



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Xinja Bank Limited) Instrument 2021 (No. 5)

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

Dated 16 February 2021

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

Kathryn Miller
National Manager, Legal and Enforcement
AUSTRAC

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1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Xinja Bank Limited) Instrument 2021 (No. 5)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Cessation

This instrument ceases on 31 March 2021.

4 Authority

This instrument is:

- (a) made under paragraph 248(1)(a) of the Act; and
- (b) 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) account.

In this instrument:

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

[REDACTED]

[REDACTED]

NAB means the National Australia Bank Limited ABN 12 004 044 937.

suspicious matter material means any information, the disclosure of which would engage subsections 123(1)–(3) of the Act, and includes information and documents requested by authorised persons under section 49 of the Act relating to a suspicious matter report.

suspicious matter report means a report given to the AUSTRAC CEO under subsection 41(2) of the Act.

Xinja Bank means Xinja Bank Limited ABN 99 618 937 054.

6 Application

This instrument applies to Xinja Bank if:

- (a) Xinja Bank discloses suspicious matter material to NAB; and
- (b) the suspicious matter material relates to the [REDACTED].

7 Exempt provisions

Xinja Bank is exempt from subsections 123(1)–(3) of the Act.

8 Conditions

- (1) This section specifies conditions that apply to the exemption.
- (2) The disclosure of suspicious matter material must be for the purpose of facilitating the transfer of funds in the [REDACTED] to NAB.

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. Under sections 136 and 137 of the 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 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.
5. This exemption does not preclude the person from making communications or disclosures that are otherwise permitted by law.