

Western Australia

**Iron Ore Agreements Legislation
Amendment Act 2010**

As at 26 Aug 2010

No. 34 of 2010

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Iron Ore Agreements Legislation Amendment Act 2010

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Western Australia

Iron Ore Agreements Legislation Amendment Act 2010

No. 34 of 2010

An Act to amend these Acts —

- **the *Iron Ore (Goldsworthy-Nimingarra) Agreement Act 1972*;**
 - **the *Iron Ore (Hamersley Range) Agreement Act 1963*;**
 - **the *Iron Ore (Marillana Creek) Agreement Act 1991*;**
 - **the *Iron Ore (McCamey's Monster) Agreement Authorisation Act 1972*;**
 - **the *Iron Ore (Mount Bruce) Agreement Act 1972*;**
 - **the *Iron Ore (Mount Goldsworthy) Agreement Act 1964*;**
 - **the *Iron Ore (Mount Newman) Agreement Act 1964*;**
 - **the *Iron Ore (Rhodes Ridge) Agreement Authorisation Act 1972*;**
 - **the *Iron Ore (Robe River) Agreement Act 1964*,**
- in order to alter certain rates of royalty, and for related purposes.**

[Assented to 26 August 2010]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Iron Ore Agreements Legislation Amendment Act 2010*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 comes into operation on the day on which this Act receives the Royal Assent (*assent day*);
- (b) the rest of the Act —
 - (i) comes into operation on 1 July 2010 if assent day is not later than that day; or
 - (ii) is deemed to have come into operation on 1 July 2010 if assent day is later than that day.

**Part 2 — Iron Ore (Goldsworthy-Nimingarra)
Agreement Act 1972 amended**

3. Act amended

This Part amends the *Iron Ore (Goldsworthy-Nimingarra) Agreement Act 1972*.

4. Section 5 inserted

After section 4 insert:

5. Variation of Agreement to increase rates of royalty

(1) In this section —

the Agreement means the agreement a copy of which is set out in Schedule 1 —

- (a) as varied from time to time in accordance with its provisions; and
- (b) as varied by the First Variation Agreement.

(2) Clause 33(1) of the Agreement is varied —

- (a) in subparagraph (ii) by deleting “3.75%” and inserting —

5.625%

- (b) in subparagraph (iii) by deleting “3.25%” and inserting —

5%

(3) Clause 33(1)(ii) and (iii) of the Agreement as varied by subsection (2) operate and take effect despite —

- (a) any other provision of the Agreement; and

Iron Ore Agreements Legislation Amendment Act 2010

Part 2 Iron Ore (Goldsworthy-Nimingarra) Agreement Act 1972
amended

s. 4

- (b) any other agreement or instrument; and
 - (c) any other Act or law.
- (4) Nothing in this section affects the amount of royalty payable under clause 33 of the Agreement in respect of any period before the commencement of the *Iron Ore Agreements Legislation Amendment Act 2010* Part 2.

**Part 3 — Iron Ore (Hamersley Range) Agreement
Act 1963 amended**

5. Act amended

This Part amends the *Iron Ore (Hamersley Range) Agreement Act 1963*.

6. Section 2 amended

In section 2 delete “Act —” and insert:

Act, unless the contrary intention appears —

7. Sections 4A and 4B inserted

After section 3J insert:

4A. Variation of Agreement to increase rates of royalty

(1) In this section —

the Agreement means the agreement a copy of which is set out in the First Schedule —

(a) as varied from time to time in accordance with its provisions; and

(b) as varied by these agreements —

- (i) the First Supplementary Agreement;
- (ii) the Second Supplementary Agreement;
- (iii) the Third Supplementary Agreement;
- (iv) the Fourth Supplementary Agreement;
- (v) the Fifth Supplementary Agreement;
- (vi) the Sixth Supplementary Agreement;
- (vii) the Seventh Supplementary Agreement;

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- (viii) the Eighth Supplementary Agreement;
 - (ix) the Ninth Supplementary Agreement;
 - (x) the Tenth Supplementary Agreement.
- (2) Clause 10(2)(j) of the Agreement is varied —
- (a) in subparagraph (ii) by deleting “3.75%” and inserting —

5.625%
 - (b) in subparagraph (iii) by deleting “3.25%” and inserting —

5%
- (3) Clause 10(2)(j)(ii) and (iii) of the Agreement as varied by subsection (2) operate and take effect despite —
- (a) any other provision of the Agreement; and
 - (b) any other agreement or instrument; and
 - (c) any other Act or law.
- (4) Nothing in this section affects the amount of royalty payable under clause 10 of the Agreement in respect of any period before the commencement of the *Iron Ore Agreements Legislation Amendment Act 2010* Part 3.

4B. Variation of Second Supplementary Agreement to increase rates of royalty

- (1) In this section —
- the Second Supplementary Agreement* means the agreement a copy of which is set out in the Third Schedule —
- (a) as varied from time to time in accordance with its provisions; and

- (b) as varied by these agreements —
 - (i) the Third Supplementary Agreement;
 - (ii) the Fourth Supplementary Agreement;
 - (iii) the Fifth Supplementary Agreement;
 - (iv) the Sixth Supplementary Agreement;
 - (v) the Seventh Supplementary Agreement;
 - (vi) the Eighth Supplementary Agreement;
 - (vii) the Ninth Supplementary Agreement;
 - (viii) the Tenth Supplementary Agreement.
- (2) Clause 7(4) of the Second Supplementary Agreement is varied by deleting “(j),” and inserting —
 - (j) (as varied by the *Iron Ore (Hamersley Range) Agreement Act 1963* section 4A),
- (3) Clause 7(4) of the Second Supplementary Agreement as varied by subsection (2) operates and takes effect despite —
 - (a) any other provision of the Agreement; and
 - (b) any other agreement or instrument; and
 - (c) any other Act or law.
- (4) Nothing in this section affects the amount of royalty payable under clause 7(4) of the Second Supplementary Agreement in respect of any period before the commencement of the *Iron Ore Agreements Legislation Amendment Act 2010* Part 3.

**Part 4 — Iron Ore (Marillana Creek) Agreement
Act 1991 amended**

8. Act amended

This Part amends the *Iron Ore (Marillana Creek) Agreement Act 1991*.

9. Section 6 inserted

After section 5 insert:

6. Variation of Agreement to increase rates of royalty

(1) In this section —

Agreement means the agreement a copy of which is set out in Schedule 1 —

- (a) as varied from time to time in accordance with its provisions; and
- (b) as varied by these agreements —
 - (i) the First Variation Agreement;
 - (ii) the Second Variation Agreement.

(2) Clause 1 of the Agreement is varied by inserting in alphabetical order —

“fine ore” means iron ore excluding beneficiated ore which is nominally sized minus six millimetres;

“lump ore” means iron ore excluding beneficiated ore which is nominally sized plus six millimetres minus thirty millimetres;

- (3) Clause 13(1) of the Agreement is varied —
- (a) in paragraph (a) by deleting “3.25%” and inserting —

5%
 - (b) in paragraph (aa)(i) by deleting “5.625%” and inserting —

7.5%
 - (c) after paragraph (aa) by inserting —
 - (ab) on lump ore at the rate of 7.5% of the f.o.b. value;
 - (ac) on fine ore at the rate of 5.625% of the f.o.b. value;
- (4) Clause 13(1)(a) and (aa)(i) of the Agreement as varied, and clause 13(1)(ab) and (ac) as inserted in the Agreement, by subsection (3) operate and take effect despite —
- (a) any other provision of the Agreement; and
 - (b) any other agreement or instrument; and
 - (c) any other Act or law.
- (5) Nothing in this section affects the amount of royalty payable under clause 13 of the Agreement in respect of any period before the commencement of the *Iron Ore Agreements Legislation Amendment Act 2010* Part 4.

**Part 5 — *Iron Ore (McCamey's Monster) Agreement
Authorisation Act 1972 amended***

10. Act amended

This Part amends the *Iron Ore (McCamey's Monster) Agreement Authorisation Act 1972*.

11. Section 7 inserted

After section 6 insert:

7. Variation of Agreement to increase rates of royalty

(1) In this section —

the Agreement means the Principal Agreement —

- (a) as varied from time to time in accordance with its provisions; and
- (b) as varied by these agreements —
 - (i) the first Variation Agreement;
 - (ii) the second Variation Agreement;
 - (iii) the third Variation Agreement.

(2) Clause 31(1) of the Agreement is varied —

- (a) in paragraph (aa)(ii) by deleting “3.75%” and inserting —

5.625%

- (b) after paragraph (aa) by inserting —

- (ab) on iron ore products being fine ore and fines where such fine ore or fines are sold or shipped separately as such — at the rate of 5.625% of the f.o.b. revenue (computed as

mentioned in paragraph (a) of this subclause);

- (ac) on iron ore products being iron ore concentrates — at the rate of 5% of the f.o.b. revenue (computed as mentioned in paragraph (a) of this subclause);
- (3) Clause 31(1)(aa)(ii) of the Agreement as varied, and clause 31(1)(ab) and (ac) as inserted in the Agreement, by subsection (2) operate and take effect despite —
- (a) any other provision of the Agreement; and
 - (b) any other agreement or instrument; and
 - (c) any other Act or law.
- (4) Nothing in this section affects the amount of royalty payable under clause 31 of the Agreement in respect of any period before the commencement of the *Iron Ore Agreements Legislation Amendment Act 2010 Part 5*.

**Part 6 — Iron Ore (Mount Bruce) Agreement
Act 1972 amended**

12. Act amended

This Part amends the *Iron Ore (Mount Bruce) Agreement Act 1972*.

13. Section 4A inserted

After section 3B insert:

4A. Variation of Agreement to increase rates of royalty

- (1) Clause 12(1)(h) of the Agreement is varied —
 - (a) in subparagraph (ii) by deleting “three and three quarter per centum (3¾%)” and inserting —

5.625%
 - (b) in subparagraph (iii) by deleting “fifteen (15) cents per ton;” and inserting —

5.625% of the f.o.b. revenue (computed as aforesaid);
 - (c) in subparagraph (iv) by deleting “fifteen (15) cents per ton;” and inserting —

5% of the f.o.b. revenue (computed as aforesaid);
- (2) Clause 12(1)(h)(ii), (iii) and (iv) of the Agreement as varied by subsection (1) operate and take effect despite —
 - (a) any other provision of the Agreement; and

- (b) any other agreement or instrument; and
 - (c) any other Act or law.
- (3) Nothing in this section affects the amount of royalty payable under clause 12 of the Agreement in respect of any period before the commencement of the *Iron Ore Agreements Legislation Amendment Act 2010* Part 6.

**Part 7 — Iron Ore (Mount Goldsworthy) Agreement
Act 1964 amended**

14. Act amended

This Part amends the *Iron Ore (Mount Goldsworthy) Agreement Act 1964*.

15. Section 3 amended

In section 3 delete “Act —” and insert:

Act, unless the contrary intention appears —

16. Section 5A inserted

After section 4C insert:

5A. Variation of Agreement to increase rates of royalty

(1) In this section —

the Agreement means the agreement a copy of which is set out in the First Schedule —

- (a) as varied from time to time in accordance with its provisions; and
- (b) as varied by these agreements —
 - (i) the first Variation Agreement;
 - (ii) the second Variation Agreement;
 - (iii) the third Variation Agreement.

(2) Clause 9(2)(j) of the Agreement is varied —

- (a) in subparagraph (ii) by deleting “3.75%” and inserting —

5.625%

- (b) in subparagraph (ia)(B) by deleting “3.75%”
and inserting —

5.625%

- (c) in subparagraph (iii) by deleting “3.25%” and
inserting —

5%

- (3) Clause 9(2)(j)(ii), (ia)(B) and (iii) of the Agreement as
varied by subsection (2) operate and take effect
despite —
 - (a) any other provision of the Agreement; and
 - (b) any other agreement or instrument; and
 - (c) any other Act or law.

- (4) Nothing in this section affects the amount of royalty
payable under clause 9 of the Agreement in respect of
any period before the commencement of the *Iron Ore
Agreements Legislation Amendment Act 2010* Part 7.

**Part 8 — Iron Ore (Mount Newman) Agreement
Act 1964 amended**

17. Act amended

This Part amends the *Iron Ore (Mount Newman) Agreement Act 1964*.

18. Section 2 amended

In section 2 delete “Act —” and insert:

Act, unless the contrary intention appears —

19. Section 4A inserted

After section 3E insert:

4A. Variation of Agreement to increase rates of royalty

(1) In this section —

the Agreement means the agreement a copy of which is set out in the First Schedule —

- (a) as varied from time to time in accordance with its provisions; and
- (b) as varied by these agreements —
 - (i) the First Variation Agreement;
 - (ii) the Second Variation Agreement;
 - (iii) the Third Variation Agreement;
 - (iv) the Fourth Variation Agreement;
 - (v) the Fifth Variation Agreement.

- (2) Clause 9(2)(j) of the Agreement is varied —
- (a) in subparagraph (ii) by deleting “3.75%” and inserting —

5.625%
 - (b) in subparagraph (iia)(B) by deleting “3.75%” and inserting —

5.625%
 - (c) in subparagraph (iii) by deleting “3.25%” and inserting —

5%
- (3) Clause 9(2)(j)(ii), (iia)(B) and (iii) of the Agreement as varied by subsection (2) operate and take effect despite —
- (a) any other provision of the Agreement; and
 - (b) any other agreement or instrument; and
 - (c) any other Act or law.
- (4) Nothing in this section affects the amount of royalty payable under clause 9 of the Agreement in respect of any period before the commencement of the *Iron Ore Agreements Legislation Amendment Act 2010* Part 8.

**Part 9 — Iron Ore (Rhodes Ridge) Agreement
Authorisation Act 1972 amended**

20. Act amended

This Part amends the *Iron Ore (Rhodes Ridge) Agreement Authorisation Act 1972*.

21. Section 4 inserted

After section 3 insert:

4. Variation of Agreement to alter rates of royalty

(1) In this section —

Agreement means the agreement referred to in section 2 as varied from time to time in accordance with its provisions.

(2) Section 21.01 of the Agreement is varied —

(a) in paragraph (b) by deleting “seven and one half percentum (7½%)” and inserting —

5.625%

(b) in paragraph (c) by deleting “fifteen cents (\$0.15) per ton.” and inserting —

5% of the FOB revenue (computed as aforesaid).

(c) in paragraph (d)(ii) by deleting “fifteen cents (\$0.15) per ton.” and inserting —

5% of the FOB revenue (computed as aforesaid).

- (3) Section 21.01(b), (c) and (d)(ii) of the Agreement as varied by subsection (2) operate and take effect despite —
- (a) any other provision of the Agreement; and
 - (b) any other agreement or instrument; and
 - (c) any other Act or law.
- (4) Nothing in this section affects the amount of royalty payable under section 21.01 of the Agreement in respect of any period before the commencement of the *Iron Ore Agreements Legislation Amendment Act 2010* Part 9.

**Part 10 — Iron Ore (Robe River) Agreement
Act 1964 amended**

22. Act amended

This Part amends the *Iron Ore (Robe River) Agreement Act 1964*.

23. Section 4A inserted

After section 3E insert:

4A. Variation of Agreement to increase rates of royalty

(1) In this section —

the Agreement means the agreement a copy of which is set out in the First Schedule —

- (a) as varied from time to time in accordance with its provisions; and
- (b) as varied by these agreements —
 - (i) the first variation agreement;
 - (ii) the second variation agreement;
 - (iii) the third variation agreement;
 - (iv) the fourth variation agreement;
 - (v) the fifth variation agreement.

(2) Clause 9(2)(j) of the Agreement is varied —

- (a) in subparagraph (ii) by deleting “three and three quarter per centum (3¾%)” and inserting —

5.625%

- (b) in subparagraph (iii) by deleting “aforesaid;” and inserting —

aforesaid) until 30 June 2010 and thereafter at the rate of 5.625% of the f.o.b. value (computed as aforesaid);
- (c) in subparagraph (iv) by deleting “one shilling and sixpence (1/6d) per ton;” and inserting —

5% of the f.o.b. value (computed as aforesaid);
- (3) Clause 9(2)(j)(ii), (iii) and (iv) of the Agreement as varied by subsection (2) operate and take effect despite —
 - (a) any other provision of the Agreement; and
 - (b) any other agreement or instrument; and
 - (c) any other Act or law.
- (4) Nothing in this section affects the amount of royalty payable under clause 9 of the Agreement in respect of any period before the commencement of the *Iron Ore Agreements Legislation Amendment Act 2010* Part 10.

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