



Anti-Money Laundering and Counter-Terrorism Financing Act (Modification) Declaration 2020 (No. 2)

I, Jennifer Ermert, Acting National Manager, Legal and Policy, of the Australian Transaction Reports and Analysis Centre (AUSTRAC), make the following modification instrument as authorised delegate of the AUSTRAC CEO.

Dated 28/10/20

A handwritten signature in black ink, appearing to read 'Jennifer Ermert', written in a cursive style.

Jennifer Ermert
Acting National Manager, Legal and Policy
AUSTRAC

Contents

1 Commencement	1
2 Authority.....	1
3 Definitions	1
4 Application	2
5 Schedules	2

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 Definitions

In this instrument:

Entrusted public official means a person who is or was:

- (a) the AUSTRAC CEO; or
- (b) a member of the staff of AUSTRAC; or
- (c) a person engaged as a consultant under subsection 225(1) of the AML/CTF Act; or
- (d) a person whose services are made available to the AUSTRAC CEO under subsection 225(3) of the AML/CTF Act; or
- (e) the Director of AUSTRAC; or
- (f) a person engaged as a consultant under repealed section 40A of the *Financial Transaction Reports Act 1988*.

Fintel Alliance means the public-private partnership established by AUSTRAC on 9 February 2017 to facilitate the sharing of information between Fintel Alliance Participants to more effectively combat money laundering, the financing of terrorism and other serious crimes.

Fintel Alliance Participant means:

- (a) Australia and New Zealand Banking Group Limited ACN 005357522; or
- (b) AUSTRAC; or
- (c) Australian Border Force; or
- (d) Australian Competition and Consumer Commission; or
- (e) Australian Criminal Intelligence Commission; or
- (f) Australian Federal Police; or
- (g) Australian Financial Crimes Exchange Ltd ACN 604 942 618; or
- (h) Australian Securities and Investments Commission; or
- (i) Australian Taxation Office; or
- (j) Commonwealth Bank of Australia ACN 123123124; or
- (k) Bendigo and Adelaide Bank Ltd ACN 068049178; or
- (l) Deakin University; or
- (m) Department of Home Affairs; or
- (n) HSBC Bank Australia Limited ACN 006434162; or
- (o) Macquarie Bank Limited ACN 008583542; or
- (p) MoneyGram International ARBN 127226537; or

-
- (q) National Australia Bank Limited ACN 004044937; or
 - (r) National Crime Agency (UK) ; or
 - (s) New South Wales Crime Commission; or
 - (t) New South Wales Police Force; or
 - (u) New Zealand Police Financial Intelligence Unit; or
 - (v) PayPal Australia Pty Limited ACN 111195389; or
 - (w) Queensland Police Service; or
 - (x) Services Australia; or
 - (y) Tabcorp Holdings Ltd ACN 063780709; or
 - (z) Treasury Department; or
 - (aa) Westpac Banking Corporation ACN 007457141; or
 - (bb) Western Australia Police Force; or
 - (cc) Western Union Financial Services (Australia) Pty Ltd ACN 082282773.

Member Protocol means the memorandum of understanding dated 9 February 2017 that outlines the cooperative framework of the Fintel Alliance.

4 Application

This declaration applies to an employee of a Fintel Alliance Participant who is seconded to the Fintel Alliance under Schedule 5 to the Member Protocol, as if section 123 of the AML/CTF Act were modified in accordance with Schedule 1 of this instrument.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is modified as set out in the applicable items in the Schedule concerned.

Schedule 1—Amendments

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

1 Subsection 123(1)

Omit “the AUSTRAC CEO or a member of the staff of AUSTRAC”, substitute “an entrusted public official”.

2 Paragraph 123(2)(c)

Omit “the AUSTRAC CEO or a member of the staff of AUSTRAC”, substitute “an entrusted public official”.

3 Paragraph 123(2)(d)

Omit “the AUSTRAC CEO or a member of the staff of AUSTRAC”, substitute “an entrusted public official”.

4 Subsection 123(3)

Omit “the reporting entity must not disclose to anyone else”, substitute “the reporting entity must not disclose to anyone other than an entrusted public official”.

Schedule 2—Repeals

Anti-Money Laundering and Counter-Terrorism Financing Act (Modification) Declaration 2019 (No. 2)

1 Repeal

Repeal the *Anti-Money Laundering and Counter-Terrorism Financing Act (Modification) Declaration 2019 (No. 2)*.