



Australian Government
Australian Transaction Reports
and Analysis Centre

NOTICE TO APPOINT AN EXTERNAL AUDITOR TO CONDUCT A COMPLIANCE AUDIT

SUBSECTION 162(2) OF THE *ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING ACT 2006*

TO: Breakwater Island Limited
ACN 010 271 691
Sir Leslie Thiess Drive
TOWNSVILLE QLD 4810

Attention: The Proper Officer

1. I, Bradley Brown, National Manager, Regulatory Operations of the Australian Transaction Reports and Analysis Centre (**AUSTRAC**), as delegate of the Chief Executive Officer of AUSTRAC (**the AUSTRAC CEO**), have reasonable grounds to suspect that Breakwater Island Limited ACN 010 271 691 (**The Ville**) is a reporting entity that has contravened and/or is contravening sections 36 and 81 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (**AML/CTF Act**).
2. Acting under subsection 162(2) of the AML/CTF Act, as delegate of the AUSTRAC CEO, I require The Ville to appoint [REDACTED] arrange for the external auditor to carry out an external audit, and provide a copy of the report to AUSTRAC, in accordance with paragraphs [3] – [9] of this notice.

Requirements under section 162(2)(b) of the AML/CTF Act

Within 14 days of the date of this notice, The Ville must:

3. Engage the external auditor to conduct an audit covering the matters specified below in the Schedule to this notice, including giving a written report (**the audit report**) to The Ville.

Within 200 days of the external auditor being engaged, The Ville must:

4. Give the AUSTRAC CEO a copy of the final audit report setting out the external auditor's findings.

The matters to be covered by the audit:

5. The audit must cover the matters set out in the Schedule to this notice.

The form of the audit report:

6. The audit report must be in a form that:

- a) Accords with any Australian standard applicable to that kind of audit report, or which in the opinion of the external auditor accords with the closest applicable Australian standard; or
- b) Accords with the format and style in which the external auditor would prepare a report suitable to annex to an expert witness affidavit the external auditor would make in Federal Court of Australia proceedings.

Submission of audit report:

7. The audit report is to be submitted to Rebecca.Fifita@austrac.gov.au and Vicky.Orshansky@austrac.gov.au.

Consequences of not complying with a subsection 162(2) requirement in this notice:

8. Under section 162(7) of the AML/CTF Act a person commits an offence if:
- a) the person is subject to a requirement under section 162(2); and
 - b) the person engages in conduct; and
 - c) the person's conduct breaches the requirement.

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

9. Section 162(8), which is a civil penalty provision, states that a reporting entity must comply with a requirement under section 162(2).

Dated 31 July 2025



Bradley Brown
National Manager, Regulatory Operations
AUSTRAC

Schedule

Definitions

The following definitions apply to this Schedule.

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

AML/CTF Rules means the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)*.

Part A Program means Part A of:

- a standard anti-money laundering and counter-terrorism program as defined in subsection 84(2) of the AML/CTF Act.

Program means:

- a standard anti-money laundering and counter-terrorism program as defined in subsection 84(1) of the AML/CTF Act.

Relevant Period means the period 1 January 2024 to the date of this notice.

Details to be included in the audit report:

1. The audit report must contain details of:
 - a. The external auditor's assessment of the matters set out in this Schedule;
 - b. Any provisions of the AML/CTF Act and/or the AML/CTF Rules which the external auditor concludes The Ville has not complied with or is not complying with;
 - c. The facts on which the external auditor has relied to make the assessment identified in [1.A and 1.B] have not been or are not being complied with;
 - d. Any measures which the external auditor believes The Ville should implement to ensure that it complies with the AML/CTF Act and the AML/CTF Rules;
 - e. The capacity of The Ville to implement the measures set out in paragraph [1.D].

Matters to be covered by the audit

Money Laundering and Terrorism Financing Risk Assessment

2. Whether The Ville has during the Relevant Period complied with the requirements of Part 8.1 of the AML/CTF Rules.

Oversight by Board and Senior Management

3. Whether The Ville has during the Relevant Period complied with the requirements of Part 8.4 of the AML/CTF Rules.

Reporting Obligations

4. Whether The Ville's Part A Program has during the Relevant Period complied with the requirements of Part 8.9 of the AML/CTF Rules.

KYC information

5. Whether The Ville's Part A Program has during the Relevant Period complied with the requirements of paragraphs 15.2 and 15.3 of the AML/CTF Rules.

Transaction Monitoring Program

6. Whether The Ville's Part A Program has during the Relevant Period complied with the requirements of paragraphs 15.4, 15.5, 15.6, and 15.7 of the AML/CTF Rules.
7. When determining The Ville's compliance with the matters outlined in paragraph 6 above, the methodology for conducting the audit by the external auditor must include sampling and data collection.

Enhanced Customer Due Diligence (ECDD) Program

8. Whether The Ville's Part A Program has during the Relevant Period complied with the requirements of paragraphs 15.8, 15.9, 15.10 and 15.11 of the AML/CTF Rules.
9. When determining The Ville's compliance with the matters outlined in paragraph 8 above:
 - a. the methodology for conducting the audit by the external auditor must include sampling and data collection; and
 - b. the external auditor must have regard to how The Ville met its obligations with reference to at least thirty (30) individual customers to which The Ville was required to apply its ECDD Program during the Relevant Period.

Compliance with ongoing customer due diligence

10. Whether The Ville has complied with section 36 of the AML/CTF Act during the Relevant Period.