

To reconstruct the arguments of Justices Gageler CJ, Gordon, Steward, and Gleeson in the case *Harvey v Minister for Primary Industry and Resources* into a formal modus ponens structure, I have analyzed the detailed reasoning provided in their judgment. Here's the chain of arguments structured as requested, with references to specific paragraphs for clarity:

1. **\*\*Premise\*\***: If a mineral lease only authorizes the construction of an infrastructure facility associated with mining, and this lease is essential for mining operations, then it should be considered a creation of a "right to mine" for the purpose of infrastructure. (para 41)

**\*\*Premise\*\***: ML 29881 is a mineral lease for constructing a new Dredge Spoil Emplacement Area, essential for the mining operations at the McArthur River Project. (para 1, 11-12)

**\*\*Conclusion\*\***: Therefore, ML 29881 constitutes a creation of a "right to mine" for the purpose of infrastructure. (para 40-41)

2. **\*\*Premise\*\***: If ML 29881 constitutes a creation of a "right to mine" for the purpose of infrastructure, and if mining for infrastructure is not covered by the "right to negotiate" but instead by specific procedural rights under s 24MD(6B) of the Native Title Act, then these procedural rights apply. (para 25-27)

**\*\*Premise\*\***: ML 29881 constitutes a creation of a "right to mine" for the purpose of infrastructure. (from conclusion of previous argument)

**\*\*Conclusion\*\***: Therefore, the specific procedural rights under s 24MD(6B) apply to ML 29881. (para 25-26)

3. **\*\*Premise\*\***: If the specific procedural rights under s 24MD(6B) apply, and if the procedural rights were not followed in the process of granting ML 29881, then the grant of ML 29881 is not valid. (para 41-42)

**\*\*Premise\*\***: The specific procedural rights under s 24MD(6B) apply to ML 29881 (from conclusion of previous argument), and these were not followed. (para 41-42)

**\*\*Conclusion\*\***: Therefore, the grant of ML 29881 is not valid. (para 42)

4. **\*\*Premise\*\***: If the grant of ML 29881 is not valid, and if the appeal challenges the validity of the grant based on procedural non-compliance, then the appeal should be allowed. (para 1, 6)

**\*\*Premise\*\***: The grant of ML 29881 is not valid (from conclusion of previous argument), and the appellants' challenge is based on this procedural non-compliance. (para 6)

**\*\*Conclusion\*\***: Therefore, the appeal is allowed. (para 1)

**\*\*Final Conclusion from the Judgment\*\***:

Based on the chain of reasoning reconstructed above, the final conclusion is that the appeal is allowed, leading to the setting aside of the original Federal Court decision and applying specific procedural rights under s 24MD(6B) of the Native Title Act 1993 (Cth) as they were not initially followed.