



Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2021 (No. 3)

I, Nicole Rose, Chief Executive Officer, Australian Transaction Reports and Analysis Centre, make the following legislative instrument.

Dated 9 December 2021

[signed]

Nicole Rose PSM
Chief Executive Officer
Australian Transaction Reports and Analysis Centre

Contents

1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Schedules.....	1
Schedule 1—Amendments	2
<i>Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007</i> <i>(No. 1)</i>	2

1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2021 (No. 3)*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after registration.	
2. Schedule 1	The day after registration.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 229 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)

1 Chapter 79

After Chapter 78: *insert:*

CHAPTER 79 Applicable customer identification procedure—special circumstances—account opening and deposit

79.1 These Anti-Money Laundering and Counter-Terrorism Financing Rules are made under section 229 for the purposes of paragraphs 33(a) and 33(b) and subparagraph 34(1)(d)(i) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

Conditions for carrying out the applicable customer identification procedure after commencing to open an account

79.2 A reporting entity that commences to provide to a customer a designated service described in item 1 of table 1 in subsection 6(2) of the Act, may carry out the applicable customer identification procedure (**ACIP**) in respect of the customer (including any beneficial owner of the customer or any person purporting to act on behalf of the customer), after commencing to provide the designated service if:

- (1) it has determined on reasonable grounds that doing so is essential to avoid interrupting the ordinary course of its business; and
- (2) has determined on reasonable grounds that any additional ML/TF risk arising from carrying out the ACIP after commencing to provide the designated service specified in paragraph 79.2 is low; and
- (3) has implemented appropriate risk-based systems and controls to effectively manage the associated ML/TF risks; and
- (4) has systems and controls in place to ensure it carries out the ACIP as soon as practicable; and
- (5) does not commence to provide to the customer another designated service except:
 - (a) a designated service described in item 3 of table 1 in subsection 6(2) of the Act that is a deposit made to the account; or
 - (b) a designated service described in an item of table 1 in subsection 6(2) of the Act, other than item 1 or item 3, that is incidental to the provision of the designated service specified in paragraph 79.2(5)(a).

79.3 For the purposes of subparagraph 34(1)(d)(i) of the Act, the relevant period ends 15 business days after the day the reporting entity commences to provide the designated service.

2 Chapter 80

After Chapter 79: *insert*:

CHAPTER 80 AML/CTF Rules relating to certain definitions under the AML/CTF Act – stored value card

80.1 These Anti-Money Laundering and Counter-Terrorism Financing Rules are made under section 229 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) for the purposes of paragraph (f) of the definition of ‘stored value card’ in section 5 of the AML/CTF Act.

Definition of a stored value card

80.2 For the purposes of paragraph (f) of the definition of ‘stored value card’ in section 5 of the AML/CTF Act, each of the following is prescribed as a thing that is taken not to be a stored value card:

- (1) an account;
- (2) a card or other instrument that is only used for the purposes of storing monetary value, or accessing monetary value, in relation to:
 - (a) purchasing an entry into a lottery; or
 - (b) redeeming winnings in respect of a lottery.

3 Chapter 48

For paragraph 48.3(1) of Chapter 48, *substitute*:

- (1) is carrying on a business of providing administrative services relevant to salary packaging, payroll, or superannuation clearance for an employer client, and

4 Chapter 48

For paragraph 48.4 of Chapter 48: *substitute*:

48.4 In this Chapter:

- (1) ‘payroll’ refers to the payment of salary, wages, and other benefits to an employee on behalf of an employer client. It also includes making deductions and payments on behalf of the employee for

matters such as superannuation contributions, taxation and professional and union membership fees.

- (2) 'salary packaging' refers to an arrangement between an employer and an employee, whereby the employee agrees to forgo part of their future entitlement to salary or wages in return for the employer providing them with benefits of a similar cost.
- (3) 'superannuation clearance' refers to the payment of superannuation contributions to an employee's nominated superannuation fund on behalf of an employer client.