

Keep open notice for issuing agencies

AUSTRAC created this fact sheet to provide specified agencies with relevant information about 'keep open notices'. These will be issued under s39B(1) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act)¹ from 31 March 2026.

This fact sheet provides a summary of mandatory requirements when issuing or extending keep open notices. These requirements fall under the amended AML/CTF Act and Anti-Money Laundering and Counter-Terrorism Financing Rules 2025 (AML/CTF Rules).

This fact sheet does not include all obligations of issuing agencies. It does not cover all scenarios or replace the need for issuing agencies to obtain their own legal advice.

From 31 March 2026, the power to issue a keep open notice will replace the power to issue a notice under Chapter 75 of the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007* (No. 1) (Chapter 75 notice). This means a specified agency will be able to issue a keep open notice directly to a reporting entity, instead of making an application to AUSTRAC.

What is a keep open notice?



A keep open notice is a notice that a **senior member of a specified agency** may issue to a reporting entity. The senior member may do this if they reasonably believe providing a customer with a designated service will help the agency's investigation of a **serious offence**.

A keep open notice exempts a reporting entity from certain provisions of the AML/CTF Act when they reasonably believe compliance with that section would or could alert the customer to the existence of a criminal investigation².

A keep open notice is not an information gathering power. It does not compel a reporting entity to continue to provide designated services to a customer.

¹ As amended by the *Anti-Money Laundering and Counter-Terrorism Financing Amendment Act 2024*.

² Refer to ss39A(2) and 39A(4): The relevant provisions are:

- s26G (reporting entities must comply with AML/CTF policies)
- s28 (undertaking initial customer due diligence)
- s30 (undertaking ongoing customer due diligence).

Section 139 (providing a designated service using a false customer name or customer anonymity) does not apply to the provision by the reporting entity of that designated service to the customer.

See also s39D (exemption - when a suspicious matter reporting obligation arises) and s39E (exemptions - specified conditions).

Mandatory requirements for issuing a keep open notice

Serious offence

A keep open notice can only be issued in relation to the investigation of a serious offence. A serious offence is an offence against: 

- a law of the Commonwealth, a State or Territory that is punishable by imprisonment for 2 years or more
- a law of a foreign country involving an act or omission that would have constituted an equivalent offence if it had occurred in Australia.

A keep open notice cannot be issued in relation to an offence punishable by civil or pecuniary penalty.

Specified agency (issuing agency)

A keep open notice can only be issued by a senior member of the following agencies: 

- the Australian Border Force
 - the Australian Crime Commission
 - the Australian Federal Police
 - the National Anti-Corruption Commission
 - the New South Wales Crime Commission
 - the police force or police service of a State or the Northern Territory
 - a Commonwealth, State or Territory agency prescribed by the AML/CTF Rules, currently:
 - the Independent Broad-based Anti-corruption Commission of Victoria
 - the Crime and Corruption Commission of Queensland.
-

Senior member

A keep open notice can only be issued by a senior member of a specified agency, being: 

- the head of the specified agency
 - a statutory office holder of the specified agency
 - an SES employee or higher (including an officer or employee acting in such positions) of the agency
 - a superintendent of the Australian Federal Police
 - a superintendent of the police force or police service of a State or the Northern Territory.
-

Form and content of a keep open notice

A keep open notice must be in Form 1 from Schedule 1 of the AML/CTF Rules and must contain the following:

the name of the issuing agency 

the full name and position of the senior member issuing the notice 

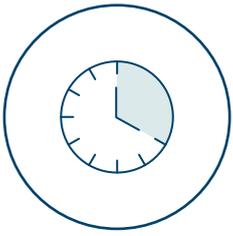
the full name of the reporting entity 

for each customer who the keep open notice relates to: 

- the customer's full name
 - the customer's date of birth, or an ACN or ABN (if known)
 - any other known details or supporting documents the senior member considers necessary to help the reporting entity identify the customer
-

the commencement date of the notice 

a declaration by the senior member. It should state that they reasonably believe that the reporting entity providing a designated service to the customer/s would help the agency's investigation of a serious offence. 

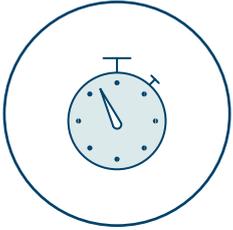


How long a keep open notice can be in force

A keep open notice remains in force until the earlier of the following:

- 6 months after the commencement day specified in the notice
- the day the issuing agency notifies the reporting entity and the AUSTRAC CEO that the relevant investigation has ended.

A keep open notice may be extended via an extension notice.



Extension notices

An extension notice may be issued to a reporting entity by a senior member of the agency that issued the keep open notice. It extends the effect of the notice for a further period of 6 months. A different senior member of the issuing agency may issue the extension notice.

The extension notice must be:

- in Form 2 from Schedule 1 of the AML/CTF Rules
- issued to the reporting entity before the expiry of the keep open notice.

An extension notice can only be issued if:

- the keep open notice has not previously been extended more than twice
- the senior member of the agency reasonably believes that the reporting entity continuing to provide a designated service to a customer would help the agency's investigation of a serious offence.

Applying to the AUSTRAC CEO to issue further extension notices

The issuing agency may wish to issue more than 2 extension notices extending the effect of a keep open notice. A senior member of the agency that issued the keep open notice must apply to the AUSTRAC CEO and receive a notice allowing them to do so.

A new application to the AUSTRAC CEO is required for each further extension notice sought.

This application must be in Form 3 from Schedule 1 of the AML/CTF Rules.

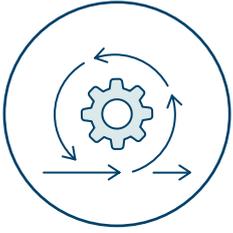
Applications should be sent to leoexemptions@austrac.gov.au at least 10 business days before the notice is due to expire.



Providing copies of notices to AUSTRAC

The senior member of the agency must send a copy of the keep open notice or extension notice to the AUSTRAC CEO. They must do this at the same time the notice is issued to the reporting entity.

Notices should be sent to leoexemptions@austrac.gov.au.



AUSTRAC's new role

AUSTRAC's oversight of keep open notices will include:

- providing guidance to issuing agencies about keep open notices, such as this fact sheet
- performing basic compliance checks on all keep open notices and extension notices, such as verifying that the notice is in the form specified in the AML/CTF Rules
- performing a regular and more detailed spot check of a limited number of keep open notices or extension notices. This will check against legislative criteria to guard against compliance slippage. This may include feedback or education to issuing agencies with identified compliance issues
- annual reporting on the AUSTRAC website of the use of keep open notices, such as the number of notices issued by each agency.

The AUSTRAC CEO may revoke a keep open notice or extension notice if satisfied that the notice does not comply with the requirements of the AML/CTF Act or AML/CTF Rules. If this happens, AUSTRAC will notify the issuing agency and the reporting entity.



Chapter 75 notices in force on 31 March 2026

The AML/CTF Rules³ provide transitional provisions for keep open notices. In summary, an exemption provided under a Chapter 75 notice before 31 March 2026 may be dealt with as if it were a keep open notice issued under subsection 39B(1) of the AML/CTF Act from 31 March 2026.

We strongly recommend that issuing agencies with Chapter 75 notices that extend beyond 30 March 2026 refer to the AML/CTF Rules and seek their own legal advice if required.



How your agency can prepare for keep open notices

Issuing agencies can prepare to start issuing keep open notices by:

- developing internal policies, processes and procedures for issuing keep open notices and extension notices, and providing copies of notices to AUSTRAC
- making sure policies, processes and procedures include applying to the AUSTRAC CEO to issue further extension notices (if more than two extension notices are to be issued)
- educating staff about the keep open notices
- building contacts and relationships with reporting entities, including considering how you will handle complaints or issues regarding keep open notices
- determining how you will keep a central record of keep open notices issued within your agency. AUSTRAC requires this to perform an annual reconciliation of all keep open notices issued by your agency.

³ Rule 12-5 of the AML/CTF Rules.