



## Exemption 5 of 2014

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

I, John Lance Schmidt, acting AUSTRAC Chief Executive Officer, 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 BMW Financial Services New Zealand Limited ARBN 128 019 456 (**BMW NZ**) from the following provisions of the AML/CTF Act:

- (a) sections 45 and 47
- (b) Parts 3A, 7 and 10

during any period in which BMW NZ satisfies all of the conditions specified in this instrument.

### Conditions specified pursuant to paragraph 248(2)(b) of the AML/CTF Act

1. That BMW NZ provides only the designated service described in items 6, 7, 10, 11, 12 or 13 of Table 1 in subsection 6(2) of the AML/CTF Act:
  - (a) at or through a permanent establishment in New Zealand; and
  - (b) to a customer in New Zealand.
2. That if an event occurs that may affect BMW NZ's compliance with this exemption, including the conditions, BMW NZ 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 BMW NZ notifies the AUSTRAC CEO or delegate of the event.

.....  
John Lance Schmidt  
ACTING CHIEF EXECUTIVE OFFICER

31...OCTOBER...2014

### **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 14 days before the date the change is requested to commence.