

EXPOSURE DRAFT



EXPOSURE DRAFT

Anti-Money Laundering and Counter-Terrorism Financing (Class Exemptions and Other Matters) Amendment Rules 2026

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

EXPOSURE DRAFT

EXPOSURE DRAFT

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules	1
Schedule 1—Amendments		2
<i>Anti-Money Laundering and Counter-Terrorism Financing (Class Exemptions and Other Matters) Rules 2007</i>		<i>2</i>

EXPOSURE DRAFT

1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Class Exemptions and Other Matters) 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- Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Anti-Money Laundering and Counter-Terrorism Financing (Class Exemptions and Other Matters) Rules 2007

1 Paragraph 1.2.1

Insert:

gift card means a stored value card that is a gift card within the meaning of Schedule 2 to the *Competition and Consumer Act 2010* (the Australian Consumer Law).

2 After Chapter 1

Insert:

Chapter 2 Matters relating to professional services

2.1 Circumstances covered by subsection 6(5C) of the AML/CTF Act

For the purposes of paragraph 6(5C)(f) of the AML/CTF Act, a specified circumstance is that any of the following things mentioned in item 3 of table 6 in section 6 of the Act are being received, held, controlled or managed as part of the provision by a real estate agent of the service of managing rental income and expenses through a trust account:

- (a) money;
- (b) accounts;
- (c) other property.

Note: Subsection 6(5C) of the AML/CTF Act sets out circumstances in which a service is not covered by item 3 of table 6 in section 6.

Chapter 3 Exemption from initial customer due diligence—automatic teller machines

3.1 Exemption

For the purposes of subsection 39(3) of the AML/CTF Act, section 28 of that Act does not apply to a designated service if all of the following apply:

- (a) the service is covered by item 30 of table 1 in section 6 of that Act;
- (b) the provision of the service is an occasional transaction;
- (c) the instruction for transfer of value was for the withdrawal of money from an account held with a financial institution;
- (d) the instruction was given by the use of an ATM;
- (e) the value will be made available to the payee as physical currency;
- (f) the total value transferred as a result of the designated service, and any other services covered by item 30 of table 1 in section 6 of the AML/CTF Act that are linked or appear to be linked, is less than \$10,000.

3.2 Repeal

This Chapter is repealed on 31 March 2036.

Chapter 4 Exemption from initial customer due diligence—transfer of value to self-hosted virtual asset wallet

4.1 Exemption

For the purposes of subsection 39(3) of the AML/CTF Act, section 28 of that Act does not apply to a designated service if all of the following apply:

- (a) the service is covered by item 30 of table 1 in section 6 of that Act;
- (b) the provision of the service is an occasional transaction;
- (c) the instruction for transfer of value was for the withdrawal of virtual assets held by the reporting entity, in an account provided to the payer or otherwise on deposit for the payer (including in a virtual asset wallet);
- (d) the value will be made available to the payee by depositing virtual assets into a self-hosted virtual asset wallet controlled by the payee;
- (e) the total value transferred as a result of the designated service, and any other services covered by item 30 of table 1 in section 6 of the AML/CTF Act that are linked or appear to be linked, is less than \$1,000.

4.2 Repeal

This Chapter is repealed on 31 March 2036.

Chapter 5 Exemption from initial customer due diligence—transfer of value using gift card issued by reporting entity

5.1 Exemption

For the purposes of subsection 39(3) of the AML/CTF Act, section 28 of that Act does not apply to a designated service if all of the following apply:

- (a) the service is covered by item 29 of table 1 in section 6 of the Act;
- (b) the provision of the service is an occasional transaction;
- (c) the instruction for transfer of value is given by use of a gift card;
- (d) the gift card was issued by a reporting entity;
- (e) issuing the gift card was not a designated service;
- (f) the monetary value stored in connection with the gift card cannot be increased (other than because of a reversal of a payment made using the card or the correction of an error);
- (g) no part of the monetary value stored in connection with the gift card may be withdrawn in cash;
- (h) the value to be transferred is money;
- (i) the gift card can only be used to make payments to merchants in Australia;

EXPOSURE DRAFT

Schedule 1 Amendments

- (j) the ordering institution has reasonable grounds to believe that the person responsible for administering the scheme in which the gift card can be used has taken reasonable steps to mitigate and manage the risk that the card will be used as an instrument of money laundering, financing of terrorism or other crimes.

Note: Subsection 63A(4) of the Act sets out circumstances in which a person is not an *ordering institution*.

5.2 Repeal

This Chapter is repealed on 31 March 2036.

Chapter 6 Gift card issued by person not providing designated services

6.1 Person who is not an *ordering institution*

For the purposes of paragraph 63A(4)(b) of the AML/CTF Act, a person is not an *ordering institution* if all of the following apply:

- (a) the person accepts an instruction for the transfer of value that is given by use of a gift card;
- (b) the gift card was issued by the person in the course of carrying on a retail, shopping centre or gift card business that does not otherwise involve the provision of designated services;
- (c) issuing the gift card was not a designated service;
- (d) the monetary value stored in connection with the gift card cannot be increased (other than because of a reversal of a payment made using the card or the correction of an error);
- (e) no part of the monetary value stored in connection with the gift card may be withdrawn in cash;
- (f) the gift card can only be used to make payments to merchants in Australia;
- (g) the person has taken reasonable steps to mitigate and manage the risk that the gift card will be used as an instrument of money laundering, financing of terrorism or other crime.

Note: For rules determining whether a person is an *ordering institution*, see section 8-1 of the *Anti-Money Laundering and Counter-Terrorism Financing Rules 2025*.

6.2 Person who is not a *beneficiary institution*

For the purposes of paragraph 63A(8)(b) of the AML/CTF Act, a person is not a *beneficiary institution* if all the following apply:

- (a) the person makes value available as a result of an instruction that was given by use of a gift card;
- (b) the gift card was issued by the person in the course of carrying on a retail, shopping centre or gift card business that does not otherwise involve the provision of designated services;
- (c) issuing the gift card was not a designated service;
- (d) the monetary value stored in connection with the gift card cannot be increased (other than because of a reversal of a payment made using the card or the correction of an error);

- (e) no part of the monetary value stored in connection with the gift card may be withdrawn in cash;
- (f) the gift card can only be used to make payments to merchants in Australia;
- (g) the person has taken reasonable steps to mitigate and manage the risk that the gift card will be used as an instrument of money laundering, financing of terrorism or other crime.

Note: For rules determining whether a person is a **beneficiary institution**, see section 8-2 of the *Anti-Money Laundering and Counter-Terrorism Financing Rules 2025*.

6.3 Repeal

This Chapter is repealed on 31 March 2031.

Chapter 7 Services provided by barristers to Australian government bodies

7.1 AML/CTF Act does not apply to services in certain circumstances

For the purposes of subsection 247(3) of the AML/CTF Act, that Act does not apply to a designated service if:

- (a) the service is covered by an item of table 6 in section 6 of that Act; and
- (b) the service is provided by a person in the course of legal practice as a barrister; and
- (c) the service is provided to an Australian government body.

7.2 Repeal

This Chapter is repealed on 31 March 2036.

Chapter 8 Clearing and settlement facilities

8.1 AML/CTF Act does not apply to incidental services provided by operator of facility

For the purposes of subsection 247(3) of the AML/CTF Act, that Act does not apply to a designated service if:

- (a) the service is covered by an item of table 6 in section 6 of the Act; and
- (b) the service is provided by the operator of a clearing and settlement facility, within the meaning of the *Corporations Act 2001*; and
- (c) the provision of the service is incidental to the operation of the clearing and settlement facility in this jurisdiction, within the meaning of the *Corporations Act 2001*.

8.2 Repeal

This Chapter is repealed on 31 March 2031.