



Australian Government  
Australian Transaction Reports  
and Analysis Centre

## Exemption 2 of 2012

### Section 248 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*

I, John Lance Schmidt, AUSTRAC Chief Executive Officer (**CEO**), pursuant to paragraph 248(1)(a) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (**AML/CTF Act**), hereby exempt Australia and New Zealand Banking Group Limited, ABN 11 005 357 522 (**ANZ**) of Level 9, 833 Collins Street, Docklands, VIC 3008 from complying with Part 2, Division 3 to 5 of the AML/CTF Act in respect of the provision of the designated services described in items 1, 2 and 3 in Table 1, subsection 6(2) of the AML/CTF Act.

### Conditions

The following conditions are specified pursuant to paragraph 248(2)(b) of the AML/CTF Act:

1. This exemption only applies:
  - (a) when a debenture customer of Esanda Finance Corporation Limited, ABN 64 004 346 043 (**Esanda**), rolls over all of the monies from an Esanda debenture into a new Esanda Term Deposit account provided by the ANZ or a new ANZ Term Deposit account provided by the ANZ;
  - (b) when a debenture customer of Esanda rolls over part of the monies from an Esanda debenture into a new Esanda Term Deposit account provided by the ANZ or a new ANZ Term Deposit account provided by the ANZ and the remaining monies from the Esanda debenture is paid out to the customer;
  - (c) when the monies contained in the Esanda Term Deposit or the ANZ Term Deposit described in subparagraphs (a) or (b) is subsequently rolled over into another Esanda Term Deposit account provided by the ANZ or another ANZ Term Deposit account provided by the ANZ; or
  - (d) when the Esanda Term Deposit account or the ANZ Term Deposit account described in subparagraphs (a), (b) or (c) matures and the monies contained in the account or accounts (whichever is applicable) is paid out to the customer;

subject to and for so long as:

- (e) the customer does not deposit or add additional monies that are not within an Esanda debenture to the Esanda Term Deposit or ANZ Term Deposit account or accounts when rolling over the monies as described in subparagraphs (a), (b) and (c); and
- (f) ANZ carries out the applicable customer identification procedure within 14 days after the day on which a suspicious matter reporting obligation arises in relation to the customer; and
- (g) ANZ informs the AUSTRAC CEO or delegate of any change that may affect the exemption and/or conditions imposed by this written instrument within 14 days of the change first occurring.

where in these conditions:

'applicable customer identification procedure' has the meaning described in section 5 of the AML/CTF Act.

'customer' means a customer who has not been the subject of the applicable customer identification procedure by the ANZ and who is not a pre-commencement customer of the ANZ.

'debenture' has the meaning described in section 9 of the *Corporations Act 2001*.

'pre-commencement customer' means a customer to whom the ANZ commenced to provide a designated service before the commencement of section 28 of the AML/CTF Act.



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John Lance Schmidt  
CHIEF EXECUTIVE OFFICER

23 FEBRUARY 2012

### **Important Notice to person granted this exemption**

1. Any request for a change to this instrument must be submitted to the AUSTRAC CEO or approved delegate no later than 14 days before the date the change is requested to commence.
2. Pursuant to subsection 248(3) of the AML/CTF Act, the person granted the exemption must comply with the conditions set out in the instrument. Failure to comply with those conditions may result in:
  - the revocation of the exemption; and
  - the AUSTRAC CEO making an application to the Federal Court of Australia for a civil penalty order requiring the person to pay a pecuniary penalty in respect of such a breach.
3. It is an offence under sections 136 and 137 of the AML/CTF Act to provide false or misleading information or false or misleading 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 may be initiated against the applicant.
4. The person granted the exemption may request the AUSTRAC CEO to revoke or vary the exemption at any time.