



HERBERT  
SMITH  
FREEHILLS



## JAY LEARY

PARTNER

[Australia](#)  
[Africa Group](#)

Jay is an energy, resources and infrastructure lawyer and is head of our global mining team.

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## BACKGROUND

Jay is recognised globally as a leading lawyer in the mining industry. He is profiled in Chambers & Co (Tier 1), Best Lawyers (2009 to 2018), ILC Which Lawyer, Doyles' Guide (in the pre-eminent category), IFLR, ALB, Who's Who, and was rated by ILC as Australian energy and resources lawyer of the year in 2011, 2015 and 2017.

Jay undertakes a range of pro bono work for refugee applicants, mental health organisations and Aboriginal corporations.

## KEY SERVICES

Corporate  
Mergers and Acquisitions

## KEY SECTORS

Mining  
Energy

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## EXPERIENCE

Jay is an energy, resources and infrastructure lawyer, who undertakes a broad range of work for mining and infrastructure companies including private M&A, joint ventures, operating agreements, marketing agreements, royalty agreements and development projects. He is often sought in by clients as an adviser in relation to their most difficult and strategic matters.

As the global head of mining for Herbert Smith Freehills and the client relationship partner for BHP and South32, Jay has a deep understanding of the mining industry.

A small selection of Jay's experience includes:

### **Private M&A**

- advising Wesfarmers on the sale of the Curragh and Bengalla mines
- advising bidders in relation to recent sales processes run by Rio Tinto and Anglo American
- advising South32 on the acquisition of the Eagle Downs coal mine
- advising a consortium of 11 coal companies on their attempted purchase of the Central Queensland coal network
- advising SQM on its acquisition of a 50% share in a lithium deposit and creation of a joint venture

### **Strategic matters**

- assisted BHP in relation to the Samarco incident
- assisted a confidential mining company on restructuring arrangements
- advised Rio Tinto on its mineral sands developments in Madagascar
- assisted BHP on its demerger of South32

### **Operating agreements**

- advised on numerous contract mining agreements and service arrangements for mining companies
- assisted Baralaba in establishing all agreements (service, supply and infrastructure) for the restart and operation of their coal mine

### **Project development**

- prepared EPCM, project management, EPC and construction agreements for mine developments and expansions
- drafted and negotiated the EPC and EPCM agreements for Santos' GLNG project, including LNG plants, gas transmission line and gas field development

### **Rail and port**

- Jay acts extensively for coal companies in relation to Aurizon's Central Queensland coal network, ARTC's Hunter Valley network, and the DBCT, GPC, Wiggins Island, Abbot Point, PKCT, NCIG and Port Waratah coal terminals

### **Port and rail access**

- acted on the DBCT access undertaking since 2002
- acted for the coal industry in relation to the Central Queensland coal network access undertaking since 2010
- advised an access seeker on the Railways Access Code in WA
- advised the State of Queensland on the development of Wiggins Island, including the WITAP
- advised mining companies and the Federal Government on the Hunter Valley rail access undertaking