



**Australian Government**

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**Australian Transaction Reports  
and Analysis Centre**

### **Explanatory note for consultation**

Paragraph 1.2.1 of the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)* (AML/CTF Rules) provides the definition of 'certified copy'.

These AML/CTF Rules amend the definition of 'certified copy' contained in the AML/CTF Rules by expanding the list of persons who are able to certify a document as a true copy of an original document, to include all persons prescribed by Regulation 4 of the *Statutory Declarations Regulations 1993*.

As a consequence of the amendment, the definition of 'certified extract', which is also contained in the AML/CTF Rules, has undergone minor changes.



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#### **Draft Rules Amending Chapter 1 of the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)***

1. These Anti-Money Laundering and Counter-Terrorism Financing Rules are made under section 229 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) for Chapter 1 of the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)*.
2. In paragraph 1.2.1 of *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)*, delete the definition of 'certified copy' and substitute:

'**certified copy** means a document that has been certified as a true copy of an original document by one of the following persons:

- (1) a person who, under a law in force in a State or Territory, is currently licensed or registered to practise in an occupation listed in Part 1 of Schedule 2 of the *Statutory Declarations Regulations 1993*;
  - (2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described);
  - (3) a person listed in Part 2 of Schedule 2 of the *Statutory Declarations Regulations 1993*. For the purposes of these Rules, where Part 2 uses the term '5 or more years of continuous service', this should be read as '2 or more years of continuous service';
  - (4) an officer with, or authorised representative of, a holder of an Australian financial services licence, having 2 or more years of continuous service with one or more licensees.'
3. In paragraph 1.2.1 of *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)*, delete the definition of 'certified extract' and substitute:

'**certified extract** means an extract that has been certified as a true copy of some of the information contained in a complete original document, by one of the persons described in paragraphs (1)-(4) of the definition of 'certified copy' in paragraph 1.2.1 of these Rules.'

*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.*