

# IRON ORE AGREEMENTS LEGISLATION AMENDMENT BILL 2011

## EXPLANTORY MEMORANDUM

### PART 1 – PRELIMINARY

#### **Section 1 Short Title**

Contains the short title of the Act.

When enacted the Bill will be cited as the *Iron Ore Agreements Legislation Amendment Bill 2011*.

#### **Section 2 Commencement**

Paragraph (a) provides that Part 1 (section 1 and 2) comes into operation on which the Act receives Royal Assent.

Paragraph (c) provides that the rest of the Act comes into operation on the day after the Act receives Royal Assent.

### PART 2 – IRON ORE (HAMERSLEY RANGE) AGREEMENT ACT 1963 AMENDED

#### **Section 3 Act Amended**

States that this Part amends the *Iron Ore (Hamersley Range) Agreement Act 1963* (referred to below as **the subject Act** for the purposes of explaining this Part).

#### **Section 4 Section 2 Amended**

Sections 4(1) and (2) insert definitions for "the Thirteenth Supplementary Agreement" and "the Fourteenth Supplementary Agreement" into section 2 of the subject Act.

#### **Section 5 Sections 4F and 4G Inserted**

Inserts section 4F into the subject Act which ratifies and authorises the implementation of the Thirteenth Supplementary Agreement (a variation to the agreement approved by the subject Act and known as the Iron Ore (Hamersley Range) Agreement 1963).

The standard ratification formula used in section 4F and generally by this Act in relation to each variation also includes a subclause providing that without limiting or otherwise affecting the application of the *Government Agreements Act 1979*, the relevant variation is to operate and take effect despite any other Act or law.

Inserts section 4G into the subject Act which ratifies and authorises the implementation of the Fourteenth Supplementary Agreement (a variation to the Second Supplementary Agreement approved by the subject Act and known as the Iron Ore (Hamersley Range) Agreement 1968 (Paraburdoo)).

### **Section 6 Fourteenth and Fifteenth Schedules**

Inserts the Thirteenth Supplementary Agreement and the Fourteenth Supplementary Agreement into the subject Act as the Fourteenth and Fifteenth Schedules respectively.

## **FOURTEENTH SCHEDULE – THIRTEENTH SUPPLEMENTARY AGREEMENT**

### **IRON ORE (HAMERSLEY RANGE) AGREEMENT ACT 1963**

#### **VARIATION AGREEMENT**

##### **Parties**

The Honourable Colin James Barnett, Premier of the State of Western Australia acting for and on behalf of the State and its instrumentalities (**the State**) and Hamersley Iron Pty Limited (**the Company**).

##### **Recitals**

- A. Provides details of the State Agreement as originally approved and acknowledges past variations made to it. The State Agreement as so varied is called the Principal Agreement.
- B. Advises that the parties wish to vary the Principal Agreement on the terms and conditions set out in the Variation.

##### **Clause 1 Interpretation**

Provides subject to the context for words and expressions used in the Variation Agreement to have the same meanings respectively as they have in and for the purpose of the Principal Agreement.

##### **Clause 2 Ratification and Operation**

- (1) The State commits to introduce and sponsor a Bill into State Parliament prior to 31 December 2011 to ratify the Variation Agreement and endeavour to secure its passage as an Act.
- (2) The provisions of this Agreement will not come into operation until the day after the day on which the Bill has been passed by the State Parliament and commences to operate as an Act
- (3) If by 30 June 2012 this Bill has not commenced to operate as an Act then, unless the parties hereto otherwise agree, this Agreement will then cease.
- (4) On the day after the day on which the said Bill commences to operate as an Act all the provisions of this Agreement will operate and take effect

##### **Clause 3 Variation of Principal Agreement**

Sets out the proposed variations to the Principal Agreement.

**Subclause (1)  
varies clause 1 definitions**

Inserts into clause 1 of the Principal Agreement the following new definitions:

"Eligible Existing Tenure" – defined as

- (a) a miscellaneous licence or general purpose lease granted to the Company under the Mining Act 1978; or a lease or easement granted to the Company under the Land Administration Act, or
- (b) an application by the Company for the grant of such a tenement and not held pursuant to this Agreement and where that tenure was granted or that application was made on or before 1 October 2011

"LAA" means the Land Administration Act 1997 (WA);

"Relevant Land", in relation to Eligible Existing Tenure or Special Advance Tenure, means the land which is the subject of that Eligible Existing Tenure or Special Advance Tenure;

"second variation date" means the date on which clause 3 of the variation agreement comes into operation;

"Special Advance Tenure" means:

- (a) a miscellaneous licence or general purpose lease to be granted to the Company under the Mining Act 1978; or
- (b) an easement or a lease to be granted to the Company under the Land Administration Act,

references to the Land Act also apply to the Land Administration Act

**Subclause (2) inserts new clauses  
8D (Community Development Plan) and  
8E (Local Participation Plan)**

**Clause 8D (Community Development Plan)**

Requires the Company to prepare a plan which describes the Company's proposed strategies for achieving community and social benefits in connection with its activities under this Agreement. This plan shall include a process for regular consultation with respect to the need for community and social benefits and for reporting to the Minister about the outcomes of this consultation.

At least 3 months before the anticipated submission of proposals relating to a proposed development, the Company must give to the Minister information about how the proposed development may affect the Community Development Plan as approved.

Requires the Company to report at least annually to the Minister about the Company's implementation of the plan.

Provision is also made for amendment of the Community Development Plan or adoption of a new plan as requested by either the Minister or the Company.

**Clause 8E (Local Participation Plan)**

Requires the Company to prepare a plan which describes proposed strategies the Company will use, and require a third party supplier to use, to maximise the uses and procurement of materials and services within Western Australia.

This plan is to include detailed information on the procurement practices the Company will adopt in calling for tenders and letting contracts and how such practices will provide fair and reasonable opportunity for suitably qualified Western Australian suppliers, manufacturers and contractors to tender for works, materials, plant, equipment and supplies.

This plan is also to include details of the communication strategies the Company will use to alert Western Australian suppliers, manufacturers and contractors to services opportunities and procurement opportunities

At least 6 months before the anticipated submission of proposals relating to a proposed development, the Company must give to the Minister information about the implementation of this plan in relation to the proposed development

Provision is also made for amendment of the Local Participation Plan or adoption of a new plan as requested by either the Minister or the Company.

**Subclause (3)**

**amends Clause 9(1)(b)(i) (Lands) and inserts a paragraph following subclause Subclause 9(1)(b)(ii)(E) (Services and Facilities)**

Amends Clause 9(1)(b)(i) to refer to the Mining Act 1978, deleting reference to the Mining Act 1904.

Inserts a paragraph following Subclause 9(1)(b)(ii)(E) to allow for detailed proposals to refer to activities on tenure proposed to be granted pursuant to this paragraph.

#### **Subclause (4)**

**inserts new subclauses 9(2a) (Application for Eligible Existing Tenure to be held pursuant to this Agreement), 9(2b) (Application for Special Advance Tenure to be granted pursuant to this Agreement) and 9(2c)**

New subclause 9(2a) which makes provision for the Company to, with the Minister's consent bring existing infrastructure tenure (and applications) under the State Agreement, on such conditions as the Minister sees fit.

New subclause 9(2b) which makes provision for the Company to, with the Minister's consent apply for (and if necessary have granted) tenure to be used for State Agreement purposes before it submits proposals, under special circumstances.

New subclause 9(2c) states that the Minister's decisions under subclauses 9(2a) and 9(2b) are not subject to arbitration.

#### **Subclause (5) amends subclauses 9(3) and 9(3a)**

Amends subclauses 9(3) and 9(3a) to include references to new subclauses 9(2a) and 9(2b).

#### **Subclause (6)**

**deletes part of clause 10(2)(a), inserts a new subclause 10(2)(aa) (Crossings over Railway) and amends clause 10(2)(j) (Royalties)**

Deletes part of clause 10(2)(a) which refers to provision of crossing places for roads, stock and other railways as this concept is addressed in the new paragraph (aa) of Clause 10(2)

##### Crossings over Railway

New subclause 10(2)(aa) which strengthens provisions to facilitate third party crossings of railways built under State Agreements by providing for the Minister to determine whether there is undue prejudice and interference to the company's operations, subject to prior consultation with the State Agreement company.

##### Royalties

Subclause (9) amends clause 10(2)(j) to introduce a phased increase in the royalty rate for fines ore from:

- 5.625% to 6.5% from 1 July 2012; and
- 6.5% to 7.5% from 1 July 2013.

**Subclause (7)**

**deletes the definition of “LAA”,  
inserts a new subclause 10N(3)(d) (Railway Corridor),  
amends clause 10N(4)(a) (Company to submit proposals for Railway)  
and  
amends part of clause 10N(7)(c) (Construction and operation of a  
railway)**

The definition of “LAA” in subclause 10N(1)(c) is deleted as this definition has been included in clause 1.

New subclause 10N(3)(d) enables the Minister to waive a consent requirement under the Special Railway License provisions in circumstances where it has not been possible to reach agreement with an affected land holder, and where consents have been obtained or a determination has been made under the Mining Act 1978 processes in relation to that tenure.

The amendment to subclause 10N(4)(a) clarifies the intent of this clause.

The amendments to subclause 10N(7)(c) deletes the requirement to allow for crossings of roads, railways, conveyors, pipelines and other utilities as this is more generally addressed for all railways under this Agreement in the new Clause 10(2)(aa)

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**NOTE: Given that the majority of the amendments made to the Iron Ore (Hamersley Range) Agreement 1963 by the Twelfth Supplementary Agreement Variation (herein “*the Hamersley Agreement 1963*”) are also made in respect of the five other State Agreements varied by this Act, the following commentary in relation to the other five Variation Agreements will:**

- **focus on significant differences between the content of each of the following Variations and the content of the Hamersley Agreement 1963; and**
- **where similar amendments are made by each of the following Variations to those made by the Hamersley Agreement 1963, the commentary will be cross-referenced to the equivalent clause of the Iron Ore (Hamersley Range) Agreement 1963, as it will be varied by the Hamersley Agreement 1963 (herein “*the Hamersley Agreement 1963*”), rather than repeat those comments.**

**FIFTEENTH SCHEDULE – FOURTEENTH SUPPLEMENTARY AGREEMENT  
IRON ORE (HAMERSLEY RANGE) AGREEMENT ACT 1968 (PARABURDOO)  
VARIATION AGREEMENT**

**Parties**

The Honourable Colin James Barnett, Premier of the State of Western Australia acting for and on behalf of the Government of the said State and its instrumentalities (**the State**) and Hamersley Iron Pty Limited (**the Company**).

**Recitals**

- A. Provides details of the State Agreement as originally approved and of past variations made to it. The State Agreement as so varied is called the Principal Agreement.
- B. Advises that the parties wish to add to and vary the Principal Agreement on the terms and conditions set out in the Variation.

**Clauses 1 and 2 are identical to the corresponding clauses 1 and 2 in the Hamersley Agreement 1963.**

**Clause 3**

Sets out the proposed variations to the Principal Agreement.

**Subclause (1) varies clause 1 definitions**

The new definitions are substantially the same as described in the equivalent clause 1 of the Hamersley Agreement 1963.

**Subclause (2) inserts new clauses**

**5D (Community Development Plan) and  
5E (Local Participation Plan)**

These clauses are equivalent in application to those in the corresponding clauses 8D and 8E of the Hamersley Agreement 1963.

**Subclause (3)**

**amends Clause 6(2)(b)(i) (Lands) and  
inserts new Subclause 6(2)(b)(iii)**

These clauses are equivalent in application to the corresponding clause 9(1)(b)(i) and 9(1)(b)(iii) of the Hamersley Agreement 1963.



**Subclause (4) inserts new subclauses**

**6(3a) (Application for Eligible Existing Tenure to be held pursuant to this Agreement),**

**6(3b) (Application for Special Advance Tenure to be granted pursuant to this Agreement)**

**and 6(3c)**

These clauses are equivalent in application to those in the corresponding clauses 9(2a), 9(2b) and 9(2c) of the Hamersley Agreement 1963.

**Subclause (5) amends subclauses 6(4) and 6(4a)**

These clauses are equivalent in application to the corresponding clauses 9(3) and 9(3a) of the Hamersley Agreement 1963.

**Subclause (6)**

**amends clause 7(4) (Application of Clause 10(2) of Principal Agreement),**

**inserts a new subclause 7E(3)(d) to Subclause 7E(3) (Railway Corridor),**

**amends clause 7E(4)(a) (Company to submit proposals for Railway),**

**deletes part of clause 7E(7)(c) (Construction and operation of a railway)**

**and inserts a new subclause 7E(6)(l)**

The Introductory paragraph is amended to include reference to the new subclause 10(2)(aa) which was inserted into the Hamersley Agreement 1963.

**Subclause (7) amends clause 7E (Miscellaneous Licenses for Railways):**

This clause is equivalent in application to the corresponding clause 10N of the Hamersley Agreement 1963.

## **PART 3 – IRON ORE (ROBE RIVER) AGREEMENT ACT 1964 AMENDED**

### **Section 7**

States that this Part amends the *Iron Ore (Robe River) Agreement Act 1964* (referred to below as **the subject Act** for the purposes of explaining this Part).

### **Section 8**

Inserts a definition for "the seventh variation agreement" into section 2 of the subject Act.

### **Section 9**

Inserts section 4D into the subject Act which ratifies and authorises the implementation of the seventh variation agreement (a variation to the agreement approved by the subject Act and known as the Iron Ore (Robe River) Agreement 1964).

### **Section 10**

Inserts the seventh variation agreement as the Eighth Schedule to the subject Act.

## **EIGHTH SCHEDULE – SEVENTH VARIATION AGREEMENT**

### **IRON ORE (ROBE RIVER) AGREEMENT ACT 1964**

#### **VARIATION AGREEMENT**

##### **Parties**

The Honourable Colin James Barnett, Premier of the State of Western Australia acting for and on behalf of the Government of the said State and its instrumentalities (**the State**) and Robe River Limited, Robe River Mining Co Pty. Limited, Mitsui Iron Ore Development Pty. Ltd., North Mining Limited, Nippon Steel Australia Pty. Ltd., and Sumitomo Metal Industries Australia Pty. Ltd. (**the Robe Participants**.)

##### **Recitals**

- A. Provides details of the State Agreement as originally approved and of past variations made to it. The State Agreement as so varied is called the Principal Agreement.
- B. Advises that the parties wish to add to and vary the Principal Agreement on the terms and conditions set out in the Variation.

**Clauses 1 and 2 are identical to the corresponding clauses 1 and 2 in the Hamersley Agreement 1963.**

##### **Clause 3**

Sets out the proposed variations to the Principal Agreement.

##### **Subclause (1) varies clause 1 definitions**

The new definitions are substantially the same as described in the equivalent clause 1 of the Hamersley Agreement 1963.

##### **Subclause (2) inserts new clauses**

**7G (Community Development Plan) and  
7H (Local Participation Plan)**

These clauses are equivalent in application to those in the corresponding clauses 8D and 8E of the Hamersley Agreement 1963.

##### **Subclause (3) amends subclause 8(1)(b)**

**and inserts Subclause 8(1)(b)(iii) (Services and Facilities)**

This clause is equivalent in application to the corresponding clause 9(1)(b) of the Hamersley Agreement 1963.

**Subclause (4) inserts new subclauses**

**8(2a) (Application for Eligible Existing Tenure to be held pursuant to this Agreement),**

**8(2b) (Application for Special Advance Tenure to be granted pursuant to this Agreement)**

**and 8(2c)**

These clauses are equivalent in application to those in the corresponding clauses 9(2a), 9(2b) and 9(2c) of the Hamersley Agreement 1963.

**Subclause (5) amends subclauses 8(3) and 8(3a)**

This clause is equivalent in application to the corresponding clauses 9(2) and 9(2a) of the Hamersley Agreement 1963.

**Subclause (6)**

**deletes part of clause 9(2)(a),**

**inserts a new subclauses 9(2)(aa) (Crossings over Railway)**

**and amends clause 9(2)(j) (Royalties)**

These clauses are equivalent in application to the corresponding clauses 10(2)(a), 10(2)(aa) and 10(2)(j) of the Hamersley Agreement 1963.

**Subclause (7) amends clause 9D (Miscellaneous Licenses for Railways):**

This clause is equivalent in application to the corresponding clause 10N of the Hamersley Agreement 1963.

## **PART 4 – IRON ORE (MOUNT BRUCE) AGREEMENT ACT 1972 AMENDED**

### **Section 11**

States that this Part amends the *Iron Ore (Mount Bruce) Agreement Act 1972* (referred to below as **the subject Act** for the purposes of explaining this Part).

### **Section 12**

Inserts a definition for "the 2011 Variation Agreement" into section 2 of the subject Act and makes consequential amendments for that purpose.

### **Section 13**

Inserts section 4D into the subject Act which ratifies and authorises the implementation of the 2011 Variation Agreement (a variation to the agreement ratified by the subject Act and known as the Iron Ore (Mount Bruce) Agreement 1972).

### **Section 14**

Inserts the variation agreement as the Fifth Schedule to the subject Act.

## **FIFTH SCHEDULE – 2011 VARIATION AGREEMENT**

### **IRON ORE (MOUNT BRUCE) AGREEMENT 1972**

#### **VARIATION AGREEMENT**

##### **Parties**

The Honourable Colin James Barnett, Premier of the State of Western Australia acting for and on behalf of the Government of the said State and its instrumentalities (**the State**) and Mount Bruce Mining Pty. Limited (**the Company**).

##### **Recitals**

- A. Provides details of the State Agreement as originally approved and of past variations made to it. The State Agreement as so varied is called the Principal Agreement.
- B. Advises that the parties wish to add to and vary the Principal Agreement on the terms and conditions set out in the Variation.

**Clauses 1 and 2 are identical to the corresponding clauses 1 and 2 in the Hamersley Agreement 1963.**

##### **Clause 3**

Sets out the proposed variations to the Principal Agreement.

##### **Subclause (1) varies clause 1 definitions**

The new definitions are substantially the same as described in the equivalent clause 1 of the Hamersley Agreement 1963.

##### **Subclause (2) amends Subclause 7(1)(c) (Services and Facilities)**

This clause is equivalent in application to the corresponding clause 9(1)(b)(iii) of the Hamersley Agreement 1963.

##### **Subclause (3) inserts new subclauses**

**7(3a) (Application for Eligible Existing Tenure to be held pursuant to this Agreement),**

**7(3b) (Application or Special Advance Tenure to be granted pursuant to this Agreement)**

**and 7(3c)**

These clauses are equivalent in application to those in the corresponding clauses 9(2a), 9(2b) and 9(2c) of the Hamersley Agreement 1963.

**Subclause (4) amends subclauses 7(4) and 7(4a)**

This clause is equivalent in application to the corresponding clauses 9(2) and 9(2a) of the Hamersley Agreement 1963.

**Subclause (5) inserts new clauses  
11C (Community Development Plan) and  
11D (Local Participation Plan)**

These clauses are equivalent in application to those in the corresponding clauses 8D and 8E of the Hamersley Agreement 1963.

**Subclause (6)  
deletes part of clause 12(1)(a),  
inserts a new subclause 12(1)(aa) (Crossings over Railway)  
and amends clause 12(1)(h) (Royalties)**

These subclauses are equivalent in application to the corresponding clause 10(2)(a), 10(2)(aa) and 10(2)(j) of the Hamersley Agreement 1963.

**Subclause (7) amends clause 20E (Miscellaneous Licenses for Railways):**

This clause is equivalent in application to the corresponding clause 10N of the Hamersley Agreement 1963.

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## **PART 5 – IRON ORE (HOPE DOWNS) AGREEMENT ACT 1992 AMENDED**

### **Section 15**

States that this Part amends the *Iron Ore (Hope Downs) Agreement Act 1992* (referred to below as **the subject Act** for the purposes of explaining this Part).

### **Section 16**

Inserts a definition for "the Second Variation Agreement" into section 2 of the subject Act and makes consequential amendments for that purpose.

### **Section 17**

Inserts section 4(2B) into the subject Act which ratifies the First Variation Agreement (a variation to the agreement ratified by the subject Act and known as the Iron Ore (Hope Downs) Agreement 1992).

Inserts a new section 4(4) clarifying that section 96 of the *Public Works Act 1902* does not apply to a railway constructed under this Agreement.

### **Section 18**

Inserts the Second Variation Agreement as Schedule 3 to the subject Act.



**SCHEDULE 3 – SECOND VARIATION AGREEMENT**  
**IRON ORE (HOPE DOWNS) AGREEMENT ACT 1992**  
**VARIATION AGREEMENT**

**Parties**

The Honourable Colin James Barnett, Premier of the State of Western Australia acting for and on behalf of the Government of the said State and its instrumentalities (**the State**) and Hope Downs Iron Ore Pty Ltd and Hamersley WA Pty Ltd (**the Joint Venturers**).

**Recitals**

- A. Provides details of the State Agreement as originally approved. The State Agreement is called the Principal Agreement.
- B. Advises that the parties wish to add to and vary the Principal Agreement on the terms and conditions set out in the Variation.

**Clauses 1 and 2 are identical to the corresponding clauses 1 and 2 in the Hamersley Agreement 1963.**

**Clause 3**

Sets out the proposed variations to the Principal Agreement.

**Subclause (1) varies clause 1 definitions**

The new definitions are substantially the same as described in the equivalent clause 1 of the Hamersley Agreement 1963.

**Subclause (2) varies Clause 2(e) Interpretation**

Adds a new paragraph that is substantially the same as the equivalent paragraph added to clause 1 of the Hamersley Agreement 1963.

**Subclause (3) inserts new clauses**

**10C (Community Development Plan) and  
10D (Local Participation Plan)**

These clauses are equivalent in application to those in the corresponding clauses 8D and 8E of the Hamersley Agreement 1963.

**Subclause (4) amends clause 13(1)(ii) (Royalties)**

This clause is equivalent in application to the corresponding clause 10(2)(j) of the Hamersley Agreement 1963.

**Subclause (5) amends clause 15C (Miscellaneous Licenses for Railways):**

This clause is equivalent in application to the corresponding clause 10N of the Hamersley Agreement 1963.

**Subclause (6)**

**amends Subclause 23(1) (Lands),  
inserts new subclauses 23(2b) (Application for Eligible Existing  
Tenure to be held pursuant to this Agreement),  
23(2c) (Application or Special Advance Tenure to be granted  
pursuant to this Agreement)  
and 23(2d)**

These clauses are equivalent in application to the corresponding clauses 9(1)(b)(iii), 9(2a), 9(2b) and 9(2c) of the Hamersley Agreement 1963.

**Subclause (7) deletes part of clause 24(2)**

**and inserts a new subclause 24(2a) (Crossings over Railway)**

These subclauses are equivalent in application to the corresponding clauses 10(2)(a) and 10(2)(aa) of the Hamersley Agreement 1963.

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## **PART 6 – IRON ORE (YANDICOOGINA) AGREEMENT ACT 1996 AMENDED**

### **Section 19**

States that this Part amends the *Iron Ore (Yandicoogina) Agreement Act 1996* (referred to below as **the subject Act** for the purposes of explaining this Part).

### **Section 20**

Inserts a definition for "the Second Variation Agreement" into section 2 of the subject Act and makes consequential amendments for that purpose.

### **Section 21**

Inserts section 4(2A) into the subject Act which ratifies the First Variation Agreement (a variation to the agreement ratified by the subject Act and known as the Iron Ore (Yandicoogina) Agreement 1996).

### **Section 22**

Inserts the Second Variation Agreement as Schedule 3 to the subject Act.

**SCHEDULE 3 – SECOND VARIATION AGREEMENT**  
**IRON ORE (YANDICOOGINA) AGREEMENT ACT 1996**  
**VARIATION AGREEMENT**

**Parties**

The Honourable Colin James Barnett, Premier of the State of Western Australia acting for and on behalf of the Government of the said State and its instrumentalities (**the State**) and Hamersley Iron-Yandi Pty Limited (**the Company**) and Hamersley Iron Pty Limited (**Hamersley**).

**Recitals**

- A. Provides details of the State Agreement as originally approved and of past variations made to it. The State Agreement as so varied is called the Principal Agreement.
- B. Advises that the parties wish to add to and vary the Principal Agreement on the terms and conditions set out in the Variation.

**Clauses 1 and 2 are identical to the corresponding clauses 1 and 2 in the Hamersley Agreement 1963.**

**Clause 3**

Sets out the proposed variations to the Principal Agreement.

**Subclause (1) varies clause 1 definitions**

The new definitions are substantially the same as described in the equivalent clause 1 of the Hamersley Agreement 1963 with the following additions:

"Mount Bruce Agreement" means the *Iron Ore (Mount Bruce) Agreement Act 1972*

"Mount Bruce Agreement Minister" means the Minister who is responsible for the *Iron Ore (Mount Bruce) Agreement Act 1972*

**Subclause (2) varies Clause 2(f) Interpretation**

Inserts text that is substantially the same as the equivalent paragraph added to clause 1 of the Hamersley Agreement 1963.

**Subclause (3) inserts new clauses**

**9C (Community Development Plan) and  
9E (Local Participation Plan)**

These clauses are equivalent in application to those in the corresponding clauses 8D and 8E of the Hamersley Agreement 1963.

**Subclause (4) amends clause 12(2)(ii) (Royalties)**

This clause is equivalent in application to the corresponding clause 10(2)(j) of the Hamersley Agreement 1963.

**Subclause (5) amends clause 12C (Miscellaneous Licenses for Railways):**

This clause is equivalent in application to the corresponding clause 10N of the Hamersley Agreement 1963.

**Subclause (6)**

**amends subclause 20(2)**

**inserts a new subclause 20(2a) (Crossings over Railway)**

These subclauses are equivalent in application to the corresponding clause 10(2)(aa) of the Hamersley Agreement 1963.

**Subclause (7) amends Subclause 21(1) (Lands)**

This clause is equivalent in application to the corresponding paragraph added after subclause 9(1)(b)(ii)(E) of the Hamersley Agreement 1963.

**Subclause (8) amends Subclause 21(1) (Lands)**

This clause is equivalent in application to the corresponding paragraph added after subclause 9(3) and 9(3a) of the Hamersley Agreement 1963.

**Subclause (9) inserts new subclauses**

**21(2a) (Application for Eligible Existing Tenure to be held pursuant to this Agreement),**

**21(2b) (Application or Special Advance Tenure to be granted pursuant to this Agreement) and**

**23(2c) and**

**amends and renumbers subclause 21(2a) and 21(2d)**

These clauses are equivalent in application to those in the corresponding clauses 9(2a), 9(2b) and 9(2c) of the Hamersley Agreement 1963.

**Subclause (10)**

**amends Subclause 23(2) (Detailed Proposals) and**

**inserts Subclause 23(8) (Capacity to defer obligations of the Company under subclause (2) if "alternative project" is approved under the Mount Bruce Agreement)**

Clause 23(2) is amended to be subject to the new subclause 23(8).

New clause 23(8) provides for the Minister to

- (a) agree to a 10 year extension of the Company's obligations to submit detailed proposals for a plant for the production of metallised agglomerates upon the approval by the Mount Bruce Agreement Minister of an alternative project under the Mount Bruce Agreement;

- (b) if the alternative project under the Mount Bruce Agreement is not implemented in accordance with the Mount Bruce Agreement Minister's approval and the default is not remedied, the Company shall submit detailed proposals for a plant for the production of metallised agglomerates within 12 months of notification of that default;
  - (c) clarifies that the dates of expiry referenced above shall be in the next third anniversary of next m.a. date (as defined in Subclause 23(2)(a)(ii)).
-