

6 Designated services

(1) For the purposes of this Act, the following tables define:

- (a) the provision of a *designated service*; and
- (b) the person (the *customer*) to whom the designated service is provided.

Table 1—Financial services

(2) Table 1 is as follows:

| Table 1—Financial services |  |                                    |
|----------------------------|--|------------------------------------|
| Item                       | Provision of a designated service  | Customer of the designated service |
| 1                          | in the capacity of account provider, opening an account, where the account provider is:<br><br>(a) an ADI; or<br><br>(b) a bank; or<br><br>(c) a building society; or<br><br>(d) a credit union; or<br><br>(e) a person specified in the AML/CTF Rules   | the holder of the account          |
| 2                          | in the capacity of account provider for a new or existing account, allowing a person to become a signatory to the account, where the account provider is:<br><br>(a) an ADI; or<br><br>(b) a bank; or<br><br>(c) a building society; or<br><br>(d) a credit union; or<br><br>(e) a person specified in the AML/CTF Rules | the signatory                      |

Table 1—Financial services

| Item | Provision of a designated service   | Customer of the designated service  |
|------|---|---|
| 3    | <p>in the capacity of account provider for an account, allowing a transaction to be conducted in relation to the account, where the account provider is:</p> <p>(a) an ADI; or</p> <p>(b) a bank; or</p> <p>(c) a building society; or</p> <p>(d) a credit union; or</p> <p>(e) a person specified in the AML/CTF Rules</p> | <p>both:</p> <p>(a) the holder of the account; and</p> <p>(b) each other signatory to the account</p> |
| 4    | <p>accepting money on deposit (otherwise than by way of deposit to an account), where the deposit-taker is:</p> <p>(a) an ADI; or</p> <p>(b) a bank; or</p> <p>(c) a building society; or</p> <p>(d) a credit union; or</p> <p>(e) a person specified in the AML/CTF Rules</p>  | <p>the person in whose name the deposit is held</p>   |
| 5    | <p>in the capacity of deposit-taker for a deposit, allowing a transaction to be conducted in relation to the deposit, where the deposit-taker is:</p> <p>(a) an ADI; or</p> <p>(b) a bank; or</p> <p>(c) a building society; or</p> <p>(d) a credit union; or</p> <p>(e) a person specified in the AML/CTF Rules</p>        | <p>the person in whose name the deposit is held</p>   |

Table 1—Financial services

| <b>Item</b> | <b>Provision of a designated service</b>   | <b>Customer of the designated service</b>  |
|-------------|--|--|
| 6           | making a loan, where the loan is made in the course of carrying on a loans business  | the borrower                               |
| 7           | in the capacity of:<br><br>(a) lender for a loan; or<br><br>(b) assignee (whether immediate or otherwise) of the lender for a loan;<br><br>allowing the borrower to conduct a transaction in relation to the loan, where the loan was made in the course of carrying on a loans business   | the borrower                               |
| 8           | factoring a receivable, where the receivable is factored in the course of carrying on a factoring business   | the person whose receivable is factored    |
| 9           | forfeiting:<br><br>(a) a bill of exchange; or<br><br>(b) a promissory note;<br><br>where the bill or note is forfeited in the course of carrying on a forfeiting business  | the person whose bill or note is forfeited |
| 10          | supplying goods by way of lease under a finance lease, where:<br><br>(a) the goods are not acquired by a consumer (within the meaning of section 4B of the <i>Competition and Consumer Act 2010</i> ); and<br><br>(b) the supply is in the course of carrying on a finance leasing business  | the lessee                                 |
| 11          | in the capacity of lessor under a finance lease, allowing the lessee to conduct a transaction in relation to the lease, where:<br><br>(a) the goods were not acquired by a consumer (within the meaning of section 4B of the <i>Competition and Consumer Act 2010</i> ); and<br><br>(b) the supply was in the course of carrying on a finance leasing business | the lessee                                 |
| 12          | supplying goods to a person by way of hire-purchase, where:<br><br>(a) the goods are not acquired by a consumer (within the meaning of section 4B of the <i>Competition and Consumer Act 2010</i> ); and   | the person                                 |

Table 1—Financial services

| Item | Provision of a designated service  | Customer of the designated service                                  |
|------|--|---|
|      | (b) the supply is in the course of carrying on a business of supplying goods   |   |
| 13   | in the capacity of supplier of goods to a person by way of hire-purchase, allowing the person to conduct a transaction in relation to the hire-purchase agreement concerned, where:  | the person  |
|      | (a) the goods were not acquired by a consumer (within the meaning of section 4B of the <i>Competition and Consumer Act 2010</i> ); and   |   |
|      | (b) the supply was in the course of carrying on a business of supplying goods  |   |
| 14   | in the capacity of account provider for an account, providing a chequebook, or a similar facility, that enables the holder of the account to draw a cheque on the account  | the holder of the account   |
| 15   | in the capacity of building society or credit union, providing a chequebook, or a similar facility, that enables the holder of an account with the building society or credit union to draw a cheque on an account held by the building society or credit union  | the holder of the account with the building society or credit union |
| 16   | in the capacity of trustee or manager of a trust, providing a chequebook, or a similar facility, that enables the holder of a beneficial interest in the trust to draw a cheque on an account held by the trustee or manager of the trust  | the holder of the beneficial interest in the trust                  |
| 17   | issuing:<br><br>(a) a bill of exchange; or<br><br>(b) a promissory note; or<br><br>(c) a letter of credit;<br><br>to a person, where the bill, note or letter is issued by:<br><br>(d) an ADI; or<br><br>(e) a bank; or<br><br>(f) a building society; or<br><br>(g) a credit union; or<br><br>(h) a person specified in the AML/CTF Rules | the person  |

Table 1—Financial services

| <b>Item</b> | <b>Provision of a designated service</b>  | <b>Customer of the designated service</b>                       |
|-------------|---|---|
| 18          | issuing a debit card that enables the holder of an account to debit the account, where the account provider is:<br><br>(a) an ADI; or<br><br>(b) a bank; or<br><br>(c) a building society; or<br><br>(d) a credit union; or<br><br>(e) a person specified in the AML/CTF Rules  | the holder of the account                                       |
| 18A         | issuing a debit card that enables a signatory to an account (other than the holder of the account) to debit the account, where the account provider is:<br><br>(a) an ADI; or<br><br>(b) a bank; or<br><br>(c) a building society; or<br><br>(d) a credit union; or<br><br>(e) a person specified in the AML/CTF Rules  | the signatory   |
| 19          | in the capacity of building society or credit union, issuing a debit card that enables the holder of an account with the building society or credit union to debit an account held by the building society or credit union, where the account provider of the last-mentioned account is:<br><br>(a) an ADI; or<br><br>(b) a bank; or<br><br>(c) a person specified in the AML/CTF Rules | the holder of the account with building society or credit union |

Table 1—Financial services

| <b>Item</b> | <b>Provision of a designated service</b>   | <b>Customer of the designated service</b>          |
|-------------|--|--|
| 19A         | <p>in the capacity of building society or credit union, issuing a debit card that enables a signatory to an account with the building society or credit union (other than the holder of the account with the building society or credit union) to debit an account held by the building society or credit union, where the account provider of the last-mentioned account is:</p> <p>(a) an ADI; or</p> <p>(b) a bank; or</p> <p>(c) a person specified in the AML/CTF Rules</p> | the signatory                                      |
| 20          | <p>in the capacity of trustee or manager of a trust, issuing a debit card that enables the holder of a beneficial interest in the trust to debit an account held by the trustee or manager of the trust, where the account provider is:</p> <p>(a) an ADI; or</p> <p>(b) a bank; or</p> <p>(c) a building society; or</p> <p>(d) a credit union; or</p> <p>(e) a person specified in the AML/CTF Rules</p>   | the holder of the beneficial interest in the trust |
| 20A         | <p>in the capacity of trustee or manager of a trust, issuing a debit card that enables a signatory authorised by the holder of a beneficial interest in the trust to debit an account held by the trustee or manager of the trust, where the account provider is:</p> <p>(a) an ADI; or</p> <p>(b) a bank; or</p> <p>(c) a building society; or</p> <p>(d) a credit union; or</p> <p>(e) a person specified in the AML/CTF Rules</p>   | the signatory                                      |
| 21          | <p>issuing a stored value card to a person, where:</p> <p>(a) the whole or a part of the monetary value stored in connection</p>   | the person   |

Table 1—Financial services

| Item | Provision of a designated service  | Customer of the designated service |
|------|--|------------------------------------|
|      | <p>with the card may be withdrawn in cash; and</p> <p>(b) the monetary value stored in connection with the card is not less than:</p> <p>(i) \$1,000; or</p> <p>(ii) if another amount is specified in the regulations—that other amount</p>   |                                    |
| 22   | <p>increasing the monetary value stored in connection with a stored value card held by a person, where:</p> <p>(a) the whole or a part of the monetary value stored in connection with the card may be withdrawn in cash; and</p> <p>(b) the increased monetary value is not less than:</p> <p>(i) \$1,000; or</p> <p>(ii) if another amount is specified in the regulations—that other amount</p> | the person                         |
| 23   | <p>issuing a stored value card to a person, where:</p> <p>(a) no part of the monetary value stored in connection with the card may be withdrawn in cash; and</p> <p>(b) the monetary value stored in connection with the card is not less than:</p> <p>(i) \$5,000; or</p> <p>(ii) if another amount is specified in the regulations—that other amount</p>   | the person                         |
| 24   | <p>increasing the monetary value stored in connection with a stored value card held by a person, where:</p> <p>(a) no part of the monetary value stored in connection with the card may be withdrawn in cash; and</p> <p>(b) the increased monetary value is not less than:</p> <p>(i) \$5,000; or</p> <p>(ii) if another amount is specified in the regulations—that other amount</p>             | the person                         |

Table 1—Financial services

| <b>Item</b> | <b>Provision of a designated service</b>   | <b>Customer of the designated service</b>                          |
|-------------|--|--|
| 25          | issuing a traveller's cheque to a person   | the person   |
| 26          | in the capacity of issuer of a traveller's cheque, cashing or redeeming a traveller's cheque held by a person  | the person   |
| 27          | issuing a money order, postal order or similar order to a person, where the face value of the order is not less than:<br><br>(a) \$1,000; or<br><br>(b) if another amount is specified in the regulations—that other amount  | the person   |
| 28          | in the capacity of issuer of a money order, postal order or similar order, cashing or redeeming a money order, postal order or similar order held by a person, where the face value of the order is not less than:<br><br>(a) \$1,000; or<br><br>(b) if another amount is specified in the regulations—that other amount | the person   |
| 29          | in the capacity of ordering institution, accepting an electronic funds transfer instruction from the payer   | the payer  |
| 30          | in the capacity of beneficiary institution, making money available to the payee as a result of an electronic funds transfer instruction  | the payee  |
| 31          | in the capacity of a non-financier carrying on a business of giving effect to remittance arrangements, accepting an instruction from a transferor entity for the transfer of money or property under a designated remittance arrangement   | the transferor entity  |
| 32          | in the capacity of a non-financier carrying on a business of giving effect to remittance arrangements, making money or property available, or arranging for it to be made available, to an ultimate transferee entity as a result of a transfer under a designated remittance arrangement                                | the ultimate transferee entity                                     |
| 32A         | operating a network of persons by providing a platform or operating system (however described), where:<br><br>(a) the persons in the network provide a designated service referred to in item 31 or 32 by means of the platform or operating system; and<br><br>(b) the operator is a non-financier.                     | the person who provides designated services as part of the network |

Table 1—Financial services

| Item | Provision of a designated service  | Customer of the designated service |
|------|--|------------------------------------|
| 33   | <p>in the capacity of agent of a person, acquiring or disposing of:</p> <p>(a) a security; or</p> <p>(b) a derivative; or</p> <p>(ba) an Australian carbon credit unit; or</p> <p>(bb) an eligible international emissions unit; or</p> <p>(c) a foreign exchange contract;</p> <p>on behalf of the person, where:</p> <p>(d) the acquisition or disposal is in the course of carrying on a business of acquiring or disposing of securities, derivatives, Australian carbon credit units, eligible international emissions units or foreign exchange contracts in the capacity of agent; and</p> <p>(e) the service is not specified in the AML/CTF Rules</p> | the person                         |
| 34   | <p>in the capacity of agent of a person, acquiring or disposing of:</p> <p>(a) a bill of exchange; or</p> <p>(b) a promissory note; or</p> <p>(c) a letter of credit;</p> <p>on behalf of the person, where:</p> <p>(d) the acquisition or disposal is in the course of carrying on a business of acquiring or disposing of bills of exchange, promissory notes or letters of credit in the capacity of agent; and</p> <p>(e) the service is not specified in the AML/CTF Rules</p>  | the person                         |
| 35   | <p>issuing or selling a security or derivative to a person, where:</p> <p>(a) the issue or sale is in the course of carrying on a business of issuing or selling securities or derivatives; and</p> <p>(b) in the case of an issue of a security or derivative—the issue does</p>  | the person                         |

Table 1—Financial services

| Item | Provision of a designated service  | Customer of the designated service                         |
|------|--|--|
|      | not consist of the issue by a company of either of the following:  |  |
|      | (i) a security of the company (other than an interest in a managed investment scheme); or  |  |
|      | (ii) an option to acquire a security of the company (other than an option to acquire an interest in a managed investment scheme); and  |  |
|      | (ba) in the case of an issue of a security or derivative—the issue does not consist of the issue by a government body of a security of the government body or of an option to acquire a security of the government body; and |  |
|      | (c) in the case of an issue of a security or derivative—the issue is not an exempt financial market operator issue; and  |  |
|      | (d) such other conditions (if any) as are set out in the AML/CTF Rules are satisfied   |  |
| 36   | in the capacity of issuer of a bearer bond, redeeming a bearer bond  | the person to whom the proceeds of the redemption are paid |
| 37   | issuing, or undertaking liability as the insurer under, a life policy or sinking fund policy   | the holder of the policy                                   |
| 38   | in the capacity of insurer for a life policy or sinking fund policy, accepting a premium in relation to the policy   | the holder of the policy                                   |
| 39   | in the capacity of insurer for a life policy or sinking fund policy, making a payment to a person under the policy   | the person   |
| 40   | in the capacity of provider of a pension or annuity, accepting payment of the purchase price for a new pension or annuity, where:  | the person to whom the pension or annuity is to be paid    |
|      | (a) the provider is not a self managed superannuation fund; or   |  |
|      | (b) the pension or annuity is provided in the course of carrying on a business of providing pensions or annuities  |  |

Table 1—Financial services

| <b>Item</b> | <b>Provision of a designated service</b>  | <b>Customer of the designated service</b>  |
|-------------|---|--|
| 41          | <p>in the capacity of provider of a pension or annuity, making a payment to a person by way of:</p> <p>(a) a payment of the pension or annuity; or</p> <p>(b) an amount resulting from the commutation, in whole or in part, of the pension or annuity; or</p> <p>(c) the residual capital value of the pension or annuity;</p> <p>where the provider is not a self managed superannuation fund</p> | the person   |
| 42          | <p>in the capacity of trustee of:</p> <p>(a) a superannuation fund (other than a self managed superannuation fund); or</p> <p>(b) an approved deposit fund;</p> <p>accepting a contribution, roll-over or transfer in respect of a new or existing member of the fund</p>   | the member   |
| 43          | <p>in the capacity of trustee of:</p> <p>(a) a superannuation fund (other than a self managed superannuation fund); or</p> <p>(b) an approved deposit fund;</p> <p>cashing the whole or a part of an interest held by a member of the fund</p>  | the member, or if the member has died, the person, or each of the persons, who receives the cashed whole or a cashed part of the relevant interest         |
| 44          | <p>in the capacity of RSA provider, accepting a contribution, roll-over or transfer to an RSA in respect of a new or existing RSA holder</p>  | the RSA holder   |
| 45          | <p>in the capacity of RSA provider, cashing the whole or a part of an interest held by an RSA holder</p>  | the RSA holder, or if the RSA holder has died, the person, or each of the persons, who receives the cashed whole or a cashed part of the relevant interest |
| 46          | <p>providing a custodial or depository service, where:</p> <p>(a) the service is provided in the course of carrying on a business of providing custodial or depository services; and</p> <p>(b) the service is not an exempt legal practitioner service</p>   | the client of the service  |

| Table 1—Financial services |   |  |
|----------------------------|---|--|
| Item                       | Provision of a designated service   | Customer of the designated service   |
| 47                         | <p>providing a safe deposit box, or similar facility, where:</p> <p>(a) the service is provided in the course of carrying on a business of providing safe deposit boxes or similar facilities; and</p> <p>(b) the service is not an exempt legal practitioner service</p> | the person who is, or each of the persons who are, authorised to lodge items in the safe deposit box or similar facility |
| 48                         | guaranteeing a loan, where the guarantee is given in the course of carrying on a business of guaranteeing loans   | <p>both:</p> <p>(a) the lender; and</p> <p>(b) the borrower</p>  |
| 49                         | in the capacity of guarantor of a loan, making a payment to the lender, where the guarantee was given in the course of carrying on a business of guaranteeing loans   | <p>both:</p> <p>(a) the lender; and</p> <p>(b) the borrower</p>  |
| 50                         | exchanging one currency (whether Australian or not) for another (whether Australian or not), where the exchange is provided in the course of carrying on a currency exchange business   | the person whose currency is exchanged   |
| 50A                        | exchanging digital currency for money (whether Australian or not) or exchanging money (whether Australian or not) for digital currency, where the exchange is provided in the course of carrying on a digital currency exchange business                                  | the person whose digital currency or money is exchanged  |
| 52                         | preparing a pay-roll, on behalf of a person, in whole or in part from physical currency collected, where the service is provided in the course of carrying on a business of preparing pay-rolls   | the person   |
| 54                         | in the capacity of holder of an Australian financial services licence, making arrangements for a person to receive a designated service (other than a service covered by this item)   | the person   |

Note 1: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

Note 2: For the purposes of item 35 of the table, a notified foreign passport fund is a managed investment scheme, see the definition of *managed investment scheme* in section 5.

Table 2—Bullion

(3) Table 2 is as follows:

| Table 2—Bullion |   |  |
|-----------------|---|--|
| Item            | Provision of a designated service   | Customer of the designated service         |
| 1               | buying bullion, where the buying is in the course of carrying on a bullion-dealing business   | the person from whom the bullion is bought |
| 2               | selling bullion, where the selling is in the course of carrying on a bullion-dealing business | the person to whom the bullion is sold     |

Table 3—Gambling services

(4) Table 3 is as follows:

| Table 3—Gambling services |   |  |
|---------------------------|---|--|
| Item                      | Provision of a designated service   | Customer of the designated service   |
| 1                         | receiving or accepting a bet placed or made by a person, where the service is provided in the course of carrying on a gambling business   | the person   |
| 2                         | placing or making a bet on behalf of a person, where the service is provided in the course of carrying on a gambling business   | the person   |
| 3                         | introducing a person who wishes to make or place a bet to another person who is willing to receive or accept the bet, where the service is provided in the course of carrying on a gambling business  | both:<br><br>(a) the person who wishes to make or place the bet; and<br><br>(b) the person who is willing to receive or accept the bet |
| 4                         | paying out winnings in respect of a bet, where the service is provided in the course of carrying on a gambling business   | the person to whom the winnings are paid   |
| 5                         | in the capacity of controller of an eligible gaming machine venue, allowing a person to play a game on a gaming machine located at the venue, where the service is provided in the course of carrying on a business   | the person   |
| 6                         | accepting the entry of a person into a game, where:<br><br>(a) the game is played for money or anything else of value; and<br><br>(b) the game is a game of chance or of mixed chance and skill; and<br><br>(c) the service is provided in the course of carrying on a gambling business; and<br><br>(d) the game is not played on a gaming machine located at an eligible gaming machine venue | the person   |

Table 3—Gambling services

| <b>Item</b> | <b>Provision of a designated service</b>  | <b>Customer of the designated service</b>                                      |
|-------------|---|--|
| 7           | exchanging money or digital currency for gaming chips or tokens, or betting instruments, where the service is provided in the course of carrying on a business  | the person whose money or digital currency is exchanged                        |
| 8           | exchanging gaming chips or tokens, or betting instruments, for money or digital currency, where the service is provided in the course of carrying on a business   | the person whose gaming chips or tokens, or betting instruments, are exchanged |
| 9           | <p>paying out winnings, or awarding a prize, in respect of a game, where:</p> <p>(a) the game is played for money or anything else of value; and</p> <p>(b) the game is a game of chance or of mixed chance and skill; and</p> <p>(c) the service is provided in the course of carrying on a gambling business; and</p> <p>(d) the game is not played on a gaming machine located at an eligible gaming machine venue</p>                           | the person to whom the winnings are paid or the prize is awarded               |
| 10          | <p>in the capacity of controller of an eligible gaming machine venue, paying out winnings, or awarding a prize, in respect of a game, where:</p> <p>(a) the game is played on a gaming machine located at the venue; and</p> <p>(b) the winnings are paid out, or the prize is awarded, by the controller as agent of the owner or lessee of the gaming machine; and</p> <p>(c) the service is provided in the course of carrying on a business</p> | the person to whom the winnings are paid or the prize is awarded               |
| 11          | <p>in the capacity of account provider, opening an account, where:</p> <p>(a) the account provider is a person who provides a service covered by item 1, 2, 3, 4, 6, 7, 8 or 9; and</p> <p>(b) the purpose, or one of the purposes, of the account is to facilitate the provision of a service covered by item 1, 2, 3, 4, 6, 7, 8 or 9; and</p> <p>(c) the service is provided in the course of carrying on a gambling business</p>                | the holder of the account  |
| 12          | in the capacity of account provider for a new or existing account, allowing a   | the signatory  |

Table 3—Gambling services

| <b>Item</b> | <b>Provision of a designated service</b>   | <b>Customer of the designated service</b>   |
|-------------|--|---|
|             | <p>person to become a signatory to the account, where:</p> <p>(a) the account provider is a person who provides a service covered by item 1, 2, 3, 4, 6, 7, 8 or 9; and</p> <p>(b) the purpose, or one of the purposes, of the account is to facilitate the provision of a service covered by item 1, 2, 3, 4, 6, 7, 8 or 9; and</p> <p>(c) the service is provided in the course of carrying on a gambling business</p>   |   |
| 13          | <p>in the capacity of account provider for an account, allowing a transaction to be conducted in relation to the account, where:</p> <p>(a) the account provider is a person who provides a service covered by item 1, 2, 3, 4, 6, 7, 8 or 9; and</p> <p>(b) the purpose, or one of the purposes, of the account is to facilitate the provision of a service covered by item 1, 2, 3, 4, 6, 7, 8 or 9; and</p> <p>(c) the service is provided in the course of carrying on a gambling business</p> | <p>both:</p> <p>(a) the holder of the account; and</p> <p>(b) each other signatory to the account</p> |
| 14          | <p>exchanging one currency (whether Australian or not) for another (whether Australian or not), where:</p> <p>(a) the exchange is provided by a person who provides a service covered by item 1, 2, 3, 4, 6, 7, 8 or 9; and</p> <p>(b) the service is provided in the course of carrying on a business</p>   | <p>the person whose currency is exchanged</p>   |

Table 4—Prescribed services

(5) Table 4 is as follows:

| Table 4—Prescribed services |   |   |
|-----------------------------|---|---|
| <b>Item</b>                 | <b>Provision of a designated service</b>                | <b>Customer of the designated service</b>   |
| 1                           | <p>providing a service specified in the regulations</p> | <p>the person who, under the regulations, is taken to be the person to whom the service is provided</p> |