



Exemption 4 of 2020

I, Kathryn Haigh, National Manager, Legal and Policy Branch, and delegate of the AUSTRAC CEO, make the following exemption instrument.

Dated *10 August 2020*

K Haigh
Kathryn Haigh
National Manager, Legal and Policy Branch

Contents

1 Commencement	1
2 Authority.....	1
3 Definitions	1
4 Application	1
5 Scope of exemption	1
6 Conditions.....	2

1 Commencement

This instrument commences on the day after it is signed.

2 Authority

This instrument is made under paragraph 248(1)(a) of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act).

3 Definitions

Note: A number of expressions used in this instrument are defined in the definitions section of the AML/CTF Act, including the following:

(a) “designated service”.

In this instrument:

Church trust property means any property held on trust for or for the use, benefit or purposes of:

- a. the Anglican Church of Australia in the Diocese of Sydney; or
- b. any parochial unit of the Anglican Church of Australia in the Diocese of Sydney; or
- c. any diocesan organisation of the Anglican Church of Australia in the Diocese of Sydney.

GAB means Glebe Administration Board in its capacity as trustee of the Diocesan Cash Investment Fund (ABN 16 824 150 770)

Standing Committee of the Synod means that Committee constituted under *Standing Committee Ordinance 1897* of the Anglican Church of Australia Diocese of Sydney.

Synod means the Synod of the Anglican Church of Australia Diocese of Sydney.

4 Application

This instrument applies to GAB in respect of the provision of designated services described in item 35 of table 1 in subsection 6(2) of the AML/CTF Act.

5 Scope of exemption

GAB is exempt from the following provisions of the AML/CTF Act:

- (1) Divisions 2 to 7 of Part 2 (other than section 39);
- (2) Division 5 of Part 3;
- (3) Part 7; and

(4) Part 10

6 Conditions

This instrument is subject to the following conditions, as authorised by paragraph 248(2)(b) of the AML/CTF Act:

- (1) GAB must notify the AUSTRAC CEO, in writing, within 14 days of any event that may affect its compliance with this instrument.
- (2) This instrument only applies in relation to GAB in respect of customers that are:
 - a. Organisations constituted by or under the authority of the Synod or the Standing Committee of the Synod;
 - b. Organisations in relation to which the Synod or the Standing Committee of the Synod is empowered to make ordinances or other binding rules; and
 - c. Trustees of church trust property.

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 an approved delegate no later than 90 days before the date the change is requested to commence.