

IRON ORE (HAMERSLEY RANGE) AGREEMENT.

No. 26 of 1979.

AN ACT to amend the Iron Ore (Hamersley Range)
Agreement Act, 1963-1976.

[Assented to 11th September, 1979.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Iron Ore (Hamersley Range) Agreement Act Amendment Act, 1979.*

Short title.
and citation.

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Reprinted
in Vol. 19
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Acts
as amended
by Acts Nos.
48 of 1968,
39 of 1972,
and 93 of
1976.

(2) In this Act the Iron Ore (Hamersley Range) Agreement Act, 1963-1976, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Iron Ore (Hamersley Range) Agreement Act, 1963-1979.

Section 2
amended.

2. Section 2 of the principal Act is amended—

(a) by deleting the passage “Act.” at the end of the section and inserting in lieu thereof the passage “Act;” ; and

(b) by adding at the end of the section a further passage as follows—

“the Fifth Supplementary Agreement”
means the agreement of which a copy
is set out in the Sixth Schedule to
this Act. .

Section 3E
added.

3. The principal Act is amended by adding, after section 3D, a section as follows—

3E. The Fifth Supplementary Agreement is approved and ratified. .

Fifth
Supple-
mentary
Agreement
approved
and
ratified.

Sixth
Schedule
added.

4. The principal Act is amended by adding, after the Fifth Schedule, the following schedule—

SIXTH SCHEDULE.

THIS AGREEMENT made the 9th day of May, 1979, 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 Instrumentalities thereof from time to time (hereinafter called “the State”) of the one part and HAMERSLEY IRON PTY. LIMITED a company incorporated under the Companies Act, 1961 of the State of Victoria and having its registered office and principal place of business in that State at 31 Spring Street, Melbourne, and its registered office in the State of Western Australia at 191 St. George’s Terrace, Perth (hereinafter called “the Company” which expression will include the successors and assigns of the Company including where the context so

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admits the assignees and appointees of the Company under clause 20 of the Principal Agreement as hereinafter defined) of the other part—

WHEREAS:

It is desired to amend the Principal Agreement as hereinafter provided.

NOW THIS AGREEMENT WITNESSETH:

1. In this Agreement subject to the context—

“Principal Agreement” means the Agreement referred to in section 2 of the Iron Ore (Hamersley Range) Agreement Act, 1963-1976.

Words and phrases to which meanings are given under clause 1 of the Principal Agreement (other than words and phrases to which meanings are given in the foregoing provisions of this clause) shall have the same respective meanings in this Agreement as are given to them under clause 1 of the Principal Agreement.

2. The State shall introduce and sponsor a Bill in the Parliament of Western Australia to ratify this Agreement and endeavour to secure its passage as an Act.

3. The subsequent clause of this Agreement shall not operate unless and until the Bill to ratify this Agreement referred to in clause 2 hereof is passed as an Act before the 31st day of December, 1979 or such later date if any as the parties hereto may mutually agree upon.

4. The Principal Agreement is hereby varied by substituting for the proviso to paragraph (b) of subclause (1) of clause 9 the following—

“PROVIDED THAT from and after the 1st day of July, 1979 the Company will in addition to the rentals already referred to in this paragraph pay to the State during the currency of this Agreement an additional rental in respect of the mineral lease equal to twenty five (25) cents per ton on all iron ore or (as the case may be) all iron ore concentrates in respect of which royalty is payable under clause 10(2)(j) hereof (hereinafter in this paragraph called the “royalty tonnage”) such additional rental to be paid in respect of the same periods and at the same times as the said royalty is payable under clause 10(2)(k) hereof but with the qualifications that—

A. no such additional rental shall be payable in respect of a royalty tonnage in excess of eight million (8 000 000) tons for the financial year ending the 30th day of June, 1980;

- B. no such additional rental shall be payable in respect of a royalty tonnage in excess of ten million (10 000 000) tons for the financial year ending the 30th day of June, 1981;
- C. no such additional rental shall be payable in respect of the first seven million seven hundred thousand (7 700 000) tons of the royalty tonnage (hereinafter for the purposes of paragraph D and E of this proviso called "the exempt tonnage") for each of the financial years ending the 30th day of June, 1982, 1983 and 1984;
- D. if the royalty tonnage in any of the financial years ending the 30th day of June, 1982, 1983 and 1984 is less than the exempt tonnage, then that difference may be offset by the Company against the royalty tonnage in subsequent financial years;
- E. if the royalty tonnage for the financial year ending the 30th day of June, 1980 does not exceed eight million (8 000 000) tons and/or the royalty tonnage for the year ending the 30th day of June, 1981 does not exceed ten million (10 000 000) tons the exempt tonnage for each of the financial years ending the 30th day of June, 1982, 1983 and 1984 shall be reduced by an amount arrived at by applying to seven million seven hundred thousand (7 700 000) the proportion that the total of any such deficiencies (for the financial years ending the 30th day of June, 1980 and 1981) bears to eighteen million (18 000 000); and"

IN WITNESS WHEREOF these presents have been executed 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

ANDREW MENSAROS
Minister for Industrial
Development.

THE COMMON SEAL OF
HAMERSLEY IRON PTY.
LIMITED was hereunto affixed
in the presence of

[C.S.]

C. A. WATTS,
Director.

L. A. WARNICK,
Secretary.