



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—The Star Pty Ltd) Instrument 2022 (No. 2)

I, Kathryn Miller, make the following instrument as a delegate of the AUSTRAC CEO.

Dated 28 February 2022

Kathryn Miller
National Manager, Legal and Enforcement
Australian Transaction Reports and Analysis Centre

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1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Exemption—The Star Pty Ltd) Instrument 2022 (No. 2)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Cessation

One year from the date of commencement of this instrument.

4 Authority

This instrument is:

- (a) made under paragraph 248(1)(a) of the Act; and
- (b) subject to conditions as authorised under paragraph 248(2)(b) of the Act.

5 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the Act, including the following:

- (a) AUSTRAC information;
- (b) person.

In this instrument:

Act means the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth)

exempt person means a person exempt from one or more provisions of the Act under section 7 of this instrument

legal practitioner means a person who is:

- (a) a legal practitioner (howsoever described) engaged by, or on behalf of, Star; or
- (b) employed by, or contracted to, a person described in paragraph (a);

in connection with the matter.

matter means the Independent Liquor and Gaming Authority of New South Wales' Review of The Star Pty Ltd established under the *Casino Control Act 1992* (NSW) and undertaken by Mr Adam Bell SC on appointment by the Independent Liquor and Gaming Authority

Star means The Star Pty Ltd (ABN 25 060 510 410)

suspicious matter report means a report given to the AUSTRAC CEO under subsection 41(2) of the Act.

6 Application

This instrument applies to the disclosure of AUSTRAC information by the following persons:

- (a) Star;
- (b) a legal practitioner;

in connection with the matter.

7 Exempt provisions

- (1) Star is exempt from subsection 121(5) of the Act.
- (2) A legal practitioner is exempt from subsection 121(5) of the Act.

8 Conditions

- (1) This section specifies conditions that apply to the exemption.
- (2) An exempt person may only disclose AUSTRAC information to the following persons:
 - (a) Mr Adam Bell SC;
 - (b) a person or persons Mr Adam Bell SC has authorised to receive documents produced under summons issued by him in connection with the matter;
 - (c) a New South Wales government employee assisting with the matter; or
 - (d) a legal practitionerprovided that the recipient of the material has provided a confidentiality undertaking in the form set out in Schedule 2 prior to the disclosure of the material.

Note: A person is not required to sign a confidentiality undertaking for each subsequent disclosure of AUSTRAC information.

- (3) Each exempt person must:
 - (a) maintain a list in the form of the confidentiality table set out in Schedule 1 of all persons who have received AUSTRAC information; and
 - (b) update the list as soon as is practicable, and not later than five business days, after each disclosure of AUSTRAC information to an additional person; and
 - (c) send the list to the AUSTRAC CEO within 14 days after creating the list or updating the list.
- (4) Each exempt person must take all reasonable steps after the conclusion of the matter to:
 - (a) obtain all physical copies of AUSTRAC information held by each recipient; and
 - (b) request the deletion of all electronic copies of AUSTRAC information in the possession (actual or constructive) of each recipient.
- (5) Star must use best endeavours to obtain an order under section 143B of the *Casino Control Act 1992* (NSW) that any AUSTRAC information provided to

the Independent Liquor and Gaming Authority of New South Wales' Review of The Star Pty Ltd by Star, will not be published.

- (6) Star must redact all identifiable information relating to AUSTRAC staff within the AUSTRAC information, prior to its disclosure to the Independent Liquor and Gaming Authority of New South Wales' Review of The Star Pty Ltd.
- (7) Star must remove suspicious matter reports contained within the AUSTRAC information prior to its disclosure to the Independent Liquor and Gaming Authority of New South Wales' Review of The Star Pty Ltd.
- (8) Each exempt person must, in writing, notify the AUSTRAC CEO within 14 days of any event that may affect their ability to comply with this instrument.

9 Schedules

Each instrument that is specified in Schedule 3 to this instrument is repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Important Notice to the person named in this instrument

1. Under subsection 248(3) of the Act, a person granted an exemption subject to one or more conditions must comply with the conditions specified in the instrument. Failure to comply with subsection 248(3) is a civil penalty provision and may result in any or all of the following:
 - the exemption ceasing to apply to the person during any period in which the person does not comply with the relevant condition/s;
 - the exemption being revoked;
 - the AUSTRAC CEO applying to the Federal Court of Australia for a civil penalty order requiring the person to pay a pecuniary penalty in respect of the breach.
2. Under sections 136 and 137 of the Act, it is an offence to provide false or misleading information or documents. If any of the information submitted by the applicant or its representatives is found to be false or misleading, the exemption may be revoked and action initiated against the applicant.
3. The person granted the exemption may request the AUSTRAC CEO to revoke or vary the exemption at any time.
4. Any request to vary or extend this exemption must be submitted to the AUSTRAC CEO or an approved delegate no later than 90 days before the date the change is requested to commence.
5. This exemption does not preclude the person from making communications or disclosures that are otherwise permitted by law.

Schedule 1—Confidentiality table

Name	Position	Address	Date that name was provided to AUSTRAC	In relation to which matter

Schedule 2—Confidentiality undertaking

I, _____,

of _____

undertake to AUSTRAC to:

- (1) keep AUSTRAC information disclosed to me confidential at all times; and
- (2) not make public or disclose, and not cause to be made public or disclosed, AUSTRAC information to any person, either directly or indirectly, unless the disclosure is permitted by this undertaking; and
- (3) securely store any AUSTRAC information disclosed to me, or which I otherwise have access to; and
- (4) only disclose AUSTRAC information to the following persons:
 - (a) Mr Adam Bell SC;
 - (b) a New South Wales government employee;
 - (c) a person appointed by the Independent Liquor and Gaming Authority and/or Mr Adam Bell SC to assist Mr Bellin connection with the matter; and
- (5) after the conclusion of the matter, return any physical copies of documents containing AUSTRAC information to Star or a legal practitioner (as applicable) immediately upon request; and
- (6) after the conclusion of the matter, take all reasonable steps to delete all electronic copies of documents that are, or contain, AUSTRAC information immediately upon request by Star or a legal practitioner.

For the avoidance of doubt, this undertaking does not preclude me from disclosing AUSTRAC information that is otherwise permitted by law.

In this undertaking:

Act means the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth)*.

AUSTRAC information means any information, the disclosure of which would engage subsections 123(1) and (2) of the Act, and includes information and documents requested by authorised persons under section 49 of the Act relating to a suspicious matter report

Exempt person means a person exempt from one or more provisions of the Act under section 7 of this instrument

legal practitioner means a person who is:

- (a) a legal practitioner (howsoever described) engaged by, or on behalf of, Star; or
- (b) employed by, or contracted to, a person described in paragraph (a);

in connection with the matter

matter means the Independent Liquor and Gaming Authority of New South Wales' Review of The Star Pty Ltd established under the *Casino Control Act 1992* (NSW) and undertaken by Mr Adam Bell SC on appointment by the Independent Liquor and Gaming Authority

Star means The Star Pty Ltd (ABN 25 060 510 410)

Schedule 3—Repeals

Anti-Money Laundering and Counter-Terrorism Financing (Exemption—The Star Pty Ltd) Instrument 2021 (No. 28)

1 The whole of the instrument

Repeal the instrument