



## **Anti-Money Laundering and Counter-Terrorism Financing Act (Exemption—Telstra Corporation Limited) Instrument 2022 (No.23)**

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

Dated 21 December 2022

A handwritten signature in blue ink, appearing to read 'K. Miller', is positioned below the date.

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 (Exemption—Telstra Corporation Limited) Instrument 2022(No. 23)*.

## 2 Commencement

This instrument commences on the day after it is signed.

## 3 Cessation

This instrument ceases to have effect on 1 January 2028.

## 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*.

*Related companies* means:

- (a) Telstra Limited (ACN 086 174 781);
- (b) Telstra Group Limited (ACN 650 620 303); and
- (c) Telstra Purple Pty Ltd (ACN 086 174 781).

*Telstra* means Telstra Corporation Limited (ACN 051 775 556).

## 6 Application

This instrument applies to Telstra and its related companies in respect of the provision of designated services covered by item 10 of Table 1 in subsection 6(2) of the Act.

## 7 Exempted provisions

Telstra and its related companies are exempt from the following provisions of the Act:

- (1) Divisions 2 to 7 of Part 2 (other than section 39);
- (2) Divisions 2 to 5 of Part 3 (other than section 44);
- (3) Parts 3A, 5, 6 and 7;

- (4) Part 10 (other than section 118).

## **8 Conditions**

This instrument is subject to the following conditions:

- (1) This exemption only applies where Telstra or their related companies provide the designated services specified at section 6 of this instrument to a customer for the supply of equipment incidental to the provision of telecommunications services. For the avoidance of doubt, telecommunication services includes the provision of carriage, information and communication technology services; and
- (2) Telstra 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 8 of 2016*

#### **1 The whole of the instrument**

Repeal the instrument.