



## **Anti-Money Laundering and Counter-Terrorism Financing Act (Exemption—Metcash Entities) Instrument 2025 (No. 15)**

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I, Daniel Mossop, National Manager, Policy Rules and Guidance Branch of the Australian Transaction Reports and Analysis Centre (AUSTRAC), make the following exemption as a delegate of the AUSTRAC CEO.

9 July 2025

National Manager, Policy Rules and Guidance Branch  
AUSTRAC

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## 1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Metcash Entities) Instrument 2025 (No.15)*.

## 2 Commencement

This instrument commences on the day after it is signed.

## 3 Cessation

This instrument ceases to have effect three years after the day it is signed.

## 4 Authority

This instrument is:

- (1) made under paragraph 248(1)(a) of the Act; and
- (2) 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. ADI;
- b. business;
- c. designated service;
- d. loan.

In this instrument:

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

**Borrower** means a person to whom a Metcash Loan is provided.

**Business Establishment and Acquisition Finance** means a loan provided for the purposes of the Borrower acquiring (whether by way of acquisition of shares, assets or other interests) or establishing one or more businesses, including the site on which the business is or will be operated.

**Metcash Entity** means any of the following:

- a. Metcash Limited (ACN 112 073 480)
- b. Metcash Trading Limited (ACN 000 031 569)
- c. Metcash Food & Grocery Pty Ltd (ACN 004 391 422)

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- d. Independent Brands Australia Pty Limited (ACN 097 248 621)
  - e. Australian Liquor Marketers Pty Limited (ACN 002 885 645)
  - f. Australian Liquor Marketers (QLD) Pty Ltd (ACN 010 756 519)
  - g. Mitre 10 Australia Pty Ltd (ACN 009 713 704)
  - h. Metcash Food & Grocery Convenience Division Pty Limited (ACN 000 226 399)
  - i. Home Timber and Hardware Group Pty Ltd (ACN 004 037 049)
  - j. Total Tools Holdings Pty Ltd (ACN 138 595 525)
  - k. Total Tools Stores Pty Ltd (ACN 617 752 806)
  - l. Total Tools Commercial Pty Ltd (ACN 621 146 772)
  - m. Total Tools (Importing) Pty Ltd (ACN 084 220 342)
  - n. Total Tools Licensing Pty Ltd (ACN 143 791 735)
  - o. SFG Group Holdings Pty Ltd (ACN 607 436 386)
  - p. SFG Finance Pty Ltd (ACN 607 436 920), or
  - q. Superior Food Group Pty Ltd (ACN 607 519 737).

***Metcash Loan*** means a loan or loans provided by a Metcash Entity to a person who holds an Australian Business Number or Australian Company Number.

***Stock Finance*** means a loan provided for the purposes of the Borrower obtaining stock for or acquiring stock at a business owned, operated, or to be acquired by the Borrower.

***Refurbishment Finance*** means a loan provided for the purposes of the Borrower completing, uplifting or refreshing the fit out of or signage and display of branding for a business owned, operated, or to be acquired by the Borrower.

***Related body corporate*** has the meaning given by section 50 of the *Corporations Act 2001* (Cth).

***Trading Debt Consolidation Finance*** means a loan provided for the purposes of the Borrower consolidating debt owed or owing to suppliers for goods and services received, or to be received, in relation to the operation of a business owned or operated by the Borrower.

***Transition Finance*** means a loan provided for the purposes of the Borrower transitioning to and implementing new supply arrangements in relation to the operation of the Borrower's business owned or operated by the Borrower.

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## 6 Application

This instrument applies to a Metcash Entity in respect of the provision of designated services described in items 6 and 7 of table 1 in subsection 6(2) of the Act in relation to a Metcash Loan.

## 7 Scope of exemption

A Metcash Entity is exempt from the following provisions of the Act:

- (1) Divisions 2 to 7 of Part 2 (other than section 39);
- (2) Division 2 to 5 of Part 3 (other than section 44);
- (3) Parts 3A, 5, 6 and 7; and
- (4) Part 10 (other than section 118).

## 8 Conditions

This instrument is subject to the following conditions:

- (1) All advances and repayments (excluding application of rebates) under a Metcash Loan must be made by electronic funds transfer to and from an account held with an ADI by:
  - a. the Metcash Entity that is the lender; or
  - b. a related body corporate of that Metcash Entity.
- (2) A Metcash Loan must only be provided to a person operating or acquiring, or proposing to operate or acquire, one or more businesses:
  - a. in the food/grocery, liquor or hardware sectors; and
  - b. that has a contractual and trading relationship with a Metcash Entity or a related body corporate of a Metcash Entity.
- (3) A Metcash Loan is limited to one of the following loan types:
  - a. Business Establishment and Acquisition Finance
  - b. Refurbishment Finance
  - c. Stock Finance
  - d. Trading Debt Consolidation Finance
  - e. Transition Finance.
- (4) A Metcash Entity must not provide a Metcash Loan unless the Metcash Entity has collected:
  - a. if an individual, the Borrower's full name;
  - b. if an individual, the Borrower's date of birth;

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- c. the full business name (if any) under which the Borrower carries on their business;
  - d. the full address of the Borrower's principal place of business (if any) or the Borrower's residential address;
  - e. the Borrower's Australian Business Number or Australian Company Number; and
  - f. if the Borrower is a trust:
    - i. the full name and address of each trustee in respect of the trust; and
    - ii. either:
      - 1. the full name of each beneficiary in respect of the trust; or
      - 2. if the terms of the trust identify the beneficiaries by reference to membership of a class – details of the class.
- (5) A Metcash Entity must make a record of the information collected under subsection (4) and retain that record for 7 years after making it.
- (6) A Metcash Entity must notify the AUSTRAC CEO, in writing, within 14 days of any event that may affect any Metcash Entity's compliance 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.