



Australian Government  
Australian Transaction Reports  
and Analysis Centre

## Declaration 2 of 2010

### Section 248 of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006

1. Under paragraph 248(1)(b) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act), **I, John Lance Schmidt, Chief Executive Officer, Australian Transaction Reports and Analysis Centre**, hereby declare that subsection 45(3) of that Act applies, in relation to the persons specified in paragraph 2 below, as if it was modified as follows:

- (a) *omit* from subsection 45(3)(b), 'the AML/CTF Rules';
- (b) *substitute* 'as set out in Schedule 1 to Declaration 2 of 2010;'

2. For the purposes of paragraph 1 the following persons are specified:

Any person specified in subsection 45(1) of the AML/CTF Act that is unable to give, by electronic means through AUSTRAC Online, the AUSTRAC CEO, a report as required by subsection 45(2) of the AML/CTF Act in the form approved by the AUSTRAC CEO under subsection 45(3) as unmodified.

3. This declaration is in effect from 12 March 2010 until 12 September 2010.

A large, stylized handwritten signature in dark ink, appearing to read 'John Lance Schmidt', is written over a horizontal dotted line.

**John Lance Schmidt,  
Chief Executive Officer,  
Australian Transaction Reports and Analysis Centre**

**3 MARCH 2010**

## Schedule 1

- (1) A report about an international funds transfer instruction, within the meaning of items 1 or 3 of the table in section 46 of the AML/CTF Act, must contain:
- (a) the sender's name; and
  - (b) the recipient's name; and
  - (c) the date on which transmission of the instruction commenced; and
  - (d) the currency and the amount of funds referred to in the instruction; and
  - (e) the name or identity of the branch or department of the financial organisation to which the ordering customer gave the request to transmit the instruction; and
  - (f) for a financial organisation transfer instruction:
    - (i) the identity and account number (if any) of the beneficiary organisation; and
    - (ii) if the ordering organisation is not the sender — the identity of the ordering organisation; and
  - (g) for a customer transfer instruction — the ordering customer's name and location; and
  - (h) for a customer transfer instruction — such of the following as appear in the instruction:
    - (i) the number of the ordering customer's account with the ordering organisation;
    - (ii) the beneficiary customer's name and location;
    - (iii) the number of the beneficiary customer's account with the disbursing organisation; and
  - (j) such of the following as appear in the instruction:
    - (i) the identification code assigned to the instruction by the sender;
    - (ii) the date on which the funds referred to in the instruction become available for the recipient to disburse;
    - (iii) the identity of the ordering organisation;
    - (iv) the account of the sender or another financial organisation through which the sender will reimburse the recipient;
    - (v) the branch of the recipient or another financial organisation at which the funds will be made available to the recipient;
    - (vi) the identity of the disbursing organisation;
    - (vii) information given in the instruction by the ordering customer to the beneficiary customer about the reason for payment;

- (viii) information or directions provided by the sender, in the instruction, to a financial organisation, or a branch or department of a financial organisation;
    - (ix) the name or identity of the branch or department of a financial organisation; and
  - (k) if the dealer provides a copy of an instruction as the dealer's report — such other details as appear in the instruction as transmitted.
- (2) A report about an international funds transfer instruction, within the meaning of items 2 or 4 of the table in section 46 of the AML/CTF Act, must contain:
- (a) the sender's name; and
  - (b) the recipient's name; and
  - (c) the date on which the recipient receives the instruction; and
  - (d) the currency and the amount of funds referred to in the instruction; and
  - (e) for a financial organisation transfer instruction:
    - (i) the identity and account number (if any) of the beneficiary organisation; and
    - (ii) if the ordering organisation is not the sender — the identity of the ordering organisation; and
  - (f) for a customer transfer instruction — such of the following as appear in the instruction:
    - (i) the ordering customer's name; and
    - (ii) the ordering customer's location; and
    - (iii) the number of the ordering customer's account with the ordering organisation; and
    - (iv) the beneficiary customer's name; and
    - (v) the beneficiary customer's location; and
    - (vi) the number of the beneficiary customer's account with the disbursing organisation; and
  - (g) such of the following as appear in the instruction:
    - (i) the identification code assigned to the instruction by the sender; and
    - (ii) the date on which the funds referred to in the instruction become available for the recipient to disburse; and
    - (iii) the identity of the ordering organisation; and
    - (iv) the account of the sender or another financial organisation through which the sender will reimburse the recipient; and
    - (v) the branch of the recipient or another financial organisation at which the funds will be made available to the recipient; and
    - (vi) the identity of the disbursing organisation; and
    - (vii) information given in the instruction by the ordering customer to the beneficiary customer about the reason for payment; and



- (viii) information or directions provided by the sender, in the instruction, to a financial organisation, or a branch or department of a financial organisation; and
- (ix) the name or identity of a branch or department of a financial organisation; and
- (h) if the dealer provides a copy of an instruction as the dealer's report — such other details as appear in the instruction as transmitted.

(3) In this Schedule:

(a) *beneficiary customer* means:

- (i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act - the payee;
- (ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act - the ultimate transferee entity.

(b) *beneficiary organisation* means:

- (i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act – the institution in the funds transfer chain designated by the ordering institution as the ultimate recipient of the funds;
- (ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act – the person specified in subparagraph 3(f)(ii) of this Schedule designated by the person who accepts money or property from a transferor entity to be transferred under the designated remittance arrangement, as the ultimate recipient of the funds.

(c) *customer transfer instruction* means an instruction to transfer funds or property from an ordering customer to a beneficiary customer where at least one of those persons is not a financial organisation.

(d) *dealer* means:

- (i) the sender of an international funds transfer instruction transmitted out of Australia;
- (ii) the recipient of an international funds transfer instruction

transmitted into Australia;

(e) *disbursing organisation* means:

(i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act – the beneficiary institution;

(ii) in relation to an international funds transfer instruction within the meaning of item 3 of the table in section 46 of the AML/CTF Act – the person described in item 3(b) of the table in section 46 of the AML/CTF Act;

(iii) in relation to an international funds transfer instruction within the meaning of item 4 of the table in section 46 of the AML/CTF Act – the non-financier described in item 4(b) of the table in section 46 of the AML/CTF Act.

(f) *financial organisation* means:

(i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act – any institution in the funds transfer chain;

(ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act – any of the following:

(A) the person or non-financier who accepts the instruction from the transferor entity;

(B) the person or non-financier who makes the money or property available to the ultimate transferee entity;

(C) each person (if any) interposed between the person or non-financier who accepts the instruction from the transferor entity and the person or non-financier who makes the money or property available to the ultimate transferee entity.

(g) *financial organisation transfer instruction* means an instruction relating to the transfer of funds or property between an ordering organisation acting on its own behalf and a beneficiary organisation.

(h) *instruction* means an international funds transfer instruction as defined by section 46 of the AML/CTF Act.

(j) *location* means:

(i) the customer's full business or residential address (not being a post box address); or

(ii) if the full address cannot be obtained and provided after reasonable efforts -- any of the following:

- (A) the town or suburb at which the business is conducted or the residence is located;
- (B) the postcode of that town or suburb;
- (C) the telephone number of the customer's business or residence.

(k) *ordering customer* means:

(i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act - the payer;

(ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act - the transferor entity.

(l) *ordering organisation* means:

(i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act - the ordering institution;

(ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act - the person or non-financier who accepts money or property from a transferor entity to be transferred under the designated remittance arrangement.

(m) *recipient* means:

(i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act – an institution in the funds transfer chain to whom an international funds transfer instruction is sent;

(ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act – a person specified in subparagraph 3(f)(ii) of this Schedule to whom an international funds transfer instruction is sent.

(n) *sender* means:



- (i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act – an institution in the funds transfer chain who sends an international funds transfer instruction;
- (ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act – a person specified in subparagraph 3(f)(ii) of this Schedule who sends an international funds transfer instruction.