



Explanatory Note for consultation – *proposed amendments to the Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1) (AML/CTF Rules) amending Chapters 10, 24 and 34, repealing Chapters 25 and 26, and adding Chapter 81*

(i) *Draft amendment to Chapter 10 implementing changes to the National Consumer Protection Framework for Online Wagering (the National Framework)*

1. The Commonwealth, State and Territory governments are responsible for implementing the National Framework. Amongst other matters, the National Framework addresses the timeframe in which online wagering providers are required to verify their customers' identity.
2. In February 2019, the period within which reporting entities are required to carry out the applicable identification procedure in relation to online gambling accounts was reduced from 90 days to 14 days through an amendment to Part 10.4 of the AML/CTF Rules. This change was made with a view to further reducing the period to 72 hours, following a 12-month review.
3. The 12-month review was undertaken, including consultation with the online wagering industry, academia, the community sector, the financial sector, consumers, and the broader community. Commonwealth, State and Territory ministers responsible for gambling have now agreed to further reduce the customer verification period from 14 days to 72 hours.
4. Part 10.4 of the AML/CTF Rules sets out the special circumstances that justify carrying out the applicable customer identification procedure after commencement of the provision of online gambling services.
5. Where the special circumstances apply, paragraph 10.4.4 sets out the period in which the reporting entity is required to carry out the applicable customer identification procedure, in relation to online gambling services.
6. This proposed amendment reduces the period within which a reporting entity is required to carry out the applicable customer identification procedure in relation to online gambling accounts from 14 days to 72 hours days as part of the implementation of the National Framework.
7. The proposed amendment to Chapter 10 takes effect on 2 May 2022. Reporting entities that commence to provide online gambling services to a customer on or after that date will be required to carry out the applicable customer identification procedure within 72 hours of opening the account in the name of the customer.

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Where a reporting entity commenced to provide online gambling services to a customer before that date, the specified period remains 14 days.

(ii) Draft amendments to Chapter 24 - Anti Money Laundering and Counter Terrorism Rules for reports about cross border movements of monetary instruments

Existing legislative requirements

8. The existing provisions in Division 2 of Part 4 of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (**AML/CTF Act**), require that the movement of physical currency of \$10,000 or more into or out of Australia be reported to the AUSTRAC CEO, or a customs or police officer. The offence provision is contained in section 53(1) and the civil penalty provision is contained in section 53(3).
9. According to the existing section 53(8) of the AML/CTF Act, a report must be in the approved form, contain the relevant information specified in the AML/CTF Rules, and comply with the applicable timing rule in section 54(1).
10. The existing provisions in Division 3 of Part 4 of the AML/CTF Act also require a person to disclose that they are carrying bearer negotiable instruments (**BNIs**), such as travellers cheques, valued at \$10,000 or more when requested by a police or customs officer at the border.

Phase 1.5 reforms to Part 4 of the AML/CTF Act

11. In December 2020, the Australian Government passed the *Anti-Money Laundering and Counter-Terrorism Financing and Other Legislation Amendment Act 2020*. Known as '**Phase 1.5**', the Act will amend Part 4 of the AML/CTF Act, the Proceeds of Crime Act 2002 and the Surveillance Devices Act 2004 to create a single reporting requirement for the cross-border movement of monetary instruments, which will be defined to include physical currency and BNIs.
12. The Phase 1.5 reforms to Part 4 of the AML/CTF Act commence on 17 June 2022.

Substitution of Chapters 24 and repeal of Chapters 25 and 26

13. The proposed Chapter 24 will support the creation of a single reporting requirement for the cross-border movement of monetary instruments by:
 - a. substituting the existing Chapter 24 - Anti-Money Laundering and Counter-Terrorism Financing Rules for *movements of physical currency* into or out of Australia;
 - b. repealing the existing Chapter 25 - Anti-Money Laundering and Counter-Terrorism Financing Rules for *receipts of physical currency* from outside Australia'; and

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- c. repealing the existing Chapter 26 - Anti-Money Laundering and Counter-Terrorism Financing Rules for *movements of bearer negotiable instruments* into or out of Australia.
14. The proposed Chapter 24 will support the implementation of the Phase 1.5 reforms to Part 4 of the AML/CTF Act, by setting out:
 - a. the information to be contained in a report about movement of monetary instruments into or out of Australia, submitted by a person moving the monetary instrument (**the traveller**), as specified in subsection (2);
 - b. the information to be contained in a report about movement of monetary instruments moved into Australia, submitted by a person receiving or sending the monetary instrument, as specified in subsection (4); and
 - c. the timing rule for the submission of a report about movement of monetary instruments into or out of Australia, as specified in subsection (3).

Applicable timing rule

15. The Phase 1.5 reforms to Part 4 of the AML/CTF Act involve repealing Divisions 1, 2 and 3, including section 54 which currently provides the applicable timing rule for movements of physical currency into and out of Australia. Following these reforms, the AML/CTF Rules will provide the applicable timing rule for movements of monetary instruments into and out of Australia. This is addressed in subsection (3) of the proposed Chapter 24.
16. The proposed Chapter 24 will allow for the person receiving or sending the monetary instrument to submit a report before the movement of the monetary instrument takes place, or as the case may be, before the instrument is irrevocably committed by the first person to a postal service or to the other person.
17. In relation to travellers leaving Australia, the proposed Chapter 24 will allow the person to submit a report about the cross border movement of monetary instruments no later than when they reach the place where customs officers examine baggage, or at the last opportunity that the person has to give the report before leaving Australia. The report must accurately reflect the traveller's circumstances at the time they move across the border.
18. In relation to travellers entering Australia, the proposed Chapter 24 will allow the person to submit a report about the cross border movement of monetary instruments no later than when the person reaches the customs officer who is to examine the person's passport in relation to the person leaving Australia; or if there is no such examination, at any time before the last opportunity that the person has to give the report before leaving Australia.

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(iii) Draft amendments to Chapter 34 – Affixing of notices about cross-border movement reporting obligations

Amendment to existing Chapter 34 - Form and content of notices affixed pursuant to Section 61

19. Section 61 of the AML/CTF Act provides a power to affix notices about reporting obligations under Part 4 of the Act, the form and contents of which are specified in the AML/CTF Rules, to any part of an aircraft or ship, or any other place specified in the Rules.
20. The proposed amendments to Chapter 34 revise the form and contents of notices about reporting obligations that can be affixed in ports to inform travellers of reporting obligations. The revisions reflect the Phase 1.5 reforms to Part 4 of the AML/CTF Act.

(iv) draft Chapter 81 exempting financial institutions from registration obligations when offering digital currency exchange services

21. In December 2017, the *Anti-Money Laundering and Counter-Terrorism Financing Amendment Act 2017 (Phase 1 reforms)* was passed by Parliament. The Act introduced a range of changes to the AML/CTF Act and expanded the scope of the AML/CTF regime to include regulation of digital currency exchange (DCE) service providers.
22. As regulated entities, DCE service providers must enrol as reporting entities on the Reporting Entities Roll (RER) and register on the DCE register under s 76A(1) of the AML/CTF Act. The registration requirement for DCE providers is modelled on the prohibition imposed by subsections 74(1), (1A) and (1B) of the AML/CTF Act that persons not registered on the Remittance Sector Register must not provide remittance services.
23. The Revised Explanatory Memorandum (EM) for the Phase 1 reforms expressly provides, at paragraph 36 under Part 2, “Financial institutions providing a digital currency exchange service under item 50A will ... not be required to register on the Digital Currency Exchange Register ... however financial institutions will be subject to the other relevant obligations of the AML/CTF Act when providing this designated service.”
24. Under s 247(4) of the AML/CTF Act, the AML/CTF Rules may provide that a specified provision of the AML/CTF Act does not apply to a designated service that is provided in circumstances specified in the AML/CTF Rules.
25. The proposed Chapter 81 will implement the undertaking set out in the EM by removing the requirement for financial institutions to register on the Digital Currency Exchange Register. The proposed chapter will not exempt financial institutions from any other provision or obligation of the AML/CTF Act including reporting obligations and the requirement to be enrolled on the Reporting Entities Roll.

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(v) *Statement of Compatibility with the Human Rights (Parliamentary Scrutiny) Act 2011*

26. The *Human Rights (Parliamentary Scrutiny) Act 2011* requires a Statement of Compatibility declaring that the relevant instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of that Act. The draft Statement of Compatibility for this proposed amendment is set out below.

27. **Draft Statement of Compatibility with Human Rights**

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Draft amendments to the Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1) (AML/CTF Rules) amending Chapters 10, 24 and 34, repealing Chapters 25 and 26, and adding Chapter 81

This proposed amendments to the AML/CTF Rules are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

(i) *Draft amendment to Chapter 10 of the AML/CTF Rules implementing amendments to the National Consumer Protection Framework for Online Wagering*

Part 10.4 of the AML/CTF Rules sets out the special circumstances that allow an online gambling services provider to carry out the applicable customer identification procedure after commencement of the provision of online gambling services.

Paragraph 10.4.4 of the AML/CTF Rules currently requires reporting entities to carry out the applicable customer identification procedure in relation to online gambling services within 14 days of when an account is opened in the name of the customer. The proposed amendment reduces this period to 72 hours.

(ii) *Draft amendments to Chapter 24 and Chapter 34, repealing Chapter 25 and Chapter 26*

The existing provisions in Division 2 of Part 4 of the AML/CTF Act require that the movement of physical currency of \$10,000 or more into or out of Australia be reported to the AUSTRAC CEO, or a customs or police officer.

The existing provisions in Division 3 of Part 4 of the AML/CTF Act also require a person to disclose that they are carrying bearer negotiable instruments (**BNIs**), such as travellers cheques, valued at \$10,000 or more when requested by a police or customs officer at the border.

In December 2020, the Australian Government passed the *Anti-Money Laundering and Counter-Terrorism Financing and Other Legislation Amendment Act 2020*. Known as 'Phase 1.5', the Act will amend Part 4 of the AML/CTF Act to create a single reporting requirement for the cross-border movement of monetary instruments, which will be defined to include physical currency and BNIs. The Phase 1.5 reforms to Part 4 of the AML/CTF Act commence on 17 June 2022.

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The proposed Rules repeal Chapters 24 and 26 and substitute new Chapter 24 which sets out the information to be contained in reports about movements of monetary instruments into or out of Australia, and the timing of such reports.

The proposed amendments to Chapter 34 revise the form and contents of notices about reporting obligations that can be affixed in ports to inform travellers of reporting obligations. The revisions reflect the Phase 1.5 reforms to Part 4 of the AML/CTF Act.

(iii) *Draft Chapter 81 exempting financial institutions from registration obligations when offering digital currency exchange services*

The proposed Chapter 81 will implement the undertaking set out in the Revised Explanatory Memorandum to the *Anti-Money Laundering and Counter-Terrorism Financing Amendment Act 2017* by removing the requirement for financial institutions to register on the Digital Currency Exchange Register.

Human rights implications

(i) *Draft Amendment to Chapter 10 of the AML/CTF Rules implementing amendments to the National Consumer Protection Framework for Online Wagering*

This proposed amendment does not engage any of the applicable rights or freedoms, including the right to privacy and reputation.

While reporting entities are required to collect personal information about certain customers when carrying out applicable customer identification procedures under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) (**AML/CTF Act**) and the AML/CTF Rules, this proposed amendment does not amend the existing requirements in relation to the types of information collected about customers. The proposed amendment merely reduces the period for carrying out customer verification in relation to online gambling accounts to implement one of the consumer protection measures from the *National Consumer Protection Framework for Online Wagering*.

Reporting entities collect personal information for customer verification purposes to comply with the requirement of the AML/CTF Act to mitigate and manage the risk of money laundering and financing of terrorism when providing designated services. The collection of personal information is therefore not an arbitrary or unlawful interference with privacy. Furthermore, the collection is necessary, reasonable, and proportionate to achieving the legitimate object of the AML/CTF Act.

AUSTRAC considers that the proposed amendment does not engage any of the applicable rights or freedoms, including the right to privacy articulated in Article 17 of the *International Covenant on Civil and Political Rights*.

(ii) *Draft amendments to Chapter 24 and Chapter 34, repealing Chapter 25 and Chapter 26*

Chapter 24 engages the right to privacy and reputation. Chapter 34 does not engage any of the applicable rights or freedoms.

Substitution of Chapters 24 and repeal of Chapters 25 and 26

While persons moving monetary instruments into or out of Australia (**travellers**), and persons sending or receiving monetary instruments moved into Australia will be

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required to provide the information specified in the proposed Chapter 24 (subsections (2) and (4)), the proposed Rules reflect the Phase 1.5 reforms to Part 4 of the Act, by creating a single reporting requirement for cross-border movement of monetary instruments including physical currency and BNIs. The proposed Rules do not amend the existing requirements in relation to the types of information collected about the movement of physical currency or BNIs.

Article 17 of the ICCPR

Article 17 of the *International Covenant on Civil and Political Rights (ICCPR)* provides that no one shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence. The use of the term ‘arbitrary’ means that any interference with privacy must be in accordance with the provisions, aims and objectives of the ICCPR and should be reasonable in the particular circumstances. The United Nations Human Rights Committee has interpreted ‘reasonableness’ to imply that any limitation must be proportionate and necessary in the circumstances. The right to privacy can be limited by necessity in a democratic society in the interests of national security or public order.

AUSTRAC collects personal information under the requirement of the *Anti-Money Laundering and Counter Terrorism-Financing Act 2006 (AML/CTF Act)* to mitigate and manage the risk of money laundering and financing of terrorism. AUSTRAC considers that the collection of personal information under the AML/CTF Act, and by the operation of Chapter 24, is therefore not an arbitrary or unlawful interference with privacy. AUSTRAC has considered the types of information prescribed by the proposed Chapter 24 and is of the opinion that the collection of this information is necessary, reasonable, and proportionate to achieving the legitimate object of the AML/CTF Act.

AUSTRAC therefore considers that the proposed amendments to Chapter 24 and repeal of Chapters 25 and 26 engages and is consistent with the right to privacy articulated in Article 17 of the ICCPR.

Amendments to Chapter 34

AUSTRAC considers that the proposed amendment to Chapter 34 does not engage any of the applicable rights or freedoms.

(iii) *Draft Chapter 81 exempting financial institutions from registration obligations when offering digital currency exchange services*

It is considered that the proposed Chapter 81 does not engage any of the applicable rights or freedoms.

Nicole Rose PSM
Chief Executive Officer
Australian Transaction Reports and Analysis Centre

(vi) *Exemption from sunseting*

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28. Under item 6 of Regulation 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015* these AML/CTF Rules if made, will not be subject to sunseting.

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Draft for Consultation - Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2022 (No. 1)

I, Nicole Rose, Chief Executive Officer, Australian Transaction Reports and Analysis Centre, make the following legislative instrument.

Nicole Rose PSM [**DRAFT NOT FOR SIGNATURE**]
Chief Executive Officer
Australian Transaction Reports and Analysis Centre

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1 Name

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2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after registration.	
2. Schedule 1	2 May 2022	
3. Schedule 2	The later of: (a) the day after this instrument is registered; and (b) immediately after the commencement of Part 5 of Schedule 1 to the <i>Anti-Money Laundering and Counter-Terrorism Financing and Other Legislation Amendment Act 2020</i> .	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 229 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)

1 Paragraph 10.4.4

Repeal the paragraph, substitute:

- 10.4.4 The period is 72 hours commencing when the reporting entity opens the account in the name of the customer.

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Schedule 2—Amendments

Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)

1 Chapters 24, 25 and 26

Repeal the Chapters, substitute:

CHAPTER 24 Anti-Money Laundering and Counter-Terrorism Rules for reports about cross-border movements of monetary instruments

- 24.1 These Rules are made for the purposes of the following provisions of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (the *Act*):
- (a) paragraph 53(7)(b);
 - (b) paragraph 53(7)(d);
 - (c) paragraph 54(4)(b).

Report about moving monetary instruments into or out of Australia

- (1) If a person moves a monetary instrument into or out of Australia, a report under section 53 of the Act (reports about movements of monetary instruments into or out of Australia) must:
- (a) contain the information specified in subsection (2) (to the extent the information is known); and
 - (b) be given in accordance with the applicable timing rule specified in subsection (3).

Note: The report must also be given in the approved form (see paragraph 53(7)(a) of the Act).

- (2) For the purposes of paragraph (1)(a), the information is as follows:
- (a) if the person is an individual and is not moving the monetary instrument into or out of Australia on behalf of another person:
 - (i) the person's full name; and
 - (ii) the person's date and place of birth; and
 - (iii) the country or countries of which the person is a citizen; and
 - (iv) the person's residential address; and
 - (v) the person's telephone number; and
 - (vi) whether the person is an Australian resident; and
 - (vii) if the person is bringing the monetary instrument into Australia and is not an Australian resident—the person's address and telephone number while in Australia; and
 - (viii) the person's occupation, business or principal activity; and
 - (ix) the person's ABN (if any);
 - (b) if the person is not an individual and is not moving the monetary instrument into or out of Australia on behalf of another person:
 - (i) the person's full name; and
 - (ii) the person's business or principal activity; and

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- (iii) the address at which the person's business or principal activity is conducted; and
 - (iv) the person's telephone number; and
 - (v) if the person is registered in Australia—the person's ABN, ACN or ARBN;
- (c) if the person (the *first person*) is moving the monetary instrument into or out of Australia on behalf of another person—the following details of the person:
- (i) if the first person is an individual—the details mentioned in subparagraphs (a)(i) to (ix) (other than subparagraph (a)(ii), (iii), (vi) or (vii));
 - (ii) if the first person is not an individual—the details mentioned in subparagraphs (b)(i) to (v);
- (d) if the person (the *first person*) is moving the monetary instrument into or out of Australia on behalf of another person—the following details of the person to whom the monetary instrument is to be delivered:
- (i) if the person is an individual—the details mentioned in subparagraphs (a)(i) to (ix) (other than subparagraph (a)(ii), (iii), (vi) or (vii));
 - (ii) if the person is not an individual—the details mentioned in subparagraphs (b)(i) to (v);
- (e) whether the monetary instrument is being moved into or out of Australia;
- (f) the kind of monetary instrument being moved into or out of Australia;
- (g) the monetary instrument amount being moved into or out of Australia;
- (h) the currency of the monetary instrument being moved into or out of Australia;
- (i) if the monetary instrument is a bearer negotiable instrument:
- (i) the issuer or drawer of the monetary instrument; and
 - (ii) the payee, favouree or beneficiary of the monetary instrument; and
 - (iii) the name of the bearer of the monetary instrument; and
 - (iv) the city and country of issue of the monetary instrument; and
 - (v) any reference numbers of the monetary instrument;
- (j) if the person is an individual and is bringing the monetary instrument into Australia or taking the instrument out of Australia:
- (i) whether the person is travelling into or out of Australia; and
 - (ii) the town or city at which the person is entering or leaving Australia; and
 - (iii) the person's date of arrival in or departure from Australia; and
 - (iv) the number and country of issue of the passport on which the person is travelling; and
 - (v) where practicable—the number of each other passport held by the person and the country of issue for each passport; and
 - (vi) the number of the flight or name of the vessel on which the person is bringing in or taking out the instrument; and
 - (vii) if the person is taking the monetary instrument out of Australia—the city and country to which the monetary instrument is being taken; and
 - (viii) if the person is bringing the monetary instrument into Australia—the city and country from which the monetary instrument is being brought; and

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- (ix) the full name, address (not being a PO Box address), occupation, business or principal activity, telephone number and (where applicable) ABN, ACN or ARBN of the person to whom the monetary instrument is to be delivered;
 - (k) if the monetary instrument is being sent into or out of Australia:
 - (i) the means by which the monetary instrument is being sent; and
 - (ii) the name, address and telephone number of the individual or service provider carrying the monetary instrument into or out of Australia; and
 - (iii) if the monetary instrument is to be shipped—the name of the vessel on which it is to be shipped; and
 - (iv) the city and country from which the monetary instrument is being sent; and
 - (v) the city and country to which the monetary instrument is being sent; and
 - (vi) the date the monetary instrument is being sent;
 - (l) if the monetary instrument is being sent into or out of Australia—the following details of the person to whom the monetary instrument is being sent:
 - (i) the person's full name;
 - (ii) the person's telephone number;
 - (iii) if the person is an individual—the person's residential address;
 - (iv) if the person is not an individual—the address at which the person's business or principal activity is conducted;
 - (v) if the person is not an individual and is registered in Australia—the person's ABN, ACN or ARBN;
 - (m) a declaration that the information provided in the approved form is true, accurate and complete.
- (3) For the purposes of paragraph (1)(b):
- (a) if the person moves a monetary instrument into Australia by bringing the instrument into Australia—the report must be given:
 - (i) no later than when the person reaches the place at which customs officers examine baggage; or
 - (ii) if there is no such place, at the first opportunity that the person has to give the report after arrival in Australia; and
 - (b) if the person moves a monetary instrument into Australia by sending the instrument into Australia—the report must be given before the movement of the instrument takes place; and
 - (c) if the person moves a monetary instrument out of Australia by taking the instrument out of Australia—the report must be given:
 - (i) no later than when the person reaches the customs officer who is to examine the person's passport in relation to the person leaving Australia; or
 - (ii) if there is no such examination, at any time before the last opportunity that the person has to give the report before leaving Australia; and
 - (d) if the person (the *first person*) moves a monetary instrument out of Australia by sending the instrument out of Australia by consignment, either through the post to a place outside Australia or to another person for carriage to a place outside Australia—before the time when the instrument

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is irrevocably committed by the first person to a postal service or to the other person (as the case may be).

Report about receiving monetary instruments moved into Australia

- (4) If a person receives a monetary instrument moved into Australia, a report under section 54 of the Act (reports about receipts of monetary instruments moved into Australia) must contain the following information (to the extent the information is known):
- (a) if the person is not receiving the monetary instrument on behalf of another person:
 - (i) if the person is an individual—the details mentioned in subparagraphs (2)(a)(i) to (ix);
 - (b) if the person is not an individual—the details mentioned in subparagraphs (2)(b)(i) to (v);
 - (b) if the person (the **first person**) is receiving the monetary instrument on behalf of another person:
 - (i) if the first person is an individual—the details mentioned in subparagraphs (2)(a)(i) to (ix) (other than subparagraph (2)(a)(vi) or (vii));
 - (ii) if the first person is not an individual—the details mentioned in subparagraphs (2)(b)(i) to (v);
 - (iii) the full name, address (not being a PO Box address), occupation, business or principal activity, telephone number and (where applicable) ABN, ACN or ARBN of the person to whom the monetary instrument is to be delivered;
 - (c) the kind of monetary instrument moved into Australia;
 - (d) the monetary instrument amount moved into Australia;
 - (e) the currency of the monetary instrument;
 - (f) if the monetary instrument is a bearer negotiable instrument:
 - (i) the issuer or drawer of the monetary instrument; and
 - (ii) the payee, favouree or beneficiary of the monetary instrument; and
 - (iii) the name of the bearer of the monetary instrument; and
 - (iv) the city and country of issue of the monetary instrument; and
 - (v) any reference numbers of the monetary instrument;
 - (g) the means by which the monetary instrument was moved into Australia;
 - (h) the name, address (not being a PO Box address) and telephone number of the person who sent the monetary instrument to the person;
 - (i) the city and country from which the monetary instrument was moved;
 - (j) the date the monetary instrument was received by the person;
 - (k) a declaration that the information provided in the approved form is true, accurate and complete.

Note: The report must be given in the approved form before the end of 5 business days beginning on the day of receipt (see paragraphs 54(4)(a) and (d) of the Act).

24.2

In this Chapter:

‘passport’ means:

- (a) a passport issued by the Commonwealth; or
- (b) a passport or a similar document issued for the purpose of international travel, that:

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- (i) contains a photograph and the signature of the person in whose name the document is issued; and
- (ii) is issued by a foreign government, the United Nations or an agency of the United Nations.

2 Paragraph 34.3

Omit “Are you carrying funds into or out of Australia?”, substitute “Are you carrying any of these into or out of Australia: cash, travellers cheques, cheques, money orders or other bearer negotiable instruments? These are monetary instruments.”

3 Paragraph 34.3

Omit all the words from and including “By law” to and including “limit to the funds”, substitute “By law, you must report the movement of monetary instruments if the sum of the monetary instrument amounts is AUD\$10,000 or more (or foreign currency equivalent). Please note there is no limit to the sum of monetary instruments amounts”.

Schedule 3—Amendments

Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)

1 After Chapter 80

After Chapter 80, insert:

Chapter 81 Financial institutions - Exemption for applying for registration on the Digital Currency Exchange Register

81.1 These Anti-Money Laundering and Counter-Terrorism Financing Rules are made under section 229 for subsection 247(4) of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act).

81.2 Part 6A of the AML/CTF Act does not apply to a designated service that is of the kind described in item 50A of Table 1 in subsection 6(2) of the AML/CTF Act if the person who provides the designated service is:

- (1) a financial institution; and
- (2) enrolled on the Reporting Entities Roll.

81.3 In this Chapter,

‘financial institution’ has the same meaning as paragraphs (a)-(d) of the definition in section 5 of the AML/CTF Act.

‘Reporting Entity’ has the same meaning as in section 5 of the AML/CTF Act.

‘Reporting Entities Roll’ has the same meaning as in section 51C of the AML/CTF Act.

Note: The exemption from applying for registration does not exempt the person from any other obligation imposed by the AML/CTF Act, including the reporting obligations specified in Part 3 of that Act.