

Snapshot of Key Takeaways from Concise Statement



1

If your Club/Pub has not already, give your Program a health check including to ensure that your designated services list is fulsome.

2

Look at the typologies your Club/Pub has identified in conducting your risk assessment. Check whether you have considered the typologies that have been listed here. If not, make sure that you do.

3

Do you outsource any of your Program? If so, what and how? What oversight does your Club/Pub have of that work?

4

Have a close look at your Club/Pub's risk assessment document, and how it is prepared. Is it fulsome and clear? Document your risk assessment methodology.

5

Review your AML/CTF training. Is it sufficiently clear and address the types of risk the Club/Pub faces, how to spot them and what to do if they are identified?

6

Who did your last independent review? Document out the scope to ensure that it covers what is required by the Act and Rules.

7

Is your transaction monitoring program clear - or vague? You should be able to explain easily why you look at what you do.

8

Is your enhanced customer due diligence program clear - or vague? When you attribute a risk rating to a customer, is it clear what that means? And if you have high risk customers, who considers these persons and whether your Club/Pub continues to do business with them?

This document is provided by way of LCA's summary of the Concise Statement and LCA's takeaways. It is recommended that all Clubs and Pubs read the Concise Statement (hyperlinked on slide 2) carefully, including in considering how it might apply to your individual operations.

If you need direct assistance, LCA can help. Please see Slide 4.

Key Takeaways from the Mounties Concise Statement for Clubs/Pubs



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NOTICE OF FILING

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Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

1. Check your list of designated services in your AML/CTF Program. Some questions you might ask yourself about what is available at your premises:
 - Do you have a **loyalty card**? Can a customer collect credits onto it? Do you have an offering that enables the conversion of points to an EFTPOS-style card? See how AUSTRAC has addressed this at paragraph 3(a) and (b) and then (h) and (i) (bottom page 1, onto page 2 of the Concise Statement).
 - Do you have **Tabcorp electronic betting terminals** in your venue(s)? See how AUSTRAC has addressed the agency arrangement at the top of page 2 of the Concise Statement).
2. Check your ML/TF risk assessment and typologies. AUSTRAC has highlighted, in the case of Mounties, a “combination of ML/TF risks”, paraphrased (by LCA) as follows:
 - **Bill stuffing 1:** cash into a machine → minimal play → TITO → Cheque from cashier.
 - **Bill stuffing 2:** cash into a machine → minimal play → TITO → Payment of winnings at Cashier / CRT (cash below a threshold).
 - **Purchasing winning TITOs:** patron approaches winning player 1 and offers to acquire TITO for face value + X, and then claims winning as his/her own.
 - **Machine takeover:** patron approaches machine player and pays to ‘takeover machine’, then claims TITO and winnings as his/her own.
 - **Customer not beneficial owner of funds:** patron plays on behalf of someone else.
 - **Customer “shops” your Cashiers / CRTs:** to avoid detection. Can be a potential form of structuring.
 - **Potential deception / collusion:** one or more patrons seek to gain the trust of staff and/or collude with staff to avoid ID requirements.

If they are not, consider whether these should be in your typologies risk assessment.

Key Takeaways from the Mounties Concise Statement for Clubs/Pubs (cont.)



3. Does your Club/Pub **outsource any function of its Program to a third party?** For instance, does your Club/Pub:

- have a third party design your AML training program?
- advise you about how and when you need to lodge SMRs?
- conduct your risk assessment for you?
- attend your Committee meetings and talk to AML/CTF issues?

If the answer to any of the above is “yes”, or indeed, if there are other outsourced items (like TMP), think carefully about what it is that you outsource (which is permitted), specifically the oversight you have of that outsourced work.

4. Ensure your Program includes the following key details / artefacts:

- a **risk assessment methodology**, which needs to include how you understand, recognise, identify, mitigate or manage ML/TF risk and how/when the Club/Pub looks at its ongoing risk management obligations;
- when looking at the **likelihood of a risk**, ensure the Program explains **how the rating was derived** and what the rating means (e.g. *it's medium, what now?*); and
- when **documenting your controls**, how are they deployed to mitigate/manage the risk? *Think: you understand the inherent risk, you have implemented a measure to reduce that risk, how does that work in practice?*

For those Clubs/Pubs that have progressed to having a **detailed control register** which sets out which risk factors the controls apply to, ensure that the register also considers how those controls apply to potential typologies.

5. **Is your AML training sufficiently fulsome?** In particular, does it focus sufficiently on the risks you have identified as part of your ML/TF Risk Assessment? *Think: would your employees know what to spot and if they did, what to do next?*

6. When was your **last independent review and was it done by someone who has already conducted a review of your Program?** Consider documenting the scope of the independent review more fulsomely and include:

- required testing of how your Club/Pub implements the Program;
- a presentation to your Board and Senior Management Team; and
- an investigation/analysis of how your Club/Pub provides designated services.

A clear scope in your independent review is recommended by LCA.

7. When was the last time you considered your **transaction monitoring program?** For instance:

- is it clear about what you are looking at, why you are looking at it, who is responsible for administering it?
- when you get data, where does it come from, is it manipulated, what's missing?

At its most basic, if someone were to pick up your TMP - is it clear how your TMP is designed to detect suspicious behaviours, the risks you've identified in your risk assessment and/or large / patterns of transactions?

Key Takeaways from the Mounties Concise Statement for Clubs/Pubs (cont.)



8. When your Club/Pub conducts **enhanced customer due diligence**:

- is it clear from your Program when ECDD is to occur?
- when does a customer's risk rating change and what does that mean?

LCA recommends all Clubs/Pubs consider how they risk rate their customers and what that means for how their Programs respond. For instance, if a customer is a medium risk rating, what does that mean in terms of Club/Pub oversight? Similarly, if a customer is at the highest risk level, what decisions are made at that juncture and by whom within the Club/Pub?

Clubs/Pubs should carefully consider when **source of wealth and source of funds checks are conducted for their patrons and should read pages 14 - 16 (inclusive) carefully.**

Need assistance or wish to discuss?

Please do not hesitate to contact LCA or visit our [website](#) with some useful resources on these issues.



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