

This special edition of *Komuniti Nius* is to inform all parties involved in the class action against BHP-Billiton and Ok Tedi Mining Limited in the Victorian Supreme Court in Australia, that the court case has been dismissed and an out-of-court Agreement has been reached.

Pursuant to sections 33X and 33Y of the *Supreme Court Act 1986* ("the Act") on Thursday 18 December 2003 the Supreme Court of Victoria ordered the following notice be posted in the following villages before 31 December 2003 - Kawok (Lower Ok Tedi) - logi (Lower Ok Tedi) - Komokpin (Lower Ok Tedi) - U'uwo (South Fly) - Sape/Auti (South Fly) - Wombom (Nth Ok Tedi) - Madame (South Fly) - Digam (Nth Ok Tedi) - Ankāt (Nth Ok Tedi)

**CLASS ACTION AGAINST BHP-BILLITON & OTML TO BE RESOLVED
SUBJECT TO APPROVAL OF THE SUPREME COURT OF VICTORIA ON
16 JANUARY 2004**

In April 2000, a new class action was issued in the Supreme Court of Victoria, Australia, against BHP-Billiton Limited (BHP-B) (then Broken Hill Proprietary Company Limited ("BHP")) and Ok Tedi Mining Limited ("OTML"), relating to an alleged breach of the 1996 Settlement Agreement.

Between October 2001 and January 2002 group members residing in the affected area of the Western Province had the opportunity to elect to opt out of this class action. A large number of group members opted out of the class action. If you have already opted out of this proceeding, then this notice does NOT apply to you.

This Notice only applies to group members who did not elect to opt out of the class action.

Upon review of all documents provided by BHP-B and OTML during the course of the court proceedings the Representative Plaintiff has been advised and has now concluded that at all times BHP-B and OTML have been in compliance with the 1996 Settlement.

An out of court Agreement has been reached to resolve the Court proceedings which will have the effect of ending all legal proceedings against OTML and BHP-B arising from the alleged breach by them of the 1996 Settlement Agreement. The Supreme Court of Victoria will determine the application for approval of the proposal for resolution of the proceedings on 16 January 2004, at the Supreme Court of Victoria, Melbourne, Australia commencing at 9.30am. In Summary the Terms of that Agreement include the following:

- i All villages where a Community Mine Continuation Agreement has not been signed will be entitled to enter into and receive benefits under a CMCA should they decide to request OTML to enter into a CMCA.
- ii OTML will use its best endeavours to ensure that group members residing in villages where a CMCA has already been signed will be treated equally with those persons who elected to opt out of the proceedings.
- iii The proceedings against BHP-B and OTML will be dismissed with no order made as to costs.

If the Court approves the proposal you will no longer have the right to proceed with a claim to enforce your rights under the 1996 Settlement Agreement.

If you agree with the proposal you need do nothing.

If you object to the proposal you must notify the Court or any of the parties by filing an affidavit with the Court or serving a copy of it on any of the parties setting out the grounds of your objection by no later than 4.15pm on 14 January 2004.

Address for Filing:

**The Prothonotary
Supreme Court of Victoria
Level 2, 436 Lonsdale Street
Melbourne**

Fax: 61 3 9603 9400

Solicitors for the first Defendant

**C/ Blake Dawson Waldron Lawyers
Att: Chris Goddard
101 Collins Street
Melbourne Vic 3000**

Fax: 61 3 9679 3111

Address for Service on Parties:

**Solicitors for the Applicant
C/ Slater & Gordon Lawyers
Att: Andrew Grech
533 Little Lonsdale Street
Melbourne Vic 3000**

Fax: 61 3 9602 8684

The Second Defendant

**OTML
Dakon Road
Tabubil, PNG
or**

**C/ Allens Arthur Robinson Solicitors
Att: Craig Phillips
530 Collins Street
Melbourne Vic 3000**

Fax: 61 3 9614 4661

END OF NOTICE AUTHORISED BY THE VICTORIAN SUPREME COURT.

MESSAGE FROM OTML

- The case brought by Rex Dagi has also been dismissed.
- OTML now invites those villages and individuals who were initially listed under the CMCAs but opted to support the class action to contact the Company's Community Relations Department if they wish to enter into a CMCA.