

Author: Nicholas Egan Telephone No: 9264 1871
Email Address: n.egan@sso.wa.gov.au
Origin: State Solicitor's Office

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PREMIER; HON ATTORNEY GENERAL

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UPDATE - ARBITRATION BEFORE MR MCHUGH AC QC: MINERALOGY PTY LTD & ANOR V STATE OF WESTERN AUSTRALIA

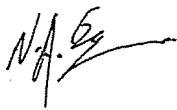
IRON ORE PROCESSING (MINERALOGY PTY. LTD.) AGREEMENT AMENDMENT BILL (WA) - FREE TRADE RISK

The purpose of this Briefing Note is to confirm that following the handing down by Mr McHugh AC QC of his Arbitral Award on 20 May 2014, advice was provided by my Office concerning whether the State should appeal.

That advice was provided in late May 2014 by Mr Robert Mitchell SC, who, as you are aware, is now the Hon Justice of Appeal Mitchell SC (of the Western Australian Court of Appeal).

Whilst I am not in a position to provide you with a copy of the advice (as it was provided under a former Government) I take this opportunity to confirm that the advice was to appeal.

Given there was no appeal of the Award then self-evidently the advice was not followed. In my experience, and no doubt your own, a decision of that nature would be taken at Ministerial level, although please note I was not involved in the matter at the time; rather, it was being managed by both Mr Mitchell SC (as His Honour then was) and the former State Solicitor.



**NICHOLAS EGAN
STATE SOLICITOR**

13 August 2020