



## Exemption

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

I, Neil James 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 the person described in the Schedule below (the *applicant*), in respect of the applicant's provision of designated services described in Items 33, 34, 46, 51 and 53 of Table 1, subsection 6(2) of the AML/CTF Act, from the following specified provisions of the AML/CTF Act:

- (a) sections 1-252.

This instrument revokes and replaces the instrument dated 30 December 2008 that was made under paragraph 248(1)(a) of the AML/CTF Act for the benefit of the applicant in respect of the relevant provisions.

### Conditions

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

1. The applicant 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 relevant change occurs.
2. This exemption only applies in the following circumstances—if the applicant is acting:
  - a. as a manager, appointed by law, of the financial affairs of a person who is unable to manage their own affairs; or
  - b. by appointment of a Tribunal or Court to provide financial management services for people unable to manage their own affairs; or
  - c. to authorise and direct persons appointed by a Tribunal or Court to manage the financial affairs of persons who are unable to manage their own affairs; or
  - d. as an administrator or executor for deceased estates; or
  - e. as trustee for trusts created by wills, inter vivos deeds, or an order of a Tribunal or Court or a direction of a statutory office-holder; or
  - f. as an attorney under power of attorney; or

- g. as an agent or custodian; or
- h. as an account manager for unclaimed monies legislation; or
- i. as a manager of assets under crimes confiscation legislation.

### **Schedule**

Protective Commissioner of NSW of 144 Clarence Street, Sydney NSW 2000



25 June 2009

Neil J Jensen PSM AUSTRAC CEO

### **Important Notice to the applicant**

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 applicant 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 applicant 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 applicant granted the exemption may request the AUSTRAC CEO at any time to change the exemption.