



Anti-Money Laundering and Counter-Terrorism Financing (Modification—Commonwealth Bank of Australia) Declaration 2023 (No. 6)

I, Carolyn Marsden, make the following declaration as a delegate of the AUSTRAC CEO.

Dated 28 November 2023

A handwritten signature in black ink, appearing to read 'C. Marsden', written in a cursive style.

Carolyn Marsden
Acting National Manager, Reform Policy and Mutual Evaluation Branch
AUSTRAC

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1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Modification - Commonwealth Bank of Australia) Declaration 2023 (No. 6)*.

2 Commencement

This instrument commences on the day it is signed.

3 Cessation

This instrument ceases two years from the date of commencement of this instrument

4 Authority

This instrument is made under paragraph 248(1)(b) of the Act.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this declaration has effect according to its terms.

6 Definitions

Note: A number of expressions used in this declaration are defined in section 5 of the Act, including the following:

- (a) person;
- (b) reporting entity.

In this instrument:

Act means the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

CBA means the Commonwealth Bank of Australia, ACN 123 123 124

Proceedings means proceedings commenced on 8 February 2021 in the Federal Court of Australia by Delania Marundrury and others against CBA (VID59/2021)

7 Application

This instrument applies to CBA.

Schedule 1 – Modification

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

1 After subsection 123(5) of the Act

Insert:

(5AA) Subsection (2) does not apply to the disclosure of information by CBA if the disclosure is to a legal practitioner (however described) for the purpose of obtaining legal advice in connection with the Proceedings.

Note: A defendant bears an evidential burden in relation to the matter in subsection (5AA) (see subsection 13.3(3) of the *Criminal Code*).

2 Subsection 123(5A) of the Act

Omit “subsection (5)”, substitute “subsections (5) and (5AA)”.

Important Notice to the person named in this instrument

1. Under sections 136 and 137 of the Act, it is an offence to provide false or misleading information or documents to the AUSTRAC CEO. If any of the information submitted by the applicant or its representatives is found to be false or misleading, the instrument may be revoked and action initiated against the applicant.
2. The person granted the instrument may request the AUSTRAC CEO to revoke or vary the instrument at any time.
3. Any request to vary or extend this instrument must be submitted to the AUSTRAC CEO or an approved delegate no later than 90 days before the date the change is requested to commence.
4. This instrument does not preclude the person from making communications or disclosures that are otherwise permitted by law.