



Exemption 9 of 2017

Section 248 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*

I Bradley Brown, Acting Deputy CEO International and Policy, of the Australian Transaction Reports and Analysis Centre (AUSTRAC) and a delegate of the AUSTRAC CEO, pursuant to paragraph 248(1)(a) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act)*, hereby exempt Capricorn Society Limited, ACN 008 347 313 of 28 Troode St, West Perth WA 6005 (**Capricorn**) in respect of Capricorn's provision of designated services described in items 6 and 7, of table 1, subsection 6(2) of the AML/CTF Act (*the specified designated services*), from the following specified provisions of the AML/CTF Act:

- (a) Divisions 2 to 7 of Part 2 (other than section 39);
- (b) Divisions 2 to 5 of Part 3 (other than section 44);
- (c) Parts 3A, 5, 6 and 7
- (d) Part 10 (other than section 118)

during any period in which Capricorn satisfies all of the conditions specified in this instrument.

Conditions

Pursuant to paragraph 248(2)(b) of the AML/CTF Act, the exemption is subject to the following conditions and applies during any period in which both conditions are satisfied:

1. This exemption only applies to Capricorn to the extent that the loan referred to in item 6 or item 7 is a trade account facility or extended trade finance provided by Capricorn.
2. That if an event occurs that may affect Capricorn's compliance with this exemption, including the conditions, Capricorn must, in writing, notify the AUSTRAC CEO or delegate:
 - (e) within fourteen (14) days of the event occurring; or
 - (f) within such other period as is authorised in writing by the AUSTRAC CEO or delegate; otherwise, this exemption ceases to apply until Capricorn notifies the AUSTRAC CEO or delegate of the event.

Interpretation

In this instrument:

Trade account facility means short term, being no longer than 76 days, trade credit account established by Capricorn for a Capricorn Member (being any person who has entered into an Authorised Purchaser Agreement with Capricorn), on or through which that Capricorn Member may purchase goods and services from suppliers of goods and/or services who allow Capricorn Members to place such purchases on their Capricorn trade credit account.

Extended trade finance means the medium term, being greater than 75 days and no longer than 137 days, trade credit account established by Capricorn for a Capricorn Member (being any person who has entered into an Authorised Purchaser Agreement with Capricorn), on or through which that Capricorn Member may purchase goods and services from suppliers of goods and/or services who allow Capricorn Members to place such purchases on their Capricorn trade credit account.



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Bradley Brown
Acting Deputy CEO International and Policy
AUSTRAC

25 July2017

Important Notice to the person named in this instrument

1. Under subsection 248(3) of the AML/CTF 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 AML/CTF 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 this exemption must be submitted to the AUSTRAC CEO or an approved delegate no later than 14 days before the date the change is requested to commence.