



# **Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2007 (No. 5)**

**as amended**

made under section 229 of the

*Anti-Money Laundering and Counter-Terrorism Financing Act 2006*

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This compilation was prepared on 11 December 2008  
taking into account amendments up to *Anti-Money Laundering and  
Counter-Terrorism Financing Rules Amendment Instrument 2008 (No. 7)*

Prepared by the Office of Legislative Drafting and Publishing,  
Attorney-General's Department, Canberra

**1 Name of Instrument** [see Note 1]

This Instrument is the *Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2007 (No. 5)*.

**2 Commencement** [see Note 1]

This Instrument commences as follows:

- (a) on the day after it is registered — sections 1, 2 and 3 and Schedule 1;
- (b) on 12 December 2008 — Schedule 2;
- (c) on 1 January 2011 — Schedule 3.

**3 Amendment**

Schedules 1, 2 and 3 amend the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)*.

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## Schedule 1      Amendment

1.      Schedule 1, heading:  
         delete
2.      Schedule 2, heading:  
         delete
3.      Schedule 3, heading:  
         delete
4.      Chapter 15, heading:  
         insert  
  
         (Rules commencing on 12 December 2008)
5.      Chapter 16, heading:  
         insert  
  
         (Rules commencing on 12 December 2008)
6.      Chapter 17, heading:  
         insert  
  
         (Rules commencing on 12 December 2008)
7.      Chapter 18, heading:  
         insert  
  
         (Rules commencing on 12 December 2008)

## Schedule 2      Amendment

### 1.      **After Chapter 18**

insert:

### **Chapter 19      Reportable details for threshold transactions**

- 19.1      This Chapter commences on 12 December 2008.
- 19.2      These Rules are made under section 229 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) for paragraph 43(3)(b) of that Act.
- 19.3      A report under subsection 43(2) of the AML/CTF Act must contain the following details about a threshold transaction:
- (1)      if the customer of the designated service is an individual, the customer's:
    - (a)      full name and any other name used by the customer, if known;
    - (aa)     any business name(s) under which the customer operates;
    - (b)      date of birth;
    - (c)      full address (not being a post box address);
    - (ca)     the postal address of the customer if different from that in 19.3(1)(c), if known;
    - (d)      telephone number, if known;
    - (e)      the ABN of the customer, if known;
  - (2)      if the customer of the designated service is not an individual:
    - (a)      the name of the customer and any business name(s) under which the customer operates;
    - (b)      a description of the legal form of the customer and any business structure it is a part of, for the purposes of its main business activities, if known (for example: partnership, trust or company);

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- (c) the full address of the customer's principal place of business (not being a post box address) if applicable;
  - (d) the postal address of the customer if different from that in 19.3(2)(c), if known;
  - (e) the ACN, ARBN and/or ABN of the customer, if known;
  - (f) the customer's telephone number, if known;
- (3) the occupation, business or principal activity of the customer or the relevant industry or occupation code(s) that applies to the customer's business or occupation, if known, such as (without limitation):
- (a) the Australian Bureau of Statistics in the Australian and New Zealand Standard Industrial Classification (ANZSIC) 2006 (as amended from time to time); or
  - (b) the relevant industry code that applies to the customer's business as published by the Australian Bureau of Statistics in the Australian Standard Classification of Occupations (ASCO) (as amended from time to time);
- (4) the date of the threshold transaction;
- (5) a description of the designated service provided or commenced to be provided by the reporting entity to the customer which involves the threshold transaction;
- (6) where applicable, the total of each of the following amounts, and the sum of these amounts, provided to or received from the customer relating to the threshold transaction:
- (a) money, including the total of each component thereof, and the type and total of each currency where a component is physical currency;
  - (b) international funds transfers;
  - (c) cheques;
  - (d) bank cheques;
  - (e) bank drafts;
  - (f) traveller's cheques;
  - (g) money or postal orders;
  - (h) hire purchase or finance lease payments;

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- (i) negotiable debt instruments;
  - (j) benefit payments or payouts;
  - (k) contributions or premiums;
  - (l) derivatives or futures;
  - (m) securities;
  - (n) bullion;
  - (o) stored value cards (including whether the card was issued or topped up);
  - (p) gambling chips or tokens;
  - (q) electronic gaming machine payouts;
  - (r) winning tickets from wagering;
  - (s) buying into a game (for a gambling service);
  - (t) placing a bet; and
  - (u) any other value;
- (7) all of the following details, as applicable to the threshold transaction:
- (a) where the threshold transaction involves physical currency:
    - (i) the total amount in Australian dollars;
    - (ii) if the amount involves foreign currency, a description and amount of the currency;
    - (iii) the name(s) of the recipient(s);
    - (iv) the full address(es) of the recipient(s) (not being a post box address) if known;
    - (v) the date(s) of birth of the recipient(s), if known;
    - (vi) a description of the purpose of the transfer(s);
    - (vii) if the purpose of the transfer(s) is to:
      - (a) enable a cheque to be provided to the customer using all or part of the physical currency transferred by the customer; or

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- (b) enable the customer to receive physical currency in exchange for all or part of a cheque produced by the customer to the reporting entity;

the following details:

- (c) the name of the drawer;
- (d) the name of the drawee; and
- (e) the amount of the cheque;

- (b) where the threshold transaction involves e-currency:

- (i) the total amount in Australian dollars;
- (ii) if the amount is denominated in foreign currency, a description and amount of the currency;
- (iii) a description of the e-currency including details of the backing asset or thing, if known;
- (iv) the name(s) of the recipient(s);
- (v) the full address(es) of the recipient(s) (not being a post box address), if known;
- (vi) the date(s) of birth of the recipient(s), if known;
- (vii) a description of the purpose of the transfer(s);
- (viii) if the purpose of the transfer(s) is to:
  - (a) enable a cheque to be provided to the customer using all or part of the e-currency transferred by the customer; or
  - (b) enable the customer to receive e-currency in exchange for all or part of a cheque produced by the customer to the reporting entity;

the following details:

- (c) the name of the drawer;
- (d) the name of the drawee; and
- (e) the amount of the cheque;

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- (c) where the threshold transaction is of a kind specified in the regulations involving money:
- (i) the total amount in Australian dollars;
  - (ii) if the amount involves foreign currency, a description and amount of the currency;
  - (iii) a description of the type of specified transaction;
  - (iv) the name(s) of the recipient(s);
  - (v) the full address(es) of the recipient(s) (not being a post box address), if known;
  - (vi) the date(s) of birth of the recipient(s), if known;
  - (vii) a description of the purpose of the transfer(s);
  - (viii) if the purpose of the transfer(s) is to:
    - (a) enable a cheque to be provided to the customer using all or part of the money transferred by the customer; or
    - (b) enable the customer to receive money in exchange for all or part of a cheque produced by the customer to the reporting entity;
- the following details:
- (c) the name of the drawer;
  - (d) the name of the drawee; and
  - (e) the amount of the cheque;
- (d) where the threshold transaction is of a kind specified in the regulations involving the transfer of property:
- (i) a description of the type of specified transaction;
  - (ii) the value of the transferred property in Australian dollars;
  - (iii) if value of the transferred property involves foreign currency, a description and amount of the currency;
  - (iv) the name(s) of the recipient(s);



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- (v) the full address(es) of the recipient(s) (not being a post box address), if known;
  - (vi) the date(s) of birth of the recipient(s), if known;
  - (vii) a description of the purpose of the transfer(s);
  - (viii) if the purpose of the transfer(s) is to:
    - (a) enable a cheque to be provided to the customer using all or part of the property transferred by the customer; or
    - (b) enable the customer to receive property in exchange for all or part of a cheque produced by the customer to the reporting entity;
- the following details:
- (c) the name of the drawer;
  - (d) the name of the drawee; and
  - (e) the amount of the cheque;
- (8) a description of any account opened by the reporting entity that involves the threshold transaction including the account's identifying number;
  - (9) the name and, if applicable, identifying number of the reporting entity;
  - (10) the name and, if applicable, identifying number of the reporting entity at which the threshold transaction was conducted;
  - (11) the address of the reporting entity at which the threshold transaction was conducted;
  - (12) any identifying or transaction number assigned to the threshold transaction;
  - (13) a description of the reliable and independent documentation and/or electronic data source(s) relied upon to verify the identity of the customer, if applicable.

19.4 A report under subsection 43(2) of the AML/CTF Act must contain the following details about the person completing the report:

- (1) Full name;
- (2) Job title or position;

- (3) Telephone number; and
- (4) Email address.

*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.*

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## Schedule 3      Amendment

1.      (a) Repeal Chapter 19

(b) After Chapter 18

insert:

### **Chapter 19      Reportable details for threshold transactions**

19.1. This Chapter commences on 1 January 2011.

*Note: For obligations and liabilities under the Rules in chapter 19 (commencing on 12 December 2008) as in force on 31 December 2010, see section 8 of the Acts Interpretation Act 1901.*

19.2 These Rules are made under section 229 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) for paragraph 43(3)(b) of that Act.

19.3 A report under subsection 43(2) of the AML/CTF Act must contain the following details about a threshold transaction:

(1) if the customer of the designated service is an individual:

- (a) the customer's full name and any other name used by the customer, if known;
- (aa) any business name(s) under which the customer operates;
- (b) the customer's date of birth;
- (c) the customer's full address (not being a post box address);
- (ca) the postal address of the customer if different from that in 19.3(1)(c), if known;
- (d) the customer's telephone number, if known;
- (da) the ABN of the customer, if known;
- (e) if the person conducting the threshold transaction is not the customer, the details of the person specified in subparagraph 19.3(14)(a) and if applicable, 19.3(14)(b), of these Rules;

- (2) if the customer of the designated service is not an individual:
  - (a) the name of the customer and any business name(s) under which the customer operates;
  - (b) a description of the legal form of the customer and any business structure it is a part of, for the purposes of its main business activities, if known (for example: partnership, trust or company);
  - (c) the full address of the customer's principal place of business (not being a post box address), if applicable;
  - (d) the postal address of the customer if different from that in 19.3(2)(c), if known;
  - (e) the ACN, ARBN and/or ABN of the customer, if known;
  - (f) the customer's telephone number, if known;
  - (g) the details of the person conducting the threshold transaction specified in subparagraph 19.3(14)(a) and if applicable, 19.3(14)(b), of these Rules;
- (3) the occupation, business or principal activity of the customer or the relevant industry or occupation code(s) that applies to the customer's business or occupation, if known, such as (without limitation):
  - (a) the Australian Bureau of Statistics in the Australian and New Zealand Standard Industrial Classification (ANZSIC) 2006 (as amended); or
  - (b) the relevant industry code that applies to the customer's business as published by the Australian Bureau of Statistics in the Australian Standard Classification of Occupations (ASCO) (as amended from time to time);
- (4) the date of the threshold transaction;
- (5) a description of the designated service provided or commenced to be provided by the reporting entity to the customer which involves the threshold transaction;
- (6) where applicable, the total of each of the following amounts, and the sum of these amounts, provided to or received from the customer relating to the threshold transaction:
  - (a) money, including the total of each component thereof, and the type and total of each currency where a component is physical currency;

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- (b) international funds transfers;
  - (c) cheques;
  - (d) bank cheques;
  - (e) bank drafts;
  - (f) traveller's cheques;
  - (g) money or postal orders;
  - (h) hire purchase or finance lease payments;
  - (i) negotiable debt instruments;
  - (j) benefit payments or payouts;
  - (k) contributions or premiums;
  - (l) derivatives or futures;
  - (m) securities;
  - (n) bullion;
  - (o) stored value cards (including whether the card was issued or topped up);
  - (p) gambling chips or tokens;
  - (q) electronic gaming machine payouts;
  - (r) winning tickets from wagering;
  - (s) buying into a game (for a gambling service);
  - (t) placing a bet; and
  - (u) any other value;
- (7) all of the following details, as applicable to the threshold transaction:
- (a) where the threshold transaction involves physical currency:
    - (i) the total amount in Australian dollars;
    - (ii) if the amount involves foreign currency, a description and amount of the currency;
    - (iii) the name(s) of the recipient(s);

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- (iv) the full address(es) of the recipient(s) (not being a post box address), if known;
  - (v) the date(s) of birth of the recipient(s), if known;
  - (vi) a description of the purpose of the transfer(s);
  - (vii) if the purpose of the transfer(s) is to:
    - (a) enable a cheque to be provided to the customer using all or part of the physical currency transferred by the customer; or
    - (b) enable the customer to receive physical currency in exchange for all or part of a cheque produced by the customer to the reporting entity;the following details:
    - (c) the name of the drawer;
    - (d) the name of the drawee; and
    - (e) the amount of the cheque;
  - (b) where the threshold transaction involves e-currency:
    - (i) the total amount in Australian dollars;
    - (ii) if the amount is denominated in foreign currency, a description and amount of the currency;
    - (iii) a description of the e-currency including details of the backing asset or thing, if known;
    - (iv) the name(s) of the recipient(s);
    - (v) the full address(es) of the recipient(s) (not being a post box address), if known;
    - (vi) the date(s) of birth of the recipient(s), if known;
    - (vii) a description of the purpose of the transfer(s);
    - (viii) if the purpose of the transfer(s) is to:
      - (a) enable a cheque to be provided to the customer using all or part of the e-currency transferred by the customer; or

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- (b) enable the customer to receive e-currency in exchange for all or part of a cheque produced by the customer to the reporting entity;

the following details:

- (c) the name of the drawer;
  - (d) the name of the drawee; and
  - (e) the amount of the cheque;
- (c) where the threshold transaction is of a kind specified in the regulations involving money:
    - (i) the total amount in Australian dollars;
    - (ii) if the amount involves foreign currency, a description and amount of the currency;
    - (iii) a description of the type of specified transaction;
    - (iv) the name(s) of the recipient(s);
    - (v) the full address(es) of the recipient(s) (not being a post box address), if known;
    - (vi) the date(s) of birth of the recipient(s), if known;
    - (vii) a description of the purpose of the transfer(s);
    - (viii) if the purpose of the transfer(s) is to:
      - (a) enable a cheque to be provided to the customer using all or part of the money transferred by the customer; or
      - (b) enable the customer to receive money in exchange for all or part of a cheque produced by the customer to the reporting entity;

the following details:

- (c) the name of the drawer;
- (d) the name of the drawee; and
- (e) the amount of the cheque;

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- (d) where the threshold transaction is of a kind specified in the regulations involving the transfer of property:
- (i) a description of the type of specified transaction;
  - (ii) the value of the transferred property in Australian dollars;
  - (iii) if value of the transferred property involves foreign currency, a description and amount of the currency;
  - (iv) the name(s) of the recipient(s);
  - (v) the full address(es) of the recipient(s) (not being a post box address), if known;
  - (vi) the date(s) of birth of the recipient(s), if known;
  - (vii) a description of the purpose of the transfer(s);
  - (viii) if the purpose of the transfer(s) is to:
    - (a) enable a cheque to be provided to the customer using all or part of the property transferred by the customer; or
    - (b) enable the customer to receive property in exchange for all or part of a cheque produced by the customer to the reporting entity;
- the following details:
- (c) the name of the drawer;
  - (d) the name of the drawee; and
  - (e) the amount of the cheque;
- (8) a description of any account opened by the reporting entity that involves the threshold transaction including the account's identifying number;
- (9) the name and if applicable, identifying number of the reporting entity;
- (10) the name and if applicable, identifying number of the reporting entity at which the threshold transaction was conducted;
- (11) the address of the reporting entity at which the threshold transaction was conducted;



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- (12) any identifying or transaction number assigned to the threshold transaction;
  - (13) a description of the reliable and independent documentation and/or electronic data source(s) relied upon to verify the identity of the customer, if applicable;

*Person conducting the threshold transaction is not the customer*

- (14) if the person conducting the threshold transaction is not the customer:
  - (a) if the person conducting the threshold transaction is an individual:
    - (i) the person's full name;
    - (ii) the person's date of birth, if known;
    - (iii) the person's full address (not being a post box address), if known;
    - (iv) the person's telephone number, if known;
    - (v) a statement of whether the person is conducting the threshold transaction on behalf of another person who is the customer of the reporting entity;
    - (vi) a description of evidence of agency authorisation of the person, if any and known;
    - (vii) the person's occupation, business or principal activity, if known;
  - (b) if the person conducting the threshold transaction is acting on behalf of a non-individual entity:
    - (i) the full name of the entity and any business name(s) under which this entity operates, if known;
    - (ii) a description of the legal form of this entity and any business structure it is a part of, for the purposes of its main business activities, if known (for example: partnership, trust or company);
    - (iii) the full address of the entity's principal place of business (not being a post box address), if known;
    - (iv) the full address of the entity's registered office, if known;

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- (v) the ACN or ARBN and/or ABN of the entity, if known;
  - (vi) the entity's telephone number, if known;
  - (vii) a statement of whether the person is conducting the threshold transaction as a representative of the entity acting on behalf of the customer of the reporting entity;
  - (viii) if the entity is a customer of the reporting entity – all the details specified in subparagraphs 19.3(2)(a) to (f);
  - (ix) a description of evidence of agency authorisation of the person, if any and known;
  - (x) the entity's business or principal activity, if known;
  - (xi) the full name of the individual purporting to act for or on behalf of this entity and the title, role or position held with the entity;
- (15) the reliable and independent documentation and/or reliable and independent electronic data used to verify the person referred to in subparagraph 19.3(14), if applicable.
- 19.4 A report under subsection 43(2) of the AML/CTF Act must contain the following details about the person completing the report:
- (1) Full name;
  - (2) Job title or position;
  - (3) Telephone number; and
  - (4) Email address.

*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.*

Table of Instruments

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## Notes to the *Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2007 (No. 5)*

### Note 1

The *Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2007 (No. 5)* (in force under section 229 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*) as shown in this compilation is amended as indicated in the Tables below.

### Table of Instruments

Title	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
<i>Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2007 (No. 5)</i>	20 Dec 2007 (see F2007L04925)	Ss. 1–3 and Schedule 1: 21 Dec 2007 Schedule 2: 12 Dec 2008 Schedule 3: 1 Jan 2011	—
<i>Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2008 (No. 1)</i>	29 Apr 2008 (see F2008L01170)	30 Apr 2008	—
<i>Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2008 (No. 7)</i>	10 Dec 2008 (see F2008L04629)	11 Dec 2008	—

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**Table of Amendments**

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**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

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<b>Provision affected</b>	<b>How affected</b>
<b>Schedule 2</b>	
Schedule 2 .....	am. 2008 Nos. 1 and 7
<b>Schedule 3</b>	
Schedule 3 .....	am. 2008 Nos. 1 and 7

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