



Exemption

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

I, Neil J Jensen PSM, AUSTRAC CEO, pursuant to paragraph 248(1)(a) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act)*, hereby exempt Pacific Custodians Pty Limited (*Pacific Custodians*) ABN 66 009 682 866 of Level 12, 680 George Street, Sydney, NSW, 2000, in respect of Pacific Custodian's provision of designated services described in Item 54 of Table 1, subsection 6(2) of the AML/CTF Act, from the following specified provisions of the AML/CTF Act:

- (a) sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 37 and 38.

Conditions

Pursuant to paragraph 248(2)(b) of the AML/CTF Act, the exemption is subject to the following conditions:

1. Pacific Custodians must inform the AUSTRAC CEO or delegate of any changes that may affect the exemption and/or conditions imposed by this written instrument within 14 days from when the change affecting the exemption occurs.
2. This exemption only applies in the following circumstances:

In the provision of share sale facilities with respect to employee share plans so as to provide designated services described in Item 54, Table 1, subsection 6(2) of the AML/CTF Act, and

- (i) The employee share plan is of a type listed in Appendix A and currently offered to customers by Pacific Custodians,
- (ii) The share sale facility only applies to plans for publicly listed companies, and
- (iii) The share sale facility only applies to plans which operate in accordance with ASIC Regulatory Guide 49.


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Neil J Jensen PSM, AUSTRAC CEO

20 March 2009

Appendix A – types of employee share plans

Type of plan	Description
Gift	Participating employer gifts participating employee securities.
Contribution (usually deferred plan)	Participating employer allows participating employee to purchase securities – usually from pre-tax contributions for a deferred plan.
Loan	Participating employer lends participating employee funds for the purchase of shares via the employee share plan. If the employee leaves, the loan becomes repayable – it is either recourse or non-recourse beyond the proceeds of the sale of the securities.
Partly paid shares	The participating employee has a window to make a call and pay all or part of the balance remaining on the shares. If they leave, a call is placed automatically on the balance.
Performance rights	Employee share plan involving the grant of zero priced options.
Deferred share grants	Participating employer makes grants of shares for nil consideration. The distinction with a performance rights plan is that the participating employee has immediate entitlement to dividends.
Options	Employee share plan involving the grant of options.

Important Notice to person named in this instrument

1. Any request for a change to this instrument must be submitted to the AUSTRAC CEO or approved delegate within 14 days from when the change is sought.
2. Pursuant to subsection 248(3), 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 action against the person may be commenced under subsection 248(3) of the AML/CTF Act.
3. It is an offence under sections 136, 137 and 138 of the AML/CTF Act to provide false and misleading information or false documents. If any of the information submitted by the applicant or its representatives is found to be false and 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 at any time to change the exemption.