



## Declaration 5 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 person 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 X of 2010;'
  
2. This instrument applies to the following person only:
  - (a) KEB Australia Limited ABN 11 003 095 181 of Suite 902, 2 Chifley Square, Sydney, NSW, 2000.

A large, stylized handwritten signature in black ink, consisting of several sweeping lines, is written over a dotted horizontal line.

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

2 SEPTEMBER 2010

# Schedule 1

- (1) A report about an international funds transfer instruction, within the meaning of item 3 of the table in section 46 of the AML/CTF Act, must contain:
- (a) the name of the payer;
  - (b) one of the following:
    - (i) the payer's full business or residential address (not being a post office box); or
    - (ii) a unique identification number given to the payer by the Commonwealth or an authority of the Commonwealth (for example, an Australian Business Number or and Australian Company Number); or
    - (iii) a unique identification number given to the payer by the government of a foreign country; or
    - (iv) the identification number given to the payer by the ordering institution; or
    - (v) if the payer is an individual – the payer's date of birth, the country of the payer's birth and the town, city or locality of the payer's birth;
  - (c) if the money is, or is to be, transferred from a single account held by the payer with the ordering institution in Australia - the account number for the account;
  - (d) if paragraph 1(c) does not apply- either:
    - (i) a unique reference number for the transfer instruction; or; or
    - (ii) if the money is, or is to be, transferred from a single account held by the payer with the ordering institution—the account number for the account;
  - (e) the name or identity of the ordering institution;
  - (f) where applicable, the name or identity of any branch or department of the ordering institution which the payer requested to transmit the instruction;
  - (g) the name or identity of the institution (the sender) transmitting the instruction to the beneficiary institution, if different from paragraph 1(e);
  - (h) where applicable, the name or identity of the sender's branch or department which transmitted the instruction, if different from paragraph 1(f);
  - (j) the date on which the sender transmits, or is to transmit, the instruction to the beneficiary institution;
  - (k) the name or identity of the beneficiary institution;

- (l) the name or identity of the branch or department of the beneficiary institution at which the funds will be made available to the payee; and
- (m) the name of the payee;
- (n) one or more of the following details:
  - (i) the number of any account held by the payee with the beneficiary institution through which the transferred money is to be made available to the payee;
  - (ii) the payee's full business or residential address (not being a post box address);
  - (iii) where applicable, the type and number of identification relating to the payee;
- (n) the following details as appear in the instruction:
  - (i) any information or directions provided by the payer to the payee in relation to the instruction;
  - (ii) the name or identity of any interposed institution in the funds transfer chain;
  - (iii) the name or identity and account number of any institution through which the beneficiary institution will be reimbursed;
  - (iv) any information or directions provided by the ordering institution or interposed institution to another institution in the funds transfer chain;
  - (v) any other details relating to the instruction;
- (o) the amount referred to in the instruction:
- (p) the currency of the amount referred to in the instruction:
- (n) the date on which the transferred money becomes available to the payee.

(2) A report about an international funds transfer instruction, within the meaning of item 4 of the table in section 46 of the AML/CTF Act, must contain:

- (a) the name of the payer;
- (b) the name or identity of the institution (the sender) transmitting the instruction to the beneficiary institution;
- (c) the following details as appear in the instruction:
  - (i) one of the following:
    - (A) the payer's full business or residential address (not being a post office box);
    - (B) a unique identification number given to the payer by the Commonwealth or an authority of the Commonwealth (for example, an Australian Business Number or and Australian Company Number);

- (C) a unique identification number given to the payer by the government of a foreign country;
  - (D) the identification number given to the payer by the ordering institution;
  - (E) if the payer is an individual – the payer’s date of birth, the country of the payer’s birth and the town, city or locality of the payer’s birth;
- (ii) if the money is, or is to be, transferred from a single account held by the payer with the ordering institution in Australia - the account number for the account;
  - (iii) if paragraph 2(c) (ii) does not apply- either:
    - (A) a unique reference number for the transfer instruction; or; or
    - (B) if the money is, or is to be, transferred from a single account held by the payer with the ordering institution—the account number for the account;
  - (iv) the name or identity of the ordering institution, if different from subparagraph (2)(b);
  - (v) where applicable, the name or identity of any branch or department of the ordering institution which the payer requested to transmit the instruction if different from subparagraph (2)(v);
  - (vi) where applicable, the name or identity of the sender’s branch or department which transmitted the instruction;
  - (vii) the identification code assigned to the instruction by the sender;
  - (viii) the name or identity of the beneficiary institution;
  - (ix) the name or identity of the branch or department of the beneficiary institution at which the funds will be made available to the payee;
  - (x) the date on which the beneficiary institution received the instruction;
  - (xi) the name of the payee;
  - (xii) the payee’s full business or residential address (not being a post box address);
  - (xiii) the number of any account held by the payee with the beneficiary institution through which the transferred money is to be made available to the payee;
  - (xiv) the name or identity of any interposed institution in the funds transfer chain;
  - (xv) the name or identity and account number of any institution through which the beneficiary institution will be reimbursed;
  - (xvi) any information or directions provided by the payer to the payee in relation to the instruction;
  - (xvii) any information or directions provided by the ordering institution or interposed institution to another institution in the funds transfer chain;

- (d) the amount referred to in the instruction:
- (e) the currency of the amount referred to in the instruction:
- (f) the date on which the transferred money becomes available to the payee.

(3) In this Schedule:

- (a) *payee* means the ultimate transferee entity.
- (b) *beneficiary institution* means:
  - (i) 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 in item 3(b) of the table in section 46 of the AML/CTF Act;
  - (ii) 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 non-financier described in item 4(b) of the table in section 46 of the AML/CTF Act.
- (c) *interposed institution* means each person (if any) interposed between the person or non-financier who accepts the instruction from the transferor entity and the person or non-financier who makes the money or property available to the ultimate transferee entity.
- (d) *payer* means the transferor entity.
- (e) *ordering institution* means the person or non-financier who accepts the instruction from the transferor entity.
- (f) *the institution (the sender) transmitting the instruction* means a person that transmits the instruction for the transfer of money or property under the designated remittance arrangement (transmitter).

### **Important Notice to person named in this declaration**

1. Any request for a change to this declaration must be submitted to the AUSTRAC CEO or approved delegate no later than 14 days before the date the change is requested to commence.
2. Pursuant to subsection 248(3), the person granted the declaration must comply with the conditions set out in the declaration. Failure to comply with those conditions may result in:
  - the revocation of the declaration; and
  - the AUSTRAC CEO making an application to the Federal Court of Australia for a civil penalty order requiring the person to pay a pecuniary penalty in respect of such a breach.
3. It is an offence under sections 136 and 137 of the AML/CTF Act to provide false or misleading information or false or misleading documents. If any of the information submitted by the applicant or its representatives is found to be false or misleading, the declaration may be revoked, and action may be initiated against the applicant.
4. The person granted the declaration may request the AUSTRAC CEO at any time to revoke or vary the exemption.