



Australian Government

AUSTRAC

Ref: [RE Number/SAFE#]

Date

Name
Position/Role
Company/Organisation
Address
CITY STATE 0000

By email: [EMAIL]

Dear [NAME]

Warning letter: your response to the 2018 compliance report

I refer to our telephone discussion earlier today relating to the 2018 compliance report response of [ENTITY NAME] (your business).

AUSTRAC's records indicate that when completing the 2018 compliance report you responded '[RESPONSE]' in response to the question 'When was your program most recently approved?'.

Based on this response, it is our view that you are likely in breach of your obligations under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act).

Your obligations

Under section 81 of the AML/CTF Act, a reporting entity must not commence providing designated services (including [TYPE]) unless it has adopted and maintains an anti-money laundering and counter-terrorism financing program (an **AML/CTF program**). This is a civil penalty provision.

An AML/CTF program is a written program/document that is divided into two parts:

- Part A program – the primary purpose of which is to identify, mitigate and manage the risk that your provision of designated services might involve or facilitate money laundering or terrorism financing.
- Part B program – the sole purpose of which is to set out the applicable customer identification procedures for your business.

Consequences of not meeting your obligations

AUSTRAC has a range of options available to ensure your business meets its obligations under the

Correspondence: PO Box 5516, West Chatswood NSW 1515

P: 02 9950 0055

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AML/CTF Act. These options include:

- carrying out assessments of the compliance of your business with its AML/CTF obligations;
- issuing notices requiring you to appoint an external auditor to undertake an audit of your compliance with the AML/CTF Act;
- issuing notices requiring your business to take specified actions to meet your AML/CTF obligations;
- entering into a court enforceable undertaking requiring your business to take specified actions or refrain from specified actions; and/or
- commencing civil penalty proceedings against your business.

Action required

AUSTRAC requires your business to take immediate action to develop, adopt and implement an AML/CTF program and ensure that it meets its obligations under the AML/CTF Act going forward.

AUSTRAC will be undertaking targeted reviews later this year of the compliance of businesses that have disclosed breaches in their compliance report. If we review your business and identify non-compliance, we will consider whether it is appropriate to take any of the actions outlined above to ensure your ongoing compliance with the AML/CTF Act.

If there are specific reasons why you have not been able to meet your obligations, please let us know so that we are able to work with you to assist you in meeting your obligations going forward.

Further information

Further information about AML/CTF programs is available on the AUSTRAC website at:

<http://www.austrac.gov.au/chapter-6-amlctf-programs>.

In addition, pubs and clubs-specific guidance is available at: <http://www.austrac.gov.au/pubs-and-clubs%C2%A0-gaming-machines>. You may also wish to contact the hotels/clubs association in your state/territory for assistance.

If you have any questions in relation to this matter, please do not hesitate to contact me directly on s 22 [REDACTED] For all other matters, please contact the AUSTRAC Contact Centre on 1300 021 037 or by email contact@austrac.gov.au.

Yours sincerely

[NAME]

[POSITION]

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Ref: [RE Number/SAFE#]

Date

Name
Position/Role
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Address
CITY STATE 0000

By email: [EMAIL]

Dear [NAME]

Request for information: your response to the 2018 compliance report

I refer to our telephone discussion earlier today relating to the 2018 compliance report response of [ENTITY NAME] (your business).

AUSTRAC's records indicate that when completing the 2018 compliance report you answered '[RESPONSE]' in response to the question 'When was your program most recently approved?'.

Based on this response, it is our view that your business is likely in breach of its obligations under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act).

Your obligations

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Information required

To enable AUSTRAC to better understand the likely breach of the AML/CTF Act described above, AUSTRAC requests that you provide a written response to the following matters:

1. Advise whether your business has adopted an AML/CTF program as required by section 81 of the AML/CTF Act.
2. If you answered 'no' to question 1:
 - a. Advise why your business has not adopted an AML/CTF program.
 - b. Advise what steps your business has taken to identify, mitigate and manage the ML/TF risks that it faces when providing designated services in the absence of having a Part A AML/CTF program.
 - c. Describe what steps your business has undertaken to collect and verify customer identification information when providing designated services in the absence of having a Part B AML/CTF program.
 - d. Advise whether your business has any plans to develop, adopt and implement an AML/CTF program. If so, also advise when those plans were formed and provide details about those plans (including the date by which you expect to have an AML/CTF program adopted).
3. If you answered 'yes' to question 1:
 - a. Advise the date on which the AML/CTF program was adopted.
 - b. Provide a copy of your AML/CTF program and evidence of its adoption.

AUSTRAC requests that you provide this information by email to s22 [redacted] by 5pm on Date + 21 Days

Further information

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Yours sincerely

[NAME]

[POSITION]

Released by AUSTRAC under the FOI Act 1982 on 20 November 2019