



Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2012 (No. 4)

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 4 September 2012

[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 2012 (No. 4)*.

2 Commencement

Schedule 1 of 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. Chapter 27

Item 1 Heading to Chapter 27

Omit

CHAPTER 27 Anti-Money Laundering and Counter-Terrorism Financing Rules for registrable details – Register of providers of designated remittance services

Insert

CHAPTER 27 Anti-Money Laundering and Counter-Terrorism Financing Rules for registrable details relating to the Register of Providers of Designated Remittance Services and the Remittance Sector Register

Item 2 For paragraph 27.1 substitute

27.1 For the purposes of section 5 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* the registrable details:

(A) in relation to the Register of Providers of Designated Remittance Services (old Register), are:

(1) any business name under which the person is operating;

- (2) a description of whether the person is operating as a sole trader, company, partnership, trust or through any other legal structure;
- (3) the full street address at which the person provides registrable designated remittance services, including the full street address of each branch of the person;
- (4) if the person has an ACN or ARBN – that number;
- (5) if the person has an ABN – that number;
- (6) if the person holds an Australian financial services licence (AFSL) – the number of that licence;
- (7) the person's telephone number at its principal place of business;
- (8) the person's facsimile number at its principal place of business;
- (9) the person's email address at its principal place of business;
- (10) the full name, date of birth, residential address and residential telephone number of:
 - (a) if the person is a sole trader – that individual; or
 - (b) if the person comprises a partnership – each partner;
 - (c) in any other case, except if the person is a company – each individual who has effective control of the business;
- (11) for the individual who is, or is to be, the primary contact for any dealings with AUSTRAC, the individual's:
 - (a) full name; and
 - (b) position or title; and
 - (c) telephone number; and
 - (d) facsimile number; and
 - (e) email address;
- (12) a description of business carried on by the person including:
 - (a) the main destination(s) where money or property is to be received or is likely to be received as a result of a transfer by the person under a designated remittance arrangement;
 - (b) the main destination(s) from which money or property is to be transferred or is likely to be transferred by the person under a designated remittance arrangement; and

- (c) the nature of any other business carried on by the person at the address(es) referred to in paragraph 27.1(A)(3);
 - (13) if the person provides a registrable designated remittance service through an agent:
 - (a) if the agent is an individual – the full name, date of birth, residential address, telephone number and facsimile number of the agent;
 - (b) if the agent is not an individual – the full name and business name of the agent, the ACN or ARBN and ABN (if applicable), and the address, telephone number and facsimile number of the agent’s registered office or principal place of business;
 - (14) the date on which the person commenced or is to commence offering registrable designated remittance services.
- (B) in relation to the Remittance Sector Register, are:

If the person is registered as a remittance network provider

- (1) The business name(s) under which the person is carrying on a business, or proposes to carry on a business, of providing a registrable designated remittance service;
- (2) a description of whether the person is operating as an individual, company, partnership, trust or through any other legal structure;
- (3) the full street address of the person’s principal place of business at which the person provides or proposes to provide a designated service, not being a branch of that person;
- (4) if the person has an ACN or ARBN – that number;
- (5) if the person has an ABN – that number;
- (6) if the person holds an Australian financial services licence (AFSL) – the number of that licence;
- (7) if the person holds an Australian credit licence – the number of that licence;
- (8) the foreign equivalent of the ACN, ABN, ARBN, AFSL or Australian credit licence number, together with the country in which the number was issued;
- (9) if the person is registered or licensed in a foreign country to provide remittance services – details of that registration or licence;

- (10) the person's telephone number at its principal place of business;
- (11) the person's facsimile number at its principal place of business (if applicable);
- (12) the person's email address at its principal place of business (if applicable);
- (13) the full name and business address (not being a post box address), and, where applicable, any business registration number(s) of:
 - (a) if the person is an individual – that individual;
 - (b) if the person comprises a partnership – the full name and address (not being a post box address) of each partner of the partnership;
 - (c) if the person is a trust – the name of each trustee;
 - (d) if the person is a company – the beneficial owner(s) of the company;
- (14) in respect of the authorised individual and each of the key personnel, those individuals':
 - (a) full name;
 - (b) date of birth;
 - (c) position or title;
 - (d) business telephone number;
 - (e) business facsimile number (if applicable);
 - (f) business email address (if applicable); and
 - (g) full business address (not being a post box address);
- (15) a description of the business carried on or proposed to be carried on by the person;
- (16) the date on which the person commenced or is to commence offering registrable designated remittance services;
- (17) whether the person or any of its key personnel:
 - (a) has been charged, prosecuted and/or convicted in relation to money laundering, financing of terrorism, terrorism, people smuggling, fraud, a serious offence, an offence under the AML/CTF Act, or an offence

under the *Financial Transaction Reports Act 1988* (FTR Act);

- (b) has been subject to a civil penalty order made under the AML/CTF Act;
- (c) has been the subject of civil or criminal proceedings or enforcement action, in relation to the management of an entity, or commercial or professional activities, which were determined adversely to the person or any of its key personnel (including by the person or any of its key personnel consenting to an order or direction, or giving an undertaking, not to engage in unlawful or improper conduct) and which reflected adversely on the person's competence, diligence, judgement, honesty or integrity;

and if so, the details of each instance as the case may be, for the person and each of its key personnel.

Note: The above does not affect the operation of Part VIIC of the Crimes Act 1914, which means that certain convictions that are spent convictions are not required to be disclosed under these AML/CTF Rules.

- (18) Details of whether the person is:
 - (a) a subsidiary of another entity or entities; or
 - (b) controlled by another entity or entities; andif so
 - (c) the full names, addresses, positions and titles of the directors of the other entity or entities; and
 - (d) the ACN, ABN, ARBN (or foreign equivalent) of the other entity or entities (as applicable);
- (19) the business contact details of the individual who completed the application for registration, comprising:
 - (a) full name;
 - (b) position or title;
 - (c) date of birth (optional);
 - (d) telephone number;
 - (e) facsimile number (if applicable);
 - (f) email address; and

(g) postal address.

If the person is registered as a remittance affiliate of a registered remittance network provider

- (20) The business name(s) under which the remittance affiliate is carrying on a business, or proposes to carry on a business, of providing a registrable designated remittance service;
- (21) a description of whether the remittance affiliate is operating as an individual, company, partnership, trust or through any other legal structure;
- (22) the full street address of the remittance affiliate's principal place of business at which the remittance affiliate provides or proposes to provide a designated service, not being a branch of that person;
- (23) if the remittance affiliate has an ACN or ARBN – that number;
- (24) if the remittance affiliate has an ABN – that number;
- (25) if the remittance affiliate holds an Australian financial services licence (AFSL) – the number of that licence;
- (26) if the remittance affiliate holds an Australian credit licence – the number of that licence;
- (27) the foreign equivalent of the ACN, ABN, ARBN, AFSL or Australian credit licence number, together with the country in which the number was issued;
- (28) if the remittance affiliate is registered or licensed in a foreign country to provide remittance services – details of that registration or licence;
- (29) the remittance affiliate's telephone number at its principal place of business;
- (30) the remittance affiliate's facsimile number at its principal place of business (if applicable);
- (31) the remittance affiliate's email address at its principal place of business (if applicable);
- (32) the full name and business address (not being a post box address), and, where applicable, any business registration number(s) of:

- (a) if the remittance affiliate is an individual – that individual;
 - (b) if the remittance affiliate comprises a partnership – the full name and address (not being a post box address) of each partner of the partnership;
 - (c) if the remittance affiliate is a trust – the name of each trustee;
 - (d) if the remittance affiliate is a company – the beneficial owner(s) of the company;
- (33) in respect of the authorised individual and each of the key personnel, those individuals’:
- (a) full name;
 - (b) date of birth;
 - (c) position or title;
 - (d) business telephone number;
 - (e) business facsimile number (if applicable);
 - (f) business email address (if applicable); and
 - (g) full business address (not being a post box address);
- (34) a description of the business carried on or proposed to be carried on by the remittance affiliate;
- (35) the date on which the remittance affiliate commenced or is to commence offering registrable designated remittance services;
- (36) whether the remittance affiliate or any of its key personnel:
- (a) has been charged, prosecuted and/or convicted in relation to money laundering, financing of terrorism, terrorism, people smuggling, fraud, a serious offence, an offence under the AML/CTF Act, or an offence under the *Financial Transaction Reports Act 1988* (FTR Act);
 - (b) has been subject to a civil penalty order made under the AML/CTF Act;
 - (c) has been the subject of civil or criminal proceedings or enforcement action, in relation to the management of an entity, or commercial or professional activities, which were determined adversely to the remittance affiliate or

any of its key personnel (including by the remittance affiliate or any of its key personnel consenting to an order or direction, or giving an undertaking, not to engage in unlawful or improper conduct) and which reflected adversely on the remittance affiliate's competence, diligence, judgement, honesty or integrity;

and if so, the details of each instance as the case may be, for the remittance affiliate and each of its key personnel.

Note: The above does not affect the operation of Part VIIC of the Crimes Act 1914, which means that certain convictions that are spent convictions are not required to be disclosed under these AML/CTF Rules.

- (37) Details of whether the remittance affiliate is:
- (a) a subsidiary of another entity or entities; or
 - (b) controlled by another entity or entities; and
- if so
- (c) the full names, addresses, positions and titles of the directors of the other entity or entities; and
 - (d) the ACN, ABN, ARBN (or foreign equivalent) of the other entity or entities (as applicable);
- (38) the business contact details of the individual who completed the remittance affiliate's application for registration, comprising:
- (a) full name;
 - (b) position or title;
 - (c) date of birth (optional);
 - (d) telephone number;
 - (e) facsimile number (if applicable);
 - (f) email address; and
 - (g) postal address.

If the person is registered as an independent remittance dealer or if a person is an independent remittance dealer who is also registered as a remittance affiliate

- (39) The business name(s) under which the person is carrying on a business, or proposes to carry on a business, of providing a registrable designated remittance service;
- (40) a description of whether the person is operating as an individual, company, partnership, trust or through any other legal structure;
- (41) the full street address of the person's principal place of business at which the person provides or proposes to provide a designated service, not being a branch of that person;
- (42) if the person has an ACN or ARBN – that number;
- (43) if the person has an ABN – that number;
- (44) if the person holds an Australian financial services licence (AFSL) –the number of that licence;
- (45) if the person holds an Australian credit licence – the number of that licence;
- (46) the foreign equivalent of the ACN, ABN, ARBN, AFSL or Australian credit licence number, together with the country in which the number was issued;
- (47) if the person is registered or licensed in a foreign country to provide remittance services – details of that registration or licence;
- (48) the person's telephone number at its principal place of business;
- (49) the person's facsimile number at its principal place of business (if applicable);
- (50) the person's email address at its principal place of business (if applicable);
- (51) the full name and business address (not being a post box address), and, where applicable, any business registration number(s) of:
 - (a) if the person is an individual – that individual;
 - (b) if the person comprises a partnership – the full name and address (not being a post box address) of each partner of the partnership;

- (c) if the person is a trust – the name of each trustee;
 - (d) if the person is a company – the beneficial owner(s) of the company;
- (52) in respect of the authorised individual and each of the key personnel, those individuals’:
 - (a) full name;
 - (b) date of birth;
 - (c) position or title;
 - (d) business telephone number;
 - (e) business facsimile number (if applicable);
 - (f) business email address (if applicable); and
 - (g) full business address (not being a post box address);
- (53) a description of the business carried on or proposed to be carried on by the person;
- (54) the date on which the person commenced or is to commence offering registrable designated remittance services;
- (55) whether the person or any of its key personnel:
 - (a) has been charged, prosecuted and/or convicted in relation to money laundering, financing of terrorism, terrorism, people smuggling, fraud, a serious offence, an offence under the AML/CTF Act, or an offence under the *Financial Transaction Reports Act 1988* (FTR Act);
 - (b) has been subject to a civil penalty order made under the AML/CTF Act;
 - (c) has been the subject of civil or criminal proceedings or enforcement action, in relation to the management of an entity, or commercial or professional activities, which were determined adversely to the person or any of its key personnel (including by the person or any of its key personnel consenting to an order or direction, or giving an undertaking, not to engage in unlawful or improper conduct) and which reflected adversely on the person’s competence, diligence, judgement, honesty or integrity;

and if so, the details of each instance as the case may be, for the person and each of its key personnel.

Note: The above does not affect the operation of Part VIIC of the Crimes Act 1914, which means that certain convictions that are spent convictions are not required to be disclosed under these AML/CTF Rules.

- (56) Details of whether the person is:
- (a) a subsidiary of another entity or entities; or
 - (b) controlled by another entity or entities; and
- if so
- (c) the full names, addresses, positions and titles of the directors of the other entity or entities; and
 - (d) the ACN, ABN, ARBN (or foreign equivalent) of the other entity or entities (as applicable);
- (57) the business contact details of the individual who completed the application for registration, comprising:
- (a) full name;
 - (b) position or title;
 - (c) date of birth (optional);
 - (d) telephone number;
 - (e) facsimile number (if applicable);
 - (f) email address; and
 - (g) postal address.

Note: Section 75A of the AML/CTF Act specifies that the following details must be entered on the Remittance Sector Register if the AUSTRAC CEO decides to register a person under subsection 75C(2): 'the name of the person', 'whether the person is registered as (i) a remittance network provider, (ii) an independent remittance dealer, or (iii) a remittance affiliate of a registered remittance network provider', 'if the person is registered as a remittance affiliate of a registered remittance network provider – the name of the registered remittance network provider', 'any conditions to which the registration of the person is subject', and 'the date on which the registration takes effect'.

Item 3 For paragraph 27.2 substitute

27.2 In this Chapter:

- (1) 'authorised individual' means a natural person who is:

- (a) a beneficial owner; or
 - (b) an officer as defined in section 9 of the *Corporations Act 2001* or;
 - (c) is an employee of the person registered on the Remittance Sector Register who has been authorised in writing by the registered person to act in this capacity;
- (2) 'beneficial owner' in respect of a company, means any individual who owns through one or more share holdings more than 25 per cent of the issued capital in the company;
- (3) 'company' has the same meaning as in the *Corporations Act 2001*;
- (4) 'control' has the meaning given by section 50AA of the *Corporations Act 2001*;
- (5) 'destination' includes country and a city or town of that country;
- (6) 'enforcement action' includes any action of a corrective nature in respect of an alleged breach of a law taken by a regulatory body of the Commonwealth or a State or Territory, or a government body;
- (7) 'entity' has the same meaning as in section 9 of the *Corporations Act 2001*;
- (8) 'fraud' means dishonestly obtaining a benefit by deception or other means;
- (9) 'key personnel' means:
 - (a) in the case of a company, corporation sole or body politic, is a natural person that is;
 - (i) a beneficial owner; or
 - (ii) an officer as defined in section 9 of the *Corporations Act 2001*, or an employee or agent of the body corporate with duties of such responsibility that his or her conduct may fairly be assumed to represent the body corporate's policy;
 - (b) in the case of an individual, trust or partnership, is a natural person that is an employee or agent of the individual, trust or partnership with duties of such responsibility that his or her conduct may fairly be

assumed to represent the policy of the individual, trust or partnership;

- (10) 'old Register' means the Register of Providers of Designated Remittance Services within the meaning of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*, as in force immediately before the registration commencement day.

Note: The registration commencement day was 1 November 2011.

- (11) 'people smuggling' means conduct that amounts to:
- (a) an offence against Division 73 of the *Criminal Code*; or
 - (b) an offence against Subdivision A, Division 12, Part 2 of the *Migration Act 1958*; or
 - (c) an offence against a law of a foreign country or of a part of a foreign country that corresponds:
 - (i) to an offence referred to in paragraph (a) or (b); or
 - (ii) with the *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime*;
- (12) 'person' has the same meaning as in the AML/CTF Act;
- (13) 'serious offence' means an offence which is:

- (a) an offence against a law of the Commonwealth, or a law of a State or Territory, punishable on indictment by imprisonment for life or 2 or more years, that may be dealt with as an indictable offence (even if it may, in some circumstances, be dealt with as a summary offence) regardless of whether the offence proceeds summarily or on indictment; or
- (b) an offence against a law of a foreign country constituted by conduct that, if it had occurred in Australia, would have constituted a serious offence.

A 'serious offence' in relation to a person other than an individual means an offence which would have been a serious offence if the person had been an individual;

- (14) 'subsidiary' has the same meaning as in the *Corporations Act 2001*;

- (15) ‘terrorism’ means conduct that amounts to:
- (a) an offence against Division 101 or 102 of the *Criminal Code*; or
 - (b) an offence against a law of a State or Territory that corresponds to an offence referred to in paragraph (a); or
 - (c) an offence against a law of a foreign country or of a part of a foreign country that corresponds to an offence referred to in paragraph (a).

Item 4 **After paragraph 27.2 insert**

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.oaic.gov.au> or call 1300 363 992.

2. Chapter 51

Item 5 **For subparagraph 51.1.1 repeal**

This Chapter commences on 1 February 2012.

Note: For obligations and liabilities under the Rules in Chapter 51 as in force on 31 January 2012, see section 7(2) of the Acts Interpretation Act 1901.

Item 6 **For subparagraph 51.1.2**

Renumber as subparagraph 51.1.1

Item 7 **Heading to Part 51.2**

Omit

“Travelex Limited”

Substitute

“Travelex GBP Australia Pty Limited”

Item 8 **For subparagraphs 51.2.1(2), 51.2.2(2), and 51.2.3(2)**

Omit

“Travelex Limited ABN 36 004 179 953”

Substitute

“Travelex GBP Australia Pty Limited ABN 24 150 129 749”

Item 9 **For subparagraph 51.2.4**

Omit

“51.1”

Substitute

“51.2.1”

Item 10 **After subparagraph 51.4(3) substitute**

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.oaic.gov.au> or call 1300 363 992.

3. Chapter 56

Item 11 **For subparagraph 14(c) of Part A of Schedule 1 omit**

(c) if the applicant is a trust – the trustee;

Item 12 **For subparagraph 14(c) of Part A of Schedule 1 insert**

(c) if the applicant is a trust – the name of each trustee;

Item 13 **For subparagraph 19(d) of Part A of Schedule 1**

Omit

“ . ”

Substitute

“ , ”

Item 14 For paragraph 20 of Part A of Schedule 1

Omit

“(20)”

Substitute

“20.”

Item 15 For paragraph 8 of Part B of Schedule 1 *omit*

8. (a) the full name and address (not being a post box address) of each trustee of the trust (if applicable); and
- either
- (b) the full name of each beneficiary in respect of the trust; or
- (c) if the terms of the trust identify the beneficiaries by reference to membership of a class – details of the class;

Item 16 For paragraph 8 of Part B of Schedule 1 *insert*

8. (a) the full name of each beneficiary in respect of the trust; or
- (b) if the terms of the trust identify the beneficiaries by reference to membership of a class – details of the class;

Item 17 For paragraph 9 of Part B of Schedule 1 *omit*

If the person is a partnership

9. the full name and address (not being a post box address) of each partner;

Item 18 For paragraph 10 of Part B of Schedule 1

Renumber as paragraph 9

Item 19 For paragraph 11 of Part B of Schedule 1

Renumber as paragraph 10

Item 20 For paragraph 12 of Part B of Schedule 1

Renumber as paragraph 11

Item 21 For paragraph 13 of Part B of Schedule 1

Renumber as paragraph 12

Item 22 For subparagraph 19(d) of Part A of Schedule 2

Omit

“ . ”

Substitute

“ ; ”

Item 23 For paragraph 20 of Part A of Schedule 2

Omit

“(20)”

Substitute

“20.”

Item 24 For paragraph 10 of Part B of Schedule 2 *omit*

10. (a) the full name and address (not being a post box address) of each trustee of the trust (if applicable); and
- either
- (b) the full name of each beneficiary in respect of the trust; or
- (c) if the terms of the trust identify the beneficiaries by reference to membership of a class – details of the class;

Item 25 For paragraph 10 of Part B of Schedule 2 *insert*

10. (a) the full name of each beneficiary in respect of the trust; or
- (b) if the terms of the trust identify the beneficiaries by reference to membership of a class – details of the class;

Item 26 For paragraph 11 of Part B of Schedule 2 *omit*

If the person is a partnership

11. the full name and address (not being a post box address) of each partner;

Item 27 For paragraph 12 of Part B of Schedule 2

Renumber as paragraph 11

Item 28 For paragraph 13 of Part B of Schedule 2

Renumber as paragraph 12

Item 29 For paragraph 14 of Part B of Schedule 2

Renumber as paragraph 13

Item 30 For paragraph 15 of Part B of Schedule 2

Renumber as paragraph 14

Item 31 Subparagraph 20(b) of Part A of Schedule 3

Omit

“ . ”

Substitute

“ ; ”

Item 32 For paragraph 21 of Part A of Schedule 3

Omit

“(21)”

Substitute

“21.”

Item 33 For paragraph 9 of Part B of Schedule 3 *omit*

9. (a) the full name and address (not being a post box address) of each trustee of the trust (if applicable); and

either
- (b) the full name of each beneficiary in respect of the trust; or
- (c) if the terms of the trust identify the beneficiaries by reference to membership of a class – details of the class;

Item 34 For paragraph 9 of Part B of Schedule 3 *insert*

9. (a) the full name of each beneficiary in respect of the trust; or
- (b) if the terms of the trust identify the beneficiaries by reference to membership of a class – details of the class;

Item 35 For paragraph 10 of Part B of Schedule 3 *omit*

If the person is a partnership

10. the full name and address (not being a post box address) of each partner;

Item 36 For paragraph 11 of Part B of Schedule 3

Renumber as paragraph 10

Item 37 For paragraph 12 of Part B of Schedule 3

Renumber as paragraph 11

Item 38 For paragraph 13 of Part B of Schedule 3

Renumber as paragraph 12

Item 39 For paragraph 14 of Part B of Schedule 3

Renumber as paragraph 13

Item 40 After subparagraph 13(b) of Part B of Schedule 3 *substitute*

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.oaic.gov.au> or call 1300 363 992.

4. Chapter 57

Item 41 For paragraph 57.1 *substitute*

- 57.1. These Anti-Money Laundering and Counter-Terrorism Financing Rules (Rules) are made under section 229 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) for the purposes of subsection 75C(2)(b) of that Act.

Item 42 For paragraph 57.3 *substitute*

- 57.3. For the purposes of paragraph 57.2, the matters specified are:

- (1) the information set out in Schedules 1, 2 or 3, as the case may be, of Chapter 56 to be contained in the application for registration;

- (2) the declarations required under the paragraphs 56.2, 56.3, 56.4 or 56.5, as the case may be, of Chapter 56 of the AML/CTF Rules;
- (3) offences of which the applicant for registration, a person proposed to be entered on the Remittance Sector Register as a remittance affiliate of the applicant, or any other person, has been charged or convicted under the law of the Commonwealth, a State or Territory or a foreign country;
- (4) the compliance or non-compliance of the applicant, a person proposed to be entered on the Remittance Sector Register as a remittance affiliate of the applicant, or any other person, with this Act or any other law;
- (5) the legal and beneficial ownership and control of the applicant, a person proposed to be entered on the Remittance Sector Register as a remittance affiliate of the applicant, or any other person;
- (6) the kinds of designated services to be provided by the applicant or by a person proposed to be entered on the Remittance Sector Register as a remittance affiliate of the applicant; and
- (7) the consent of a person proposed to be entered on the Remittance Sector Register as a remittance affiliate of the applicant.

Note: The above does not affect the operation of Part VIIC of the Crimes Act 1914, which means that certain convictions that are spent convictions are not required to be disclosed under these AML/CTF Rules and persons aware of such convictions must disregard them.

Item 43 **After subparagraph 57.3(7) substitute**

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.oaic.gov.au> or call 1300 363 992.

5. Chapter 63

Item 44 **For subparagraph 63.5(12) omit**

- (12) ‘ultimate holding company’ has the same meaning as in the *Corporations Act 2001*;

Item 45 **For subparagraph 63.5** *insert*

- (19) ‘ultimate holding company’ has the same meaning as in the *Corporations Act 2001*.

Item 46 **For subparagraph 63.5(13)**

Renumber as subparagraph 63.5(12)

Item 47 **For subparagraph 63.5(14)**

Renumber as subparagraph 63.5(13)

Item 48 **For subparagraph 63.5(15)**

Renumber as subparagraph 63.5(14)

Item 49 **For subparagraph 63.5(16)**

Renumber as subparagraph 63.5(15)

Item 50 **For subparagraph 63.5(17)**

Renumber as subparagraph 63.5(16)

Item 51 **For subparagraph 63.5(18)**

Renumber as subparagraph 63.5(17)

Item 52 **For subparagraph 63.5(19)**

Renumber as subparagraph 63.5(18)

Item 53 **For subparagraph 63.5(18)**

Omit

“ . ”

Substitute

“ ; ”

Item 54 **For paragraph 16 of Part A of the Schedule** *omit*

16. The full name and business address (not being a post box address), and, where applicable, any business registration number(s) of:
- (a) if the person is a individual – that individual;
 - (b) if the person comprises a partnership – two partners; or
 - (c) if the person is a trust – the trustee;

Item 55 For paragraph 16 of Part A of the Schedule *insert*

16. The full name and business address (not being a post box address), and, where applicable, any business registration number(s) of:
- (a) if the person is a individual – that individual;
 - (b) if the person comprises a partnership –the full name and address (not being a post box address) of each partner of the partnership; or
 - (c) if the person is a trust –the name of each trustee;

Item 56 For paragraph 5 of Part B of the Schedule *omit*

If the person is a trust

5. The full name and address (not being a post box address) of each trustee of the trust (if applicable);

Item 57 For paragraph 6 of Part B of the Schedule *omit*

If the person is a partnership

6. the full name and address (not being a post box address) of each partner;

Item 58 For paragraph 7 of Part B of the Schedule

Renumber as paragraph 5

Item 59 For paragraph 8 of Part B of the Schedule

Renumber as paragraph 6

Item 60 For paragraph 9 of Part B of the Schedule

Renumber as paragraph 7

Item 61 For paragraph 10 of Part B of the Schedule

Renumber as paragraph 8

Item 62 For paragraph 11 of Part B of the Schedule

Renumber as paragraph 9

Item 63 For paragraph 12 of Part B of the Schedule

Renumber as paragraph 10

Item 64 After paragraph 10 of Part B of the Schedule, *substitute*

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.oaic.gov.au> or call 1300 363 992.

6. After Chapter 67

Add

Chapter 68 Anti-Money Laundering and Counter-Terrorism Financing Rules relating to records of identification procedures

- 68.1. These Anti-Money Laundering and Counter-Terrorism Financing Rules (Rules) are made under section 229 for subsection 112(3) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act).
- 68.2. A record made under subsection 112(2) by a reporting entity relevant to the applicable customer identification procedure and information obtained in the course of carrying out the applicable customer identification procedure, must be kept by the reporting entity in a form that enables the reporting entity:
- (1) to provide the record to an authorised officer within a reasonable period; and
 - (2) to demonstrate to the authorised officer that the reporting entity has complied with the obligations under subsection 112(2).

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.oaic.gov.au> or call 1300 363 992.