



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—The Star) Instrument 2023 (No. 6)

I, Jennifer Ermert, make the following instrument as a delegate of the AUSTRAC CEO.

Dated 23 March 2023

A handwritten signature in black ink, appearing to read 'Jennifer Ermert', written in a cursive style.

Jennifer Ermert
Acting General Counsel
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 2023 (No. 6)*.

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

4 Authority

This instrument is:

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

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.

Minister means the Queensland Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence or their duly authorised delegate, including any sub-delegate.

remediation plan has the meaning given to it in section 90D(4) of the *Casino Control Act 1989* (Qld).

Special Manager means Mr Nicholas Weeks (ABN 41 441 146 388), the special manager as appointed, and extended, under section 90C of the *Casino Control Act 1982* (Qld) by written instrument dated 9 December 2022, and includes any extension of Mr Weeks's appointment at the end of his current appointment made by the 9 December 2022 instrument.

Special Manager functions means the following functions performed by the Special Manager:

- (a) monitoring the affairs of the Star Casino Entities in relation to the management and operations of a hotel-casino complex;

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- (b) consulting on and advising in relation to the content and preparation of the Star Casino Entities' remediation plan;
 - (c) monitoring the following matters:
 - i. the suitability and efficacy of the Star Casino Entities' remediation plan;
 - ii. the implementation of the Star Casino Entities' remediation plan;
 - (d) reporting to the Minister and chief executive on the following matters:
 - i. the suitability and efficacy of the Star Casino Entities' remediation plan;
 - ii. the implementation of the Star Casino Entities' remediation plan;
 - iii. the progress of the Star Casino Entities in fulfilling the remediation plan;
 - (e) provide advice to the Minister that will assist in directing preparation, determining adequacy and approving, a remediation plan for the Star Casino Entities.

Star Casino Entities means Star Queensland and The Star Entertainment QLD Custodian Pty Ltd (ABN 64 067 888 680).

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).

State means State of Queensland through the Department of Justice and Attorney-General.

suspicious matter material means any information, the disclosure of which would engage sections 123(1) and (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 Special Manager, Star Queensland and Star Sydney in connection with the Special Manager functions.

7 Exempt persons and provisions

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

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- i. the Special Manager; or
 - ii. any person who is employed by, or contracted to, the Special Manager to facilitate the performance of the Special Manager functions; and
 - (b) TSEG may only disclose suspicious matter material the disclosure of which would engage section 123(2) of the Act to:
 - i. the Special Manager;
 - ii. any person who is employed by, or contracted to, the Special Manager to facilitate the performance of the Special Manager functions;
 - iii. a director of Star Queensland or Star Sydney; or
 - iv. any person who is employed by, or contracted to, Star Queensland, or Star Sydney; and
 - (c) the Special Manager may only disclose suspicious matter material the disclosure of which would engage section 123(2) of the Act to:
 - i. a director of Star Queensland, Star Sydney or TSEG;
 - ii. any person who is employed by, or contracted to, Star Queensland, Star Sydney or TSEG; or
 - iii. any person who is employed by, or contracted to, the Special Manager to facilitate the performance of the Special Manager functions; or
 - iv. the Minister or the State as requested;

(each a *recipient*),

if 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 section 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 to:
 - (a) obtain all physical copies of suspicious matter material held by the recipients after the cessation of this instrument;
 - (b) where necessary request the deletion of all electronic copies of suspicious material in the possession (actual or constructive) of the recipients after the cessation of this instrument; 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 section 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 section 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 Special Manager, or an employee or contractor of the Special 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:

Special Manager means Mr Nicholas Weeks (ABN 41 441 146 388), the special manager as appointed under section 90C of the *Casino Control Act 1982 (Qld)* by written instrument dated 9 December 2022, and for avoidance of doubt includes any extension of Mr Weeks’s appointment at the end of his current appointment made by the 9 December 2022 instrument.

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