

Chapter 363G.

***Mining (Ok Tedi Seventh Supplemental Agreement) Act 1986.***

Certified on: / /20 .



INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 363G.

*Mining (Ok Tedi Seventh Supplemental Agreement) Act 1986.*

**ARRANGEMENT OF SECTIONS.**

1. Interpretation.
2. Approval of agreement.
3. Effect in relation to laws of Papua New Guinea.
4. Ancillary powers of Minister.

**SCHEDULE 1**



**INDEPENDENT STATE OF PAPUA NEW GUINEA.**



AN ACT

entitled

***Mining (Ok Tedi Seventh Supplemental Agreement) Act 1986,***

Being an Act to provide for the approval and implementation of a Seventh Supplemental Agreement relating to the development of certain mineral deposits in the Ok Tedi region of the Western Province.

**1. INTERPRETATION.**

In this Act, “**the Seventh Supplemental Agreement**” means the supplemental agreement a copy of which is set out in Schedule 1.

**2. APPROVAL OF AGREEMENT.**

The Seventh Supplemental Agreement is approved and has effect according to its tenor.

**3. EFFECT IN RELATION TO LAWS OF PAPUA NEW GUINEA.**

The Seventh Supplemental Agreement has the force of law for the full term provided for therein as if contained in this Act and shall apply notwithstanding anything to the contrary in any other law in force in the country.

**4. ANCILLARY POWERS OF MINISTER.**

Notwithstanding anything in any other law in force in the country at any time (whether before or after the commencement of this Act), the Minister has power, on behalf of the State, to make all grants, issues, renewals and extensions required by or under the Seventh Supplemental Agreement to be made by the State, and is not bound in that regard by any provisions of any such law requiring or permitting any authority, consent, approval, report, recommendation, appeal, procedure or formality, or by any similar provision.

**SCHEDULE 1**

## SEVENTH SUPPLEMENTAL AGREEMENT

*THIS SECOND SUPPLEMENTAL AGREEMENT* is made the 26th day of February 1981.

*AMONG—*

- (1) *THE INDEPENDENT STATE OF PAPUA NEW GUINEA* (hereinafter called "the State");
- (2) *BHP MINERALS HOLDINGS PROPRIETARY LIMITED*, a wholly owned subsidiary of The Broken Hill Proprietary Company Limited (hereinafter called "BHP Minerals");
- (3) *METALLGESELLSCHAFT AG* (hereinafter called "Metallgesellschaft");
- (4) *DEGUSSA AG* (hereinafter called "Degussa");
- (5) *DEUTSCHE GESELLSCHAFT FUER WIRTSCHAFTLICHE ZUSAMMENARBEIT (ENTWICKLUNGSGESELLSCHAFT) mbH* (hereinafter called "DEG"); and
- (6) *OK TEDI MINING LIMITED* (hereinafter called "the Company").

*WHEREAS—*

- A. By an agreement dated 22 March 1976 (hereinafter called "the Principal Agreement") between the State and Danpiet Mining Company Limited (hereinafter called "Danco") the State granted to Danco certain rights, set out in detail in the Principal Agreement, including rights to carry out investigations and studies in relation to, and undertake a Project involving the exploitation of, the Ok Tedi Deposits in Papua New Guinea.
- B. By an agreement dated 25 October 1976 between Danco, Mt. Fubilan Development Co. Pty. Ltd. and Kupfererplotationsgesellschaft (hereinafter called "the Consortium Agreement"), the Parties formed a consortium (hereinafter called "the Consortium") to carry out the investigations and studies and upon completion thereof to consider the possible development and operation of the Project.
- C. By a further agreement dated 25 October 1976 between the State, Danco, Mt. Fubilan Development Co. Pty. Ltd. and Kupfererplotationsgesellschaft Danco assigned and transferred to the Consortium as tenants in common in accordance with the percentage shares set out in the Consortium Agreement all rights granted to Danco by the State under the Principal Agreement, the members of the Consortium severally agreed with the State to perform and observe all the obligations undertaken by Danco under the Principal Agreement in accordance with its terms and the State recited its approval of the assignment.
- D. In November 1979, the Consortium completed the investigations and studies and submitted a feasibility study (hereinafter called the "Feasibility Study") on the Project and a Development Proposals Supplement to the State, which Study and Supplement together contained proposals by the Consortium under Clause 8 of the Principal Agreement to carry out the Project.

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*THIS SECOND SUPPLEMENTAL AGREEMENT* is made the 26th day of February 1981.

*AMONG—*

- (1) *THE INDEPENDENT STATE OF PAPUA NEW GUINEA* (hereinafter called "the State");
- (2) *BHP MINERALS HOLDINGS PROPRIETARY LIMITED*, a wholly owned subsidiary of The Broken Hill Proprietary Company Limited (hereinafter called "BHP Minerals");
- (3) *METALLGESELLSCHAFT AG* (hereinafter called "Metallgesellschaft");
- (4) *DEGUSSA AG* (hereinafter, called "Degussa");
- (5) *DEUTSCHE GESELLSCHAFT FUER WIRTSCHAFTLICHE ZUSAMMENARBEIT (ENTWICKLUNGSGESELLSCHAFT) mbH* (hereinafter called "DEG"); and
- (6) *OK TEDI MINING LIMITED* (hereinafter called "the Company").

*WHEREAS—*

- A. By an agreement dated 22 March 1976 (hereinafter called "the Principal Agreement") between the State and Danpiet Mining Company Limited (hereinafter called "Danco") the State granted to Danco certain rights, set out in detail in the Principal Agreement, including rights to carry out investigations and studies in relation to, and undertake a Project involving the exploitation of, the Ok Tedi Deposits in Papua New Guinea.
- B. By an agreement dated 25 October 1976 between Danco, Mt. Fubilan Development Co. Pty. Ltd, and Kupferexplorationgesellschaft (hereinafter called "the Consortium Agreement"), the Parties formed a consortium (hereinafter called "the Consortium") to carry out the investigations and studies and upon completion thereof to consider the possible development and operation of the Project.
- C. By a further agreement dated 25 October 1976 between the State, Danco, Mt. Fubilan Development Co. Pty. Ltd. and Kupferexplorationgesellschaft Danco assigned and transferred to the Consortium as tenants in common in accordance with the percentage shares set out in the Consortium Agreement all rights granted to Danco by the State under the Principal Agreement, the members of the Consortium severally agreed with the State to perform and observe all the obligations undertaken by Danco under the Principal Agreement in accordance with its terms and the State recited its approval of the assignment.
- D. In November 1979, the Consortium completed the investigations and studies and submitted a feasibility study (hereinafter called the "Feasibility Study") on the Project and a Development Proposals Supplement to the State, which Study and Supplement together contained proposals by the Consortium under Clause 8 of the Principal Agreement to carry out the Project.

Office of Legislative Counsel, PNG