



## Exemption 2 of 2015

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

I, Amanda Kylie Wood, AUSTRAC Acting Executive General Manager, Operations, 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 specified in this instrument, exempt BHP Coal Pty Ltd (ABN 83 010 595 721) of Level 20, 1 Eagle Street, Brisbane City, QLD 4000 (BHP Coal) from the following specified provision of the AML/CTF Act:


(a) Part 7;

during any period in which BHP Coal satisfies all of the conditions specified in this instrument.

#### Conditions

1. That BHP Coal only provides the designated services set out in items 6 and 7 of table 1 in subsection 6(2) of the AML/CTF Act to employees of BHP Coal.
2. That the provision of designated services set out in items 6 and 7 of table 1 in subsection 6(2) of the AML/CTF Act by BHP Coal to its employees involves loans that are non-recourse and for which no interest is payable and from which BHP Coal does not derive any income.
3. This exemption applies from the date it is signed until 31 December 2015.
4. That if an event occurs that may affect BHP Coal's compliance with this exemption, including the conditions, BHP Coal 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 BHP Coal notifies the AUSTRAC CEO or delegate of the event.

  
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Amanda Kylie Wood

ACTING EXECUTIVE GENERAL MANAGER, OPERATIONS AUSTRAC

13 March 2015

### **Important Notice to the 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 specified in the instrument. Failure to comply with subsection 248(3) is a civil penalty provision and may result in any or all of the following:
  - the exemption ceasing to apply to the person during any period in which the person does not comply with the relevant condition/s;
  - the exemption being revoked;
  - 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. Under sections 136 and 137 of the AML/CTF Act, it is an offence 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 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.