



## **Anti-Money Laundering and Counter-Terrorism Financing (Modification—ADI CBM) Declaration 2022 (No. 3)**

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I, Kathryn Miller, make the following declaration as a delegate of the AUSTRAC CEO.

Dated 6 September 2022

A handwritten signature in blue ink that reads 'K. Miller'.

Kathryn Miller  
National Manager, Legal and Enforcement  
AUSTRAC

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## Contents

1 Name.....	1
2 Commencement.....	1
3 Cessation.....	1
4 Authority.....	1
5 Definitions.....	1
6 Application.....	2
7 Schedules.....	2
<b>Schedule 1—Modification</b>	<b>3</b>
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>	3



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## 1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Modification—ADI CBM) Declaration 2022 (No. 3)*.

## 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 7 and anything in the instrument not covered elsewhere by this table	The day this instrument is signed.	
2. Schedule 1	The day this instrument is signed.	

Note: This table relates only to the provisions of this instrument as originally made.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 Cessation

This instrument ceases to have effect on 16 June 2024.

## 4 Authority

This instrument is made under paragraph 248(1)(b) of the Act.

## 5 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the Act, including the following:

- (a) ADI;
- (b) AML/CTF Rules;
- (c) bearer negotiable instrument;
- (d) monetary instrument;
- (e) reporting entity.

In this instrument:

*Act* means the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

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## **6 Application**

This instrument applies to a reporting entity that is an ADI.

## **7 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.

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## Schedule 1—Modification

### *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*

#### **1 After subsection 53(6)**

Insert:

##### ***ADIs***

- (6A)** Subsections (1) and (2) do not apply if:
- (a) the person is an ADI; and
  - (b) the monetary instruments are bearer negotiable instruments; and
  - (c) the person moves the bearer negotiable instruments out of Australia by sending the instruments 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.

#### **2 After subsection 54(3)**

Insert:

##### ***ADIs***

- (3A)** Subsections (1) and (2) do not apply if:
- (a) the person is an ADI; and
  - (b) the monetary instruments received are bearer negotiable instruments.

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

1. Under sections 136 and 137 of the 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.

