



Anti-Money Laundering and Counter-Terrorism Financing Act (Exemption—Indue Ltd) Instrument 2021 (No. 4)

I, Kathryn Miller, make the following instrument as a delegate of the AUSTRAC CEO.

Dated 30 March 2021

A handwritten signature in blue ink that reads 'K. Miller'.

Kathryn Miller
National Manager, Legal and Enforcement
Australian Transaction Reports and Analysis Centre

Contents

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

Schedule 1—Repeals

Exemption 3 of 2019

Error! Bookmark not defined.

Error! Bookmark not defined.

1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Indue Ltd) Instrument 2021(No. 4)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Cessation

This instrument ceases to have effect on 31 December 2022.

4 Authority

This instrument is:

- (1) made under paragraph 248(1)(a) of the Act; and
- (2) subject to the conditions in section 8 of this instrument, 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*.

Indue means Indue Ltd (ABN 97 087 822 464)

Relevant Period means the period beginning on the day after this Instrument is signed and ending on 31 December 2022.

Program Participant has the meaning given by Part 3D of the *Social Security (Administration) Act 1999*

Payment Nominee has the meaning given by Part 3B of the *Social Security (Administration) Act 1999*

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

6 Application

This instrument applies to Indue Ltd in respect of the provision of designated services covered by items 1, 2, 3, 18, 18A, 29 and 30 of Table 1 in subsection 6(2) of the Act.

7 Exempted provisions

Indue Ltd is exempt from the following provisions of the Act:

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

8 Conditions

This instrument is subject to the following conditions:

- (1) This exemption only applies where Indue provides the designated services specified at section 6 of this instrument:
 - (a) During the Relevant Period; and
 - (i) to a customer as part of the Commonwealth Government's cashless welfare arrangements as set out in Part 3D of the *Social Security (Administration) Act 1999* (Cth); and
 - (ii) for designated services specified in items 1, 3, 18, 29 or 30 of Table 1 in subsection 6(2) of the Act, the designated service is provided to a customer who is either:
 - (A) a Program Participant; or
 - (B) a Voluntary Participant; and
 - (iii) for designated services specified in items 2 or 18A of Table 1 in subsection 6(2) of the Act, the designated service is provided to a customer who is a Payment Nominee; and
- (2) Indue must notify the AUSTRAC CEO, in writing, of any event that may affect its ability to comply with this instrument within 14 days of such an event occurring.

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 application made under subsection 248(1) of the Act; and
 - facts and circumstances relevant to the 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 3 of 2019

1 The whole of the instrument

Repeal the instrument.