



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Crown Entities) Instrument 2022 (No. 15)

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

Dated 13 September 2022

A handwritten signature in blue ink, appearing to read 'K. Miller', is positioned below the date.

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—Crown Entities) Instrument 2022 (No. 15)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Cessation

Three years 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) corporate group;
- (b) person.

In this instrument:

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

AML/CTF services (short for anti-money laundering and counter-terrorism financing services) means the following services to be provided in relation to a Crown entity:

- (a) assist with the design and implementation of transaction monitoring coverage dashboards;
- (b) provide ad-hoc transaction monitoring data analytics support related to regulatory responses, or internal or external assurance activities;
- (c) provide operational support to execute on business as usual investigations, screening and enhanced customer due diligence activities;
- (d) provide assistance in the design and implementation of system and controls under the anti-money laundering and counter-terrorism financing program that applies to Burswood, Crown Melbourne and Crown Sydney;
- (e) review Crown Sydney's customer due diligence or ongoing customer due diligence processes;
- (f) assess the appropriateness of Crown Sydney's processes for managing and mitigating money laundering and terrorism financing risk; or
- (g) provide information technology, maintenance and business support services in respect of Crown entity systems that store suspicious matter material or from which suspicious matter material is accessible.

Burswood means Burswood Nominees Limited (ACN 078 250 307) as trustee for the Burswood Property Trust.

Crown corporate group means the corporate group consisting of Crown Resorts and its related bodies corporate.

Crown entity means any of the following companies in the Crown corporate group:

- (a) Burswood;
- (b) Crown Melbourne;
- (c) Crown Resorts;
- (d) Crown Sydney.

Crown Melbourne means Crown Melbourne Limited (ACN 006 973 262).

Crown Resorts means Crown Resorts Limited (ACN 125 709 953).

Crown Sydney means Crown Sydney Gaming Pty Ltd (ACN 166 326 843).

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

suspicious matter material 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.

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

specialist service provider means:

- (a) a person engaged by, or on behalf of, a Crown entity to provide AML/CTF services; or
- (b) a person employed by a person described in paragraph (a) in connection with the AML/CTF services; or
- (c) a person employed by Kroll Australia Pty Ltd (ABN 73 116 738 535) in connection with the AML/CTF services.

6 Application

- (1) This instrument applies to the disclosure of suspicious matter material by a Crown entity in connection with the AML/CTF services.

7 Exempt person and provisions

- (1) A Crown entity is exempt from subsections 123(1) and (2) of the Act.

8 Conditions

- (1) This section specifies conditions that apply to the exemption.
 - (a) An exempt person may only disclose suspicious matter material to a specialist service provider, only where the recipient of the suspicious matter 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 suspicious matter material.
- (2) 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 suspicious matter material; and
 - (b) update the list as soon as is practicable after each disclosure of suspicious matter material to an additional person; and
 - (c) send the list to the AUSTRAC CEO within 14 days after creating the list or updating the list.
- (3) Each exempt person must take all reasonable steps after the conclusion of the engagement of a specialist service provider to:
 - (a) obtain all physical copies of suspicious matter material held by each specialist service provider; and
 - (b) request the deletion of all electronic copies of suspicious material in the possession (actual or constructive) of each specialist service provider; and
 - (c) ensure that suspicious matter material is not disclosed, or caused to be disclosed, outside of Australia.
- (4) 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.
- (5) A Crown Entity must not provide a specialist service provider with access to suspicious matter material except where such specialist service provider is domiciled and employed in Australia.

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 name was provided to AUSTRAC

Schedule 2—Confidentiality undertaking

I, _____,

of _____

undertake to AUSTRAC to:

- (1) keep suspicious matter material disclosed to me confidential at all times; and
- (2) not make public or disclose, and not cause to be made public or disclosed, suspicious matter material to any person, either directly or indirectly, unless the disclosure is permitted by this undertaking; and
- (3) securely store any record of suspicious matter material disclosed to me, or which I otherwise have access to; and
- (4) only disclose suspicious matter material to the following persons:
 - (a) an employee or director of Burswood;
 - (b) an employee or director of Crown Melbourne;
 - (c) an employee or director of Crown Sydney;
 - (d) an employee or director of Crown Resorts; and
 - (e) a specialist service provider;during the course of providing AML/CTF Services; and
- (5) after the conclusion of my employment or engagement, or upon request, return any physical copies of documents containing suspicious matter material to a Crown entity immediately upon request; and
- (6) take all reasonable steps to delete all electronic copies of documents containing suspicious matter material immediately upon request by a Crown entity.

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- (c) provide operational support to execute on business as usual investigations, screening and enhanced customer due diligence activities;
- (d) review Crown Sydney's customer due diligence or ongoing customer due diligence processes;
- (e) assess the appropriateness of Crown Sydney's processes for managing and mitigating money laundering and terrorism financing risk;
- (f) provide assistance in the design and implementation of system and controls under the anti-money laundering and counter-terrorism financing

program that applies to Burswood, Crown Melbourne and Crown Sydney; or

- (g) providing information technology, maintenance and business support services in respect of Crown entity systems that store suspicious matter material or from which suspicious matter material is accessible.

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