

ALUMINA REFINERY AGREEMENT.

No. 47 of 1972.

AN ACT to amend the Alumina Refinery Agreement
Act, 1961-1967.

[Assented to 2nd October, 1972.]

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, 1972*.

Short title
and citation.

(2) In this Act the Alumina Refinery Agreement Act, 1961-1967, is referred to as the principal Act.

Reprinted
approved for
reprint 1st
September,
1969.

(3) The principal Act as amended by this Act may be cited as the Alumina Refinery Agreement Act, 1961-1972.

Amendment
to section 2.
(Interpre-
tation.).

2. Section 2 of the principal Act is amended—

(a) by substituting for the words “supplementary agreement” in lines five and six of the interpretation “the agreement” the words “and the fourth supplementary agreements”; and

(b) by adding after the word “Act” being the last word in the interpretation “the third supplementary agreement”, a passage as follows—

;

“the fourth supplementary agreement” means the agreement of which a copy is set forth in the Fifth Schedule to this Act

Section 3D
added.

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

Fourth sup-
plementary
agreement
approved.

3D. The fourth supplementary agreement is approved.

Fifth
Schedule
added.

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

FIFTH SCHEDULE.

S.2

THIS AGREEMENT UNDER SEAL is made the 10th day of July, One thousand nine hundred and seventy-two between THE HONOURABLE JOHN TREZISE TONKIN, 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, 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, 1961-1967 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. 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.

3. Clause 10 of the principal agreement is amended by deleting subclause (10) and substituting the following:—

(10) (i) The rates of freight set out in Part I and Part II of the Schedule respectively are based on costs prevailing at the 1st April, 1971, and shall be adjusted on the 1st April, 1972, and on the 1st April of each year thereafter on the basis of costs prevailing at those dates in accordance with the following formula:—

$$F1 = F + \left[.6F \left\{ .80 \frac{(HR1 - HR)}{(HR)} + .05 \frac{(D1 - D)}{(D)} + .15 \frac{(SR1 - SR)}{(SR)} \right\} \right]$$

WHERE:

- (i) F1 = New freight rate.
- (ii) F = The freight rate which was payable as at the 1st April, 1971, in accordance with Column 2 of Part I or Part II as the case may be of the Schedule.
- (iii) HR = The average hourly rate payable as at 1st April, 1971.
- (iv) HR1 = The average hourly rate payable as at the date of adjustment.
- (v) D = The wholesale price (duty free) of distillate in Perth as at 1st April, 1971.
- (vi) D1 = The wholesale price (duty free) of distillate in Perth as at the date of adjustment.
- (vii) SR = Price of heavy steel rails per ton c.i.f. Port of Fremantle as ascertained from price schedule covering despatches from the Broken Hill Proprietary Company Limited and Australian Iron and Steel Proprietary Limited as at 1st April, 1971.
- (viii) SR1 = The price of heavy steel rail per ton c.i.f. Fremantle ascertained as aforementioned as at the date of adjustment.

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The rates applicable at the 1st April, 1971, are—

1st class driver	\$2.0725
1st class guard	\$1.6963
Track repairer	....	....	....	\$1.3400
				\$5.1088
Average hourly rate	....	....	....	\$1.7029
Price of distillate per gallon	....			20.4 cents
Price of steel rail per ton	....			\$104.50

- (i) If on the 1st April, 1977, and on the 1st April in every fifth year thereafter either party considers that by reason of changed circumstances the application of the abovementioned formula no longer results in the payment of freight rates fair and equitable from the point of view of both parties the party which so considers may within one month of that date give notice in that behalf to the other party specifying the formula the party giving the notice thinks should be substituted for the existing formula and if within two months of the giving of such notice the parties cannot agree on a formula to be substituted for the formula which applied in accordance with this paragraph during the five years ending on the 31st day of March immediately preceding the question whether a new and if so what formula shall be substituted shall be referred to arbitration as provided by clause 31 hereof.
- (ii) The State will at the request of the Company procure the certificate of the Auditor General of the said State as to the correctness of such adjustment in the freight rates.

4. THE Schedule to clause 10 is deleted and the following substituted:—

PART I

Column 1	Column 2
In tons per financial year	Rates per ton mile expressed in cents
150,000	11.75
300,000	5.70
450,000	4.95
600,000	3.80
750,000	3.33
Exceeding 750,000	2.88

PART II

Column 1	Column 2
In tons per financial year (millions)	Rates per ton mile expressed in cents
1.46 and up to 2.16	2.05
2.16 and up to 2.86	1.81
2.86 and up to 3.56	1.63
3.56 and up to 5.00	1.45
5.00 and over	1.35

IN WITNESS whereof the parties hereto have executed this agreement the day and year first above written.

SIGNED SEALED AND DELIVERED }
by the HONOURABLE JOHN } JOHN T. TONKIN.
TREZISE TONKIN, M.L.A., in the }
presence of—

H. E. GRAHAM.
MINISTER FOR DEVELOPMENT
AND DECENTRALISATION.

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

C. E. PFEIFER.
P. SPRY-BAILEY.
