

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 3

Question No. 91

Senator Singh asked the following question at the hearing on 24 February 2014:

- 1) I understand that AGD is currently conducting a statutory Review of the Anti-Money Laundering and Counter Terrorism Financing (AML/CTF) Act, Rules and regulations, as required by section 251 of the AML/CTF Act. I understand that submissions will close on 28th February 2014. Will this review be made public?
- 2) Has Austrac had input into this review? If so, what changes to the regime do they think should occur?
- 3) Have these recommendations been adopted by AGD? Are they supportive?
- 4) Do you think that the AML/CTF regime needs to be broadened in scope to cover more businesses in Australia? To cover trusts?

The answer to the honourable senator's question is as follows:

1) The statutory review of the AML/CTF Act, regulations and AML/CTF Rules was publicly launched by the Minister for Justice, the Hon Michael Keenan MP, on 4 December 2013. A stakeholder issues paper setting out key issues was also released on this date and submissions invited by 28 March 2014 (extended from 28 February to take account of other consultation processes, particularly on the proposed customer due diligence reforms). Further information on the review is on the Attorney-General's Department (AGD) website:

<http://www.ag.gov.au/Consultations/Pages/StatReviewAntiMoneyLaunderingCounterTerrorismFinActCth2006.aspx>

Submissions to the review, and the names of people or organisations that make submissions, will generally be treated as public and will be published on the AGD website, unless the author clearly indicates to the contrary. In accordance with section 251 of the AML/CTF Act, the Minister must table copies of the report of the review in each House of Parliament within 15 sitting days after the completion of the report.

2) AUSTRAC is working closely with AGD on the review. Any recommendations will be contained in the final report on the review when completed in early 2015. The issues paper identifies for consideration a number of areas where changes to the regime could potentially be made.

3) See answer to question 2.

4) The review presents an opportunity to explore ways in which Australia's AML/CTF framework could be enhanced in accordance with the government's approach to regulation. The issues paper raises the question of whether the current scope of the regime is appropriate and notes that it provides an opportunity to consider whether other industry sectors, such as lawyers, accountants, real estate agents, trust and company service providers and high value dealers, should be covered in some way.