



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Australian Securities and Investments Commission) Instrument 2024 (No.6)

I, Daniel Mossop, National Manager, Reform Policy and Mutual Evaluation Branch, make the following exemption as a delegate of the AUSTRAC CEO.

Dated 23/04/2024

A handwritten signature in blue ink, appearing to be 'D. Mossop', is written over the signature line.

Daniel Mossop
National Manager, Reform Policy and Mutual Evaluation Branch
Australian Transaction Reports and Analysis Centre

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1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Exemption— Australian Securities and Investments Commission) Instrument 2024 (No. 6)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Cessation

This instrument ceases to have effect 28 days after:

- (1) the Court makes a final judgement or order to resolve the Proceedings; or
- (2) the Proceedings are dismissed or discontinued;

whichever occurs first.

4 Authority

This instrument is:

- (1) made under subsection 248(1)(a) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth); and
- (2) subject to conditions made under subsection 248(2)(b) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth).

5 Definitions

In this instrument:

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

ASIC means the Australian Securities and Investments Commission.

Court means the Federal Court of Australia.

documents means documents referred to at items 27, 28, 29 and 30 of the schedule to ASIC's initial application, dated 9 August 2023 with identification numbers:

- SEG.0003.0006.0001;
- SEG.0003.0006.0004;
- SEG.0003.0006.0101;
- SEG.0003.0006.0172.

Proceedings means *ASIC v Bekier & Ors* (NSD 1082/2022) commenced in the Federal Court of Australia on 12 December 2022.

6 Application

This instrument applies to ASIC in relation to the making of a record, disclosure or use of the documents.

7 Exempted provisions

ASIC is exempt from subsection 126(1) of the Act.

8 Conditions

This instrument is subject to the following conditions:

- (a) the making of the record, disclosure or use of the documents is for the purpose of tendering the documents in the Proceedings;
- (b) the documents are subject of a declaration made by the AUSTRAC CEO under subsection 248(1)(b) of the Act to modify the operation of section 124 of the Act;
- (c) the documents have been disclosed to the parties to the Proceedings as part of discovery prior to subsection 126(3A) of the Act coming into effect on 14 September 2023;
- (d) ASIC 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. 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.
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.

