

# EXPOSURE DRAFT



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## Anti-Money Laundering and Counter-Terrorism Financing (2025 Rules) Amendment Rules 2026

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I, Brendan Thomas, Chief Executive Officer, Australian Transaction Reports and Analysis Centre, make the following rules.

Dated 2026

Brendan Thomas [DRAFT ONLY—NOT FOR SIGNATURE]  
Chief Executive Officer  
Australian Transaction Reports and Analysis Centre

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## 1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (2025 Rules) Amendment Rules 2026*.

## 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. The whole of this instrument	Immediately after the commencement of the <i>Anti-Money Laundering and Counter-Terrorism Financing Rules 2025</i> .	31 March 2026

Note: This table relates only to the provisions of this instrument as originally made.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 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1 Reporting group amendments

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### Schedule 1—Reporting group amendments

#### *Anti-Money Laundering and Counter-Terrorism Financing Rules 2025*

##### **1 Subsection 2-1(1)**

Repeal the subsection, substitute:

*Business group that is ineligible*

- (1) For the purposes of subparagraph 10A(1)(a)(iii) of the Act, a business group is ineligible to be a reporting group if:
- (a) a member of the business group that is a reporting entity gives the other reporting entities in the group notice in writing that the member declines to be a member of a reporting group; and
  - (b) the notice by the member has not been withdrawn by further notice in writing to the other reporting entities in the group; and
  - (c) the member that gave the notice continues to be a reporting entity.

Note: A person enrolled under Part 3A of the Act (Reporting Entities Roll) is required to advise of changes in the person's enrolment details, including whether the person is a member of a reporting group—see subsection 51F(1) of the Act and subsection 3-3(8) and section 3-9 of this instrument.

- (1A) A notice given by a reporting entity for the purposes of subsection (1) is taken to be effective if the reporting entity has taken reasonable steps to ensure it is given to all the other reporting entities in the business group, and is not invalid merely because a particular reporting entity did not receive the notice.

##### **2 Paragraph 2-1(2)(a)**

Omit “the other members of the group”, substitute “the members of the group that themselves satisfy paragraphs (b) and (d) of this subsection”.

##### **3 Paragraph 2-1(2)(c)**

Repeal the paragraph, substitute:

- (c) the member has the capability and authority (including by consent of group members) to develop and maintain the AML/CTF policies required by reporting entities in the group;

##### **4 At the end of section 2-1**

Add:

*Conditions for operation of reporting group*

- (3) For the purposes of subparagraph 10A(1)(a)(iv) of the Act:
- (a) a reporting group must not operate without a lead entity for a continuous period of more than 28 days; and
  - (b) during any such period, each member of the reporting group that is a reporting entity must continue to comply with the AML/CTF policies of the most recent lead entity of the group (the *previous lead entity*) that

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Reporting group amendments **Schedule 1**

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applied to the member immediately before the previous lead entity ceased to be the lead entity of the group.

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## Schedule 2 Enrolment and registration amendments

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### Schedule 2—Enrolment and registration amendments

#### *Anti-Money Laundering and Counter-Terrorism Financing Rules 2025*

##### 1 Paragraph 3-3(5)(b)

Repeal the paragraph, substitute:

- (b) for a partner that is a body corporate (other than a trustee):
  - (i) the partner's full name; and
  - (ii) a legal entity identifier for the partner (if any) given by an organisation accredited by the Global Legal Entity Identifier Foundation (together with information identifying the organisation); and
  - (iii) the partner's ABN, ACN, ARBN and ARSN (as applicable), or, if the partner has none of these, any unique identifier other than the one referred to in subparagraph (ii); and
  - (iv) the information mentioned in paragraphs (2)(a) to (e), in relation to the partner;

##### 2 Paragraph 3-3(6)(d)

Repeal the paragraph, substitute:

- (d) for any trustee that is a body corporate:
  - (i) the trustee's full name; and
  - (ii) a legal entity identifier for the trustee (if any) given by an organisation accredited by the Global Legal Entity Identifier Foundation (together with information identifying the organisation); and
  - (iii) the trustee's ABN, ACN, ARBN and ARSN (as applicable), or, if the trustee has none of these, any unique identifier other than the one referred to in subparagraph (ii); and
  - (iv) the information mentioned in paragraphs (2)(a) to (e), in relation to the trustee.

##### 3 Section 4-3

Before “For the purposes”, insert “(1)”.

##### 4 At the end of section 4-3

Add:

- (2) The information set out in the following provisions of this instrument is not required in an application for registration as a remittance affiliate of a registered remittance network provider (under either subsection 75B(1) or 75B(2) of the Act) if a senior manager of the remittance affiliate has given or intends to give the approval referred to in subsection 26S(4) of the Act:
  - (a) sections 4-5, 4-6 and 4-8;
  - (b) paragraphs 4-12(a) to (c).

##### 5 At the end of subparagraphs 4-4(5)(a)(i), (ii) and (iii)

Add “and”.



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## 6 Paragraph 4-4(5)(b)

Repeal the paragraph, substitute:

- (b) for a partner that is a body corporate (other than a trustee):
  - (i) the partner's full name; and
  - (ii) a legal entity identifier for the partner (if any) given by an organisation accredited by the Global Legal Entity Identifier Foundation (together with information identifying the organisation); and
  - (iii) the partner's ABN, ACN, ARBN and ARSN (as applicable), or, if the partner has none of these, any unique identifier other than the one referred to in subparagraph (ii); and
  - (iv) the information mentioned in paragraphs (4)(a) to (f), in relation to the partner;

## 7 Paragraph 4-4(6)(d)

Repeal the paragraph, substitute:

- (d) for any trustee, beneficiary, settlor, appointer, guardian or protector of the trust that is a body corporate:
  - (i) the body corporate's full name; and
  - (ii) a legal entity identifier for the body corporate (if any) given by an organisation accredited by the Global Legal Entity Identifier Foundation (together with information identifying the organisation); and
  - (iii) the body corporate's ABN, ACN, ARBN and ARSN (as applicable), or, if the body corporate has none of these, any unique identifier other than the one referred to in subparagraph (ii); and
  - (iv) the information mentioned in paragraphs (4)(a) to (f), in relation to the body corporate.

## 8 After subsection 4-9(1)

Insert:

- (1A) The application must contain information on whether any of the candidate's key personnel has ever been a beneficial owner of, or operated or been involved in the management of, a person (the *other provider*) who provides, or has provided, services of the same, or a similar, kind as the registrable services (whether or not there is a connection to Australia or a resident of Australia), and if so:
  - (a) the full name of the other provider; and
  - (b) the key personnel's role in, or relationship with, the other provider; and
  - (c) the period for which the key personnel was a beneficial owner of, or operated or was involved in the management of, the other provider.

## 9 After section 4-9

Insert:

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## Schedule 2 Enrolment and registration amendments

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### **4-9A Additional requirements for application for registration as a remittance network provider**

If the application is under paragraph 75B(1)(a) of the Act for registration as a remittance network provider, the application must contain the following information:

- (a) the number of remittance affiliates that the candidate intends to apply to register under subsection 75B(2) of the Act within the period of 3 years after the candidate's own registration;
- (b) when the candidate intends to begin applying to register remittance affiliates;
- (c) information setting out the AML/CTF policies that the candidate has in relation to the following matters:
  - (i) applying for, or consenting to, registration of a person as a remittance affiliate;
  - (ii) submitting reports of suspicious matters on behalf of registered remittance affiliates;
  - (iii) providing training to registered remittance affiliates.

### **10 Section 4-12 (heading)**

After “registration as”, insert “a remittance network provider,”.

### **11 Section 4-12**

After “to be registered as”, insert “a remittance network provider,”.

### **12 Section 4-12**

Omit “, or as a remittance affiliate”, substitute “or a remittance affiliate”.

### **13 Paragraph 4-12(e)**

Omit “registration;”, substitute “registration.”.

### **14 Paragraph 4-12(f)**

Repeal the paragraph.

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## Schedule 3—Customer due diligence amendments

### *Anti-Money Laundering and Counter-Terrorism Financing Rules 2025*

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

Insert:

- (1A) In circumstances where subsection (1) applies, the reporting entity is also taken to have established on reasonable grounds, for the purposes of paragraph 28(2)(e) of the Act, whether any person on whose behalf the customer is receiving the designated service is a politically exposed person or a person designated for targeted financial sanctions.

#### **2 Subsection 6-6(2) (heading)**

Omit “*and designated service provided in foreign country*”.

#### **3 Paragraph 6-6(2)(b)**

Repeal the paragraph.

#### **4 At the end of section 6-6**

Add:

- (3) In circumstances where subsection (2) applies and the reporting entity has established, on reasonable grounds, a matter mentioned in subparagraph (2)(c)(i) or (ii), the reporting entity is also taken to have established on reasonable grounds, for the purposes of paragraph 28(2)(e) of the Act, whether any person on whose behalf the customer is receiving the designated service is a politically exposed person or a person designated for targeted financial sanctions.

#### **5 After subsection 6-7(1)**

Insert:

- (1A) For the purposes of paragraph 28(6)(b) of the Act, a reporting entity is taken to have established on reasonable grounds the matter mentioned in paragraph 28(2)(d) of the Act in relation to the customer if the reporting entity has established on reasonable grounds that the customer is a government body.
- (1B) For the purposes of paragraph 28(6)(b) of the Act, a reporting entity is taken to have established on reasonable grounds, for the purposes of paragraph 28(2)(d) of the Act, the identity of an individual who is a beneficial owner of the customer if:
- (a) the reporting entity has established on reasonable grounds that the customer is owned in whole or in part (whether directly or indirectly) or controlled (whether directly or indirectly) by:
    - (i) a listed public company that is subject to public disclosure requirements (however imposed) that ensure transparency regarding the identity of any beneficial owner of the company; or
    - (ii) a government body; and
  - (b) the individual is a beneficial owner of:

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## Schedule 3 Customer due diligence amendments

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- (i) the company mentioned in subparagraph (a)(i); or
- (ii) the body mentioned in subparagraph (a)(ii); and
- (c) the individual is a beneficial owner of the customer solely by reason of the ownership mentioned in paragraph (b).

### 6 Subsection 6-7(2)

Omit “subsection (1) applies”, substitute “subsection (1), (1A) or (1B) applies”.

### 7 Subparagraph 6-18(1)(b)(i)

Repeal the subparagraph.

### 8 Subparagraph 6-18(1)(b)(ii)

Omit “an entity”, substitute “a person”.

### 9 After paragraph 6-29(1)(a)

Insert:

- (ab) the other person has in place measures to ensure compliance with:
  - (i) if the other person is a reporting entity—the other person’s obligations under Part 2 (Customer due diligence) and Part 10 (Record-keeping requirements) of the Act; or
  - (ii) if the other person is a person mentioned in subparagraph (a)(ii)—the equivalent laws of the foreign country;

### 10 Paragraph 6-29(2)(b)

Before “the country or countries”, insert “the level of the risks of money laundering, financing of terrorism and proliferation financing in”.

### 11 After paragraph 6-31(a)

Insert:

- (ab) the other person has in place measures to ensure compliance with:
  - (i) if the other person is a reporting entity—the other person’s obligations under Part 2 (Customer due diligence) and Part 10 (Record-keeping requirements) of the Act; or
  - (ii) if the other person is a person mentioned in subparagraph (a)(ii)—the equivalent laws of the foreign country;

### 12 Paragraph 6-32(4)(a)

Omit “15 days”, substitute “28 days”.

### 13 Paragraph 6-32(4)(b)

Before “settlement”, insert “3 days before the initially agreed day for the”.

### 14 Paragraph 6-33(f)

Omit “15 days”, substitute “28 days”.

### 15 Paragraph 6-33(g)

Omit “before the settlement”, substitute “at least 3 days before the initially agreed day for the settlement”.

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Customer due diligence amendments **Schedule 3**

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## **16 After subparagraph 6-35(b)(v)**

Insert:

(va) offences involving prohibited hate groups;

## **17 At the end of section 6-37**

Add:

- ; (c) the Corruption and Crime Commission of Western Australia;
- (d) the Independent Commission Against Corruption of South Australia;
- (e) the Office of the Independent Commissioner Against Corruption of the Northern Territory.

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## Schedule 4 Miscellaneous amendments

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### Schedule 4—Miscellaneous amendments

#### *Anti-Money Laundering and Counter-Terrorism Financing Rules 2025*

**1 Section 1-4 (subparagraph (b)(ii) of the definition of *tracing information*)**

Omit “payer’s”, substitute “payee’s”.

**2 Subsection 2-2(11)**

Omit “10(2A)”, substitute “10A(2A)”.

**3 Paragraph 5-5(1)(d)**

Repeal the paragraph.

**4 After subsection 5-5(1)**

Insert:

(1A) For the purposes of paragraph 26F(3)(e) of the Act, the AML/CTF policies of a reporting entity must ensure that, if the reporting entity establishes on reasonable grounds that the customer, any beneficial owner of the customer or any person on whose behalf the customer is receiving a designated service:

- (a) has become a foreign politically exposed person; or
- (b) has become a domestic politically exposed person, or an international organisation politically exposed person, in circumstances where the ML/TF risk of the customer is high;

a senior manager of the reporting entity will determine, as soon as practicable after the steps required by section 6-24 of this instrument are completed, whether the reporting entity will continue a business relationship with the customer.

**5 Subsection 5-5(2)**

Omit “subsection (1)”, substitute “subsections (1) and (1A)”.

**6 Section 8-3 (cell at table item 6, column 1)**

Repeal the cell, substitute:

- (a) the transfer of value is the withdrawal of money from an account held with a financial institution;  
and
- (b) the instruction for the transfer is given by the use of an ATM; and
- (c) the value will be made available to the payee as physical currency

**7 Section 8-4 (cell at table item 6, column 1)**

Repeal the cell, substitute:

- (a) the transfer of value is the withdrawal of money from an account held with a financial institution;  
and
- (b) the instruction for the transfer is given by the use of an ATM; and
- (c) the value will be made available to the payee as physical currency

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## **8 Section 8-5 (cell at table item 6, column 1)**

Repeal the cell, substitute:

- (a) the transfer of value is the withdrawal of money from an account held with a financial institution; and
- (b) the instruction for the transfer is given by the use of an ATM; and
- (c) the value will be made available to the payee as physical currency

## **9 Paragraph 8-8(7)(b)**

Omit “to whom section 6-42 or 6-43 applies”, substitute “in relation to whom the reporting entity has met, or is taken to have met, the requirements of sections 28 and 30 of the Act”.

## **10 Section 9-9**

Repeal the section, substitute:

### **9-9 Reporting and lodgement periods for AML/CTF compliance reports**

For the purposes of section 47 of the Act:

- (a) the first reporting period after the commencement of this instrument is the period beginning on 1 July 2026 and ending on 30 June 2027; and
- (b) each subsequent financial year is a reporting period; and
- (c) the period of 3 months beginning after the end of a reporting period mentioned in paragraph (a) or (b) is the lodgement period for that reporting period.

## **11 At the end of Part 11**

Add:

### **11-2 Applications for reconsideration of decisions made by delegates of the AUSTRAC CEO**

For the purposes of paragraph 233D(3)(b) of the Act, an application for reconsideration of a decision must contain the following information:

- (a) the name of the applicant;
- (b) the applicant’s ABN, ACN, ARBN and ARSN (as applicable);
- (c) the applicant’s telephone number;
- (d) the applicant’s email address;
- (e) the applicant’s postal address;
- (f) the following information about the individual completing the application:
  - (i) the individual’s full name;
  - (ii) the individual’s job title or position;
  - (iii) if the individual is not the applicant—information on the individual’s role or relationship in relation to the applicant;
  - (iv) the individual’s telephone number;
  - (v) the individual’s email address;
- (g) details of the decision that the applicant is seeking reconsideration of, including the following information (to the extent it is known to the applicant):

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## Schedule 4 Miscellaneous amendments

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- (i) the date of the decision;
- (ii) the name of the delegate of the AUSTRAC CEO who made the decision;
- (iii) the AUSTRAC decision reference number;
- (h) the date the applicant was informed of the decision;
- (i) the reasons why the applicant is seeking reconsideration of the decision.