

Western Australia

**Broken Hill Proprietary Company Limited
Agreements (Variation) Act 1980**

As at 20 Jun 2013

Version 01-d0-02

Extract from www.slp.wa.gov.au, see that website for further information

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Broken Hill Proprietary Company Limited Agreements (Variation) Act 1980

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Broken Hill Proprietary Company Limited Agreements (Variation) Act 1980

An Act relating to an agreement between the State of Western Australia and The Broken Hill Proprietary Company Limited, Australian Iron & Steel Proprietary Limited and Dampier Mining Company Limited.

1. Short title

This Act may be cited as the *Broken Hill Proprietary Company Limited Agreements (Variation) Act 1980*¹.

2. Interpretation

In this Act unless the contrary intention appears —

the Agreement means the agreement a copy of which is set forth in the Schedule to this Act;

the other Agreements means —

- (a) the agreement set forth in the Schedule to the *Broken Hill Proprietary Company's Integrated Steel Works Agreement Act 1960* as amended by the *Broken Hill Proprietary Company's Integrated Steel Works Agreement Act Amendment Act 1973*; and
- (b) the agreement set forth in the Schedule to the *Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Act 1964*.

3. Ratification of Agreement

The Agreement is hereby approved and ratified.

s. 4

4. Amendment of other Agreements

It is hereby declared that the other Agreements are amended as provided for in the Agreement.

Schedule — Variation agreement

[s. 2]

[Heading amended by No. 19 of 2010 s. 4.]

THIS AGREEMENT is made the 23rd day of April, 1980 BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, K.C.M.G., O.B.E., M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and its instrumentalities from time to time (hereinafter called “the State”) of the first part THE BROKEN HILL PROPRIETARY COMPANY LIMITED a company duly incorporated under the Companies Statutes of the State of Victoria and having its registered office in the State of Western Australia at 37 Saint George’s Terrace, Perth (hereinafter called “B.H.P.”) of the second part AUSTRALIAN IRON & STEEL PROPRIETARY LIMITED a company duly incorporated under the Companies Statutes of the State of New South Wales and having its registered office in the State of Western Australia at 37 Saint George’s Terrace, Perth (hereinafter called “A.I.S.”) of the third part and DAMPIER MINING COMPANY LIMITED a company duly incorporated under the Companies Statutes of the State of Western Australia and having its registered office in the said State at 37 Saint George’s Terrace, Perth (hereinafter called “Dampier”) of the fourth part.

WHEREAS:

- (a) the State and B.H.P. are parties to the agreement between them dated the 18th day of November 1960 defined in section 3 of the *Broken Hill Proprietary Company’s Integrated Steel Works Agreement Act 1960* (which agreement in the form printed in that Act is hereinafter referred to as “the 1960 Agreement”);
- (b) by the agreement dated the 24th day of November 1964 and made between the State of the one part and B.H.P. of the other part defined in section 2 of the *Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Act 1964* (which agreement in the form printed in that Act is hereinafter referred to as “the 1964 Agreement”) B.H.P. (*inter alia*) undertook certain additional processing obligations to those under the 1960 Agreement and the parties thereto also varied the 1960 Agreement in manner therein set forth;
- (c) by an agreement dated the 18th day of March 1966 B.H.P. assigned certain of its rights and obligations under the 1960 Agreement and the

1964 Agreement to A.I.S. and assigned certain of its other rights and obligations under those Agreements to Dampier;

- (d) by the agreement dated the 23rd day of May 1973 and made between the State of the first part B.H.P. of the second part and Dampier of the third part which agreement was ratified by and is scheduled to the *Broken Hill Proprietary Company's Integrated Steel Works Agreement Act Amendment Act 1973* (which agreement in the form printed in that Act is hereinafter referred to as "the 1973 Agreement") the parties thereto further varied the 1960 Agreement;
- (e) the 1960 Agreement as varied by the 1964 Agreement and the 1973 Agreement is hereinafter referred to as "the Principal Agreement"; and
- (f) the parties hereto desire to vary the Principal Agreement and the 1964 Agreement.

NOW THIS AGREEMENT WITNESSETH:

- 1. Subject to the context the words and expressions used in this Agreement have the same meanings as they have in and for the purpose of the Principal Agreement and the 1964 Agreement respectively.
- 2. Subject to the provisions of the agreement referred to in recital (c) hereof, for the purposes of the 1960 Agreement, the 1964 Agreement, the Principal Agreement and this Agreement the expression "the Company" shall where the context so admits include A.I.S. and Dampier.
- 3. The provisions of this Agreement shall not come into operation unless and until a Bill to approve and ratify this Agreement is passed by the Legislature of the said State and comes into operation as an Act.

Variation of Principal Agreement ²

- 4. The Principal Agreement is hereby varied as to Clause 3 —
 - by substituting for paragraph (c) the following paragraph —
 - (c) (i) the Company shall carry out an ongoing programme of investigation into the technical and economic feasibility of establishing steel making facilities within the said State;
 - (ii) the Company shall keep the State fully informed concerning investigations carried out pursuant to

sub-paragraph (i) of this paragraph and shall when required by the Minister so to do but not more frequently than at three yearly intervals submit a detailed report to the Minister concerning such investigations and shall when so required by the Minister consult with him with respect to such detailed report; and

- (iii) if the State and the Company agree that the establishment of steel making facilities within the said State is technically and economically feasible the Company shall after consultation with the Minister establish such steel making facilities either alone or in conjunction with others;

Acknowledgement by the State concerning the 1960 Agreement ²

5. The State acknowledges that the Company has no further obligations under Clause 6 of the 1960 Agreement.

Variation of 1964 Agreement ²

6. The 1964 Agreement is hereby varied as to Clause 14 — by substituting for paragraph (b) the following paragraph —

- (b) by the 31st day of December 1981 and at a cost of not less than twenty million dollars (\$20 000 000) to reline and upgrade the blast furnace referred to in the said agreement to increase the technical and cost efficiency of the said blast furnace; and

Acknowledgement by the State concerning the 1964 Agreement ²

7. The State acknowledges that the Company has no further obligations under paragraph (c) of Clause 14 of the 1964 Agreement.

IN WITNESS WHEREOF this Agreement has been executed by or on behalf of the parties hereto the day and year first hereinbefore mentioned.

SIGNED by the said THE
HONOURABLE SIR CHARLES
WALTER MICHAEL COURT,
K.C.M.G., O.B.E., M.L.A. in the
presence of —

} CHARLES COURT

PETER JONES
MINISTER FOR RESOURCES DEVELOPMENT

THE COMMON SEAL OF THE
BROKEN HILL PROPRIETARY
COMPANY LIMITED was hereunto
affixed by authority of the Board of
Directors — } [C.S.]

DIRECTOR. D. S. ADAM

SECRETARY. G. D. STEPHENSON

THE COMMON SEAL OF
AUSTRALIAN IRON & STEEL
PROPRIETARY LIMITED was hereunto
affixed in the presence of: } [C.S.]

DIRECTOR. D. S. ADAM

SECRETARY. G. D. STEPHENSON

THE COMMON SEAL OF DAMPIER
MINING COMPANY LIMITED was
hereunto affixed by authority of Board of
Directors — } [C.S.]

DIRECTOR. D. S. ADAM

SECRETARY. G. D. STEPHENSON

Notes

- ¹ This is a compilation of the *Broken Hill Proprietary Company Limited Agreements (Variation) Act 1980* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Broken Hill Proprietary Company Limited Agreements (Variation) Act 1980</i>	19 of 1980	15 Oct 1980	15 Oct 1980
Reprint of the <i>Broken Hill Proprietary Company Limited Agreements (Variation) Act 1980</i> as at 15 Nov 2002			
<i>Standardisation of Formatting Act 2010</i> s. 4	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>State Agreements Legislation Repeal Act 2013</i> s. 3 ³	1 of 2013	20 Jun 2013	To be proclaimed (see s. 2(b))

- ² Marginal notes in the agreement have been represented as bold headnotes in this reprint but that does not change their status as marginal notes.
- ³ On the date as at which this compilation was prepared, the *State Agreements Legislation Repeal Act 2013* s. 3 had not come into operation. It reads as follows:

3. *Broken Hill Proprietary Company Limited Agreements (Variation) Act 1980* repealed

The *Broken Hill Proprietary Company Limited Agreements (Variation) Act 1980* is repealed.

