



## **Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Qantas Airways Ltd) Instrument 2021 (No. 26)**

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

Dated 26 November 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—Qantas Airways Ltd) Instrument 2021 (No. 26)*.

## 2 Commencement

This instrument commences on the day after it is signed.

## 3 Cessation

This instrument ceases to have effect on 31 December 2023.

## 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) designated service;
- (b) stored value card.

In this instrument:

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

*business customer* means a customer who:

- (a) is not an individual; and
- (b) holds flight credits that can be identified by reference to the customer's Australian Business Number.

*Business UATP* means a stored value card issued by Qantas to a business customer.

*eligible product* means:

- (a) airline tickets or related travel products sold by Qantas; or
- (b) goods or services sold by Qantas; or
- (c) goods or services sold by a business that is wholly-owned by Qantas, including:
  - (i) Qantas Group Accommodation Pty Ltd ACN 152 774 457; or
  - (ii) the Qantas Wine, Qantas Rewards, Qantas Hotels or Qantas Holidays businesses.

*flight credits* means the monetary value of a flight booking held by Qantas for a customer due to cancellation of the flight.

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*Qantas* means Qantas Airways Ltd ACN 009 661 901.

*Qantas Pass* means a stored value card issued by Qantas to a customer who is an individual.

## 6 Application

This instrument applies to Qantas in relation to the provision of the designated services described in items 23 and 24 of table 1 in subsection 6(2) of the Act, where the stored value card is a Qantas Pass or Business UATP.

Note: No part of the monetary value stored in connection with a stored value card covered by items 23 and 24 may be withdrawn in cash.

## 7 Exempt provisions

Qantas is exempt from the following provisions of the Act:

- (a) Part 2 (other than section 39);
- (b) Division 5 of Part 3;
- (c) Part 7;
- (d) Part 10.

## 8 Conditions

- (1) This section specifies conditions that apply to the exemption.
- (2) A Qantas Pass or Business UATP is issued to a customer in the following circumstances:
  - (a) the customer has accrued flight credits;
  - (b) the stored value card is issued to enable the customer to access the flight credits;
  - (c) some or all of the flight credits are transferred to the card.
- (3) The monetary value stored in connection with a Qantas Pass or Business UATP consists only of flight credits.
- (4) The monetary value stored in connection with a Qantas Pass must not exceed \$60,000.
- (5) A customer may only access the monetary value stored in connection with a Qantas Pass to purchase an eligible product.
- (6) A customer may only access the monetary value stored in connection with a Business UATP to purchase airline tickets sold by Qantas.
- (7) Qantas must, in writing, notify the AUSTRAC CEO within 14 days of any event that may affect its ability to comply with this instrument.

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**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.