

17 August, 2009

Ms Erin Brockovich
C/-Shine Lawyers

Dear Ms Brockovich,

I read with interest reports today that you plan to spend several weeks in Queensland raising the profile of local environmental cases and that you are aware of the "*Cape York case where the Irwin family is fighting plans by mining company Cape Alumina to mine an area of land, which Conservationist Steve Irwin wanted to preserve as a protected Wilderness.*"

Incorrect Assertions and Mis-information

I would like to correct the implicit assertion that Steve Irwin wanted to protect the Pisolite Hills area from mining.

But firstly, it is important to note that Cape Alumina has no plans to mine or to harm, any rivers, wetlands, rainforests, springs or high conservation value environments. We will have spent almost 3 years and \$3-4 million undertaking the most comprehensive environmental impact study (EIS), assessing potential impacts and developing appropriate Environment Management Plans to protect the environment. Our plans will ensure full rehabilitation and re-vegetation is conducted progressively throughout the life of the mine. Having spent over two years studying every aspect of the environment, we are very confident that it is the EIS which is the most appropriate mechanism to identify environmental issues and ensure their proper protection, not an emotional media campaign based on misinformation.

In the context of today's reporting, it is relevant to know that documents obtained under Freedom of Information laws state that the Bertiehaugh Cattle Station was identified by Mrs Irwin's private company, Silverback Properties after the untimely death of Steve Irwin. A proposal was then made by that company to acquire the property for various purposes including "*to enhance sustainable pastoral activities*".

As far as we know, Steve Irwin never visited Pisolite Hills which remained inaccessible until August 2006, shortly before Mr Irwin's untimely death, at which time Cape Alumina commenced its exploration field operations well before the property was later purchased by Mrs Irwin's private company.

We therefore regard it as misleading to the public for either the Bertiehaugh Cattle Station or Pisolite Hills to be referred to as "*Steve's Place*". That is a name that has been given by Mrs Irwin and Australia Zoo as part of a publicity campaign. Nor is it a "*Wetland Wildlife*

Reserve”, but rather a dry land pastoral lease, which under Mrs Irwin’s recent ownership continues to be run as a cattle station with substantial expansion plans.

In truth, Pisolite Hills is situated on traditional lands of the Taepithiggi people who have been custodians of the land for thousands of years. Mrs Irwin holds the rights to graze cattle.

The facts are that Cape Alumina lodged its tenement applications for Pisolite Hills in early 2004, long before Mrs Irwin purchased the Bertiehaugh Cattle Station for her private company following a rushed application for Federal Government funds on the eve of the 2007 election. The Howard Government actually breached its own guidelines in providing well over 100% of the \$6 million purchase price – when Federal Government guidelines required Mrs Irwin’s company to contribute one-third of the cost.

Since the purchase of the property we have tried to engage Mrs Irwin to hear her concerns as part of our on-going community and stakeholder consultation. Unfortunately, apart from one meeting in March, 2008 during which no concerns were expressed, Mrs Irwin has ignored my invitations for further consultation.

The Aboriginal Land Owners

The Pisolite Hills project represents an opportunity for the Aboriginal People of Cape York to engage in the sustainable development of their land for the benefit of their children and their children’s children. I note your comments about *“mothers emailing you”* in regard to issues that are important to them. Unfortunately, many Aboriginal mothers in Cape York do not have access to computers. There are limited educational facilities and few real jobs or real business opportunities for their children.

The Traditional Owners and Trustees of the land at Pisolite Hills support the work of Cape Alumina and in light of Mrs Irwin’s attempts to override due process, on September 9, 2008 stated that they *“consider it vital that Cape Alumina be permitted to complete all the environmental impact studies and works necessary for all the Pisolite Hills Project area”*.

Environmental Regulation, responsible government and human demand

Whilst you point out that the responsible government agencies may be overworked, you should not lose sight of the fact that this country has some of the most stringent environmental laws and regulations in the world and some of the best environmental scientists and regulators. And although it is not perfect, the Environmental Impact Assessment process is robust, comprehensive, open, transparent and inclusive of the public.

I am sure you understand that the world needs and demands a constant, reliable supply of raw materials to support the standard of living that we enjoy and others aspire to. Bauxite is the raw material for aluminium which you and everyone else in the western world, and increasingly those in the developing world, use every single day. It is used throughout the homes and offices that we live and work in, the buses, trains, cars, ferries, ships and aeroplanes that we travel in, the wires that bring electricity to our homes, the appliances that we rely on, and for safely packaging the food and beverages that we consume.

There is no doubt that the world will continue to demand and get an ever growing supply of bauxite and if that does not come from an open transparent and responsible country like Australia, it will come from the rainforests of Indonesia, as it presently does in ever increasing tonnages, or from other developing countries. Most developing countries like Indonesia do not have the same level of social and environmental checks and balances that we take for granted in this country. Indonesian mines are routinely opened without any of the environmental studies, consultation or assessments or any of the rehabilitation that is integral to modern mining practice in Australia.

I appreciate that, on face value, it is easy to sign a petition that seems to support a high profile Australian, but I urge people to consider the facts before they do so. Furthermore, I encourage you to approach this issue with an open mind and avail yourself of both sides of the argument and particularly to consider the hopes and aspirations of the Aboriginal People of Cape York. There is much to learn about this project, Cape York and its people and I invite you to travel with me to Cape York to properly inform yourself of the complex issues at stake here. Some information is available on our web site at www.capealumina.com.au

Yours sincerely,

A handwritten signature in black ink, appearing to read "Paul Messenger", with a long, sweeping underline.

Paul Messenger
CEO