



Anti-Money Laundering and Counter-Terrorism Financing Act (Exemption) Instrument 2019 (No. 3)

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

A handwritten signature in black ink, appearing to read 'K Haigh', written over a horizontal line.

Kathryn Haigh
National Manager, Legal and Policy Branch
AUSTRAC

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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 Definitions

Note: A number of expressions used in this instrument are defined in the definitions section of the AML/CTF Act, including the following:

- (a) designated service.

In this instrument:

Relevant Period means the period beginning on the day after this Instrument is signed and ending on 30 June 2020.

Trial Participant has the meaning given by sections 124PG to 124PGC of the *Social Security (Administration) Act 1999*.

Voluntary Participant has the meaning given by section 124PH(3) of the *Social Security (Administration) Act 1999*.

4 Application

This instrument applies to Indue Limited, ABN 97 087 822 464 (**Indue**) in respect of the provision of designated services described in items 1, 3, 18, 29 and 30 of table 1 in subsection 6(2) of the AML/CTF Act.

5 Scope of exemption

Indue is exempted from the following specified provisions of the AML/CTF Act:

- (1) Divisions 4 and 5 of Part 2.

6 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 respect of the specified designated services as provided by Indue in the following circumstances:
 - (a) During the Relevant Period; and
 - (b) Indue only provides the specified designated services where:
 - i. those services are provided to a customer as part of the Commonwealth Government trial of cashless welfare arrangements as set out in Part 3D of the *Social Security (Administration) Act 1999*; and
 - ii. the customer is either a:

A. Trial Participant; or

B. Voluntary Participant.

(2) Indue must notify the AUSTRAC CEO in writing, within 14 days of any event that may affect Indue's compliance with this exemption.

7 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Repeals

Exemption 6 of 2018

1 The whole of the instrument

Repeal the instrument.

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.