



## **Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Australia and New Zealand Banking Group Limited) Exemption 2024 (No.9)**

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I, Daniel Mossop, National Manager, Reform Policy and Mutual Evaluation Branch, make the following exemption as a delegate of the AUSTRAC CEO.

Dated 22 May 2024

A handwritten signature in blue ink, appearing to read 'Daniel Mossop', is positioned above the typed name.

Daniel Mossop  
National Manager, Reform Policy and Mutual Evaluation Branch  
Australian Transaction Reports and Analysis Centre

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# Contents

1	Name .....	1
2	Commencement.....	1
3	Cessation .....	1
4	Authority .....	1
5	Definitions.....	1
6	Application.....	2
7	Scope of exemption.....	2
8	Conditions .....	2

## 1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Australia and New Zealand Banking Group Limited) Instrument 2024 (No. 9)*.

## 2 Commencement

This instrument commences on the day after it is signed.

## 3 Cessation

This instrument ceases to have effect 28 days after:

- (1) a judgement or order is made that resolves the Proceedings; or
- (2) the Proceedings are dismissed or discontinued;

whichever occurs first.

If an appeal to the Proceedings is commenced, this instrument will cease to have effect 28 days after:

- (1) a judgment or order is made that resolves the appeal; or
- (2) the appeal is dismissed or discontinued;

whichever occurs first.

## 4 Authority

This instrument is:

- (1) made under paragraph 248(1)(a) of the Act; and
- (2) subject to the conditions in section 8 of this instrument, as made 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) Disclose;
- (b) Person.

In this instrument:

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

**ANZ** means Australia and New Zealand Banking Group Limited ABN: 11 005 357 522.

**ANZ Legal Representatives** means a person who is:

- (a) a legal practitioner engaged by, or on behalf of, ANZ; or
- (b) employed by a person described in paragraph (a),

for the purposes of, or in connection with, the Proceedings.

**Applicants** means REDACTED.

**Applicants' Legal Representatives** means a person who is:

- (a) a legal practitioner engaged by, or on behalf of, the Applicants; or
- (b) employed by a person described in paragraph (a),

for the purposes of, or in connection with, the Proceedings.

REDACTED means REDACTED.

**Suspicious Matter Material** means any information relevant to the Proceedings, the disclosure of which would, but for the existence of this instrument, contravene subsection 123(1)(b) of the Act.

**Proceedings** means

- (a) proceedings commenced by the Applicants in the REDACTED against ANZ; and
- (b) any appeal arising from the Proceedings.

## 6 Application

This instrument applies to the disclosure of Suspicious Matter Material by ANZ or ANZ Legal Representatives to the following persons for the purpose of, or in connection with, the Proceedings:

- (1) the Applicants; and
- (2) the Applicants' Legal Representatives.

## 7 Scope of exemption

Subject to the conditions specified in section 8 of this instrument:

- (1) ANZ is exempt from paragraph 123(1)(b) of the Act; and
- (2) ANZ Legal Representatives are exempt from subsection 123(5A) of the Act if the disclosure is of Suspicious Matter Material.

## 8 Conditions

This instrument is subject to the following condition:

- (1) ANZ must, in writing, notify the AUSTRAC CEO within 14 days of becoming aware of any event that may affect its ability to comply with this instrument.

## **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. This exemption is specific to, or is based on an assessment of the:
  - information or documents provided by, or on behalf of, the person to AUSTRAC in support of the application made under subsection 248(1) of the Act; and
  - facts and circumstances relevant to the application, including the nature and type of business activities the person undertakes at the time of the application.
3. Under sections 136 and 137 of the Act, it is an offence to provide false or misleading information or documents to the AUSTRAC CEO. 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.
4. The person granted the exemption may request the AUSTRAC CEO to revoke or vary the exemption at any time.
5. 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.
6. This exemption does not preclude the person from making communications or disclosures that are otherwise permitted by law.