

## **LIST OF CERTIFIERS**

Paragraph 1.2.1 of the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)* (AML/CTF Rules) contains a definition of 'certified copy' which sets out a list of persons who may certify a document as a true copy of an original.

Reporting entities adopting the 'safe harbour' procedures will be required to ensure that where 'know your customer' (KYC) information is verified using a copy of a primary photographic, non-photographic or secondary document, it is a certified copy.

Reporting entities are not required to adopt the safe harbour procedures. The AML/CTF Rules provide that a reporting entity is not precluded from meeting the relevant applicable customer identification requirements in another way, where the relationship with the customer is of medium or lower money laundering/terrorism financing (ML/TF) risk.

It is AUSTRAC's view that reporting entities that have not adopted the safe harbour procedures may use other persons to certify documents as part of their applicable customer identification procedures under the AML/CTF Rules as part of the risk-based approach.

It is a matter for reporting entities to determine, taking into account the requirements of Part 4.2 of the AML/CTF Rules, what information they need to collect and the methods they should use for collection and verification. This determination should be based on their risk-based systems and controls, having regard to the ML/TF risk that they face in providing the relevant designated service.

Ultimately, the reporting entity needs to be reasonably satisfied that, where a customer is an individual, the customer is the person that he or she claims to be.

AUSTRAC's guidance note *Risk management and AML/CTF programs* provides general information about risk management frameworks and relevant requirements under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) and AML/CTF Rules.

AUSTRAC recommends that reporting entities seek their own independent legal advice about how the AML/CTF Act relates to their circumstances.

**certified copy** means a document that has been certified as a true copy of an original document by one of the following persons:

- (1) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described);
- (2) a judge of a court;
- (3) a magistrate;
- (4) a chief executive officer of a Commonwealth court;
- (5) a registrar or deputy registrar of a court;
- (6) a Justice of the Peace;
- (7) a notary public (for the purposes of the *Statutory Declaration Regulations 1993*);
- (8) a police officer;
- (9) an agent of the Australian Postal Corporation who is in charge of an

office supplying postal services to the public;

- (10) a permanent employee of the Australian Postal Corporation with 2 or more years of continuous service who is employed in an office supplying postal services to the public;
- (11) an Australian consular officer or an Australian diplomatic officer (within the meaning of the *Consular Fees Act 1955*);
- (12) an officer with 2 or more continuous years of service with one or more financial institutions (for the purposes of the *Statutory Declaration Regulations 1993*);
- (13) a finance company officer with 2 or more continuous years of service with one or more finance companies (for the purposes of the *Statutory Declaration Regulations 1993*);
- (14) an officer with, or authorised representative of, a holder of an Australian financial services licence, having 2 or more continuous years of service with one or more licensees.
- (15) a member of the Institute of Chartered Accountants in Australia, CPA Australia or the National Institute of Accountants with 2 or more years of continuous membership.