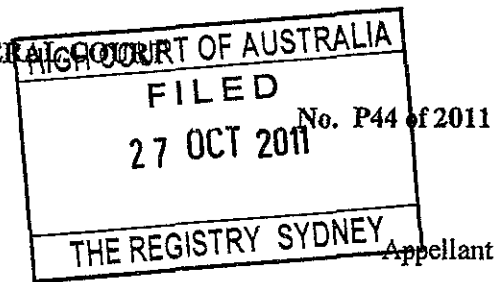


IN THE HIGH COURT OF AUSTRALIA
PERTH REGISTRY
ON APPEAL FROM THE FULL FEDERAL COURT



BETWEEN:

John Andrew Henry Forrest

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and

Australian Securities and Investments Commission

First Respondent

Fortescue Metals Group Ltd (ACN 002 594 872)

Second Respondent

BETWEEN:

No. P45 of 2011

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Fortescue Metals Group Ltd (ACN 002 594 872)

Appellant

and

Australian Securities and Investments Commission

First Respondent

John Andrew Henry Forrest

Second Respondent

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APPELLANTS' JOINT CHRONOLOGY

Part I:

This Chronology is in a form suitable for publication on the Internet.

Part II:

List of principal events

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No.	Date	Event
1.	11/03/2002	The Australian Stock Exchange (the ASX) becomes a listing market in relation to the First Defendant for the purposes of s 674 of the <i>Corporations Act 2001 (Cth)</i> and makes the ASX's Listing Rules.

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No.	Date	Event
	2. By 27/09/2002	The First Defendant (Fortescue Metals Group Ltd - FMG), then known as Allied Mining & Processing Limited, is in the official list of the financial market of the ASX.
	3. 18/07/2003	The Second Defendant (Forrest) becomes a director of the First Defendant.
10	4. By 18/07/2003	Forrest becomes Chief Executive Officer of the First Defendant. [TB 47 at .0091]
	5. By 18/07/2003	Forrest is Chairman of Directors of FMG.
	6. 21/07/2003	Allied Mining & Processing Limited becomes known as Fortescue Metal Group Ltd.
20	7. 04/08/2003	Fortescue Metal Group Ltd. becomes known as Fortescue Metals Group Ltd.
	8. 23/04/2004 -29/04/2004	Representatives of FMG meet with representatives of CREC and CMCC. The parties discuss constructing and financing the Project. [TB135 and TB 146]
	9. 01/04/2004	ProMet Engineers Pty Ltd confirms completion of the Prefeasibility Study. [TB 115]
30	10. 08/07/2004	FMG publicly announces the appointment of Worley Group Limited (Worley) as the Definitive Feasibility Study Manager for the project. [TB 190]
	11. 02/08/2004 - 06/08/2004	CREC delegation visits Perth. The parties negotiate the scope and terms of the Framework Agreement (Framework Agreement) with FMG. [TB 181]
	12. 06/08/2004	CREC Framework Agreement is executed by FMG and CREC. [TB 1309 at .1548] and [TB 278]
40	13. 13/08/2004	FMG's board of directors approves the CREC Framework Agreement by circular resolution. [TB 1309 at .1547]
	14. 17/08/2004	Andrew Forrest and other FMG representatives attend a meeting in China with Mr He of NDRC [TB 501 at .0562] and [TB 343]
	15. 19/08/2004	FMG representatives meet with representatives of CREC. CREC states, in effect, that it may be interested in becoming the general contractor for the Project. CREC suggests that FMG should pressure CMCC and CHEC into early agreement. [TB 501]
50	16. By 19/08/2004	CREC's board of directors approves the CREC Framework Agreement. [TB 1309 at .1547]

No.	Date	Event
	17. 19/08/2004	Signing Ceremony in Beijing involving FMG and CREC.
10	18. 19/08/2004	Catlow of FMG sends an email informing various officers of FMG, that FMG had invoked a lock down period for directors and staff on trading in FMG shares. He also advises that Forrest had signed the CREC Framework Agreement that day and that FMG are working on a public release that is acceptable to CREC and FMG. [TB 318]
	19. 20/08/2004 at 10.48am	FMG requests the ASX to halt trading in FMG's shares. [TB 330 at 1502] and [TB 1467]
	20. 20/08/2004 at 12.20pm	Catlow of FMG emails Mr Bai of CREC. Catlow requests CREC's approval of the draft media release. [TB 337]
20	21. 20/08/2004 at 12.54pm	Morrin of FMG emails Catlow and Skinner of FMG which includes an article about CREC. Morrin asks that they use information from the article, and quotes from the signing ceremony, to prepare the media release. [TB 327]
	22. 20/08/2004 at 2.24pm	Forrest emails Catlow of FMG. Forrest states, in effect, that he has confirmed with Mr Bai of CREC directly that the CREC Framework Agreement is binding. [TB 328]
	23. 23/08/2004	Memorandum of Intent signed between FMG and Sinosteel Corporation. [TB 378A]
30	24. 23/08/2004 at 12.41am	FMG sends the 23 August Letter to the ASX. [TB 366 and TB 1467]
	25. 23/08/2004 at 9.37am	The ASX publicly releases the 23 August Letter. [TB 366 and TB 1467]
	26. 23/08/2004	Trading in FMG's shares recommences
	27. 23/08/2004	FMG publishes the 23 August Letter on its website.
	28. On or about 23/08/2004	FMG publishes the 23 August Media Release on its website. [TB 354]
40	29. 23/08/2004	A telephone press conference is conducted with media representatives invited by FMG. [TB 351]
	30. 24/08/2004 at 10.24pm	Representatives of FMG attend a lunch meeting hosted by Mr Bai of CREC. During which meeting Mr Bai states, in effect, that CREC is willing to be the consortium leader of the whole Project. [TB 386]
50	31. 24/08/2004 at 10.59pm	Liu of FMG emails Forrest. Liu comments on his meeting with CMCC. He confirms that Mr Ma of CMCC is seeking a Framework Agreement, on the same terms to that signed with CREC. [TB 382]

No.	Date	Event
	32. 27/08/2004	FMG holds a board of directors' meeting. The minutes of the meeting report that Forrest stated that the CREC Framework Agreement is 'binding' and that CREC 'will deliver a fully commissioned iron ore railway on a fixed priced, fully warranted basis'. [TB 420]
10	33. 27/08/2004 at 7.00pm	FMG sends its Annual Financial Report for 2004 to the ASX. [TB 180 and TB 1467]
	34. 27/08/2004 at 7.17pm	The ASX publicly releases FMG's Annual Financial Report for 2004. [TB 180 and TB 1467]
	35. 30/08/2004	Forrest sends Facsimile to Mr Bai of CREC. Forrest raises the prospect of CREC acting as the consortium leader for the Project. [TB431/441]
20	36. 01/09/2004	CREC enters into a Memorandum of Understanding with Barclay Mowlem Construction Ltd (Barclay Mowlem), an Australian designer and builder of railways in relation to the CREC Framework Agreement. The document states that 'CREC entered into a Framework Agreement with FMG on the 19 th of August 2004 for the build and transfer of the Project'. [TB 454]
	37. 02/09/2004	Forrest writes to Lupoff and Ceconi of GE Commercial Finance with respect to financing the Project. Forrest states, in effect, that FMG has a binding build, transfer and finance contract with CREC. [TB 458]
30	38. 07/09/2004	Email Correspondence between Liu of FMG and JiJun of CREC. Liu comments, in effect, that FMG and CREC have a signed Framework Agreement and that every single thing will be executed based on the Framework Agreement. [TB 476]
	39. 08/09/2004	Forrest writes to Mr Bai of CREC. Amongst other things, Forrest comments on the need to meet suppliers, explain the Project to them, and receive their commitment to meet the necessary requirements. Forrest also comments on the solid relationship built between CREC and FMG in order to deliver the Project in accordance with the Framework Agreement. [TB 492]
40	40. 09/09/2004	Killinger of Barclay Mowlem sends a facsimile to Heyting of FMG attaching the Memorandum of Understanding entered into between Barclay Mowlem and CREC. [TB 499]
	41. 13/09/2004	Forrest writes to Mr C Brown, The Minister for State Development. Forrest comments that the proposed arrangements between FMG and CREC, whilst legally binding are still evolving in their detail. Forrest also comments that CREC will build and then transfer the proposed railway. [TB 507]

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No.	Date	Event
	42. 16/09/2004	Barclay Mowlem announces that it has signed a Memorandum of Understanding with CREC. The announcement states that FMG signed the Build and Transfer Contract (being the Framework Agreement) in Beijing with CREC. The Announcement also states that CREC's contract with FMG covers all earthworks, culverts, bridges, rail, sleeper and rolling stock. [TB 528A]
10	43. 17/09/2004	Liu of FMG emails Forrest and others at FMG and states that he met with Mr Bai of CREC and that Mr Bai suggested, in effect, CREC take on larger role in the Project. [TB 520]
	44. 18/09/2004	Representatives from FMG and Worley visit CREC in China and spend two weeks working with CREC representatives and visiting suppliers. [TB 492]
	45. 01/10/2004	CHEC Framework Agreement is executed by FMG and CHEC. [TB 563]
20	46. 03/10/2004	Forrest emails a number of officers of FMG. The email states that Peter Huston has joined FMG. Forrest, in effect, instructs staff to show Peter all agreements with respect to the Project to ensure they're legally enforceable. The email also discusses the forthcoming signing ceremony in Beijing where the Framework Agreements with CMCC and CHEC will become binding. [TB 580]
30	47. 05/10/2004	Heyting of FMG emails Field of Field PR. Heyting comments that using the words 'binding contract' in the media release implies that FMG is uncertain that it is actually binding. Heyting, in effect, comments that the contract is, by virtue of being a contract, already binding. [TB 583]
	48. 12/10/2004	Representatives of FMG meet with representatives Worley. The minutes note that FMG has Chinese contractors (build and transfer) who are providing finance and construction. [TB 630]
40	49. 13/10/2004	Email correspondence between Heyting of FMG and Zhang of CREC. Zhang assures Heyting that the CREC joint venture with Barclay Mowlem will implement the Project fully to FMG's satisfaction without technical obstacles. [TB 631]
	50. 14/10/2004	Heyting of FMG emails Dagnal of ABB. Heyting states that FMG now have two supply contracts and a Build and Transfer Contract for the railway with CREC. He also states that FMG are well advanced on other sales contracts and Building and Transfer Contracts for the port and mine. [TB 649]

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No.	Date	Event
	51. 14/10/2004	Heyting of FMG emails Daffen of Siemens. Heyting states that FMG now have two supply contracts and a Build and Transfer Contract for the railway with CREC. He also states that FMG are well advanced on other sales contracts and Building and Transfer Contracts for the port and mine. Heyting comments that the Framework Agreement should form the basis of including Siemens in the Project. [TB 650]
10	52. 17/10/2004	A television interview is conducted on the Business Sunday program relating to FMG. [TB 1471C]
	53. 18/10/2004	Zhang of CREC emails Heyting of FMG. Zhang states, in effect, that CREC's is committed to the Project, that CREC has made advances with respect to financing and that CREC have appointed 3 engineers to follow the FMG agenda. [TB 691]
20	54. 19/10/2004	Email correspondence between Zhang of CREC and Heyting of FMG. Zhang states that a CREC delegation will come to Perth to discuss work on the Project. [TB 696]
	55. 20/10/2004	CMCC Framework Agreement is executed by FMG and CMCC. TB 704
	56. Between --/10/2004 and -- /11/2004	FMG prepares drafts of a more detailed Framework Agreement for each of the CREC, CHEC and CMCC entitled an "Advanced Framework Agreement". [TB 73, TB 74 and TB 75]
30	57. 19/10/2004	FMG and ThyssenKrupp Engineering (Australia) Pty Ltd (TK) (an Australian materials handling plant supplier) enter into a Framework Agreement in respect of the Project. [TB 699]
	58. 21/10/2004	Forrest emails Rowley and others at FMG. Forrest thanks P Huston for his support and states, in effect, that the contracts better be bankable because they are being signed by FMG's counterparts in China. Forrest instructs Liu to send two contracts to Huston to obtain advice as to their legal enforceability. [TB 712]
40	59. 22/10/2004	Li from FMG emails Rowley of FMG. Li comments on her meeting with representatives of CREC and states, in effect, that CREC are committed and eager to be involved in the Project. [TB 728/731]
	60. 25/10/2004 at 11.46am	FMG sends its Annual Report for 2004 to the ASX. [TB 1417 and TB 1467]
	61. 25/10/2004 at 11.50am	The ASX publicly releases FMG's Annual Report for 2004. [TB 1417 and TB 1467]
50	62. 25/10/2004	CMCC and TK enter into a Memorandum of Understanding to cooperate in respect of the construction of the mine for the Project. [TB 741]

No.	Date	Event
	63. 25/10/2004	CHEC and TK enter into a Memorandum of Understanding in respect of the construction of the port and harbour facilities for the Project. [TB 742]
	64. 27/10/2004	Email correspondence between Forrest, and Rowley and Huston of FMG dealing with issues for negotiation with CREC. [TB 755]
10	65. 28/10/2004	Heyting of FMG emails Campbell of FMG. Heyting comments on the development of the Project. Heyting states that the first Build and Transfer Contract was signed on 22 August 2004 with CREC. [TB 761]
	66. 29/10/2004 at 11.02am	Forrest emails A Watling of FMG. Forrest asks Watling to comment on the final agreement with CREC. Forrest, in effect, instructs Watling to discuss his suggested changes with Huston. [TB 764]
20	67. 29/10/2004 at 7.30pm	FMG sends its Quarterly Report for the period ending on 30 September 2004 (the September Quarterly Report) to the ASX. [TB 553 and TB 1467]
	68. 29/10/2004 at 7.33pm	The ASX publicly releases the September Quarterly Report. [TB 553 and TB 1467]
	69. 02/11/2004	Heyting of FMG emails Pesec of Voestalpine and states that FMG has signed a Build and Transfer Contract for the railway with CREC. [TB 798]
30	70. 03/11/2004	Heyting of FMG emails Kelso-Marsh and others at Worley and states that FMG has signed a Build and Transfer Contract for the railway, port and mine with CREC, CHEC and CMCC. [TB 805]
	71. 03/11/2004	FMG's board of directors approves the CHEC Framework Agreement. [TB 809]
	72. 03/11/2004	FMG's board of directors approves the CMCC Framework Agreement. [TB 809]
40	73. 04/11/2004	Email from Tapp of FMG to Forrest and others at FMG. Tapp comments, with respect to the draft media release, that the binding contracts with the three Chinese companies cover 90% of the financing and 100% of the construction risk. [TB 825]
	74. By 05/11/2004	CHEC's board of directors approves the CHEC Framework Agreement. [TB 1309 at .1552]
	75. By 05/11/2004	CMCC's board of directors approves the CMCC Framework Agreement. [TB 833]
50	76. 05/11/2004	FMG signs official statements at a signing ceremony in Beijing approving the binding effect of the CHEC and CMCC Framework Agreements. [TB 1309 at .1552] and [TB1290 at .0350]

No.	Date	Event
	77. 05/11/2004 at 1.26pm	FMG requests the ASX to halt trading in FMG's shares. [TB 841 at 1356 and TB 1467]
10	78. 05/11/2004	Campbell of FMG emails various officers of FMG and states that FMG had requested a trading halt in advance of an announcement later that day in relation to the signing of the CHEC and CMCC Framework Agreements and that he would advise when a share trading embargo for staff and directors is lifted. [TB 831]
	79. 05/11/2004 at 6.57pm	FMG sends the 5 November Letter to the ASX. [TB 839 and TB 1467]
	80. 05/11/2004 at 7.06pm	FMG sends the 5 November Media Release to the ASX. [TB 840 and TB 1467]
	81. 05/11/2004 at 8.10pm	The ASX publicly releases the 5 November Letter. [TB 839 and TB 1467]
20	82. 05/11/2004	FMG publishes the 5 November Letter on its website.
	83. 05/11/2004 at 8.12pm	The ASX publicly releases the 5 November Media Release. [TB 840 and TB 1467]
	84. 05/11/2004	FMG publishes the 5 November Media Release on its website.
	85. 06/11/2004	CMCC enter into a Memorandum of Understanding with BGC Contracting Pty Ltd, an Australian provider of construction and mining services in respect of CMCC Framework Agreement. [TB 916]
30	86. 06/11/2004 at 7.16pm	Campbell of FMG emails Forrest, Huston and others at FMG attaching the draft media release. Campbell comments that the ASX requires more information on the deals, which is to be confirmed after an initial discussion between Tony Walsh of the ASX and Peter Huston of FMG. [TB 877]
	87. 07/11/2004?	Huston of FMG meets with Walsh of the ASX.
40	88. 06/11/2004 at 10.00pm	Heyting of FMG emails O'Reilly of FMG. Heyting states that FMG has signed a Build and Transfer Contract with CHEC similar to the one with CREC. [TB 875]
	89. 07/11/2004	FMG requests that ASX extend the trading halt to end of Tuesday 9 November 2004. [TB 895]
	90. 08/11/2004 at 10.11pm	FMG sends the 8 November Letter to the ASX. [TB 920 and TB 1467]
50	91. 09/11/2004 at 9.45am	The ASX publicly releases the 8 November Letter. [TB 920 and TB 1467]

No.	Date	Event
	92. 09/11/2004	FMG publishes the 8 November Letter on its website.
	93. 09/11/2004	Trading in FMG's shares recommences.
10	94. 10/11/2004 at 10am	FMG sends to the ASX a letter announcing entry into the State Agreement covering the rail and port infrastructure. [TB 966 and TB 1467]
	95. 10/11/2004 at 11:28am	The ASX publicly releases the letter from FMG announcing the entry into the State Agreement covering the rail and port infrastructure. [TB966 and TB 1467]
	96. 11/11/2004	Heyting of FMG writes to Bosteels of Jan de Nul and comments that FMG has signed a Build and Transfer Contract with CHEC similar to the one signed with CREC. TB974
20	97. 24/11/2004 at 8.51pm	FMG sends to the ASX a copy of PowerPoint slides (the November Presentation). [TB 1017 and TB 1467]
	98. 25/11/2004 at 9.36am	The ASX publicly releases the November Presentation. [TB 1017 and TB 1467]
	99. 25/11/2004	FMG publishes the November Presentation on its website. [TB 1019]
30	100. 25/11/2004	Forrest conducts a teleconference with Mr Ma of CMCC. Forrest and Mr Ma discuss equity issues and the development of the Project. Forrest emails details of what was discussed in the teleconference to Huston and others at FMG. [TB 1021]
	101. 24/12/2004	Meeting held in China between NDRC, CREC, CHEC, CMCC and various Chinese entities. [TB 1073]
	102. 29/12/2004	Liu of FMG emails Forrest, Huston and others of FMG. Mr Bai stated the strong position of CREC, that China Rail would push ahead regardless of the outcome of the equity negotiation between FMG and CMCC and that CREC would with its connections and capacity, find financing one way or another despite NDRC. [TB 1074]
40	103. 03/01/2005	Forrest and Huston of FMG meet with Mr Ma and Mr Sun of CMCC. [TB 1089]
	104. 04/01/2005	Zhang of CREC emails Heyting of FMG. Zhang advises that high level delegations from CREC, CHEC, and CMCC will visit FMG in the middle of January 2005. [TB 1090]

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No.	Date	Event
10	105. 13/01/2005	Handwritten Diary note of Forrest regarding meeting with CREC. Forrest notes that CREC want to proceed regardless of whether FMG rejects CMCC offer for majority equity, that CREC is very pleased to commit to the Building and Transfer Contracts, that CREC does not want FMG to worry about interference from the Chinese government, and that CREC will make up for time lost and employ more people for the Project if necessary. [TB 1098]
20	106. 16- 17/01/2005	Meetings in Perth between representatives of CMCC, CREC, CHEC and other Chinese entities and representatives of FMG. During the meeting CMCC suggested that there was only a Memorandum of Understanding with FMG, following which Forrest stated, in effect, that if that is the case, then the relationship will change and FMG would treat CMCC simply as a potential commercial contractor. CMCC then resiled from their suggestion that it was only a Memorandum of Understanding and stated "no change please, China will cooperate, and China never said that not to carry out the agreement". [TB 1112 and TB 1120]
	107. 20/01/2005	FMG sends a letter to CMCC setting out two proposals concerning the investment of equity in the Project. [TB 1132]
30	108. 22/01/2005	FMG holds a Board of Directors' Meeting where Huston, in effect, advises the Board of Directors that the Framework Agreements could be determined through the judicial system to be binding. To support his advice, Huston refers to <i>Anaconda Nickel Ltd v Tarmoola</i> and Forrest's involvement in that case. [TB 1145]
	109. 26/01/2005	CMCC sends a letter to FMG. Among other things the letter, in effect, states the proposal that China Consortium take an equity interest in the Project and that "there are many preconditions in [the CMCC Framework Agreement] which could not be met in reality by both parties. As a matter of fact, the roles played by both parties have changed since equity issues surfaced." [TB 1136]
40	110. 28/01/2005	Letter from FMG to the chairman of CMCC whereby, in effect, FMG gives notice that it requires negotiation of a fuller and more detailed agreement in accordance with the provisions of the Framework Agreements and that payment of the 10% deposit funds required under the Framework Agreement is ready to be promptly made by FMG at the close of the fuller and more detailed agreement between FMG and the Chinese contractors. [TB 1165]
50	111. 31/01/2005 at 9.28pm	FMG sends its quarterly report for the period ending 31 December 2004 (the December Quarterly Report) to the ASX. [TB 1083 and TB 1467]

No.	Date	Event
	112. 01/2005 – 02/2005	Representatives of FMG meet with delegations from CREC, CMCC and CHEC in China. Mr Bai of CREC states, in effect, that as long as the 10% deposit is paid, CREC would proceed with the railway under the Framework Agreement already in place. [TB 1196]
10	113. 01/02/2005 at 9.37am	The ASX publicly releases the December Quarterly Report. [TB 1083 and TB 1467]
	114. 01/02/2005	FMG publishes the December Quarterly Report on its website.
	115. 10/02/2005	FMG sends a letter to CMCC, on behalf of the Chinese Companies. In effect, the letter advises that FMG's offer of equity extended by its 20 January 2005 letter is withdrawn. [TB 1194]
	116. 10/02/2005 at 9.55pm	FMG sends to the ASX a copy of PowerPoint slides (the February Presentation). [TB 1175 and TB 1467]
20	117. 11/02/2005 at 9.44am	The ASX publicly releases the February Presentation. [TB 1175 and TB 1467]
	118. 11/02/2005	FMG publishes the February Presentation on its website.
	119. 22/02/2005	FMG makes a presentation to attendees at the RIU Explorer's Conference (the RIU Presentation).
	120. 28/02/2005	FMG makes presentation at the AJM's Iron Ore & Steel Forecast Conference (the Bag of Rusty Nails Presentation). [TB 1220]
30	121. 28/02/2005 at 9.26pm	FMG sends to the ASX a copy of the Bag of Rusty Nails Presentation. [TB 1220 and TB 1467]
	122. 1/03/2005 at 8.30am	The ASX publicly releases the Bag of Rusty Nails Presentation. [TB 1220 and TB 1467]
	123. 01/03/2005	FMG publishes the Bag of Rusty Nails Presentation on its website.
40	124. 07/03/2005	Scrimshaw of FMG emails Forrest and Thomas of FMG attaching a briefing for the Minister of Trade. The briefing states, in effect, that FMG has entered into Build and Transfer Contracts with certain Chinese state-owned companies who have agreed to fund and construct the Project. It also states, in effect, that since the signing of the build and transfer contracts the NDRC has reverted to FMG with a request for equity in the Project. [TB 1239]
	125. 09/03/2005	Liu emails Forrest, Huston and others at FMG. Liu requests that a meeting be organised between FMG and a delegation from NDRC and CMCC for the following day. [TB 1242]
50	126. 12/03/2005	Meeting in Perth between Mr He and other representatives of NDRC, representatives of CMCC and representatives of FMG. [TB 1248]

No.	Date	Event
	127. 24/03/2005	The Australian Financial Review publishes the AFR Article. [TB 1263]
	128. 24/03/2005 at about 7.00 am	FMG requests the ASX to halt trading in FMG's shares. [TB 1265]
10	129. 24/03/2005	Email Correspondence between Forrest of FMG and Field of Field PR. Forrest asks that the ASX release be consistent with previous releases regarding the Framework Agreements. [TB 1274]
	130. 28/03/2005	Watling of FMG emails Forrest, Huston and others at FMG. Throughout his email Watling refers to CREC, CMCC and CHEC as the Build and Transfer Contractors. [TB 1289A]
	131. 29/03/2005 at 1.37pm	FMG sends the 29 March Letter and a copy of the CMCC Framework Agreement to the ASX. [TB 1290, TB1296, TB1299 and TB 1467]
20	132. 29/03/2005 at 1.50pm	The ASX publicly releases the 29 March Letter. [TB 1290 and TB 1467]
	133. 29/03/2005	Trading in FMG's shares recommences.
	134. 30/03/2005	Rowley of FMG emails Forrest and Liu. Rowley suggests that Forrest write to the NDRC to ascertain the true position of CMCC following the article in The Australian Financial Review. [TB 1306]
30	135. 30/03/2005	Forrest writes to Mr He of the NDRC. Forrest asks what the position is regarding CMCC and provides the NDRC with a copy of the 29 March letter to the ASX. [TB 1310]
	136. 30/03/2005	The Australian Financial Review publishes an article entitled "Fortescue Seeks New Backers". The article states that Forrest insists the contracts were binding and they legally oblige each of the parties to take certain steps. [TB 1307]
40	137. 30/03/2005	Huston of FMG emails Forrest and others at FMG. Huston comments on discussion in the media about the meaning of 'agreement' and 'binding. Huston attaches to the email a copy of a Notre Dame Law Review article about <i>Anaconda Nickel Ltd v Tarmoola</i> for reference, and comments that this was an important case for Forrest when he was at Anaconda. [TB 1313]
	138. 31/03/2005 at 9.42am	FMG sends a copy of the CHEC and CREC Framework Agreements to the ASX by letter dated 30 March 2005 entitled "Information on Agreements". [TB 1309 and TB 1467]
50	139. 31/03/2005 at 9.54am	The ASX publicly releases FMG's letter dated 30 March 2005 and the CHEC and CREC Framework Agreements. [TB 1309 and TB 1467]

No.	Date	Event
	140. 09/04/2005	Xin, a consultant of FMG meets with Mr He of the NDRC who says that the Chinese contractors had made contracts with FMG by the NDRC later intervened to change the position, and that the Chinese contractors would not be able to perform the framework agreements unless the Chinese obtained majority of control. TJ [800]
10	141. 12/04/2005	Forrest and other representatives of FMG meet with representatives from CMCC, Sinosteel, CHEC and CREC during which FMG made it clear again that majority ownership of FMG or the project was not available. [TB 1340]
	142. 18/04/2005	Xin of Springridge emails Liu of FMG. Xin takes issue with the minutes of the meeting held between FMG and the NDRC on 12/04/05 regarding the equity issue. [TB 1336]
20	143. By 17/05/2005	Forrest ceases to be chairman of FMG's board of directors, but remains its chief executive officer. [TB 1349]
	144. 18/05/2005	Forrest and other representatives of FMG meet with Ambassador Fuying and Mr Li, Vice Consul of Commerce. [TB 1350]
	145. 30/05/2005	Forrest writes to Ferguson of the Business Review Weekly. Forrest states that that FMG considers the Framework Agreements binding. [TB 1367]
30	146. 29/06/2005	CREC provides FMG with a letter which highlights its intention to "meet the obligation of the existing binding Build & Transfer Agreement dated 6 August 2004". [TB 1372]
	147. 06/07/2005	Scrimshaw of FMG emails Mr Sun of CMCC. Scrimshaw states that FMG intends to meet again with Chinese parties in August for equity discussions. [TB 1374]
	148. 12/07/2005	Forrest emails Watling, Huston and others at FMG. Forrest comments, in effect, that in regard to the CREC Engineering Engagement Agreement, he wants nothing in that agreement to disturb CREC's legal commitments under the Framework Agreement. [TB 1377]
40	149. 00/09/2005	Completion of two parts of the Definitive Feasibility Study (Basis of Design and Basis of Estimate) by Worley. [TB 1390 and TB 1391]
	150. 07/09/2005	Liu meets with Mr Yang of CMCC. Mr Yang repeatedly insists that the Framework Agreement signed between FMG and CMCC is binding. [TB 1392]
50	151. 10/11/2005	Forrest writes to Mr Chen of CHEC. Forrest notes that it had been some time since CHEC had formally entered into the Framework Agreement with FMG. [TB 1410]

No.	Date	Event
	152. 30/12/2005	Mr Yang of CMCC writes to Forrest. Yang expresses a desire to meet further with FMG representatives to discuss the equity of the Project. [TB 1420]
	153. 05/01/2006	Forrest writes to Mr Yang of CMCC. Forrest comments on CMCC's failure to progress with the Project. [TB 1421]
10	154. 12/01/2006	Mr Yang of CMCC writes to Forrest. Yang reconfirms CMCC's interest in participating in the Project and willingness to cooperative with FMG under proper conditions. [TB 1422]
	155. 17/01/2006	Forrest writes to Mr Yang of CMCC. Forrest comments on the differences the parties have on the issue of equity. [TB 1424]
	156. 00/04/2006	Completion of Definitive Mine Feasibility Study (Cloud Break and Christmas Creek Deposits) by Snowdens. [TB 1439]
20	157. 12/04/2006	Mr Wang of CMCC writes to Forrest. Yang requests that further discussions be held between FMG and CMCC. [TB 1437]
	158. 19/04/2006	Representatives of FMG meet with representatives of CMCC. FMG gives CMCC an update on the Project and they discuss equity and progress issues. The minutes of the meeting state, in effect, that Mr Wang believed that the three Build and Transfer Contracts were always committed to by all parties and FMG should proceed with them to give FMG the best chance of completing the Project within the current schedule. [TB 1440]
30	159. 19/04/2006	Scrimshaw of FMG emails Forrest and others at FMG. Scrimshaw updates the officers of FMG on the meeting with CMCC of the same date. Scrimshaw notes that Mr Wang still believes the Build and Transfer Contracts are in effect. [TB 1438]
	160. 28/04/2005	Forrest writes to Mr Zhang of the NDRC. Forrest confirms FMG's sincerity towards China and details the recent discussions with CMCC. Forrest asked the NDRC to support CMCC to show their sincerity to FMG. [TB 1441]
40	161. 01/05/2006	Scrimshaw of FMG writes to Wang of CMCC. Scrimshaw comments on CMCC's involvement in the Project, the mending of relations between FMG and CMCC, and the possibility of further meetings between CMCC and FMG to discuss equity issues. [TB 1442]
	162. 29/06/2006	FMG sent letters to CREC, CHEC and CMCC terminating the Framework Agreements. [TB1454, TB1216 and TB1452]
50	163. 07/07/2006	Mr Lin of CHEC writes to Forrest. Mr Lin states that CHEC acknowledges and accepts FMG's request to terminate the Framework Agreement signed on 1 October 2004 between CHEC and FMG. [TB 1456]

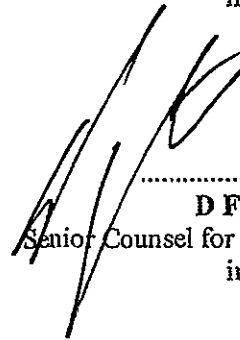
No.	Date	Event
164.	21/08/2006	Mr Ma of CREC writes to Forrest. Mr Ma confirms that CREC confirms the termination of the Framework Agreement signed by FMG and CREC on 6 August 2004. [TB 1459]
165.	--/05/2008	The first shipment of FMG's ore occurred.

10 Dated 27 October 2011



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A J Myers
 Senior Counsel for the Applicant
 in P44 of 2011

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D F Jackson QC
 Senior Counsel for the Applicant
 in P45 of 2011

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