



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—The Star) Instrument 2022 (No. 24)

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

Dated 21 December 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) Instrument 2022 (No. 24)*.

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 Manager's appointment, or extension of original appointment, ceases.

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) 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:

- (a) monitoring, reviewing and analysing transactions of customers of Star Sydney and Star Queensland on, or accessible through, IT systems accessible by Star Sydney, Star Queensland and TSEG;
- (b) processing and reviewing transaction monitoring alerts in relation to the transactions referred to in paragraph (a);
- (c) undertaking ongoing customer due diligence and enhanced customer due diligence procedures in relation to customers of Star Sydney and Star Queensland; and
- (d) escalating matters to Star Sydney, Star Queensland or TSEG for review, including those matters that may result in the lodgement of a suspicious matter report by any of Star Sydney and Star Queensland in accordance with section 41 of the Act.

exempt person means a person exempt from one or more provisions of the Act under section 7 of this instrument and includes any employee or contractor employed or engaged by the person.

Manager means Mr Nicholas Weeks, the manager as appointed under section 28 of the *Casino Control Act 1992 (NSW)* by written instrument dated 17 October

2022, and for avoidance of doubt includes any extension of Mr Weeks's appointment at the end of his current appointment made by the 17 October 2022 instrument.

NICC means New South Wales Independent Casino Commission.

Star Queensland means The Star Entertainment QLD Limited (ABN 78 010 741 045).

Star Sydney means The Star Pty Limited (ABN 25 060 510 410).

suspicious matter material means any information, the disclosure of which would engage subsections 123(1) and (2) of the Act.

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

TSEG means The Star Entertainment Group Limited (ABN 85 149 629 023).

6 Application

- (1) This instrument applies to the disclosure of suspicious matter material by TSEG, the Manager, Star Queensland and Star Sydney in connection with the AML/CTF services.

7 Exempt persons and provisions

- (1) Subject to paragraph 8 of this instrument:
 - a. Star Queensland and Star Sydney are exempt from subsections 123(1) and (2) of the Act; and
 - b. TSEG and the Manager are exempt from subsection 123(2) of the Act.

8 Conditions

- (1) This section specifies conditions that apply to the exemption.
 - (a) Star Queensland and Star Sydney may only disclose suspicious matter material to:
 - i. the Manager, or
 - ii. any person who is:
 - (A) a director of TSEG;
 - (B) employed by, or contracted to, TSEG, to facilitate the provision of the AML/CTF services; or
 - (C) employed by, or contracted to, the Manager to facilitate the provision of the AML/CTF services; and
 - (b) TSEG may only disclose suspicious matter material the disclosure of which would engage subsection 123(2) of the Act to:

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- i. The Manager, or
 - ii. Any person who is:
 - (A) a director of Star Queensland or Star Sydney;
 - (B) employed by, or contracted to, Star Queensland or Star Sydney to facilitate the provision of the AML/CTF services;
or
 - (C) employed by, or contracted to, the Manager to facilitate the provision of the AML/CTF services; and
- (c) the Manager may only disclose suspicious matter material the disclosure of which would engage subsection 123(2) of the Act to:
- i. Any person who is:
 - (A) a director of Star Queensland, Star Sydney or TSEG;
 - (B) employed by, or contracted to, Star Queensland, Star Sydney or TSEG to facilitate the provision of the AML/CTF services;
 - (C) employed by, or contracted to, the Manager to facilitate the provision of the AML/CTF services;
 - ii. the NICC as requested;

(each a *recipient*),

but only where the recipient has provided a confidentiality undertaking in the form set out in Schedule 2 prior to the disclosure of the suspicious matter material or is otherwise subject to subsection 123(1) of the Act.

Note: The recipient is not required to sign a confidentiality undertaking for each subsequent disclosure of suspicious matter material.

- (2) Each exempt person 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; and
 - (b) request the deletion of all electronic copies of suspicious material in the possession (actual or constructive) of the recipients; and
 - (c) ensure that suspicious matter material is not disclosed, or caused to be disclosed, outside of Australia.
- (3) 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 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) ensure my disclosure of suspicious matter material is confined to the following persons:
 - (a) an employee or director of The Star Entertainment QLD Limited (ABN 78 010 741 045);
 - (b) an employee or director of The Star Pty Limited (ABN 25 060 510 410);
 - (c) an employee, director or contractor of The Star Entertainment Group Limited (ABN 85 149 629 023); and
 - (d) the Manager, or an employee or contractor of the Manager;

and

- (5) after the conclusion of my appointment, or upon request, return any physical copies of documents containing suspicious matter material to The Star Entertainment QLD Limited (ABN 78 010 741 045) or The Star Pty Limited (ABN 25 060 510 410) immediately upon request; and
- (6) take all reasonable steps to delete all electronic copies of documents containing suspicious matter material immediately upon request by The Star Entertainment QLD Limited or The Star Pty Limited, or at the conclusion of my appointment.

In this undertaking:

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 to the Manager:

- (a) monitoring, reviewing and analysing transactions of customers of Star Sydney and Star Queensland on, or accessible through, Star systems;
- (b) processing and reviewing transaction monitoring alerts in relation to the transactions referred to in paragraph (a);
- (c) undertaking ongoing customer due diligence and enhanced customer due diligence procedures in relation to customers of Star Sydney and Star Queensland; and

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- (d) escalating matters to Star Sydney, Star Queensland or TSEG for review, including those matters that may result in the lodgement of a suspicious matter report by any of Star Sydney and Star Queensland in accordance with section 41 of the Act.

Manager means Mr Nicholas Weeks, the manager as appointed under section 28 of the *Casino Control Act 1992* (NSW) by written instrument dated 17 October 2022, and for avoidance of doubt includes any extension of Mr Weeks's appointment at the end of his current appointment made by the 17 October 2022 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 relating to a suspicious matter report.

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