



## **Financial Transaction Reports Regulations 2019**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 05 September 2019

David Hurley  
Governor-General

By His Excellency's Command

Peter Dutton  
Minister for Home Affairs

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# Contents

<b>Part 1—Introduction</b>	1
<b>Division 1—Preliminary</b>	1
1 Name.....	1
2 Commencement .....	1
3 Authority.....	1
4 Schedules .....	1
<b>Division 2—Definitions</b>	2
5 Definitions .....	2
6 Meaning of <i>public employee</i> .....	4
<b>Division 3—Provisions relating to definitions in the Act</b>	6
7 Prescribed details in relation to trust accounts .....	6
8 Instructions that are not international funds transfer instructions.....	6
<b>Part 2—Accounts</b>	7
<b>Division 1—General</b>	7
9 Prescribed verification procedure—identifying cash dealers .....	7
10 Verification checks of signatories to accounts .....	8
<b>Division 2—Alternative verification procedures</b>	11
11 Alternative verification procedure—public authorities, rating authorities and incorporated bodies.....	11
12 Alternative verification procedure—children.....	12
13 Alternative verification procedure—recent arrivals in Australia .....	12
14 Alternative verification procedure—non-residents .....	13
15 Alternative verification procedure—Aboriginal persons or Torres Strait Islanders.....	14
16 Alternative verification procedure—certain persons who receive social security benefits .....	15
17 Alternative verification procedure—persons receiving student financial supplement.....	15
<b>Division 3—Particulars to be recorded</b>	17
18 Particulars to be recorded—signatories to accounts.....	17
<b>Division 4—Change of name</b>	18
19 Prescribed person.....	18
<b>Part 3—Retaining financial transaction documents</b>	19
20 Customer-generated financial transaction documents relating to operation of accounts .....	19
21 Retaining other financial transaction documents .....	19
<b>Part 4—Transitional provisions</b>	20
22 Things done under the <i>Financial Transaction Reports Regulations 1990</i> .....	20
<b>Schedule 1—Repeals</b>	21
<i>Financial Transaction Reports Regulations 1990</i>	21



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## Part 1—Introduction

### Division 1—Preliminary

#### 1 Name

This instrument is the *Financial Transaction Reports Regulations 2019*.

#### 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. The whole of this instrument	The day after this instrument is registered.	11 September 2019

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 the *Financial Transaction Reports Act 1988*.

#### 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 has effect according to its terms.

## Division 2—Definitions

### 5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) account;
- (b) account information;
- (c) ADI;
- (d) cash dealer;
- (e) international funds transfer instruction;
- (f) public authority;
- (g) signatory.

(1) In this instrument:

**Aboriginal person** means a person of the Aboriginal race of Australia.

**Act** means the *Financial Transaction Reports Act 1988*.

**bank** means an ADI that is permitted to use the expression **bank** under section 66 of the *Banking Act 1959*.

**building society** means an ADI that is permitted to use the expression **building society** under section 66 of the *Banking Act 1959*.

**child** means a person who is under 18 years of age.

**community leader**, in relation to an Aboriginal or Torres Strait Islander community, means:

- (a) a person who is recognised by the members of the community to be a community elder; or
- (b) if there is an Aboriginal council that represents the community—an elected member of the council; or
- (c) a member, or a member of the staff, of an Aboriginal Land Council established under Part III of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

**corporate treasurer** means an ADI that provides financial management services to a body corporate that is related to the corporate treasurer.

**credit union** means an ADI that is permitted to use the expression **credit union** under section 66 of the *Banking Act 1959*.

**financial body** means:

- (a) a financial institution; or
- (b) a corporation that is a registrable corporation within the meaning of the *Financial Sector (Collection of Data) Act 2001*.

**foreign driver licence** means a licence to drive a motor vehicle held by an international visitor and issued in the country in which the person is ordinarily resident.

**higher education provider** has the meaning given by subsection 16-1(1) of the *Higher Education Support Act 2003*.

**Human Services Department** means the Department administered by the Minister administering the *Human Services (Centrelink) Act 1997*.

**incorporated body** means:

- (a) a public company within the meaning of the *Corporations Act 2001*; or
- (b) a body corporate that is a subsidiary of a public company within the meaning of any of sections 46 to 49 of the *Corporations Act 2001*; or
- (c) a proprietary company within the meaning of the *Corporations Act 2001* in which one or more shares is owned by a public company within the meaning of that Act; or
- (d) a proprietary company within the meaning of the *Corporations Act 2001*, or an incorporated association:
  - (i) that has traded for a continuous period of 2 or more years; or
  - (ii) that has maintained an account with a financial institution for a continuous period of 2 or more years; or
- (e) a registered foreign company carrying on business in Australia within the meaning of the *Corporations Act 2001*; or
- (f) a bank; or
- (g) a building society; or
- (h) a credit union; or
- (i) a company that is a friendly society for the purposes of the *Life Insurance Act 1995*; or
- (j) a body established or incorporated for a public purpose.

**international visitor** means a person who:

- (a) is ordinarily resident in a foreign country; and
- (b) is not a permanent resident of Australia.

**known customer**, in relation to a financial body at a particular time, means an individual who has been a signatory to an account with the financial body for not less than 12 months immediately before that time.

**principal executive officer** has the same meaning as in subsection 8A(8) of the Act.

**public employee** has the meaning given by section 6.

**public utility** means an authority or enterprise the primary business of which is to provide electricity, water, sewerage or gas to the public for domestic or business purposes.

**rating authority** means:

- (a) a municipal, city, town, district or shire council; or
- (b) in the case of land in the Australian Capital Territory—the Australian Capital Territory.

**Sensis** means Sensis Pty Ltd (ACN 007 423 912).

## Section 6

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**Social Services Department** means the Department administered by the Minister administering the *Student Assistance Act 1973*.

**superannuation fund** has the same meaning as in subsection 10(1) of the *Superannuation Industry (Supervision) Act 1993*.

**technical and further education institution** has the same meaning as in section 3 of the *Student Assistance Act 1973*.

**Telstra** has the same meaning as in section 3 of the *Telstra Corporation Act 1991*.

**tertiary education institution** means a higher education provider or a technical and further education institution.

**Torres Strait Islander** means a descendant of an Indigenous inhabitant of the Torres Strait Islands.

**verified signatory** means a signatory who has been identified by means of:

- (a) a verification procedure referred to in subparagraph 20A(1)(b)(ii) of the Act; or
- (b) an identification reference in accordance with section 21 of the Act; or
- (c) the checks mentioned in section 10 of this instrument.

- (2) If the rules of a superannuation fund contain a provision the purpose of which is to avoid a breach of a rule of law relating to perpetuities, the provision does not prevent the fund from being treated as an indefinitely continuing fund for the purposes of the definition of **superannuation fund** in subsection (1).
- (3) For the purposes of this instrument, the question whether a body corporate is related to another body corporate is to be determined in the same way as that question is determined for the purposes of the *Corporations Act 2001*.

### 6 Meaning of **public employee**

- (1) For the purposes of this instrument, a person is a **public employee** if the person is employed by the Commonwealth or by a State or Territory, or by a public authority or a rating authority, whether the person is so employed under a law, or under a contract of service or apprenticeship.
- (2) Without limiting subsection (1):
  - (a) a member of the Parliament of the Commonwealth or of a State or Territory; or
  - (b) a justice or judge of a court of the Commonwealth or of a State or Territory; or
  - (c) a person (other than a person mentioned in subsection (4)) who is the holder of an office established by or under a law of the Commonwealth or of a State or Territory;is, for the purposes of this instrument, taken to be employed by the Commonwealth or the State or Territory, as the case may be.
- (3) Without limiting subsection (1), a member of the Australian Defence Force is, for the purposes of this instrument, taken to be employed by the Commonwealth.



- (4) Without limiting subsection (1), a person is, for the purposes of this instrument, taken to be employed by a public authority or a rating authority if:
- (a) the person constitutes, or is a member of, the authority; or
  - (b) if the authority is a body corporate—the person is a director of the body corporate.

## Division 3—Provisions relating to definitions in the Act

### 7 Prescribed details in relation to trust accounts

- (1) For the purposes of subparagraph (c)(v) of the definition of *account information* in subsection 3(1) of the Act and subject to subsection (2) of this section, the following details in relation to an account held in trust are prescribed:
  - (a) the name and address of the trustee;
  - (b) either:
    - (i) if the terms of the trust identify the beneficiaries under the trust by reference only to membership of a class—details of the class; or
    - (ii) otherwise—the name of each beneficiary under the trust.
- (2) A cash dealer who provides account information in relation to an account held in trust is not required to provide the details mentioned in subsection (1) if the account is:
  - (a) held by, or operated in connection with, a superannuation fund; or
  - (b) held by:
    - (i) the Commonwealth or a State or Territory; or
    - (ii) a public authority or a rating authority.

### 8 Instructions that are not international funds transfer instructions

For the purposes of the definition of *international funds transfer instruction* in subsection 3(1) of the Act, the following kinds of instructions are prescribed:

- (a) an instruction that is transmitted out of Australia by a corporate treasurer for the purpose of providing financial management services to a body corporate that is related to the corporate treasurer;
- (b) an instruction that is transmitted into Australia to a corporate treasurer for the purpose of assisting the corporate treasurer to provide financial management services to a body corporate that is related to the corporate treasurer.

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## Part 2—Accounts

### Division 1—General

#### 9 Prescribed verification procedure—identifying cash dealers

- (1) For the purposes of subparagraph 20A(1)(b)(i) of the Act and subject to this section, the verification procedure that consists of one or more of the following is prescribed for a signatory to an account:
  - (a) the checks mentioned in section 10 of this instrument;
  - (b) in relation to a signatory mentioned in section 11, 12, 13, 14, 15 or 16 of this instrument—the alternative verification procedure for the signatory mentioned in the section that applies to the signatory;
  - (c) in relation to a person receiving financial supplement as mentioned in section 17 of this instrument—the alternative verification procedure mentioned in that section.
- (2) A signatory to an account is taken to be identified by a cash dealer if the cash dealer carries out the verification procedure prescribed under subsection (1) and the signatory obtains at least 100 points as a result of the cash dealer using that verification procedure.

Note: The necessary points may, in appropriate cases, be obtained using a variety of different checks and alternative verification procedures mentioned in sections 10 to 17. For example, an Aboriginal person or Torres Strait Islander could obtain 70 points as a result of a check under section 10 and another 50 points under section 15.

- (3) The points attributable to:
  - (a) a type of source mentioned in a subparagraph of paragraph 10(1)(a), (b) or (c); or
  - (b) a telephone contact mentioned in paragraph 10(1)(d); or
  - (c) a document mentioned in paragraph 10(1)(e); or
  - (d) a document mentioned in paragraph 10(1)(g) issued from a particular source; or
  - (e) a reference mentioned in a subparagraph of paragraph 10(1)(j);may only be counted once in relation to the signatory to an account.

Note: An example of the application of subsection (3) would be where P has been identified by P's current employer under subparagraph 10(1)(a)(i) and that identification is worth 35 points. P cannot rely on identification by a former employer to gain a further 35 points for opening the same account. However, the fact that subsection (3) only allows the points for identification under subparagraph 10(1)(a)(i) to be counted once does not prevent P from relying on identification under another subparagraph of paragraph 10(1)(a) or identification under another paragraph of subsection 10(1).

- (4) The fact that 2 or more bodies corporate are related does not affect their identity as distinct sources.

Note: An example of the application of paragraph 10(1)(d) and subsection (4) would be where P has been issued with a Mastercard and a Visa Card by P's bank. Each is worth 25 points under paragraph 10(1)(g), but because they have been issued by the same bank, P may only use one of them for identification purposes. Another bank has issued P with a credit card and P also holds a credit card issued by a finance company that is a

## Section 10

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wholly owned subsidiary of that bank. For the purpose of identifying P, both of the last-mentioned credit cards may be taken into account, giving a total of 75 points.

### 10 Verification checks of signatories to accounts

- (1) The checks that may be made in relation to any signatory to an account are as follows:
  - (a) the identifying cash dealer verifies the name and address of the signatory from one or more of the following sources (each verification being worth 35 points):
    - (i) the employer of the signatory, or a person who was an employer of the signatory within the last 2 years, from records held by the employer or previous employer;
    - (ii) a rating authority, from its records relating to land ownership or occupation;
    - (iii) a document held by the identifying cash dealer conferring an interest by way of security over property of the signatory;
    - (iv) a financial body, other than the identifying cash dealer, from its records relating to a mortgage or other instrument of security granted by the signatory to that body;
    - (v) subject to the *Privacy Act 1988*—a credit reporting body (within the meaning of that Act) from its records;
    - (vi) records held under a law of a State or Territory relating to land titles;
  - (b) the identifying cash dealer verifies the name and address of the signatory from one or more of the following sources (each verification being worth 25 points):
    - (i) the electoral roll compiled by the Australian Electoral Office and available for public scrutiny;
    - (ii) a nominee of the signatory who is an acceptable referee or who would, if the nominee had known the signatory for at least 12 months, be an acceptable referee;
    - (iii) if the signatory lives or carries on business in rented accommodation—the owner or landlord of the premises or a real estate agent acting as managing agent of the premises;
    - (iv) a public utility, from its records;
    - (v) if the signatory is a known customer of another financial body—that body, from its records;
    - (vi) a record held under a law of a State or Territory other than a law relating to land titles;
  - (c) the identifying cash dealer verifies the name and date of birth of the signatory from either or both of the following sources (each verification being worth 25 points):
    - (i) if the signatory has attended a primary, secondary or tertiary education institution within the last 10 years—that institution, from its records;
    - (ii) if the signatory is a member of a professional or trade association—that association, from its records;
  - (d) the identifying cash dealer verifies the name, address and telephone number of the signatory:

- (i) by reference to the latest telephone directory published by Sensis or by advice provided by Telstra; and
    - (ii) by making telephone contact with the signatory on the telephone number obtained in accordance with subparagraph (i);  
(verification by this means is worth 25 points);
  - (e) the identifying cash dealer verifies the name of the signatory from a primary identification document relating to the signatory produced to the identifying cash dealer (verification by this means is worth 70 points);
  - (f) the identifying cash dealer verifies the name of the signatory from a secondary identification document relating to the signatory produced to the identifying cash dealer and the document:
    - (i) contains a photograph or the signature of the signatory; and
    - (ii) is a document of a kind specified in subsection (2);  
(verification by this means is worth 40 points);
  - (g) the identifying cash dealer verifies the name of the signatory from any other secondary identification document relating to the signatory produced to the identifying cash dealer (verification by this means is worth 25 points);
  - (h) if the identifying cash dealer is a financial body—it verifies that the signatory is a known customer (verification by this means is worth 40 points);
  - (i) if the identifying cash dealer is a financial body—it verifies that the signatory has been a signatory to an account with the body for at least 36 months immediately before the verification (verification by this means is worth 100 points);
  - (j) the identifying cash dealer verifies the name of the signatory from a reference produced to the identifying cash dealer, being:
    - (i) a written reference from a financial body relating to the signatory certifying that the signatory is a known customer and bearing the signatures of the signatory and an employee or agent of the financial body; or
    - (ii) a written reference from an acceptable referee certifying that the referee has known the signatory by that name for at least 12 months and bearing the signatures of the signatory and the acceptable referee; or
    - (iii) a written reference from a verified signatory certifying that the verified signatory has known the signatory for at least 12 months and bearing the signatures of the signatory and the verified signatory;  
(verification by this means is worth 40 points).
- (2) For the purposes of subparagraph (1)(f)(ii), the following kinds of documents are specified:
- (a) an identification card issued to a public employee;
  - (b) a licence or permit issued under a law of the Commonwealth or of a State or Territory;
  - (c) an identification card issued to a person by the Commonwealth or by a State or Territory as evidence of the person's entitlement to a financial benefit;
  - (d) an identification card issued to a student at a tertiary education institution;

**Section 10**

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- (e) a foreign driver licence.
- (3) The identifying cash dealer must:
  - (a) retain or copy each of the documents produced for the purposes of paragraph (1)(e), (f), (g) or (j); or
  - (b) record for each of those documents the particulars mentioned in section 18.

## **Division 2—Alternative verification procedures**

### **11 Alternative verification procedure—public authorities, rating authorities and incorporated bodies**

#### *Certificate of identity by verifying officer*

- (1) A signatory to an account of a public authority, rating authority or incorporated body is also taken to be identified if a certificate of identity by the verifying officer, or a verifying officer, for that account is lodged with an identifying cash dealer and the certificate:
  - (a) states that the officer is satisfied that the signatory is authorised by the authority or body to be a signatory to that account; and
  - (b) bears the signatures of the officer and the signatory.
- (2) A certificate of identity by a verifying officer may relate to more than one signatory to the account for which it is lodged.
- (3) Verification of the identity of a signatory under the alternative verification procedure specified in subsection (1) is worth 100 points.

#### *Nomination of verifying officer*

- (4) For the purposes of subsection (1), a public authority, rating authority or incorporated body may notify an identifying cash dealer of the nomination of a person to be the verifying officer, or a verifying officer, of the authority or body in respect of an account, or of some or all accounts, of the authority or body with the identifying cash dealer.
- (5) The nomination must be signed by the principal executive officer of the authority or body or by the person responsible for administration of the account.

#### *Identifying nominated person*

- (6) If an identifying cash dealer is notified that a person has been nominated as a verifying officer and the nominated person is not a verified signatory, the identifying cash dealer must, as soon as practicable, seek to identify the person (whether or not the person is, or is to be, a signatory to a relevant account) by means of:
  - (a) a verification procedure referred to in subparagraph 20A(1)(b)(ii) of the Act; or
  - (b) an identification reference for the person in accordance with section 21 of the Act; or
  - (c) the checks mentioned in section 10 of this instrument.

#### *Revocation of nomination etc.*

- (7) If a public authority, rating authority or incorporated body revokes a nomination, or a verifying officer ceases to be employed by the authority or incorporated body, it must notify the identifying cash dealer of that fact as soon as practicable.

Section 12

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**12 Alternative verification procedure—children**

- (1) A child who is a signatory to an account is also taken to be identified if there is produced to the identifying cash dealer:
  - (a) a primary identification document relating to the child; or
  - (b) a statement, issued on behalf of an educational institution attended by the child, that complies with subsection (2).
- (2) A statement complies with this subsection if the statement:
  - (a) is:
    - (i) written on the letterhead of the educational institution or on the letterhead of the educational system to which the educational institution belongs; or
    - (ii) contained in a student card issued by the educational institution that also bears the seal or stamp of the educational institution; and
  - (b) specifies the name of the child; and
  - (c) confirms that the child attends the educational institution; and
  - (d) is signed by any of the following officers (however described) of the educational institution:
    - (i) the principal;
    - (ii) the deputy principal;
    - (iii) the head teacher;
    - (iv) the deputy head teacher;
    - (v) the enrolment officer;
    - (vi) the deputy enrolment officer;
    - (vii) the secretary;
    - (viii) the deputy secretary;
    - (ix) the chief administrator;
    - (x) the deputy chief administrator.
- (3) The identifying cash dealer must:
  - (a) copy each of the documents produced; or
  - (b) record for each of those documents the particulars mentioned in section 18.
- (4) Verification of the identity of a signatory under the alternative verification procedure specified in subsection (1) is worth 100 points.

**13 Alternative verification procedure—recent arrivals in Australia**

- (1) A person who is a signatory to an account is also taken to be identified if:
  - (a) immediately before the person most recently arrived in Australia, the person was not ordinarily resident in Australia; and
  - (b) the person produces the person's international travel document to the identifying cash dealer; and
  - (c) at the time of production of the international travel document the person has been in Australia for a period:
    - (i) that commences on the day on which the person most recently arrived in Australia, or on the first day since that arrival on which the person is lawfully at large in Australia, whichever is the later; and



- (ii) the duration of which is less than 6 weeks.
- (2) The identifying cash dealer must:
  - (a) copy each of the documents produced; or
  - (b) record for each of those documents the particulars mentioned in section 18.
- (3) Verification of the identity of a signatory under the alternative verification procedure specified in subsection (1) is worth 100 points.

#### **14 Alternative verification procedure—non-residents**

##### *Certificate of identity by foreign verifying officer*

- (1) A person resident outside Australia who is a signatory to an account with a financial body is also taken to be identified if a certificate of identity by the foreign verifying officer, or a foreign verifying officer, for that account is lodged with an identifying cash dealer and the certificate:
  - (a) sets out the name and residential address of the signatory; and
  - (b) states that the officer is satisfied:
    - (i) that the name is the name by which the signatory is known; and
    - (ii) that the signatory is a signatory to an account with the financial body; and
  - (c) bears the signatures of the officer and the signatory.
- (2) A certificate of identity by a foreign verifying officer referred to in subsection (1) may relate to more than one signatory to the account for which it is lodged.
- (3) Verification of the identity of a signatory under the alternative verification procedure specified in subsection (1) is worth 100 points.

##### *Identification of person resident outside Australia*

- (4) A person resident outside Australia who is a signatory to an account is also taken to be identified if the following alternative verification procedure is used:
  - (a) the person produces, to an employee of a foreign bank who is authorised by the bank to open accounts with the bank, verification of the identity of the person using documents that are equivalent to documents worth a total of 100 points that are referred to in section 10;
  - (b) the employee:
    - (i) signs a statement that the employee has seen the documents; and
    - (ii) attaches a copy of each of the documents to the statement or records the pertinent details of the documents in the statement.
- (5) Verification of the identity of a signatory under the alternative verification procedure specified in subsection (4) is worth 100 points.

##### *Nomination by financial body of foreign verifying officer*

- (6) For the purposes of subsection (1), a financial body that carries on business in Australia, or in a State or Territory, may notify an identifying cash dealer of the nomination of a person resident overseas employed by it to be the foreign verifying officer, or a foreign verifying officer, of the financial body.

## Section 15

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- (7) If an identifying cash dealer is notified that a person has been nominated as a foreign verifying officer and the nominated person is not a verified signatory, the identifying cash dealer must, as soon as practicable, seek to identify the person by means of:
- (a) a verification procedure referred to in subparagraph 20A(1)(b)(ii) of the Act; or
  - (b) an identification reference for the person in accordance with section 21 of the Act; or
  - (c) the checks mentioned in section 10 of this instrument.

### *Revocation of nomination etc.*

- (8) If a financial body revokes a nomination or a foreign verifying officer ceases to be employed by a financial body, the financial body must notify the identifying cash dealer of that fact as soon as practicable.

### *Interpretation*

- (9) A reference to a foreign bank in subsection (4) is a reference to an entity that carries on banking business outside Australia and is engaged in a transaction with an identifying cash dealer, whether or not the entity has an authority under section 9 of the *Banking Act 1959*.
- (10) In this section:

*carrying on business in Australia, or in a State or Territory*, has the meaning given by section 21 of the *Corporations Act 2001*.

## **15 Alternative verification procedure—Aboriginal persons or Torres Strait Islanders**

- (1) The name of an Aboriginal person or Torres Strait Islander who is a signatory to an account may also be verified by means of a written statement provided by any of the following (a *referee*):
- (a) a director or secretary of an Aboriginal and Torres Strait Islander corporation that is registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*;
  - (b) a member of a Land Council established by or under the *Aboriginal Land Rights (Northern Territory) Act 1976* for an area in which the signatory lives;
  - (c) a community leader of the community to which the signatory belongs;
  - (d) a person before whom a statutory declaration may be made under the *Statutory Declarations Act 1959*.
- (2) For the purposes of subsection (1), the written statement provided by a referee must:
- (a) include all of the following details:
    - (i) the referee's knowledge of the signatory's name and any other names by which the signatory is, or has been, known;
    - (ii) the referee's knowledge of the signatory's residential address and any other addresses at which the signatory has resided;

- (iii) the referee's knowledge of the signatory's birth date (actual or approximate);
  - (iv) how long the referee has known the signatory;
  - (v) any other details known to the referee that establish the signatory's identity; and
- (b) be signed and dated by the referee.
- (3) Each verification of the name of a signatory by a referee under the alternative verification procedure specified in subsection (1) is worth 50 points.

### **16 Alternative verification procedure—certain persons who receive social security benefits**

- (1) The alternative verification procedure for a person who is a signatory to an account and who:
- (a) is unable to comply with the checks mentioned in section 10; and
  - (b) produces to the identifying cash dealer, not more than 3 months after the date on which it was issued, a letter of introduction from an employee of the Human Services Department;
- consists of the verification by that identifying cash dealer of the identity of the person from that letter of introduction.
- (2) Verification of the identity of a signatory under the alternative verification procedure specified in subsection (1) is worth 100 points.
- (3) In this section:

***letter of introduction*** means a letter signed by the signatory and an employee of the Human Services Department to the effect that:

- (a) the signatory receives a social security payment; and
- (b) the signatory's signature has been verified from the records of the Department.

### **17 Alternative verification procedure—persons receiving student financial supplement**

- (1) This section applies if:
- (a) a person:
    - (i) has a document, issued by the Social Services Department, certifying that the person referred to in the document is eligible to apply for financial supplement under the Student Financial Supplement Scheme set out in Part 4A of the *Student Assistance Act 1973*; and
    - (ii) gives the document to an identifying cash dealer no later than 3 months after the day on which the document is issued; and
    - (iii) applies to the identifying cash dealer for the amount of the financial supplement to be paid into an account to which the person is a signatory; and
  - (b) the identifying cash dealer:
    - (i) has entered into an agreement with the Commonwealth for the purposes of subsection 12D(1) of that Act; and

**Part 2** Accounts

**Division 2** Alternative verification procedures

**Section 17**

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- (ii) accepts the person's application.
- (2) The alternative verification procedure for the person is the verification by the identifying cash dealer of the person's identity from the document referred to in subparagraph (1)(a)(i) of this section.
- (3) The verification of the person's identity under the alternative verification procedure specified in subsection (2) is worth 100 points.

## **Division 3—Particulars to be recorded**

### **18 Particulars to be recorded—signatories to accounts**

- (1) The particulars relating to a document referred to in paragraph 10(1)(e), (f), (g) or (j) or subsection 12(3) or 13(2) are as follows:
  - (a) the nature of the document;
  - (b) the name of the person to whom it relates;
  - (c) if the document contains information relating to the age or place of residence of the signatory—details of that information;
  - (d) the date, place of issue and any expiry date of the document;
  - (e) any number allocated to the document by the authority which issued it.
- (2) If an identification check is based on information provided by a person, the person making the check must record whichever of the following is relevant:
  - (a) the name of the person providing the information;
  - (b) the designation, title or rank of that person;
  - (c) the name and address of any body or organisation with whom the person is associated, if that association is relevant to the kind of information provided by the person;
  - (d) a note of the information provided by the person.

## Division 4—Change of name

### 19 Prescribed person

- (1) For the purposes of subsection 21A(2) of the Act, the following persons are prescribed for any signatory:
  - (a) a person before whom a statutory declaration may be made under the *Statutory Declarations Act 1959*;
  - (b) an employee of:
    - (i) a women's refuge; or
    - (ii) a crisis and counselling service;who counsels or otherwise assists victims of domestic violence, sexual assault or sexual abuse, as part of the employee's duties.
- (2) For the purposes of subsection 21A(2) of the Act, the following persons are also prescribed for a signatory who has been verified (wholly or partially) under section 15 of this instrument:
  - (a) a director or secretary of an Aboriginal and Torres Strait Islander corporation that is registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*;
  - (b) a member of a Land Council established under the *Aboriginal Land Rights (Northern Territory) Act 1976*;
  - (c) a community leader of the community to which the signatory belongs.

## **Part 3—Retaining financial transaction documents**

### **20 Customer-generated financial transaction documents relating to operation of accounts**

For the purposes of subsection 40H(2) of the Act, the amount of \$1,000 is specified.

### **21 Retaining other financial transaction documents**

For the purposes of subsection 40J(2) of the Act, the amount of \$1,000 is specified.

## Part 4—Transitional provisions

### 22 Things done under the *Financial Transaction Reports Regulations 1990*

- (1) If:
  - (a) a thing was done for a particular purpose under the *Financial Transaction Reports Regulations 1990* as in force immediately before those Regulations were repealed; and
  - (b) the thing could be done for that purpose under this instrument;  
the thing has effect for the purposes of this instrument as if it had been done under this instrument.
- (2) Without limiting subsection (1), a reference in that subsection to a thing being done includes a reference to a notice, application or other instrument being given, made or served.



## **Schedule 1—Repeals**

### ***Financial Transaction Reports Regulations 1990***

#### **1 The whole of the instrument**

Repeal the instrument.