



Exemption 12 of 2015

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

I, Bradley Brown, Acting National Manager, Strategic Intelligence and Policy, of the Australian Transaction Reports and Analysis Centre, pursuant to paragraph 248(1)(a) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act)*, exempt CBH Grain Pty Ltd ABN 390 089 394 883, ACN 089 394 883 (**CBH Grain**) from the following specified provisions of the AML/CTF Act:

- (a) item 35 of Table 1 in subsection 6(2)

Under paragraph 248(2)(b) of the AML/CTF Act the exemption is subject to the following conditions:

- (1) the derivative is a commodity swap product where the terms and conditions are contained in a commodity swap contract;
- (2) the derivative is issued to:
 - (a) a grower in Western Australia who is a current member of Co-operative Bulk Handling Limited ABN 29 256 604 947 as defined in the Rules of the Co-operative; or
 - (b) a grower in another State or Territory of Australia who:
 - (i) in either of the preceding two seasons before entering into the Commodity Swap contract, has delivered grain in a single delivery title, to a body comparable to Co-operative Bulk Handling Limited, in the other State or Territory; and
 - (ii) has delivered to the body an aggregate of not less than 600 tonnes of all grain deliveries made in single delivery title in the preceding three seasons before entering into the Commodity Swap contract; and
 - (iii) has produced the grain delivered and is not solely a deliverer for the purposes of receiving financial proceeds from the delivered grain;
- (3) the underlying commodity of the derivative is grain produced by the grower to whom the derivative is issued;

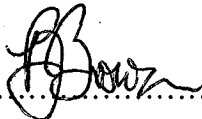
- (4) the derivative cannot be traded to a third party;
- (5) the derivative will terminate on or before the maturity date specified in the commodity swap contract;
- (6) if an event occurs that may affect CBH Grain's compliance with this exemption, including the conditions, CBH Grain must notify the AUSTRAC CEO or delegate:
 - (a) within 14 days of the event occurring; or
 - (b) within such other period as is authorised in writing by the AUSTRAC CEO or delegate;

Otherwise, this exemption ceases to apply until CBH Grain notifies the AUSTRAC CEO or delegate.

Definitions

In this Instrument:

- (1) 'commodity swap' means an agreement that a payout to a party is based upon the reference price of a commodity being traded for a fixed price over a specified period;
- (2) 'grain' means grains, oil seeds and pulses of all kinds, qualities and varieties including wheat, barley, oats, sorghum, maize and rice.



30 November 2015

Bradley Brown

Acting National Manager, Strategic Intelligence and Policy

Australian Transactions and Reports Analysis Centre

Important Notice to person named in this instrument

1. Any request for a change to this instrument must be submitted to the AUSTRAC CEO or approved delegate no later than 14 days before the date the change is requested to commence.
2. Pursuant to subsection 248(3), the person granted the exemption must comply with the conditions set out in the instrument. Subsection 248(3) is a civil penalty provision and failure to comply with those conditions may result in:
 - the exemption ceasing to apply to the person during any period in which the person does not comply with the relevant condition/s;
 - the revocation of the exemption; and
 - the AUSTRAC CEO making an application to the Federal Court of Australia for a civil penalty order requiring the person to pay a pecuniary penalty in respect of such a breach.
3. It is an offence under sections 136 and 137 of the AML/CTF Act to provide false or misleading information or false or misleading 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 may be initiated against the applicant.
4. The person granted the exemption may request the AUSTRAC CEO at any time to revoke or vary the exemption.