



UNCLASSIFIED

 Andrews: MA15-700231
 Ref: DEPSEC S/OUT/2015/79

MINISTERIAL ADVICE

 Date for action by:
 Routine

Reason:

For Action: Minister for Defence

Copies to: Secretary, CDF, VCDF, FASMECC, DEPSEC I&S, CAF, DCAF, DSA, HDL, DSRG, CA, CN

CU-RIVER MINING AUSTRALIA PTY LTD REQUEST FOR 'IN-PRINCIPLE' APPROVAL OF A RESOURCE PRODUCTION PERMIT FOR CAIRN HILL MINE WITHIN THE WOOMERA PROHIBITED AREA
Purpose:

Note that Defence has provided 'in-principle' approval of a Resource Production Permit to Cu-River Mining Australia Pty Ltd on Mineral Lease 6303 (Cairn Hill) within the Woomera Prohibited Area (WPA).

Key Points:

1. S22(1)(b)(ii) [REDACTED]
2. UNCLAS The WPA Coordination Office (WPACO) within Strategic Policy Division in Defence was approached in September 2014 by representatives from Cu-River Mining Australia Pty Ltd (Cu-River) regarding the proposed purchase of the S22(1)(b)(ii) exploration tenements within the WPA. The sole shareholder of Cu-River is a Chinese citizen, currently residing in China. S33(a)(i) [REDACTED] the company was subsequently informed. Defence has not yet received a formal application for a Resource Exploration permit. The Company has advised it is awaiting a response to its 'in-principle' request for the mine acquisition to progress the finalisation of the whole proposal.
3. UNCLAS SIFIED Cu-River has entered into a sale agreement with S22(1)(b)(ii) in [REDACTED] mine and sought 'in-principle' support from Defence for a Resource Production Permit. In 2010. S22(1)(b)(ii) [REDACTED]
4. UNCLAS SIFIED In 2014, a new legislative framework was passed by the Parliament S22(1)(b)(ii) S22(1)(b)(ii) which provides for the issue of permits and access to the WPA by non-Defence users. S22(1)(b)(ii) [REDACTED] Any new operator of a mine would therefore be

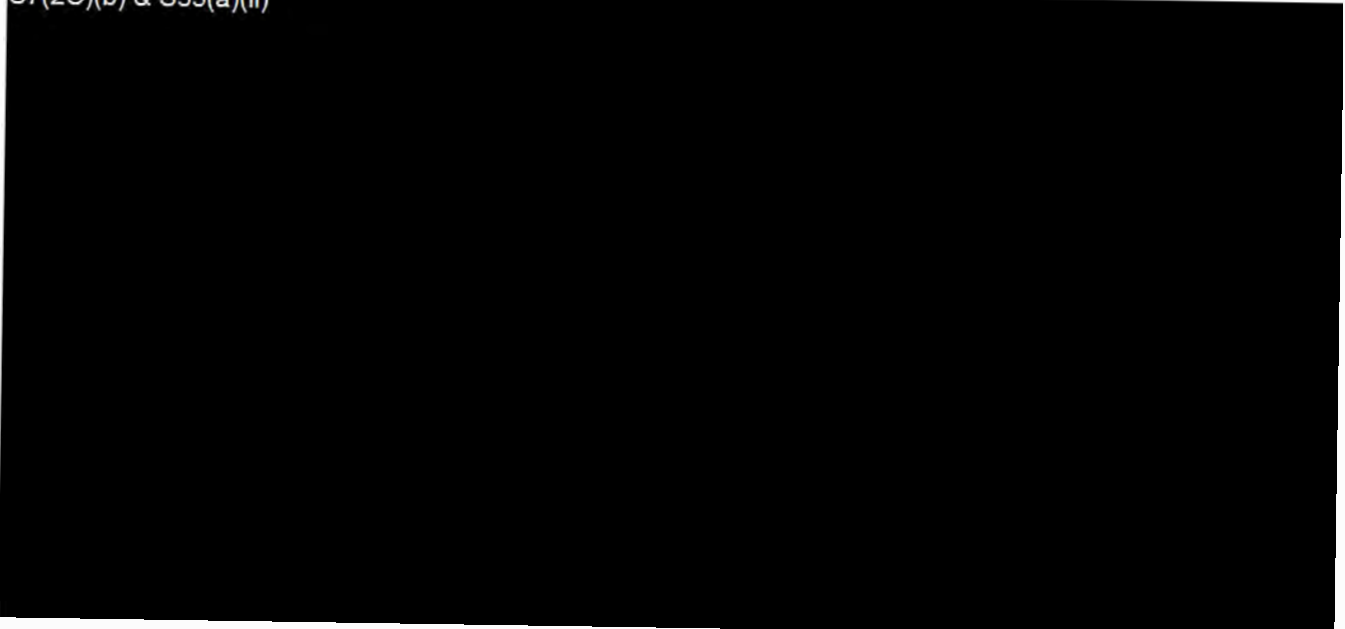
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required to obtain a permit under the *Woomera Prohibited Area Rule 2014* (the Rule) (copy at Attachment C).

S7(2C)(b) & S33(a)(ii)



Mitigation of Risks

8. (U) There are a number of mitigation strategies that will be applied through the issue of a Permit under the Rule. These include:
- a) **Exclusion periods:** Access to the WPA is subject to exclusion periods during which the Department of Defence may undertake the testing of war materiel. For safety and security reasons, designated zones within the WPA are closed and permit holders, existing users and the public may be required to evacuate the area during notified exclusion periods. The Cairn Hill mine is located in the Green Zone east of the railway. Non-Defence users in the Green Zone may be required to evacuate for up to 56 days per year. Non-Defence users who have a Resource Production Permit in the Green Zone will be given six months notice of any exclusion periods.
 - b) **Approved and Escorted Persons:** Permits for Resource Exploration and Resource Production require company personnel to be an Approved or Escorted Person prior to entry to the WPA. An Approved or Escorted Person may have their status cancelled if necessary, for the security of defence activities or because the person has failed to comply with conditions.
 - c) **Notifiable Equipment:** The Company must seek written approval to bring Notifiable Equipment into the WPA. Notifiable equipment is currently limited to:
 - possession or operation of an unmanned aerial vehicle;
 - erect a building or any other structure that is more than 7.5 metres high; or
 - have in his or her possession a firearm or explosive.
 - d) **Access to the WPA:** The permit holder is required to seek access to enter the WPA under the permit at least 10 business days prior to access using the Access Form.

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- e) **Compliance Visits and Monitoring:** There are offences and penalties for entering the WPA without permission and for failing to comply with the conditions of a permit. Failure to comply with a condition of a permit may constitute an offence under the *Defence Act 1903* and an infringement notice and demerit points may be issued. The new WPA compliance and enforcement measures are supported by the Defence Compliance and Monitoring Team (CMT). The CMT comprise uniformed Defence personnel who patrol the WPA, using ground patrol vehicles and supplemented with aerial patrols, to monitor compliance with permit conditions. Permit holders are required to comply with all reasonable directions of the CMT.
- f) **Demerit Points and Infringement Notices:** The Rule establishes a demerit point system under which a permit may be suspended or cancelled if the holder of the permit accrues a certain number of demerit points. Demerit points may be accrued by a permit holder if the holder pays an issued infringement notice or is convicted or found guilty. If 10 demerit points are accrued within 12 months (for the same kind of permit), the permit will be suspended for 90 days. If in a period of ten year, a further 10 demerit points are accrued, the permit is again suspended for 120 days. If a further 10 demerit points are accrued, the permit will be cancelled.
- g) **Other conditions:** Section 37(3) of the Rule provides for the Minister of Defence, or his delegate, to at any time after the permit is issued or renewed, by written notice, given to the holder, impose further conditions for the purposes of (s37(1)) the security of Defence activities.
- h) **Cancelling a permit:** The Minister may, by written notice given to the holder of a permit, cancel a permit if the Minister considers it is necessary for the purposes of the defence of Australia.
- i) **Notification of changes to Company Owners/Director:** Companies must advise if a person (either alone or together with one or more other person) acquires a controlling interest in the company. A company must also advise in writing within 15 business days if a new director is appointed to the board of directors.

S33(a)(i) & S47E(d)

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Andrews: MA15-700231
Ref: DEPSEC S/OUT/2015/79

Recommendation:

That you:

- i. **UNCLAS** Note that Defence has provided 'in-principle' approval of a Resource Production Permit to Cu-River Mining Australia Pty Ltd on Mineral Lease 6303 (Cairn Hill) within the Woomera Prohibited Area.

Noted / Please discuss

Approved By Peter Baxter Deputy Secretary Strategy 25 March 2015	S47F(1)
Contact Officer: Samantha Higgins	Phone: 6265 3043 / S47F(1)
<div style="display: flex; align-items: center;"> <div style="margin-right: 20px;"> Kevin Andrews / / </div> <div style="border: 1px solid black; width: 100px; height: 100px; background-color: black; display: flex; align-items: center; justify-content: center;"> S47F(1) </div> <div style="margin-left: 20px; font-size: 2em;"> 30/3/15 </div> </div> <p>Comments / Supplementary tasking:</p>	

Resources:

11. N/A.

Consultation:

12. VADM Ray Griggs, Vice Chief of the Defence Force; Mr Stephen Meekin, Deputy Secretary, Intelligence & Security; AVM Gavin Davies, Deputy Chief of Air Force; Mr Mark Cunliffe, Head Defence Legal; Mr Mark Antill, Assistant Secretary Security Operations; Ms Lorraine Holcroft, Acting Assistant Secretary Property Management; were consulted in the preparation of this submission and agree with the Outcome.

Attachments:

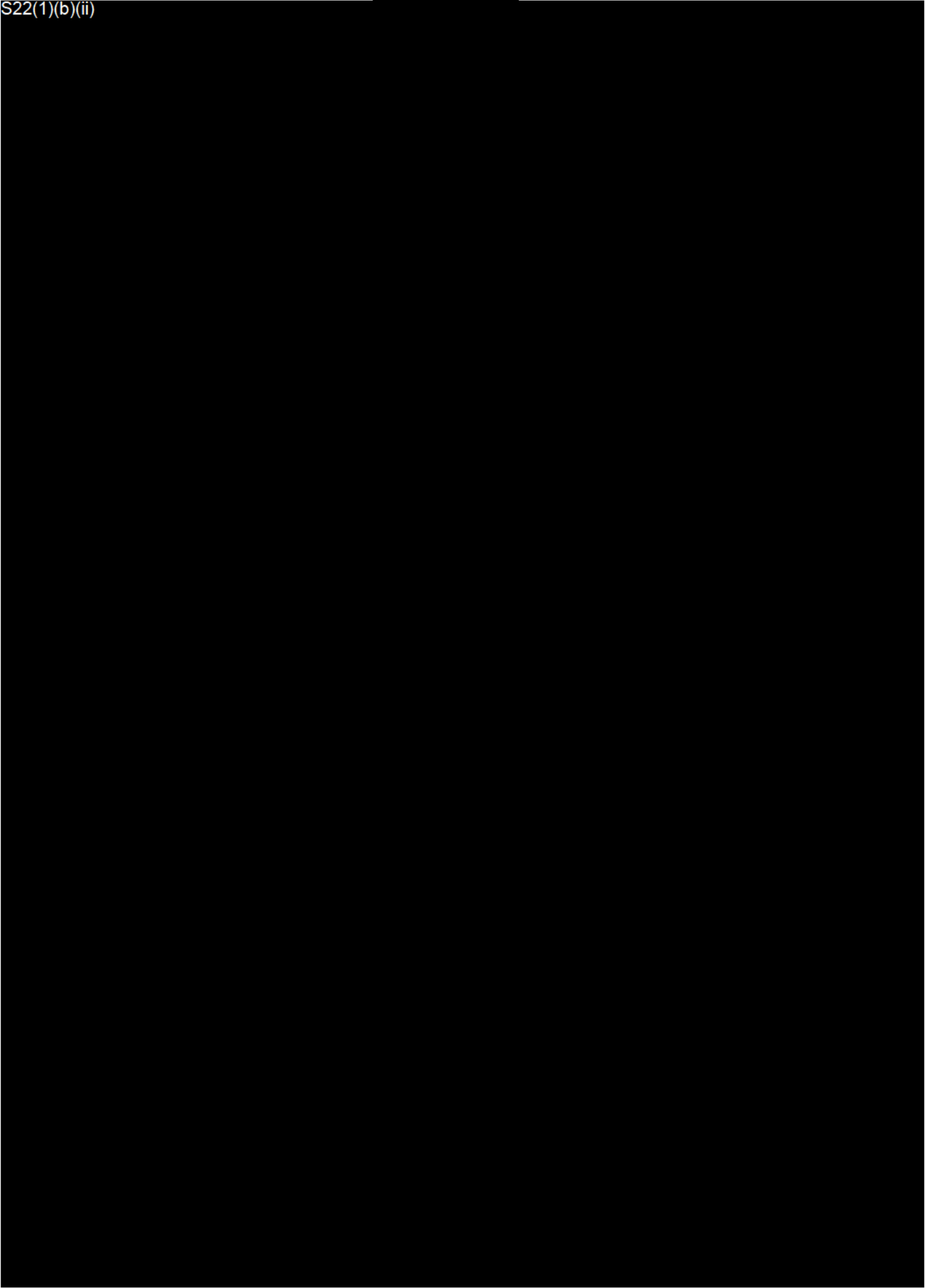
S22(1)(b)(ii)

- B. Map of tenements in the WPA

S22(1)(b)(ii)

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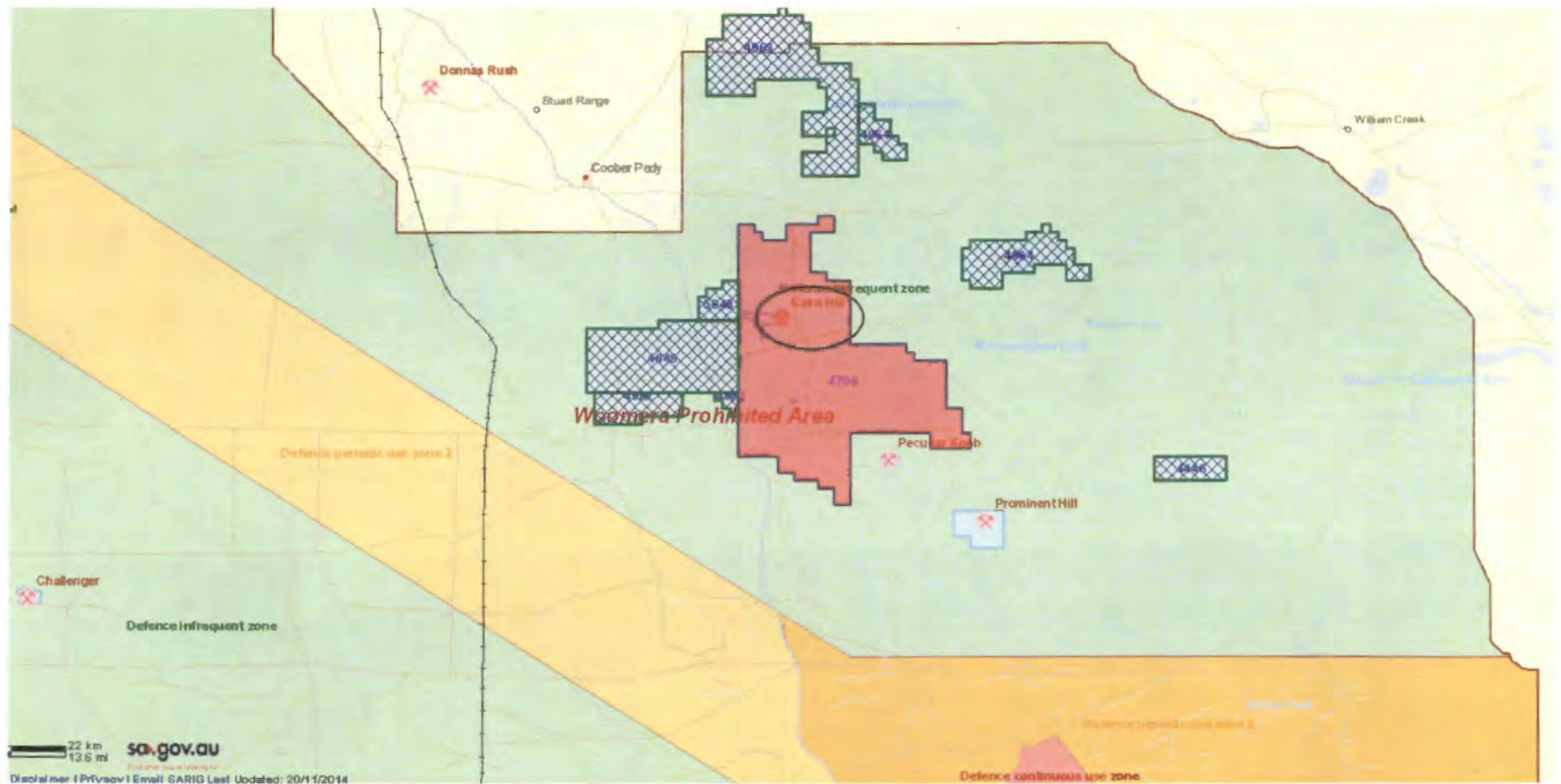
S22(1)(b)(ii)



Cu-River request for 'in-principle' support for Permits in the WPA

- Cu-River entered into a sale and purchase agreement on S22(1)(b)(ii) for seven exploration tenements within the Green Zone East of the Railway. On 17 September 2014 Cu-River submitted a request to Defence for 'in-principle' support for a Resource Exploration Permit for the tenements. S33(a)(i) & S7(2C) Defence has not yet received a formal application for a Resource Exploration permit.
- S22(i)(b)(ii)
- S22(1)(b)(ii) On 16 December 2014 Cu-River submitted a request for 'in-principle' support for a Resource Production Permit.
- S33(a)(i) & S47E(d)
- S22(1)(b)(ii)

Exploration Tenements and Mineral Lease 6303 (Cairn Hill)





Australian Government
Department of Defence

Woomera Prohibited Area
 Coordination Office
 R1-1-D Zone
 PO Box 7901
 Canberra BC ACT 2610
 WPACO@defence.gov.au
 Tel: +61 1300 727 420

WPACO/OUT/2014/R20738077

Mr Yong Gang Shan
 Director
 Cu-River Mining Australia Pty Ltd
 Attn: Liu Ning
 PO Box 263
 RUNDLE MALL SA 5000

Dear Mr Shan

I refer to your application of 16 December 2014, and subsequent correspondence of 17 February 2015, requesting 'in-principle' support for a Resource Production Permit for Cu-River Mining Australia Pty Ltd for Mineral Licence 6303, within the Woomera Prohibited Area (WPA).

In accordance with our previous discussions, Defence agreed to consider your application, and where appropriate, grant 'in-principle' approval for your application. Upon review of your application, 'in-principle' approval is granted for a Resources Production Permit subject to the following requirements:

- the holding of the Mineral Lease issued by the government of South Australia under *Mining Act 1971* (SA);
- providing a fully and correctly completed W002 Application with supporting documents, which includes:
 - completion of Section D – Detailed description of activities;
 - completion of Section F – Permit Period;
 - completion of Section H – Declaration (to include company seal if applicable);
 - a copy of your company's public liability insurance certificate and workers compensation insurance certificate which complies with the requirements as stated on the application form and
 - an evacuation plan which complies with the requirements as stated on the application form.

S47G(1) & S22(1)(b)(ii)

Upon receipt of all requested information Defence will review the material and, subject to satisfying these additional requirements, issue a Resources Production Permit in accordance with the requirements of the *Woomera Prohibited Area Rule 2014* (the Rule).

Permit Conditions

All permits for access to the WPA contain conditions and these are set out in Part 4 of the Rule. Failure to comply with the conditions of your permit may constitute an offence under the *Defence Act 1903*.

Please note that Section 37 (3) of the Rule further provides that the Minister for Defence, at any time after the permit is issued or renewed, may impose further conditions for the purposes of the security of Defence activities.

Access to the WPA

Permits for Resource Production also require that all company personnel who are intending to access the WPA to be an Approved or Escorted Person prior to entry to the WPA. Approved or Escorted Person status is obtained by completing an application form *W003 Application for Approved Person Status* or form *W004 Escorted Person notification*. Once approved the status is valid for two years only.

Companies are also required to give at least 10 business days' notice before entering the WPA under a permit. This access notification is to be provided by submitting *Access Form W007*.

All forms are available online at <http://www.defence.gov.au/woomera/>. To allow for the processing of the forms it is recommended that they are submitted well in advance of the required access dates, for example an application for Approved Person status may take up to 20 business days to process.

An Exploration Access Form must be submitted at least 10 business days prior to the proposed instance of access. Approval of the proposed access is reliant upon prior granting of Approved Person status and approval of Notifiable Equipment.

Exclusion periods

Please note that all of the WPA remains subject to exclusion windows and that no access will be granted during these times. The current exclusion dates are on the Woomera Prohibited Area Coordination Office website <http://www.defence.gov.au/woomera/exclusionperiods.htm>.

Applicants must also be aware that a requirement exists for WPA users to be able to evacuate the WPA during exclusion windows. Depending on its location, users may be required to completely evacuate their tenement for a period of up to 140 days a year. Accordingly, you will need to assess whether the WPA is an appropriate location for your project based on these access restrictions.

Should you require any further information, my point of contact is S47F(1) on ph.1300 727 420.

Yours sincerely

S47F(1)

Samantha Higgins
A/Assistant Secretary
Strategic Policy Division

30 March 2015



Australian Government
Department of Defence



UNCLASSIFIED

Andrews: MA15-700797
Ref: DEPSECS/OUT/2015/236

MINISTERIAL ADVICE

Date for action:
12 August 2015

Reason:
Timeframes set by the *Woomera Prohibited Area Rule 2014*.

For Action: Minister for Defence

Copies to: Secretary, CDF, VCDF, FASMECC, DEPSEC I&S, CAF, DCAF, DSA, HDL, DSRG, CA, CN

CU-RIVER MINING AUSTRALIA PTY LTD APPLICATION FOR A RESOURCE PRODUCTION PERMIT FOR CAIRN HILL MINE WITHIN THE WOOMERA PROHIBITED AREA

Purpose:

Note that Defence proposes to issue a Resource Production Permit by 14 August 2015 to Cu-River Mining Australia Pty Ltd on Mineral Lease 6303 (Cairn Hill) within the Woomera Prohibited Area (WPA).

Key Points:

Cu-River

- On 25 March 2015 (Attachment A: MA15-700231) we advised you that Defence had provided 'in-principle' approval for a Resource Production Permit to Cu-River Mining Australia Pty Ltd (Cu-River) on Mineral Lease 6303 (Cairn Hill) within the Woomera Prohibited Area (WPA). We also advised you of the mitigation strategies that would be available to Defence under the *Woomera Prohibited Area Rule 2014* (the Rule) to address S47E(d)
- Cu-River has now submitted its full application for a Resource Production Permit for a period of nine years and has also confirmed that there have been no changes to its proposed operations since the 'in-principle' approval was granted. This includes the ownership of Cu-River S47(1)(b) Mr Yong Gang Shan. Defence has re-assessed the application and proposes to issue Cu-River the full permit for nine years on the basis that there had been no change of circumstances to justify denial of the application. The Rule allows for permits to be issued for a period of up to ten years and applications for renewal are allowed. Under the Rule, 14 August 2015 is the latest date Defence can issue this permit to meet the application timeframe.
- Maps showing the footprint for Cu-River operations within the WPA are at Attachment B and include the Company's exploration tenements

Permit Conditions

- The permit holder will be monitored by the conditions as set out in the Rule. These conditions include: evacuating the WPA during exclusion periods; obtaining access permission, and Approved or Escorted Persons status, for persons accessing the WPA under the permit; providing details of equipment; and notifying changes company ownership or

S22(1)(b)(ii)

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Andrews: MA15-700797
Ref: DEPSECS/OUT/2015/236

control. Defence will also undertake compliance visits and monitoring of access and may issue demerit points or infringement notices for any breaches of permit conditions. Other conditions can be imposed by the Minister for Defence, or his delegate, at any time after the permit is issued for the security of Defence activities. The permit conditions are also outlined in more detail in Attachment A.

5. The Compliance and Monitoring functions are undertaken by the Defence Compliance Monitoring Team (CMT). The CMT comprise uniformed Defence personnel who patrol the WPA (ground and supplemented aerial patrols) to monitor compliance with permit conditions. S33(a)(i)
- S33(a)(i)

Foreign Investment

6. Cairn Hill will be the first mine in the WPA to be 100% foreign owned. S22(1)(b)(ii)

7. S22(1)(b)(ii)

- 8.

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Andrews: MA15-700797
 Ref: ~~DEPS~~ / OUT / 2015 / 236

Recommendation:

That you:

- i. **Note** that Defence proposes to issue a Resource Production Permit by 14 August 2015 to Cu-River Mining Australia Pty Ltd on Mineral Lease 6303 (Cairn Hill) within the WPA.

Noted / Please Discuss

Approved By Peter Baxter Deputy Secretary Strategy 6 August 2015 Phone: 6265 2636	S47F(1)
Contact Officer: Samantha Higgins	Phone: 6265 3043 / S47F(1)
<div style="display: flex; align-items: flex-start;"> <div style="flex: 1;"> Kevin Andrews / / Comments / Supplementary tasking: </div> <div style="flex: 1; text-align: center;"> S47F(1) </div> <div style="flex: 1; font-size: 2em;"> 12/8/15 </div> </div>	

REPLICATED DOCUMENTS

Attachment A - MINSUB MA15-700231 (Schedule Item 4)

Attachment B - Tenement Map included in MINSUB MA15-700231 (Schedule Item 4)

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Australian Government
Department of Defence

Woomera Prohibited Area
Coordination Office
R1-I-D Zone
PO Box 7901
Canberra BC ACT 2610
WPACO@defence.gov.au
Tel: +61 1300 727 420

WPACO/OUT/2014/R22816045

Mr Yong Gang Shan
Director
Cu-River Mining Australia Pty Ltd
Attn: Ashley Van Kruyssen
PO Box 263
RUNDLE MALL SA 5000

Dear Mr Shan

I refer to your application of 10 July 2015 requesting a Resource Production Permit for Cu-River Mining Australia Pty Ltd for Mineral Licence 6303, within the Woomera Prohibited Area (WPA).

S47G(1)

We also note your advice that the information you provided for an in-principle approval, granted on 30 March 2015, has not changed.

On this basis, your application has been approved and a Resource Production Permit for the requested term of nine years is enclosed. Please note that your permit is only valid while you hold the Mineral Lease with the South Australia Government.

Permit Conditions

All permits for access to the WPA contain conditions and these are set out in Part 4 of the *Woomera Prohibited Area Rule 2014* (the Rule) and in your permit (enclosed). Failure to comply with the conditions of your permit may constitute an offence under the *Defence Act 1903*.

Please note that Section 37 (3) of the Rule further provides that the Minister for Defence, at any time after the permit is issued or renewed, may impose further conditions for the purposes of the security of Defence activities.

Access to the WPA

Permits for Resource Production also require that all personnel (including visitors) who are intending to access the WPA for or on behalf of Cu-River, be an Approved or Escorted Person prior to entry. Approved or Escorted Person status is applied for by completing an application form *W003 Application for Approved Person Status* or form *W004 Escorted Person notification*. Applications are then assessed by Defence, and where granted will include specific conditions.

Companies are also required to give at least 10 business days' notice before entering the WPA under a permit. This access notification is to be provided by submitting *Access Form W007*. Approval of the proposed access is reliant upon prior granting of Approved Person status and approval of any Notifiable Equipment.

All forms are available online at <http://www.defence.gov.au/woomera/>. To allow for the processing of the forms it is recommended that they are submitted well in advance of the

required access dates, for example an application for Approved Person status may take up to 20 business days to process.

Exclusion periods

Please note that all of the WPA remains subject to exclusion windows and that no access will be granted during these times. The current exclusion dates are on the Woomera Prohibited Area Coordination Office website <http://www.defence.gov.au/woomera/exclusionperiods.htm>.

Applicants must also be aware that a requirement exists for WPA users to be able to evacuate the WPA during exclusion windows. We have attached the current Green Zone exclusion periods that will affect your areas within the next six months. These are also updated on the Federal Register of Legislative instruments which may be found at the ComLaw reference: (<https://www.comlaw.gov.au/Details/F2015L01257>).

For safety and security reasons, parts of the Green Zone will need to be evacuated during the exclusion periods attached. Further information about the Green Zone closures is available from the Woomera Test Range, Trials Security Manager, Squadron Leader S47F(1) ph (08) 7389 2931. Squadron Leader S47F(1) will be in contact to introduce himself and discuss the closures shortly.

Should you require any further information, my point of contact is S47F(1) on ph.1300 727 420.

Yours sincerely

S47F(1)

Samantha Higgins
A/Assistant Secretary Arms Control
Strategic Policy Division

14 August 2015



Australian Government
Department of Defence

Woomera Prohibited Area Coordination Office
R1-1-D Zone
PO Box 7901
CANBERRA BC ACT 2610

☎ 1300 727 420
✉ WPACO@defence.gov.au
🌐 www.defence.gov.au/woomera

RESOURCE PRODUCTION PERMIT

PERMIT HOLDER		Permit Number: RP001-15
Name	Cu-River Mining Australia Pty Ltd	
ABN/ACN	48 600 429 043	
Address	Level 8, 115 Grenfell Street ADELAIDE SA 5000	
Telephone	S47F(1)	
Company Representative	S47F(1)	

This permit provides permission for:

Person(s)	Cu-River Mining Australia Pty Ltd any person approved as an Approved Person or an Escorted Person under this permit.
Places within the Woomera Prohibited Area	Mineral Lease 6303
Purpose of Permit	Resource Production for Cu-River Mining Australia Pty [as the Tenement Holder] for Mineral Lease 6303.
Approved Activities	Resource Production
Date of Commencement	14 August 2015
Date of Expiry	14 August 2024

CONDITIONS OF APPROVAL - Division 3 of the *Woomera Prohibited Area Rule 2014*:

In accordance with section 72TG of the *Defence Act 1903*, a permit holder is required to comply with the conditions of a permit outlined in Division 3 of the *Woomera Prohibited Area Rule 2014* (the Rule) and set out overleaf. Failure to comply with the conditions of this permit is an offence which may result in a fine of up to 60 penalty units and may incur demerit points in accordance with Section 50 of the Rule and revocation of the permit. The Minister may, at any time after the permit is issued or renewed, impose further conditions. Where applicable, this permit is suspended or cancelled in the event that the permit holder's Mineral Lease is suspended, cancelled or expires.

S47F(1)

Samantha Higgins
A/Assistant Secretary Arms Control
Strategic Policy Division
Date of Issue: 14 August 2015

CONDITIONS OF PERMIT**1. The holder of the permit must:**

- (a) unless the Secretary is satisfied that exceptional circumstances exist—give the Secretary at least 10 business days' notice in the approved form before a person enters the Woomera Prohibited Area under the permit; and
- (b) ensure that persons in the Woomera Prohibited Area under the permit are aware of the conditions to which the permit is subject; and
- (c) take all reasonable steps to ensure:
 - (i) that persons in the Woomera Prohibited Area under the permit comply with the conditions of the permit; and
 - (ii) that persons who are subject to the holder's control are not at places in the Woomera Prohibited Area without permission to be at those places.
- (d) notify the Department of Defence of:
 - (i) any death of any person; or
 - (ii) any serious injury or illness of a person; or
 - (iii) any dangerous incident.
 arising from a persons access to the Woomera Prohibited Area.
- (e) effect and maintain for the term of the permit:
 - (i) a public liability policy for an amount in respect of any one occurrence of not less than the amount of A\$50 million;
 - (ii) compulsory third party insurance in respect of all motor vehicles used by the Permit holder in the activities approved under the permit;
 - (iii) workers' compensation insurance which complies with the requirements of the applicable workers' compensation legislation; and
 - (iv) any other policy of insurance the permit holder is required by law to effect and maintain

2. A person in the Woomera Prohibited Area under the permit must not:

- (a) be at a place that is not covered by the permit; or
- (b) be in a zone during an exclusion period for the zone; or
- (c) carry out activities other than those for which the permit was issued; or
- (d) intentionally remove, touch, interfere or tamper with, any Commonwealth equipment, material or installation; or
- (e) enter any area:
 - (i) enclosed by the Commonwealth with wire or other material; or
 - (ii) protected by a member of the Defence Force or a contracted defence security guard; or
- (f) without the written approval of the Minister or in contravention of any conditions in the approval—have in his or her possession, or operate, an unmanned aerial vehicle; or
- (g) erect a building or any other structure that is more than 7.5 metres high without the written approval of the Minister; or
- (h) without the written approval of the Minister—have in his or her possession a firearm or explosives.

3. A person in the Woomera Prohibited Area under the permit must:

- (a) have ready access to communications equipment in good working order in accordance with the permit; and
- (b) if the person erects a building or any other structure approved by the Minister—notify the Minister as soon as practicable after the building or structure has been erected; and
- (c) comply with all reasonable directions in relation to the Woomera Prohibited Area given to the person by:
 - (i) a member of the Defence Force; or
 - (ii) an APS employee in the Department; and
- (d) inform the Secretary as soon as practicable if the person finds any war materiel; and
- (e) comply with all applicable laws of the Commonwealth and South Australia; and
- (f) have in his or her possession written proof of the person's identity that includes a photograph of the person.

4. The holder of the permit must take all reasonable steps to ensure:

- (a) that each person who enters the Woomera Prohibited Area under the permit:
 - (i) is approved by the Secretary under section ^32 as an approved person; or
 - (ii) is an escorted person; and
- (b) that at all times during which the person is in the Woomera
 - (i) complies with any applicable conditions specified in the approval or the permit; and
 - (ii) has in his or her possession written proof of the person's identity that includes a photograph of the person; and
 - (iii) if the person is an escorted person—is accompanied by an approved person.

5. The body corporate must notify the Minister in writing within 15 business days if a person (either alone or together with one or more other persons) acquires a controlling interest in the body corporate.

*A person **acquires a controlling interest** in the body corporate if the person (either alone or together with one or more other persons):*

- (a) is in a position to cast, or control the casting of, 15% or more of the maximum number of votes that might be cast at a general meeting of the body corporate; or*
- (b) has the power to appoint or remove all, or a majority, of the directors of the body corporate; or*
- (c) has the authority to introduce and implement the financial and operating policies of the body corporate; or*
- (d) holds 15% or more of the issued share capital of the body corporate; or*
- (e) is in a position to cast, or control the casting of, a majority of the number of votes that might be cast at a meeting of the board of directors of the body corporate.*

The body corporate must notify the Minister in writing within 15 business days if a new director is appointed to the board of directors of the body corporate.



Woomera Prohibited Area Rule 2014

Determination of an Exclusion Period for the Green Zone

Woomera Prohibited Area Rule 2014

I, Chris Birrer, Acting First Assistant Secretary Strategic Policy, as a delegate of the Minister for Defence, determine the exclusion periods for the Green Zone set out in the Schedule for the purposes of subsection 8(1) of the *Woomera Prohibited Area Rule 2014*.

Zones within the Woomera Prohibited Area are prescribed in section 6 of the *Woomera Prohibited Area Rule 2014*.

Dated 10 August 2015

Chris Birrer
Acting First Assistant Secretary Strategic Policy

Schedule

Exclusion Period
2 November 2015 – 29 November 2015
29 February 2016 – 13 March 2016



Australian Government
Department of Defence

Woomera Prohibited Area
Coordination Office
R1-1-D Zone
PO Box 7901
Canberra BC ACT 2610
WPACO@defence.gov.au
Tel: +61 1300 727 420

WPACO/OUT/2016/R24617447

S47F(1)

Corporate Services Manager
Cu-River Mining Australia Pty Ltd
PO Box 263
RUNDLE MALL SA 5000

Dear Mr Liu

I refer to your email of 16 December 2016 requesting an amendment to Resource Production Permit RP001-15 to include the Cairn Hill haul road, Rankin Dam siding and related water infrastructure.

While considering your request, a number of other locations were identified to which the company will require access in the course of fulfilling its monitoring obligations under South Australian environmental licensing requirements. Your consultant, **S47G(1)** **S47F(1)** has provided relevant information in this regard. The amended permit enclosed provides access to all the required locations.

The term granted under the original permit is not affected by these amendments, and will expire on 14 August 2024.

Should you require any further information, my point of contact is **S47F(1)** on ph.1300 727 420.

Yours sincerely

S47F(1)

John Anderson
Director
Woomera Prohibited Area Coordination Office

20 April 2016



RESOURCE PRODUCTION PERMIT

PERMIT HOLDER		Permit Number: RP001-15-1
Name	Cu-River Mining Australia Pty Ltd	
ABN/CAN	48 600 429 043	
Address	Level 8, 115 Grenfell Street ADELAIDE SA 5000	
Telephone	S47F(1)	
Company Representative	S47F(1)	

This permit provides permission for:

Person(s)	Cu-River Mining Australia Pty Ltd - any person approved as an Approved Person or an Escorted Person under this permit.
Places within the Woomera Prohibited Area	Mineral Lease 6303, and those locations listed in Schedule One and denoted on the plans in Schedule Two.
Purpose of Permit	Resource Production for Cu-River Mining Australia Pty [as the Tenement Holder] for Mineral Lease 6303.
Approved Activities	Resource Production
Date of Commencement	20 April 2016
Date of Expiry	14 August 2024

CONDITIONS OF APPROVAL - Division 3 of the *Woomera Prohibited Area Rule 2014*:

In accordance with section 72TG of the *Defence Act 1903*, a permit holder is required to comply with the conditions of a permit outlined in Division 3 of the *Woomera Prohibited Area Rule 2014* (the Rule) and set out overleaf. Failure to comply with the conditions of this permit is an offence which may result in a fine of up to 60 penalty units and may incur demerit points in accordance with Section 50 of the Rule and revocation of the permit. The Minister may, at any time after the permit is issued or renewed, impose further conditions. Where applicable, this permit is suspended or cancelled in the event that the permit holder's Mineral Lease is suspended, cancelled or expires.

Your Permit is subject to the following additional conditions set out below.

Additional Conditions	<ul style="list-style-type: none"> • Access to monitoring locations (Schedule One) is limited to undertaking monitoring activities in accordance with South Australian Government licencing requirements approved under the Cairn Hill Magnetite – Copper – Gold Mining Project, Mining and Rehabilitation Program, 20 November 2008 and Cairn Hill Magnetite-Copper-Gold Project Groundwater Monitoring Program (GMP) 20 April 2012 – or by agreement. • access may only occur via the approved routes specified in Plans 2.1 and 2.3; and • the Woomera Test Range must be notified at least 48 hours prior to undertaking monitoring activities outside of Mineral Lease 6303.
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S47F(1)

Samantha Higgins
 A/Assistant Secretary Arms Control
 Strategic Policy and Intelligence Division
 Date of Issue: 20 April 2016

CONDITIONS OF PERMIT**1. The holder of the permit must:**

- (a) unless the Secretary is satisfied that exceptional circumstances exist—give the Secretary at least 10 business days' notice in the approved form before a person enters the Woomera Prohibited Area under the permit; and
- (b) ensure that persons in the Woomera Prohibited Area under the permit are aware of the conditions to which the permit is subject; and
- (c) take all reasonable steps to ensure:
 - (i) that persons in the Woomera Prohibited Area under the permit comply with the conditions of the permit; and
 - (ii) that persons who are subject to the holder's control are not at places in the Woomera Prohibited Area without permission to be at those places.
- (d) notify the Department of Defence of:
 - (i) any death of any person; or
 - (ii) any serious injury or illness of a person; or
 - (iii) any dangerous incident.
 arising from a persons access to the Woomera Prohibited Area.
- (e) effect and maintain for the term of the permit:
 - (i) a public liability policy for an amount in respect of any one occurrence of not less than the amount of A\$50 million;
 - (ii) compulsory third party insurance in respect of all motor vehicles used by the Permit holder in the activities approved under the permit;
 - (iii) workers' compensation insurance which complies with the requirements of the applicable workers' compensation legislation; and
 - (iv) any other policy of insurance the permit holder is required by law to effect and maintain

2. A person in the Woomera Prohibited Area under the permit must not:

- (a) be at a place that is not covered by the permit; or
- (b) be in a zone during an exclusion period for the zone; or
- (c) carry out activities other than those for which the permit was issued; or
- (d) intentionally remove, touch, interfere or tamper with, any Commonwealth equipment, material or installation; or
- (e) enter any area:
 - (i) enclosed by the Commonwealth with wire or other material; or
 - (ii) protected by a member of the Defence Force or a contracted defence security guard; or
- (f) without the written approval of the Minister or in contravention of any conditions in the approval—have in his or her possession, or operate, an unmanned aerial vehicle; or
- (g) erect a building or any other structure that is more than 7.5 metres high without the written approval of the Minister; or
- (h) without the written approval of the Minister—have in his or her possession a firearm or explosives.

3. A person in the Woomera Prohibited Area under the permit must:

- (a) have ready access to communications equipment in good working order in accordance with the permit; and
- (b) if the person erects a building or any other structure approved by the Minister—notify the Minister as soon as practicable after the building or structure has been erected; and
- (c) comply with all reasonable directions in relation to the Woomera Prohibited Area given to the person by:
 - (i) a member of the Defence Force; or
 - (ii) an APS employee in the Department; and
- (d) inform the Secretary as soon as practicable if the person finds any war materiel; and
- (e) comply with all applicable laws of the Commonwealth and South Australia; and
- (f) have in his or her possession written proof of the person's identity that includes a photograph of the person.

4. The holder of the permit must take all reasonable steps to ensure:

- (a) that each person who enters the Woomera Prohibited Area under the permit:
 - (i) is approved by the Secretary under section 32 as an approved person; or
 - (ii) is an escorted person; and
- (b) that at all times during which the person is in the Woomera
 - (i) complies with any applicable conditions specified in the approval or the permit; and
 - (ii) has in his or her possession written proof of the person's identity that includes a photograph of the person; and
 - (iii) if the person is an escorted person—is accompanied by an approved person.

5. The body corporate must notify the Minister in writing within 15 business days if a person (either alone or together with one or more other persons) acquires a controlling interest in the body corporate.

*A person **acquires a controlling interest** in the body corporate if the person (either alone or together with one or more other persons):*

- (a) is in a position to cast, or control the casting of, 15% or more of the maximum number of votes that might be cast at a general meeting of the body corporate; or*
- (b) has the power to appoint or remove all, or a majority, of the directors of the body corporate; or*
- (c) has the authority to introduce and implement the financial and operating policies of the body corporate; or*
- (d) holds 15% or more of the issued share capital of the body corporate; or*
- (e) is in a position to cast, or control the casting of, a majority of the number of votes that might be cast at a meeting of the board of directors of the body corporate.*

The body corporate must notify the Minister in writing within 15 business days if a new director is appointed to the board of directors of the body corporate.

SCHEDULE ONE

S47G(1)

area (DN 010/U218/08)

Location	Type	Easting	Northing	Plan
Rankin Dam Rail Siding	Surface Water (Impact)	S47G(1)		2-1

Cairn Hill Mine Haul Road and associated infrastructure (DN 010/U220/08)

Location	Type	Easting	Northing	Plan
A	Borrow Pit	S47G(1)		2-2
B	Borrow Pit			2-2
C	Borrow Pit			2-2
D	Borrow Pit			2-2
E	Borrow Pit			2-2
F	Borrow Pit			2-2
G	Borrow Pit			2-2
H	Borrow Pit			2-2
I	Borrow Pit			2-2
J	Borrow Pit			2-2
K	Borrow Pit			2-2

Infrastructure/ monitoring locations approved under the Mining Act 1971, Natural Resources Management Act 2004 and associated legislation and contained within the Surface Water Impact and Reference / Flora.Fauna Monitoring Area on Plans 2.2 and 2.3

Access permitted at intervals as specified under Cairn Hill Magnetite – Copper – Gold Mining Project, Mining and Rehabilitation Program, 20 November 2008 and Cairn Hill Magnetite-Copper-Gold Project Groundwater Monitoring Program (GMP) 20 April 2012 - or by agreement.

Name	Type	Easting	Northing	Plan
CON001	Fauna Monitoring site	S47G(1)		2-2
CON002	Fauna Monitoring site			2-2
CON003	Fauna Monitoring site			2-2
VEG013-IMP	Fauna Monitoring site			2-2
VEG004-CON	Flora Monitoring site			2-2

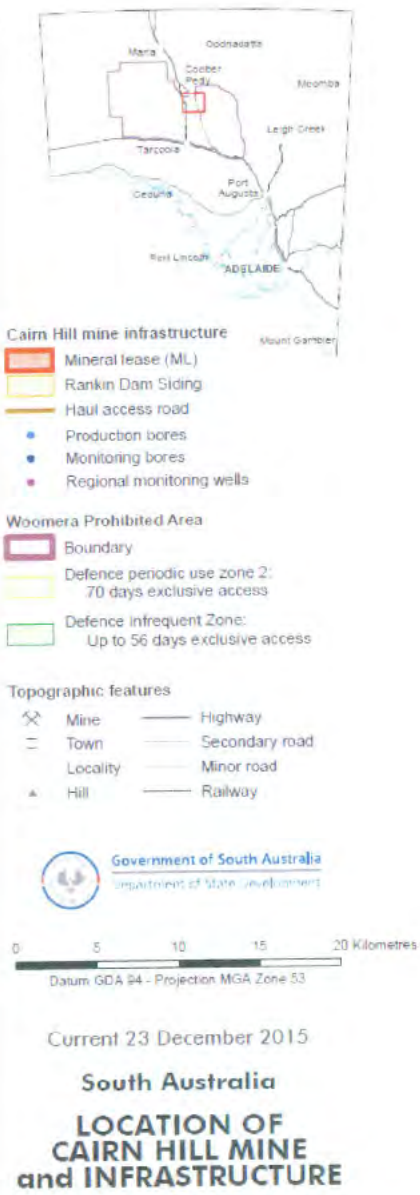
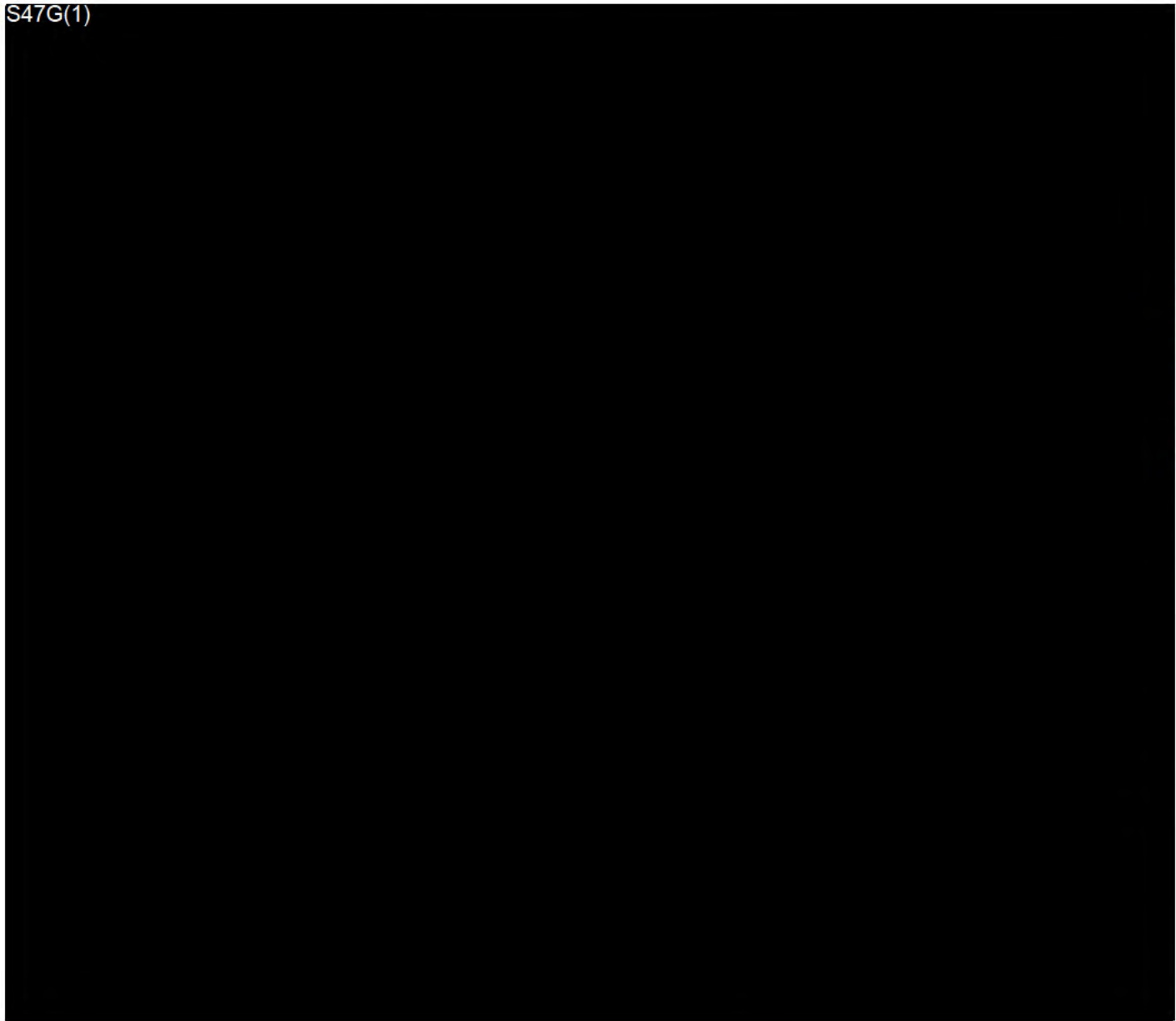
VEG005-CON	Flora Monitoring site	S47G(1)	2-2
VEG006-CON	Flora Monitoring site		2-2
VEG010-CON	Flora Monitoring site		2-2
VEG011-CON	Flora Monitoring site		2-2
VEG012-CON	Flora Monitoring site		2-2
Bore 10	Investigation Bore		2-2
Bore 13	Investigation Bore		2-2
Bore 3	Investigation Bore		2-2
Bore 6	Investigation Bore		2-2
Bore 6	Investigation Bore		2-2
Bore 9	Investigation Bore		2-2
SWMP1	Surface Water (Reference)		2-2
SWMP2	Surface Water (Reference)		2-2
SWMP3	Surface Water (Reference)		2-2
SWMP4	Surface Water (Impact)		2-2
SWMP5	Surface Water (Impact)		2-2
SWMP6	Surface Water (Impact)		2-2
CHMB005	Local Monitoring Bore		2-3
PBBH03	Local Monitoring Bore		2-3
PBBH04	Local Monitoring Bore		2-3
PBBH05	Local Monitoring Bore		2-3
PBBH06	Local Monitoring Bore		2-3
PBBH07	Local Monitoring Bore		2-3
PBBH09	Local Monitoring Bore		2-3
PBBH10	Local Monitoring Bore		2-3
CHPB01 (Bore 1)	Production Bore		2-3
CHPB08 (Bore 8)	Regional Monitoring Bore		2-3
ENG 9	Regional Monitoring Bore		2-3
Mt Penrhyn No 2 New	Regional Monitoring Bore		2-3
MWRM001	Regional Monitoring Bore		2-3

S47G(1)

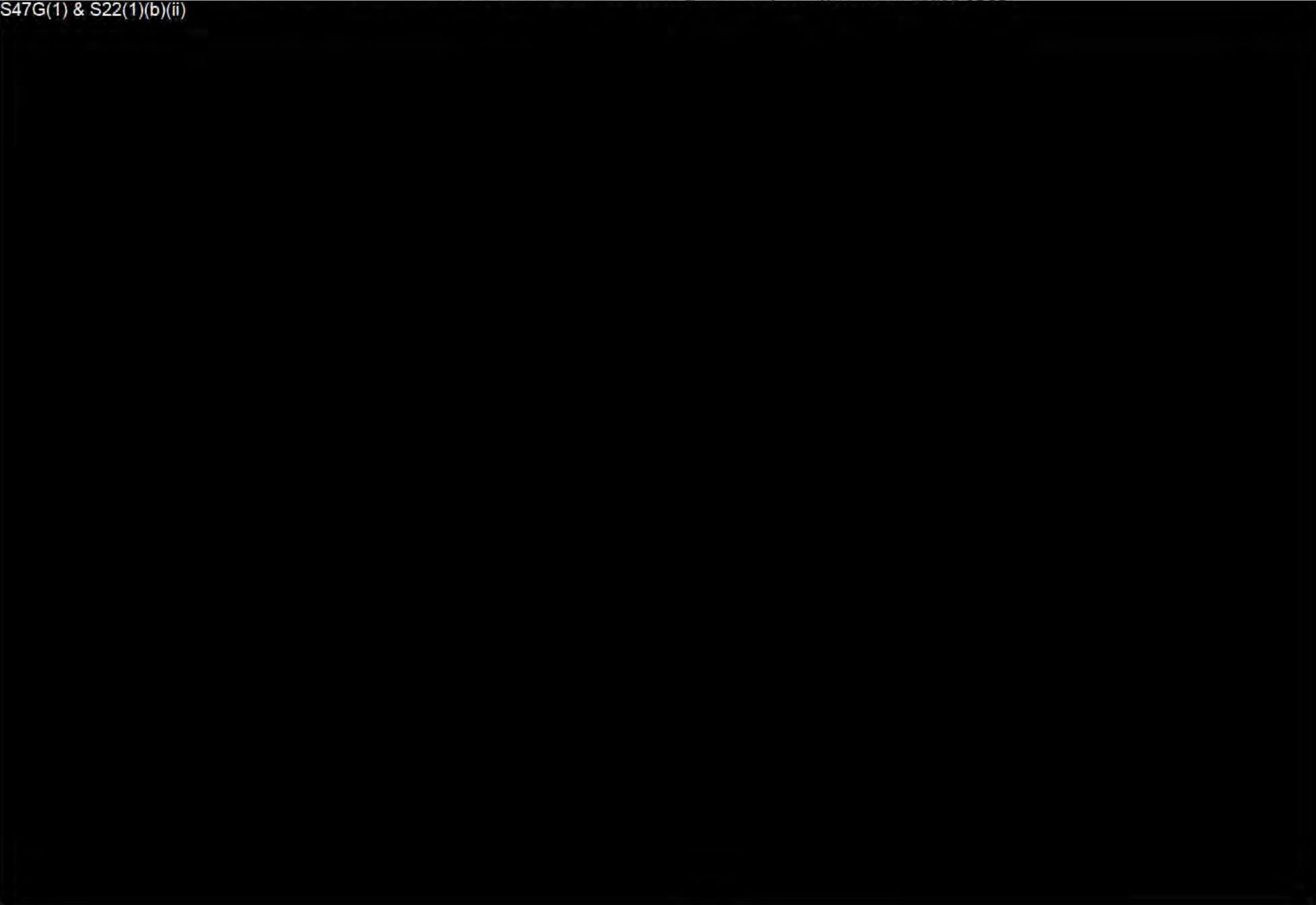
MWRM002	Regional Monitoring Bore	[REDACTED]	2-3
MWRM003	Regional Monitoring Bore	[REDACTED]	2-3

Plan 2.1 Mineral Lease 6303, Haul Road and Rankin Dam Rail Siding and Laydown (Stockpile area)

S47G(1)

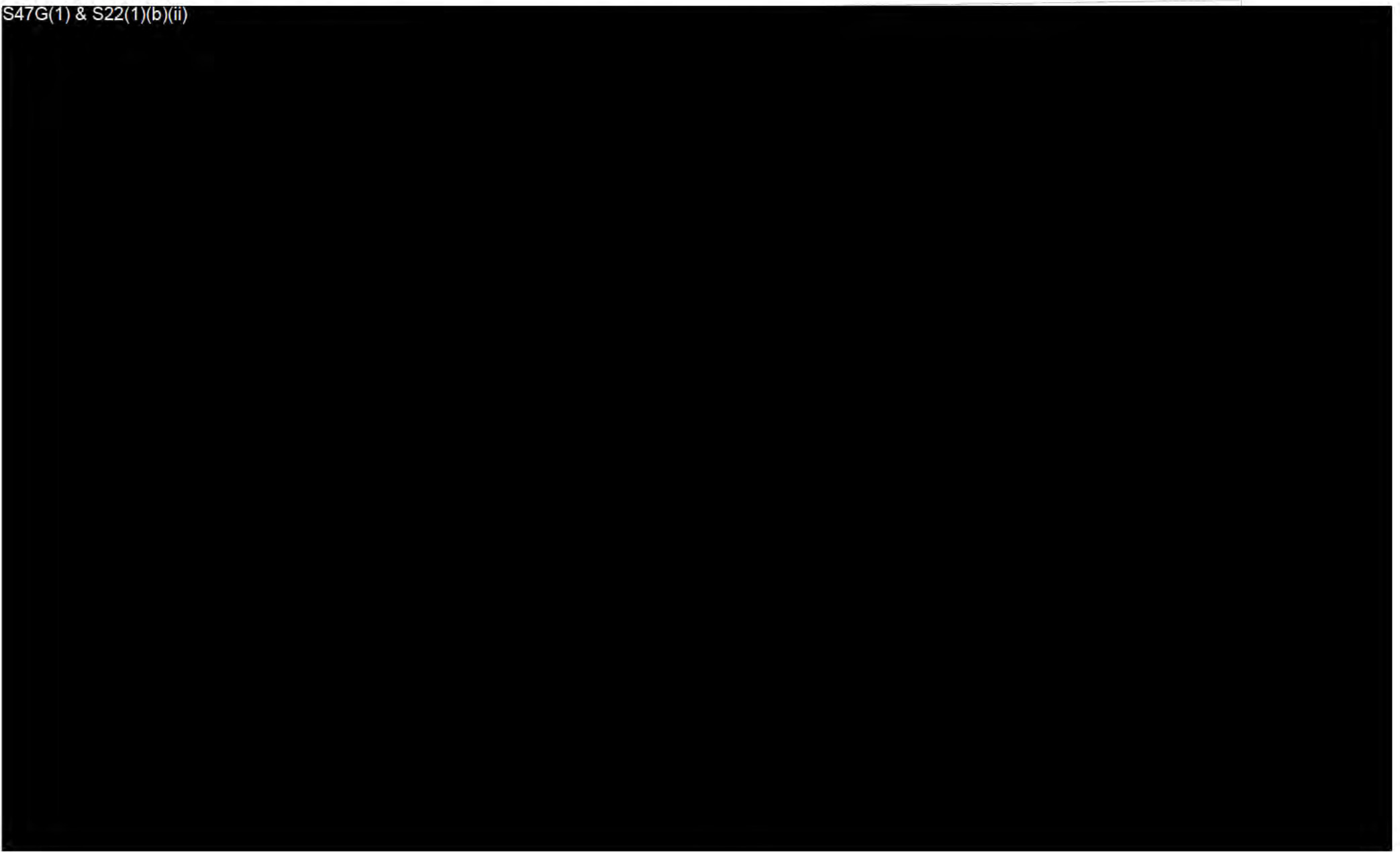


S47G(1) & S22(1)(b)(ii)



Plan 2.3 Regional Monitoring Bores outside of Surface Water Impact and Reference / Flora and Fauna Monitoring area

S47G(1) & S22(1)(b)(ii)





Australian Government
Department of Defence

MINISTERIAL SUBMISSION

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PDR: MDEF-0001 383/18/19
Ref: DEPSEC SP&I(S)/OUT/2017/78

Minister for Defence – For action
Minister for Defence Industry – For information

Copies to: Acting Secretary, CDF, VCDF, CAF, DEPSEC E&I, FASS&VS, FASSP, HDL



WOOMERA PROHIBITED AREA (WPA) - S47(1)(b)
[REDACTED] CU-RIVER MINING AUSTRALIA PTY LTD

Critical Date: 8 June 2017

Reason: S47C(1)(a)
[REDACTED]

Recommendations:

1. That you note that Cu-River Mining Australia Pty Ltd, a Chinese-owned Australian proprietary company, S47(1)(b) [REDACTED] (Noted) / Please discuss
 2. S47(1)(b) [REDACTED] (Noted) / Please discuss
 3. S47(1)(b) [REDACTED] (Noted) / Please discuss
 4. S22(1)(b)(ii) [REDACTED] (Noted) / Please discuss
 5. That you note that Cu-River Mining Australia Pty Ltd presently holds a resource production permit issued in August 2015 for operations at Cairn Hill mine in the WPA, S47(1)(b) [REDACTED] (Noted) / Please discuss
 6. S7(2C) & S33(a)(i) [REDACTED]
 7. S47(1)(b) [REDACTED] S47B(a) - Commonwealth-State relations and the S47(1)(b) & S47C(1)(a) [REDACTED] (Noted) / Please discuss
 8. S47(1)(b) & S47C(1)(a) [REDACTED]
- S34(3) [REDACTED] S47F(1) [REDACTED]
Minister for Defence... Date 08/06/2017

Key Points:

1. Cu-River Mining Australia Pty Ltd (Cu-River) is a Chinese-owned Australian proprietary company that has been granted seven resource exploration tenement licences and a resource production lease within the Woomera Prohibited Area (WPA) by the South Australian Government. The company has a current Defence resource production (mining) permit that is valid until August 2024 for mining activities at the Cairn Hill mine, which is also within the WPA. These tenements and mine are shown on the map at Attachment A.
2. Notwithstanding the grant of licences by the South Australian Government, non-Defence users of the WPA S47(1)(b) & S47C(1)(a) under Defence's legislative framework. S47(1)(b) under the provisions of the *Woomera Prohibited Area Rule 2014* (the Rule).
3. S47(1)(b)
4. S47(1)(b) prior to it acquiring those interests from the former owner, S22(1)(b)(ii). Regardless, S47(1)(b)
5. S7(2A) and (2C) & S33(a)(i)
- 6.
- 7.
8. S33(a)(i)
S47(1)(b)

S47(1)(b)

9. S47(1)(b) & S47C(1)(a)

10. The resource production (mining) permit held by Cu-River that expires in August 2024 will remain in force, subject to continuation of the currently agreed method of operation and Defence's monitoring and compliance regime. S33(a)(i)

S33(a)(i)

11. S33(a)(i) & S22(1)(b)(ii)

12. S22(1)(b)(ii) & S33(a)(i)

13. I am available to discuss this submission with you.

S47F(1)

Rebecca Skinner
Deputy Secretary Strategic Policy and
Intelligence
Telephone: 6265 2636

Contact officer: Tom Hamilton
First Assistant Secretary Strategic Policy
Contact officer phone: 6265 1883

6 June 2017

S47(1)(b)

S47(1)(b) & S47C(1)(a)

S47C(1)(a)

S47(1)(b) & S47C(1)(a)

S47B(a) and (b) & S22(1)(b)(ii)

Talking

Points are provided at Attachment B.

Financial Impacts:

There are no financial impacts.

Summary of Attachments:

A – Map showing Cu-River exploration and mineral production tenements in the WPA.

B – S22(1)(b)(ii) Talking Points.

Background:

Woomera Prohibited Area overview

14. The Woomera Prohibited Area (WPA) covers about 122,000 km² (about the size of England) in South Australia, approximately 450 km North North-West of Adelaide. The WPA is globally unique, being the largest land-based test range in the Western world, and is Australia's most important military testing range. The WPA is predominantly South Australian Crown land that includes pastoral leases, mining leases and exploration tenements, as well as freehold and native title claim areas over which Defence controls access.

15. It is a prohibited area declared for the testing of war materiel under the capability management of the Royal Australian Air Force. The size, remote location, low population density and quiet electromagnetic environment of the WPA make it an ideal test and evaluation site for Australia and its partners.

16 S33(a)(ii) and (iii)

17

Cu-River applications to access the WPA

18. S47(1)(b) [REDACTED]
[REDACTED] was
contingent. S7(2C) & S33(a)(i)
In-principle agreement was subsequently given and the company was
advised accordingly in October 2014. S47(1)(b)
19. The S47(1)(b) Cu-River's
resource production activities at the Cairn Hill mine, which it acquired in early 2015.
S33(a)(i)
A permit was subsequently issued in August 2015,
which will expire in August 2024. The mine and the tenements are within the Green (Defence
infrequent use) Zone.
20. S47(1)(b)
[REDACTED]
21. S47(1)(b)
[REDACTED]
22. S33(a)(i)
[REDACTED]

S7(2A) & S33(a)(i)

S7(2A) & S33(a)(i)




S33(a)(ii) and (iii)

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S7(2A) & S33(a)(ii) and (iii)




S47(1)(b)

35. S33(a)(i)



36. S47(1)(b)

 of the *Woomera Prohibited Area Rule* 2014. Senator the Hon David Johnston, as then Minister for Defence, executed an Instrument of Delegation on 28 August 2014, which delegated the Minister's relevant power under the Rule. This Instrument remains in force.

S47(1)(b)

[REDACTED]

S22(1)(b)(ii)

[REDACTED]

Consultation:

Yes.

Defence: Deputy Chief of Air Force; First Assistant Secretary Security & Vetting Service; Director General Advanced and Strategic Capabilities; and, Deputy General Counsel, Defence Legal.

External: Deputy Secretaries at Treasury, Industry and DFAT.

Replicated Document

Attachment A - CU River Tenement Map (See Schedule Item 4)

S47(1)(b)

CU-RIVER MINING AUSTRALIA PTY LTD
TALKING POINTS

Woomera Prohibited Area

- The Woomera Prohibited Area in South Australia is a prohibited area declared for the testing of war materiel.
- The Woomera Prohibited Area is Australia's most important weapons test range and makes a significant contribution to our national security.
- Anyone wishing to access the Woomera Prohibited Area must hold the relevant permit or permission to do so.

S47(1)(b)

S47(1)(b)

S47(1)(b)

S47(1)(b)

Contact officer: Samantha Higgins

Telephone: 6265 1883

Clearance	Name	Appointment	Date
Cleared by:	Tom Hamilton	FASSP	25 May 2017
Cleared by: MECC Division	Karin O'Bryan	Director MECC	2 June 2017

**BRIEF FOR SECRETARY: CU-RIVER AUSTRALIA PTY LTD**

S47(1)(b)

Group: Strategic Policy & Intelligence

Reference: DESPEC SP&I(S)/OUT/2017/ 178

Due Date: 27 Oct 17 to meet regulatory timeframe

Recommendation

That you:

(a) Note that DEPSEC SP&I S47(1)(b)

(b) S47(1)(b)

(c)

(d) S47(1)(b)

(e)

(f)

(g)

(h)

Background

1. Cu-River Mining Australia Pty Ltd (Cu-River) is a Chinese-owned Australian proprietary company that has been granted resource exploration tenement licences within the Woomera Prohibited Area (WPA) by the South Australian Government. Notwithstanding, any person seeking to access the WPA must also obtain permission from Defence under its legislative framework. In this case, the provisions of the *Woomera Prohibited Area Rule 2014* (the Rule) apply.

2. Cu-River has extant permission under a resource production (mining) permit granted by Defence in August 2015 to access and operate the Cairn Hill mine within the WPA.

S33(a)(i)

3. S47(1)(b)

4. S47(1)(b)

5. S33(a)(i)

6. S33(a)(i)

7. S47(1)(b)

8. S47(1)(b) & S47C(1)(c); S34(3)

9. S47(1)(b)

Key Issues

10. You are the Minister's delegate for an internal review of DEPSEC SP&I's S47(1)(b) S22(1)(b)(ii) Procedurally, you:

S47(1)(b)

11

12

13. S47(1)(b)

the WPA); Joint Capability Management and Integration (as manager of our partners' special access programs); and Security and Vetting Services (for security threat assessment).

14. S47(1)(b) & S33(a)(i)

15. S47(1)(b) & S47C(1)(b)

16. S47C(1)(a)

S47B(a) & S33(a)(i)

S33(a)(i) & S34(3)

Consultation

Air Force, Director-General Strategy and Planning; Defence Security and Vetting Service, Assistant Secretary Security Operations; Joint Capability Management and Integration, Director-General Advanced & Strategic Capabilities; Defence Legal, Special Counsel.

<p>S47F(1)</p> <p>Marc Ablong Acting Deputy Secretary Strategic Policy and Intelligence</p> <p>17 October 2017</p>	<p>(a) NOTED/PLEASE DISCUSS</p> <p>(b) NOTED/PLEASE DISCUSS</p> <p>(c) NOTED/PLEASE DISCUSS</p> <p>(d) NOTED/PLEASE DISCUSS</p> <p>(e) AGREED/NOT AGREED</p> <p>(f) NOTED/PLEASE DISCUSS</p> <p>(g) AGREED/NOT AGREED</p> <p>(h) NOTED/PLEASE DISCUSS</p> <p>S47F(1)</p> <p>Greg Moriarty Secretary</p> <p>20 October 2017</p>
<p>Division Head</p> <p>Branch Head</p>	<p>Tom Hamilton</p> <p>Samantha Higgins</p> <p>W: 6265 1883</p> <p>W: 6265 3043</p> <p>S47F(1)</p>

Attachments:

- A. S47(1)(b)
- B. [REDACTED]
- C. Ministerial Advice MS17-900415 of 6 June 2017
- D. S47(1)(b)
- E. S22(1)(b)(ii)
- F. [REDACTED]
- G. S47(1)(b)

Replicated Document

Attachment C: MINADV MS17-900415 (Schedule Item 15)

BRIEF FOR DEPSEC SP&I: WOOMERA PROHIBITED AREA S47(1)(b)	
ACTION	Reference: FASSP(S)/OUT/2017/ 23
DEPSEC SP&I(S)/OUT/2017/66	Due Date:

Recommendations

That you:

- (a) Note that Cu-River Mining Australia Pty Ltd, a Chinese-owned Australian proprietary S47(1)(b)

- (b) Note that Cu-River Mining Australia Pty Ltd presently holds a resource production permit issued in August 2015 for mining operations at Cairn Hill within the Woomera Prohibited Area.

- (c) S7(2A) & S33(a)(i)

- (d) S33(a)(i)

- (e) S47(1)(b)

- (f)

- (g)

- (h)

- (i)

Background

1. Cu-River Mining Australia Pty Ltd (Cu-River) is a Chinese-owned Australian proprietary company that has been granted seven resource exploration tenement licences within the Woomera Prohibited Area (WPA) by the South Australian Government. Notwithstanding, any person seeking to access the WPA must obtain permission from Defence. In this case, the provisions of the *Woomera Prohibited Area Rule 2014* (the Rule) apply.

2. S47(1)(b)

3. Prior to the acquisition of these exploration tenements in 2014, Cu-River sought 'in-principle' agreement from Defence for a resource exploration permit covering the tenements, upon which the sale and purchase agreement with former owner S22(1)(b)(ii) was contingent. S7(2C) & S33(a)(i)

In-principle agreement was subsequently given and the company was advised accordingly in October 2014. Cu-River has not sought to formalise this in-principle access permission until now.

4. S47(1)(b)

early 2015. S33(a)(i)

and a mining permit was subsequently issued in August 2015, which will expire in August 2024. The mine and the exploration tenements are within the Green (Defence infrequent use) Zone.

5. S47(1)(b)

6.

7.

2014, executed by Senator the Hon David Johnston as Minister for Defence, remains in force.

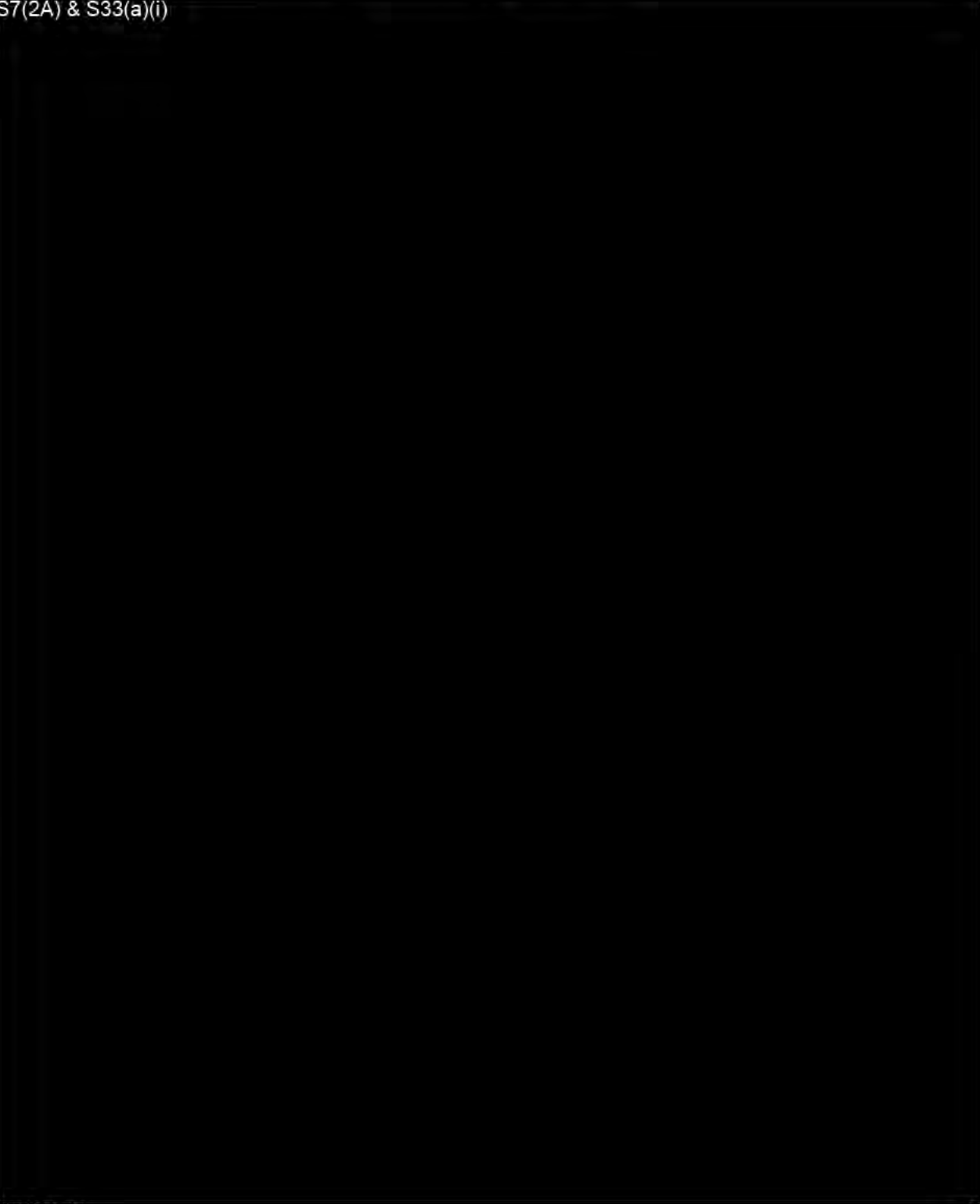
Key Issues

8. S7(2A) and (2C) & S33(a)(i)

9.

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S7(2A) & S33(a)(i)



S47(1)(b)



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S47(1)(b)

S47G(1)

S33(a)(ii)

Sensitivity

18. As Cu-River already holds a resource production permit for access to the WPA, and that in-principle approval for the exploration permit was given in 2015, Cu-River could

S47(1)(b)

S47(1)(b) & S47C(1)(a)

S47B(a)

S33(a)(i)

Consultation

22. Deputy Chief of Air Force; First Assistant Secretary Security & Vetting Service; Deputy General Counsel, Defence Legal; Director General Advanced and Strategic Capabilities.

<p>S47F(1)</p> <p>Tom Hamilton First Assistant Secretary Strategic Policy</p> <p>May 2017</p>		<p>(a) NOTED</p> <p>(b) NOTED</p> <p>(c) NOTED</p> <p>(d) NOTED</p> <p>(e) NOTED</p> <p>(f) NOTED</p> <p>(g) NOTED</p> <p>(h) AGREED / NOT AGREED</p> <p>(i) AGREED / NOT AGREED</p>	
		<p>S47F(1)</p> <p>Rebecca Skinner Deputy Secretary Strategic Policy & Intelligence</p> <p>6 June 2017</p>	
Branch/Section Head	Samantha Higgins	W: (02) 6265 3043	Mob:
Action Officer	Caroline Chalker	W: (02) 6265 1272	Mob:

Attachments

A. S33(a)(i)

Attachment A

S33(a)(i)

CU-RIVER MINING AUSTRALIA

S47(1)(b)

1. Cu-River Mining Australia Pty Ltd (Cu-River) is a Chinese-owned Australian proprietary company that holds seven resource exploration tenement licences within the Woomera Prohibited Area (WPA) issued by the South Australian Government. The company is also S47(1)(b)
2. The company further holds a Defence-issued resource production permit for mining operations at Cairn Hill, also within the WPA. The acquisition of the mine S47G(1) S47G(1) access to the WPA was considered under Defence's legislative framework. The permit was granted in August 2015 for a term of nine years following a security risk assessment. The permit was subsequently amended in April 2016 to include access permission to the Cairn Hill haul road, Rankin Dam siding and related water infrastructure (bore sites); as well as nearby (up to approximately 25km from Mine) monitoring sites (flora, fauna, ground water) in the course of fulfilling its South Australian environmental licensing obligations.

S47(1)(b)

S47(1)(b)

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S47(1)(b)

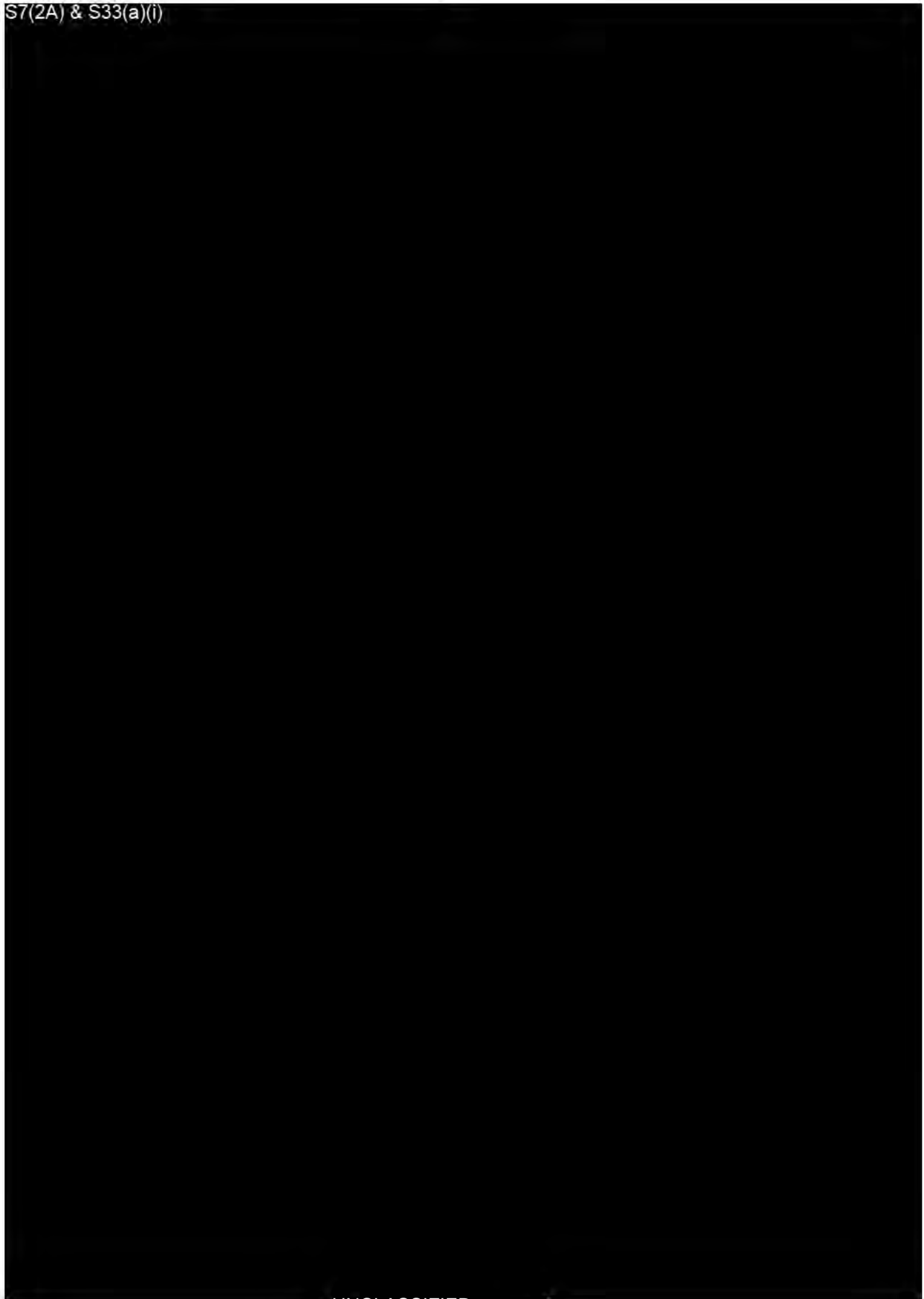
S7(2A) & S33(a)(i)

UNCLASSIFIED

UNCLASSIFIED

3

S7(2A) & S33(a)(i)

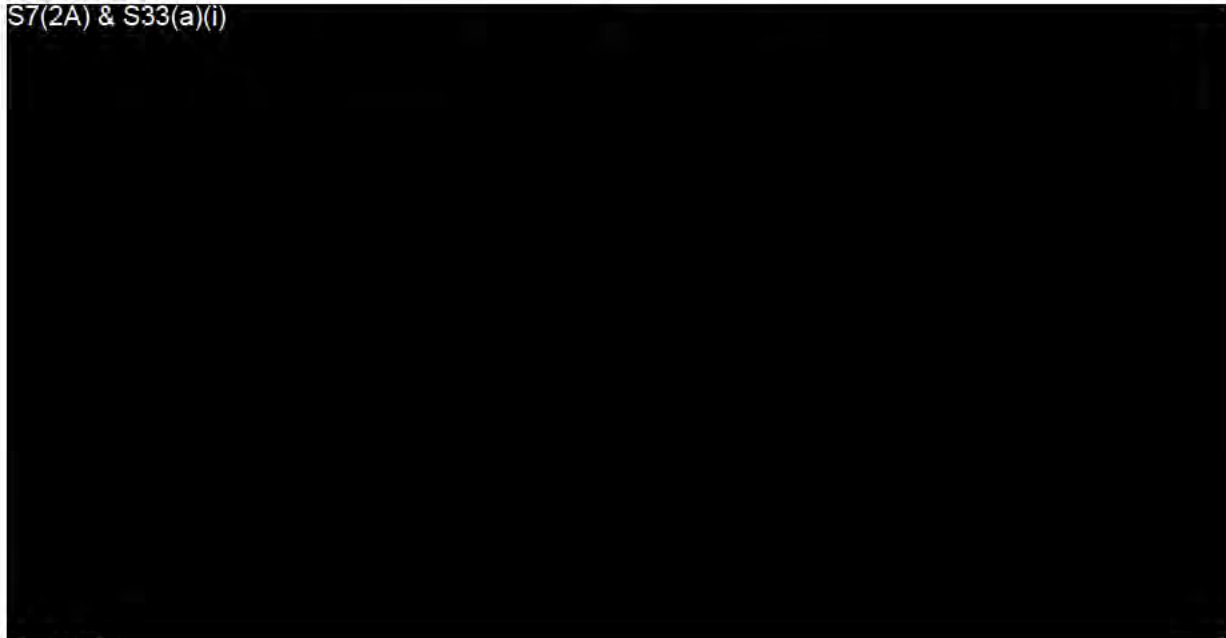


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4


S7(2A) & S33(a)(i)




S47(1)(b)



S47G(1) & S22(1)(b)(ii)



S33(a)(i)



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5

S33(a)(i)

**Enclosures:**

S47(1)(b)

2. Map showing Cu-River exploration and mineral production tenements in the WPA.

S7(2A) - Exempt document

4. Letter from S47F(1) Project Manager Cu-River Mining Australia of
24 March 2017.

I

Replicated Documents

Enclosure 2: CU-River Tenement Map (Schedule Item 4)

Enclosure 4: CU-River Mining Letter (Schedule Item 12)

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S33(a)(i) & S47(1)(b)

CU-RIVER MINING AUSTRALIA PTY LTD

S47(1)(b)

S33(a)(i)

S47(1)(b)

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S47(1)(b)



a. S47F(1)



b. S47(1)(b)

c.

d.

e.

f.



S47C(1)(b)



S33(a)(i), S47F(1) & S47C(1)(a)



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S33(a)(i) & S47C(1)(a)



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S33(a)(i) & S47C(1)(a)




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S7(2A) & S33(a)(i)



Conclusion

S33(a)(i) & S47(1)(b)



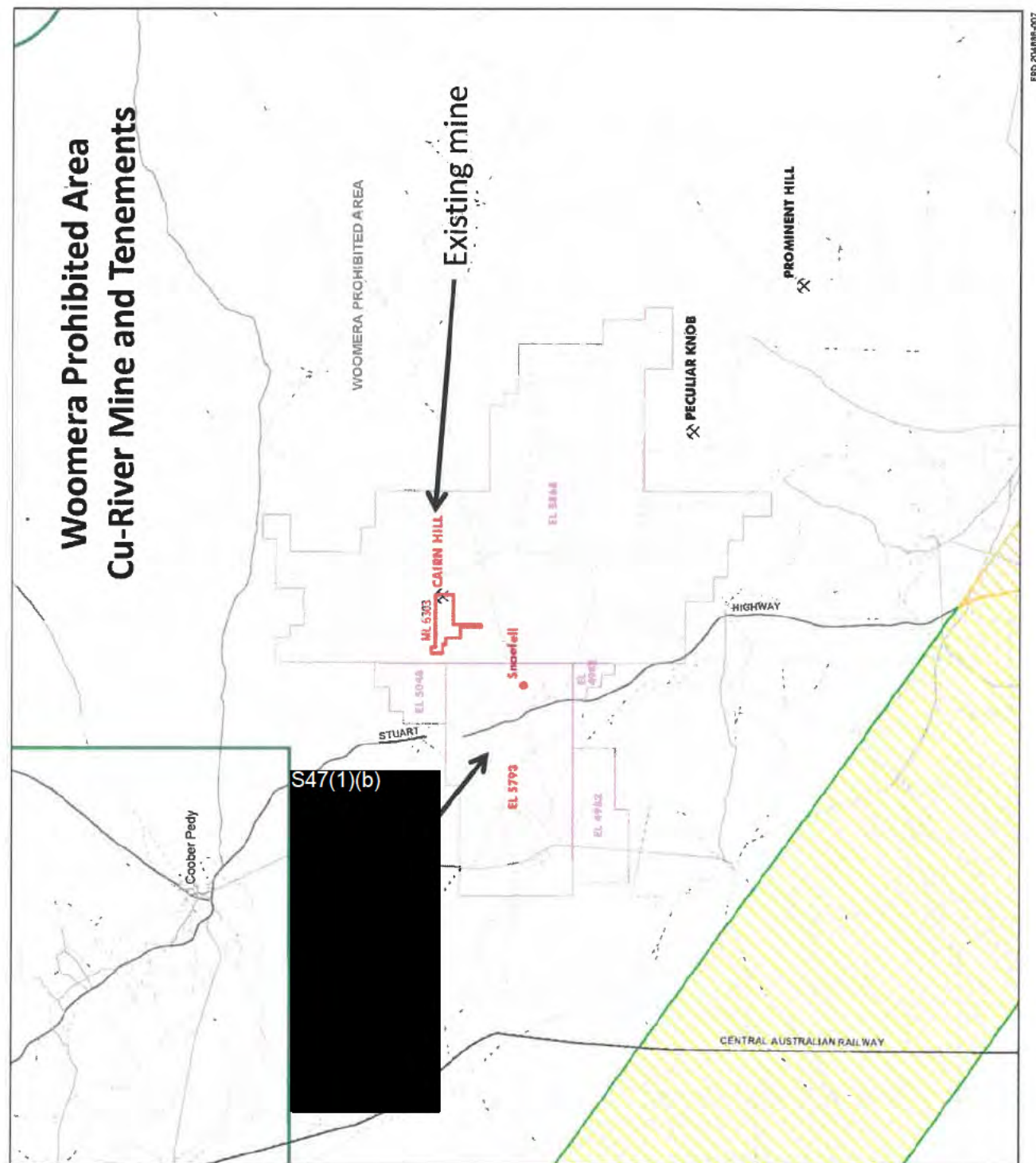
S47(1)(b)

WPACO
Strategic Policy Division

9 October 2017

Enclosures:

1. S33(a)(i)
2. S47(1)(b)
3. Map of Cu-River tenements in the Woomera Prohibited Area
4. S7(2A) - Exempt document
5. S7(2A) - Exempt document





Australian Government
Department of Defence

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MINISTERIAL SUBMISSION

PDR: MS17-901399

Ref: FASSP(S) 2017/041 30



Minister for Defence – For action

Minister for Defence Industry – For information

Copies to: Secretary, C'DF, VC'DF, C'AT, F'ASME'C, F'ASS&VS, HDI

CU-RIVER MINING AUSTRALIA PTY LTD S47(1)(b) N

Critical Date: 3 November 2017

Reason: S47C(1)(a)

Recommendations:

S47(1)(b)

Noted / Please discuss

Noted / Please discuss

Noted / Please discuss

Noted / Please discuss

S47F(1)

Minister for Defence....

Date 02/11/2017

Key Points:

- On 6 June 2017 you were advised (MS17-900415 at Attachment A) that Chinese-owned Cu-River Mining Australia Pty Ltd (Cu-River) S47(1)(b)

S22(1)(b)(ii) - Out of scope

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S47(1)(b)

S47F(1)

Tom Hamilton
First Assistant Secretary Strategic Policy
Strategic Policy and Intelligence Group
Telephone: 6265 1883
17 October 2017

Contact officer: Samantha Higgins
Contact officer phone: 6265 0343

Sensitivity:

S33(a)(i) & S47B(a)

On 18 October 2017, Cu-River publicly announced plans for the expansion of its Cairn Hill mine; the signing of a financing facility with Jiujiang Mining Australia, a local subsidiary of a Chinese steel producer; and their plans for development of nearby explorations tenements at Snacfell and Tomahawk. S47(1)(b)

This announcement received local media coverage in the Adelaide Advertiser was followed by a media release on 19 October 2017 from Minister Koutsantonis.

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S33(a)(i); S47C(1)(a) & S34(3)

Financial Impacts: There are no financial impacts.

Summary of Attachments:

A - MS17-900415 S47(1)(b)

dated 6 June 2017.

B - S22(1)(b)(ii) Talking Points.

Background:

10. Cu-River Mining Australia Pty Ltd (Cu-River) is a Chinese-owned Australian proprietary company that has been granted resource exploration tenement licences within the WPA by the South Australian Government. S47(1)(b) k. In this case, the provisions of the *Woomera Prohibited Area Rule 2014* (the Rule) apply.

11. Cu-River has extant permission under a resource production (mining) permit granted by Defence in August 2015 to access and operate the Cairn Hill mine within the WPA.

S33(a)(i)

12. S47(1)(b)

13.

14. S33(a)(i)

15. S47(1)(b)

16.

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Related Briefs:

MS17-900415 - S47(1)(b)

dated 6 June 2017.

Consultation:

Yes.

Director-General Strategy and Planning, Air Force; Director-General Advanced and Strategic Capabilities, Vice Chief of Defence Force Executive; and Assistant Secretary Security Operations.

Replicated Documents

Attachment A: MINSUB MS17-900415 (Schedule Item 15)

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S47(1)(b)




CU-RIVER MINING AUSTRALIA PTY LTD
TALKING POINTS

Woomera Prohibited Area

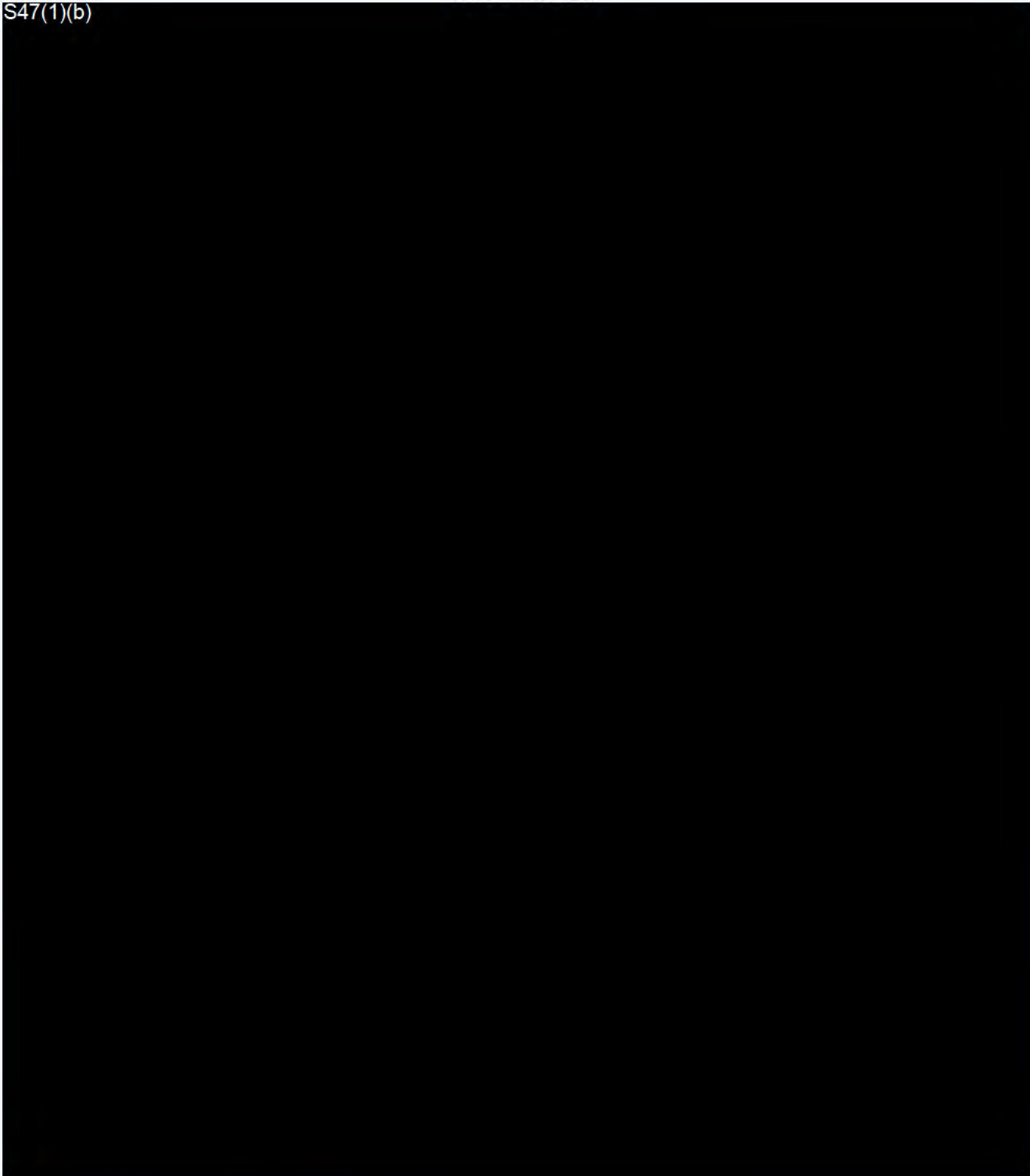
- The Woomera Prohibited Area in South Australia is a prohibited area declared for the testing of war materiel.
- The Woomera Prohibited Area is Australia's most important weapons test range and makes a significant contribution to our national security.
- Anyone wishing to access the Woomera Prohibited Area must hold the relevant permit or permission to do so.

S47(1)(b)



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S47(1)(b)



Contact officer: Samantha Higgins

Telephone: 6265 0343

Clearance	Name	Appointment	Date
Cleared by:	Tom Hamilton	FASSP	26/10/17
Cleared by: MECC Division	Karin O'Bryan	Director MECC	26/10/2017

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Australian Government

Department of Defence

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Defence FOI 383/18/19

PDR: MS18-900386

MINISTERIAL SUBMISSION



Minister for Defence – For action

Minister for Defence Industry – For information

Copies to: Secretary, CDF, Associate Secretary, VCDF, CAF, FASMECC, FASSP, FASS&VS, HDL

WOOMERA PROHIBITED AREA (WPA) -

S47(1)(b)

S47(1)(b)

Critical Date: 30 May 2018

S47C(1)(a)

Recommendations:

1. That you note that Cu-River Mining Australia Pty Ltd (Cu-River), a Chinese privately-owned Australian proprietary company, holds a Defence resource production (mining) permit for the Cairn Hill mine within the WPA.

Noted / Please discuss

2. S47(1)(b)

Noted / Please discuss

3.

Noted / Please discuss

4.

Noted / Please discuss

5.

Noted / Please discuss

6.

Noted / Please discuss

7.

Noted / Please discuss

S47F(1)

Minister for Defence.....

Date 28/05/2018

S22(1)(b)(ii)

Key Points:

1. S47(1)(b)

2.

3.

4. S47(1)(b)

5. S47(1)(b)

6. S7(2A) & S33(a)(i)

7. S47(1)(b)

8.

Cleared by
Scott Dewar
Acting Deputy Secretary
Strategic Policy and Intelligence
Telephone: 6265 2636
18 May 2018

Contact officer:
Tom Hamilton
First Assistant Secretary
Strategic Policy
Contact officer phone: 6265 1883

S47(1)(b)

S47(1)(b)

On 18 October 2017, Cu-River publicly announced plans for the expansion of its Cairn Hill mine and the signing of a financing facility with Jiujiang Mining Australia Pty Ltd, a local subsidiary of a Chinese resources company and steel producer. The financing facility would also fund the construction of the processing plant and accommodation camp and further expansion of the current open-cut mine pits. The announcement also outlined Cu-River's plans for development of nearby explorations tenements at Snaefell and Tomahawk. S47(1)(b)

S47B(a)

S33(a)(i); S34(3) & S22(1)(b)(ii)

Financial Impacts: There are no financial impacts.

Summary of Attachments:

A – MS17-900415 S47(1)(b)

dated 6 June 2017.

B – MS17-901399 S47(1)(b)

dated 27 October 2017.

C – Map of Cu-River tenements.

S22(1)(b)(ii)

Background:

9. Cu-River holds a Defence-issued resource production permit for mining operations at Cairn Hill within the WPA Green Zone. The permit has been in place since August 2015 with the term current until 14 August 2024. S33(a)(i)

A map of the mining tenement lease subject to the Defence permit is at Attachment C. The map also shows adjoining exploration tenements S47(1)(b)

10. S47(1)(b) [REDACTED]
11. S47(1)(b) [REDACTED]
12. S47G(1) [REDACTED]
S33(a)(i) & S47(1)(b) [REDACTED]
13. S33(a)(i) [REDACTED]
14. S33(a)(ii) [REDACTED]
15. S33(a)(ii) [REDACTED]
16. S33(a)(i) [REDACTED]

17. S47(1)(b)
18. S22(1)(b)(ii) - Out of scope

Consultation:

Yes.

Internal:

Air Force (Director-General Air Capability Enablers-AF; Commander Air Warfare Centre); Vice Chief of the Defence Force (Director-General Advanced & Strategic Capabilities); and Associate Secretary (Assistant Secretary Security Threat and Assurance; Special Counsel, Defence Legal).

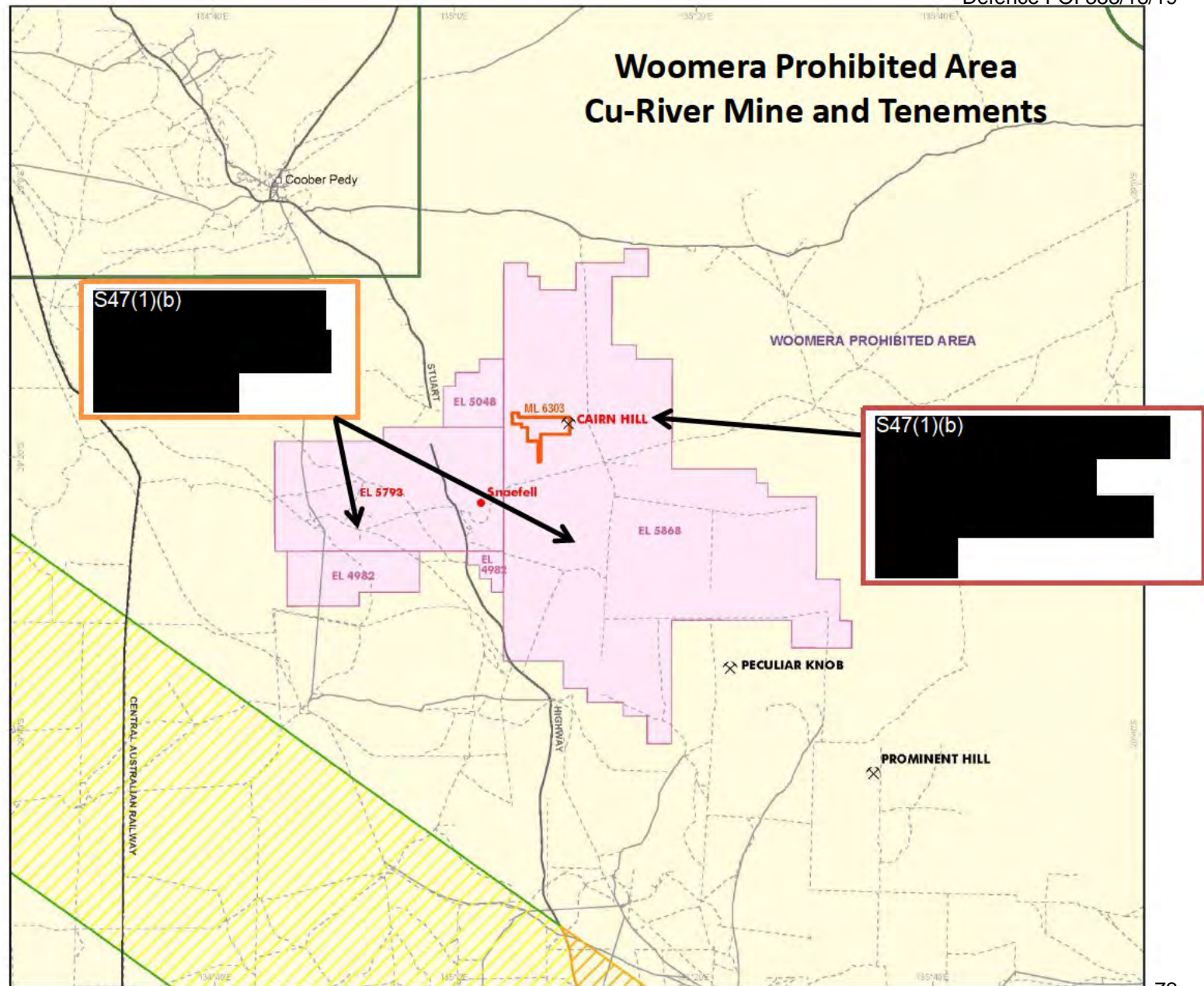
Interdepartmental:

Prime Minister and Cabinet; Treasury; Foreign Affairs and Trade; Industry, Innovation and Science; S33(a)(i)

Replicated Documents

Attachment A: MINSUB 900415 (Schedule Item 15)

Attachment B: MINSUB 901399 (Schedule Item 19)



UNCLASSIFIED

EXECUTIVE SUPPORT UNIT
Defence FOI 383/18/19
- 3 OCT 2018
SEC(6)/IN/2018/303

**UPDATE BRIEF FOR SECRETARY: WOOMERA PROHIBITED AREA - CU-RIVER
MINING AUSTRALIA PTY LTD**

Group: SP&I

Reference: O1601246

Due Date: 5 October 2018 prior to Cu-River's 8 October
2018 meeting with Defence S47(1)(b)

Copies: CDF, ASSOC SEC, VCDF, A/ DepSec SP&I, CAF, HDL

Recommendations

That you:

- (a) **Note** that Cu-River Mining Australia Pty Ltd (Cu-River), a Chinese privately-owned company holds a resource production permit for the Woomera Prohibited Area (WPA).
S47(1)(b)
- (b) **Note** that representatives from Cu-River and its alliance partner, Jiujiang Mining Australia Pty Ltd (including the Hon. Nick Bolkus, Chairman of Jiujiang), have arranged for separate meetings with Minister Pyne (or his Office), Acting First Assistant Secretary Strategic Policy and Dr Gordon de Brouwer on 8 October 2018 to provide further information
S47(1)(b) (Ministerial Meeting Brief at Attachment D).
- (c) S47(1)(b)
- (d) S33(a)(i) & S47C(1)(a)

Background

1. We have previously briefed the former Minister and you (Secretary) on Cu-River's
S47(1)(b)

November 2017). S22(1)(b)(ii) & S34(3)

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2. S47(1)(b)

3.

S33(a)(i)

4. S47G(1)

S47B(a)

5. S47G(1)(a)

separate delegation of Cu-River and Jiujiang Mining Australia representatives are also meeting with Minister Pyne (or his Advisor) prior to the 8 October 2018 meeting. This will include the Honourable Nick Bolkus, Chairman of Jiujiang Mining Australia, Cu-River's alliance partner. A Meeting Brief for Minister Pyne's meeting with Cu-River and Jiujiang Mining Australia is at Attachment D.

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S47(1)(b) & S47C(1)(a)

now make. S47C(1)(a)

S42(1)

7. S33(a)(i)

S47G(1)(a)

10. S47(1)(b)


S33(a)(i)

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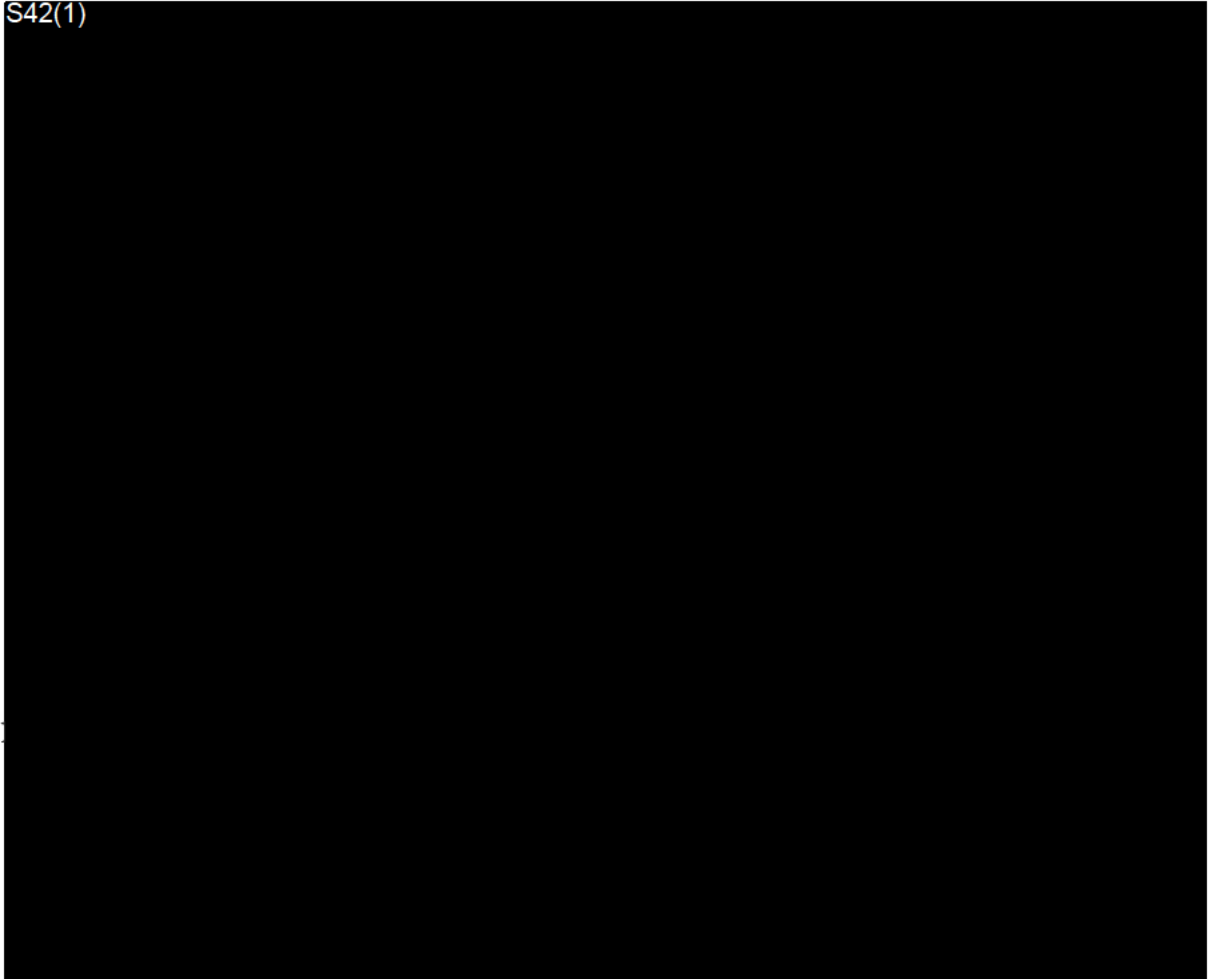
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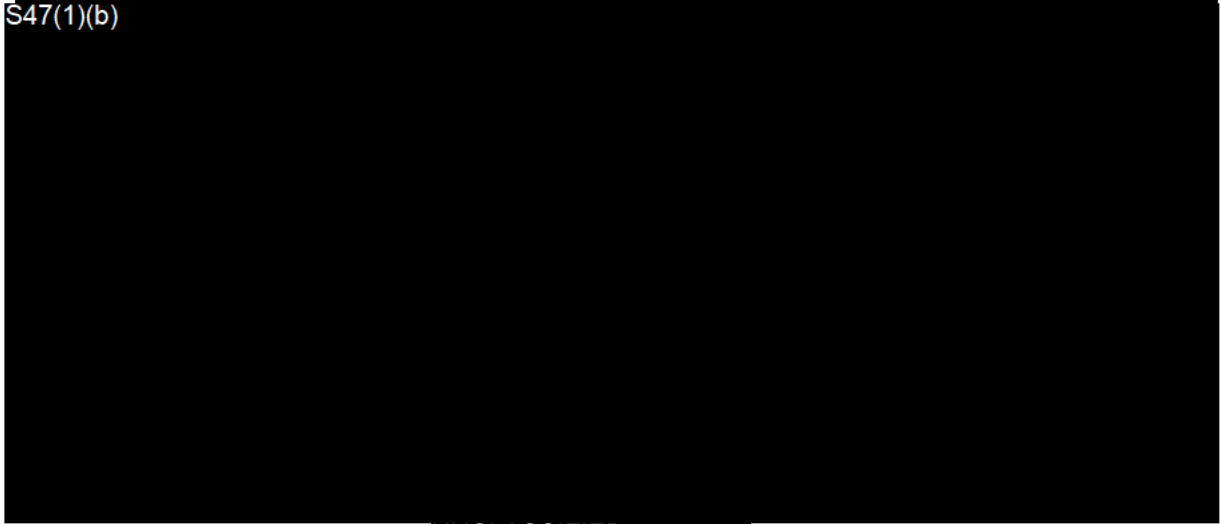
S33(a)(i)

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S42(1)

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S47(1)(b)

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S7(2A) & S33(a)(i)

Consultation

18. Vice Chief of Defence Force Group (Director General Advanced and Strategic Capabilities, AIRCDRE Michael Gray), Air Force (Director General Air Capability Enablers – Air Force, AIRCDRE Mark Green, and Commander Air Warfare Centre, AIRCDRE Vincent Iervasi), Woomera Test Range (Commanding Officer Woomera Test Range Squadron, WGCDR Stuart Scott) on compliance monitoring in the WPA. Associate Secretary Group (First Assistant Secretary Security and Vetting Service, Celia Perkins and Assistant Secretary Security Operations, Graham Downard), A/Defence General Counsel Omar Khan.

<p>S47F(1)</p> <p>Tom Hamilton Acting DepSec SP&I Tel: (02) 6265 7211</p> <p>Oct 18</p>		<p>(a) Noted / Please discuss</p> <p>(b) Noted / Please discuss</p> <p>(c) Noted / Please discuss</p> <p>(d) Noted / Please discuss</p> <p>S47F(1)</p> <p>Greg Moriarty Secretary</p> <p>4 Oct 18</p>	
Branch Head	E McGregor	W: (02) 6265 3043	S47F(1)
Action Officer	C Walker	W: (02) 6266 0287	Mob:

Enclosures

A. A/DEPSEC SP&I S47(1)(b) Brief dated 18 May 2018
S47(1)(b)
S47(1)(b)

D. Meeting Brief for Minister Pyne – Meeting with Cu-River and Jiujiang Mining Australia
S42(1)

UNCLASSIFIED

**BRIEF FOR DEPSEC SP&I: WOOMERA PROHIBITED AREA – APPLICATION BY
CU-RIVER MINING AUSTRALIA PTY LTD** S47(1)(b)

ACTION	Reference: SPD(S)/OUT/2018/32 SPD(S)/IN/2018/35
DEPSEC SP&I(S)/IN/2018/283	Due Date: 18 May 2018

Recommendations

That you:

- (a) Note that Cu-River Mining Australia Pty Ltd, a Chinese privately-owned Australian proprietary company, presently holds a resource production permit issued by Defence in August 2015 for mining operations at Cairn Hill within the Woomera Prohibited Area (WPA), with that permit expiring on 14 August 2024.

S47(1)(b)

S47G(1)

S47(1)(b)

(h) S7(2A); S33(a)(i) & S34(3)

S47(1)(b)

S47(1)(b)



S47(1)(b)




Situation

1. Cu-River Mining Australia Pty Ltd (Cu-River) currently holds a resource production (mining) permit to access the Woomera Prohibited Area (WPA) and undertakes open-cut mining operations at Cairn Hill mining lease 6303 that are currently suspended. The

S47(1)(b)



2. S47(1)(b)
- 

3. S47(1)(b)
- 

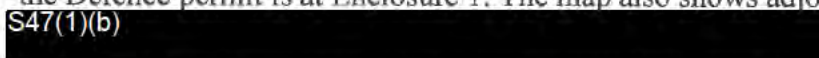
S42(1)



Background

4. Cu-River holds a Defence-issued resource production permit for mining operations at Cairn Hill within the WPA Green Zone. The permit has been in place since August 2015 with the term current until 14 August 2024. A map of the mining tenement lease subject to the Defence permit is at Enclosure 1. The map also shows adjoining exploration

S47(1)(b)



5. Cu-River is an Australian proprietary company that is wholly owned by a Chinese citizen, Mr Yong Gang Shan. Cu-River is not a state-owned enterprise.

S47F(1)




6. The resource production permit for the Cairn Hill mine was granted to Cu-River on 14 August 2015 S33(a)(i)

S47(1)(b)



S33(a)(i)

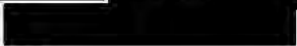


7. S47(1)(b)

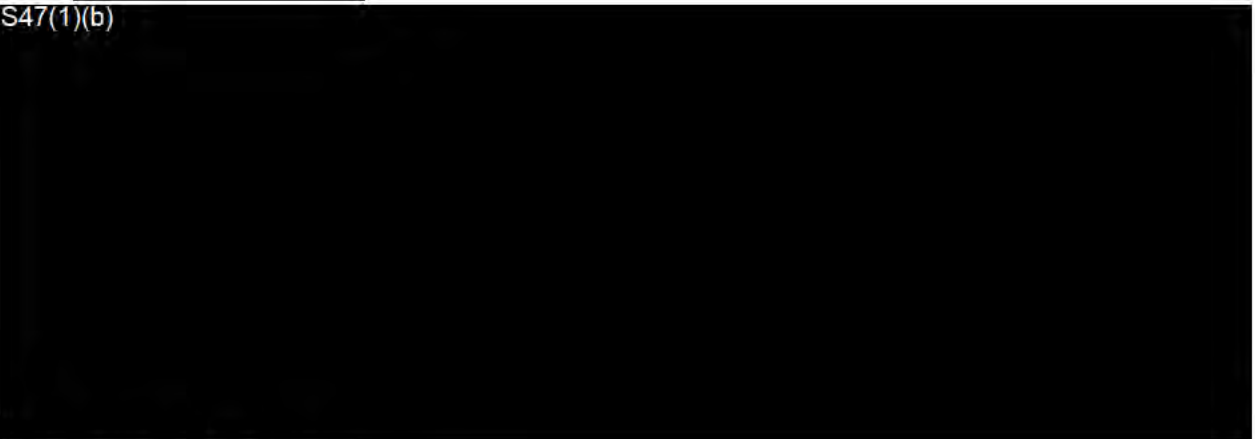


8.


S33(a)(i)



S47(1)(b)



S22(1)(b)(ii) & S47G(1)(a)



Legislative framework

S47(1)(b)



4 of 9

S47(1)(b)

S47G(1)

S47G(1)

S47(1)(b)

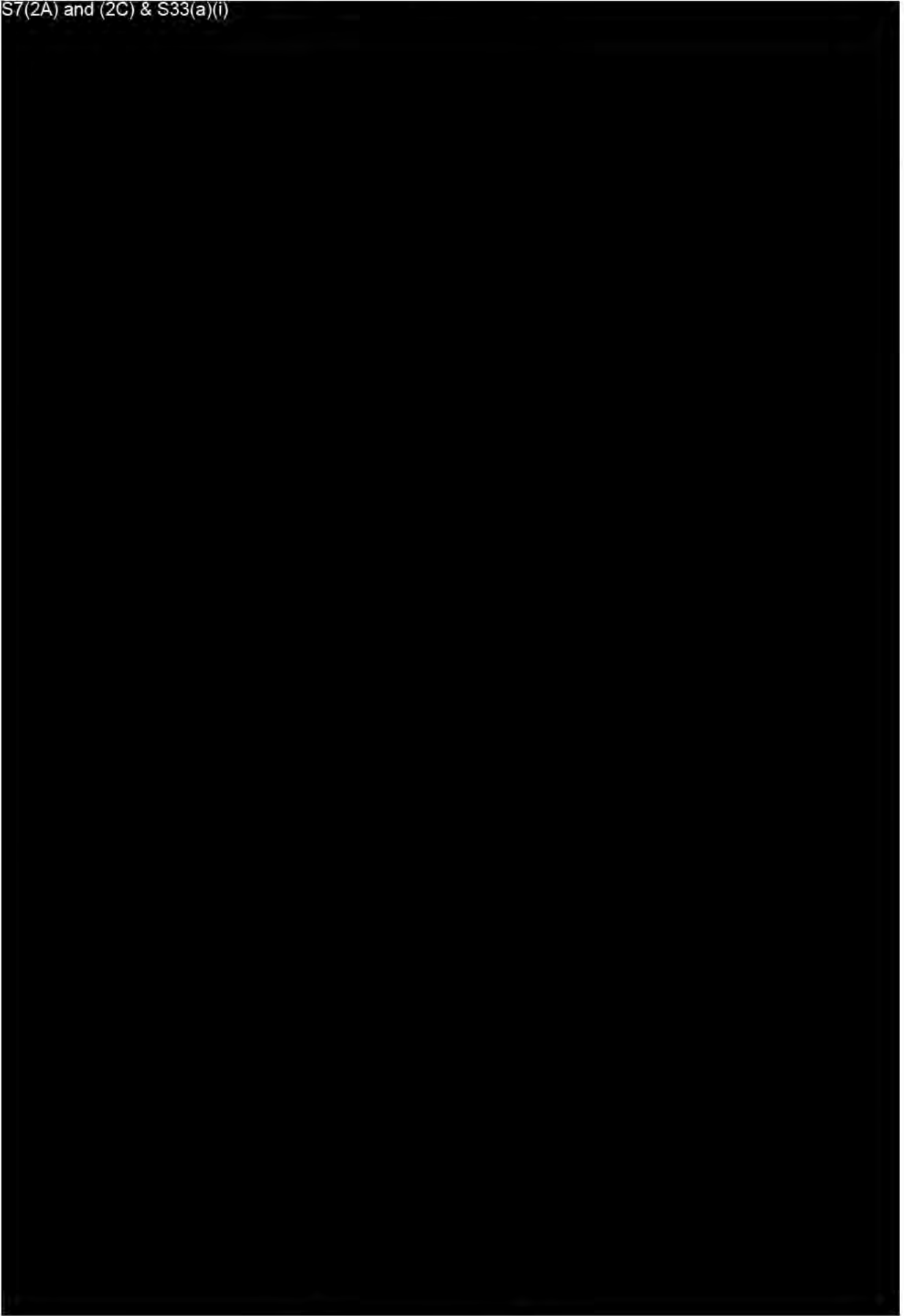
S47(1)(b)

Delegations


21. The Minister has delegated her powers under the provisions of the Rule relevant to this application.

S7(2A) & S33(a)(i)

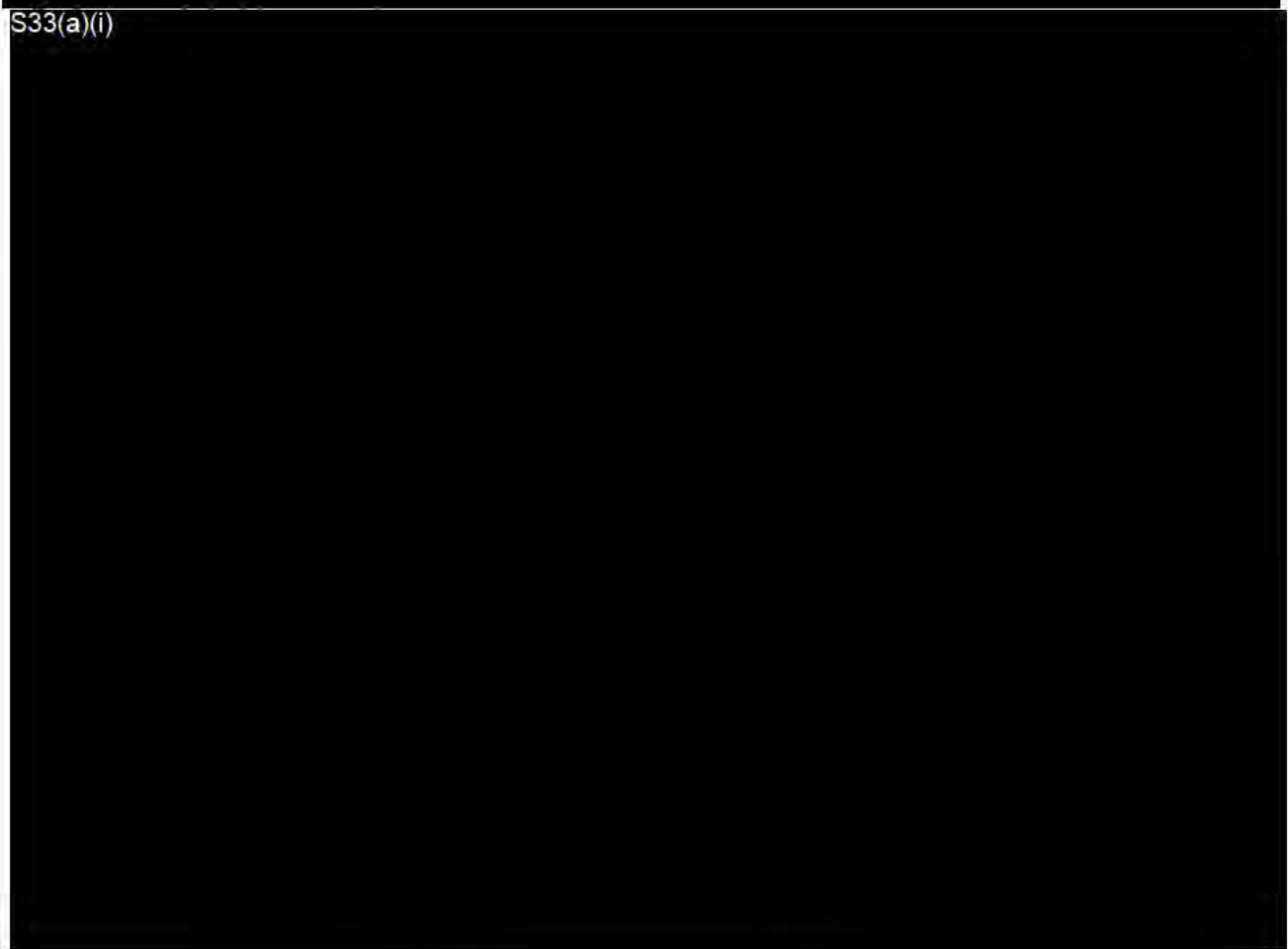
S7(2A) and (2C) & S33(a)(i)



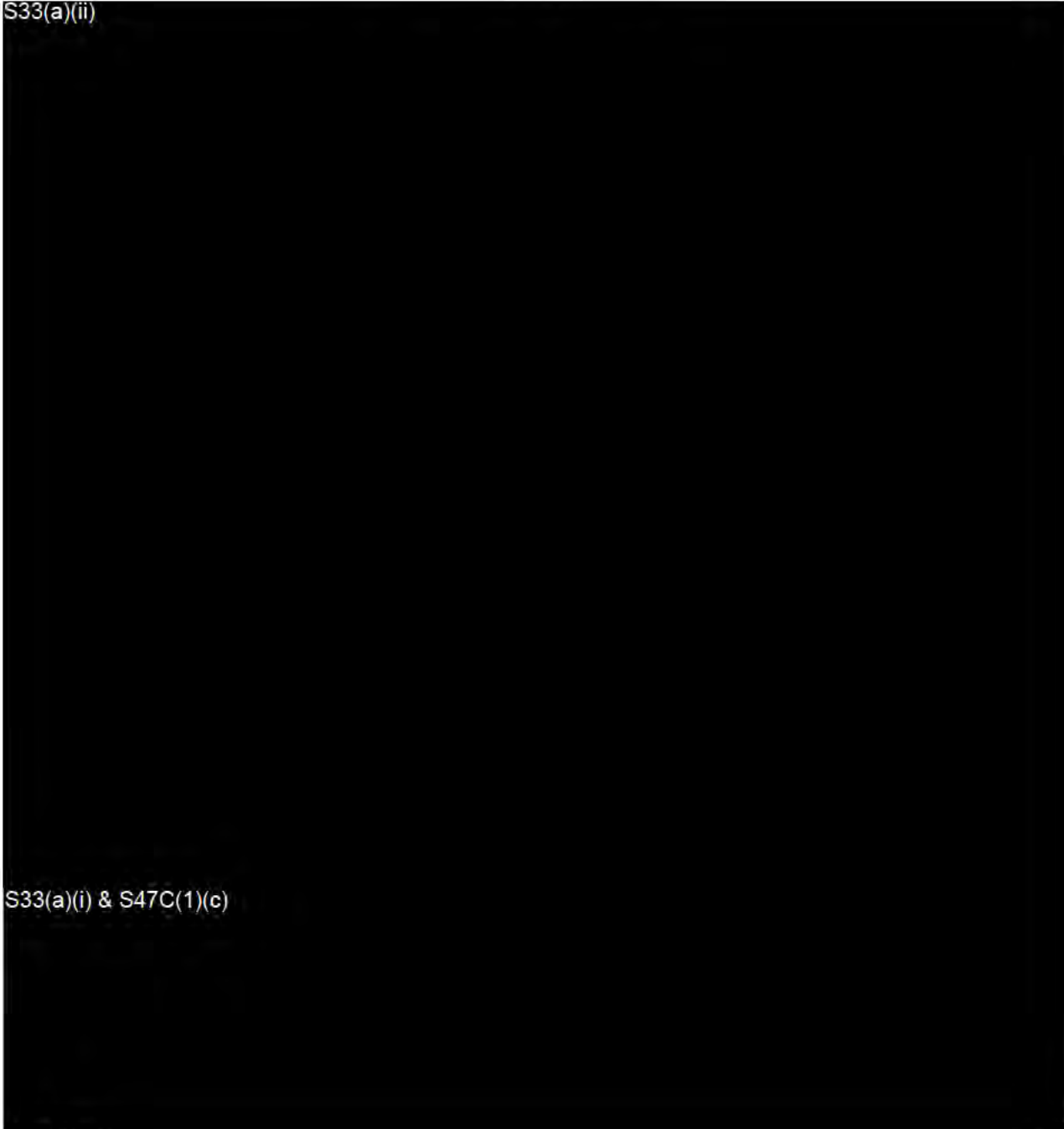
S7(2A) and (2C) & S33(a)(i)



S33(a)(i)

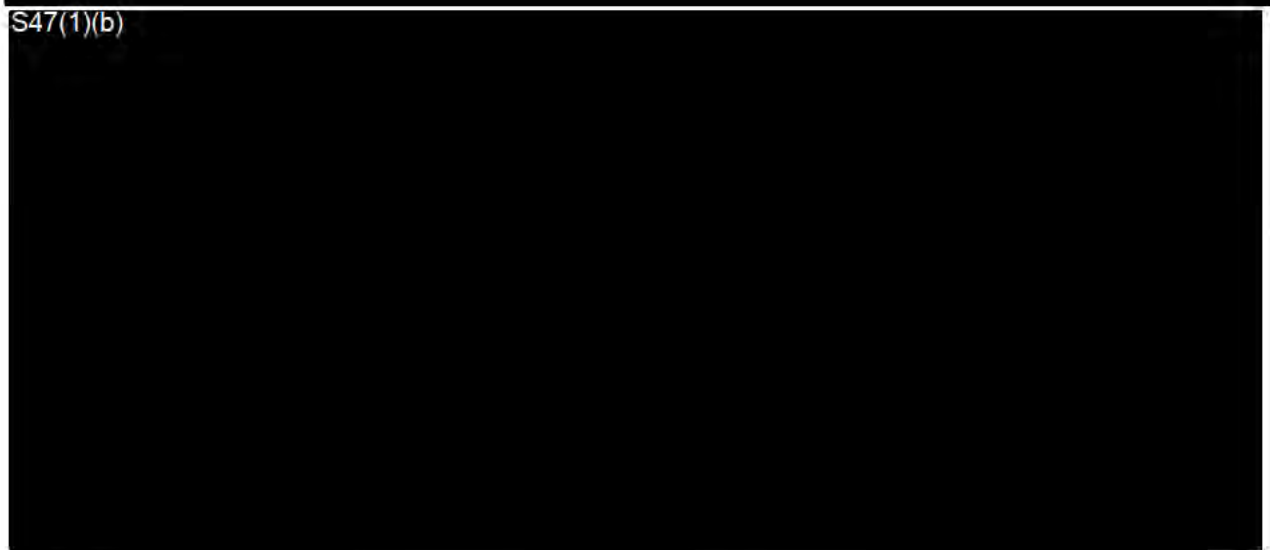


S33(a)(ii)



S33(a)(i) & S47C(1)(c)

S47(1)(b)



S47B(a) & S47G(1)(a)

S33(a)(i) & S34(3)

<p>S47F(1)</p> <p>Tom Hamilton First Assistant Secretary Strategic Policy</p> <p>14 May 2018</p>		<p>a. NOTED</p> <p>b. NOTED</p> <p>c. NOTED</p> <p>d. NOTED</p> <p>e. NOTED</p> <p>f. NOTED</p> <p>g. NOTED</p> <p>h. NOTED</p> <p>i. NOTED</p> <p>j. AGREED/NOT AGREED</p> <p>k. (i) AGREED/NOT AGREED</p> <p>(ii) AGREED/NOT AGREED</p> <p>S47F(1)</p> <p>Scott Dewar Acting Deputy Secretary Strategic Policy & Intelligence</p> <p>18 May 2018</p>	
		<p>Branch Head Liz McGregor W: (02) 6265 3043 S47F(1)</p> <p>Action Officer John Anderson W: (02) 6266 0287 Mob:</p>	

Consultation:

Air Force (Director-General Air Capability Enablers-AF; Commander Air Warfare Centre);

VCDF (Director-General Advanced & Strategic Capabilities); and

Associate Secretary (Assistant Secretary Security Threat and Assurance; Special Counsel Defence Legal).

Interdepartmental:

S47F(1) [REDACTED] A/Deputy Secretary, Prime Minister and Cabinet;

S47F(1) [REDACTED] Deputy Secretary, Industry, Innovation and Science;

S47F(1) [REDACTED] Principal Adviser, Foreign Investment Division, Treasury;

S33(a)(i) [REDACTED]

S47F(1) [REDACTED] First Assistant Secretary, Foreign Affairs and Trade.

Enclosures:

1. Cu-River tenement maps
2. S33(a)(i) [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. Cu-River letter of 25 January 2018
6. S7(2A) [REDACTED]
7. S7(2C) [REDACTED]

Replicated Documents

Enclosure 1: CU-River Mining Tenement Maps (Schedule Item 4)

Enclosure 5: Cu-River Letter (Schedule Item 21)

Email Advice

MB18-001643

NEWSOME, Steve

Question:

Please provide talking points and relevant background information for Minister Fawcett's meeting with Cu-River Mining Australia Pty Ltd. to discuss their tenements and mineral leases in the Woomera Prohibited Area (WPA).

Response:

Unclassified talking points are at Attachment A.

Attendees:

- The Hon. Nick Bolkus, Chairman of Jiujiang Mining Australia
- Shelaye Boothey, External Affairs Manager Cu-River Mining Australia Pty Ltd

Biographies and company information are at Attachment B.

Background:

- Advisers of Cu-River Mining Australia Pty Ltd (Cu-River), a Chinese privately-owned company holding a resource production perm it for the Woomera Prohibited Area (WPA), have sought a meeting with the Minister for Defence. Cu-River holds a resource production permit issued under the provisions of the Woomera Prohibited Area Rule 2014 for the mining of iron ore at Cairn Hill in the WPA. Cu-River has negotiated a financing arrangement with Jiujiang Mining Australia Pty Ltd.

- S47(1)(b)

- Representatives from Cu-River and its alliance partner, Jiujiang Mining Australia Pty Ltd, met with Defence representatives on 8 October 2018 S47(1)(b)

S47G(1)

S47(1)(b)

. The group also met with Dr Gordon de Brouwer PSM, the lead for the current review of the WPA (see further below).

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- S47(1)(b)

2018 Review of the Woomera Prohibited Area Coexistence Framework

- The 2018 Review of the WPA Coexistence Framework was announced jointly by the then Minister for Defence, Senator the Hon. Marise Payne and the Minister for Resources and Northern Australia, Senator the Hon. Matt Canavan on 11 May 2018. It is scheduled to be delivered to relevant Ministers by the end of the year.
- The Review is led by Dr Gordon de Brouwer PSM and follows on from an earlier review in 2010-11 that brought about the current coexistence framework.
- The Review has completed a 'fact finding' phase of public consultations – with a particular focus on the South Australian Government, the resources sector, Aboriginal groups, pastoralists, and others with an interest in the WPA. The Review received 13 written submissions from the public. Cu-River provided a submission to the Review in June 2018 which broadly endorsed the importance of coexistence between Defence and other WPA users such as Cu-River. Specific recommendations included the introduction of an online portal application process with quicker processing times, that Defence publish clear guidelines on how applications for site visits by non-Australians are administered and the timeline by which they will be considered and advised.
- Cu-River's submission also recommended that the WPA Advisory Board be reconstituted to include representatives of all WPA users and the SA Government and that the new Board meet at least on a quarterly basis; that Defence institute compliance visits of the type undertaken by the SA Government in order for Defence to develop a greater understanding of Cu-River's operational needs; and that Defence provide detailed feedback on all decisions and engage more closely with Cu-River

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Sensitivities

- S47(1)(b)

S47B(a)

Consultation:

- Vice Chief of Defence Force Group (Director General Advanced and Strategic Capabilities, AIRCDRE Michael Gray), Air Force (Director-General Air Capability Enablers – Air Force, AIRCDRE Mark Green, Chief of Staff Air Warfare Centre, GPCAPT Brendan Rogers), Associate Secretary Group (First Assistant Secretary Security and Vetting Service, Celia Perkins), Defence Legal (Acting Defence General Counsel, Carmen Mak), SP&I Group (First Assistant Secretary Woomera Prohibited Area Review, Mark Carroll).

Attachments:

Attachment A: Talking Points for meeting with Cu-River and Jiujiang Mining Australia

Attachment B: Biographies and company information

S47(1)(b)

Clearance Officer	Samantha Higgins, Acting First Assistant Secretary Strategic Policy, Ph: 02 6265 1883
Clearance Date	10 October 2018
Contact Officer	Elizabeth McGregor, Assistant Secretary Strategic Critical Infrastructure and Foreign Investment, Ph: 02 6265 3043

Talking Points


Meeting with Cu-River and Jiujiang Mining

Woomera Prohibited Area

- The Woomera Prohibited Area in South Australia is Australia's most important weapons test range and is a significant national security asset.
- Defence is the primary user of the Woomera Prohibited Area; however in 2014 a coexistence framework was introduced.
- Under this framework, any non-defence user wishing to access the Woomera Prohibited Area must hold the relevant permit or permission to do so under Defence's legislative framework.
 - This includes Defence's permission for any variations sought under existing permits.
- The Woomera Prohibited Area has significant minerals resource potential and includes operating mines, resource exploration tenements and established pastoral operations.
 - Defence works on the principle that access to the Woomera Prohibited Area should be granted to the extent possible while maintaining safety and national security.
- Each application to access the Woomera Prohibited Area is assessed on a case-by-case basis where safety and the security of defence activities are the primary considerations.
 - There is an enduring requirement to balance economic and national security interests. This guides decision-making in access requests.

Cu-River

S47(1)(b)



S47(1)(b)

Foreign investment


- Australia welcomes foreign investment, including from China, which makes an important contribution to our economy.
- The government will continue to welcome foreign investment where proposals are not contrary to the national interest.
- All applications for access to the Woomera Prohibited Area are assessed on a case-by-case basis and in accordance with the legislation.
- For all users of the Woomera Prohibited Area, Defence determines the conditions of access based on safety and the security of defence activities.

WPA Review

S22(1)(b)(ii)

Attachment A

S22(1)(b)(ii)



Biographies & Company Profiles

The Hon Nick Bolkus



Mr Bolkus served in the Australian Cabinets of Prime Ministers Bob Hawke and Paul Keating as Labor Minister for Consumer Affairs, Minister for Administrative Services, Minister for Immigration, Minister Assisting The Treasurer (FIRB) and Minister of Multicultural Affairs. He was also a Member of the Parliamentary Delegation to China and bilateral visit to Mongolia in April 2005.

From 2005 until 2015, Bolkus was a partner at Bespoke Approach, a corporate advisory lobbying board which is also chaired by former Foreign Minister Alexander Downer and former political Advisor Ian Smith. He also offers political lobbying services under the company names Kazaru and

Nick Bolkus.

S22(1)(b)(ii)

In March 2018, Mr Bolkus became a Director of Jiujiang Mining Australia.

Ms Shelaye Boothey

S47F(1)

Cu-River Mining Australia Pty Ltd

Cu-River Mining Australia Pty Ltd is a Chinese-owned Australian proprietary company. It has two Directors, Mr Yong Gang Shan and Mr Lawrence (Xiaobing) Lu (also General Manager). S47F(1)

Cu-River operates the Cairn Hill mine within the Woomera Prohibited Area. The company also holds seven resource exploration tenement licences surrounding the mine lease, including Mt Penryn, Mt Brady, Kangaroo Dam, Mt Woods, Snaefell and Hawks Nest. S47(1)(b)

Jiujiang Mining Australia Pty Ltd

Jiujiang Mining Australia (Jiujiang) is a registered Australian proprietary company and is a wholly-owned subsidiary of Qian'an City Jiujiang Wire Co Ltd, a private Chinese company that manufactures, processes, and markets steel products and other related products. The Mining Division of Qian'an, operates five iron ore mines in China. S47F(1)

Jiujiang was established as a vehicle for the 2017 financing and offtake proposal agreement for ore stocks and future ore production for the life of the mine with Cu-River. This financial investment allowed for the recommencement of the mining activities at Cairn Hill, including the establishment of further open cut pits within the tenement, and the employment of approximately 390 employees and contractors.

The Hon Nick Bolkus, S47F(1) serve as the Board of Directors. The company was incorporated in September 2017 and it presently does not undertake any major operations in Australia or elsewhere.



Assistant Minister for Defence

PDR: MB18-901166

Departmental Copies: SEC, CDF, ASSOC SEC, VCDF, DEPSEC
SP&I, CAF

For Meeting

MEETING BRIEF: MINDEF TO MEET WITH CU-RIVER MINING AUSTRALIA PTY LTD
S47G(1)

Recommendation That you note the Talking Points at <u>Attachment C</u> for your meeting with Cu-River representatives, S47(1)(b)		Noted / Please discuss
[Redacted]		
Signature: [Redacted] David Fawcett 24.10/2018		
Contact Officer:	Elizabeth McGregor	Assistant Secretary Strategic and Critical Infrastructure and Foreign Investment
Clearance Officer:	Samantha Higgins	Acting First Assistant Secretary Strategic Policy
		Ph: (02) 6266 3043
		Ph: (02) 6265 1883


Meeting Arrangements:

Date: To be advised
Time: To be advised, expected to be prior to meeting with Defence on 8/10/18
Venue: To be advised
Attendees: Shelaye Boothey, External Affairs Manager Cu-River Mining Australia Pty Ltd
The Hon. Nick Bolkus, Chairman of Jiujiang Mining Australia
Biographies and company information are at Attachment C.
Dept. Rep: Available at your request
Meeting Contact Elizabeth McGregor, Assistant Secretary SCIFI, S47F(1)

Key Points:

- Advisers of Cu-River Mining Australia Pty Ltd (Cu-River), a Chinese privately-owned company holding a resource production permit for the Woomera Prohibited Area (WPA), have sought a meeting with you (Minister). Cu-River holds a resource production permit issued under the provisions of the *Woomera Prohibited Area Rule 2014* for the mining of iron ore at Cairn Hill in the WPA. Cu-River has negotiated a financing arrangement with Jiujiang Mining Australia Pty Ltd for its mining operations.

- S47(1)(b)




- Representatives from Cu-River and its alliance partner, Jiujiang Mining Australia Pty Ltd, will meet with Defence representatives on 8 October 2018 to discuss

- S47(1)(b)




- S7(2A) & S33(a)(i)

- S47(1)(b)



S22(1)(b)(ii) & S47G(1)



S33(a)(i)



S42(1)



S42(1)

2018 Review of the Woomera Prohibited Area Coexistence Framework

- The 2018 Review of the WPA Coexistence Framework was announced jointly by the then Minister for Defence, Senator the Hon. Marise Payne and the Minister for Resources and Northern Australia, Senator the Hon. Matt Canavan on 11 May 2018. It is scheduled to be delivered to relevant Ministers by the end of the year.
- The review is led by Dr Gordon de Brouwer PSM and follows on from an earlier review in 2010-11 that brought about the current coexistence framework.
- The Review has completed a 'fact finding' phase of public consultations – with a particular focus on the South Australian Government, the resources sector, Aboriginal groups, pastoralists, and others with an interest in the WPA. The Review received 13 written submissions from the public. Cu-River provided a submission to the Review in June 2018 which broadly endorsed the importance of coexistence between Defence and other WPA users such as Cu-River. Specific recommendations included the introduction of an online portal application process with quicker processing times, that Defence publish clear guidelines on how applications for site visits by non-Australians are administered and the timeline by which they will be considered and advised.
- Cu-River's submission also recommended that the WPA Advisory Board be re-constituted to include representatives of all WPA users and the SA Government and that the new Board meet at least on a quarterly basis; that Defence institute compliance visits of the type undertaken by the SA Government in order for Defence to develop a greater understanding of Cu-River's operational needs; and that Defence provide detailed feedback on all decisions and engage more closely with Cu-River so the company understand how and why decisions are made, enabling progressive improvement in Cu-River's applications.

S22(1)(b)(ii)

Sensitivities

S47(1)(b)

S33(a)(i) & S47B(a)

S33(a)(i) & S47(1)(b)

- Talking Points for your meeting are provided at Attachment C.

Consultation: YES.

- Vice Chief of Defence Force Group (Director General Advanced and Strategic Capabilities, AIRCDRE Michael Gray), Air Force (Chief of Staff Air Warfare Centre, GPCAPT Brendan Rogers), Associate Secretary Group (First Assistant Secretary Security and Vetting Service Celia Perkins), Defence Legal (Acting Defence General Counsel, Carmen Mak), SP&I Group (First Assistant Secretary Woomera Prohibited Area Review, Mark Carroll). Air Force has been consulted on the risk assessments for this case.

Attachments:

Attachment A: MINSUB WPA – S47(1)(b)

(MS18-900386), signed 28 May 2018

Attachment B: Cu-River presentation of 4 July 2018 – S47(1)(b)

Attachment C: Talking Points for meeting with Cu-River and Jiujiang Mining Australia

Attachment D: Biographies and company information

Replicated Documents

Attachment A: MINSUB MS18-900386 (Schedule Item 24)

Attachment B: Cu-River Presentation - Exempt Document (Schedule Item 27)

Talking Points


Meeting with Cu-River and Jiujiang Mining

Woomera Prohibited Area


- The Woomera Prohibited Area in South Australia is Australia's most important weapons test range and is a significant national security asset.
- Defence is the primary user of the Woomera Prohibited Area; however in 2014 a coexistence framework was introduced.
- Under this framework, any non-defence user wishing to access the Woomera Prohibited Area must hold the relevant permit or permission to do so under Defence's legislative framework.
 - This includes Defence's permission for any variations sought under existing permits.
- The Woomera Prohibited Area has significant minerals resource potential and includes operating mines, resource exploration tenements and established pastoral operations.
 - Defence works on the principle that access to the Woomera Prohibited Area should be granted to the extent possible while maintaining safety and national security.
- Each application to access the Woomera Prohibited Area is assessed on a case-by-case basis where safety and the security of defence activities are the primary considerations.
 - There is an enduring requirement to balance economic and national security interests. This guides decision-making in access requests.

Cu-River

S47(1)(b)



S47(1)(b)




Foreign investment

- Australia welcomes foreign investment, including from China, which makes an important contribution to our economy.
- The government will continue to welcome foreign investment where proposals are not contrary to the national interest.
- All applications for access to the Woomera Prohibited Area are assessed on a case-by-case basis and in accordance with the legislation.
- For all users of the Woomera Prohibited Area, Defence determines the conditions of access based on safety and the security of defence activities.

WPA Review

S22(1)(b)(ii)



Biographies & Company Profiles

The Hon Nick Bolkus



Mr Bolkus served in the Australian Cabinets of Prime Ministers Bob Hawke and Paul Keating as Labor Minister for Consumer Affairs, Minister for Administrative Services, Minister for Immigration, Minister Assisting The Treasurer (FIRB) and Minister of Multicultural Affairs. He was also a Member of the Parliamentary Delegation to China and bilateral visit to Mongolia in April 2005.

From 2005 until 2015, Bolkus was a partner at Bespoke Approach, a corporate advisory lobbying board which is also chaired by former Foreign Minister Alexander Downer and former political Advisor Ian Smith. He also offers political lobbying services under the company names Kazaru and

Nick Bolkus.

S22(1)(b)(ii)

In March 2018, Mr Bolkus became a Director of Jiujiang Mining Australia.

Ms Shelaye Boothey

S22(1)(b)(ii) & S47F(1)

Cu-River Mining Australia Pty Ltd

Cu-River Mining Australia Pty Ltd is a Chinese-owned Australian proprietary company. It has two Directors, Mr Yong Gang Shan and Mr Lawrence (Xiaobing) Lu (also General Manager). S47F(1)

Cu-River operates the Cairn Hill mine within the Woomera Prohibited Area. The company also holds seven resource exploration tenement licences surrounding the mine lease, including Mt Penryn, Mt Brady, Kangaroo Dam, Mt Woods, Snaefell and Hawks Nest. S47(1)(b)

Jiujiang Mining Australia Pty Ltd

Jiujiang Mining Australia (Jiujiang) is a registered Australian proprietary company and is a wholly-owned subsidiary of Qian'an City Jiujiang Wire Co Ltd, a private Chinese company that manufactures, processes, and markets steel products and other related products. The Mining Division of Qian'an, operates five iron ore mines in China. S47F(1)

Jiujiang was established as a vehicle for the 2017 financing and offtake proposal agreement for ore stocks and future ore production for the life of the mine with Cu-River. This financial investment allowed for the recommencement of the mining activities at Cairn Hill, including the establishment of further open cut pits within the tenement, and the employment of approximately 390 employees and contractors.

The Hon Nick Bolkus, S47F(1) serve as the Board of Directors. The company was incorporated in September 2017 and it presently does not undertake any major operations in Australia or elsewhere.



Minister for Defence
Assistant Minister for Defence – For information

PDR: MB19-000045

Copies to: Secretary, CDF, Associate Secretary, VCDF, CAF, HDL, FASS&VS, FASMECC

**CU-RIVER MINING AUSTRALIA PTY LTD - S47(1)(b) -
WOOMERA PROHIBITED AREA (WPA)**

Urgency N/A.

Recommendations That you:		
1. note that Cu-River Mining Australia Pty Ltd wrote to you on 10 January 2019 S47(1)(b)		1. Noted / Please discuss
2. note that Defence remains engaged with company representatives S47(1)(b)		2. Noted / Please discuss
3. S47C(1)(a)		3. Noted / Please discuss
Signature: Christopher Pyne/...../2019		
S22(1)(b)(ii)		
Contact Officer:	Elizabeth McGregor	AS SCIFI Strategic Policy Division
		Ph: (02) 6265 3043 S47F(1)

Key Points:

- Cu-River Mining Australia Pty Ltd (Cu-River) is a Chinese-owned company with a resource production (mining) permit current until August 2024 for mining at Cairn Hill within the WPA. Cu-River also has offtake and substantial financing arrangements with Jiujiang Mining Australia Pty Ltd (Jiujiang), which is Chinese-owned. The companies share a common director.
- Cu-River wrote to you on 10 January 2019 (Attachment A) S47(1)(b)
- S47(1)(b) & S34(1)(c)

- S47(1)(b) & S34(1)(c) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- S47(1)(b) & S47C(1)(a) and (c) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- S47(1)(b) & S47C(1)(a) [REDACTED]
[REDACTED]
[REDACTED]
- Both sides have acknowledged that discussions to date have been undertaken openly and in good faith. S47(1)(b) & S47C(1)(a) [REDACTED]
[REDACTED]
[REDACTED]

Name: Tom Hamilton
Title: Acting Deputy Secretary
Group: Strategic Policy and Intelligence
Telephone: (02) 6266 7211

Background:

- Defence met formally with Cu-River representatives in July and October 2018; met with the company's security advisers S47G(1) [REDACTED]; and is in regular contact with Cu-River's nominated officer to provide status updates.
- S47F(1) [REDACTED] also met with Cu-River representatives in October 2018 to discuss its submission to the 2018 Review of the WPA Coexistence Framework.

S22(1)(b)(ii) &
S47G(1)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Talking points that may be used in briefing Ministerial colleagues are at Attachment A.

MB19-000045

**TALKING POINTS FOR BRIEFING
MINISTERIAL COLLEAGUES**

CU-RIVER MINING AUSTRALIA PTY LTD

S47(1)(b)

S45(1) & S22(1)(b)(ii)

Cu-River and the WPA

- Cu-River Mining Australia Pty Ltd (Cu-River) is a Chinese-owned company that has established offtake and substantial financing arrangements with Jiujiang Mining Australia Pty Ltd (Jiujiang), which is also Chinese-owned.
 - Cu-River and Jiujiang share a common director/company secretary.
- Cu-River holds a resource production permit issued under the provisions of the *Woomera Prohibited Area Rule 2014* for mining at Cairn Hill in the Woomera Prohibited Area (WPA).
 - The permit was issued in 2015 and is current until August 2024.
 - Operations at Cairn Hill within the terms of this permit may continue.

S47(1)(b)

S33(a)(i) & S47(1)(b)

— S47(1)(b)

■

S34(1)(c), S34(3), S47(1)(b), S47B(a) & S47C(1)(c)

S47B(a)

Exploration tenements in the WPA

- Cu-River also holds exploration tenements licensed by the South Australian Government adjacent to the Cairn Hill mining lease, S47(1)(b)

S47(1)(b)

- S47B(a) & S22(1)(b)(ii)

— S33(a)(i), S34(1)(c), S34(3) & S22(1)(b)(ii)

— S47B(a) & S22(1)(b)(ii)

- S47(1)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]

Cu-River engagement with Defence

- S47(1)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - S47(1)(b) & S47C(1)(a) [REDACTED]
[REDACTED]
 - This information exchange has occurred outside of the provisions of the *Woomera Prohibited Area Rule 2014*; accordingly there are no statutory timeframes for decision making. The opportunity remains for Cu-River to submit a formal application at any time for consideration under Defence's legislative framework.
 - S47(1)(b) [REDACTED]
[REDACTED]
[REDACTED]
- Other engagements to date, including in-person meetings in July and October 2018, S47(1)(b) [REDACTED]
[REDACTED]
[REDACTED]
 - S47(1)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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- Both sides have acknowledged that engagement has been undertaken in good faith and with transparency, S47(1)(b)
- Defence has stressed that any feedback that may be provided would be inherently limited in advance of a formal application under Defence's legislative framework.
- S47(1)(b)
- It remains open to the company to make a formal application at any time.
- S47(1)(b)

S47C(1)(a)

BACKGROUND

Access to the Woomera Prohibited Area

- The Woomera Prohibited Area (WPA) in South Australia is Australia's most important weapons test range and is a significant national security asset.
- The WPA provides Defence with a unique capability for the testing and evaluation of capabilities because of its size, remoteness, low population density and quiet electromagnetic environment.
 - Defence can conduct tests on sensitive weapons and advanced military technologies in the WPA – including with our partners – in a relatively secure physical and electronic environment.
- Defence is the primary user of the WPA; however in 2014 a coexistence framework was introduced.

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- Under this framework, any non-defence user wishing to access the WPA must hold the relevant permit or permission to do so under Defence's legislative framework.
 - This includes Defence's permission for any variations sought under existing permits.
- The WPA also has significant minerals resource potential and includes operating mines, resource exploration tenements and established pastoral operations.
 - Defence has a track record of coexistence in the WPA and works on the principle that access should be granted to the extent possible consistent with maintaining national security.
- Each application to access the WPA is assessed on a case-by-case basis where safety and the security of defence activities are the primary considerations.
 - There is an enduring requirement to balance economic and national security interests.
 - In assessing a possible grant of access Defence will consider (among other matters) the national security implications of any foreign ownership, control or influence that an applicant may have.
 - This guides decision-making in considering access requests.

2018 Review of the WPA Coexistence Framework

- The Government is committed to maintaining a coexistence framework to govern access to the WPA and in 2018 commissioned a review of the current arrangements.
- Following extensive stakeholder consultation, the review has considered whether the framework is contemporary and 'fit for purpose' and if it appropriately supports Australia's defence operational requirements, and the needs of non-defence users, consistent with our national security requirements.
 - Cu-River Mining Australia Pty Ltd made a public submission, and in October 2018 company representatives also met with the review lead, Dr Gordon de Brouwer.
 - In particular, Cu-River sought more detailed feedback on Defence's regulatory decisions and closer engagement so that the company

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could understand how and why decisions were made, in turn enabling progressive improvement in its access applications.

- The review is being finalised for Government consideration.

Foreign investment

- The Government will continue to welcome foreign investment where proposals are not contrary to the national interest.
- All applications for access to the WPA are assessed on a case-by-case basis and in accordance with Defence's legislation.
- For all users of the WPA, Defence determines the conditions of access based on safety and the security of defence activities.

**NOTING BRIEF FOR SECRETARY: WOOMERA PROHIBITED AREA (WPA)
CU-RIVER MINING AUSTRALIA PTY LTD - S47(1)(b)**
S47(1)(b)

Group: SP&I

Reference: EC19-000755
DEPSEC SP&I/2019/OUT/ 5

Due Date: 19 Feb 19

Copies: CDF, AS COO, VCDF, CAF, HDL

Recommendation

That you:

- (a) Note that Cu-River Mining Australia Pty Ltd (Cu-River) wrote to the Minister for Defence on 10 January 2019 S47(1)(b)

S47(1)(b) & S47C(1)(a)

Background

1. S47(1)(b)
2. Senior Defence delegates S47(1)(b) under the *Woomera Prohibited Area Rule 2014* are the Secretary, Deputy Secretary Strategic Policy and Intelligence, and First Assistant Secretary Strategic Policy.

Key Issues

3. S47(1)(b)
- 4.
- 5.

6. S47(1)(b) & S47C(1)(a)
7. We are mindful that the exchanges between Cu-River and Defence have been undertaken in good faith at the working level and, notwithstanding correspondence to the Minister, S42(1) & S47C(1)(a)
8. S47C(1)(a)
- 9.
10. S22(1)(b)(ii)

Consultation

11. Head Defence legal.

Resource aspects

12. Nil.

<p>S47F(1)</p> <p>Tom Hamilton A/DEPSEC SP&I Tel: (02) 6266 7211 S47F(1)</p> <p>11 February 2019</p>		<p>(a) NOTED (b) NOTED (c) NOTED (d) NOTED (e) NOTED</p> <p>APPROVED BY THE SECRETARY</p> <p><i>cleared by Secretary on 15/2/19.</i></p> <p>Greg Moriarty Secretary 15 February 2019</p> <p>S47F(1)</p>	
Branch/Section Head	Elizabeth McGregor	W: (02) 6265 3043	S47F(1)
Action Officer	John Anderson	W: (02) 6266 0287	

Attachments

1. MB19-000045 Cu-River Mining Australia Pty Ltd – S47(1)(b)
2. Draft response to Cu-River S47(1)(b)

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