

ENFORCEABLE UNDERTAKING
ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING
ACT 2006

UNDERTAKING TO THE CHIEF EXECUTIVE OFFICER OF AUSTRAC
FOR THE PURPOSES OF

SECTION 197 OF THE AML/CTF ACT

BY

MOJGAN ZOJAJI

Definitions

AML/CTF Act means the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth)*.

AML/CTF program means an anti-money laundering and counter-terrorism financing program and has the meaning given in section 83 of the AML/CTF Act.

AML/CTF Rules means the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)* made under section 229 of the AML/CTF Act.

AUSTRAC's Concerns means the concerns referred to in paragraphs 7 to 11 of this enforceable undertaking.

Date of this enforceable undertaking means the date on which it is accepted by AUSTRAC.

External consultant is a person independent to the business that has the appropriate AML/CTF expertise and that has been approved by the AUSTRAC CEO in writing. A schedule of matters that the AUSTRAC CEO may consider when considering whether a person has the appropriate AML/CTF expertise may be found at Schedule 1 to this document.

ML/TF Risk has the meaning given in paragraph 1.2.1 of the AML/CTF Rules.

AO means AUSTRAC Online, an online information portal which can be accessed through the AUSTRAC website. It provides reporting entities with an electronic means to submit reports to AUSTRAC and access the latest AML/CTF information.

Register means the register maintained under subsection 75(1) of the AML/CTF Act.

Registrable designated remittance service has the meaning given in section 5 of the AML/CTF Act.

Introduction

1. Under section 3, the objects of the AML/CTF Act include fulfilling Australia's international obligations designed to combat the laundering of money and the financing of terrorism. Under section 212 of the AML/CTF Act the Chief Executive Officer of AUSTRAC (the AUSTRAC CEO) is charged with, among other things, promoting compliance with the AML/CTF Act and the AML/CTF Rules.

Person giving the enforceable undertaking

2. This enforceable undertaking is given to the AUSTRAC CEO by Mojgan Zojaji of 1/1-9 Palmer Street, Parramatta in the state of New South Wales, under section 197 of the AML/CTF Act.

Background

3. Mojgan Zojaji provides registrable designated remittance services through her business with the trading name Mega Trade Interchange, and is a reporting entity for the purposes of the AML/CTF Act.
4. The AML/CTF Act and the AML/CTF Rules impose obligations on reporting entities to, amongst other things, lodge reports with the AUSTRAC CEO and to implement risk-based systems and controls to identify, mitigate and manage the ML/TF risk posed by the provision of certain designated services.
5. Mojgan Zojaji acknowledges that she has breached provisions of the AML/CTF Act and the AML/CTF Rules
6. Mojgan Zojaji has offered this enforceable undertaking to the AUSTRAC CEO for the purposes of section 197 of the AML/CTF Act and the AUSTRAC CEO accepts it to minimise the risk of future contraventions by Mojgan Zojaji of the AML/CTF Act and the AML/CTF Rules.

AUSTRAC's Concerns

7. AUSTRAC is concerned that Mojgan Zojaji has contravened or is likely to contravene the following provisions of the AML/CTF Act and the AML/CTF Rules:
 - Subsection 74(1) of the AML/CTF Act
 - Subsection 82(1) of the AML/CTF Act
 - Rule 8.1.2 of the AML/CTF Rules
 - Rule 8.1.5 of the AML/CTF Rules

8. AUSTRAC is concerned that Mojgan Zojaji continued to employ the role of AML/CTF Compliance officer despite the fact that had been charged with, and had pleaded guilty to three counts of disposing of more than \$100,000 in money in circumstances where it was reasonable to suspect that the money was proceeds of crime.

9. As a result, AUSTRAC is concerned that if Mojgan Zojaji continues to retain as:

(1) an employee with access to the business of providing registrable designated remittance services; or

(2) an employee with access to AUSTRAC Online; or

(3) an AML/CTF compliance officer,

Note: Particular information has been removed from paragraphs 8 and 9 pursuant to the requirement of paragraph 197(5)(c) of the AML/CTF Act

it is likely to result in future contraventions of the AML/CTF Act or the AML/CTF Rules, including failing to meet the purpose of Part A of Mojgan Zojaji's AML/CTF program.

10. AUSTRAC is concerned that Mojgan Zojaji has not considered the changes in money laundering and terrorism financing risks in her capacity as a provider of registrable designated remittance services and has not addressed these changes in the policies and procedures set out in Mojgan Zojaji's AML/CTF Program.

11. AUSTRAC is also concerned that Mojgan Zojaji has entered the business name of "Little Persia" on the Register instead of the correct business name "Mega Trade Interchange" and as a result, she is in contravention of paragraph 74(1)(b) of the AML/CTF Act.

12. As a result of the concerns listed in paragraphs 7 to 11 above, AUSTRAC is concerned that Mojgan Zojaji does not currently understand her obligations as a reporting entity under the AML/CTF Act and as such is likely to contravene the AML/CTF Act or the AML/CTF Rules in the future.

Acknowledgements by Mojgan Zojaji of AUSTRAC's Concerns

13. Mojgan Zojaji acknowledges AUSTRAC's Concerns, and voluntarily offers an enforceable undertaking in the terms of paragraphs 17 to 20 below.

Commencement of the Enforceable Undertaking

14. This enforceable undertaking comes into effect when:

- (1) the enforceable undertaking is executed by Mojgan Zojaji; and
- (2) the AUSTRAC CEO accepts the enforceable undertaking so executed.

15. Upon the commencement of this enforceable undertaking, Mojgan Zojaji undertakes to assume the obligations set out in paragraphs 17 to 20 below.

Undertakings

16. Under subsection 197(1) of the AML/CTF Act, Mojgan Zojaji has offered, and the AUSTRAC CEO has agreed to accept, as an alternative to removing her name and registrable details from the Register pursuant to Chapter 44 of the AML/CTF Rules, the undertakings as set out in paragraphs 17 to 20 inclusive.
17. Mojgan Zojaji undertakes that she will pay the costs of her compliance with this enforceable undertaking.
18. Mojgan Zojaji will, until the date on which this enforceable undertaking ends pursuant to paragraph 23 below and, within 14 days from receiving a request from AUSTRAC, provide all documents and information requested by AUSTRAC from time to time for the purpose of assessing Mojgan Zojaji's compliance with the terms of this enforceable undertaking.
19. For the avoidance of doubt, Mojgan Zojaji is not required to provide AUSTRAC with any document or information that is the subject of legal professional privilege.
20. Mojgan Zojaji will by the dates set out below, or such later date as agreed to by AUSTRAC in writing, undertake the matters set out below:
 - (1) by ~~6 September~~ 2011 undertake the following actions and provide AUSTRAC with written confirmation and evidence of the following matters:
 - (a) removal of _____ from _____ position as AML/CTF compliance officer of Mojgan Zojaji's money remittance business;
 - (b) removal of _____ from any further association and involvement with the money remittance business including contact with customers, staff or any involvement in transactions;
 - (c) appointment of Mojgan Zojaji as AML/CTF compliance officer of her money remittance business;
 - (d) creation of a bank account for the purposes of Mojgan Zojaji's money remittance business, for which Mojgan Zojaji is the sole signatory.
 - (e) the review and updating of Mojgan Zojaji's registrable details in the Register, in particular the business name under which Mojgan Zojaji is operating her remittance business, to ensure these details are current and accurate.
 - (2) by ~~26 Sept~~ 2011 appoint an External consultant who is independent of both Mojgan Zojaji _____. The External consultant's

Note: Particular information has been removed from paragraph 20 pursuant to the requirement of paragraph 197(5)(c) of the AML/CTF Act

engagement must be approved by the AUSTRAC CEO in writing.
The External consultant must undertake the following matters:

- (a) assess the ML/TF risks faced by Mojgan Zojaji's remittance business
 - (b) assess the adequacy of Mojgan Zojaji's AML/CTF program to manage and mitigate the ML/TF risks identified, as a result of the ML/TF risk assessment undertaken pursuant to subparagraph 20(2)(a), in accordance with the requirements set out in the AML/CTF Act and AML/CTF Rules
 - (c) to the extent that the External consultant identifies deficiencies in Mojgan Zojaji's AML/CTF program, as a result of the assessment referred to in subparagraph 20(2)(b) of the undertaking, revise the AML/CTF program to remediate these deficiencies.
 - (d) provide Mojgan Zojaji with:
 - i. a copy of the ML/TF risk assessment undertaken pursuant to subparagraph 20(2)(a) of the undertaking
 - ii. a written report on the adequacy or otherwise of Mojgan Zojaji's AML/CTF Program pursuant to subparagraph 20(2)(b)
 - iii. a written report on any revisions the External consultant made to Mojgan Zojaji's AML/CTF program to address any deficiencies identified pursuant to subparagraph 20(2)(b)
 - iv. a copy of the revised AML/CTF program prepared pursuant to subparagraph 20(2)(c) of the undertaking.
- (3) by ~~30 November~~ 2011, Mojgan Zojaji must provide AUSTRAC with a copy of the written report prepared by the External consultant referred to in subparagraphs 20(2)(e)(i) to (iv) above.
- (4) by ~~16 December~~ 2011, Mojgan Zojaji must adopt the revised program prepared pursuant to subparagraph 20(2)(c), subject to any reasonable modifications required by the AUSTRAC CEO.

Provision of documents to AUSTRAC

21. The address for providing AUSTRAC with any document which this enforceable undertaking requires to be provided to AUSTRAC is:

Australian Transaction Reports and Analysis Centre
PO Box 5516
West Chatswood NSW 1515

Acknowledgements – Operation of Enforceable Undertaking

22. Mojgan Zojaji acknowledges that:

- (1) this enforceable undertaking has no operative force until accepted by the AUSTRAC CEO.
- (2) the date of the enforceable undertaking is the date on which it is accepted by the AUSTRAC CEO.
- (3) The AUSTRAC CEO has accepted this enforceable undertaking as an alternative to removing Mojgan Zojaji's name and registrable details from the Register, pursuant to Chapter 44 of the AML/CTF Rules.
- (4) The AUSTRAC CEO's acceptance of this enforceable undertaking does not affect AUSTRAC's power to take any action in relation to:
 - (a) any contraventions that will not be addressed by this enforceable undertaking
 - (b) any conduct outlined in AUSTRAC's Concerns which is not remediated by Mojgan Zojaji due to her failure to comply with any term of this enforceable undertaking
 - (c) any conduct occurring after the date of this enforceable undertaking, whether or not the conduct arises from the conduct described in AUSTRAC's Concerns.
- (5) this enforceable undertaking in no way derogates from the rights and remedies available to any other person or entity arising from any conduct described in AUSTRAC's Concerns or arising from future conduct.
- (6) the AUSTRAC CEO may publish a copy of this enforceable undertaking on AUSTRAC's internet site in accordance with subsection 197(5) of the AML/CTF Act.
- (7) AUSTRAC may issue a media release on execution of this enforceable undertaking referring to its terms and to AUSTRAC's Concerns that led to its execution. AUSTRAC will provide Mojgan Zojaji prior notice of any media release it plans to issue.
- (8) AUSTRAC may from time to time publicly refer to this enforceable undertaking.
- (9) Mojgan Zojaji has disclosed to the AUSTRAC CEO the material facts, matters and circumstances in relation to AUSTRAC's Concerns.

- (10) if any part of this enforceable undertaking is held invalid that part shall be severed from this enforceable undertaking and the remainder of this enforceable undertaking will continue to be valid and enforceable.

End date

23. This enforceable undertaking ends on ~~16 December~~ 2011.

EXECUTED BY

Mojgan Zojaji pursuant to section 197 of the AML/CTF Act

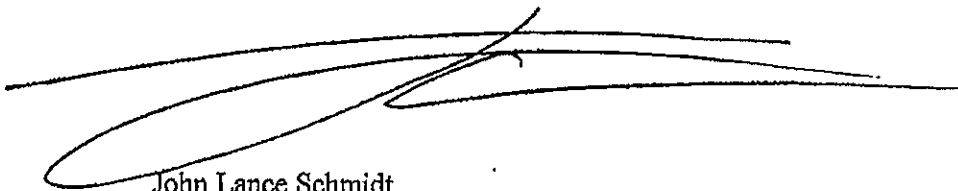
Signature

Print name Mojgan Zojaji

Office held Mega Trade Interchange

This day of 29.08.2011

ACCEPTED BY THE AUSTRAC CEO, JOHN LANCE SCHMIDT PURSUANT TO
SECTION 197 OF THE AML/CTF ACT.



John Lance Schmidt
Chief Executive Officer

This 2nd day of SEPTEMBER 2011

Schedule 1

1. Minimum criteria
 - (1) Tertiary qualifications in accountancy or law with at least 5 years post-qualification experience.
 - (2) Experience in audit, investigations or forensic accounting.
 - (3) At least 2 years experience in the AML/CTF field.
2. The AUSTRAC CEO must be satisfied that the external auditor:
 - (1) is a person who is honest, acts with integrity and has a good fame and character; and
 - (2) can be relied upon to provide clear and unbiased reports relating to the compliance of reporting entities with the AML/CTF Act.
3. The AUSTRAC CEO may also consider the following, or other appropriate professional accreditation bodies which accredit their members with qualifications which in the opinion of the AUSTRAC CEO are relevant to the duties to be undertaken as authorised auditors:
 - (1) Membership of Certified Practicing Accountants Australia (CPAA); or
 - (2) Membership in the Institute of Chartered Accountants in Australia (ICAA);
or
 - (3) Membership in the National Institute of Accountants (NIA); or
 - (4) A current practicing certificate as an Australian legal practitioner; or
 - (5) Membership in a relevant association for anti-money laundering specialists or an appropriate compliance association.
4. The AUSTRAC CEO will also consider the following matters:
 - (1) Any criminal records, in particular relating to offences of dishonesty, of the individual;
 - (2) Any bankruptcy proceedings involving the individual;
 - (3) Any office held in a business going into liquidation;
 - (4) Any disqualification or disbarment by any other Australian regulator or professional accreditation body. This includes the loss of any entitlement to practise as a professional accredited by an appropriate body in any of the relevant professional fields.
 - (5) Any known conflict of interests that may affect the individual's ability to properly carry out an audit;

- (6) Any behaviour by the individual as part of a previous audit conducted as an authorised external auditor;
- (7) The quality and conduct from any previous audits conducted as an authorised external auditor;
- (8) Any previous failures to disclose any conflict of interest; and
- (9) Any other relevant matters including making a statement in an application which is later found to be inaccurate, false or misleading;