



## Renewing registrations on AUSTRAC's Remittance Sector Register

*Anti-Money Laundering and Counter-Terrorism Financing Act 2006*

### 1. Introduction

- 1.1. The purpose of this guidance note is to assist registered remitters in understanding how to apply for a renewal of registration and the consequences of not doing so.
- 1.2. The *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) is designed to assist in combating money laundering and the financing of terrorism. To achieve these aims, the AML/CTF Act places certain obligations on reporting entities, including providers of remittance services (remitters).<sup>1</sup>
- 1.3. All remitters must be registered on AUSTRAC's Remittance Sector Register as an independent remittance dealer, remittance network provider, or an affiliate of a remittance network provider (affiliate), before commencing to provide a designated remittance service. It is possible for a remitter to fall within more than one registration category.<sup>2</sup>
- 1.4. Refer to [Chapter 5 of the AUSTRAC compliance guide](#) and [AUSTRAC guidance note 12/03 – Guidance on what constitutes a remittance network provider \(RNP\)](#) for more information about the initial registration process.
- 1.5. Chapter 70 of the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)* (AML/CTF Rules) sets out the requirement for remitters to renew their registration every three years.

### 2. Registrations to be renewed every three years

- 2.1. All registrations issued by AUSTRAC are generally valid for three years unless they are suspended or cancelled.<sup>3</sup> Before the end of the three-year period, remitters are able to apply for a renewal of their registration if they wish to continue providing

---

<sup>1</sup> See section 5 of the AML/CTF Act.

<sup>2</sup> See Part 6 of the AML/CTF Act.

<sup>3</sup> See section 75F of the AML/CTF Act.

remittance services. The renewal process enables AUSTRAC to reassess a remitter's suitability to continue to be registered without the remitter having to undertake the full application process again.

- 2.2. Registrations expire at the end of the three-year period unless an application for renewal is submitted to AUSTRAC before the expiry date.<sup>4</sup>
- 2.3. AUSTRAC's notice of registration, sent to remitters at the time they are registered, specifies the expiry date. This information is also available in AUSTRAC Online.
- 2.4. If a remitter submits an application for renewal before the expiry date of their registration, their registration will continue to be in effect until AUSTRAC decides to renew, refuse, suspend or cancel the registration.<sup>5</sup>
- 2.5. If a remitter does not submit an application for renewal before the expiry date of their registration, their registration will cease on the expiry date and they will be removed from the Remittance Sector Register. Unregistered remitters are not permitted to continue to provide remittance services.<sup>6</sup>
- 2.6. If an unregistered remitter who did not submit a renewal application wishes to continue providing remittance services, they will be required to complete the full registration process again by submitting a new application for registration.<sup>7</sup>
- 2.7. Unregistered remitters are not permitted to provide remittance services while their subsequent registration application is being considered by AUSTRAC.
- 2.8. **IMPORTANT:** remitters who do not submit an application for renewal and let their registration expire will be unregistered and removed from the Remittance Sector Register. Persons must be registered in order to provide a remittance service. Under section 74 of the AML/CTF Act, the provision of remittance services by an unregistered person may constitute the commission of a criminal offence and result in imprisonment and/or fines. It may also amount to a contravention of a civil penalty provision, which may result in a financial penalty.

### **3. Applying for renewal of registration – independent remittance dealers and network providers**

- 3.1. Independent remittance dealers and network providers can apply for renewal within the 90-day period before the expiry date of the registration. Applications for renewal must be submitted electronically through the 'business profile' menu item in AUSTRAC Online.<sup>8</sup>

---

<sup>4</sup> Chapter 70 of the AML/CTF Rules details the requirements for the renewal of remittance dealer registrations. These Rules are made for section 75J of the AML/CTF Act, which deals with renewal of registration.

<sup>5</sup> See Part 70.6 of the AML/CTF Rules.

<sup>6</sup> See Part 70.22 of the Rules.

<sup>7</sup> See section 75B of the AML/CTF Act.

<sup>8</sup> Part 70.3 and 70.4 of the AML/CTF Rules set out what an application for a renewal of registration must contain in relation to network providers and independent remittance dealers.

- 3.2. When applying for renewal, independent remittance dealers and network providers will be required to make a statement that:
- their registration and enrolment details are correct and current
  - the AUSTRAC CEO has been notified of any material changes to the circumstances of their business (including advising AUSTRAC if the remitter or its key personnel have been charged, prosecuted or convicted of a serious offence, been subject to civil or criminal proceedings or enforcement action)
  - the information they have given in the form is true, accurate and complete, and they understand that criminal or civil penalties may apply for giving false or misleading information, or for omitting any matter or thing without which the information is misleading.
- 3.3. In addition, network providers are required to make a statement that the AUSTRAC CEO has been notified of any material changes to the circumstances of their affiliates' businesses (including advising AUSTRAC if an affiliate or its key personnel have been charged, prosecuted or convicted of a serious offence, been subject to civil or criminal proceedings or enforcement action).
- 3.4. Reminder emails will be sent to independent remittance dealers and network providers in the lead-up to the expiry date of their registration.
- 3.5. It is a matter for individual remitters to determine what processes and documents might be required to verify that the statements in a renewal application are truthful and accurate. AUSTRAC may request an explanation of the processes or copies of the documents (if applicable) during a compliance assessment or at any other time.

## **4. Applying for renewal of registration – affiliates of a network provider**

- 4.1. Network providers are responsible for renewing the registration of their affiliates. Affiliates cannot apply for a renewal in their own capacity.
- 4.2. Network providers can apply for renewal of affiliate registrations within the 90-day period before the expiry date of the registration. When applying for renewal of affiliate registrations, network providers will be required to make a statement that:
- the affiliate's registration and enrolment details are correct and current
  - the AUSTRAC CEO has been notified of any material changes to the circumstances of the affiliate's business (including advising AUSTRAC if the affiliate or its key personnel have been charged, prosecuted or convicted of a serious offence, been subject to civil or criminal proceedings or enforcement action)
  - the information they have given in the form is true, accurate and complete, and they understand that criminal or civil penalties may apply for giving false or

misleading information, or for omitting any matter or thing without which the information is misleading.<sup>9</sup>

- 4.3. Affiliate renewal applications must be submitted electronically through AUSTRAC Online. From March 2015, the 'My Affiliates' renewal function will provide a time line of all affiliate registrations due to expire within six months. This time line will enable network providers to track and manage affiliate renewal applications.
- 4.4. Affiliate renewal applications can be submitted individually, or in a batch, where there is more than one affiliate registration due to expire.
- 4.5. Network providers will not receive reminder emails when an affiliate's registration is due to expire as this information is available in the My Affiliates renewal function.
- 4.6. It is a matter for individual network providers to determine what processes and documents might be required to verify that the statements in an affiliate renewal application are truthful and accurate. AUSTRAC may request an explanation of the processes or copies of the documents (if applicable) during a compliance assessment or at any other time.
- 4.7. **IMPORTANT:** In circumstances where a network provider has not applied for renewal of an affiliate and the registration expires, the affiliate will be unregistered and removed from the Remittance Sector Register. A person must only provide remittance services to registered affiliates. Under section 74 of the AML/CTF Act, providing remittance services to unregistered affiliates may constitute the commission of a criminal offence and result in imprisonment and/or fines. It may also amount to a contravention of a civil penalty provision, which may result in a financial penalty.

## **5. Ongoing requirement to maintain registration and enrolment details**

- 5.1. Registered remitters are required to keep registration and enrolment details correct and current at all times.<sup>10</sup> Independent remittance dealers and network providers should regularly review the details held by AUSTRAC and update their business profile form within 14 days of a change of circumstance.
- 5.2. Affiliates are also required to keep registration and enrolment details correct and current at all times. Affiliates must notify their network provider within 14 days of a change of circumstance. The network provider has an additional seven days to notify AUSTRAC by updating their affiliate's registration form.
- 5.3. In situations where a person is appointed as key personnel after a remitter is registered, a national police certificate, national police history check or foreign equivalent about the person must be obtained.

---

<sup>9</sup> Part 70.5 of the AML/CTF Rules sets out what an application for a renewal of registration must contain in relation to network providers and independent remittance dealers.

<sup>10</sup> See section 75M of the AML/CTF Act.

## Further information

AUSTRAC officers are able to assist reporting entities, their staff and the public in providing general information relating to the AML/CTF Act. Enquiries can be directed to the AUSTRAC Help Desk via:

- email to [help\\_desk@austrac.gov.au](mailto:help_desk@austrac.gov.au)
- telephone 1300 021 037 (a local call within Australia).

The information contained in this document is intended only to provide a summary and general overview on these matters. It is not intended to be comprehensive. It does not constitute, nor should it be treated as, legal advice or opinions. This document may contain statements of policy which reflect AUSTRAC's administration of the legislation in carrying out its statutory functions. The Commonwealth accepts no liability for any loss suffered as a result of reliance on this publication. AUSTRAC recommends that independent professional advice be sought.

The information contained herein is current as at the date of this document.

Reporting entities should note that in relation to activities they undertake to comply with the AML/CTF Act, they will have obligations under the *Privacy Act 1988*, including the requirement to comply with the Australian Privacy Principles, even if they would otherwise be exempt from the Privacy Act. For further information about these obligations, please refer to the [Office of the Australian Information Commissioner](#) or call 1300 363 992.

November 2014

© Commonwealth of Australia

Australian Transaction Reports and Analysis Centre (AUSTRAC)

PO Box 5516

West Chatswood NSW 1515

**Telephone:** 1300 021 037

**Facsimile:** 03 8636 0508

**Website:** [www.austrac.gov.au](http://www.austrac.gov.au)

**Email:** [help\\_desk@austrac.gov.au](mailto:help_desk@austrac.gov.au)