



Exemption 8 of 2011

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

1. I, John Lance Schmidt, Chief Executive Officer of the Australian Transaction Reports and Analysis Centre, acting under paragraph 248(1)(a) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act)*, exempt the persons specified in clause 2 of this exemption from the following specified provisions of the AML/CTF Act:
 - (a) subsection 51B(1).
2. This exemption applies to a person that operates as a remittance affiliate of a remittance network provider (**RNP**) and to whom all of the following apply:
 - (a) the person is not an independent remittance dealer;
 - (b) the person is a remittance affiliate of no more than one RNP;
 - (c) the person only provides a designated service of the kind mentioned in either or both item 31 or 32 of Table 1 in subsection 6(2) of the AML/CTF Act.

Conditions

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

1. The person is on a list of remittance affiliates provided on the person's behalf to the AUSTRAC CEO by the person's RNP on or before 28 November 2011, and either of 1.1 or 1.2, whichever is the earlier, is also satisfied:
 - 1.1 the list provided on the person's behalf by the RNP is updated on the following dates:
 - (a) on the last business day before the 2012 census day; and
 - (b) on 30 March 2012; and
 - (c) on 31 May 2012; and
 - (d) on 31 July 2012; and
 - (e) on 28 September 2012.
 - 1.2 the person has had an application in writing made on the person's behalf to the AUSTRAC CEO by the RNP under subsection 51E(1).
2. The person has had an application in writing made on the person's behalf by their RNP to the AUSTRAC CEO under subsection 51E(1) on or before 31 October 2012 .

Interpretation

For the purposes of this exemption:

2012 census day means the day the AUSTRAC CEO determines, by legislative instrument, to be the census day.

remittance network provider means a person that operates a network of persons and provides a designated service covered in item 32A of Table 1 in subsection 6(2) of the AML/CTF Act.

remittance affiliate means a person that:


- (a) provides a designated service covered by item 31 or 32 of Table 1 in subsection 6(2) of the AML/CTF Act; and
- (b) provides that service as part of a network of persons, referred to in item 32A of Table 1 in subsection 6(2) of the AML/CTF Act, which network is operated by another person who is a remittance network provider; and

independent remittance dealer means a person that:

- (a) provides a designated service covered by item 31 or 32 of Table 1 in subsection 6(2) of the AML/CTF Act; and
- (b) provides that service other than as part of a network of persons, referred to in item 32A of Table 1 in subsection 6(2) of the AML/CTF Act.

Operation

This exemption commences on 1 November 2011 and expires at the end of 31 October 2012.



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John Lance Schmidt
CHIEF EXECUTIVE OFFICER

25 November 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), 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. 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 at any time to revoke or vary the exemption.