



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—The Star Pty Ltd) Instrument 2024 (No. 5)

I, Daniel John Mossop, make the following instrument as a delegate of the AUSTRAC CEO.

Dated 11 April 2024

National Manager, Reform Policy and Mutual Evaluation
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 Pty Ltd) Instrument 2024 (No. 5)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Cessation

One year from the date of commencement of this instrument.

4 Authority

This instrument is:

- (a) made under subsection 248(1)(a) of the Act; and
- (b) subject to conditions as authorised under subsection 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) AUSTRAC entrusted person;
- (c) 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

Legal Practitioner means a person who is:

- (a) a legal practitioner (howsoever described) engaged by, or on behalf of, The Star or TSEG; or
- (b) employed by, or contracted to, a person described in paragraph (a) of this definition;

in connection with the Matter.

Matter means the New South Wales Independent Casino Commission's Review of The Star and TSEG established under the *Casino Control Act 1992* (NSW) on 19 February 2024 and undertaken by Mr Adam Bell SC on appointment by the New South Wales Independent Casino Commission.

Recipient means a person who is listed in subsection 8(2) of this instrument.

Relevant AUSTRAC information means AUSTRAC information disclosed by an AUSTRAC entrusted person to an Exempt Person, in accordance with subsection 121(2) of the Act.

Suspicious Matter Report means a report given to the AUSTRAC CEO under subsection 41(2) of the Act.

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

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

6 Application

This instrument applies to the disclosure of Relevant AUSTRAC information by the following persons:

- (a) The Star;
 - (b) TSEG;
 - (c) a Legal Practitioner
- in connection with the Matter.

7 Exempt provisions

- (1) The Star is exempt from subsection 121(5) of the Act.
- (2) TSEG is exempt from subsection 121(5) of the Act.
- (3) A 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 only disclose Relevant AUSTRAC information to the following persons:
 - (a) Mr Adam Bell SC;
 - (b) a person or persons Mr Adam Bell SC has authorised to receive documents produced under summons issued by him in connection with the Matter;
 - (c) a New South Wales government employee assisting with the Matter;
 - (d) a Legal Practitioner; or
 - (e) a director or employee of TSEG.
- (3) An Exempt Person may only disclose Relevant AUSTRAC information to a person specified in subsection (2) if the Relevant AUSTRAC information is not:
 - i. a Suspicious Matter Report; or
 - ii. information contained in a Suspicious Matter Report.
- (4) An Exempt Person may only disclose Relevant AUSTRAC information to a person specified in subsection (2)(a) if the Exempt Person is required by a coercive written notice issued under section 8 of the *Royal Commissions Act 1923* (NSW) to produce the Relevant AUSTRAC information.
- (5) An Exempt Person may only disclose Relevant AUSTRAC information to a person specified in subsection (2)(b)-(c) if:

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- (a) the Exempt Person has obtained a confidentiality undertaking from the Recipient in the form set out in Schedule 2 of this instrument, prior to the disclosure of the Relevant AUSTRAC information to the Recipient;
 - (b) the Exempt Person has identified the Relevant AUSTRAC information as being subject to the confidentiality undertaking; and
 - (c) the Exempt Person is required by a coercive written notice issued under section 8 of the *Royal Commissions Act 1923* (NSW) to produce the Relevant AUSTRAC information.

Note: A person is not required to sign a confidentiality undertaking for each subsequent disclosure of Relevant AUSTRAC information to them.

(6) An Exempt Person may only disclose Relevant AUSTRAC information to a person specified in subsection (2)(d)-(e) if:

- (a) the Exempt Person has obtained a confidentiality undertaking from the Recipient in the form set out in Schedule 2 of this instrument, prior to the disclosure of the Relevant AUSTRAC information to the Recipient; and
- (b) the Exempt Person has identified the Relevant AUSTRAC information as being subject to the confidentiality undertaking.

Note: A person is not required to sign a confidentiality undertaking for each subsequent disclosure of Relevant AUSTRAC information to them.

(7) Each Exempt Person must:

- (a) maintain a list in the form of the confidentiality table set out in Schedule 1 of this instrument of all Recipients who have been given Relevant AUSTRAC information;
- (b) update the list as soon as is practicable, and not later than five business days, after each disclosure of Relevant AUSTRAC information to an additional Recipient;
- (c) cause the list to be sent to the AUSTRAC CEO within 14 days after creating the list or updating the list; and
- (d) cause the AUSTRAC CEO to be notified in writing within 14 days of the particulars of Relevant AUSTRAC information disclosed to a Recipient specified in subsections (2)(a)-(c).

(8) Each Exempt Person must take all reasonable steps after the conclusion of the Matter to:

- (a) obtain all physical copies of Relevant AUSTRAC information held by each Recipient; and
- (b) request the deletion of all electronic copies of Relevant AUSTRAC information in the possession (actual or constructive) of each Recipient.

(9) The Star and TSEG must use best endeavours to obtain an order under section 143B of the *Casino Control Act 1992* (NSW) that any Relevant AUSTRAC information provided to the New South Wales Independent Casino Commission's Review of The Star and TSEG by The Star and TSEG will not be published.

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- (10) An Exempt Person must redact all information identifying AUSTRAC staff within the Relevant AUSTRAC information, prior to its disclosure to the New South Wales Independent Casino Commission's Review of The Star and TSEG.
- (11) 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 Relevant 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, Relevant AUSTRAC information to any person, either directly or indirectly, unless the disclosure is permitted by this undertaking; and
- (3) securely store any Relevant AUSTRAC information disclosed to me, or which I otherwise have access to; and
- (4) only disclose Relevant AUSTRAC information to the following persons:
 - (a) Mr Adam Bell SC;
 - (b) a person Mr Adam Bell SC has authorised to receive documents produced under summons issued by him in connection with the Matter;
 - (c) a New South Wales government employee assisting with the Matter;
 - (d) a Legal Practitioner; or
 - (e) a director or employee of TSEG; and
- (5) after the conclusion of the Matter, return any physical copies of documents containing Relevant AUSTRAC information to The Star or TSEG 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, Relevant AUSTRAC information immediately upon request by The Star or TSEG 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)*.

Exempt Person means The Star, TSEG or a Legal Practitioner.

Legal Practitioner means a person who is:

- (a) a legal practitioner (howsoever described) engaged by, or on behalf of, The Star or TSEG; or
- (b) employed by, or contracted to, a person described in paragraph (a);

in connection with the Matter.

Matter means the New South Wales Independent Casino Commission's Review of The Star and TSEG established under the *Casino Control Act 1992 (NSW)* on

19 February 2024 and undertaken by Mr Adam Bell SC on appointment by the New South Wales Independent Casino Commission.

Relevant AUSTRAC information means AUSTRAC information disclosed by an AUSTRAC entrusted person to an Exempt Person, in accordance with subsection 121(2) of the Act.

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