

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: (a) an ADI; or (b) a bank; or (c) a building society; or (d) a credit union; or (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: (a) an ADI; or (b) a bank; or (c) a building society; or (d) a credit union; or (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	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: (a) an ADI; or (b) a bank; or (c) a building society; or (d) a credit union; or (e) a person specified in the AML/CTF Rules	both: (a) the holder of the account; and (b) each other signatory to the account
4	accepting money on deposit (otherwise than by way of deposit to an account), where the deposit-taker is: (a) an ADI; or (b) a bank; or (c) a building society; or (d) a credit union; or (e) a person specified in the AML/CTF Rules	the person in whose name the deposit is held
5	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: (a) an ADI; or (b) a bank; or (c) a building society; or (d) a credit union; or (e) a person specified in the AML/CTF Rules	the person in whose name the deposit is held
6	making a loan, where the loan is made in the course of carrying on a loans business	the borrower

Table 1—Financial services

Item	Provision of a designated service	Customer of the designated service
7	<p>in the capacity of:</p> <p>(a) lender for a loan; or</p> <p>(b) assignee (whether immediate or otherwise) of the lender for a loan;</p> <p>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</p>	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	<p>forfeiting:</p> <p>(a) a bill of exchange; or</p> <p>(b) a promissory note;</p> <p>where the bill or note is forfeited in the course of carrying on a forfeiting business</p>	the person whose bill or note is forfeited
10	<p>supplying goods by way of lease under a finance lease, where:</p> <p>(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</p> <p>(b) the supply is in the course of carrying on a finance leasing business</p>	the lessee
11	<p>in the capacity of lessor under a finance lease, allowing the lessee to conduct a transaction in relation to the lease, where:</p> <p>(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</p> <p>(b) the supply was in the course of carrying on a finance leasing business</p>	the lessee

Table 1—Financial services

Item	Provision of a designated service	Customer of the designated service
12	supplying goods to a person by way of hire-purchase, where: (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 (b) the supply is in the course of carrying on a business of supplying goods	the person
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: (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	the person
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

Table 1—Financial services

Item	Provision of a designated service	Customer of the designated service
17	issuing: (a) a bill of exchange; or (b) a promissory note; or (c) a letter of credit; to a person, where the bill, note or letter is issued by: (d) an ADI; or (e) a bank; or (f) a building society; or (g) a credit union; or (h) a person specified in the AML/CTF Rules	the person
18	issuing a debit card that enables the holder of an account to debit the account, where the account provider is: (a) an ADI; or (b) a bank; or (c) a building society; or (d) a credit union; or (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: (a) an ADI; or (b) a bank; or (c) a building society; or (d) a credit union; or (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
19	<p>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:</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 holder of the account with building society or credit union
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

Table 1—Financial services

Item	Provision of a designated service	Customer of the designated service
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 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>	the person
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

Table 1—Financial services

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

Table 1—Financial services

Item	Provision of a designated service	Customer of the designated service
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: (a) \$1,000; or (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: (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 (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

Table 1—Financial services

Item	Provision of a designated service	Customer of the designated service
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 not consist of the issue by a company of either of the following:</p> <p>(i) a security of the company (other than an interest in a managed investment scheme); or</p> <p>(ii) an option to acquire a security of the company (other than an option to acquire an interest in a managed investment scheme); and</p> <p>(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</p> <p>(c) in the case of an issue of a security or derivative—the issue is not an exempt financial market operator issue; and</p> <p>(d) such other conditions (if any) as are set out in the AML/CTF Rules are satisfied</p>	the person
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

Table 1—Financial services

Item	Provision of a designated service	Customer of the designated service
40	<p>in the capacity of provider of a pension or annuity, accepting payment of the purchase price for a new pension or annuity, where:</p> <p>(a) the provider is not a self managed superannuation fund; or</p> <p>(b) the pension or annuity is provided in the course of carrying on a business of providing pensions or annuities</p>	the person to whom the pension or annuity is to be paid
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
43A	<p>in the capacity of FHSA provider, accepting a contribution, roll-over or transfer to an FHSA in respect of a new or existing FHSA holder</p>	the FHSA holder

Table 1—Financial services

Item	Provision of a designated service	Customer of the designated service
43B	in the capacity of FHSA provider, cashing the whole or a part of an interest held by an FHSA holder	the FHSA holder, or if the FHSA holder has died, the person, or each of the persons, who receives the cashed whole or a cashed part of the relevant interest
44	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	the RSA holder
45	in the capacity of RSA provider, cashing the whole or a part of an interest held by an RSA holder	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	providing a custodial or depository service, where: (a) the service is provided in the course of carrying on a business of providing custodial or depository services; and (b) the service is not an exempt legal practitioner service	the client of the service
47	providing a safe deposit box, or similar facility, where: (a) the service is provided in the course of carrying on a business of providing safe deposit boxes or similar facilities; and (b) the service is not an exempt legal practitioner service	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	both: (a) the lender; and (b) the borrower
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	both: (a) the lender; and (b) the borrower
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

Table 1—Financial services

Item	Provision of a designated service	Customer of the designated service
51	<p>collecting physical currency, or holding physical currency collected, from or on behalf of a person, where:</p> <p>(a) the service is provided in the course of carrying on a business of collecting or holding physical currency; and</p> <p>(b) the physical currency was not collected by the provider of the service as consideration for the supply of goods (within the meaning of the <i>Competition and Consumer Act 2010</i>); and</p> <p>(c) the physical currency was not collected by the provider of the service as consideration for the supply of services (within the meaning of the <i>Competition and Consumer Act 2010</i>) other than the service of collecting or holding physical currency; and</p> <p>(d) the physical currency was not collected as a donation to a charity or charitable institution</p>	the person
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
53	delivering physical currency (including pay-rolls) to a person, where the service is provided in the course of carrying on a business of delivering physical currency	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: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

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 business	the person from whom the bullion is bought
2	selling bullion, where the selling is in the course of carrying on a 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 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 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 business	both: (a) the person who wishes to make or place the bet; and (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 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: (a) the game is played for money or anything else of value; and (b) the game is a game of chance	the person

Table 3—Gambling services

Item	Provision of a designated service	Customer of the designated service
	or of mixed chance and skill; and (c) the service is provided in the course of carrying on a business; and (d) the game is not played on a gaming machine located at an eligible gaming machine venue	
7	exchanging money for gaming chips or tokens, where the service is provided in the course of carrying on a business	the person whose money is exchanged
8	exchanging gaming chips or tokens for money, where the service is provided in the course of carrying on a business	the person whose gaming chips or tokens are exchanged
9	paying out winnings, or awarding a prize, in respect of a game, where: (a) the game is played for money or anything else of value; and (b) the game is a game of chance or of mixed chance and skill; and (c) the service is provided in the course of carrying on a business; and (d) the game is not played on a gaming machine located at an eligible gaming machine venue	the person to whom the winnings are paid or the prize is awarded
10	in the capacity of controller of an eligible gaming machine venue, paying out winnings, or awarding a prize, in respect of a game, where: (a) the game is played on a gaming machine located at the venue; and (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 (c) the service is provided in the course of carrying on a business	the person to whom the winnings are paid or the prize is awarded
11	in the capacity of account provider, opening an account, where: (a) the account provider is a person who provides a service covered by item 1, 2, 3, 4, 6, 7, 8	the holder of the account

Table 3—Gambling services

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

Table 4—Prescribed services

(5) Table 4 is as follows:

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