



Anti-Money Laundering and Counter-Terrorism Financing Act (Exemption—CivicRisk Mutual Ltd) Instrument 2020 (No. 13)

I, Jennifer Ermert, Acting National Manager, Legal and Policy Branch, of the Australian Transaction Reports and Analysis Centre (AUSTRAC), make the following instrument as a delegate of the AUSTRAC CEO.

Dated 27/10/20

Jennifer Ermert
Acting National Manager, Legal and Policy Branch
AUSTRAC

Contents

1	Name	1
2	Commencement.....	1
3	Cessation.....	1
4	Authority.....	1
5	Definitions.....	1
6	Application.....	1
7	Exempt provisions.....	1
8	Conditions	1

Schedule 1—Repeals

Exemption 12 of 2017

1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing Exemption—CivicRisk Mutual Ltd Instrument 2020 (No. 13)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Cessation

This instrument ceases on 30 September 2022.

4 Authority

This instrument is:

- (1) made under paragraph 248(1)(a) of the Act; and
- (2) subject to conditions as authorised under paragraph 248(2)(b) of the Act.

5 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the Act, including the following:
(a) designated service.

In this instrument:

Act means the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

CivicRisk means CivicRisk Mutual Ltd ACN 605 323 948.

Government Entity has the meaning given to the term, *Australian Government Entity*, by Chapter 1, Part 1.2 of the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)*

6 Application

This instrument applies to the provision by CivicRisk of the designated service described in item 35 of Table 1 in subsection 6(2) of the Act.

7 Exempt provisions

CivicRisk is exempt from the following provisions of the Act:

- (1) sections 28–38, 41, 43, 47 and 106–117;
- (2) Parts 3A, 5, 6 and 7.

8 Conditions

This instrument is subject to the following conditions:

- (1) This exemption only applies where CivicRisk provides the designated service specified at section 6 of this instrument:

- (a) in the course of its business as a discretionary mutual fund; and
 - (b) to a customer who is:
 - (i) admitted by CivicRisk as a member of CivicRisk; and
 - (ii) a Government Entity.
- (2) CivicRisk must, in writing, notify the AUSTRAC CEO within 14 days of any event that may affect its ability to comply with this instrument.

Important Notice to the person named in this instrument

1. Under subsection 248(3) of the 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. This exemption is specific to, or is based on an assessment of the:
 - information or documents provided by, or on behalf of, the person to AUSTRAC in support of the exemption application; and
 - facts and circumstances relevant to the exemption application, including the nature and type of business activities the person undertakes at the time of the application.
3. Under sections 136 and 137 of the Act, it is an offence to provide false or misleading information or documents to the AUSTRAC CEO. 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.
4. The person granted the exemption may request the AUSTRAC CEO to revoke or vary the exemption at any time.
5. Any request to vary or extend this exemption must be submitted to the AUSTRAC CEO or an approved delegate no later than 90 days before the date the change is requested to commence.
6. This exemption does not preclude the person from making communications or disclosures that are otherwise permitted by law.

Schedule 1—Repeals

Exemption 12 of 2017

1 The whole of the instrument

Repeal the instrument.