



## **Exemption 1 of 2017**

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

I, David Hawkins, Acting National Manager, Strategic Intelligence 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 the HSBC Australia Entities from the following specified provisions of the AML/CTF Act:

- a) subsection 123(1); and
- b) subsection 123(2)

during the relevant period within which the HSBC Australia Entities satisfy all of the conditions specified in this instrument.

### **Conditions**

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

1. This exemption only applies to communications relating to a suspicious matter reporting obligation of the HSBC Australia Entities made to staff of HSBC Electronic Data Processing India Private Limited, Corporate Identification Number (CIN) U72200TG2000PTC033858 (HSBC House, Plot No.8, Survey No.64 (Part), Hitec City Layout, Madhapur, Hyderabad, 500081, India) who:
  - are employed specifically to handle alerts relating to suspicious matter reporting obligations in Australia; and
  - have been approved by the HSBC Australia designated AML/CTF Compliance Officer.
2. The relevant period of this exemption is two (2) years from the date in which this exemption is made.
3. The HSBC Australia Entities must inform the AUSTRAC CEO or delegate of any changes that may affect the exemption within 14 days from when the change affecting the exemption occurs.

## Interpretation

In this instrument:

**HSBC Australia Entities** means any of the following companies:

- (a) HSBC Bank Australia Limited ABN 48 006 434 162
- (b) HSBC Custody Nominees (Australia) Limited ABN 43 003 094 568; and
- (c) The Hongkong and Shanghai Banking Corporation Limited ABN 65 117 925 970.



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David Hawkins

**Acting National Manager, Strategic Intelligence and Policy  
AUSTRAC**

.....29/6/.....2017

### **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.