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Dear Dr Popple

Anti-Money Laundering (AML) and Counter-Terrorism Financing (CTF) Practitioner Queries

1. I refer to correspondence from the Law Council dated 6 August 2026, seeking feedback from the Society to identify outstanding issues of concern to the legal profession following the commencement of the AML CTF Regime on 1 July 2026.
2. The Society's comprehensive response reflects the considerable experience of the Society's committees with the new AML/CTF requirements. In particular, feedback has been received from the Society's Small Practice, Property Law, Succession and Elder Law and Civil Litigation Committees, and from senior staff of the Society who are responsible for responding to enquiries and assisting law firms with the implementation of the AML/CTF requirements.

General implementation observations

3. Feedback from legal practices indicates that implementation of the new AML regime remains administratively burdensome, with the time and cost associated with customer due diligence and record keeping emerging as one of the most significant practical issues.
4. Law practices report that substantial additional work is now required on individual files to collect, assess and record customer due diligence information. This may include preparing AML/CTF and privacy documentation, explaining the requirements to clients, assisting clients to understand what information and supporting material must be provided, reviewing the information received, recording that information within the matter, and maintaining separate AML/CTF compliance records or registers where required by the practice's systems.
5. The cumulative effect is additional time and cost on each affected file, particularly where practitioners are uncertain about the degree of information required and consequently undertake more extensive enquiries to ensure compliance.
6. Practices are adopting different approaches to implementation. Some have engaged external AML/CTF providers to assist with the development of AML/CTF programs, policies and compliance systems, while others are managing implementation internally. It remains too early to assess the longer-term cost and efficiency of the different approaches being adopted.
7. One practitioner reports that: *"My experience as a sole practitioner, focussed on retaining simplified yet effective systems, is that no matter how much I have read, and navigated through the guidance material, attended webinars, and spoken to people, it is still difficult for me to implement what I am satisfied is a suitable program for compliance."*

8. The Society acknowledges the quality and breadth of the resources AUSTRAC has made available to assist newly regulated entities; however a consistent theme in member feedback is the need for more specific, transaction-based guidance and practical examples.
9. Members have suggested that simple guidance identifying the information ordinarily required for common legal transactions would be particularly useful. For example:
 - the information ordinarily required for a property transaction;
 - the information ordinarily required when acting in an estate matter;
 - the information ordinarily required for a trust or corporate transaction; and
 - the circumstances in which a practice should undertake additional enquiries or verification because of increased Money Laundering and Terrorism Financing ('ML/TF') risk.
10. Such guidance might take the form of concise checklists, worked examples or exemplars which distinguish between the information ordinarily required in a standard or lower risk matter and the additional information that may be required where higher risk indicators are present.
11. The Society recommends that the Law Council consider advocating for AUSTRAC to develop further sector specific and transaction specific guidance of this kind. Greater clarity as to the information ordinarily expected in common legal matters would assist practices to comply consistently, reduce unnecessary data collection and provide greater confidence that the administrative burden imposed on individual matters is proportionate to the ML/TF risk presented.

Table 6—Professional services, Item 3: payments 'reasonably incidental' to non-designated legal services

12. Section 6 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) ('the Act') defines designated services, with Table 6 specifically setting out the professional services that constitute designated services, including the services relevant to legal practitioners. References to an "Item" in this submission are references to the relevant item in Table 6, unless otherwise stated.
13. Sub-section 6(5C)(b) of Table 6 provides an exception from the Item 3 designated service where money or property is held or managed for payments reasonably incidental to a non-designated service. However, the exception is only available where the practice does not provide any designated services other than the services referred to in item 3.
14. The apparent purpose of the exception is to ensure that a practice does not become subject to the AML/CTF regime merely because it uses its trust account in the ordinary course of providing non designated legal services. Once the practice provides any other designated service elsewhere in the business, however, the exception is no longer available. This applies even where the money is unrelated to the designated service, involves a different client and matter, and is handled by a separate practitioner or practice group.
15. The Law Council's guidance illustrates this distinction using privately negotiated litigation settlement funds. A litigation only practice may receive and disburse those funds without providing an Item 3 designated service because the handling of the money is reasonably incidental to its non-designated litigation services. If the same practice also provides conveyancing services, the same handling of settlement funds becomes an Item 3 designated service unless another exception applies.
16. This produces an anomalous outcome. The character, purpose and money laundering risk of the transaction do not change merely because another part of the practice provides an unrelated designated service. Two practices may undertake identical litigation work and handle identical settlement funds, yet only one will be providing a designated service because it also undertakes conveyancing or another regulated service.

17. The approach is inconsistent with a genuinely risk-based regime because the regulatory treatment of the transaction depends on the broader service profile of the practice rather than the nature and risk of the particular matter. It will also create substantial compliance complexity for multidisciplinary and mixed service practices, particularly small practices where designated and non-designated work is undertaken within the same entity.
18. The 'reasonably incidental exception' should apply by reference to the particular service and transaction, rather than whether the practice provides any designated service elsewhere in its business. A practice should be permitted to rely on the exception where the handling of money is genuinely and reasonably incidental to a non-designated legal service, irrespective of whether the practice separately provides designated services.
19. Appropriate safeguards could prevent the exception being used to avoid the regime, including requiring a genuine connection between the payment and the non-designated service and excluding arrangements structured principally to avoid Item 3.

Table 6-Professional services, Item 3: Payments to private entities performing government registry functions

20. Sub-section 6(5C)(d), read with subsection 6(5D), excludes payments made to or received from a government body, court, tribunal, public international organisation or licensed insurer for Item 3 designated services.
21. It is unclear how this exception applies where a government has outsourced the delivery of a statutory or registry service to a private operator. In South Australia, Land Services SA is a private company appointed to provide land titling and property valuation services on behalf of the State Government, while relevant legal, policy and regulatory functions remain with government.
22. Legal practices commonly receive money from clients into trust to pay lodgement, registration and other land registry fees to Land Services SA (in instances outside of an Item 1 designated service, such as a short-term lease). If Land Services SA is not considered a government body, agency or authority for the purposes of the AML/CTF Act, those payments would not fall within the specific government body exception.
23. The Law Council guidance indicates that ordinary professional fees and disbursements, including money received into trust to make disbursements, may instead fall within the payment for goods or services exception in sub-section 6(5C)(a). However, the application of that exception to third party statutory and registry fees is not sufficiently clear from the legislation.
24. This creates unnecessary uncertainty for practices and may produce different outcomes between jurisdictions depending on whether registry services are delivered directly by government or through a private concessionaire. The nature and money laundering risk of the payment does not change merely because a government service has been outsourced.
25. The Society considers that AUSTRAC should clarify that:
 - money received from a client and paid towards ordinary lodgement, registration and statutory fees is excluded from Item 3 as a professional disbursement;
 - a private entity performing land registry or other statutory functions on behalf of government is treated as a government body for the purposes of sub-section 6(5D), or payments to such entities are otherwise expressly excluded; and
 - the treatment of these payments should be consistent across jurisdictions regardless of the administrative model used to deliver the government service.

Clarification of Table 6, Item 3: court order exclusion to deceased estate administration

26. Members practising in estate administration have raised uncertainty regarding the application of the exclusion in sub-section 6(5C)(c) to the administration of deceased estates.
27. Item 3 may apply where a legal practice receives, holds and controls, including disburses, or manages a person's money or other property as part of assisting that person in the planning or execution of a transaction, or otherwise acting for or on behalf of that person in a transaction.
28. Sub-section 6(5C)(c) excludes an Item 3 designated service where the money or other property being held or managed is "to be received or payable under an order of a court or tribunal".
29. Uncertainty arises as to whether a grant of probate or letters of administration is sufficient to engage this exclusion.
30. A grant of probate does not ordinarily direct that particular estate money or property is to be received or paid. Rather, it proves the deceased's will and formally recognises the authority of the executor to administer the estate. Similarly, letters of administration confer authority on an administrator to administer the estate. The legal personal representative then exercises that authority to collect assets, discharge liabilities and distribute the estate according to the will or applicable succession law.
31. Accordingly, there is a question as to whether money subsequently collected, held or distributed during the ordinary administration of an estate can properly be said to be "received or payable under" the grant itself.
32. Members would benefit from clarification as to whether, and to what extent, a grant of probate or letters of administration satisfies sub-section 6(5C)(c) for the purposes of ordinary estate administration.
33. The Society suggests that the Law Council seek clarification from AUSTRAC as to:
 - whether receipt of estate assets by an executor, administrator or their legal practitioner following a grant of probate or letters of administration falls within sub-section 6(5C)(c);
 - whether the subsequent holding and disbursement of estate funds, including payment of liabilities and distributions to beneficiaries, is covered by the exclusion;
 - whether the position differs between probate, letters of administration and specific court orders directing the payment or transfer of particular estate property; and
 - if ordinary estate administration is not covered by sub-section 6(5C)(c), the circumstances in which the receipt, holding or distribution of estate funds will constitute an Item 3 designated service.
34. Given the frequency with which legal practices receive and disburse estate funds through trust accounts, clarification of this issue would provide significant practical assistance to wills and estates practitioners.

Customer due diligence where a person acts under a Power of Attorney

35. Members have raised concerns regarding customer due diligence requirements where a legal practitioner assists with a transfer of land on behalf of a registered proprietor who is represented by an attorney under a valid Power of Attorney.
36. Where an attorney instructs a legal practitioner on behalf of the registered proprietor, the registered proprietor remains the customer for AML/CTF purposes. The legal practitioner must establish the identity of the registered proprietor and must also establish the identity of the attorney and their authority to act.

37. In circumstances where the registered proprietor retains capacity, these requirements can generally be addressed through ordinary customer due diligence processes.
38. Greater difficulty arises where the Power of Attorney is being exercised because the registered proprietor has lost capacity.
39. In those circumstances, it may be impractical or inappropriate to require the registered proprietor to participate personally in a conventional identity verification process. The very purpose of an enduring Power of Attorney may be to enable the attorney to manage the person's affairs because the person is no longer capable of doing so themselves.
40. The Society acknowledges that the Regime requires the reporting entity to establish the identity of the customer on reasonable grounds and that incapacity does not appear to create an express exemption from that requirement. However, further guidance would assist practitioners as to how this obligation should be satisfied where the customer lacks capacity and cannot meaningfully participate in the identification process.
41. The Society suggests that the Law Council consider seeking guidance from AUSTRAC addressing circumstances where an attorney acts for an individual customer who has lost capacity, including clarification as to:
 - what constitutes reasonable steps to establish the identity of the registered proprietor in these circumstances;
 - whether the registered proprietor's identity may be established using existing reliable and independent records without requiring their personal participation;
 - whether different requirements should apply where the legal practitioner has independently established that the registered proprietor lacks capacity;
 - the extent to which the attorney's identity must be verified and the Power of Attorney checked to establish the attorney's authority to act; and
 - whether a simplified or deemed compliance approach would be appropriate where the customer's incapacity, the attorney's identity and the attorney's authority have all been satisfactorily established.
42. A practical example dealing specifically with the sale or transfer of land by an attorney on behalf of an incapacitated registered proprietor would provide useful guidance to practitioners and avoid identification processes which may be impractical without materially improving the management of ML/TF risk.

Identification requirements for beneficiaries who are minors, infants or unborn

43. Legal practices have raised concerns regarding the practical application of customer due diligence requirements to beneficiaries of trusts who are minors, infants or unborn.
44. AUSTRAC guidance provides that reporting entities must collect information about the identity of each beneficiary of a trust, generally to the same extent as would be required if that beneficiary were a customer. Where individual beneficiaries cannot be identified because of the nature of the trust, AUSTRAC permits a description of the relevant class of beneficiaries, including where beneficiaries are described by reference to relationships such as children or future descendants.
45. However, uncertainty remains as to the requirements applying where a beneficiary is individually named but is a minor or infant and does not possess the forms of identification ordinarily contemplated by customer due diligence procedures. Similar uncertainty arises as to the treatment of contingent or future beneficiaries who may not yet have been born at the time the designated service is provided.

46. Further guidance would be beneficial to clarify:

- what identification and verification steps are expected in relation to a named beneficiary who is a minor or infant;
- whether a birth certificate or other information establishing the existence and identity of the child will ordinarily be sufficient in a lower risk matter;
- whether verification of a parent or guardian is required, and if so, in what circumstances;
- how reporting entities should treat beneficiaries who have not yet been born or cannot otherwise presently be individually identified;
- when a description of a class of beneficiaries is sufficient for these purposes; and
- whether any further customer due diligence is required when a previously unidentified or unborn beneficiary subsequently becomes identifiable, particularly where the designated service has already been completed.

Identification of beneficiaries who are located overseas and not cooperative with requests for identification

47. Law practices have raised concerns regarding the customer due diligence requirements applying to beneficiaries of trusts who are located overseas and are unwilling or unable to cooperate with requests for identification information.

48. This presents a particular difficulty where the legal practice acts for the trustee and has no direct relationship with the beneficiary. In such circumstances, neither the practitioner nor, potentially, the trustee may have any practical ability to compel the beneficiary to provide identification documents or other information required for customer due diligence purposes.

49. AUSTRAC guidance provides that a reporting entity must establish, on reasonable grounds, the identity of persons on whose behalf a trust is receiving a designated service, including beneficiaries. Where beneficiaries are individually identifiable, information about each beneficiary must generally be collected. The alternative of identifying a class of beneficiaries appears to be directed towards circumstances where individual beneficiaries cannot be identified because of the nature of the trust, rather than circumstances where a named and identifiable beneficiary refuses to cooperate.

50. This creates uncertainty as to what a legal practice is expected to do where reasonable efforts have been made to obtain information about a beneficiary but the beneficiary does not cooperate, particularly where the beneficiary resides in a foreign jurisdiction.

51. Further guidance would be beneficial to clarify:

- what constitutes reasonable steps to establish the identity of an overseas beneficiary who does not cooperate with requests for information;
- whether a practice may rely upon information contained in the trust deed, information held by the trustee, foreign public records or other independent sources to establish the beneficiary's identity;
- whether there are circumstances in which the practice may proceed with the designated service notwithstanding that complete identification information cannot be obtained directly from a beneficiary;
- whether the position differs where the beneficiary has no involvement in, or control over, the relevant transaction and will not receive any immediate distribution or benefit from it; and

- what records a practice should retain to demonstrate that reasonable efforts were made to identify the beneficiary.

Collection of Director Identification Numbers

52. Practices have reported difficulties arising from the requirement to obtain Director Identification Numbers (DIN) as part of customer due diligence for privately owned company clients.
53. In practice, clients do not always have their DIN readily available when instructing a legal practice. Obtaining the number can therefore delay client onboarding and matter opening, including for established privately owned companies presenting a low or medium ML/TF risk.
54. Practices have also questioned the practical AML/CTF value of collecting this information. Director Identification Numbers are not presently publicly searchable, limiting the ability of a legal practice to independently verify the number provided or use it to obtain further information about the individual or company.
55. The Society queries whether requiring collection of a DIN in all applicable circumstances is proportionate to the ML/TF risk presented, particularly for low and medium risk company clients where the identity of the company, its directors and beneficial owners can otherwise be satisfactorily established.
56. The Society suggests that consideration be given to whether the requirement could be made risk based, including by permitting reporting entities to dispense with collection of a DIN for low and medium risk customers where the relevant individual's identity and relationship with the company have otherwise been established on reasonable grounds.
57. The Law Society of New South Wales has addressed this issue in *its AML/CTF Implementation Guide for medium and large practices*, published in June 2026. The guidance notes that some practices are applying a risk based approach to Rule 6-2(2)(i), with the extent of DIN collection determined having regard to the client's risk profile and the roles held by relevant individuals.
58. The guidance provides examples under which DINs may not be collected for some low risk corporate clients, may be collected only from individuals exercising key executive or governance responsibilities for low and medium risk clients, and may be collected more broadly for high risk clients. It also recommends that any such approach be documented in the practice's AML/CTF program and aligned with its risk assessment.
59. The Society considers that this approach provides a practical means of applying the requirement proportionately while maintaining appropriate visibility of the persons responsible for the governance and executive decisions of corporate clients.
60. The Law Council may wish to consider the guidance developed by the Law Society of New South Wales and advocate for AUSTRAC to endorse, clarify or adopt a nationally consistent risk based approach to the collection of Director Identification Numbers.
61. Alternatively, further guidance explaining the intended AML/CTF purpose of collecting Director Identification Numbers, and how reporting entities are expected to use that information as part of customer due diligence, would assist practices in understanding and implementing the requirement.

Family law settlements and private financial agreements

62. Members have raised concerns regarding the different AML/CTF treatment of family law property settlements and financial arrangements depending on the mechanism used to implement them.

Binding Financial Agreements

63. AUSTRAC guidance provides that drafting and executing a Binding Financial Agreement will not, of itself, constitute a designated service merely because the agreement contemplates a future transfer of real estate. However, conveyancing services subsequently undertaken to give effect to the transfer pursuant to the agreement will generally constitute a designated service.
64. By contrast, where the same or a substantially similar property settlement is implemented through consent orders made by a court, the subsequent transfer of property pursuant to those orders is excluded from the relevant designated services.
65. Members consider that this distinction can produce an anomalous outcome in family law matters. While consent orders will often be the preferred mechanism for resolving property matters, there are circumstances in which a Binding Financial Agreement is an appropriate means of documenting a settlement, including relatively modest property settlements. The ML/TF risk associated with the underlying transaction may be substantially the same irrespective of which legal mechanism is used to give effect to the agreed division of property.
66. The Society suggests that consideration be given to extending the existing exclusion for transactions pursuant to court or tribunal orders to property transfers undertaken pursuant to a Binding Financial Agreement entered into under the *Family Law Act 1975* (Cth), or alternatively introducing an appropriate exemption for lower risk family law property settlements documented in this manner.

Spousal maintenance and Item 3 designated services

67. Similar concerns arise where legal practices receive, hold, control, disburse or manage money in connection with privately negotiated spousal maintenance arrangements. Such activities may fall within Item 3.
68. The concern does not arise merely because parties have negotiated an agreement for the payment of spousal maintenance. Rather, the potential Item 3 designated service arises where the legal practice itself receives, holds, controls, disburses or manages the relevant funds.
69. Paragraph 6(5C)(c) excludes an Item 3 designated service where the money or other property being held or managed is to be received or payable under an order of a court or tribunal. Accordingly, different AML/CTF consequences may arise depending on whether substantially similar spousal maintenance arrangements are implemented privately or pursuant to court orders.
70. Members have noted that informal spousal maintenance arrangements commonly arise during family law proceedings. Payments may be negotiated and made while proceedings remain on foot and subsequently acknowledged in the notation section of final consent orders, for example by recording that one party paid the other a specified amount of spousal maintenance during the proceedings.
71. This can result in a distinction between funds handled by a legal practice pursuant to an informal or privately negotiated maintenance arrangement, which may attract Item 3, and funds handled pursuant to a court order, which benefit from the statutory exclusion.
72. The Society suggests that the Law Council consider whether the existing Item 3 exclusion should be extended to cover the receipt, holding, control, disbursement or management of funds pursuant to genuine family law spousal maintenance arrangements, including interim arrangements negotiated in connection with existing or anticipated family law proceedings.
73. Alternatively, further guidance would be beneficial to clarify the circumstances in which legal practices handling funds associated with spousal maintenance arrangements will be providing an Item 3 designated service.

74. Greater consistency between private family law arrangements and substantially equivalent arrangements implemented through court orders would reduce unnecessary complexity and avoid AML/CTF consequences turning principally on the procedural mechanism used by the parties.

Reliance on customer due diligence conducted by third parties

75. Members have raised concerns regarding duplication of customer due diligence where multiple regulated entities are involved in the same transaction.
76. This is particularly apparent in conveyancing matters, where a real estate agent, financial institution, conveyancer and legal practitioner may each be subject to AML/CTF obligations and may each seek substantially the same identification and customer due diligence information from the same person in relation to the same transaction.
77. The Society acknowledges that AUSTRAC has published detailed guidance concerning reliance on customer identification conducted by third parties, including both ongoing customer due diligence arrangements and reliance on a case-by-case basis. The existing guidance is useful from a technical perspective in explaining the operation of the legislative provisions and the matters that a reporting entity must consider before relying on another reporting entity.
78. AUSTRAC's guidance also expressly recognises that reliance may be useful where a customer is dealing with multiple reporting entities in the same transaction. It identifies, as an example, a conveyancer and a bank involved in a real estate transfer and acknowledges that requiring customers to provide and verify the same information multiple times can be inconvenient and can increase the cost of initial customer due diligence.
79. However, member feedback suggests that further practical guidance would assist newly regulated professions to make greater use of the reliance provisions.
80. In particular, law practices would benefit from worked examples demonstrating how reliance might operate in common transactions involving several regulated entities. In a conveyancing transaction, for example, guidance could illustrate the circumstances in which a legal practitioner may rely on customer due diligence conducted by a conveyancer, real estate agent or financial institution, what information must be obtained from the other reporting entity, what enquiries or assessments the relying practice should undertake, and what records should be retained to demonstrate that the reliance was appropriate.
81. Further examples could address how case by case reliance might operate where the parties do not have an existing formal reliance arrangement, as this may be more practical for smaller legal practices that deal with a large number of different financial institutions, conveyancers, real estate agents and other reporting entities.
82. The Society suggests that the Law Council consider advocating for AUSTRAC to supplement its existing technical guidance with sector specific worked examples and practical templates demonstrating how reliance can operate between newly regulated professions and existing reporting entities.
83. Greater practical use of the reliance provisions has the potential to significantly reduce duplication, administrative cost and client frustration without reducing the effectiveness of customer due diligence. It may also encourage greater consistency between reporting entities involved in the same transaction.

Inconsistency in customer due diligence requirements and data collection

84. Members have reported inconsistent approaches to customer due diligence between reporting entities involved in the same or related transactions. In some cases, reporting entities appear to be requesting personal information or identification material beyond what practitioners understand to be required by the AML/CTF legislative framework or AUSTRAC guidance.

85. This creates practical difficulties for legal practitioners who are asked to provide information about themselves, their clients or other persons in circumstances where the basis for the request is unclear. It can also contribute to unnecessary duplication, delays and the collection and retention of additional personal information.
86. One example raised by a member of the Society involved a solicitor acting for an executor in the administration of a deceased estate. A superannuation fund requested probate, identification of the overseas executor and payment instructions. Where the deceased's superannuation benefit was to be paid into the solicitor's trust account, the fund additionally requested certified proof of identity for the solicitor personally, stating that the requirement arose from the AML/CTF reforms.
87. The practitioner queried why personal identification of the receiving solicitor was required where the payment was being made into a regulated solicitor's trust account and the solicitor was not the customer or beneficial recipient of the funds.
88. The Society appreciates that individual reporting entities must develop customer due diligence procedures appropriate to the ML/TF risks they face and may, in some circumstances, determine that information beyond a minimum set of identification data is necessary. However, where additional requirements are imposed as a matter of an entity's own risk appetite or internal policy, it may not be clear to affected practitioners whether the information is required by the Regime itself or represents an additional requirement imposed by that reporting entity.
89. This uncertainty is likely to become increasingly significant as newly regulated professions interact with financial institutions and other established reporting entities, each of which may have developed different customer due diligence procedures.
90. There is also a need to ensure that AML/CTF implementation does not result in unnecessary collection of personal information. Clearer guidance regarding the information ordinarily required in common interactions between reporting entities would assist entities to apply the risk based framework proportionately and consistently.
91. The Society suggests that the Law Council consider advocating for AUSTRAC to provide further practical guidance addressing interactions between reporting entities, including examples clarifying:
 - when a reporting entity is required to identify a legal practitioner acting for or on behalf of a customer;
 - the circumstances in which the identity of a solicitor receiving funds into a regulated trust account needs to be established or verified;
 - what information may appropriately be used to establish the identity and authority of a legal practitioner, including whether professional registration or practising certificate information may be sufficient in appropriate circumstances;
 - the distinction between information required by the AML/CTF legislative framework and additional information collected pursuant to an individual reporting entity's own risk based policies; and
 - how the risk-based approach should interact with principles of proportionality and data minimisation.
92. Greater consistency in the application of customer due diligence requirements would reduce unnecessary data collection and administrative burden while giving practitioners greater confidence when responding to AML/CTF information requests from other reporting entities.

Public awareness of customer due diligence requirements

93. Law practices have reported some resistance from clients when requesting information and identification documents necessary to complete customer due diligence. This includes clients declining to provide requested information, questioning why information is required, and objecting to additional costs associated with complying with AML/CTF obligations.
94. The Society acknowledges that AUSTRAC has undertaken public awareness and education activities in connection with the commencement of the reforms. However, much of the available material appears principally directed towards assisting newly regulated businesses to understand and implement their obligations. There may be benefit in increasing public-facing communications directed specifically at consumers of legal, accounting, conveyancing and other newly regulated professional services. Such communications could explain that requests for identification, information about beneficial ownership, source of funds or wealth, and other customer due diligence information may arise because of statutory AML/CTF obligations rather than being requirements imposed at the discretion of the individual practitioner.
95. Greater public awareness may assist in reducing client resistance, delays in matter commencement and difficult discussions about the need for customer due diligence. It may also assist clients to understand why compliance with these requirements can result in additional work and, consequently, additional professional costs.
96. The Society suggests that the Law Council consider advocating for AUSTRAC to increase its public awareness campaign, with a particular focus on explaining to consumers what information they may be asked to provide to legal practitioners, why that information is required, and the consequences where required customer due diligence cannot be completed.

I trust these comments are of assistance to the Law Council in advocating on behalf of the profession. The Society is appreciative of the efforts of the Law Council to date in this regard.

Please contact me if you have any queries.

Yours sincerely



David Colovic
President