

Excluded - section 22

From: Bond, Gerard [mailto:Gerard.Bond@bhpbilliton.com]

Sent: Friday, 4 June 2010 1:57 PM

To: Davis, Graeme

Cc: pfreyberg@xstratacoal.com; david.peever@riotinto.com; seamus.french@angloamerican.com.au; Purdy, Brian; Delaney, Bernie B; Anthony.Portas@anglocoal.com.au

Subject: Proposed Consultation Panel Meeting - Monday 7 June 2010

Graeme

Thank you for the invitation to meet with the Consultation Panel again, and collectively, at 8.15am on Monday 7 June 2010, at the Treasury offices in Canberra.

We are pleased that there is acknowledgement of the need to consult with the industry to ensure any taxation reform meets its original objectives. The mining sector remains committed to pursuing a constructive approach to genuine tax reform that helps grow the Australian economy.

It is our understanding that the purpose of the meeting on Monday is to discuss a process for a new, different type of consultation, one that is not subject to the same limited terms of reference as the initial process. Indeed, one of the objectives of the meeting would be to agree the go-forward terms of reference. Would you please confirm that any future consultation will encompass all of the issues around retrospectivity/sovereign risk, competitiveness and the practical difficulties of applying resource rent taxation to a diverse minerals sector? These matters were raised by many companies that attended the consultation process and are therefore not new issues for the Panel.

You will appreciate that we are concerned by there being any notion of secret or separate meetings, and will participate in this first meeting on the understanding that each company attending - BHP Billiton, Rio Tinto, Xstrata and Anglo American - may choose to make the existence and content of the meeting public in the period afterwards should it be warranted. We believe that it is essential that the parties demonstrate to the public that full consultation is being undertaken, that it is addressing key fundamentals and that the goal is genuine tax reform. It is also very important that all minerals companies will be given the opportunity to consult in this way as all are severely impacted by this tax proposal.

An essential pre-condition for commencing this first meeting is your confirmation of the abovementioned purpose of the meeting, that the forward discussions will not have limitations of scope, and your preparedness for the existence of this meeting to become public. Please confirm by return email to all those included on this email, such that the necessary travel arrangements can be secured.

Regards
Gerard Bond
Project Director - BHP Billiton

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Cc: Peter Freyberg - Chief Executive Officer, Xstrata Coal
David Peever - Managing Director, Rio Tinto
Seamus French - Chief Executive Officer, Anglo American Metallurgical Coal
Anthony Portas - Head of Tax, Asia Pacific, Anglo American
Brian Purdy - Head of Tax, Asia Pacific, BHP Billiton
Bernie Delaney - Vice President, Government Relations, BHP Billiton

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