



**Australian Government**

**Australian Transaction Reports  
and Analysis Centre**

# AUSTRAC Information Circular No. 40

## Charter of the United Nations (Anti-terrorism Persons and Entities) List

Resolution 1373 (2001), adopted by the United Nations Security Council on 28 September 2001, imposes upon UN Member States a series of obligations to suppress terrorism. In particular, States are obliged under sub-paragraph 1(c) to:

Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities; ...

The Australian Government Department of Foreign Affairs and Trade (DFAT) has announced that Australia has implemented the obligation to freeze terrorists' assets by making it a criminal offence for persons who hold assets that are owned or controlled by persons or entities referred to in sub-paragraph 1(c) of Resolution 1373 to use or deal with those assets. It is also a criminal offence to make assets available to persons or entities referred to in sub-paragraph 1(c). DFAT advises the penalty for these offences is five years imprisonment.

A consolidated list of all persons and/or entities referred to in sub-paragraph 1(c) of Resolution 1373 is provided on the DFAT website at:  
[www.dfat.gov.au/icat/UNSC\\_financial\\_sanctions.html](http://www.dfat.gov.au/icat/UNSC_financial_sanctions.html).

Any person who is engaged in the business of holding, dealing in, or facilitating dealing in assets may apply to DFAT for notice of decisions of the Minister for Foreign Affairs to add new persons or entities to the list, by forwarding their email address and a summary of the business in relation to assets to: [asset.freezing@dfat.gov.au](mailto:asset.freezing@dfat.gov.au).

Regulated entities should take the above into account when considering whether a particular transaction should be reported to AUSTRAC as a suspect transaction under the *Financial Transaction Reports Act 1988* (FTR Act), or a suspicious matter under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act). Where a transaction is reportable under the FTR Act as a significant cash transaction and/or an international funds transfer instruction, or under the AML/CTF Act as a threshold transaction and/or an international funds transfer instruction, regulated entities should remember that a

suspect transaction or suspicious matter report may be required in addition to the other report type(s), where grounds for suspicion exist.

Reports should be made via AUSTRAC Online. Paper reports will only be accepted from reporting entities that submit less than 50 reports (all types aggregated) per year, or do not have the technical means to report electronically. For urgent reporting, AUSTRAC Online logon information, or to order paper reporting forms, contact the AUSTRAC Help Desk (details below).

AUSTRAC is Australia's anti-money laundering and counter-terrorism financing regulator and specialist financial intelligence unit, originally established under the FTR Act and continued in existence by the AML/CTF Act.

### **Further information**

AUSTRAC officers are able to provide general information relating to the FTR Act and the AML/CTF Act. Enquiries can be directed to the AUSTRAC Help Desk by:

- email to [help\\_desk@austrac.gov.au](mailto:help_desk@austrac.gov.au)
- telephone (02) 9950 0827 or 1300 021 037 (a local call within Australia).

The information contained in this document is intended only to provide a summary and general overview on these matters. It is not intended to be comprehensive. It does not constitute, nor should it be treated as, legal advice or opinions. This document may contain statements of policy which reflect AUSTRAC's administration of the legislation in carrying out its statutory functions. The Commonwealth accepts no liability for any loss suffered as a result of reliance on this publication. AUSTRAC recommends that independent professional advice be sought. The information contained herein is current as at the date of this document.

Regulated entities should note that in relation to activities they undertake to comply with the AML/CTF Act and FTR 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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