

RA302

Casino (Burswood Island) Agreement Act 1985

Casino (Burswood Island) Agreement Amendment Order 2017

Made by the Governor in Executive Council under section 3A of the Act.

1. Citation

This order is the *Casino (Burswood Island) Agreement Amendment Order 2017*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

3. Act amended

This order amends the *Casino (Burswood Island) Agreement Act 1985*.

4. Schedule 15 inserted

After Schedule 14 insert:

Schedule 15 — Fourteenth Supplementary Agreement

[s. 3A]

Casino (Burswood Island) Agreement

FOURTEENTH SUPPLEMENTARY AGREEMENT

THIS AGREEMENT made 6th day of October 2016

BETWEEN:

THE HONOURABLE BRENDON GRYLLES MLA, the Minister of the Crown for the time being charged with the administration of the *Casino Control Act 1984* acting for and on behalf of the State of Western Australia and its instrumentalities from time to time (“**the State**”)

AND

BURSWOOD NOMINEES LIMITED (ACN 078 250 307) of 201 Great Eastern Highway, Burswood in the State of Western Australia as trustee of the Burswood Property Trust (“**the Trustee**”)

AND

BURSWOOD RESORT (MANAGEMENT) LIMITED (ACN 009 396 945) of 201 Great Eastern Highway, Burswood in the State of Western Australia as manager of the Burswood Property Trust (“**the Manager**”).

RECITALS:

- A. The State, the Trustee (by virtue of the *West Australian Trustees Limited (Merger) Act 1989*) and the Manager (by virtue of a deed of retirement and appointment of manager made on 13 August 1990 and a deed of assumption and covenant made on 13 November 1991) are parties to an agreement dated 20 February 1985 ratified by and scheduled to the *Casino (Burswood Island) Agreement Act 1985* as amended by:
- (a) the Supplementary Agreement made on 14 September 1987;
 - (b) the Second Supplementary Agreement made on 3 May 1990;
 - (c) the Third Supplementary Agreement made on 13 November 1991;
 - (d) the Fourth Supplementary Agreement made on 30 March 1992;
 - (e) the Fifth Supplementary Agreement made on 3 April 1995;
 - (f) the Sixth Supplementary Agreement made on 22 June 1996;

- (g) the Seventh Supplementary Agreement made on 9 June 1997;
- (h) the Eighth Supplementary Agreement made on 18 June 2003;
- (i) the Ninth Supplementary Agreement made on 23 November 2005;
- (j) the Tenth Supplementary Agreement made on 2 November 2006;
- (k) the Eleventh Supplementary Agreement made on 28 March 2007;
- (l) the Twelfth Supplementary Agreement made on 12 May 2011;
and
- (m) the Thirteenth Supplementary Agreement made on 16 March 2015,

which agreement as so amended is referred to in this Agreement as “**the State Agreement**”.

- B. The parties have agreed to further amend the State Agreement for the purpose of more efficiently or satisfactorily implementing or facilitating its objectives.

THE PARTIES AGREE AS FOLLOWS:

1 Definitions and Interpretation

Words and expressions defined in the State Agreement when used in this Agreement have, unless the context otherwise requires, the same meanings as in the State Agreement and the provisions of clause 2 of the State Agreement as to interpretation apply to this Agreement.

2 Variation and Operation

Pursuant to and subject to clause 5 of the State Agreement the parties agree to amend the State Agreement in the manner set out in this Agreement.

3 Clause 2 amended

Clause 2 of the State Agreement is amended by deleting the definition of "Cruise Ship" and substituting the following:-

“Cruise Ship” means:

- (a) *any vessel that:*
 - (i) *has a minimum capacity of 100 passenger berths; and*
 - (ii) *is conducting a scheduled deep water cruise; and*
 - (iii) *is transiting through Western Australian ports from and to locations overseas or interstate; or*
- (b) *any vessel that:*
 - (i) *has a minimum capacity of 100 passenger berths; and*

- (ii) *departs from the Port of Fremantle to conduct a scheduled deep water cruise; and*
- (iii) *transits through:*
 - (A) *the Port of Bunbury or any other Western Australian port south of Bunbury; or*
 - (B) *the Port of Geraldton or any other Western Australian port north of Geraldton; and*
- (iv) *is scheduled to remain in the Western Australian port referred to in subclause (iii)(A) or (B) for at least six hours before the remainder of the deep water cruise."*

4 Clause 22 amended

Clause 22 of the State Agreement is amended by deleting subclause (4)(c) and substituting the following:-

- "(c) *in a Cruise Ship in respect of which the conduct of gaming, which must only operate as an ancillary service on the Cruise Ship, is permitted outside a distance of 12 nautical miles from a land-based destination where the Cruise Ship intends to berth and/or anchor:*
 - (i) *under regulation 8A of the Gaming and Wagering Commission Regulations 1988; or*
 - (ii) *by a permit issued by the Commission under the Gaming and Wagering Commission Act 1987 and with the consent of the Trustee".*

AS WITNESS the execution of this Agreement by or on behalf of the parties the day and year first hereinbefore written.

SIGNED by **THE HONOURABLE BRENDON GRYLLES MLA** for and on behalf of the State of Western Australia in the presence of:

[Signature]

 Signature of witness

[Signature]

 Signature of **THE HONOURABLE BRENDON GRYLLES MLA**

KAY LYNETTE HAMMER

 Name of Witness

THE COMMON SEAL of)
BURSWOOD NOMINEES)
LIMITED (ACN 078 250 307))
was hereunto affixed by)
authority of the Board of)
Directors in the presence of:)

[Signature]

.....
Signature of authorised person

Director

.....
Office held

BARRY JOHN FELSTEAD

.....
Name of authorised person

THE COMMON SEAL of)
BURSWOOD RESORT)
(MANAGEMENT) LIMITED)
(ACN 009 396 945) was)
hereunto affixed by authority)
of the Board of Directors in)
the presence of:)

[Signature]

.....
Signature of authorised person

Director

.....
Office held

BARRY JOHN FELSTEAD

.....
Name of authorised person

[Signature]

.....
Signature of authorised person

Secretary

.....
Office held

JOSHUA ROBERT PRESTON

.....
Name of authorised person

R. KENNEDY, Clerk of the Executive Council.
