



Anti-Money Laundering and Counter-Terrorism Financing Act (Exemption) Instrument 2019 (No. 1)

I, Kathryn Haigh, National Manager, Legal and Policy Branch of the Australian Transaction Reports and Analysis Centre (AUSTRAC), make the following exemption instrument as delegate of the AUSTRAC CEO.

Dated

10 May 2019

K Haigh

Kathryn Haigh
National Manager, Legal and Policy
AUSTRAC

1 Commencement

This instrument commences on the day after it is signed.

2 Authority

This instrument is made under paragraph 248(1)(a) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act)*.

3 Application

This instrument applies to:

- (1) Boronia Capital Pty Limited ACN 059 507 872 (**BCPL**) in respect of the provision of designated services described in item 33 of table 1 in subsection 6(2) of the AML/CTF Act; and
- (2) GMF Custodian Pty Ltd ACN 074 076 387 (**GMF Trustee**) in respect of the provision of designated services described in item 35 of table 1 in subsection 6(2) of the AML/CTF Act.

4 Scope of exemption

BCPL and GMF Trustee are exempted from the following specified provisions of the AML/CTF Act:

- (1) Divisions 3 and 4 of Part 3; and
- (2) Part 5; and
- (3) Section 82.

5 Conditions

Pursuant to paragraph 248(2)(b) of the AML/CTF Act, this exemption is subject to the conditions outlined below.

- (1) This exemption only applies in the following circumstances:
 - (a) where the designated services specified above are provided to a company ultimately owned or controlled by Richard Grinham, Angus Grinham, Louise Grinham, or Catherine Grinham, or by any combination of them; and
 - (b) the current ownership of BCPL remains the same, or remains ultimately controlled by Angus Grinham or Richard Grinham, or both of them jointly; and
 - (c) the current ownership structure of GMF Trustee remains the same, or remains ultimately controlled by Angus Grinham or Richard Grinham, or both of them jointly.
- (2) That if an event occurs that may affect BCPL or GMF Trustee's compliance with this exemption, including the conditions, BCPL and/or GMF Trustee must, in writing, notify the AUSTRAC CEO within 14 days of the event occurring.

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:
 - (a) the exemption ceasing to apply to the person during any period in which the person does not comply with the relevant condition/s;
 - (b) the exemption being revoked;
 - (c) 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) However, any request to vary this exemption must be submitted to the AUSTRAC CEO no later than 28 days before the date the change is requested to commence.