumburu Joint Venture was formed in 1972 to explore for diamonds north of the 19th parallel in Western Australia with five joint venturers each holding a 20% interest .

Tanganyika Holdings Limited (THL)	20%
AO (Australia) Pty Ltd	20%
Jennings Mining Limited	20%
Northern Mining Corporation NL	20%
Sibeka Societe d'Enterprise et d'Investissements S.A. (Sibeka)	20%

Between 1972 and February 1976 Northern Mining Corporation had diluted its interest to 10.44%. The other Joint Venturers had acquired the percentage diluted in equal proportions. The interests as at 2 February 1976 were:

Tanganyika Holdings Limited	22.39%
AO (Australia) Pty Ltd	22.39%
Jennings Mining Limited	22.39%
Northern Mining Corporation NL	10.44%
Sibeka	22.39%

The Kalumburu Joint Venture was terminated and replaced by the Ashton Joint Venture (AJV) that was established pursuant to an agreement (the Ashton Joint Venture Agreement) dated 2 February 1976 between the parties to the Kalumburu Joint Venture and CRA Exploration Pty Ltd (CRAE). Expenditure by the Joint Venturers to 11 November 1975 was \$1,372,482. CRAE was to provide staged funding to allow it to acquire a 35% interest in the AJV.

CRAE earned an initial 15% participating interest by:

- θ contributing \$150 000 to the Manager (THL) on behalf of original joint venturers representing all expenditure incurred by KJV between 11/11/75 and 31/1/76,
- θ contributing all exploration expenditure incurred after 31/1/76 up to a limit of \$220,000 (\$100,000 paid in advance), and
- θ contributing a further \$300,000 of exploration expenditure.

CRAE acquired a further 10% after contributing a further \$400,000, and then another 10% by contributing another \$400,000, making \$1,470,000 in total. By November 1976 CRAE's interest was 35% and it became manager of the Joint Venture. The respective interests in the AJV were:

Tanganyika Holdings Limited	15%
AO (Australia) Pty Ltd	15%
Jennings Mining Limited	15%
Northern Mining Corporation NL	5%

Sibeka	15%
CRA Exploration Pty Ltd	35%

Between 1976 and 1979, the interests of Tanganyika Holdings Limited, Jennings Mining Limited and Sibeka were variously acquired by Ashton Mining Limited (Ashton), Tanaust Proprietary Limited (Tanaust), AO, Northern and CRAE.

- Ø On 18 May 1977 Sibeka and Tanganyika each assigned an 8% interest, part of which was acquired by CRAE and part by New Tradewinds Sdn Berhad.
- Ø On 25 January 1978 Jennings Mining assigned the whole of its interest to CRAE, Tanganyika and AO (Australia) in proportion to their respective interests.
- Ø On 22 September 1978 Malaysia Mining Corporation Bhd (formerly called New Tradewinds Sdn Berhad) assigned the whole of its 7.384616% interest to Ashton for a consideration of \$7,559,583, and AO (Australia) assigned its 15% interest to Ashton for \$15,355,412. Ashton was formed in 1978 to introduce Australian ownership into the activities of Malaysian Mining Corporation Berhad (MMC), which owned 100% of AO (Australia). MMC and AO then applied \$6,059,583 and \$14,940,412 respectively to subscribe for 12,119,166 and 29,880,824 shares in Ashton. Ashton issued a further 28 million shares to the public.
- Ø On 3 November 1978 Tanganyika assigned the whole of its 8.438456% interest to Tanaust.
- Ø On 31 January 1979 Sibeka assigned the whole of its 7% interest to CRAE, Tanaust, AO (Australia) and Ashton Mining (in proportion to their respective interests).

Participating interests were then:

Ashton Mining Limited	24.17%
Tanaust Proprietary Limited	9.11%
AO (Australia) Pty Ltd	4.96%
Northern Mining Corporation NL	5.0%
CRA Exploration Pty Ltd	56.76%

Ashton acquired AO from MMC, and Tanaust from Tanks Consolidated Investments Limited by the issue of shares to the parent companies in February 1981.

{ Ashton Mining Limited	24.17%
Ashton Group { Tanaust Proprietary Limited	9.11%
{ AO (Australia) Pty Ltd	4.96%
NMC Northern Mining Corporation NL	5.0%
CRA CRA Exploration Pty Ltd	56.76%

On 17 November 1981, the State of Western Australia and the Joint Venturers, with CRA Limited (CRA) as Guarantor, executed an Agreement (the State Agreement) for the purpose of facilitating the commercial development of diamond deposits located on the mineral claims held by CRAE in the Argyle and Ellendale mining areas. The State Agreement was ratified by the parliament of Western Australia by the passing of the State Agreement Act, and came into effect on the date of royal assent, 4 December 1981.

Ashton Mining Limited	24.2%
Tanaust Proprietary Limited	9.1%
AO (Australia) Pty Ltd	4.9%
Northern Mining Corporation NL	5.0%
CRA Exploration Pty Ltd	56.8%

In October 1982, CRAE agreed to assign all its right, title and interest in and under the State Agreement, to the Zinc Corporation Limited (ZC), and New Broken Hill Consolidated Limited (NBHC), with an effective date of 1 July 1982. ZC and NBHC were beneficially owned by CRA. The Joint Venturers established the Argyle Diamond Mines Joint Venture and the Ashton Exploration Joint Venture to replace the AJV.

	{ Ashton Mining Limited	24.2%
Ashton Group 38.2%	{ Tanaust Proprietary Limited	9.1%
	{ AO (Australia) Pty Ltd	4.9%
NMC 5%	Northern Mining Corporation NL	5.0%
CRA 56.8%	{ Zinc Corporation Limited	33.0%
	{ New Broken Hill Consolidated Limited	23.8%

In July 1984, Northern entered into an agreement with West Australian Trustees Limited (WA Trustees) as purchaser, and Western Australian Development Corporation (WADC) as Trust Manager, for the acquisition by WA Trustees of the whole of Northern's 5% interest in the Joint Venture. In November 1984 the State, WA Trustees, Northern and the other Joint Venturers and CRA entered into a deed under which the State consented to the assignment by Northern of its interest under the State Agreement to West Australian Trustees Limited in its capacity as trustee of the Western Australian Diamond trust., and WA Trustees agreed to be bound by the terms of the State Agreement.

	{ Ashton Mining Limited	24.1%
Ashton Group 38.2%	{ Tanaust Proprietary Limited	9.1%
	{ AO (Australia) Pty Ltd	5.0%
WADT 5%	West Australian Trustees Limited as trustee for WADT	5.0%
CRA 56.8%	{ Zinc Corporation Limited	33.0%
	{ New Broken Hill Consolidated Limited	23.8%

In December 1986 NBHC (which had since changed its name to AM&S Mining Limited) and ZC entered into an Acquisition Agreement with CRA Diamonds Pty Ltd (CRA Diamonds) under which CRA Diamonds acquired the interests of NBHC and ZC in the Joint Venture, effective from 18 December 1986.

Ashton Mining Limited	24.1%
Tanaust Proprietary Limited	9.1%
AO (Australia) Pty Ltd	5.0%
West Australian Trustees Limited as trustee for WADT	5.0%
CRA Diamonds Pty Ltd	56.8%

In May 1987 CRA Diamonds changed its name to Capricorn Diamonds Pty Ltd.

Ashton Mining Limited	24.1%
Tanaust Proprietary Limited	9.1%
AO (Australia) Pty Ltd	5.0%
West Australian Trustees Limited as trustee for WADT	5.0%
Capricorn Diamonds Pty Ltd.	56.8%

In 1989 the affairs of WA Trustees, including its role as the trustee of the WADT, were taken over by Perpetual Trustees WA Limited (Perpetual). The *Western Australian Trustees Merger Act 1989* was passed by the Western Australian parliament to effect this transfer and vest all property held by WA Trustees as trustee, in Perpetual. In December 1990 an application to amend the name on the title of the mineral claims from WA Trustees to Perpetual was lodged with DME.

Ashton Mining Limited	24.1%
Tanaust Proprietary Limited	9.1%
AO (Australia) Pty Ltd	5.0%
Perpetual Trustees WA Limited as trustee for WADT	5.0%
Capricorn Diamonds Pty Ltd.	56.8%

In 3 April 1989 Ashton and Capricorn announced that a joint company would make a cash offer for all units in the WADT at a price of \$0.95 per unit. The offer was made after an earlier Ashton offer at \$0.87 per unit had closed. Ashton and Capricorn subsequently acquired 38.8% and 58.2% respectively of the units in the WADT, effectively giving Ashton and Capricorn ownership (direct plus indirect) of 40.2% and 59.7% in the ADMJV and AEJV.

On 8 May 1990, Capricorn Diamonds Pty Ltd changed its name to Capricorn Diamonds Limited. In September 1990 an application was made to the Department of Mines to amend the name on the title of the joint venture tenements.

In December 1996 the Joint Venturers, and ADM and ADS entered into a deed entitled Argyle Mining Joint Venture and Diamond Sales Agreement - Ashton Group Reorganisation - Assumption Deed, under which Ashton agreed to acquire and take an assignment of the interests of Tanaust and AO in the Joint Venture, effective from 1 January 1997.

Ashton Mining Limited	38.2%
Perpetual Trustees WA Limited as trustee for WADT	5.0%
Capricorn Diamonds Limited.	56.8%

In 1997 CRA changed its name to Rio Tinto Limited. This did not affect the ownership of the Joint Venture.

In December 1998 Ashton, Ashton Argyle Holdings Pty Ltd (Ashton Argyle), the other Joint Venture Participants and ADM entered into a deed entitled Argyle Mining Joint Venture - Ashton Group Reorganisation - Assumption Deed, under which Ashton Argyle, a wholly owned subsidiary of Ashton, agreed to acquire and take an assignment of the interests of Ashton in the Joint Venture, effective from 1 January 1999.

Ashton Argyle Holdings Pty Ltd	38.2%
Perpetual Trustees WA Limited as trustee for WADT	5.0%
Capricorn Diamonds Limited.	56.8%

Pursuant to amendments to chapter 5C and section 1454 of the Corporations Law, it was necessary for the West Australian Diamond Trust to become registered as a managed investment scheme. In accordance with such provisions, the Western Australian Diamond Trust was registered on 30 June 2000 and AML Nominees Limited was appointed as the responsible entity rather than Perpetual Trustees WA Limited.

Ashton Argyle Holdings Pty Ltd	38.2%
AML Nominees as trustee for WADT	5.0%
Capricorn Diamonds Limited.	56.8%

In November 2000 Capricorn Diamonds acquired all of the capital in Ashton thus giving Rio Tinto a 95% direct interest and a 99.8% direct and indirect interest in the Joint Venture.

Ashton Argyle Holdings Pty Ltd	38.2%
AML Nominees as trustee for WADT	5.0%
Capricorn Diamonds Limited.	56.8%

In May 2001 Capricorn Diamonds Investments Pty Limited (a wholly-owned subsidiary of Rio Tinto) made an offer to compulsorily acquire all units in the WADT not already held by the Rio Tinto group (1,983,752 or 3.05%). Some unit holders objected and Capricorn applied to the court for compulsorily acquisition. On 10 April 2002 the Supreme Court of Victoria found that the compulsory acquisition terms proposed by Capricorn Diamonds Investments Pty Limited were fair and it approved the acquisition. The acquisition was completed in April 2002 thus giving Rio Tinto beneficial ownership of 100% of the ADMJV and AEJV although the entities comprising the Joint Venture and their shares of ownership remained unchanged and were as follows:

Ashton Argyle Holdings Pty Ltd	38.2%
AML Nominees as trustee for WADT	5.0%
Capricorn Diamonds Limited.	56.8%

Effective from 31 March 2004 the Joint Venture and WADT were unwound with all Joint Venture assets consolidated into Capricorn Diamonds. On 18 May 2004 the name of Capricorn Diamonds was changed to Argyle Diamonds Limited. The State Agreement is still in place but with the only Joint Venturer now being Argyle Diamonds Limited. The ownership is thus:

Argyle Diamonds Limited.	100%
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