



# **Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment (Cross-border Movements) Instrument 2022**

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

Dated 9 June 2022

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

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## Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules .....	1

<b>Schedule 1—Amendments</b>	2
<i>Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)</i>	2



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## 1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment (Cross-border Movements) Instrument 2022*.

## 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 this instrument is registered.	16 June 2022
2. Schedule 1	The later of: (a) the day after this instrument is registered; and (b) immediately after the commencement of Part 5 of Schedule 1 to the <i>Anti-Money Laundering and Counter-Terrorism Financing and Other Legislation Amendment Act 2020</i> .	17 June 2022 (paragraph (b) applies)

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

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

#### 1 Chapters 24, 25 and 26

Repeal the Chapters, substitute:

### **CHAPTER 24 Anti-Money Laundering and Counter-Terrorism Rules for reports about cross-border movements of monetary instruments**

24.1 These Rules are made for the purposes of the following provisions of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (the *Act*):

- (a) paragraph 53(7)(b);
- (b) paragraph 53(7)(d);
- (c) paragraph 54(4)(b).

#### *Report about moving monetary instruments into or out of Australia*

- (1) If a person moves a monetary instrument into or out of Australia, a report under section 53 of the Act (reports about movements of monetary instruments into or out of Australia) must:
  - (a) contain the information specified in subsection (2) (to the extent the information is known); and
  - (b) be given in accordance with the applicable timing rule specified in subsection (3).

Note: The report must also be given in the approved form (see paragraph 53(7)(a) of the Act).

- (2) For the purposes of paragraph (1)(a), the information is as follows:
  - (a) if the person is an individual:
    - (i) the person's full name; and
    - (ii) the person's date and place of birth; and
    - (iii) the country or countries of which the person is a citizen; and
    - (iv) the person's residential address; and
    - (v) the person's telephone number; and
    - (vi) whether the person is an Australian resident; and
    - (vii) if the person is bringing the monetary instrument into Australia and is not an Australian resident—the person's address and telephone number while in Australia; and
    - (viii) the person's occupation, business or principal activity; and
    - (ix) the person's ABN (if any);
  - (b) if the person is not an individual:
    - (i) the person's full name; and
    - (ii) the person's business or principal activity; and

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- (iii) the address at which the person's business or principal activity is conducted; and
  - (iv) the person's telephone number; and
  - (v) if the person is registered in Australia—the person's ABN, ACN and ARBN (as applicable);
  - (c) if the person is moving the monetary instrument on behalf of another person (the **other person**)—the following details of the other person:
    - (i) if the other person is an individual—the details mentioned in subparagraphs (a)(i), (iv), (v), (viii) and (ix);
    - (ii) if the other person is not an individual—the details mentioned in subparagraphs (b)(i) to (v);
  - (d) if the person is delivering the monetary instrument to another person (the **other person**)—the following details of the other person:
    - (i) if the other person is an individual—the details mentioned in subparagraphs (a)(i), (iv), (v), (viii) and (ix);
    - (ii) if the other person is not an individual—the details mentioned in subparagraphs (b)(i) to (v);
  - (e) whether the monetary instrument is being moved into or out of Australia;
  - (f) the kind of monetary instrument being moved into or out of Australia;
  - (g) the monetary instrument amount being moved into or out of Australia;
  - (h) the currency of the monetary instrument being moved into or out of Australia;
  - (i) if the monetary instrument is a bearer negotiable instrument:
    - (i) the issuer or drawer of the monetary instrument; and
    - (ii) the payee, favouree or beneficiary of the monetary instrument; and
    - (iii) the name of the bearer of the monetary instrument; and
    - (iv) the city and country of issue of the monetary instrument; and
    - (v) any reference numbers of the monetary instrument;
  - (j) if the person is an individual and is bringing the monetary instrument into Australia or taking the instrument out of Australia:
    - (i) whether the person is travelling into or out of Australia; and
    - (ii) the town or city at which the person is entering or leaving Australia; and
    - (iii) the person's date of arrival in or departure from Australia; and
    - (iv) the number and country of issue of the passport on which the person is travelling; and
    - (v) where practicable—the number of each other passport held by the person and the country of issue for each passport; and
    - (vi) the number of the flight or name of the vessel on which the person is bringing in or taking out the instrument; and
    - (vii) if the person is taking the monetary instrument out of Australia—the city and country to which the monetary instrument is being taken; and
    - (viii) if the person is bringing the monetary instrument into Australia—the city and country from which the monetary instrument is being brought;
  - (k) if the monetary instrument is being sent into or out of Australia:
    - (i) the means by which the monetary instrument is being sent; and
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- (ii) the name, address and telephone number of the individual or service provider carrying the monetary instrument into or out of Australia; and
    - (iii) if the monetary instrument is to be shipped—the name of the vessel on which it is to be shipped; and
    - (iv) the city and country from which the monetary instrument is being sent; and
    - (v) the city and country to which the monetary instrument is being sent; and
    - (vi) the date the monetary instrument is being sent;
  - (l) if the monetary instrument is being sent into or out of Australia—the following details of the person to whom the monetary instrument is being sent:
    - (i) the person's full name;
    - (ii) the person's telephone number;
    - (iii) if the person is an individual—the person's residential address;
    - (iv) if the person is not an individual—the address at which the person's business or principal activity is conducted;
    - (v) if the person is not an individual and is registered in Australia—the person's ABN, ACN and ARBN (as applicable);
  - (m) a declaration that the information provided in the approved form is true, accurate and complete.
- (3) For the purposes of paragraph (1)(b):
- (a) if the person moves a monetary instrument into Australia by bringing the instrument into Australia—the report must be given:
    - (i) no later than when the person reaches the place at which customs officers examine baggage; or
    - (ii) if there is no such place, at the first opportunity that the person has to give the report after arrival in Australia; and
  - (b) if the person moves a monetary instrument into Australia by sending the instrument into Australia—the report must be given before the movement of the instrument takes place; and
  - (c) if the person moves a monetary instrument out of Australia by taking the instrument out of Australia—the report must be given:
    - (i) no later than when the person reaches the customs officer who is to examine the person's passport in relation to the person leaving Australia; or
    - (ii) if there is no such examination, at any time before the last opportunity that the person has to give the report before leaving Australia; and
  - (d) if the person (the **first person**) moves a monetary instrument out of Australia by sending the instrument out of Australia by consignment, either through the post to a place outside Australia or to another person for carriage to a place outside Australia—the report must be given before the time when the instrument is irrevocably committed by the first person to a postal service or to the other person (as the case may be).



*Report about receiving monetary instruments moved into Australia*

- (4) If a person receives a monetary instrument moved into Australia, a report under section 54 of the Act (reports about receipts of monetary instruments moved into Australia) must contain the following information (to the extent the information is known):
- (a) if the person is an individual—the details mentioned in subparagraphs (2)(a)(i) to (ix);
  - (b) if the person is not an individual—the details mentioned in subparagraphs (2)(b)(i) to (v);
  - (c) if the person received the monetary instrument on behalf of another person (the **other person**)—the following details of the other person:
    - (i) if the other person is an individual—the details mentioned in subparagraphs (2)(a)(i), (iv), (v), (viii) and (ix);
    - (ii) if the other person is not an individual—the details mentioned in subparagraphs (2)(b)(i) to (v);
  - (d) if the person is delivering the monetary instrument to another person (the **other person**)—the following details of the other person:
    - (i) if the other person is an individual—the details mentioned in subparagraphs (2)(a)(i), (iv), (v), (viii) and (ix);
    - (ii) if the other person is not an individual—the details mentioned in subparagraphs (2)(b)(i) to (v);
  - (e) the kind of monetary instrument moved into Australia;
  - (f) the monetary instrument amount moved into Australia;
  - (g) the currency of the monetary instrument;
  - (h) if the monetary instrument is a bearer negotiable instrument:
    - (i) the issuer or drawer of the monetary instrument; and
    - (ii) the payee, favouree or beneficiary of the monetary instrument; and
    - (iii) the name of the bearer of the monetary instrument; and
    - (iv) the city and country of issue of the monetary instrument; and
    - (v) any reference numbers of the monetary instrument;
  - (i) the means by which the monetary instrument was moved into Australia;
  - (j) the name of the individual or service provider who moved the monetary instrument into Australia;
  - (k) if the monetary instrument was sent into Australia—the following details of the person who sent the monetary instrument (the **sender**) to the person:
    - (i) the sender's full name;
    - (ii) the sender's telephone number;
    - (iii) if the sender is an individual—the sender's residential address;
    - (iv) if the sender is not an individual—the address at which the sender's business or principal activity is conducted;
    - (v) if the sender is not an individual and is registered in Australia—the sender's ABN, ACN and ARBN (as applicable);
  - (l) the city and country from which the monetary instrument was moved;
  - (m) the city, town or port in which the monetary instrument was received by the person;
  - (n) the date the monetary instrument was received by the person;

- (o) a declaration that the information provided in the approved form is true, accurate and complete.

Note: The report must be given in the approved form before the end of 5 business days beginning on the day of receipt (see paragraphs 54(4)(a) and (d) of the Act).

24.2 In this Chapter:

‘passport’ means:

- (a) a passport issued by the Commonwealth; or
- (b) a passport or a similar document issued for the purpose of international travel, that:
  - (i) contains a photograph and the signature of the person in whose name the document is issued; and
  - (ii) is issued by a foreign government, the United Nations or an agency of the United Nations.

**2 Paragraph 34.3**

Omit “Are you carrying funds into or out of Australia?”, substitute “Carrying \$10,000 or more into or out of Australia?”.

**3 Paragraph 34.3**

Omit “By law you must now:”, substitute “You must report: cash, traveller’s cheques, cheques, money orders, or other bearer negotiable instruments”.

**4 Paragraph 34.3**

Omit all the words from and including “If asked” to and including “of Australia”, substitute “These are monetary instruments. By law, you must report the movement of monetary instruments if the sum of the monetary instrument amount is AUD\$10,000 or more (or foreign currency equivalent). Note there is no limit to the sum of monetary instruments amounts you can carry in and out of Australia.”.