

# Iron Ore Agreements Legislation Amendment Bill 2010

---

## CONTENTS

---

<b>Part 1 — Preliminary</b>		
1.	Short title	2
2.	Commencement	2
<b>Part 2 — <i>Iron Ore</i> (<i>Goldsworthy-Nimingarra</i>) <i>Agreement Act 1972 amended</i></b>		
3.	Act amended	3
4.	Section 5 inserted	3
5.	Variation of Agreement to increase rates of royalty	3
<b>Part 3 — <i>Iron Ore (Hamersley Range)</i> <i>Agreement Act 1963 amended</i></b>		
5.	Act amended	5
6.	Section 2 amended	5
7.	Sections 4A and 4B inserted	5
4A.	Variation of Agreement to increase rates of royalty	5
4B.	Variation of Second Supplementary Agreement to increase rates of royalty	6
<b>Part 4 — <i>Iron Ore (Marillana Creek)</i> <i>Agreement Act 1991 amended</i></b>		
8.	Act amended	8
9.	Section 6 inserted	8
6.	Variation of Agreement to increase rates of royalty	8

<b>Part 5 — <i>Iron Ore (McCamey’s Monster) Agreement Authorisation Act 1972</i> amended</b>		
10.	Act amended	10
11.	Section 7 inserted	10
	7. Variation of Agreement to increase rates of royalty	10
<b>Part 6 — <i>Iron Ore (Mount Bruce) Agreement Act 1972</i> amended</b>		
12.	Act amended	12
13.	Section 4A inserted	12
	4A. Variation of Agreement to increase rates of royalty	12
<b>Part 7 — <i>Iron Ore (Mount Goldsworthy) Agreement Act 1964</i> amended</b>		
14.	Act amended	14
15.	Section 3 amended	14
16.	Section 5A inserted	14
	5A. Variation of Agreement to increase rates of royalty	14
<b>Part 8 — <i>Iron Ore (Mount Newman) Agreement Act 1964</i> amended</b>		
17.	Act amended	16
18.	Section 2 amended	16
19.	Section 4A inserted	16
	4A. Variation of Agreement to increase rates of royalty	16
<b>Part 9 — <i>Iron Ore (Rhodes Ridge) Agreement Authorisation Act 1972</i> amended</b>		
20.	Act amended	18
21.	Section 4 inserted	18
	4. Variation of Agreement to alter rates of royalty	18

**Part 10 — *Iron Ore (Robe River)*  
*Agreement Act 1964* amended**

22.	Act amended	20
23.	Section 4A inserted	20
4A.	Variation of Agreement to increase rates of royalty	20



Western Australia

LEGISLATIVE ASSEMBLY

**Iron Ore Agreements Legislation Amendment  
Bill 2010**

**A Bill for**

**An Act to amend these Acts —**

- **the *Iron Ore (Goldsworthy-Nimingarra) Agreement Act 1972*;**
  - **the *Iron Ore (Hamersley Range) Agreement Act 1963*;**
  - **the *Iron Ore (Marillana Creek) Agreement Act 1991*;**
  - **the *Iron Ore (McCamey's Monster) Agreement Authorisation Act 1972*;**
  - **the *Iron Ore (Mount Bruce) Agreement Act 1972*;**
  - **the *Iron Ore (Mount Goldsworthy) Agreement Act 1964*;**
  - **the *Iron Ore (Mount Newman) Agreement Act 1964*;**
  - **the *Iron Ore (Rhodes Ridge) Agreement Authorisation Act 1972*;**
  - **the *Iron Ore (Robe River) Agreement Act 1964*,**
- in order to alter certain rates of royalty, and for related purposes.**

The Parliament of Western Australia enacts as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

## Part 1 — Preliminary

### 1. Short title

This is the *Iron Ore Agreements Legislation Amendment Act 2010*.

### 2. Commencement

This Act comes into operation as follows —

- (a) Part 1 comes into operation on the day on which this Act receives the Royal Assent (*assent day*);
- (b) the rest of the Act —
  - (i) comes into operation on 1 July 2010 if assent day is not later than that day; or
  - (ii) is deemed to have come into operation on 1 July 2010 if assent day is later than that day.

**Part 2 — Iron Ore (Goldsworthy-Nimingarra)  
Agreement Act 1972 amended**

**3. Act amended**

This Part amends the *Iron Ore (Goldsworthy-Nimingarra) Agreement Act 1972*.

**4. Section 5 inserted**

After section 4 insert:

**5. Variation of Agreement to increase rates of royalty**

(1) In this section —

*the Agreement* means the agreement a copy of which is set out in Schedule 1 —

(a) as varied from time to time in accordance with its provisions; and

(b) as varied by the First Variation Agreement.

(2) Clause 33(1) of the Agreement is varied —

(a) in subparagraph (ii) by deleting “3.75%” and inserting —

5.625%

(b) in subparagraph (iii) by deleting “3.25%” and inserting —

5%

(3) Clause 33(1)(ii) and (iii) of the Agreement as varied by subsection (2) operate and take effect despite —

(a) any other provision of the Agreement; and

***Iron Ore Agreements Legislation Amendment Bill 2010***

**Part 2** Iron Ore (Goldsworthy-Nimingarra) Agreement Act 1972  
amended

**s. 4**

---

- 1 (b) any other agreement or instrument; and  
2 (c) any other Act or law.
- 3 (4) Nothing in this section affects the amount of royalty  
4 payable under clause 33 of the Agreement in respect of  
5 any period before the commencement of the *Iron Ore*  
6 *Agreements Legislation Amendment Act 2010* Part 2.  
7



**Part 3 — Iron Ore (Hamersley Range) Agreement  
Act 1963 amended**

**5. Act amended**

This Part amends the *Iron Ore (Hamersley Range) Agreement Act 1963*.

**6. Section 2 amended**

In section 2 delete “Act —” and insert:

Act, unless the contrary intention appears —

**7. Sections 4A and 4B inserted**

After section 3J insert:

**4A. Variation of Agreement to increase rates of royalty**

(1) In this section —

*the Agreement* means the agreement a copy of which is set out in the First Schedule —

(a) as varied from time to time in accordance with its provisions; and

(b) as varied by these agreements —

(i) the First Supplementary Agreement;

(ii) the Second Supplementary Agreement;

(iii) the Third Supplementary Agreement;

(iv) the Fourth Supplementary Agreement;

(v) the Fifth Supplementary Agreement;

(vi) the Sixth Supplementary Agreement;

(vii) the Seventh Supplementary Agreement;

**s. 7**

---

- 1 (viii) the Eighth Supplementary Agreement;  
2 (ix) the Ninth Supplementary Agreement;  
3 (x) the Tenth Supplementary Agreement.
- 4 (2) Clause 10(2)(j) of the Agreement is varied —  
5 (a) in subparagraph (ii) by deleting “3.75%” and  
6 inserting —  
7  
8 5.625%  
9  
10 (b) in subparagraph (iii) by deleting “3.25%” and  
11 inserting —  
12  
13 5%  
14
- 15 (3) Clause 10(2)(j)(ii) and (iii) of the Agreement as varied  
16 by subsection (2) operate and take effect despite —  
17 (a) any other provision of the Agreement; and  
18 (b) any other agreement or instrument; and  
19 (c) any other Act or law.
- 20 (4) Nothing in this section affects the amount of royalty  
21 payable under clause 10 of the Agreement in respect of  
22 any period before the commencement of the *Iron Ore*  
23 *Agreements Legislation Amendment Act 2010* Part 3.
- 24 **4B. Variation of Second Supplementary Agreement to**  
25 **increase rates of royalty**
- 26 (1) In this section —  
27 *the Second Supplementary Agreement* means the  
28 agreement a copy of which is set out in the Third  
29 Schedule —  
30 (a) as varied from time to time in accordance with  
31 its provisions; and

- 1                   (b) as varied by these agreements —
- 2                   (i) the Third Supplementary Agreement;
- 3                   (ii) the Fourth Supplementary Agreement;
- 4                   (iii) the Fifth Supplementary Agreement;
- 5                   (iv) the Sixth Supplementary Agreement;
- 6                   (v) the Seventh Supplementary Agreement;
- 7                   (vi) the Eighth Supplementary Agreement;
- 8                   (vii) the Ninth Supplementary Agreement;
- 9                   (viii) the Tenth Supplementary Agreement.
- 10               (2) Clause 7(4) of the Second Supplementary Agreement is
- 11               varied by deleting “(j),” and inserting —
- 12
- 13                   (j) (as varied by the *Iron Ore (Hamersley Range)*
- 14                   *Agreement Act 1963* section 4A),
- 15
- 16               (3) Clause 7(4) of the Second Supplementary Agreement
- 17               as varied by subsection (2) operates and takes effect
- 18               despite —
- 19                   (a) any other provision of the Agreement; and
- 20                   (b) any other agreement or instrument; and
- 21                   (c) any other Act or law.
- 22               (4) Nothing in this section affects the amount of royalty
- 23               payable under clause 7(4) of the Second
- 24               Supplementary Agreement in respect of any period
- 25               before the commencement of the *Iron Ore Agreements*
- 26               *Legislation Amendment Act 2010* Part 3.
- 27

1 **Part 4 — *Iron Ore (Marillana Creek) Agreement***  
2 ***Act 1991* amended**

3 **8. Act amended**

4 This Part amends the *Iron Ore (Marillana Creek) Agreement*  
5 *Act 1991*.

6 **9. Section 6 inserted**

7 After section 5 insert:  
8

9 **6. Variation of Agreement to increase rates of royalty**

10 (1) In this section —

11 *Agreement* means the agreement a copy of which is set  
12 out in Schedule 1 —

13 (a) as varied from time to time in accordance with  
14 its provisions; and

15 (b) as varied by these agreements —

16 (i) the First Variation Agreement;

17 (ii) the Second Variation Agreement.

18 (2) Clause 1 of the Agreement is varied by inserting in  
19 alphabetical order —  
20

21 “fine ore” means iron ore excluding beneficiated ore which  
22 is nominally sized minus six millimetres;

23 “lump ore” means iron ore excluding beneficiated ore which  
24 is nominally sized plus six millimetres minus thirty  
25 millimetres;  
26

- 1           (3) Clause 13(1) of the Agreement is varied —
- 2               (a) in paragraph (a) by deleting “3.25%” and
- 3               inserting —
- 4
- 5               5%
- 6
- 7               (b) in paragraph (aa)(i) by deleting “5.625%” and
- 8               inserting —
- 9
- 10              7.5%
- 11
- 12              (c) after paragraph (aa) by inserting —
- 13
- 14                   (ab) on lump ore at the rate of 7.5% of the
- 15                   f.o.b. value;
- 16                   (ac) on fine ore at the rate of 5.625% of the
- 17                   f.o.b. value;
- 18
- 19           (4) Clause 13(1)(a) and (aa)(i) of the Agreement as varied,
- 20           and clause 13(1)(ab) and (ac) as inserted in the
- 21           Agreement, by subsection (3) operate and take effect
- 22           despite —
- 23               (a) any other provision of the Agreement; and
- 24               (b) any other agreement or instrument; and
- 25               (c) any other Act or law.
- 26           (5) Nothing in this section affects the amount of royalty
- 27           payable under clause 13 of the Agreement in respect of
- 28           any period before the commencement of the *Iron Ore*
- 29           *Agreements Legislation Amendment Act 2010* Part 4.
- 30

1 **Part 5 — *Iron Ore (McCamey's Monster) Agreement***  
2 ***Authorisation Act 1972* amended**

3 **10. Act amended**

4 This Part amends the *Iron Ore (McCamey's Monster)*  
5 *Agreement Authorisation Act 1972*.

6 **11. Section 7 inserted**

7 After section 6 insert:  
8

9 **7. Variation of Agreement to increase rates of royalty**

10 (1) In this section —

11 ***the Agreement*** means the Principal Agreement —

12 (a) as varied from time to time in accordance with  
13 its provisions; and

14 (b) as varied by these agreements —

15 (i) the first Variation Agreement;

16 (ii) the second Variation Agreement;

17 (iii) the third Variation Agreement.

18 (2) Clause 31(1) of the Agreement is varied —

19 (a) in paragraph (aa)(ii) by deleting “3.75%” and  
20 inserting —

21  
22 5.625%

23

24 (b) after paragraph (aa) by inserting —

25

26 (ab) on iron ore products being fine ore and fines  
27 where such fine ore or fines are sold or  
28 shipped separately as such — at the rate of  
29 5.625% of the f.o.b. revenue (computed as

- 1                                   mentioned in paragraph (a) of this  
2                                   subclause);
- 3                                   (ac) on iron ore products being iron ore  
4                                   concentrates — at the rate of 5% of the  
5                                   f.o.b. revenue (computed as mentioned in  
6                                   paragraph (a) of this subclause);  
7
- 8                                   (3) Clause 31(1)(aa)(ii) of the Agreement as varied, and  
9                                   clause 31(1)(ab) and (ac) as inserted in the Agreement,  
10                                   by subsection (2) operate and take effect despite —  
11                                   (a) any other provision of the Agreement; and  
12                                   (b) any other agreement or instrument; and  
13                                   (c) any other Act or law.
- 14                                   (4) Nothing in this section affects the amount of royalty  
15                                   payable under clause 31 of the Agreement in respect of  
16                                   any period before the commencement of the *Iron Ore*  
17                                   *Agreements Legislation Amendment Act 2010 Part 5*.  
18

1                   **Part 6 — Iron Ore (Mount Bruce) Agreement**  
2                                           **Act 1972 amended**

3   **12. Act amended**

4                   This Part amends the *Iron Ore (Mount Bruce) Agreement*  
5                   *Act 1972*.

6   **13. Section 4A inserted**

7                   After section 3B insert:  
8

9                   **4A. Variation of Agreement to increase rates of royalty**

- 10                   (1) Clause 12(1)(h) of the Agreement is varied —
- 11                                   (a) in subparagraph (ii) by deleting “three and three  
12                                           quarter per centum (3¾%)” and inserting —  
13  
14                                           5.625%  
15
- 16                                   (b) in subparagraph (iii) by deleting “fifteen (15)  
17                                           cents per ton;” and inserting —  
18  
19                                           5.625% of the f.o.b. revenue (computed as  
20                                           aforesaid);  
21
- 22                                   (c) in subparagraph (iv) by deleting “fifteen (15)  
23                                           cents per ton;” and inserting —  
24  
25                                           5% of the f.o.b. revenue (computed as aforesaid);  
26
- 27                   (2) Clause 12(1)(h)(ii), (iii) and (iv) of the Agreement as  
28                                   varied by subsection (1) operate and take effect  
29                                   despite —  
30                                   (a) any other provision of the Agreement; and



- 1                   (b) any other agreement or instrument; and  
2                   (c) any other Act or law.
- 3           (3) Nothing in this section affects the amount of royalty  
4           payable under clause 12 of the Agreement in respect of  
5           any period before the commencement of the *Iron Ore*  
6           *Agreements Legislation Amendment Act 2010* Part 6.  
7

1 **Part 7 — Iron Ore (Mount Goldsworthy) Agreement**  
2 **Act 1964 amended**

3 **14. Act amended**

4 This Part amends the *Iron Ore (Mount Goldsworthy) Agreement*  
5 *Act 1964*.

6 **15. Section 3 amended**

7 In section 3 delete “Act —” and insert:

8  
9 Act, unless the contrary intention appears —  
10

11 **16. Section 5A inserted**

12 After section 4C insert:  
13

14 **5A. Variation of Agreement to increase rates of royalty**

15 (1) In this section —

16 *the Agreement* means the agreement a copy of which is  
17 set out in the First Schedule —

18 (a) as varied from time to time in accordance with  
19 its provisions; and

20 (b) as varied by these agreements —

21 (i) the first Variation Agreement;

22 (ii) the second Variation Agreement;

23 (iii) the third Variation Agreement.

24 (2) Clause 9(2)(j) of the Agreement is varied —

25 (a) in subparagraph (ii) by deleting “3.75%” and  
26 inserting —

27  
28 5.625%  
29

- 1                   (b) in subparagraph (iia)(B) by deleting “3.75%”  
2                                           and inserting —  
3  
4                                           5.625%  
5  
6                   (c) in subparagraph (iii) by deleting “3.25%” and  
7                                           inserting —  
8  
9                                           5%  
10  
11           (3) Clause 9(2)(j)(ii), (iia)(B) and (iii) of the Agreement as  
12                                           varied by subsection (2) operate and take effect  
13                                           despite —  
14                                           (a) any other provision of the Agreement; and  
15                                           (b) any other agreement or instrument; and  
16                                           (c) any other Act or law.  
17           (4) Nothing in this section affects the amount of royalty  
18                                           payable under clause 9 of the Agreement in respect of  
19                                           any period before the commencement of the *Iron Ore*  
20                                           *Agreements Legislation Amendment Act 2010* Part 7.  
21

1 **Part 8 — *Iron Ore (Mount Newman) Agreement***  
2 ***Act 1964* amended**

3 **17. Act amended**

4 This Part amends the *Iron Ore (Mount Newman) Agreement*  
5 *Act 1964*.

6 **18. Section 2 amended**

7 In section 2 delete “Act —” and insert:

8  
9 Act, unless the contrary intention appears —  
10

11 **19. Section 4A inserted**

12 After section 3E insert:  
13

14 **4A. Variation of Agreement to increase rates of royalty**

15 (1) In this section —

16 *the Agreement* means the agreement a copy of which is  
17 set out in the First Schedule —

18 (a) as varied from time to time in accordance with  
19 its provisions; and

20 (b) as varied by these agreements —

21 (i) the First Variation Agreement;

22 (ii) the Second Variation Agreement;

23 (iii) the Third Variation Agreement;

24 (iv) the Fourth Variation Agreement;

25 (v) the Fifth Variation Agreement.

- 1           (2) Clause 9(2)(j) of the Agreement is varied —
- 2               (a) in subparagraph (ii) by deleting “3.75%” and
- 3                 inserting —
- 4
- 5                       5.625%
- 6
- 7               (b) in subparagraph (iia)(B) by deleting “3.75%”
- 8                 and inserting —
- 9
- 10                      5.625%
- 11
- 12               (c) in subparagraph (iii) by deleting “3.25%” and
- 13                 inserting —
- 14
- 15                      5%
- 16
- 17           (3) Clause 9(2)(j)(ii), (iia)(B) and (iii) of the Agreement as
- 18               varied by subsection (2) operate and take effect
- 19               despite —
- 20               (a) any other provision of the Agreement; and
- 21               (b) any other agreement or instrument; and
- 22               (c) any other Act or law.
- 23           (4) Nothing in this section affects the amount of royalty
- 24               payable under clause 9 of the Agreement in respect of
- 25               any period before the commencement of the *Iron Ore*
- 26               *Agreements Legislation Amendment Act 2010* Part 8.
- 27

1 **Part 9 — Iron Ore (Rhodes Ridge) Agreement**  
2 **Authorisation Act 1972 amended**

3 **20. Act amended**

4 This Part amends the *Iron Ore (Rhodes Ridge) Agreement*  
5 *Authorisation Act 1972*.

6 **21. Section 4 inserted**

7 After section 3 insert:  
8

9 **4. Variation of Agreement to alter rates of royalty**

10 (1) In this section —

11 *Agreement* means the agreement referred to in  
12 section 2 as varied from time to time in accordance  
13 with its provisions.

14 (2) Section 21.01 of the Agreement is varied —

15 (a) in paragraph (b) by deleting “seven and one half  
16 percentum (7½%)” and inserting —

17  
18 5.625%

19  
20 (b) in paragraph (c) by deleting “fifteen cents (\$0.15)  
21 per ton.” and inserting —

22  
23 5% of the FOB revenue (computed as aforesaid).  
24

25 (c) in paragraph (d)(ii) by deleting “fifteen cents  
26 (\$0.15) per ton.” and inserting —

27  
28 5% of the FOB revenue (computed as aforesaid).

- 1           (3) Section 21.01(b), (c) and (d)(ii) of the Agreement as  
2           varied by subsection (2) operate and take effect  
3           despite —  
4                 (a) any other provision of the Agreement; and  
5                 (b) any other agreement or instrument; and  
6                 (c) any other Act or law.
- 7           (4) Nothing in this section affects the amount of royalty  
8           payable under section 21.01 of the Agreement in  
9           respect of any period before the commencement of the  
10          *Iron Ore Agreements Legislation Amendment Act 2010*  
11          Part 9.  
12

1 **Part 10 — *Iron Ore (Robe River) Agreement***  
2 ***Act 1964* amended**

3 **22. Act amended**

4 This Part amends the *Iron Ore (Robe River) Agreement*  
5 *Act 1964*.

6 **23. Section 4A inserted**

7 After section 3E insert:  
8

9 **4A. Variation of Agreement to increase rates of royalty**

10 (1) In this section —

11 ***the Agreement*** means the agreement a copy of which is  
12 set out in the First Schedule —

13 (a) as varied from time to time in accordance with  
14 its provisions; and

15 (b) as varied by these agreements —

16 (i) the first variation agreement;

17 (ii) the second variation agreement;

18 (iii) the third variation agreement;

19 (iv) the fourth variation agreement;

20 (v) the fifth variation agreement.

21 (2) Clause 9(2)(j) of the Agreement is varied —

22 (a) in subparagraph (ii) by deleting “three and three  
23 quarter per centum (3¾%)” and inserting —

24  
25 5.625%  
26



- 1                   (b) in subparagraph (iii) by deleting “aforesaid;”  
2                   and inserting —  
3  
4                   aforesaid) until 30 June 2010 and thereafter at the  
5                   rate of 5.625% of the f.o.b. value (computed as  
6                   aforesaid);  
7  
8                   (c) in subparagraph (iv) by deleting “one shilling  
9                   and sixpence (1/6d) per ton;” and inserting —  
10  
11                   5% of the f.o.b. value (computed as aforesaid);  
12  
13               (3) Clause 9(2)(j)(ii), (iii) and (iv) of the Agreement as  
14               varied by subsection (2) operate and take effect  
15               despite —  
16                   (a) any other provision of the Agreement; and  
17                   (b) any other agreement or instrument; and  
18                   (c) any other Act or law.  
19               (4) Nothing in this section affects the amount of royalty  
20               payable under clause 9 of the Agreement in respect of  
21               any period before the commencement of the *Iron Ore*  
22               *Agreements Legislation Amendment Act 2010* Part 10.  
23

24

---