

## **EXPLANATORY MEMORANDUM**

### *Casino (Burswood Island) Agreement Amendment Bill 2007*

#### **OVERVIEW**

The purpose of the Casino (Burswood Island) Agreement Amendment Bill 2007 is to ratify the Eleventh Supplementary Agreement, which in turn amends the Agreement scheduled to the Casino (Burswood Island) Agreement Act 1985.

The Supplementary Agreement expands the purposes on which the Board may expend its funds, to include the protection and enhancement of the ecological and community benefits and amenity of the Swan and Canning Rivers and associated lands.

The Supplementary Agreement also changes the composition of the Burswood Park Board, that manages and controls the Burswood Park c class reserve.

Presently, Burswood Casino, the Town of Victoria Park and the Gaming and Wagering Commission, each nominate two members to the Minister for appointment to the Board. The Supplementary Agreement provides for the Minister to nominate two members, (one of whom is to be President of the Board), and the Minister responsible for the administration of the Swan and Canning Rivers Management Act, Burswood Resort (Management) Limited and the Town of Victoria Park, each to nominate to the Minister one member for appointment to the Board.

#### **CLAUSE NOTES**

##### **Clause 1**

Names the Casino (Burswood Island) Agreement Amendment Act 2007 as the amending Act.

##### **Clause 2**

Sets the commencement dates of the Act.

### **Clause 3**

Names the Casino (Burswood Island) Agreement Act 1985 as the principal Act.

### **Clause 4**

Sub-clause (1) amends the definition of Agreement in section 3 of the principal Act to include the Eleventh Supplementary Agreement.

Sub-clause (2) defines the Eleventh Supplementary Agreement, a copy of which is set out in Schedule 12.

### **Clause 5**

Sub-clause (1) inserts a new section 4E that ratifies the Eleventh Supplementary Agreement and authorises its implementation.

Sub-clause (2) provides for the Eleventh Supplementary Agreement to operate and take effect.

### **Clause 6**

Inserts Schedule 12, containing a copy of the Eleventh Supplementary Agreement.

## **SCHEDULE 12**

### **Eleventh Supplementary Agreement**

The State Agreement is between the Minister for Racing and Gaming, Burswood Nominees Ltd, as Trustee of the Burswood Property Trust and Burswood Resort (Management) Limited, as Manager of the Burswood Property Trust.

### **Recitals**

Cites the original Agreement (dated 20 February 1985) and all the amendments to date (up to and including the Tenth Supplementary Agreement made on 2 November 2006) and indicates that the parties have agreed to further amend the State Agreement.

### **Clause 1**

Outlines the intent of the definitions and interpretation.

### **Clause 2**

Acknowledges the State's commitment to securing the passage of the Casino (Burswood Island) Agreement Amendment Bill 2007 through the Parliament as an Act, so that the provisions of the Eleventh Supplementary Agreement do not come into operation until the Casino (Burswood Island) Agreement Amendment Bill 2007 is passed by the Parliament and comes into operation as an Act.

### **Clause 3**

Notwithstanding clause 2, this Agreement shall only operate and take effect if the Tenth Supplementary Agreement has taken effect in accordance with the clause 5 of the State Agreement.

[The Tenth Supplementary Agreement took effect from 5 April 2007].

### **Clause 4**

Inserts definitions of:

**“Rivers Management Minister”** to mean the Minister of the Crown for the time being charged with the administration of the Swan and Canning Rivers Management Act 2006; and

**“Swan and Canning Rivers and associated lands”** to mean the areas detailed in Schedules 1 to 4 of the Swan and Canning Rivers Management Act 2006;”.

### **Clause 5**

Amends the composition of the Burswood Park Board to provide for:

- the Minister to nominate two members, (one of whom is to be President of the Board); and

- the Minister responsible for the administration of the Swan and Canning Rivers Management Act, Burswood Resort (Management) Limited and the Town of Victoria Park, each to nominate to the Minister one member for appointment to the Board.

**Clause 6**

Expands the purposes on which the Board may expend its funds, to include the protection and enhancement of ecological and community benefits and amenity of the Swan and Canning Rivers and associated lands. This expenditure is to be approved by the Minister responsible for the administration of the Swan and Canning Rivers Management Act 2006.

**Clause 7**

Sets out the transitional arrangements to accommodate the change in the composition of the Board in accordance with clause 5 of the Supplementary Agreement.