



Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2011 (No. 3)

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

I, John Lance Schmidt, Chief Executive Officer, Australian Transaction Reports and Analysis Centre, make this Instrument under section 229 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

Dated 20 May 2011

[Signed]
John Lance Schmidt
Chief Executive Officer
Australian Transaction Reports and Analysis Centre

1 Name of Instrument

This Instrument is the *Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2011 (No.3)*.

2 Commencement

This Instrument commences on the day after it is registered.

3 Amendment

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

Schedule 1 Amendment of the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)*.

1. After Chapter 51

Insert

Chapter 52 Persons who are licensed to operate no more than 15 gaming machines

52.1. These Anti-Money Laundering and Counter-Terrorism Financing Rules (Rules) are made under section 229 for subsection 247(4) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act).

52.2 Subject to the circumstances specified in paragraphs 3 and 4, each class of provision of the AML/CTF Act contained in the following table is specified as not applying to a designated service provided by a reporting entity:

Class of Provision	Application
Part 2, Division 2	Whole division
Part 2, Division 3	Whole division
Part 2, Division 4	Whole division

Part 2, Division 5	Whole division
Part 2, Division 6	Whole division
Part 2, Division 7	Sections 37, 38
Part 3, Division 3	Section 43 only
Part 3, Division 4	Section 45 only
Part 3, Division 5	Whole division
Part 5	Whole Part
Part 7	Whole Part
Part 10	Sections 104, 105, 106, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119 only

52.3. The designated service provided by the reporting entity is one of the following designated services described in table 3 in subsection 6(4) of the AML/CTF Act:

- (1) item 5;
- (2) item 6;
- (3) item 9;
- (4) item 10.

52.4. The exemption contained in paragraph 52.2 only applies if:

- (1) the reporting entity:
 - (a) by itself; and
 - (b) if it is related to one or more reporting entities within the meaning of section 50 of the *Corporations Act 2001*, then the related reporting entities collectively;
 has a total entitlement under licences issued by one or more States or Territories to operate no more than 15 gaming machines; and
- (2) the reporting entity
 - (a) by itself; and
 - (b) if it is related to one or more reporting entities within the meaning of section 50 of the *Corporations Act 2001*, then the related reporting entities collectively;

only provides one or more of the following designated services described in table 3 in subsection 6(4) of the AML/CTF Act:

- (c) item 5; or
 - (d) item 6; or
 - (e) item 9; or
 - (f) item 10; and
- (3) the designated service described at subparagraphs 52.4(2)(d) and 52.4(2)(e) involves a game played on a gaming machine.

Reporting entities should note that in relation to activities they undertake to comply with the AML/CTF Act, they will have obligations under the Privacy Act 1988, including the requirement to comply with the National Privacy Principles, even if they would otherwise be exempt from the Privacy Act. For further information about these obligations, please go to <http://www.privacy.gov.au> or call 1300 363 992.