

- (a) is acting in the capacity of a trustee; and
  - (b) is providing a custodial or depository service of the kind described in item 46 of table 1 in subsection 6(2) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act); and
  - (c) either:
    - (i) holds an Australian financial services licence authorising it to provide custodial or depository services under the *Corporations Act 2001*; or
    - (ii) is exempt under the *Corporations Act 2001* from the requirement to hold such a licence; and
  - (d) either:
    - (i) satisfies one of the ‘geographical link’ tests in subsection 6(6) of the AML/CTF Act; or
    - (ii) has certified in writing to the relevant reporting entity that its name and enrolment details are entered on the Reporting Entities Roll; and
  - (e) has certified in writing to the relevant reporting entity that it has carried out all applicable customer identification procedures and ongoing customer due diligence requirements in accordance with Chapter 15 of the AML/CTF Rules in relation to its underlying customers prior to, or at the time of, becoming a customer of the reporting entity.
- (2) ‘IDPS’ has the same meaning as in ASIC Class Order [CO 13/763] – *Investor directed portfolio services*, or any legislative instrument that replaces that class order.
- (3) ‘MDA service’ has the same meaning as in the *ASIC Corporations (Managed Discretionary Account Services) Instrument 2016/968*, or any legislative instrument that replaces that instrument.
- (4) ‘nominee of a custodian’ means a related body corporate of a custodian provided:
- (a) the appointing custodian meets the criteria specified in subparagraph 4.4.19(1) of these Rules; and
  - (b) the nominee of the custodian gives the relevant reporting entity certification from the appointing custodian that the former: