

# IRON ORE (HAMERSLEY RANGE) AGREEMENT.

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No. 93 of 1976.

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**AN ACT to amend the Iron Ore (Hamersley Range)  
Agreement Act, 1963-1972.**

*[Assented to 12th November, 1976.]*

**B**E 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, 1976.*

Short title  
and  
citation.

Vol. 19 of  
the  
Reprinted  
Acts.  
Reprinted  
as  
approved  
the 1st  
March,  
1966 and  
amended  
by Acts  
Nos. 48 of  
1968 and  
39 of 1972.

(2) In this Act the Iron Ore (Hamersley Range) Agreement Act, 1963-1972 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, 1963-1976.

Amendment  
to section 2.  
(Interpreta-  
tion.).

2. Section 2 of the principal Act is amended by adding after the word "Act" being the last word in the section a passage as follows—

“the Fourth Supplementary Agreement”  
means the agreement of which a copy is  
set out 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  
Supple-  
mentary  
Agreement  
approved.

3D. The Fourth Supplementary Agreement  
is approved. .

Fifth  
Schedule  
added.

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

#### FIFTH SCHEDULE.

THIS AGREEMENT made the 5th day of October, 1976  
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 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 admits the assignees and appointees of the Company under clause 20 of the principal Agreement as hereinafter defined) of the other part—

WHEREAS

- (a) The Company has increased the capacity of its existing pelletising plant being the plant for secondary processing of iron ore constructed pursuant to clause 12 of the principal Agreement from two million (2 000 000) tons of iron ore pellets per annum to three million (3 000 000) tons of iron ore pellets per annum; and
- (b) it is desired to make provision for the undertaking of additional obligations by the Company and to amend the provisions of the amending Agreement (as hereinafter defined) as hereinafter provided.

NOW THIS AGREEMENT WITNESSETH

1. In this Agreement subject to the context—

“amending Agreement” means the Agreement of which a copy is set out in the Third Schedule to the Iron Ore (Hamersley Range) Agreement Act, 1963-1972, (as amended by the Agreement of which a copy is set out in the Fourth Schedule to that Act);

“principal Agreement” means the Agreement of which a copy is set out in the First Schedule to the Iron Ore (Hamersley Range) Agreement Act, 1963-1972 as amended by the Agreement of which a copy is set out in the Second Schedule to that Act and as further amended by the amending Agreement;

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.

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3. The subsequent clauses of this Agreement shall not operate unless and until—

- (a) the Bill to ratify this Agreement referred to in clause 2 hereof is passed as an Act before the 30th day of November, 1976 or such later date if any as the parties hereto may mutually agree upon; and
- (b) a Bill to ratify the Agreement referred to in the Schedule hereto is passed as an Act before the 30th day of November, 1976 or such later date if any as the parties hereto may mutually agree upon.

4. The amending Agreement is hereby varied as follows--

(1) by adding after clause 8 a new clause 8A as follows—

Iron Ore  
concentrate  
plant.

8A (1) The Company shall on or before the 31st day of December, 1976 submit to the Minister detailed proposals for the establishment within the said State of a plant for the production of iron ore concentrates with a capacity of not less than six million five hundred thousand (6 500 000) tons per annum.

(2) The Company shall not later than the end of new Hamersley year 9 (or such later date as the Minister may approve), in accordance with the proposals submitted pursuant to sub-clause (1) of this clause as finally approved or determined, complete the construction of the iron ore concentrate plant at a total cost of not less than eighty million dollars (\$80 000 000).

(3) The Minister shall within two (2) months of the receipt of proposals submitted pursuant to sub-clause (1) of this clause give to the Company notice either of his approval of the said proposals (which approval shall not be unreasonably withheld) or of any objections raised or alterations desired thereto and in the latter case shall afford to the Company an opportunity to consult with and to submit new proposals to the Minister. If within two (2) months of receipt of such notice agreement is not reached as to the said proposals the Company may within a further period of two (2) months elect by notice to the State to refer to arbitration as herein provided any dispute as to the reasonableness of the

Minister's decision. If by the award on arbitration the question is decided in favour of the Company the Minister shall be deemed to have then approved the said proposals of the Company.

(4) The arbitrator, arbitrators or umpire (as the case may be) of any submission to arbitration pursuant to this clause is hereby empowered upon application by either party hereto to grant any interim extension of time or date referred to herein which having regard to the circumstances may reasonably be required in order to preserve the rights of either or both parties hereunder and an award in favour of the Company may in the name of the Minister grant any further extension of time for that purpose. ; and

(2) as to clause 9 by substituting for sub-clause (1) the following sub-clause—

(1) The Company will subject always to the provisions of clause 10 hereof—

(a) before the end of new Hamersley year 10 submit to the Minister detailed proposals for the establishment within the said State of a plant for the production of metallised agglomerates containing provision that such plant will by the end of new Hamersley year 12 have the capacity to produce not less than one million (1 000 000) tons of metallised agglomerates annually; and

(b) before the end of new Hamersley year 13 submit to the Minister detailed proposals for the expansion of the productive capacity of such plant to not less than two million (2 000 000) tons of metallised agglomerate annually by the end of new Hamersley year 15. ; and

(3) as to clause 12 by inserting after the word "clauses" in the third line of paragraph (a), the passage "8A,".

#### THE SCHEDULE.

The Agreement of even date herewith between THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A., Premier of the State of Western Australia

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acting for and on behalf of the said State and Instrumentalities thereof of the one part and MOUNT BRUCE MINING PTY. LIMITED of the other part.

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, } CHARLES COURT  
O.B.E., M.L.A., in the presence  
of—

ANDREW MENSAROS,  
MINISTER FOR INDUSTRIAL  
DEVELOPMENT.

THE COMMON SEAL of  
HAMERSLEY IRON PTY. } [C.S.]  
LIMITED was hereunto affixed  
in the presence of—

Director. DONALD S. STEWART,

Secretary. C. J. S. RENWICK,

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