



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—NULIS Nominees (Australia) Ltd) Instrument 2022 (No. 5)

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

Dated 4 April 2022

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—NULIS Nominees (Australia) Ltd) Instrument 2022 (No. 5)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Cessation

This instrument ceases to have effect on 31 July 2022.

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) customer;
- (b) designated service.

In this instrument:

Act means the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth)

DASP means a departing Australia superannuation payment

departing Australia superannuation payment has the same meaning as in section 301.170 of the *Income Tax Assessment Act 1997* (Cth)

NULIS Nominees means NULIS Nominees (Australia) Limited as trustee for MLC Super Fund ABN 80 008 515 633

6 Application

This instrument applies to NULIS Nominees in relation to the provision of the designated services described in item 43 of table 1 in subsection 6(2) of the Act to a customer listed in Schedule 1.

7 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

8 Exempt provisions

NULIS Nominees is exempt from the following provisions of the Act:

- (a) Divisions 2 to 7 of Part 2 (other than section 39); and
- (b) Division 3 of Part 10.

9 Conditions

- (1) This section specifies conditions that apply to the exemption.
- (2) The provision of the designated service:
 - a. amounts to a DASP pursuant to an application approved by the Australian Taxation Office; and
 - b. involves the final payment of outstanding superannuation entitlements being redirected to the customer's former employer; and
- (3) NULIS Nominees has obtained an assurance in writing from a person to the effect that the person has, in relation to each customer in the schedule, collected information about the customer's name, date of birth, and residential address in Australia; and
- (4) NULIS Nominees must, in writing, notify the AUSTRAC CEO within 14 days of an event that may affect its ability to comply with this instrument.

Schedule 1 - Customers

REDACTED

REDACTED

Schedule 2 – Repeals

NULIS Nominees (Australia) Ltd Instrument 2022 (No. 1)

1 The whole of the instrument

Repeal the 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.