



Anti-Money Laundering and Counter-Terrorism Financing Act (Exemption) Instrument 2019 (No. 4)

I, Kathryn Haigh, National Manager, Legal and Policy Branch, and delegate of the AUSTRAC CEO, make the following exemption instrument.

Dated *8 July 2019*

K Haigh
Kathryn Haigh
National Manager, Legal and Policy Branch
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 Definitions

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

- (a) designated service

In this instrument:

AAPC Entities means:

- (a) AAPC Management Limited ACN 086 453 205; and
- (b) Accor Australia & New Zealand Hospitality Pty Limited ACN 002 462 017; and
- (c) AAPC Properties Pty Limited ACN 065 560 885.

4 Application

This instrument applies to the AAPC Entities in respect of the provision of designated services described in item 35 of table 1 in subsection 6(2) of the AML/CTF Act

5 Scope of exemption

The AAPC Entities are exempted from the following specified provisions of the AML/CTF Act:

- (1) Divisions 2 to 7 of Part 2, excluding section 39; and
- (2) Divisions 2 to 5 of Part 3, excluding sections 42 and 44; and
- (3) Part 3A; and
- (4) Part 7; and
- (5) Part 10;

subject to the conditions specified in section 6 of this instrument.

6 Conditions

This instrument is subject to the following conditions, as authorised by paragraph 248(2)(b) of the AML/CTF Act:

- (1) The AAPC Entities must notify the AUSTRAC CEO in writing within 14 days of any event that may affect their compliance with this exemption.

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 or extend the operation of this exemption must be submitted to the AUSTRAC CEO or an approved delegate no later than 28 days before the date the change is requested to commence.