



14 October 2024

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

By email: legcon.sen@aph.gov.au

Dear Secretary,

Submission in respect of the Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2024

1. The WA Bar Association (**Association**) welcomes the opportunity to provide a short submission to the Committee's inquiry into the Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2024 (Cth) (**Bill**).
2. The Association's understanding is that the Bill would extend the Commonwealth anti-money laundering and counter-terrorism financing regime (**AML/CTF regime**) to legal practitioners, including barristers.
3. The Association is the representative body of barristers in Western Australia. We have 279 barristers who are local members. All of our members undertake legal practice as sole practitioners.
4. The Association supports the submission of the New South Wales Bar Association, which proposes that the Bill ought be amended to include a provision which specifies that services provided by a person in the course of legal practice as a barrister are not taken to be designated services covered by the AML/CTF regime, at least where those services are provided on the instructions of a solicitor.
5. In summary, our reasons for joining in such an amendment to the Bill include the following:
 - a. The overwhelming majority of barristers accept instructions from solicitors, who will already be required to comply with the provisions of the Act;

- b. Barristers are necessarily self-employed, and have limited resources to comply with the AML/CTF regime. Whilst we accept that others who are covered by the regime may also have limited resources, barristers who receive instructions from a solicitor will already be dealing with a client in respect of whom AML/CTF compliance has been undertaken by the solicitor. There is no justification, in our submission, for duplicating the regulations in those circumstances; and
 - c. There are potential impacts on access to justice for members of the public seeking legal advice or representations which will flow from imposing this burden on barristers. There are also impacts on the way in which barristers will be able to undertake their work as independent practitioners in assisting the administration of justice, including because of the potential for legal professional privilege to be undermined and the potential for conflicts of interest to arise between barristers' ability to advise and their obligations to report. Those impacts are not justified in circumstances where the barrister receives instructions from a solicitor, who is already covered by the AML/CTF regime.
6. We otherwise note that we have received an advanced draft of the submission prepared by the Law Council of Australia on this topic. The Association is a constituent body of the Law Council of Australia and supports its submissions and recommendations.

Yours sincerely,

Brahma Dharmananda SC
President