



## Policy (Civil Penalty Orders) Principles 2006

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

I, CHRISTOPHER MARTIN ELLISON, Minister for Justice and Customs, give these Principles under section 213 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (the *Act*).

Dated 31<sup>st</sup> JANUARY 2007



Minister for Justice and Customs

**1 Name of Principles**

These Principles are the *Policy (Civil Penalty Orders) Principles 2006*.

**2 Commencement**

These Principles commence on the day they are given.

**3 Applying for civil penalty orders (Act s 176)**

- (1) During the period set out in subsection (2) for a civil penalty provision, the AUSTRAC CEO may apply for a civil penalty order against a reporting entity for a contravention of the provision only if the AUSTRAC CEO is satisfied that the reporting entity has failed to take reasonable steps to comply with the provision.

- (2) For subsection (1), the period is:
- (a) for a civil penalty provision in Part 5, 6, 15 or 18 of the Act or Division 2 or 4 of Part 10 of the Act — the period beginning on the day these Principles are given and ending at the end of 12 March 2008; or
  - (b) for a civil penalty provision in Division 5 of Part 3 of the Act, Part 8 of the Act or Division 6 of Part 10 of the Act — the period beginning on 12 June 2007 and ending at the end of 11 September 2008; or
  - (c) for a civil penalty provision in Division 2, 3, 4 or 5 of Part 2 of the Act, Part 7 of the Act or Division 3 or 5 of Part 10 of the Act — the period beginning on 12 December 2007 and ending at the end of 11 March 2009; or
  - (d) for a civil penalty provision in Division 6 of Part 2 of the Act or Division 2, 3, 4 or 6 of Part 3 of the Act — the period beginning on 12 December 2008 and ending at the end of 11 March 2010.

**4 Matters that must be considered**

In determining whether a reporting entity has failed to take reasonable steps to comply with a civil penalty provision, the AUSTRAC CEO must have regard to all relevant matters, including:

- (a) whether the entity has previously failed to take such steps; and
- (b) any steps that the entity has taken to comply with its obligations under the Act; and
- (c) whether the entity complied with any obligations it may have had under the *Financial Transaction Reports Act 1988*; and
- (d) any discussions and agreements that the reporting entity has had with staff of AUSTRAC; and
- (e) any explanation given by the reporting entity to AUSTRAC.