



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Boardroom Pty Ltd) Instrument 2022 (No. 19)

I, Lauren Hirsh, make the following instrument as a delegate of the AUSTRAC CEO.

Dated 7 October 2022

Lauren Hirsh
Acting National Manager, Legal and Enforcement
Australian Transaction Reports and Analysis Centre

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1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Boardroom Pty Ltd) Instrument 2022 (No. 19)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Cessation

This instrument ceases on 30 September 2027.

4 Authority

This instrument is:

- (a) made under paragraph 248(1)(a) of the Act; and
- (b) subject to conditions as authorised under paragraph 248(2)(b) of the Act.

5 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the Act, including the following:

- (a) account;
- (b) authorised deposit-taking institution (ADI)
- (c) company;
- (d) corporate group;
- (e) managed investment scheme;
- (f) person.

In this instrument:

Act means the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

Boardroom means Boardroom Pty Ltd (ABN 14 003 209 836).

customer means the person to whom Boardroom provides any of the following:

- (a) EEP Services;
- (b) Share Registry Services.

EEP Services means any of the following:

- (a) Employee Equity Plan documentation services;
- (b) Employee Equity Plan maintenance services;
- (c) Employee Equity Plan purchase facilities;
- (d) Employee Equity Plan sale facilities;
- (e) Employee Equity Plan tax reporting;
- (f) Employee Equity Plan Volume Weighted Average Price calculations;

(g) Providing access to, but not the provision of, professional trustee services.

Electronic Funds Transfer Arrangement means an arrangement specified in Column 1 of Schedule 1.

Employee Equity Plan means any of the following:

- (a) employee share plan;
- (b) employee share option plan;
- (c) employee performance rights plan.

Securities Registry Services means any of the following:

- (a) calculation and payment of either:
 - (i) dividends; or
 - (ii) distributions;
- (b) handling of moneys received in connection with an application for securities;
- (c) investor solicitation services;
- (d) management of corporate actions;
- (e) payment of redemption proceeds to investors;
- (f) planning and management of either:
 - (i) annual general meetings; or
 - (ii) general meetings;
- (g) processing of applications for securities;
- (h) processing of redemption requests;
- (i) security holder analytics;
- (j) securities registry management services to a listed company;
- (k) securities registry management services to a managed investment scheme.

6 Application

This instrument applies to Boardroom in respect of the provision of designated services described in item 31 and item 32 of Table 1 in subsection 6(2) of the Act.

7 Exempt provisions

- (1) Boardroom is exempt from the following provisions of the Act:
 - (a) Divisions 2 to 7 of Part 2 (other than section 39);
 - (b) Divisions 2 to 6 of Part 3 (other than sections 42 and 44);

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- (c) Parts 3A, 5, 6 and 7; and
 - (d) Part 10 (other than section 118).

8 Conditions

- (1) This section specifies conditions that apply to the exemption.
- (2) The specified designated services are provided by Boardroom in the provision by Boardroom of either:
 - (a) EEP Services; or
 - (b) Securities Registry Services.
- (3) Transfer of money is by Electronic Funds Transfer Arrangement.
- (4) Boardroom must, in writing, notify the AUSTRAC CEO within 14 days of any event that may affect their ability to comply with this instrument.

Schedule 1

Electronic Funds Transfer Arrangement

- (1) An arrangement described in Column 1 that meets the requirements specified in Column 2, is an Electronic Funds Transfer Arrangement.

Column 1	Column 2
Arrangement 1	<ul style="list-style-type: none">(a) The account is held with an ADI;(b) The customer is the account holder;(c) The customer authorises, in writing, Boardroom to transact on the account;(d) The customer instructs Boardroom to make a payment from the account by electronic funds transfer; and(e) Boardroom instructs the ADI to make the payment from the account.
Arrangement 2	<ul style="list-style-type: none">(a) The account is held with an ADI;(b) Boardroom is the account holder;(c) The customer is the beneficiary of the account;(d) The ADI has carried out the applicable customer identification on Boardroom and the customer;(e) Funds in the account are held in trust by Boardroom for the customer;(f) The customer instructs Boardroom to make a payment from the account by electronic funds transfer; and(g) Boardroom instructs the ADI to make the payment from the account.

Important Notice to the person named in this instrument

1. Under subsection 248(3) of the 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 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 or extend 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.