

Compliance reports 2007

How to meet your compliance reporting obligations under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.



This brochure provides general guidance on submitting the compliance reports required under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act).

Detailed information on compliance reporting, and on the obligations of reporting entities, is available from AUSTRAC (please see the back page of this brochure for contact details).



Australian Government

**Australian Transaction Reports
and Analysis Centre**

Getting started: your compliance report checklist

1. Have you enrolled with AUSTRAC Online?
2. Have you written your anti-money laundering/ counter-terrorism financing (AML/CTF) program?
3. Have you submitted your AML/CTF compliance report?

If you answered 'no' to any of the above, please read the rest of this brochure. It gives you general guidance on what you have to do by 31 March 2008 and how to do it.

What is an AML/CTF compliance report?

A compliance report gives AUSTRAC, and you, an indication of your compliance with the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act), as well as the regulations and AML/CTF Rules. It also indicates your progress in implementing your AML/CTF program.

If you provide one or more 'designated services', you need to have in place an AML/CTF program from 12 December 2007. For more information on AML/CTF programs, go to www.austrac.gov.au/aml_ctf_programs.html.

If you go to www.austrac.gov.au/amlctf_compliance_report.html you will find more information about compliance reports. You will also find industry-specific instruction guides, which should help you to fill in the report.

Who has to submit AML/CTF compliance reports?

You will need to submit a compliance report if you are a reporting entity.

A reporting entity is an individual, company or other entity that provides a 'designated service' as defined in the AML/CTF Act. Reporting entities include banks, non-bank financial services, remittance (money transfer) services, bullion dealers and gambling businesses.

Examples of designated services include:

- opening an account
- accepting deposits or allowing withdrawals
- making a loan
- issuing a debit or credit card
- supplying goods through a finance lease
- supplying goods by way of hire purchase
- issuing traveller's cheques
- providing remittance services which transfer money or property
- certain superannuation-related transactions or services
- issuing or accepting liability under life insurance policies
- issuing or selling securities and derivatives
- exchanging foreign currency

For the gambling sector, designated services include:

- receiving or accepting a bet
- placing or making a bet
- allowing a person to play a game on an electronic gaming machine
- paying out winnings on bets
- exchanging money for gaming chips or tokens and vice versa

Prior to 31 January 2008, businesses that issued an interest in a managed investment scheme were not subject to AML/CTF obligations under the Act. If you are such a business and have not provided any other designated services up to 31 December 2007, you do not need to lodge a compliance report. We invite you to enrol with AUSTRAC Online to meet your future reporting obligations.

Similarly, if you hold an Australian Financial Services (AFS) licence and the only designated service you provide is to make arrangements for a person to receive a designated service, you do not have to submit a compliance report but we ask you to enrol with AUSTRAC Online.

For more information on whether you have reporting obligations under the AML/CTF Act, visit www.austrac.gov.au/new_users.html

Why do I have to submit an AML/CTF compliance report?

This is a legislative requirement under the AML/CTF Act. Civil penalties may apply for failure to provide an AML/CTF compliance report by the due date. The compliance report needs to be in the approved form and contain all the relevant information. Criminal penalties may also apply if you supply false or misleading information or documents.

When is it due?

Your compliance report must be submitted to AUSTRAC by 31 March 2008.

What period does it cover?

The compliance report covers the period from 13 December 2006 to 31 December 2007.

Where can I find a sample of an AML/CTF compliance report?

There are sample reports available at www.austrac.gov.au/amlctf_compliance_report.html. Remember these are only samples: you should log in to AUSTRAC Online to get a report tailored to your business.

How can I submit my compliance report?

The easiest way to submit your compliance report is through AUSTRAC Online. All you have to do is enrol with AUSTRAC Online, fill in the report and submit it electronically.

What is AUSTRAC Online?

AUSTRAC Online is an internet-based system designed to help you enrol your business with AUSTRAC and to make updating your details easier.

How do I enrol with AUSTRAC Online?

If you are new to AUSTRAC:

1. Go to www.austrac.gov.au
2. Choose the AUSTRAC Online option
3. Click on the link to the AUSTRAC Online login zone
4. Select the SIGN UP button and follow the instructions to enrol.

If you have enrolled online with AUSTRAC previously and already have a password:

1. Go to www.austrac.gov.au
2. Choose the AUSTRAC Online option
3. Choose the Quicklink on the right-hand side for 'EDDSWeb Users and PDRS'
4. Follow the instructions to sign in, using your existing password.

Do I have to submit my report online?

You are required to submit your compliance report electronically through AUSTRAC Online. By doing this you will benefit from a tailored, streamlined compliance report.

If you don't have access to the internet, the AUSTRAC Help Desk can help you enrol and will mail the compliance report to you. You can contact the Help Desk on 1300 021 037.

You will need to give the Help Desk your business details and have them processed before we can send out the compliance report. You will then need to complete the compliance report and return it to us before 31 March 2008. You should allow extra time if you are not using our online system.

About AUSTRAC

The Australian Transaction Reports and Analysis Centre (AUSTRAC) is Australia's anti-money laundering and counter-terrorism financing regulator and specialist financial intelligence unit.

Where can I get more information?

You can contact the AUSTRAC Help Desk
Telephone: 1300 021 037
Email: help_desk@austrac.gov.au

Information is also available on the AUSTRAC website at www.austrac.gov.au

You will find many useful links on this website, including links to the AML/CTF Act, the AML/CTF Rules and AUSTRAC's Regulatory Guide. You will also find more information on compliance reports, information on AML/CTF programs, e-learning modules, guidance notes, a Self Assessment Questionnaire and other resources.

The information contained in this document is intended to provide only 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. 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 was current at the time of publication.



Australian Government

**Australian Transaction Reports
and Analysis Centre**