



Anti-Money Laundering and Counter-Terrorism Financing Act (Modification—Cash Converters Designated Business Group) Instrument 2021 (No. 2)

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

Dated 14 April 2021

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

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1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Modification—Cash Converters Designated Business Group) Instrument 2021 (No. 2)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Authority

This instrument is made under paragraph 248(1)(b) of the Act.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the Act, including the following:

- (a) person;
- (b) reporting entity.

In this instrument:

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

5 Amendment to Section 5 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*

The definition of ‘designated business group’ in section 5 of the Act applies in relation to persons specified in section 5 of this declaration as if:

- (a) paragraph (b) of the definition was modified by
 - i. *omitting* ‘the AML/CTF Rules’; and
 - ii. *substituting* ‘Form A attached to this declaration and provided by the Nominated Contact Officer to AUSTRAC’; and
- (b) paragraph (d) of the definition was modified by
 - i. *omitting* ‘such conditions (if any) as are specified in the AML/CTF Rules’; and
 - ii. *substituting* ‘the conditions in subparagraphs 2.1.2(2), 2.1.2(3), and paragraph 2.1.3 of the [Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 \(No. 1\)](#)’;
- (c) paragraph (e) of the definition was modified by:
 - i. *omitting* the paragraph; and
 - ii. *substituting*:
 - (e) each member of the designated business group is a reporting entity that is one of the following:
 - i. Cash Converters Pty Ltd ACN 009 288 804;
 - ii. Cash Converters Personal Finance Pty Ltd ACN 110 275 762;
 - iii. Cash Converters (Cash Advance) Pty Ltd ACN 127 866 308;

- iv. Cash Converters (Stores) Pty Ltd ACN 127 343 293;
- v. Green Light Auto Group Pty Limited ACN 131 507 474;
- vi. a person that is related within the meaning of section 50 of the *Corporations Act 2001* to a person listed in paragraph (e)(i)-(v); or
- vii. a person that is both:
 - a. a reporting entity; and
 - b. has entered into a written franchise agreement with Cash Converters Pty Ltd ACN 009 288 804

6 Application

This declaration applies to the following persons:

- (a) Cash Converters Pty Ltd ACN 009 288 804;
- (b) Cash Converters Personal Finance Pty Ltd ACN 110 275 762;
- (c) Cash Converters (Cash Advance) Pty Ltd ACN 127 866 308;
- (d) Cash Converters (Stores) Pty Ltd ACN 127 343 293;
- (e) Green Light Auto Group Pty Limited ACN 131 507 474;
- (f) a person that is related within the meaning of section 50 of the *Corporations Act 2001* to a person listed in subparagraphs (e)(i)-(v); or
- (g) a person that is both:
 - i. a reporting entity; and
 - ii. has entered into a written franchise agreement with Cash Converters Pty Ltd ACN 009 288 804.

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.

Form A

FORM FOR PARAGRAPH (b) OF THE DEFINITION OF ‘DESIGNATED BUSINESS GROUP’ IN SECTION 5 (AS MODIFIED BY MODIFICATION DECLARATION 2 OF 2021): ELECTION TO BE A MEMBER OF A DESIGNATED BUSINESS GROUP

For the purposes of paragraph (b) of the definition of ‘designated business group’ in section 5 of the AML/CTF Act (as modified by Modification Declaration 2 of 2021):

I, [name and role/title of Y], hereby elect on behalf of Y, to be a member of the Cash Converters designated business group. I hereby confirm that:

- (a) Y Pty Ltd is Cash Converters Pty Ltd ACN 009 288 804;
- (b) Y Pty Ltd is Cash Converters Personal Finance Pty Ltd ACN 110 275 762;
- (c) Y Pty Ltd is Cash Converters (Cash Advance) Pty Ltd ACN 127 866 308;
- (d) Y Pty Ltd is Cash Converters (Stores) Pty Ltd ACN 127 343 293;
- (e) Y Pty Ltd is Green Light Auto Group Pty Limited ACN 131 507 474; or
- (f) Y Pty Ltd is a person that is related within the meaning of section 50 of the *Corporations Act 2001* to a person listed in paragraph (a)-(e); or
- (g) Y Pty Ltd is a person that is both:
 - i. a reporting entity; and
 - ii. has entered into a written franchise agreement with Cash Converters Pty Ltd ACN 009 288 804.

DATE: