



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—SkyCity Adelaide Pty Ltd) Exemption 2024 (No. 14)

I, Daniel Mossop, National Manager, Reform Policy and Mutual Evaluation Branch of the Australian Transaction Reports and Analysis Centre (AUSTRAC), make the following exemption as a delegate of the AUSTRAC CEO.

Dated 29 July 2024

Daniel Mossop
National Manager, Reform Policy and Mutual Evaluation
AUSTRAC

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1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Exemption—SkyCity Adelaide Pty Ltd) Exemption 2024 (No. 14)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Cessation

This instrument ceases to have effect on the latter of the date on which the Independent Monitor's appointment, or extension of the original appointment ceases.

4 Power

This instrument is:

- (a) made under paragraph 248(1)(a) of the Act; and
- (b) subject to conditions made under the 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) Disclose;
- (b) Person.

In this instrument:

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

Authority means the South Australian Liquor and Gambling Commissioner, Consumer and Business Services, Government of South Australia.

Direction means the direction issued by the Authority to SCA, pursuant to section 10 of the *Gambling Administration Act 2019* on 26 May 2023, directing SCA to prepare a Program of Work focusing on its anti-money laundering and counter-terrorism financing capability and gambling related harm minimisation to ensure compliance with all applicable regulatory obligations.

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

Independent Monitor means Kroll, the Independent Monitor appointed pursuant to the Direction issued by the Authority to SCA.

Independent Monitor's Functions means the following functions performed by the Independent Monitor:

- (a) review the Program of Work developed by SCA pursuant to the Direction;

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- (b) monitor the implementation of the Program of Work developed by SCA pursuant to the Direction;
 - (c) monitor the operations of SCA's for compliance with SCA's ongoing regulatory obligations with respect to anti-money laundering and counter-terrorism financing and addressing gambling related harm; and
 - (d) report to the Authority in relation to (a) to (c) above, including in relation to any breaches of the ongoing regulatory obligations.

Kroll means Kroll Australia Pty Ltd (ABN 73 116 738 535).

SCA means SkyCity Adelaide Pty Ltd (ABN 72 082 362 061).

Suspicious Matter Material means any information, the disclosure of which would trigger subsections 123(1) or (2) of the Act.

6 Application

This instrument applies to the disclosure of Suspicious Matter Material in connection with the performance of the Independent Monitor's Functions as directed by the Authority.

7 Exempt person and provisions

Subject to paragraph 8 of this instrument:

- (1) SCA is exempt from subsections 123(1) and (2) of the Act.

8 Conditions

Pursuant to paragraph 248(2)(b) of the AML/CTF Act, this instrument is subject to the following conditions:

- (1) The exemption applies in relation to the disclosure of Suspicious Matter Material to the following persons (each a **Recipient**):
 - (a) the Independent Monitor, or any person who is employed by, or contracted to, the Independent Monitor who are involved in the performance of the Independent Monitor's Functions;
 - (b) the Authority, or any person who is employed by, or contracted to, the Authority who are involved in the performance of the Independent Monitor's Functions.
- (2) Prior to the disclosure of Suspicious Matter Material to a Recipient, SCA must ensure that the Recipient has signed a confidentiality deed.

Note: The Recipient is not required to sign a confidentiality deed for each subsequent disclosure of Suspicious Matter Material.
- (3) The confidentiality deed must:
 - (a) include the obligations set out in Schedule 1;
 - (b) remain in force:

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- i. for the period during which the Recipient is involved in the performance of the Independent Monitor's Functions;
 - ii. until the Recipient is not in possession of any Suspicious Matter Material;
 - (c) be enforceable.
- (4) SCA must make and retain a record of the confidentiality deed given in compliance with subsection 8(3) of this instrument, using the form set out in Schedule 2.
 - (5) SCA must provide the AUSTRAC CEO with a copy of the confidentiality deed(s) obtained under subsection 8(3) of this instrument, if requested to do so, within 5 business days of the request being made by AUSTRAC in writing.
 - (6) SCA must take all reasonable steps after the cessation of this instrument to:
 - (a) obtain all physical copies of Suspicious Matter Material held by the Recipients;
 - (b) where necessary request the deletion of all electronic copies of Suspicious Matter Material in the possession (actual or constructive) of the Recipients;
 - (c) ensure that Suspicious Matter Material is not disclosed, or caused to be disclosed, outside of the scope of the Independent Monitor's Functions.
 - (7) SCA must, in writing, notify the AUSTRAC CEO within 14 days of becoming aware 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 Deed

Obligations for Recipients of Suspicious Matter Material

- (1) In connection with the performance of the Independent Monitor’s Functions, a Recipient must:
- (a) keep Suspicious Matter Material confidential at all times;
 - (b) ensure Suspicious Matter Material is securely stored;
 - (c) put in place adequate safeguards to protect Suspicious Matter Material from unauthorised use or disclosure;
 - (d) ensure that Suspicious Matter Material is only used in connection with the Independent Monitor’s Functions;
 - (e) not make public or disclose, and not cause to be made public or disclose, Suspicious Matter Material to any person, either directly or indirectly, outside the scope of the Independent Monitor’s Functions;
 - (f) after conclusion of the Recipients’ appointment, or immediately upon request by SCA:
 - i. return any physical copies; and
 - ii. delete all electronic copiesof documents containing Suspicious Matter Material.
 - (g) comply with applicable Commonwealth, State or Territory privacy laws in respect of any personal information contained in Suspicious Matter Material.
- (2) For the avoidance of doubt, the deed:
- (a) does not preclude the Recipient from making disclosures that are otherwise permitted by law.

In this deed:

Authority means the South Australian Liquor and Gambling Commissioner, Consumer and Business Services, Government of South Australia.

Direction means the direction issued by the Authority to SCA, pursuant to section 10 of the Gambling Administration Act 2019 on 26 May 2023, directing SCA to prepare a Program of Work focusing on its anti-money laundering and counter-terrorism financing capability and gambling related harm minimisation to ensure compliance with all applicable regulatory obligations.

Independent Monitor means Kroll Australia Pty Ltd (ABN 73 116 738 535), the Independent Monitor as appointed pursuant to the Direction or any extension to the Direction issued by the Authority.

Independent Monitor’s Functions means the following functions performed by the Independent Monitor:

- (a) review the Program of Work developed by SCA pursuant to the Direction;
- (b) monitor the implementation of the Program of Work developed by SCA pursuant to the Direction;

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- (c) monitor the operations of SCA's for compliance with SCA's ongoing regulatory obligations with respect to anti-money laundering and counter-terrorism financing and addressing gambling related harm; and
 - (d) report to the Authority in relation to (a) to (c) above, including in relation to any breaches of the ongoing regulatory obligations.

Recipient means:

- (a) the Independent Monitor, or any person who is employed by, or contracted to, the Independent Monitor who are involved in the performance of the Independent Monitor's Functions
- (b) the Authority, or any person who is employed by, or contracted to, the Authority who are involved in the performance of the Independent Monitor's Functions.

Suspicious Matter Material means any information, the disclosure of which would engage sections 123(1) or (2) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth).

Schedule 2 – Confidentiality Deed Table

AUSTRAC Exemption 14/2024

Name	Position	Employing entity details (e.g. ABN)	Date of undertaking