



Declaration 1 of 2010

Section 248 of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006

1. Under paragraph 248(1)(b) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act), I, **John Lance Schmidt, Chief Executive Officer, Australian Transaction Reports and Analysis Centre**, hereby declare that subsection 45(3) of that Act applies, in relation to the persons specified in paragraph 2 below, as if it was modified as follows:
 - (a) *omit* from subsection 45(3)(b), 'the AML/CTF Rules';
 - (b) *substitute* 'as set out in Schedule 1 to Declaration 1 of 2010;'
2. For the purposes of paragraph 1 the following persons are specified:

Any person specified in subsection 45(1) of the AML/CTF Act that is unable to give, by electronic means through AUSTRAC Online, the AUSTRAC CEO, a report as required by subsection 45(2) of the AML/CTF Act in the form approved by the AUSTRAC CEO under subsection 45(3) as unmodified.
3. This declaration is in effect from 12 March 2010 until 12 September 2010.

A handwritten signature in black ink, appearing to read 'John Lance Schmidt', written over a dotted line.

**John Lance Schmidt,
Chief Executive Officer,
Australian Transaction Reports and Analysis Centre**

1 February 2010

Schedule 1

- (1) A report about an international funds transfer instruction, within the meaning of items 1 or 3 of the table in section 46 of the AML/CTF Act, must contain:
- (a) the sender's name; and
 - (b) the recipient's name; and
 - (c) the date on which transmission of the instruction commenced; and
 - (d) the currency and the amount of funds referred to in the instruction; and
 - (e) the name or identity of the branch or department of the financial organisation to which the ordering customer gave the request to transmit the instruction; and
 - (f) for a financial organisation transfer instruction:
 - (i) the identity and account number (if any) of the beneficiary organisation; and
 - (ii) if the ordering organisation is not the sender — the identity of the ordering organisation; and
 - (g) for a customer transfer instruction — the ordering customer's name and location; and
 - (h) for a customer transfer instruction — such of the following as appear in the instruction:
 - (i) the number of the ordering customer's account with the ordering organisation;
 - (ii) the beneficiary customer's name and location;
 - (iii) the number of the beneficiary customer's account with the disbursing organisation; and
 - (j) such of the following as appear in the instruction:
 - (i) the identification code assigned to the instruction by the sender;
 - (ii) the date on which the funds referred to in the instruction become available for the recipient to disburse;
 - (iii) the identity of the ordering organisation;
 - (iv) the account of the sender or another financial organisation through which the sender will reimburse the recipient;
 - (v) the branch of the recipient or another financial organisation at which the funds will be made available to the recipient;
 - (vi) the identity of the disbursing organisation;
 - (vii) information given in the instruction by the ordering customer to the beneficiary customer about the reason for payment;

- (viii) information or directions provided by the sender, in the instruction, to a financial organisation, or a branch or department of a financial organisation;
 - (ix) the name or identity of the branch or department of a financial organisation; and
 - (k) if the dealer provides a copy of an instruction as the dealer's report — such other details as appear in the instruction as transmitted.
- (2) A report about an international funds transfer instruction, within the meaning of items 2 or 4 of the table in section 46 of the AML/CTF Act, must contain:
 - (a) the sender's name; and
 - (b) the recipient's name; and
 - (c) the date on which the recipient receives the instruction; and
 - (d) the currency and the amount of funds referred to in the instruction; and
 - (e) for a financial organisation transfer instruction:
 - (i) the identity and account number (if any) of the beneficiary organisation; and
 - (ii) if the ordering organisation is not the sender — the identity of the ordering organisation; and
 - (f) for a customer transfer instruction — such of the following as appear in the instruction:
 - (i) the ordering customer's name; and
 - (ii) the ordering customer's location; and
 - (iii) the number of the ordering customer's account with the ordering organisation; and
 - (iv) the beneficiary customer's name; and
 - (v) the beneficiary customer's location; and
 - (vi) the number of the beneficiary customer's account with the disbursing organisation; and
 - (g) such of the following as appear in the instruction:
 - (i) the identification code assigned to the instruction by the sender; and
 - (ii) the date on which the funds referred to in the instruction become available for the recipient to disburse; and
 - (iii) the identity of the ordering organisation; and
 - (iv) the account of the sender or another financial organisation through which the sender will reimburse the recipient; and
 - (v) the branch of the recipient or another financial organisation at which the funds will be made available to the recipient; and
 - (vi) the identity of the disbursing organisation; and
 - (vii) information given in the instruction by the ordering customer to the beneficiary customer about the reason for payment; and

- (viii) information or directions provided by the sender, in the instruction, to a financial organisation, or a branch or department of a financial organisation; and
- (ix) the name or identity of a branch or department of a financial organisation; and
- (h) if the dealer provides a copy of an instruction as the dealer's report — such other details as appear in the instruction as transmitted.

(3) In this Schedule:

- (a) *beneficiary customer* means:
 - (i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act - the payee;
 - (ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act - the ultimate transferee entity.
- (b) *beneficiary organisation* means:
 - (i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act – the institution in the funds transfer chain designated by the ordering institution as the ultimate recipient of the funds;
 - (ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act – the person specified in subparagraph 3(f)(ii) of this Schedule designated by the person who accepts money or property from a transferor entity to be transferred under the designated remittance arrangement, as the ultimate recipient of the funds.
- (c) *customer transfer instruction* means an instruction to transfer funds or property from an ordering customer to a beneficiary customer where at least one of those persons is not a financial organisation.
- (d) *dealer* means:
 - (i) the sender of an international funds transfer instruction transmitted out of Australia;
 - (ii) the recipient of an international funds transfer instruction

transmitted into Australia;

- (e) *disbursing organisation* means:
- (i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act – the beneficiary institution;
 - (ii) in relation to an international funds transfer instruction within the meaning of item 3 of the table in section 46 of the AML/CTF Act – the person described (specified?) in item 3(b) of the table in section 46 of the AML/CTF Act;
 - (iii) in relation to an international funds transfer instruction within the meaning of item 4 of the table in section 46 of the AML/CTF Act – the person described (specified?) in item 4(b) of the table in section 46 of the AML/CTF Act.
- (f) *financial organisation* means:
- (i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act – any institution in the funds transfer chain;
 - (ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act – any of the following:
 - (A) the person who accepts the instruction from the transferor entity;
 - (B) the person who makes the money or property available to the ultimate transferee entity;
 - (C) each person (if any) interposed between the person who accepts the instruction from the transferor entity and the person who makes the money or property available to the ultimate transferee entity.
- (g) *financial organisation transfer instruction* means an instruction relating to the transfer of funds or property between an ordering organisation acting on its own behalf and a beneficiary organisation.
- (h) *instruction* means an international funds transfer instruction as defined by section 46 of the AML/CTF Act.
- (j) *location* means:
- (i) the customer's full business or residential address (not being a post box address); or
 - (ii) if the full address cannot be obtained and provided after

reasonable efforts -- any of the following:

- (A) the town or suburb at which the business is conducted or the residence is located;
- (B) the postcode of that town or suburb;
- (C) the telephone number of the customer's business or residence.

(k) *ordering customer* means:

(i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act - the payer;

(ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act - the transferor entity.

(l) *ordering organisation* means:

(i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act - the ordering institution;

(ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act - the person who accepts money or property from a transferor entity to be transferred under the designated remittance arrangement.

(m) *recipient* means:

(i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act – an institution in the funds transfer chain to whom an international funds transfer instruction is sent;

(ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act – a person specified in subparagraph 3(f)(ii) of this Schedule to whom an international funds transfer instruction is sent.

(n) *sender* means:

(i) in relation to an international funds transfer instruction within the meaning of items 1 or 2 of the table in section 46 of the AML/CTF Act – an institution in the funds transfer chain who sends an international funds transfer instruction;

- (ii) in relation to an international funds transfer instruction within the meaning of items 3 or 4 of the table in section 46 of the AML/CTF Act – a person specified in subparagraph 3(f)(ii) of this Schedule who sends an international funds transfer instruction.