



Anti-Money Laundering and Counter-Terrorism Financing (Exemption—Genesis Care Finance Pty Limited Instrument 2024 (No. 22))

I, Daniel Mossop, National Manager, Reform Policy and Mutual Evaluation Branch, Australian Transaction Reports and Analysis Centre, make the following instrument as a delegate of the AUSTRAC CEO.

Dated 28 November 2024

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

Daniel Mossop
National Manager, Policy Rules and Guidance
Australian Transaction Reports and Analysis Centre

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1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing Exemption—Genesis Care Finance Pty Limited Instrument 2024 (No. 22)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Cessation

This instrument ceases to have effect on 30 September 2026.

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 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) ADI;
- (b) customer;
- (c) designated service;
- (d) person.

In this instrument:

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

Genesis Care Finance means Genesis Care Finance Pty Ltd ABN 97 137 193 125.

Genesis Care treatment provider means any of the following:

- (a) a Related Treatment Provider;
- (b) Metford PET CT Pty Ltd ABN 16 656 609 371, while Radiation Oncology Associates Pty Ltd continues to hold shares in the capital of that company.

MBS (short for Medicare Benefits Schedule) means the listing of health professional services subsidised by the Australian Government.

Medicare benefit has the meaning in the *Health Insurance Act 1973*.

Patient means a person who receives radiation oncology services from a Genesis Care treatment provider.

Radiation Oncology Associates Pty Ltd means Radiation Oncology Associates Pty Ltd ABN 17 057 705 441.

Related body corporate has the meaning in section 50 of the *Corporations Act 2008*.

Related Treatment Provider means a company that is a related body corporate of Genesis Care Finance and is one of the following:

- (a) Radiation Oncology Associates Pty Ltd;
- (b) Adelaide Radiotherapy Centre Pty Ltd ABN 70 008 128 845;
- (c) Genesis Cancer Care WA Pty Ltd ABN 81 150 562 913;
- (d) Genesis Cancer Care Victoria Pty Ltd ABN 80 152 415 373;
- (e) Genesis Cancer Care QLD Pty Ltd ABN 77 010 830 583;
- (f) GenesisCare Hollywood Pty Ltd ABN 44 642 656 415;
- (g) GenesisCare Northern Holdings Pty Ltd ABN 79 635 232 021;
- (h) Murdoch PET CT Service Pty Ltd ABN 39 653 859 146.

6 Application

This instrument applies to Genesis Care Finance in relation to the provision of designated services covered by items 6 and 7 of table 1 in subsection 6(2) of the Act.

7 Exempt provisions

Genesis Care Finance is exempt from the following provisions of the Act:

- (1) Divisions 2 to 7 of Part 2 (other than section 39);
- (2) Divisions 2 to 6 of Part 3 (other than sections 42 and 44);
- (3) Parts 3A, 5, 6, 6A and 7; and
- (4) Part 10 (other than section 118).

8 Conditions

This exemption is subject to the following conditions:

- (1) The customer of the designated services covered by this instrument is a Patient.
- (2) The designated services are provided to the customer in connection with financing the provision of radiation oncology services to the customer by a Genesis Care treatment provider.
- (3) The radiation oncology services provided, or to be provided, to the customer are listed on the MBS.
- (4) The customer is eligible to receive a Medicare benefit in connection with the provision of the radiation oncology services.
- (5) The loan proceeds may only be paid to the Genesis Care treatment provider that has provided radiation oncology services to the customer.
- (6) Repayments of a loan provided to the customer may only be made by way of debits to an account provided by an ADI.

- (7) Genesis Care Finance must, in writing, notify the AUSTRAC CEO within 14 days 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.