

PRECEDENTS

Private Law Pleading for Declaratory Relief

1. At all material times, the plaintiff was a corporation duly incorporated.
2. At all material times, the first defendant was a natural person.
3. At all material times, the second defendant was the person holding or acting in the office of chief executive officer of the Department of Industry and Resources pursuant to the *Mining Act 1978 (WA)*.
4. On or about 3 September 2002 the plaintiff and the first defendant entered into an agreement titled “Brown River Joint Venture Heads of Agreement” (“**Agreement**”).
5. By clause 2.5 of the Agreement, the plaintiff and the first defendant agreed that the plaintiff could acquire a 50% “Joint Venture Interest” (as defined in the Agreement) on performing certain obligations including, relevantly, completing a feasibility study during the “Earning Period”.
6. By clause 1.1 of the Agreement:
 - (a) “Joint Venture Interest” includes beneficial ownership as a tenant in common of an undivided share of all “Joint Venture Property” (as defined) in that percentage determined in accordance with the Agreement; and
 - (b) “Joint Venture Property” includes, relevantly, Mining Lease 99/9999.
7. In compliance with clause 18 of the Agreement the plaintiff completed a feasibility study (“**Feasibility Study**”) during the Earning Period.

This is a preview. Not all pages are shown.