



# **Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2008 (No. 7)**

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

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I, Neil J Jensen, 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 8 December 2008

[Signed]

Neil J Jensen PSM  
Chief Executive Officer  
Australian Transaction Reports and Analysis Centre

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**1 Name of Instrument**

This Instrument is the *Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2008 (No. 7)*.

**2 Commencement**

This Instrument commences on the day after it is registered.

**3 Repeal**

The *Anti-Money Laundering and Counter-Terrorism Financing Rules* are repealed.

The *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 2)* is repealed.

**4 Amendment**

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

Schedule 2 amends the *Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2007 (No. 4)*.

Schedule 3 amends the *Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2007 (No. 5)*.

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

**1. Section 2, note**

*Omit*

**2. After paragraph 3.1.6**

*Insert*

**Part 3.2 Anti-Money Laundering and Counter-Terrorism Financing Rules in Respect of Paragraph (e) of the Definition of ‘Correspondent Banking Relationship’ in Section 5 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006***

3.2.1 These Anti-Money Laundering and Counter-Terrorism Financing Rules (Rules) are made pursuant to section 229 of

the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) for the purposes of paragraph (e) of the definition of ‘correspondent banking relationship’ in section 5 of the AML/CTF Act.

- 3.2.2 For the purposes of paragraph (e) of the definition of correspondent banking relationship in section 5 of the AML/CTF Act, all banking services that do not involve nostro or vostro accounts are specified.

### 3. After Chapter 23

*Insert*

#### **Chapter 24 Anti-Money Laundering and Counter-Terrorism Financing Rules for Movements of Physical Currency into or out of Australia**

24.1 For the purposes of paragraph 53(8)(b) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*, a report in respect of a movement of physical currency into or out of Australia must contain the following information:

- (1) the full name of the person who is to move the physical currency into or out of Australia (the person);
- (2) if the person is an individual:
  - (a) the person’s residential address;
  - (b) the person’s residential telephone number;
  - (c) the person’s date of birth;
  - (d) the person’s place of birth (including the town or city and country of birth);
  - (e) the person’s ABN (if any); and
  - (f) the person’s country or countries of citizenship;
- (3) if the person is not an individual:
  - (a) the address of the person’s registered office or principal place of business;
  - (b) the person’s telephone number; and
  - (c) the person’s ACN or ARBN or ABN (if any);
- (4) if the person is not an Australian resident—the person’s address and telephone number while in Australia;
- (5) the person’s occupation, business or principal activity;
- (6) a statement as to whether the physical currency is to be moved into Australia or moved out of Australia;

- (7) if the person is to bring the physical currency into Australia or is to take the currency out of Australia:
- (a) the unique identifying number of the passport pursuant to which the person is travelling and name of the country that issued that passport;
  - (b) where practicable - the unique identifying number of each other passport held by the person and the country of issue for each passport;
  - (c) the name of the city, town or port in Australia from which the person is to depart or at which the person will enter;
  - (d) the name of the country and the city, town or port from which, or to which, the physical currency is to be moved;
  - (e) the date on which the person is to bring the currency into or take the currency out of Australia;
  - (f) the number of the flight or the name of the vessel on which the person is to bring the currency into or take the currency out of Australia;
  - (g) the full name, residential address (not being a PO Box address), ACN or ABN or ARBN (where applicable), telephone number, occupation and business or principal activity of any person to whom the physical currency is to be delivered;
  - (h) a statement as to whether the person was requested by a customs officer or police officer to provide the report for the purposes of clause 53;
- (8) if the person is to send the physical currency into or out of Australia:
- (a) the name of the country and the city, town or port from which the physical currency is to be despatched;
  - (b) the name of the country and the city, town or port to which the physical currency is to be despatched;
  - (c) the means by which the physical currency is to be sent - for example, by post, by ship or through a courier or another person;
  - (d) the name, address and telephone number of the individual or service provider who is to move the physical currency on behalf of the person;
  - (e) if the physical currency is to be shipped – the name of the vessel on which it is to be shipped, if known; and
  - (f) the date on which the physical currency is to be sent into or out of Australia, or – in the case of physical currency being posted – the date on which it was posted;

- (g) the full name, address (not being a PO Box address) occupation, business or principal activity, telephone number and ACN or ARBN or ABN (to the extent the information is known) of any person to whom the physical currency is to be sent;
- (9) if the person is to move the physical currency into or out of Australia on behalf of another person:
  - (a) the name of that person;
  - (b) if that person is an individual - his or her residential address and residential telephone number;
  - (c) if that person is an individual - his or her ABN (if any);
  - (d) if that person is not an individual:
    - (i) the address and telephone number of that person's registered office or principal place of business; and
    - (ii) any ACN or ARBN or ABN of that person (if known);
  - (e) the occupation or the business or principal activity of that person; and
  - (f) the full name, address (not being a PO Box address), occupation, business or principal activity, telephone number and ACN or ARBN or ABN (to the extent the information is known) of the person to whom the physical currency is to be delivered;
- (10) whether the physical currency to be moved is in Australian currency or foreign currency; and
- (11) the name of the currency and the amount as denominated in that currency;

24.2 In this Chapter:

- (1) '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.

## **Chapter 25    Anti-Money Laundering and Counter-Terrorism Financing Rules for Receipts of Physical Currency From Outside Australia**

25.1 For the purposes of paragraph 55(5)(b) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*, a report must contain the following details:

- (1) the full name of the person receiving the physical currency (the person);
- (2) if the person is an individual:
  - (a) the person's residential address;
  - (b) the person's residential telephone number;
  - (c) the person's date of birth;
  - (d) the person's place of birth (including the town or city and country of birth);
  - (e) the person's ABN (if any); and
  - (f) the person's country or countries of citizenship;
- (3) if the person is not an individual:
  - (a) the address of the person's registered office or principal place of business;
  - (b) the person's telephone number; and
  - (c) the person's ACN or ARBN or ABN (if any);
- (4) if the person is not an Australian resident—the person's address and telephone number while in Australia;
- (5) the person's occupation, business or principal activity;
- (6) whether the physical currency being received is in Australian currency or foreign currency;
- (7) the name of the currency and the amount as denominated in that currency;
- (8) the name, address (not being a PO Box address) and telephone number of the person who sent the physical currency to the recipient;
- (9) the means by which the physical currency has been moved to the person from outside Australia - for example, by hand delivery by a person who has travelled to Australia, by post, by ship or by courier;
- (10) the name of the person or the service provider who moved the physical currency to the recipient from outside Australia;
- (11) the name of the city, town or port in Australia at which the physical currency was received;

- (12) if the recipient is receiving the physical currency on behalf of another person;
  - (a) the name of that person;
  - (b) if that person is an individual - his or her residential address and residential telephone number;
  - (c) if that person is not an individual:
    - (i) the address and telephone number of that person's registered office or principal place of business; and
    - (ii) any ACN or ARBN or ABN of that person (if known);
  - (d) the occupation or the business or principal activity of that person; and
  - (e) the full name, address (not being a PO Box address), occupation, telephone number and business or principal activity of the person to whom the physical currency is to be delivered; and
- (13) if the recipient knows, the date on which the physical currency entered Australia.

25.2 In this Chapter:

- (1) '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.

**Chapter 26 Anti-Money Laundering and Counter-Terrorism Financing Rules for Movements of Bearer Negotiable Instruments into or out of Australia**

26.1 For the purposes of paragraph 59(2)(b) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*, a report in respect of one or more bearer negotiable instruments must contain the following information:

- (1) the full name of the person giving the report (the person);
- (2) the person's residential address;
- (3) if the person is an Australian resident:
  - (a) the person's residential; and

- (b) business telephone numbers;
- (4) if the person is not an Australian resident—the person's:
  - (a) residential address; and
  - (b) residential telephone numberwhile in Australia;
- (5) the person's date of birth;
- (6) the person's place of birth (including the town or city and country of birth);
- (7) the person's country or countries of citizenship;
- (8) the person's occupation, business or principal activity;
- (9) the unique identifying number of the passport pursuant to which the person is travelling and the name of the country that issued that passport;
- (10) where practicable - the unique identifying number of each other passport held by the person and the country of issue for each passport;
- (11) a statement as to whether the person is leaving or arriving in Australia;
- (12) the name of the city, town or port in Australia from which the person is departing or at which the person is entering;
- (13) the date on which the person is entering or leaving Australia;
- (14) the number of the flight or the name of the vessel on which the person is entering or leaving Australia;
- (15) a description of the type of bearer negotiable instrument;
- (16) the currency in which the bearer negotiable instrument is denominated;
- (17) the amount payable, if any, under the bearer negotiable instrument in that currency;
- (18) the full name of the issuer or drawer of the bearer negotiable instrument;
- (19) the name of the country, and the city or town in that country, at which the bearer negotiable instrument was issued;
- (20) any reference number that appears on the face of the bearer negotiable instrument;
- (21) the name of the country, and the city, town or port in that country, to which the bearer negotiable instrument is being carried;
- (22) the name of the country, and the city, town or port in that country, from which the bearer negotiable instrument is being carried;



- (23) the full name of any payee (where applicable) of the bearer negotiable instrument;
- (24) if the person is to deliver the bearer negotiable instrument to another person:
  - (a) where that other person is an individual:
    - (i) the full name of that individual;
    - (ii) the residential address and residential telephone number of that individual;
    - (iii) if known – the ABN (if any) of that individual; and
    - (iv) the occupation, business or principal activity of that individual,
  - (b) in any other case:
    - (i) the full name of that other person;
    - (ii) the address and telephone number of the registered office or principal place of business of that other person;
    - (iii) if known - the ACN or ARBN or ABN (if any) of that other person ; and
    - (iv) the business or principal activity of that other person;
- (25) if the person is carrying the bearer negotiable instrument on behalf of another person:
  - (a) where that other person is an individual:
    - (i) the full name of that individual;
    - (ii) the residential address and residential telephone number of that individual;
    - (iii) if known – the ABN (if any) of that individual; and
    - (iv) the occupation, business or principal activity of that individual;
  - (b) in any other case:

- (i) the full name and (if known) business name of that other person;
- (ii) the address and telephone number of the registered office or principal place of business of that other person;
- (iii) if known - the ACN or ARBN or ABN (if any) of that other person; and
- (iv) the business or principal activity of that other person.

26.2 In this Chapter:

- (1) '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.

**Chapter 27 Anti-Money Laundering and Counter-Terrorism Financing Rules for Registrable Details - Register of Providers of Designated Remittance Services**

27.1 For the purposes of Part 6 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* the registrable details as defined in section 5 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 - 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(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.

27.2 In this Chapter:

- (1) 'company' has the same meaning as in the *Corporations Act 2001*;
- (2) 'destination' includes country and town or city of that country.

*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.*

**Schedule 2                      Amendment of the *Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2007 (No. 4)***

**1.            Schedule 2, item 1, subparagraph 17.2(1)(h)**

*insert immediately after the word ‘activity’*

and ABN

**2.            Schedule 2, item 1, after subparagraph 17.2(5)**

*insert*

(5A) the number of the transferor entity’s account held with the person which accepts the instruction from the transferor entity, if applicable;

**3.            Schedule 2, item 1, after subparagraph 17.2(6)**

*insert*

(6A) the name and address of the person in the foreign country to which the transmitter sent the instruction for the transfer of money or property;

**4.            Schedule 2, item 1, after subparagraph 17.2(12)**

*insert*

(12A) if money is to be made available to the ultimate transferee entity by a person in a foreign country depositing or arranging for the money to be deposited into an account held by the ultimate transferee entity with that person, whether or not held jointly with any other person or persons:

- (a) the account number of that account, if applicable;
- (b) the name in which the account is held, if applicable; and
- (c) the name and location of the institution at which the account is held;

(12B) any reference number allocated by the reporting entity to the instruction;

**5. Schedule 2, item 1, after subparagraph 17.3(5)**

*insert*

(5A) the number of the transferor entity's account held with the foreign entity which accepts the instruction from the transferor entity, if applicable;

**6. Schedule 2, item 1, after subparagraph 17.3(6)**

*insert*

(6A) the name and address of the entity in Australia to which the instruction for the transfer of money or property was sent by the transmitter;

**7. Schedule 2, item 1, after subparagraph 17.3(10)(f)**

*insert*

(g) occupation, business or principal activity and ABN, if known;

**8. Schedule 2, item 1, after subparagraph 17.3(13)**

*insert*

(13A) if money is to be made available to the ultimate transferee entity by a person in Australia depositing or arranging for the money to be deposited into an account held by the ultimate transferee entity with that person, whether or not held jointly with any other person or persons:

- (a) the account number of that account, if applicable;
- (b) the name in which the account is held, if applicable; and
- (c) the name and location of the institution at which the account is held;

(13B) any reference number allocated by the reporting entity to the instruction;

**9. Schedule 2, item 1, after paragraph 17.3**

*insert*

17.4 A report under subsection 45(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.

**10. Schedule 2, item 1, subparagraph 18.2(8)(g)**

*insert immediately after the word 'activity'*

and ABN

**11. Schedule 2, item 1, subparagraph 18.2(13)(h)**

*insert immediately after the word 'activity'*

and ABN

**12. Schedule 2, item 1, after subparagraph 18.2(20)(h)**

*insert*

(i) the date on which each of the components occurs;

**13. Schedule 2, item 1, after subparagraph 18.2(21)(q)**

*insert*

(r) the date on which the money or property is transferred or is to be transferred;

**14. Schedule 2, item 1, subparagraph 18.2(25) and subparagraph 18.2(26)**

*delete*

**15. Schedule 2, item 1, subparagraph 18.2(28)(b)**

*substitute*

(b) any identifier number or reference number given by the reporting entity to the previous report, if known.

**16. Schedule 2, item 1, after subparagraph 18.2**

*insert*

18.3 A report under subsection 41(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.

**Schedule 3**                    **Amendment of the *Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2007 (No. 5)***

- 17. Schedule 2 and Schedule 3, item 1, subparagraph 19.3(1)(a)**  
*insert immediately after the word 'name'*  
and any other name used by the customer, if known
- 18. Schedule 2 and Schedule 3, item 1, after subparagraph 19.3(1)(a)**  
*insert*  
(aa) any business name(s) under which the customer operates;
- 19. Schedule 2 and Schedule 3, item 1, after subparagraph 19.3(1)(c)**  
*insert*  
(ca) the postal address of the customer if different from that in 19.3(1)(c), if known;
- 20. Schedule 2 and Schedule 3, item 1, subparagraph 19.3(2)(d)**  
*substitute*  
(d) the postal address of the customer if different from that in 19.3(2)(c), if known;
- 21. Schedule 2 and Schedule 3, item 1, subparagraph 19.3(3)**  
*insert after '(3)'*  
the occupation, business or principal activity of the customer or
- 22. Schedule 2 and Schedule 3, item 1, subparagraph 19.3(5)**  
*substitute*  
(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;

**23. Schedule 2 and Schedule 3, item 1, subparagraph 19.3(6)**

*substitute*

- (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;
  - (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;

**24. Schedule 2 and Schedule 3, item 1, after subparagraph 19.3(7)(a)(vi)**

*insert*

- (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;

**25. Schedule 2 and Schedule 3, item 1, after subparagraph 19.3(7)(b)(vi)**

*insert*

(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;

**26. Schedule 2 and Schedule 3, item 1, after subparagraph 19.3(7)(c)(vii)**

*insert*

(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;

**27. Schedule 2 and Schedule 3, item 1, after subparagraph 19.3(7)(d)(vii)**

*insert*

(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;

**28. Schedule 2 and Schedule 3, item 1, paragraph 19.4**

*substitute*

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.

**29. Schedule 2, item 1, after subparagraph 19.3(1)(d)**

*insert*

- (e) the ABN of the customer, if known;

**30. Schedule 3, item 1, after subparagraph 19.3(1)(d)**

*insert*

(da) the ABN of the customer, if known;