



## **Anti-Money Laundering and Counter-Terrorism Financing Act (Modification) Declaration 2020 (No. 1)**

---

I, Kathryn Haigh, National Manager, Legal and Policy, of the Australian Transaction Reports and Analysis Centre (AUSTRAC), make the following declaration as an authorised delegate of the AUSTRAC CEO.

**Dated 12/06/2020**

A handwritten signature in cursive script that reads 'K Haigh'.

**Kathryn Haigh**  
National Manager, Legal and Policy  
AUSTRAC

---

# Contents

1	Commencement.....	2
2	Authority .....	2
3	Schedules .....	2
4	Amendment to Section 5, <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i> .....	2
5	Application.....	3
<b>Schedule 1—Repeals</b>		<b>4</b>
	Repeal of Declaration 4 of 2013 (dated 10 October 2013) .....	4

## **1 Commencement**

This declaration commences on the day after it is signed.

## **2 Authority**

This declaration is made under paragraph 248(1)(b) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act)*.

## **3 Schedules**

The declaration that is specified in Schedule 1 to this declaration is repealed as set out in the applicable item in the Schedule concerned, and any other item in a Schedule to this declaration has effect according to its terms.

## **4 Amendment to Section 5, *Anti-Money Laundering and Counter-Terrorism Financing Act 2006***

The definition of ‘designated business group’ in section 5 of the AML/CTF Act applies in relation to persons specified in section 5 of this declaration as if:

(a) paragraph (b) of the definition was modified by

- i. *omitting* ‘the AML/CTF Rules’; and
- ii. *substituting* ‘Form A attached to this declaration and provided by the Nominated Contact Officer to AUSTRAC’; and

(b) paragraph (d) of the definition was modified by

- i. *omitting* ‘such conditions (if any) as are specified in the AML/CTF Rules’ and
- ii. *substituting* ‘the conditions in subparagraphs 2.1.2(2), 2.1.2(3), and paragraph 2.1.3 of the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)*’;

(c) paragraph (e) of the definition was modified by:

- i. *omitting* the paragraph; and
- ii. *substituting*:

(e) each member of the designated business group is a reporting entity that is one of the following:

- i. Archer Capital Pty Ltd ABN 14 076 176 737; or
- ii. a person that is related within the meaning of section 50 of the *Corporations Act 2001 (Corporations Act)* to Archer Capital Pty Ltd ABN 14 076 176 737; or
- iii. Archer Capital Founders Pty Ltd ABN 54 076 514 228; or
- iv. a person that is both:
  - a. a wholly owned subsidiary of Archer Capital Group Pty Ltd ACN 154 416 510 (as trustee of the Archer Capital Group Custodian Trust); and
  - b. has appointed Archer Capital Pty Ltd ABN 14 076 176 737 as manager and investment advisor in accordance with a written agreement; or
- v. a person that is both:
  - a. a wholly owned subsidiary of Archer Capital Group Pty Ltd ACN 154 416 510 (as trustee of the Archer Capital Group Custodian Trust); and
  - b. has appointed Archer Capital Management Pty Ltd ACN 635 570 964 as manager and investment advisor in accordance with a written agreement.

## 5 Application

This declaration applies to the following persons:

- (a) Archer Capital Pty Ltd ABN 14 076 176 737;
- (b) Archer Capital Founders Pty Ltd ABN 54 076 514 228;
- (c) any other reporting entity that is related within the meaning of section 50 of the *Corporations Act* to Archer Capital Pty Ltd ABN 14 076 176 737;
- (d) any other reporting entity that:
  - i. is a wholly owned subsidiary of Archer Capital Group Pty Ltd ACN 154 416 510 (as trustee of the Archer Capital Group Custodian Trust); and
  - ii. has appointed Archer Capital Pty Ltd as manager and investment advisor in accordance with a written agreement; and
- (e) any other reporting entity that:
  - i. is a wholly owned subsidiary of Archer Capital Group Pty Ltd ACN 154 416 510 (as trustee of the Archer Capital Group Custodian Trust); and
  - ii. has appointed Archer Capital Management Pty Ltd ACN 635 570 964 as manager and investment advisor in accordance with a written agreement

# **Schedule 1—Repeals**

## **Repeal of Declaration 4 of 2013 (dated 10 October 2013)**

### **1 The whole of the declaration**

Repeal the declaration

#### **Important Notice to the person named in this declaration**

- 1. Under sections 136 and 137 of the AML/CTF Act, it is an offence to provide false or misleading information or documents. If any of the information submitted by the applicant or its representatives is found to be false or misleading, the modification may be revoked and action initiated against the applicant.**
- 2. The person granted the modification may request the AUSTRAC CEO to revoke or vary it at any time.**
- 3. Any request to vary this modification must be submitted to the AUSTRAC CEO or an approved delegate no later than 90 days before the date the change is requested to commence.**

**Form A**

**FORM FOR PARAGRAPH (b) OF THE DEFINITION OF ‘DESIGNATED BUSINESS GROUP’ IN SECTION 5 (AS MODIFIED BY DECLARATION 1 OF 2020): ELECTION TO BE A MEMBER OF A DESIGNATED BUSINESS GROUP**

For the purposes of paragraph (b) of the definition of ‘designated business group’ in section 5 of the AML/CTF Act (as modified by Declaration 1 of 2020):

I, [name and role/title of Y], hereby elect on behalf of Y, to be a member of [name of Designated Business Group]. I hereby confirm that:

- (a) Y Pty Ltd is Archer Capital Pty Ltd ABN 14 076 176 737 (Archer Capital); or
- (b) Y Pty Ltd is Archer Capital Founders Pty Ltd ABN 54 076 514 228; or
- (c) Y Pty Ltd is a reporting entity that is related, within the meaning of section 50 of the *Corporations Act 2001* to Archer Capital; or
- (d) Y Pty Ltd is a person that:
  - i. is a wholly owned subsidiary of Archer Capital Group Pty Ltd ACN 154 416 510 (as trustee of the Archer Capital Group Custodian Trust); and
  - ii. has appointed Archer Capital Pty Ltd ABN 14 076 176 737 as manager and investment advisor in accordance with a written agreement; or
- (e) Y Pty Ltd is a person that:
  - i. is a wholly owned subsidiary of Archer Capital Group Pty Ltd ACN 154 416 510 (as trustee of the Archer Capital Group Custodian Trust); and
  - ii. has appointed Archer Capital Management Pty Ltd ACN 635 570 964 as manager and investment advisor in accordance with a written agreement.

DATE: