

SAULEP LAWYERS

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30th March 2020

TAX INVOICE GST REG No: 4129

The Administrator
Office of the Provincial Administrator
Morobe Provincial Government
P. O. Box 572
LAE
Morobe Province

INV. No: SL-19-MPG- 07/35915A.12.12.19

Attention: Mr. Bart Ipambonj

Dear Administrator,

RE: SAULEP LAWYERS – LEGAL SERVICES – OS JR No: 18 OF 2019 – HON. GINSON GOHEYU SAONU & MOROBE PROVINCIAL GOVERNMENT (Plaintiffs) vs HON. JOHNSON TUKE (as Minister for Mining) and DANIEL ROLPAGAREA (As State Solicitor) and INDEPNENT STATE OF PAPUA NEW GUINEA and WAFI MINING LIMITED and NEWCREST PNG 2 LIMITED (Defendants)

TO OUR PROFESSIONAL COSTS & DISBURSEMENTS, in respect of acting for the Morobe Provincial Government, in the Wafi-Golpu Legal Proceedings note above, from October 2018 until 15th July 2019, more or less summarized as follows:

1. October 2018

- (a) Detailed meetings with the Governor, the Provincial Administrator and the 4 Deputy Provincial Administrators in relation to the matters involving the participation of the Morobe People, the Provincial Government and the 9 Districts in maximizing participation in the mine, at all levels.
- (b) Meetings occurred in Lae, at various times and places, including review of the MOA Developmental Forum which had been halted by a dispute between Babuaf and Yanda Clans and its implications on the pace of the Developmental Forum, launched on 8th July 2018;
- (c) Team Meetings in Lae, at Huon Gulf Hotel (Several);
- (d) PEC Submissions – prepared several in relation to the Business Arms of Morobe Provincial Government – the old Board Terms have expired – instructions to appoint new Board Members – in respect of:
 - Morobe Sustainable Investment Limited;
 - Kumgie Holdings Limited

- Establishment of new Business arm, namely Morobe Resource Holdings Limited – the new Holding Company – Prepared all relevant Forms for the Board Members to sign, arranged registration at IPA including payment of all relevant lodgment fees.
 - Checked progress of IPA Registration;
 - Obtained Certificate of Incorporation
 - Presentation of Certificate of incorporation in Lae
- (e) **APEC SUMMIT:** Assisting the Governor and the Administration in preparing for the APEC SUMMIT, to be held in Port Moresby in Mid November 2018; Preparations included preparing the Governor with economic and commercial projects with interest for briefings to the National Government and the APEC Minister;
- (f) In all matters, duty travel was required for regular travel between Port Moresby and Lae;

2. November 2018:

- Assisting the Provincial Administration with continuing preparations for APEC Conference; and Parliamentary Sittings;
- including the preparation of Question to the Prime Minister in Parliament on 8th November 2018, seeking clarification as to whether the Government would jeopardize and bypass the MOA Development Forum Process, by signing a Heads of Agreement with the Developers;
- with emphatic reply from PM O'Neill, undertaking not to enter such an agreement, without proper consultation and dialogue with the host Province of the Mine, namely Morobe Provincial Government.
- Provided backup support for Governor during the Parliamentary Session, leading into APEC week;
- Two days – being in support of the Governor during the APEC week.
- Mining Conference Sydney – December 4-6/2018 - Preparation

3. December 2018

- Highlighted by the Sydney Mining Conference – 4 to 6th December 2018;
- Participation at the Mining Conference with Governor Saonu & Team including the Morobe Provincial Government Business Arm Managing Director;

- Arranged meeting with Macquarie Bank – meeting with the Business Manager of Macquarie Bank;
- **Hotel Inter-Continental** – Sydney – Australia – 4th December 2018 – Governor Soanu & Minister Johnson Tuke, summoned by PM Peter O’Neill to Hotel Inter-Continental and forced to sign Memorandum of Understanding on Wafi-Golpu Mine;
- Advised the Governor and Johnson Tuke, against the signing of the MOU as it was not in the best interests of PNG and Morobe people.
- MOU deferred to Port Moresby, which was eventually signed on 11th December 2018 against the protestations of Governor Saonu and Morobe Provincial Government.

Professional fees:

K500,000.00

4. January 2019

- (a) Briefed Tutumang and PEC on the Wafi-Golpu MOU signed between the State and the Developers; Huon Gulf Hotel, Lae;
- (b) Arranged 30 copies of the MOU for circulation;
- (c) Arranged briefing to all Members of Parliament;
- (d) **Tutumang Resolutions:** Assisted the clerk of Tutumang draft the Resolutions reflecting the position of the Provincial Assembly;
- (e) Arranged letter of Demand to the State and WGJV to withdraw the MOU within 7 days – Letter served on WGJV; Copies served on office of Mining Minister and State Solicitor; and office of the Attorney General;
- (f) Provided further briefing to the PEC;
- (g) PEC resolves to appoint Saulep Lawyers to commence Judicial Review Proceedings against the State and the Developers to review the MOU;
- (h) Prepared Section 5 Notice of Intention to sue; arranged service of the said notice upon the State;

- (i) Commenced urgent drafting of the Judicial Review proceedings; including
- ❖ Originating Summons – Judicial Review
 - ❖ Lengthy and detailed Affidavit of Ginson Goheyu Saonu;
 - ❖ Arranged execution of the Affidavit;
 - ❖ Application for Leave for Judicial Review;
 - ❖ Undertaking as to Damages;
 - ❖ Arranged filing fees;
 - ❖ Filed the Legal Proceedings – Registered as OS JR No:18 of 2019
 - ❖ Arranged service on all parties, namely Hon. Johnson Tuke; Daniel Rolpagarea, the State, Harmony and Newcrest;
 - ❖ Affidavit of Service, prepared and filed.

5. February 2019

- Amongst other duties, prepared for the Application for Judicial Review;
- Researched, prepared Extract of Submissions
- Attended to argue the matter – February 2019 – LAE
- After argument, matter reserved for decision.

6. March 2019 – April 2019

Attended to the preparation of all additional affidavits required for the trial of the matter, in the event that leave is granted; including the affidavit of Mining Engineer, and additional affidavit of Hon. Ginson Saonu.

7. May 2019

7th May 2019, Numapo. J Granted Leave for Hon. Ginson Saonu to Judicially review the MOU; Arranged the Court Orders, served all the parties; and between May and June 2019, complied with all of the Orders of the National Court, in preparing and serving on all the parties, every remaining affidavit sought to be relied upon.

8. June 2019 – July 2019

- Attended to all matters necessary and incidental to the administration of the matter in preparation for Trial, including Directions hearing (twice) for directions;
- Liaison with counsel for the other parties on directions; Liaison with the new Minister for Justice;
- Meeting with the new Prime Minister, Hon. James Marape and all other discussions emanating therefrom.

Professional Fees – (Jan-June):

K1,000,000.00

9. Negotiations for out-of-court settlement (End June to November 2019):

- (a) Attended to all negotiations with the MPG Team, Including Governor, MD Business Arm and Mining Engineer;
- (b) 28th June 2019 – MPG Meeting with the Prime Minister – Laguna Hotel NCD;
- (c) 11th July – joint *without prejudice* meeting with all litigating parties – Hilton Hotel, NCD;
- (d) Several meetings with the PM in August 2019; - A Draft Deed of Settlement was circulated at the meeting on a “without prejudice” basis for parties to comment;
- (e) Followed up at various intervals with the parties re: Deed of Settlement – No responses;
- (f) Special Meeting at Grand Papua – PM, MPG Team and State Defendants – agreement on the way forward via Deed of Settlement; after follow up – Deed did not eventuate;
- (g) Several meetings in September with PM;
- (h) Meeting with PM in October 2019;
- (i) Meeting with PM November 2019 at his Office at Parliament;

Professional Fees (Para 9 (a)-(i) inclusive): **K1,500,000.00**

10. Preparations for Trial (inclusive of all preparations – January -December 2019): **K1,500,000.00**

11. Prosecution of Trial Proper: **K 75,000.00**

12. Percentage Success Fees for 10% Equity Option Lost & Recovered:

➤ Being **0.85%** of K1,000,000,000.00 that was saved & Recovered from the MOU **K8,500,000.00**

ALL MATTERS necessary and incidental to the all due care and skill:

Sub-Total: **K13,075,000.00**

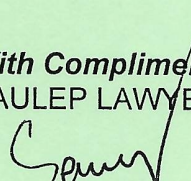
DISBURSEMENTS

(a) 10% GST:	K1,307,500.00	
(b) Consultation Fees	K350,000.00	
(c) Travel & Accommodation (18 months)	K 150,000.00	
(d) Miscellaneous costs, photocopying Printing, communications, etc...	K 5,000.00	<u>K 1,812,500.00</u>
	Sub-Total:	<u>K14,887,500.00</u>

LESS PAID (Thankyou): **K 300,000.00**

BALANCE NOW DUE & PAYABLE: **K14,587,500.00**

With Compliments
SAULEP LAWYERS


Ralph A. Saulep LLB.
Principal
