



**IRON ORE (SAVAGE RIVER)  
ARRANGEMENTS ACT 1996**

**No. 64 of 1996**

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## **IRON ORE (SAVAGE RIVER) ARRANGEMENTS ACT 1996**

**No. 64 of 1996**

**An Act to make certain arrangements with Pickands Mather & Co. International in relation to that company's obligations under the *Iron Ore (Savage River) Deed of Variation Act 1990* and to provide for other matters**

**[Royal Assent 5 December 1996]**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

### **Short title**

1. This Act may be cited as the *Iron Ore (Savage River) Arrangements Act 1996*.

### **Commencement**

2. (1) The provisions of this Act commence on a day or days to be proclaimed.

(2) A proclamation under subsection (1) may declare that the proclamation is not to take effect unless any condition specified in the proclamation has been satisfied.

(3) Where the taking effect of any proclamation made under this section is subject to the satisfaction of any condition specified in the proclamation, the Minister, within 7 days of the date on which the proclamation took effect, is to give notice in the *Gazette* of that date.

### **Interpretation**

#### **3. In this Act –**

**"Company"** means Pickands Mather & Co. International, a company organised and existing under the laws of the State of Delaware in the United States of America, and includes any related body corporate of the Company and all officers and agents of the Company and any such related body corporate;

**"Deed of Variation"** means the Deed of Variation, a copy of which is set out in Schedule 1 to the *Iron Ore (Savage River) Deed of Variation Act 1990*;

**"Director"** has the same meaning as in the *Environmental Management and Pollution Control Act 1994*;

**"environment"** has the same meaning as in the *Environmental Management and Pollution Control Act 1994*;

**"officer"** has the same meaning as in the Corporations Law;

**"Original Lessee"** means any of the Original Lessees as described in the Recitals to the Deed of Variation, and includes any related body corporate of an Original Lessee and all

officers and agents of an Original Lessee and any such related body corporate;

**"Principal Lease"** means the Principal Lease as described in the Recitals to the Deed of Variation;

**"related body corporate"** has the same meaning as in the Corporations Law;

**"Savage Project"** has the same meaning as in the Deed of Variation and includes all operations, works or undertakings in connection with the continuation by the Company of the Savage Project as so defined between the conclusion of the Principal Lease and the commencement of section 8.

#### **Certain action may not be taken**

4. (1) Subject to section 5, on and after the commencement of this section, no action or proceeding may be instituted or continued, or claim or demand made, by any person in respect of any contamination, pollution or other harm to the environment which has resulted or results from the Savage Project.

(2) This section ceases to have effect on 30 April 1997 if section 8 has not commenced by that date.

#### **Certain action may be taken by Crown**

5. (1) After the commencement of this section and until the commencement of section 8, the Crown may take action against the Company in respect of any contamination, pollution or other harm to the environment which has resulted or may result from the Savage Project –

- (a) for the purpose of requiring compliance with an instrument specified in Schedule 1, except to the extent that such compliance has been waived in writing by the Director either before or after the commencement of this section having regard to –
  - (i) the completion of the Savage Project; or
  - (ii) any agreement between the Company and the Crown under which particular works are to be carried out by the Company in connection with the completion of the Savage Project; or
  - (iii) the intention that mining and processing activities at Savage River and Port Latta are to resume under another operator after the completion of the Savage Project; or
- (b) in relation to any contamination, pollution or harm to the environment which is caused or is likely to be caused by any act or omission of the Company after the commencement of this section and which –
  - (i) is not an ordinary or probable consequence of contamination, pollution or harm to the environment which is in existence at the commencement of this section; and
  - (ii) is not an ordinary or probable consequence of works carried out pursuant to and in accordance with any agreement between the Crown and the Company in connection with the completion of the Savage Project; and

- (iii) is, or is likely to give rise to, serious environmental harm, or material environmental harm, within the meaning of the *Environmental Management and Pollution Control Act 1994*.

(2) This section ceases to have effect on 30 April 1997 if section 8 has not commenced by that date.

### **Certain notices suspended**

6. On and after the commencement of this section, any notice given to the Company under Part 5 of the Deed of Variation before the commencement of this section is suspended until 30 April 1997 or the commencement of section 7, whichever first occurs.

### **Certain notices taken to have been complied with**

7. On and after the commencement of this section, any notice given to the Company under Part 5 of the Deed of Variation before the commencement of this section is extinguished.

### **Termination of certain requirements and obligations**

8. (1) On and after the commencement of this section –

- (a) any order made against, any notice or requirement issued to or other action taken against the Company or an Original Lessee under any Act in relation to contamination, pollution or other harm to the environment from the Savage Project is extinguished, other

than any order, notice, requirement or other action arising before the commencement of this section under section 5(1); and

- (b) no order may be made against, no notice or requirement issued to or other action taken against the Company or an Original Lessee under any Act in relation to contamination, pollution or other harm to the environment which has resulted from the Savage Project, other than an order which –
  - (i) is consequential on action taken by the Crown before the commencement of this section in accordance with section 5(1); and
  - (ii) is limited to the contamination, pollution or other harm to the environment in respect of which that action was taken; and
  - (iii) does not, in conjunction with any other action taken by the Crown under section 5(1) in respect of the same contamination, pollution or harm to the environment and in conjunction with any other order obtained by the Crown after the commencement of this section in respect of that contamination, pollution or harm, require expenditure by the Company or an Original Lessee of an amount in excess of the agreed rectification cost; and
- (c) the Company is taken to have satisfied its rehabilitation obligations in connection with the Savage Project, whether arising under Part 5 of the Deed of Variation, the *Environmental Management and Pollution*



*Control Act 1994* or any other law, other than any rehabilitation obligations arising by reason of action taken by the Crown before the commencement of this section in accordance with section 5(1)(b).

(2) In this section, "**agreed rectification cost**" means the cost of complying with, or responding to, the relevant action taken by the Crown under section 5(1) as agreed between the Company and the Crown before the commencement of this section or as fixed pursuant to such an agreement.

#### **Administration of Act**

9. Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for State Development; and
- (b) the Department responsible to the Minister for State Development in relation to the administration of this Act is Tasmania Development and Resources.

**SCHEDULE 1 - INSTRUMENTS**

Section 5(1)

1. The ERP, as defined in the Deed of Variation.
2. The Savage River Mines Tailing Dam Abandonment Review 1990.
3. The Savage River Mines Final Environment Management Plan, March 1996.
4. The Savage River Mines Environmental Rehabilitation Plan Supplement, March 1996.
5. The temporary licence issued to the Company under section 42 of the *Crown Lands Act 1976* dated 2 June 1996.
6. Permit 17/96 approved by the Waratah-Wynyard Council under the *Land Use Planning and Approvals Act 1993* on 27 May 1996.
7. Permit 37/96 approved by the Circular Head Council under the *Land Use Planning and Approvals Act 1993* on 29 May 1996.

*[Second reading presentation speech made in:-  
House of Assembly on 28 November 1996  
Legislative Council on 28 November 1996]*