



Exemption 1 of 2013

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

I, John Lance Schmidt, AUSTRAC Chief Executive Officer, acting under paragraph 248(1)(a) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act)*, and subject to the conditions set out in this instrument, exempt the persons described below as ‘Infigen Energy Entities’ (each an **Infigen Energy Entity**), from the following specified provisions of the AML/CTF Act:

- (a) any item of table 1 in subsection 6(2) of the AML/CTF Act (each a **Designated Service**);

Infigen Energy Entities

For the purposes of this exemption, the following entities are Infigen Energy Entities:

- (a) Infigen Energy Limited ABN 39 105 051 616 of Level 22, 56 Pitt Street, Sydney, NSW 2000;
- (b) Infigen Energy Trust ARSN 116 244 118 of Level 22, 56 Pitt Street, Sydney, NSW 2000;
- (c) Infigen Energy RE Limited ABN 61 113 813 997 of Level 22, 56 Pitt Street, Sydney, NSW 2000 as responsible entity of Infigen Energy Trust ARSN 116 244 118;
- (d) Infigen Energy (Bermuda) Limited, ARBN 116 360 715, registration number 37277, registered in Bermuda;
- (e) each related body corporate within the meaning of the *Corporations Act 2001 (Corporations Act)* of each of Infigen Energy Limited, Infigen Energy Trust, Infigen Energy RE Limited and Infigen Energy (Bermuda) Limited from time to time; and
- (f) each entity controlled by an entity specified in paragraphs (a) to (e).

For the purposes of this paragraph, ‘control’ has the same meaning as in the *Corporations Act*.

Conditions specified pursuant to paragraph 248(2)(b) of the AML/CTF Act

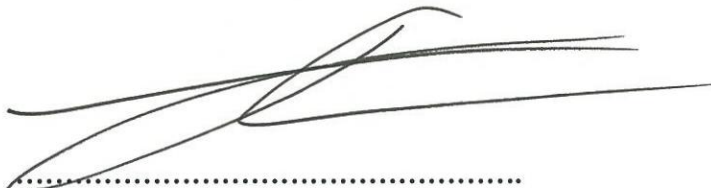
1. This exemption applies only if, and during any period that all of the following conditions are satisfied:
 - (a) the exemption only applies in respect of a Designated Service provided by an Infigen Energy Entity to other Infigen Energy Entities or, in the case of a Designated Service under item 48 and 49 of table 1 in subsection 6(2) of the AML/CTF Act, provided to a lender where the borrower is an Infigen Energy Entity; and
 - (b) the exemption only applies if the customer is resident in Australia; or if the customer is not resident in Australia, prior to providing the Designated Service, the Infigen Energy Entity providing the service has concluded on reasonable

grounds that the money-laundering and terrorism financing risk of providing the service is the same as, or lower than, these risks would be in providing the same service to a substantially similar customer in Australia.

For the purposes of this paragraph, 'customer' has the same meaning as section 5 of the AML/CTF Act; and

- (c) one ordinary share in Infigen Energy Limited, one ordinary unit in Infigen Energy Trust and one ordinary share in Infigen Energy (Bermuda) Limited are stapled such that units and shares can only be issued, transferred or otherwise dealt with together (**Infigen Energy Stapled Securities**); and
 - (d) the Infigen Energy Stapled Securities are listed on the Australian Securities Exchange.
2. If an event occurs that may affect an Infigen Energy Entity's compliance with this exemption, and/or conditions, the Infigen Energy Entity must notify the AUSTRAC CEO or delegate:
- (a) within 14 days of the event occurring; or
 - (b) within such other period as is authorised in writing by the AUSTRAC CEO or delegate;

otherwise, this exemption ceases to apply until the Infigen Energy Entity notifies the AUSTRAC CEO or delegate of the event.



John Lance Schmidt
CHIEF EXECUTIVE OFFICER

// January 2013

Important Notice to person named in this instrument

1. Under subsection 248(3) of the AML/CTF Act, a person granted an exemption subject to one or more conditions must comply with the conditions set out in the instrument. Failure to comply with subsection 248(3) is a civil penalty provision and may result in:
 - the revocation of the exemption; and
 - 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. It is an offence under sections 136 and 137 of the AML/CTF Act 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 may be initiated against the applicant.
3. The person granted the exemption may request the AUSTRAC CEO at any time to revoke or vary the exemption.
4. Any request to vary this exemption must be submitted to the AUSTRAC CEO or approved delegate no later than 14 days before the date the change is requested to commence.