



Australian Transaction Reports and Analysis Centre Industry Contribution Act 2011

No. 54, 2011

Compilation No. 2

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Includes amendments up to:	Act No. 126, 2015
Registered:	14 April 2016

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Australian Transaction Reports and Analysis Centre Industry Contribution Act 2011* that shows the text of the law as amended and in force on 5 March 2016 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to impose a levy on persons regulated by the Australian Transaction Reports and Analysis Centre, and for related purposes

1 Short title

This Act may be cited as the *Australian Transaction Reports and Analysis Centre Industry Contribution Act 2011*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	28 June 2011
2. Sections 3 to 10	The later of: (a) 1 July 2011; and (b) the day this Act receives the Royal Assent.	1 July 2011

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

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3 Act binds the Crown

This Act binds the Crown in each of its capacities.

4 External Territories

This Act extends to every external Territory.

5 Extraterritorial application

This Act extends to acts, omissions, matters and things outside Australia.

6 Act does not impose levy on property of a State

- (1) This Act does not impose a tax on property of any kind belonging to a State.
- (2) In this section, *property of any kind belonging to a State* has the same meaning as in section 114 of the Constitution.

7 Definitions

- (1) In this Act:

census day, for a financial year, means:

- (a) 1 July in that financial year; or
- (b) if the AUSTRAC CEO determines, by legislative instrument, another day in that financial year—that day.

exempt entity, for a financial year, means a leviable entity who, by operation of the AML/CTF Rules made under section 229 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*, or by instrument made under section 248 of that Act, was, on the census day for that year, exempt from Part 7 of that Act.

leviable entity, in relation to a financial year (the *current year*), means a person who:

- (a) is a reporting entity (within the meaning of section 5 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*) at any time in the previous financial year; and
- (b) on the census day for the current year:
 - (i) is entered on the Reporting Entities Roll under Part 3A of that Act; or
 - (ii) is required, under section 51B of that Act, to apply to be entered on the Reporting Entities Roll; and
- (c) is not an exempt entity for the current year.

person has the same meaning as in the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

statutory limit, in relation to a financial year, means the amount that is 2 times the sum of all amounts appropriated by the Parliament for the purposes of AUSTRAC for the financial year.

- (2) This Act applies to a partnership, unincorporated association or trust as if the partnership, unincorporated association or trust were a person, but with the following changes:
 - (a) an obligation that would otherwise be imposed on the partnership by this Act is imposed on each partner instead, but may be discharged by any of the partners;
 - (b) an obligation that would otherwise be imposed on the association by this Act is imposed on each member of the association's committee of management instead, but may be discharged by any of the members;
 - (c) an obligation that would otherwise be imposed on the trust by this Act is imposed on each trustee instead, but may be discharged by any of the trustees.

8 Imposition of levy

Levy payable in accordance with section 7 of the *Australian Transaction Reports and Analysis Centre Industry Contribution (Collection) Act 2011* is imposed.

8A Amount of levy

The amount of levy payable by a liable entity for a financial year is the amount equal to the sum of instalments of levy payable by the liable entity for the financial year.

9 Amount of instalment of levy

- (1A) The amount of an instalment of levy payable by a liable entity for a financial year is the amount determined under subsection (1).
- (1) The Minister may, by legislative instrument, determine the amount of an instalment of levy payable by a liable entity for a financial year.
- (2) However:
- (a) the Minister must make at least one determination under subsection (1) for a financial year; and
 - (b) the sum of all amounts of all instalments of levy payable by all liable entities for a financial year must not exceed the statutory limit for that year.
- (3) A determination made for the purposes of subsection (1) may do one or more of the following:
- (a) specify an amount or a method for determining an amount;
 - (b) specify different amounts or methods for different classes of liable entities;
 - (c) specify a nil amount or a method resulting in a nil amount;
 - (d) specify methods that refer to acts done or circumstances existing before either the commencement of the determination or the commencement of this Act, or both.

Retrospective application of determinations

- (4) Subsection 12(2) (retrospective application of legislative instruments) of the *Legislation Act 2003* does not apply to a determination made for the purposes of subsection (1).

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Endnotes

Endnote 1—About the endnotes

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act 2011	54, 2011	28 June 2011	s 3–10: 1 July 2011 (s 2(1) item 2) Remainder: 28 June 2011 (s 2(1) item 1)	
Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Amendment Act 2014	111, 2014	21 Oct 2014	22 Oct 2014 (s 2)	Sch 1 (item 14)
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (items 62–65): 5 Mar 2016 (s 2(1) item 2)	Sch 1 (item 65)

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 1	am No 111, 2014
s 7	am No 111, 2014; No 126, 2015
s 8	am No 111, 2014
s 8A	ad No 111, 2014
s 9	am No 111, 2014; No 126, 2015
s 10	rep No 111, 2014
