



Anti-Money Laundering and Counter-Terrorism Financing (Modification—Australian Securities and Investments Commission) Declaration 2024 (No.1)

I, Daniel Mossop, National Manager, Reform Policy and Mutual Evaluation Branch, make the following declaration as a delegate of the AUSTRAC CEO.

Dated 23/04/2024

Daniel Mossop
National Manager, Reform Policy and Mutual Evaluation Branch
Australian Transaction Reports and Analysis Centre

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1 Name

This instrument is the *Anti-Money Laundering and Counter-Terrorism Financing (Modification—Australian Securities and Investments Commission) Declaration 2024 (No.1)*.

2 Commencement

This instrument commences on the day after it is signed.

3 Cessation

This instrument ceases to have effect 28 days after:

- (1) the Court makes a final judgement or order to resolve the Proceedings; or
- (2) the Proceedings are dismissed or discontinued;

whichever occurs first.

4 Authority

This instrument is made under subsection 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable terms in the Schedule concerned, and any other item in a Schedule to this Declaration has effect according to its terms.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 instrument 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*.

Application means an application made by ASIC in the Proceedings for orders that the Protected Material is confidential and will be protected from access, use and publication to the greatest extent permitted by law.

ASIC means the Australian Securities and Investments Commission.

AUSTRAC means the Australian Transaction Reports and Analysis Centre.

individuals' personal information includes names, dates of birth, home and business addresses, telephone numbers, account details, credit or debit card details, passport numbers, driver licence numbers, email addresses and car registration numbers.

Proceedings means *ASIC v Bekier & Ors* (NSD 1082/2022) commenced in the Federal Court of Australia on 12 December 2022.

Protected Material means information or documents which, but for this modification, would be inadmissible under section 124 of the Act, but is limited to the following:

- (a) individuals' personal information, if:
 - (i) the individual is involved, or alleged to be involved, in a suspicious transaction, including being named in a Suspicious Matter Report;
 - (ii) the individual is purported to be the reporter, or involved in the reporting, of a Suspicious Matter Report, including forming a suspicion, unless the information is already in the public domain;
- (b) Suspicious Matter Reports, including extracts of Suspicious Matter Reports;
- (c) Suspicious Matter Report reference numbers;
- (d) Those parts of documents which state whether or not a Suspicious Matter Report was prepared, or given to or received by the AUSTRAC CEO, unless that information is already in the public domain;
- (e) Those parts of documents which state whether or not particular information was contained in a Suspicious Matter Report, unless that information is already in the public domain.

Suspicious Matter Report means a report given to the AUSTRAC CEO under subsection 41(2) of the Act.

The Star means The Star Pty Ltd (ABN 25 060 510 410).

7 Application

This instrument applies to the parties to the Proceedings.

Schedule 1 – Modification

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

1 After subsection 124(2)

Insert:

(3) Subject to subsection (4), subsection (1) does not apply to the Proceedings or the Application.

(4) Subsection (3) does not apply:

(a) to the Proceedings unless the Application is successful;

(b) to the Application unless the Court first makes orders, prior to the admission of any Protected Material into evidence for the purpose of the Application to the effect that:

(i) the Court will hear the Application in the absence of members of the public (other than the parties and their legal representatives); and

(ii) the Protected Material is confidential and, if admitted into evidence, will be protected from access, use and publication to the greatest extent permitted by law.

Important Notice

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 exemption may be revoked and action initiated against the applicant.
2. The person granted the declaration may request the AUSTRAC CEO to revoke or vary the declaration at any time.
3. Any request to vary or extend this declaration 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 declaration does not preclude the person from making communications or disclosures that are otherwise permitted by law.