

ALUMINA REFINERY AGREEMENT.

No. 34 of 1974.

**AN ACT to amend the Alumina Refinery Agreement
Act, 1961-1972.**

[Assented to 6th November, 1974.]

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 *Alumina Refinery Agreement Act Amendment Act, 1974.*

Short title
and citation.

(2) In this Act the Alumina Refinery Agreement Act, 1961-1972 is referred to as the principal Act.

Reprinted.
Approved for
reprint 1st
September,
1969 and
amended by
Act No. 47
of 1972.

(3) The principal Act as amended by this Act may be cited as the Alumina Refinery Agreement Act, 1961-1974.

Section 2
amended.
(Interpre-
tation.)

2. Section 2 of the principal Act is amended—

- (a) by adding after the word “agreements” being the last word in the interpretation “the agreement” the words “and the fifth supplementary agreement”; and
- (b) by substituting for the passage “Act.” at the end of the section a passage as follows—

Act;

“the fifth supplementary agreement” means the agreement of which a copy is set forth 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—

Fifth
supple-
mentary
agreement
approved
and
ratified.

3E. The fifth supplementary agreement is approved and ratified. .

Sixth
Schedule
added.

4. The principal Act is amended by adding after the Fifth Schedule, a Schedule as follows—

SIXTH SCHEDULE.

S 2.

THIS AGREEMENT made the 19th day of September, 1974 between THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A., Premier of the State of Western Australia acting for and on behalf of the Government of the said State and its instrumentalities (hereinafter referred to as “the State”) of the one part and ALCOA OF AUSTRALIA (W.A.) LIMITED the name whereof was formerly Western Aluminium No Liability and later Alcoa of Australia (W.A.) N.L., a company duly incorporated under the Companies Statutes of the State of Victoria and having its principal office in that State at 535 Bourke Street Melbourne and having its registered office in the State of Western Australia at Hope Valley Road Kwinana (hereinafter referred to as “the Company” which term shall include its successors and permitted assigns) of the other part.

WHEREAS the parties are the parties to and desire to amend the agreement between them defined in section 2 of the Alumina Refinery Agreement Act, 1961-1972 of the State of Western Australia (which agreement is hereinafter referred to as “the principal agreement”).

NOW THIS AGREEMENT WITNESSETH—

1. Subject to the context the words and expressions used in this Agreement have the same meanings respectively as they have in and for the purposes of the principal agreement.

2. Monetary references in this Agreement and in the principal agreement are references to Australian currency unless otherwise specifically expressed.

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.

4. Clause 9 (3) of the principal agreement is hereby amended as follows:

(a) by substituting for paragraphs (a) and (b) the following paragraphs—

(3) (a) Subject to the provisions of this subclause royalty payable by the Company hereunder to the Department of Mines on behalf of the State shall be based on alumina and shall be at the rate of twenty-five (25) cents per ton of alumina produced by the Company. Rate of Royalty.

(b) (i) The royalty mentioned in paragraph (a) of this subclause shall be reviewed quarterly and shall be calculated separately for each of the quarterly periods mentioned in subclause (14) of this Clause commencing with and including the quarter ending the 30th September 1974 in accordance with the following formula— Escalation.

$$B \times \frac{M}{50,000} = R$$

Where B = the royalty mentioned in paragraph (a) of this subclause (expressed in cents)

M = the mean quarterly world selling price per ton of aluminium as defined below (expressed in cents)

R = the royalty rate per ton
(expressed in cents)
which will become
payable in respect of
alumina as a result of
the application of this
formula.

For the purposes of this formula the mean quarterly world selling price per ton of aluminium for any quarter is deemed to be the average (expressed in cents) of the first four prices in each of the four quarters which immediately precede that quarter as quoted in the London "Metal Bulletin" in respect of one pound of aluminium virgin ingots under the description "Canadian CIF all main ports excl. USA, Canada and UK" multiplied by 2,240 and converted to Australian currency.

For the purpose of this formula the conversion rate from another currency to Australian dollars shall be the mean between the buying and selling rate for telegraphic transfers quoted by a trading bank acceptable to the Minister for Mines.

- (ii) The formula referred to in subparagraph (i) of this paragraph shall be subject to review by the parties—
- (I) as at the first day of July 1975;
 - (II) as at the first day of July 1979;
 - (III) as at the last day of each succeeding period of seven years after the first day of July 1979;
 - (IV) if the formula becomes inoperative by reason of the London "Metal Bulletin" ceasing to publish the information required to determine factor "M" in the said formula.

In the event of any dispute between the parties arising from any review under this subparagraph the matter shall be referred to arbitration hereunder. ;

- (b) by substituting for the words "payable under" in line one of subparagraph (i) of paragraph (c), the passage "of twenty-five (25) cents per ton mentioned in paragraph (a) of";
- (c) by adding after the word "review" in line two of subparagraph (ii) of paragraph (c), the passage "pursuant to subparagraph (i) of this paragraph";
and
- (d) by adding after the word "royalty" in line twenty-four of subparagraph (ii) of paragraph (c), the passage "fixed by the State in any review pursuant to subparagraph (i) of this paragraph".

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 HONOURABLE }
SIR CHARLES WALTER MICHAEL } CHARLES COURT
COURT, O.B.E., M.L.A. in the pres- }
ence of— }

ANDREW MENSAROS
MINISTER FOR INDUSTRIAL
DEVELOPMENT.

THE COMMON SEAL of ALCOA OF }
AUSTRALIA (W.A.) LIMITED was } (C.S.)
hereto affixed in the presence of— }

WALDO PORTER.
Director.

M. C. VICKERS-WILLIS.
Assistant Secretary.