

Casino (Burswood Island) Agreement

SIXTEENTH SUPPLEMENTARY AGREEMENT

THIS AGREEMENT made the 14th day of APRIL 2023

BETWEEN:

THE HONOURABLE REECE WHITBY MLA, the Minister of the Crown for the time being charged with the administration of the Control Act 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;
 - (m) the Thirteenth Supplementary Agreement made on 16 March 2015;
 - (n) the Fourteenth Supplementary Agreement made on 6 October 2016; and
 - (o) the Fifteenth Supplementary Agreement made on 7 May 2019,
- 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 pursuant to clause 5 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.

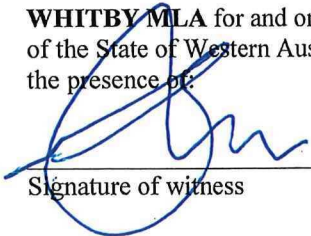
3. **Clause 23 amended**

Clause 23 of the State Agreement is amended by adding after subclause (2B) the following subclause -

"(2C) For the purposes of subclause (2) the Resort Site shall be taken to remain under the control and management of the Board even if the Board, with the prior approval of the Minister and the Trustee, leases the whole or part of that part of the Resort Site as now comprises Lot 2002 on Deposited Plan 414942."

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 REECE)
WHITBY MLA for and on behalf)
of the State of Western Australia in)
the presence of:)
)



Signature of witness


Name of witness


Signature of **THE HONOURABLE**
REECE WHITBY MLA

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





Signature of authorised person

DIRECTOR
Office held

Alan Frank McGregor

Name of authorised person

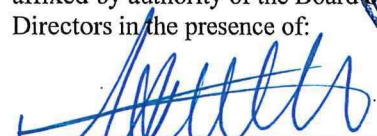

Signature of authorised person

COMPANY SECRETARY
Office held

ADAM SIMPSON
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 of authorised person

DIRECTOR
Office held

Alan Frank McGregor

Name of authorised person


Signature of authorised person

COMPANY SECRETARY
Office held

ADAM SIMPSON
Name of authorised person