



## Exemption 8 of 2018

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

I, Jennifer Ermert, acting National Manager, Legal Strategy and Solutions, of the Australian Transaction Reports and Analysis Centre (**AUSTRAC**), acting pursuant to paragraph 248(1)(a) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (**AML/CTF Act**):

- (1) exempt Rio Tinto Finance Limited ABN 89 008 559 046 (**RTFL**) from the following specified provisions of the AML/CTF Act during the Relevant Period:
  - (a) item 35 of table 1 in subsection 6(2), only insofar as it relates to the issue or sale of a derivative.

This instrument commences on the day after it is signed.

### Conditions

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

- (1) The derivative arrangement is entered into by RTFL:
  - (a) for the sole purpose of hedging against a risk or risks in relation to commodity price exposures to which another Rio Tinto Group company is or will be exposed; and
  - (b) on a back-to-back principal basis so that the other Rio Tinto Group company receives the benefit of the derivative arrangement.
- (2) That if an event occurs that may affect RTFL's compliance with this exemption, including the conditions, RTFL must notify the AUSTRAC CEO in writing:
  - (a) within 14 days of the event occurring; or
  - (b) within such other period as is authorised in writing by the AUSTRAC CEO;

otherwise, this exemption ceases to apply until RTFL notifies the AUSTRAC CEO of the event.

## Interpretation

In this instrument:

- (1) **derivative** has the same meaning as given by Chapter 7 of the *Corporations Act 2001*.
- (2) **hedging** means a financial arrangement to mitigate risk where the value of the derivative changes in response to changes in a specified commodity price.
- (3) **Rio Tinto Group** means the following:
  - (a) Rio Tinto Limited ABN 96 004 458 404 of Level 33, 120 Collins Street, Melbourne VIC 3000, Australia;
  - (b) Rio Tinto plc, company number 719885, registered in England, of 6 St James's Square, London, SW1Y 4AD, United Kingdom;
  - (c) each related body corporate within the meaning of the *Corporations Act 2001* of each of Rio Tinto Limited and Rio Tinto plc;
  - (d) each subsidiary within the meaning of the *United Kingdom Companies Act (2006 c.46)* of each of Rio Tinto Limited and Rio Tinto plc; and
  - (e) Queensland Alumina Limited ABN 98 009 725 044 of 'Plant Operations Building' Parsons Point, Gladstone, QLD 4680, Australia.

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Jennifer Ermert  
**Acting National Manager**  
**Legal Strategy and Solutions**  
**AUSTRAC**

.....20/7/2018

### **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 to revoke or vary the exemption at any time.
4. Any request to vary this exemption must be submitted to the AUSTRAC CEO or approved delegate no later than 28 days before the date the change is requested to commence.