



## Exemption 5 of 2011

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

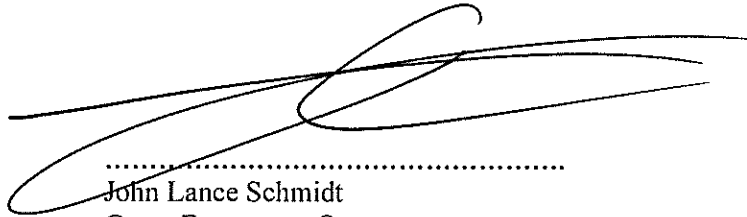
I, John Lance Schmidt, AUSTRAC Chief Executive Officer (**CEO**), pursuant to paragraph 248(1)(a) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (**AML/CTF Act**), hereby:

1. REVOKE the exemption made by Neil J Jensen, as AUSTRAC CEO, pursuant to paragraph 248(1)(a) of the AML/CTF Act, on 25 June 2009, in relation to the Public Trustee of New South Wales of 19 O'Connell Street, Sydney, NSW, 2000, in respect of the provision, in certain circumstances, of the designated services described in items 33, 34, 46, 51 and 53 in table 1 in subsection 6(2) of the AML/CTF Act from sections 1-252 of the AML/CTF Act; and
2. REVOKE the exemption made by Neil J Jensen, as AUSTRAC CEO, pursuant to paragraph 248(1)(a) of the AML/CTF Act, on 25 June 2009, in relation to the Protective Commissioner of NSW of 144 Clarence Street, Sydney, NSW, 2000, in respect of the provision, in certain circumstances, of the designated services described in items 33, 34, 46, 51 and 53 in table 1 in subsection 6(2) of the AML/CTF Act from sections 1-252 of the AML/CTF Act; and
3. EXEMPT the NSW Trustee and Guardian (ABN 63 764 821 435) of 19 O'Connell Street, Sydney, NSW, 2000, in respect of the provision of the designated services described in items 33, 34, 46, 51 and 53 in table 1 in subsection 6(2) of the AML/CTF Act, from sections 1-252 of the AML/CTF Act.

### Conditions

4. Pursuant to paragraph 248(2)(b) of the AML/CTF Act, the exemption set out in paragraph 3 is subject to the following conditions:
  - a. The NSW Trustee and Guardian 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.
  - b. This exemption only applies in the following circumstances—if the NSW Trustee and Guardian is acting:
    - i. as a manager, appointed by law, of the financial affairs of a person who is unable to manage their own affairs; or

- ii. by appointment of a Tribunal or Court to provide financial management services for people unable to manage their own affairs; or
- iii. by authorising and directing persons appointed by a Tribunal or Court to manage the financial affairs of persons who are unable to manage their own affairs; or
- iv. as an administrator or executor for deceased estates; or
- v. 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
- vi. as an attorney under power of attorney; or
- vii. as an agent or custodian; or
- viii. as an account manager for unclaimed monies legislation; or
- ix. as a manager of assets under crimes confiscation legislation.



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John Lance Schmidt  
CHIEF EXECUTIVE OFFICER

13 APRIL 2011

### **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 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 to the AUSTRAC CEO under the AML/CTF Act. 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.