Australian
Finance
Industry
Association

**16 June 2023**

Sarah Chidgey

Deputy Secretary

National Security and Criminal Justice

Attorney General's Department

3-5 National Circuit, Australia, Australian Capital Territory

Barton ACT, 2600

Submitted via email to: sarah.chidgey@ag.gov.au

Dear Ms Chidgey,

**Re: Consultation – Modernising Australia's anti-money laundering and counter-terrorism financing regime**

The Australian Finance Industry Association (AFIA) is the only peak body representing the entire finance industry in Australia.[1] We appreciate the opportunity to respond to the Attorney General's Department's (AGD's) submission on Anti-Money Laundering and Counter Terrorism Financing (AML/CTF) reforms.[2]

We represent over 150 members, including bank and non-bank lenders, finance companies, fintechs, providers of vehicle and equipment finance, car rental and fleet providers, and service providers in the finance industry. We are the voice for advancing a world-class finance industry and our members are at the forefront of innovation in consumer and business finance in Australia. Our members finance Australia's future.

We collaborate with our members, governments, regulators and customer representatives to promote competition and innovation, deliver better customer outcomes and create a resilient, inclusive and sustainable future. We provide new policy, data and insights to support our advocacy in building a more prosperous Australia.

[1] Australian Finance Industry Association (afia.asn.au).
[2] https://www.austrac.gov.au/consultation-commences-amlctf-reforms.

**INTRODUCTORY COMMENTS**

AFIA welcomes this opportunity to provide a submission to the Consultation Paper on the AML/CTF reforms. AFIA is proud to contribute to this process, as the only peak body representing Australia's entire finance sector, which contributes approximately $185.1 billion to Australia's Gross Domestic Product (GDP).[3]

According to the Australian Bureau of Statistics (ABS), Australia's total annual GDP to September 2022 was $2.3 trillion.[4] Yet, the Reserve Bank of Australia (RBA) estimates total credit provided to Australian businesses and consumers is $3.46 trillion.[5] This means the total amount of credit in the Australian economy is equal to 150.43 per cent of GDP.

Through providing credit, the Australian finance sector stimulates our economy and helps individuals and businesses to invest, thrive, achieve their aspirations and fulfill their dreams. Financial institutions are also at risk of being utilised by criminals for money laundering and terrorism financing activities.

The Consultation Paper indicates that, according to the United Nations (UN) Office on Drugs and Crime, an estimated range of two to five per cent of global GDP is laundered across the world annually. This is the equivalent of US$800 million to US$2 trillion a year.[6]

AFIA condemns in the strongest possible terms any activity which in any way contributes to money-laundering or the financing of terrorism. We agree with the Attorney-General, the Hon. Mark Dreyfus KC MP, who said in announcing these proposed reforms on 20 April 2023:[7]

> No legitimate business wants to assist the laundering of money which funds serious crimes including terrorism, child abuse and the illicit drug trade.

AFIA will work with the Government to support the stated objectives of the consultation, which are to 'streamline' and 'modernise' the AML/CTF regime.[8] It is important that the streamlining and modernisation of the regime will support efficiency for reporting entities in their reporting obligations by becoming less onerous.

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[3] IBIS World, *Finance in Australia* (31 March 2022): Finance in Australia - Market Size | IBISWorld.
[4] Australian Bureau of Statistics (ABS), *Key National Accounts Aggregates* (September 2022), Table 1, Column CT: Australian National Accounts: National Income, Expenditure and Product, June 2022 | Australian Bureau of Statistics (abs.gov.au)
[5] RBA, *Lending and Credit Aggregates* (September 2022), Table D2, Column H: Statistical Tables | RBA.
[6] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 17.
[7] The Hon. Mark Dreyfus KC MP (Attorney-General of Australia)(20 April 2023), *Consultation on major reform of Australia's anti-money laundering and counter-terrorism financing laws*.
[8] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 3.

We also support the extension of the AML/CTF regime to 'Tranche 2' entities, which are certain professions which are at high risk of being utilised to circumvent the regime, these include:

1. lawyers;
2. accountants;
3. trust and company service providers;
4. real estate agents, and

   dealers in previous metals and stones.[9]

We support the extension to Tranche 2 entities given, as the Consultation Paper notes, Australia is now one of only five out of over 200 jurisdiction that have not yet made this extension. The others being: China, Haiti, Madagascar and the United States.[10]

**Attachment A** of this submission contains our detailed comments on specific aspects of the proposed reforms. Our positions in principle are outlined below.

1. We support combining Parts A and B of the current AML/CTF program requirements in a single program.[11]
2. We support the changes to customer due diligence obligations.[12]
3. We support amending the 'tipping off' offence under s 123 of the *Anti-Money Laundering and Counter Terrorism Financing Act 2006* (Cth)('the AML/CTF Act').[13]
4. We have expressed desire for further clarification regarding the modernisation of the 'travel rule' obligations.[14]
5. We support amending the exemption for assisting an investigation of a serious offence.[15]
6. We support continuing more flexible ways of complying with obligations, online or digital technologies, which proved effective during the COVID-19 pandemic.[16]
7. We support repealing the *Financial Transaction Report Act 1988* ('the FTR') as appropriate, especially where it imposes now redundant or duplicative obligations.[17]
8. We support extending AML/CTF obligations to Tranche 2 entities.[18]

[9] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 3. See detailed discussion on the Tranche 2 entities at 22-25.
[10] Ibid, 3
[11] Ibid, 7-9.
[12] Ibid, 10-12.
[13] Ibid, 12-13.
[14] Ibid, 14-15.
[15] Ibid, 15.
[16] Ibid, 16.
[17] Ibid.
[18] Ibid, 17.

We note this is only the first of two consultations on these proposed reforms and look forward to responding to the second, more detailed consultation, when it is released later in 2023.[19]

**CLOSING COMMENTS**

Thank you for the opportunity to comment on these proposals. I would appreciate the opportunity to discuss our recommendations and provide the AGD with further information as may assist its further considerations on these matters.

Should you wish to discuss our submission or require additional information, please contact AFIA Senior Policy Advisor, Sebastian Reinehr, at sebastian.reinehr@afia.asn.au.

Yours sincerely

Roza Lozusic
**Executive Director, Policy and Public Affairs**

[19] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 4.

**ATTACHMENT A – AFIA'S DETAILED COMMENTS ON THE PROPOSALS**

**Comment 1 – combining Parts A and B of the current AML/CTF program requirements in a single program**[20]

Under Section 81 of the AML/CTF Act, 'regulated entities' must develop and maintain a written AML/CTF program for their business, before providing a designated service to a customer.[21] AFIA members have shared feedback on the challenges experienced with interpreting some of the complex definitions of designated services. AFIA would welcome rationalisation and simplification of the descriptions of designated services in table 1, Section 6 of the Act.

An AML/CTF program is defined in the Consultation Paper as:[22]

> *[A] document that sets out the risk a business may face and how that risk can be managed, and its approach to meeting customer due diligence obligations.*

Reporting obligations regarding AML/CTF programs are currently separated into two 'Parts'.[23]

1. **Part A** has the 'primary purpose' of 'identifying, mitigating and managing' AML/CTF risks. The requirements for Part A are set out in the AML/CTF Rules.[24] Some examples of the things to be included in Part A are: board and senior management obligations for AML/CTF oversight; the appointment of an AML/CTF compliance officer and risk and awareness training for employees.[25]
2. **Part B** requirements are focused on due diligence procedures related to customers and is also contained in the AML/CTF Rules. Part B obligations include things like – information required to be collected to verify the identities of customers and their agents, information required to be collected and verified about beneficial owners, requirements regarding 'politically exposed person[s]' and situations in which further information is required.[26]

AFIA supports the proposal in the Consultation Paper to streamline the Program, and notes the proposal of streamlining Parts A and B into a single reporting requirement, removing the existing distinctions:[27]

> *Develop, implement and maintain an AML/CTF program that is effective in identifying, mitigating and managing a regulated business' money laundering and terrorism financing risk.*

In principle, this should result in more efficient reporting by removing duplication and uncertainty.

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[20] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 7-9.
[21] Ibid, 6. The term 'designated service' is defined in s 6 of the Act and includes: ADIs, banks, building societies, credit unions, or other persons specified in the *AML/CTF Rules*. AFIA members have indicated the term 'designated service provider' is outdated. The regime should just apply to 'financial services'.
[22] Ibid, 6.
[23] Ibid.
[24] See for example, Chapter 8 on 'A standard anti-money laundering and counter-terrorism financing (AML/CTF) program'.
[25] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 6.
[26] Ibid, 6-7.
[27] Ibid, 7.

We recommend that the consultation process closely considers any unintended consequences which may arise, such as:

- Currently board approval is not required for Part B of the AML/CTF Program. Clarity would be welcomed on whether the proposal to streamline into a single program would result in a requirement for the issues described in a Part B program today to be approved by the Board. Given the operational nature of the Part B program, we recommend that it may not be appropriate or efficient to seek board approval for every change made.

- The AML/CTF Rules require the Part A program to be subject to regular independent review. If the Part A and Part B Programs were combined into a single program, we recommend clarifying whether the scope of the Independent Review needs to be expanded to also cover issues described in Part B programs today, which could have a significant time and resourcing impact.

- The AML/CTF Act requires a reporting entity to comply with its Part A Program, with civil penalty provisions attaching to a breach of the Part A Program. If the Part A and Part B Programs were combined into a single program, we recommend clarifying whether these non-compliance provisions extended to the Part B components of the single program, noting the operational nature of the Part B program.

AFIA notes the Consultation Paper proposes to accomplish this objective in the following way:

1. amending the Act so there is a clear 'overarching requirement' to assess AML/CTF risks prior to implementing an AML/CTF program.[28]
2. amending the AML/CTF Rules, so that what must be done to meet the new 'overarching requirement' in the Act would be explained in greater detail, with AUSTRAC to provide further guidance as necessary.[29]

This, streamlined, clear and explicit approach, with additional elaboration in the Rules and AUSTRAC guidance, would help regulated entities understand and meet their obligations.

However, in calibrating this new approach, any changes in obligations must be managed to ensure compliance burdens are streamlined and simplified. Thus, the goal of addressing money laundering and terrorism financing risks can be achieved efficiently, with the removal of duplication or unnecessarily cumbersome requirements and increased clarity of obligations.

[28] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 7.
[29] Ibid.

In relation to the above, AFIA make the following recommendations:

1. specific guidance on the use of emerging technologies, in addition to the use of RegTech solutions, would be helpful;
2. guidance on the categories that require Board and/or senior management approval;
3. sector specific guidance would be preferable to generic guidance;
4. The re-establishment of Public Legal Interpretations, to clarify compliance obligations and minimise legal costs, would also be welcome.

AFIA welcomes the Consultation Paper's suggestion that obligations would be clarified under the new regime, with the Rules to set out 'basic minimum risk mitigation measures' expected to be documented in AML/CTF programs, as this provides clear expectations for regulated entities.

Suggested practices for documentation include:[30]

- enterprise-wide risk management practices
- customer due diligence (initial, ongoing, enhanced and simplified)
- triggers and time frames for review of AML/CTF programs
- identification and reporting of suspicious matters, and
- a general requirement to consider any other proportionate measures to respond to risks identified by the reporting entity.

However, while being broadly supportive of outlining certain 'basic minimum risk mitigation measures', AFIA does not support the form of complying with risk assessment and mitigation obligations being overly prescriptive.[31]

AFIA welcomes the opportunity to discuss reforms to the definitions of 'designated business group' and 'foreign branches and subsidiaries', insofar as they may streamline reporting requirements for related entities in corporate groups and result in greater alignment between Australian law and international AML/CTF requirements and regulatory regimes.[32]

AFIA request that the AGD considers the impact of the proposed reform to include a requirement that Australian businesses operating overseas should apply measures consistent with Australian AML/CTF programs in their overseas operations, to the extent permitted by law. AFIA recommends considering if such a change could result in additional complexity and uncertainty without necessarily improving processes for identifying, detecting, and deterring ML/TF risks.

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[30] Ibid, 8.
[31] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 8.
[32] Ibid, 8-9. Note, the definition of 'designated business group' is in s 5 of the Act. Matters related to foreign entities are discussed, inter alia, in s 127.

AFIA notes that the obligation on regulated entities to manage 'proliferation financing risks' should be tailored to the level of risk involved in specific products, given different risk exposure profiles exist in various sectors.[33]

**Comment 2 – changes to customer due diligence obligations**[34]

The customer due diligence obligations under the AML/CTF regime are outlined, in alia, in Division 6 of the Act and Chapter 15 of the Rules.[35]

The proposed reforms would change the customer due diligence obligations as follows:[36]

1. **Obligation to understand customer risk –** amend the Act to provide an overarching obligation to assess and understand the risk for each new and ongoing business relationship with a customer based on an assessment of key risk factors, including customer type, geographic risk, the type of service and the method of delivery.
2. **Obligation to know your customer –** amend the Act to require that a regulated entity knows: the identity of the customer, nature and purpose of the business relationship, where relevant the identity of the beneficial owner and control structure of a non-individual customer, the identity of the customer's agents and extent of their authority to act, whether the customer or their owner is a 'political exposed person'.
3. **Obligation for enhanced due diligence –** amend the Act to require 'enhanced due diligence' in 'high risk' situations, where there is a 'suspicion' of activity prohibited by the Act, where a 'beneficial owner' is a 'politically exposed' person or from a 'high-risk jurisdiction' (as defined by the Financial Action Task Force ('FATF').

These new obligations in the Act are proposed to be offset by a new process known as **'simplified due diligence'**. Under the proposed 'simplified due diligence' regime, the Act would be amended to provide for streamlined due diligence obligations where:

1. The regulated entity has 'reasonably assessed' that the risk associated with the business relationship is 'low', **AND**
2. None of the triggers for extended due diligence apply.

[33] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 9.
[34] Ibid, 10-12.
[35] Specifically, see ss 36-39 of the AML/CTF Act.
[36] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 11.

AFIA supports the proposed reforms to customer due diligence obligations that reduce unnecessary prescription in the AML/CTF Rules and provide greater flexibility and clarity for reporting entities to adopt and apply a risk based approach. AFIA notes the following considerations:

1. Every care should be taken to ensure that the net impact of this change is a lower regulatory burden overall.
2. Guidance should be provided on any new obligations inserted into the Act, specifying what exactly must be done to meet that obligation to ensure there is clarity. For example, clarification on what would meet reasonable measures to keep, update and review documentation, data or information collected to ensure the regulator's expectations are clearly understood.
3. The simplified due diligence regime should be the default setting, except where a trigger has been activated to necessitate extended or enhanced due diligence.

**Comment 3 – amending the 'tipping off' offence**[37]

The 'tipping off' offence is contained in s 123 of the AML/CTF Act. It prohibits regulated entities from disclosing information that could compromise law enforcement investigations by revealing a 'suspicious matter report' (SMR).[38] Section 123 assures regulated entities that their SMR will remain confidential.

The provision also contains what the Consultation Paper refers to as a 'patchwork' of exemptions which have evolved piecemeal over time.[39]

AFIA agrees with the observation in the Consultation Paper that:[40]

> [T]he exceptions **have not kept pace with the increasingly complex business structures** of regulated entities, the shift to a globalised risk management approach and changes in supporting compliance.

For example:

1. Under the current Act, centralisation of financial crime operations in offshore subsidiaries, or domestic or international third parties is usually undesirably prohibited, at least insofar as it

[37] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 12-13.
[38] Suspicious matter reporting obligations are defined under s 41 of the AML/CTF Act.
[39] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 13. For the detail of the exemptions, see s 123(5)-(9).
[40] Ibid.

relates it to sharing of SMR reports.[41] This is not appropriate given the structure of many modern businesses.

2. This approach is also inconsistent with the approach in foreign jurisdictions such as the United Kingdom (UK) and Canada.[42] In those jurisdictions, they apply a principles-based framework, with an emphasis on whether there is 'intention' to compromise a law enforcement investigation, rather than prohibiting all disclosures per s 123 of the Australian legislation.[43]

Given these concerns, AFIA supports the Consultation Paper's proposal to move away from the current approach to Section 123, which restricts information sharing and hinders the effective disruption of financial crime. The preferable method is principles-based approach, with an emphasis on intentionality, that would, in AGD's words, 'modernise' the tipping off offence to better 'support industry' in a rapidly changing world and align with best practice to this issue internationally.[44]

AFIA would welcome further guidance and examples on the types of activity that would give rise to a SMR obligation and for further clarity on how the proposed amendments would allow for further flexibility for entities sharing information about SMRs.

**Comment 4 – modernising the 'travel rule' obligations**[45]

The 'travel rule' obligations exist under ss 70-71 of the Act and Chapter 16 of the Rules.

In short, the require regulated entities to report information about the payer and payee with a transfer of value as it is transmitted from business-to-business.[46]

This rule is intended to:

> *[I]ncrease the end-to-end transparency of transactions, which supports regulated entities to identify, mitigate and manage the associated financial crime risk*.

[41] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 13.
[42] Ibid. See the *Proceeds of Crime Act 2002* (UK), s 333A and the Proceeds of Crime (Money Laundering) and Terrorist Financing Act 2000, Part 5 (Canada).
[43] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 13.
[44] See the *Proceeds of Crime Act 2002* (UK), s 333A and the Proceeds of Crime (Money Laundering) and Terrorist Financing Act 2000, Part 5 (Canada).
[45] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 14-15.
[46] Ibid, 14.

Currently, the travel rule only applies to financial institutions, such as banks. Furthermore, the current regime does not require payer information to be verified.[47]

The Consultation Paper proposes extending the 'travel rule' to 'remitters and digital currency exchange providers' to require payer and payee information for 'transfers on behalf of customers to other businesses'.[48]

Before supporting this proposal, we would need to consider draft legislative language, including specific definitions of the terms 'remitter' and 'digital currency exchange provider'.[49] AFIA would welcome clarification on the definition of a 'designated remittance arrangement'.

AFIA is uncertain as to the specific types of entities intended to be captured by these terms and seek further public consultation on this proposal.

**Comment 5 - amending the exemption for assisting an investigation of a serious offence**[50]

Chapter 75 of the AML/CTF rules, made pursuant to s 229 of the AML/CTF Act, allows the CEO of AUSTRAC to exempt regulated entities from certain obligations under the Act.

The Consultation Paper suggests the current 'case-by-case' application of this exemption process is 'administratively burdensome and inefficient'.[51]

It is proposed this approach be replaced. Instead of 'eligible agencies' applying to AUSTRAC, it is suggested they should be able to directly provide to a regulated entity a form, known as a 'keep open notice'.[52] The structure of this notice would be defined in the AML/CTF Rules. This new approach would also be 'appropriately constrained' and implemented alongside a 'safe-harbour' that exempts entities from liability where they had a 'reasonable belief' they were acting lawfully.[53]

AUSTRAC would still maintain oversight of this process, with agencies providing copies of notices issued, regularly reporting on trends and providing guidance as necessary.[54]

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[47] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 14.
[48] Ibid.
[49] Ibid, 14-15.
[50] Ibid, 15.
[51] Ibid.
[52] Ibid.
[53] Ibid.
[54] Ibid.

AFIA supports this broader approach to the Chapter 75 exemption, as it will lead to greater flexibility and efficiency than the current more centralised regime.

**Comment 6 - continuing more flexible ways of complying with obligations, utilising remote, online or digital technologies, which proved effective during the COVID-19 pandemic**[55]

As a general rule, AFIA always supports the simplification and digitisation of compliance wherever doing so would lead to streamlined reporting and greater efficiency. As we have said elsewhere:

> *Modernisation and simplification facilitate compliance and minimise regulatory burdens for AFIA members and their customers.*[56]

As a consequence, we support the continuation of principles like those embodied in the *COVID-19 Rules*, which allowed the use of uncertified copies of certain documents, subject to appropriate 'risk based systems and controls'.[57]

AFIA believes that the changes to Chapter 14.4.15 of the AMF-CTF Rules adopted during the COVID-19 pandemic should be continued, as they facilitate modernisation and simplification which leads to greater ease of compliance.

We welcome further guidance from AUSTRAC on innovations such as video calls for remote customers (or where used in special circumstances) and acceptable alternative verification measures.

**Comment 7 - repealing the Financial Transaction Report Act 1988 ('the FTR') wherever possible, especially where it imposes obligations which are now duplicative or redundant**[58]

AFIA agrees with the proposal in the Consultation Paper which suggests the FTR should be repealed wherever obligations therein merely duplicate requirements under the AML/CTF Act, which was passed in 2006, 18-year after the FTR.[59]

This is in accordance with the recommendations of the 2015 Statutory review of the FTR.[60]

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[55] Ibid, 16.
[56] AFIA Submission to Treasury on Improving Corporations and Financial Services Law (20 September 2022)
[57] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 16. See for example AUSTRAC, *How to comply with KYC requirements during the COVID-19 pandemic* (8 May 2020). This document refers to temporary changes to the AML/CTF Rules, Chapter 14.4.15, which should be extended post the COVID-19 pandemic.
[58] Ibid.
[59] Ibid.
[60] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 16.

On introducing the AML/CTF Act in the House of Representatives on 1 November 2006, the then Attorney-General of Australia, the Hon. Philip Ruddock AO MP, said:[61]

> *Eventually the Anti-Money Laundering and Counter-Terrorism Financing Bill will supersede many of the provisions of the [FTR].*

The time has come for the AML/CTF Act to replace the FTR entirely. As the Australian Law Reform has warned, we should avoid 'unnecessary overlap and duplication' in our laws.[62]

**Comment 8 - extending AML/CTF obligations to Tranche 2 entities**[63]

AFIA supports the extension of AML/CTF obligations to Tranche 2 entities.[64]

We support this change for three reasons:

1. Australia is now out of step with global norms, as one of only five out of over 200 jurisdiction that have not yet made this extension. The others being: China, Haiti, Madagascar and the United States.[65]
2. The case studies detailed in the Consultation Paper provide ample evidence of scenarios where Tranche 2 entities can be used to foster and advances undesirable objectives which are repugnant to the intention of the AML/CTF regime's laudable goals.[66]
3. Without covering these entities appropriately, as is global best practice, we will not be able to effectively combat the up to $2 trillion a year which is laundered globally.[67]

AFIA nevertheless seeks more information on how this regime will apply to trusts specifically, especially regarding when enhanced due diligence obligations would apply to trusts.

We also seek further detail of the Government's proposed timeframe for the introduction of a Beneficial Ownership Register, and how such a register would apply:[68]

1. To trusts;

[61] Commonwealth, Parliamentary Debates, The House of Representatives, 1 November 2006, 4 (Philip Ruddock, Attorney-General)
[62] Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era: Final Report* (June 2014), 90.
[63] Attorney General's Department, *Modernising Australia's anti-money laundering and counter-terrorism financing regime: consultation paper* (20 April 2023), 17.
[64] Ibid, 17.
[65] Ibid, 3
[66] Ibid, 20-23.
[67] Ibid, 17.
[68] Treasury, *Multinational tax integrity: Public Beneficial Ownership Register Consultation Paper* (7 November 2022).

2. To circumstances where an entity is the beneficial owner of shares notionally speaking, but the shares are not presently beneficially held (i.e., not currently available).

We welcome further understanding on the responsibility for ongoing maintenance of the Beneficial Ownership Register and any applicable associated penalties.