



Anti-Money Laundering and Counter-Terrorism Financing Act (Exemption) Instrument 2020 (No. 5)

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

Dated *7 July 2020*

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:

Ascender Entities means any of the following companies:

- (a) Ascender Pay Pty Ltd ACN 010 602 892;
- (b) Ascender Pay ANZ Pty Ltd ACN 007 326 418; and
- (c) Ascender Cloud Services Pty Ltd (formerly, Neller Pty Ltd) ACN 007 858 479.

4 Application

This instrument applies to the Ascender Entities in respect of their provision of designated services covered by items 31 and 32 of table 1 in subsection 6(2) of the AML/CTF Act.

5 Scope of exemption

The Ascender Entities are exempt from the following specified provisions of the AML/CTF Act:

- (1) Divisions 2 to 7 of Part 2 (other than section 39);
- (2) Divisions 2 to 6 of Part 3 (other than sections 42 and 44);
- (3) Parts 3A, 5, 6 and 7; and
- (4) Part 10 (other than section 118);

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 Ascender 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 this exemption must be submitted to the AUSTRAC CEO or an approved delegate no later than 3 months before the date the change is requested to commence.