



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Crown Entities) Instrument 2022 (No. 16)

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

Dated 13 September 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—Crown Entities) Instrument 2022 (No. 16)*.

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) AUSTRAC information;
- (b) person.

In this instrument:

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

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

Class action means the proceedings in the Supreme Court of Victoria in case number S ECI 2020 04566, and any appeal arising from these proceedings.

Class action professional service provider means any expert witnesses for the class action lead plaintiff in the Class action and their respective support staff.

Class action confidentiality undertaking means a confidentiality undertaking in the form agreed by the parties to the Class action in the Agreed Confidentiality Protocol dated 3 March 2022.

Court means the Supreme Court of Victoria.

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 legal practitioner means a person who is:

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

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.

insurer means a company with whom one of the Crown entities has entered into a contractual agreement to provide an insurance policy and has been provided with a certificate of insurance pursuant to that policy.

matter means any of the following:

- (a) the proceedings between the Chief Executive Officer of the Australian Transaction Reports and Analysis Centre v Crown Melbourne Limited ACN 006 973 262 & Anor (NSD134/2022);
- (b) the Class action;
- (c) an investigation, review or inquiry that has been announced but is yet to commence or is in progress at the commencement of this instrument in relation to the affairs of a member of the Crown corporate group:
 - (i) by the former Victorian Commission for Gambling and Liquor Regulation (now the Victorian Gaming and Casino Control Commission);
 - (ii) by or at the direction of the Gaming and Wagering Commission of Western Australia or the Western Australian Minister for Racing, Gaming and Liquor;
 - (iii) by the Australian Criminal Intelligence Commission;
 - (iv) by the Australian Federal Police; or
 - (v) by the Australian Securities and Investments Commission.
- (d) the Crown Resorts Group Financial Crime & Compliance Change Program.

professional service provider means:

- (a) a person engaged by, or on behalf of, a Crown entity, to provide advice or a service in connection with a matter; or
- (b) an insurer of a Crown entity which provides insurance advice or an insurance service to the Crown entity in connection with a matter; or
- (c) employed by a person described in paragraph (a) or (b) in connection with a matter.

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) a Crown entity;
- (b) a Crown legal practitioner;

in connection with a matter.

7 Exempt provisions

- (1) A Crown entity is exempt from subsection 121(5) of the Act.
- (2) A Crown 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 disclose AUSTRAC information to the following persons:
 - (a) an insurer or a legal practitioner acting for an insurer;
 - (b) a professional service provider;
 - (c) an employee or director of Burswood;
 - (d) an employee or director of Crown Melbourne;
 - (e) an employee or director of Crown Sydney;
 - (f) an employee or director of Crown Resorts;
 - (g) a Crown legal practitioner;

provided 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) An exempt person may disclose AUSTRAC information to:
 - (a) the Class action lead plaintiff;
 - (b) a legal practitioner acting for the Class action lead plaintiff;
 - (c) a Class action professional service provider;pursuant to a discovery order in the Class action, provided that:
 - (i) the recipient of the information has provided a Class action confidentiality undertaking; and
 - (ii) the exempt person identifies the AUSTRAC information as 'Confidential Information' within the meaning of the Class action confidentiality undertaking.
- (4) An exempt person may disclose AUSTRAC information to the Court in connection with the class action, provided that the exempt person uses best endeavours to obtain a non-publication order in connection with the information.

- (5) 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.
- (6) 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.
- (7) A Crown entity must redact all identifiable information relating to AUSTRAC staff within the AUSTRAC information, prior to its disclosure to a third party.
- (8) A Crown entity must redact, or remove, all references to, and text of, suspicious matter reports contained within the AUSTRAC information prior to its disclosure.
- (9) 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.

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) an insurer or a legal practitioner acting for an insurer;
 - (b) a professional service provider;
 - (c) an employee or director of Burswood;
 - (d) an employee or director of Crown Melbourne;
 - (e) an employee or director of Crown Sydney;
 - (f) an employee or director of Crown Resorts; or
 - (g) a Crown legal practitioner.
- (5) after the conclusion of the matter, return any physical copies of documents containing AUSTRAC information to Crown 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 Crown 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 has the same meaning as the definition found in section 5 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth)*

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

Class action means the proceedings in the Supreme Court of Victoria in case number S ECI 2020 04566, and any appeal arising from these proceedings.

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 legal practitioner means a person who is:

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

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)

matter means any of the following:

- (a) the proceedings between the Chief Executive Officer of the Australian Transaction Reports and Analysis Centre v Crown Melbourne Limited ACN 006 973 262 & Anor (NSD134/2022);
- (b) the Class action;
- (c) an investigation, review or inquiry that has been announced but is yet to commence or is in progress at the commencement of this instrument in relation to the affairs of a member of the Crown corporate group:
 - (i) by the former Victorian Commission for Gambling and Liquor Regulation (now the Victorian Gaming and Casino Control Commission);
 - (ii) by or at the direction of the Gaming and Wagering Commission of Western Australia or the Western Australian Minister for Racing, Gaming and Liquor;
 - (iii) by the Australian Criminal Intelligence Commission;
 - (iv) by the Australian Federal Police; or
 - (v) by the Australian Securities and Investments Commission;
- (d) the Crown Resorts Group Financial Crime & Compliance Change Program.

professional service provider means:

- (a) a person engaged by, or on behalf of, a Crown entity, to provide advice or a service in connection with a matter; or
- (b) an insurer of a Crown entity which provides insurance advice or an insurance service to the Crown entity in connection with a matter; or
- (c) employed by a person described in paragraph (a) or (b) in connection with a matter.

Schedule 3—Repeals

Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Crown Entities) Instrument 2022 (No. 12)

1 The whole of the instrument

Repeal the instrument



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Crown Entities) Instrument 2022 (No. 12)

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

Dated 7 July 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. 12)*.

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:

- (c) AUSTRAC information;
- (d) person.

In this instrument:

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

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

Class action means the proceedings in the Supreme Court of Victoria in case number S ECI 2020 04566, and any appeal arising from these proceedings.

Class action professional service provider means any expert witnesses for the class action lead plaintiff in the Class action and their respective support staff.

Class action confidentiality undertaking means a confidentiality undertaking in the form agreed by the parties to the Class action in the Agreed Confidentiality Protocol dated 3 March 2022.

Court means the Supreme Court of Victoria.

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

- (e) Burswood;
- (f) Crown Melbourne;

-
- (g) Crown Resorts;
 - (h) Crown Sydney.

Crown legal practitioner means a person who is:

- (c) a legal practitioner (howsoever described) engaged by, or on behalf of, a Crown entity; or
- (d) employed by, or contracted to, a person described in paragraph (a).

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.

insurer means a company with whom one of the Crown entities has entered into a contractual agreement to provide an insurance policy and has been provided with a certificate of insurance pursuant to that policy.

matter means any of the following:

- (e) the proceedings between the Chief Executive Officer of the Australian Transaction Reports and Analysis Centre v Crown Melbourne Limited ACN 006 973 262 & Anor (NSD134/2022);
- (f) the Class action;
- (g) an investigation, review or inquiry that has been announced but is yet to commence or is in progress at the commencement of this instrument in relation to the affairs of a member of the Crown corporate group:
 - (i) by the former Victorian Commission for Gambling and Liquor Regulation (now the Victorian Gaming and Casino Control Commission);
 - (ii) by or at the direction of the Gaming and Wagering Commission of Western Australia or the Western Australian Minister for Racing, Gaming and Liquor;
 - (iii) by the Australian Criminal Intelligence Commission;
 - (iv) by the Australian Federal Police; or
 - (v) by the Australian Securities and Investments Commission.
- (h) the Crown Resorts Group Financial Crime & Compliance Change Program.

professional service provider means:

- (d) a person engaged by, or on behalf of, a Crown entity, to provide advice or a service in connection with a matter; or

-
- (e) an insurer of a Crown entity which provides insurance advice or an insurance service to the Crown entity in connection with a matter; or
 - (f) employed by a person described in paragraph (a) or (b) in connection with a matter.

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) a Crown entity;
- (b) a Crown legal practitioner;

in connection with a matter.

7 Exempt provisions

- (3) A Crown entity is exempt from subsection 121(5) of the Act.
- (4) A Crown legal practitioner is exempt from subsection 121(5) of the Act.

8 Conditions

- (10) This section specifies conditions that apply to the exemption.
- (11) An exempt person may disclose AUSTRAC information to the following persons:
 - (h) an insurer or a legal practitioner acting for an insurer;
 - (i) a professional service provider;
 - (j) an employee or director of Burswood;
 - (k) an employee or director of Crown Melbourne;
 - (l) an employee or director of Crown Sydney;
 - (m) an employee or director of Crown Resorts;
 - (n) a Crown legal practitioner

provided 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.

- (12) An exempt person may disclose AUSTRAC information to:
 - (d) the Class action lead plaintiff;
 - (e) a legal practitioner acting for the Class action lead plaintiff;

-
- (f) a Class action professional service provider;
- pursuant to a discovery order in the Class action, provided that:
- (i) the recipient of the information has provided a Class action confidentiality undertaking; and
 - (ii) the exempt person identifies the AUSTRAC information as 'Confidential Information' within the meaning of the Class action confidentiality undertaking.
- (13) An exempt person may disclose AUSTRAC information to the Court in connection with the class action, provided that the exempt person uses best endeavours to obtain a non-publication order in connection with the information.
- (14) Ensure that each exempt person must:
- (d) maintain a list in the form of the confidentiality table set out in Schedule 1 of all persons who have received AUSTRAC information; and
 - (e) 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
 - (f) send the list to the AUSTRAC CEO within 14 days after creating the list or updating the list.
- (15) Ensure that each exempt person must take all reasonable steps after the conclusion of the matter to:
- (c) obtain all physical copies of AUSTRAC information held by each recipient; and
 - (d) request the deletion of all electronic copies of AUSTRAC information in the possession (actual or constructive) of each recipient.
- (16) A Crown entity must redact all identifiable information relating to AUSTRAC staff within the AUSTRAC information, prior to its disclosure to a third party.
- (17) A Crown entity must redact, or remove, all references to, and text of, suspicious matter reports contained within the AUSTRAC information prior to its disclosure.
- (18) Ensure that 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.

Important Notice to the person named in this instrument

7. 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.
8. 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.
9. The person granted the exemption may request the AUSTRAC CEO to revoke or vary the exemption at any time.
10. 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.
11. 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:
 - (h) an insurer or a legal practitioner acting for an insurer;
 - (i) a professional service provider;
 - (j) an employee or director of Burswood;
 - (k) an employee or director of Crown Melbourne;
 - (l) an employee or director of Crown Sydney;
 - (m) an employee or director of Crown Resorts; or
 - (n) a Crown legal practitioner.
- (5) after the conclusion of the matter, return any physical copies of documents containing AUSTRAC information to Crown 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 Crown 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.

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

Class action means the proceedings in the Supreme Court of Victoria in case number S ECI 2020 04566, and any appeal arising from these proceedings.

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

- (e) Burswood;
- (f) Crown Melbourne;
- (g) Crown Resorts;
- (h) Crown Sydney.

Crown legal practitioner means a person who is:

- (c) a legal practitioner (howsoever described) engaged by, or on behalf of, a Crown entity; or
- (d) employed by, or contracted to, a person described in paragraph (a).

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)

matter means any of the following:

- (e) the proceedings between the Chief Executive Officer of the Australian Transaction Reports and Analysis Centre v Crown Melbourne Limited ACN 006 973 262 & Anor (NSD134/2022);
- (f) the Class action;
- (g) an investigation, review or inquiry that has been announced but is yet to commence or is in progress at the commencement of this instrument in relation to the affairs of a member of the Crown corporate group:
 - (vi) by the former Victorian Commission for Gambling and Liquor Regulation (now the Victorian Gaming and Casino Control Commission);
 - (vii) by or at the direction of the Gaming and Wagering Commission of Western Australia or the Western Australian Minister for Racing, Gaming and Liquor;
 - (viii) by the Australian Criminal Intelligence Commission;
 - (ix) by the Australian Federal Police; or
 - (x) by the Australian Securities and Investments Commission;

(h) the Crown Resorts Group Financial Crime & Compliance Change Program.

professional service provider means:

- (d) a person engaged by, or on behalf of, a Crown entity, to provide advice or a service in connection with a matter; or
- (e) an insurer of a Crown entity which provides insurance advice or an insurance service to the Crown entity in connection with a matter; or
- (f) employed by a person described in paragraph (a) or (b) in connection with a matter.