



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Australian Retirement Trust Pty Ltd as trustee for Australian Retirement Trust) Instrument 2024 (No. 20 of 2024)

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

Dated 14 November 2024

A handwritten signature in blue ink, appearing to read 'D Mossop', is written over the text area.

Daniel Mossop
National Manager, Reform Policy and Mutual Evaluation
AUSTRAC

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<i>Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Australian Retirement Trust Pty Ltd as Trustee for Australian Retirement Trust Superannuation Fund) Instrument 2022 (No. 13)</i>	<i>3</i>
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1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Exemption— Australian Retirement Trust Pty Ltd as trustee for Australian Retirement Trust) Instrument 2024 (No. 20)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

4 Cessation

This instrument ceases to have effect on 31 November 2027.

5 Authority

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

6 Definitions

In this instrument:

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

ART means Australian Retirement Trust Pty Ltd (ABN 88 010 720 840), formerly named Sunsuper Pty Ltd, as Trustee for Australian Retirement Trust (ABN 60 905 115 063).

ART People Services means ART People Services Pty Ltd (ABN 90 601 938 774).

ART Services means the following services provided on behalf of ART by individuals employed or engaged by PAS and ART People Services:

- (a) monitoring ART customers and transactions in relation to the specified designated services, including ongoing customer due diligence;
- (b) escalating matters within ART, as applicable, for review, including those which may result in the lodgement of a suspicious matter report in accordance with section 41 of the Act by ART, as applicable;
- (c) implementing measures in respect of ART customers including:
 - (i) measures to mitigate and manage money laundering and terrorism financing risks in relation to those customers; and
 - (ii) enhanced customer due diligence measures.

- (d) providing information required under a notice issued to ART under section 49 of the Act.

PAS means Precision Administration Services Pty Ltd (ACN 098 977 667).

Suspicious Matter Material refers to any information, the disclosure of which would engage section 123 of the Act, and includes information and documents requested by authorised persons under section 49 of the Act in relation to a report submitted to the AUSTRAC CEO in accordance with subsection 41(2) of the Act.

7 Application

This instrument applies to ART in respect of the provision of designated services described in items 40, 41, 42, 43 and 54, table 1, subsection 6(2) of the Act.

8 Scope of exemption

ART is exempt from subsections 123(1) and 123(2) of the Act insofar as disclosure of Suspicious Matter Material is made:

- (a) to ART People Services and PAS; and
- (b) for the purposes of, or in connection with, the services described in the definition of ‘ART Services’.

9 Conditions

Pursuant to paragraph 248(2)(b) of the Act, this Instrument is subject to the following condition:

- (1) ART must notify the AUSTRAC CEO in writing within 14 days of any event that may affect its compliance with this exemption.

Schedule 1—Repeals

Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Australian Retirement Trust Pty Ltd as Trustee for Australian Retirement Trust Superannuation Fund) Instrument 2022 (No. 13)

1 The whole of the instrument

Repeal the 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.