IRON ORE (MOUNT BRUCE) AGREEMENT.

No. 94 of 1976.

AN ACT to amend the Iron Ore (Mount Bruce) Agreement Act, 1972.

[Assented to 12th November, 1976.]

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 short title (Mount Bruce) Agreement Act Amendment Act, citation. 1976.
- (2) In this Act the Iron Ore (Mount Bruce) Agreement Act, 1972 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Iron Ore (Mount Bruce) Agreement Act, 1972-1976.

Section 2 amended.

- 2. Section 2 of the principal Act is amended—
 - (a) by adding before the word "Schedule" in line two of the interpretation "the Agreement" the word "First";
 - (b) by adding after the words "time to time" in line six of the interpretation "the Agreement" the passage ", and, except in subsection (1) of section 3 of this Act, also includes the Agreement as altered by the Variation Agreement":
 - (c) by deleting the passage "Agreement." in line three of the interpretation "the Company" and substituting the passage "Agreement;"; and
 - (d) by adding at the end thereof the following interpretation—

"the Variation Agreement" means the agreement a copy of which is set forth in the Second Schedule to this Act.

Section 3A added.

3. The principal Act is amended by adding after section 3 the following section—

Ratification of the Variation Agreement. 3A. The Variation Agreement is ratified. .

Schedule amended. 4. The Schedule to the principal Act is amended by deleting the heading "SCHEDULE." and substituting the following headings—

THE SCHEDULES.

FIRST SCHEDULE. .

5. The principal Act is amended by adding at Schodule added. the end thereof the following schedule—

SECOND 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 MOUNT BRUCE MINING PTY. LIMITED a company incorporated under the Companies Act of the said State and having its registered office at 191 St. George's Terrace. Perth (hereinafter called "the Company" which expression will include the successors and assigns of the Company) of the other part-

WHEREAS it is desired to amend the provisions of the principal Agreement (as hereinafter defined);

NOW THIS AGREEMENT WITNESSETH:

- 1. In this Agreement subject to the context—
 - "principal Agreement" means the Agreement of which a copy is set out in the Schedule to the Iron Ore (Mount Bruce) Agreement Act, 1972;
 - words and phrases to which meanings are given under clause 1 of the principal Agreement (other than words or 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 clauses of this Agreement shall not operate unless and until—
 - (1) The Bill to ratify this Agreement as 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

- (2) 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.
- The principal Agreement is hereby varied as follows-
 - (1) as to clause 1—
 - (a) by inserting after the definition οf "Hamersley" the following definition-
 - "Hamersley 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 and as further amended by the Agreement dated the 5th day of October, 1976 between the State of the one part and Hamersley Iron Pty. Limited of the other part; and
 - (b) by inserting after the definition of "metallised agglomerates" the following definition— "metallised agglomerate production commencement date" means the date upon which Hamersley pursuant to the provisions of clause 9 of the Hamersley Amending Agreement first commences to produce metallised agglomerates in commercial quantities: :
 - (2) by adding after clause 10 a new clause 10A as follows---
 - 10A. If Hamersley pursuant to sub-clause (1) of clause 8A of the Hamersley Amending Agreement submits detailed proposals to the State for the establishment within the said State of a plant for the production of iron ore concentrates then the operation of clauses 8 and 10 hereof shall be suspended until either
 - (a) Hamersley complies with its obligations under sub-clauses (1) and (2) of the said clause 8A in which event this Agreement shall thenceforth be read and construed as if the said clauses 8 and 10 were deleted herefrom; or
 - (b) Hamersley commits a breach of its obligations under the said sub-clauses (1) and (2) in which event the said

clauses 8 and 10 shall recommence to operate but thereafter shall be read and construed as if-

- (i) the reference "year 4" sub-clause (1) of the said clause 8 read "year 8":
- (ii) the reference "year 9" wheresoever appearing in the said clause 8 read "year 13"; and
- (iii) the reference "year 6" sub-clause (1) of the said clause 10 read "year 10" and the reference "year 8" in that sub-clause read "year 12". :
- (3) as to clause 31 by substitution for the passage "end of year 6" in line one, the passage "expiry of one (1) year from the metallised agglomerate production commencement date":
 - (4) (a) as to subclause (1) of clause 32—
 - (i) by substituting for the passage "end of year 6" in line one, the passage "expiry of one (1) year from the metallised agglomerate production commencement date"; and
 - (ii) by substituting for the passages "the end of year 8", "the end of year 10", and "the end of year 12" wheresoever appearing the passages "the expiry of three (3) years from the metallised agglomerate production commencement date", "the expiry of the vears from metallised (5)agglomerate production commencement date", and "the expiry of seven (7) years from the metallised agglomerate production commencement date", respectively; and
 - (b) as to subclause (2) of clause 32 by adding after the words "pursuant to" in line four, the passage "paragraph (a) of".

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 acting for and on behalf of the said State and the Instrumentalities thereof of the first part and HAMERSLEY IRON PTY. LIMITED of the second part.

IN WITNESS WHEREOF these presents have been executed the day and the year first hereinbefore written.

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

CHARLES COURT

ANDREW MENSAROS, MINISTER FOR INDUSTRIAL DEVELOPMENT.

THE COMMON SEAL of MOUNT BRUCE MINING PTY. LIMITED was hereunto affixed in the presence of

[C.S.]

Director. DONALD S. STEWART,

Secretary. C. J. S. RENWICK,