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Submission from the Synod of Victoria and Tasmania, Uniting Church in Australia, to the inquiry into the *Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2026*

8 May 2026

The Synod of Victoria and Tasmania, Uniting Church in Australia, welcomes this opportunity to provide a submission to the inquiry into the *Treasury Laws Amendment (Delivering an Efficient and Trusted Tax System) Bill 2026*. We support the passage of the Bill.

We strongly support that the AUSTRAC CEO should not be required to consult before making an instrument if there are exceptional or urgent circumstances to justify making the instrument (subsection 77B(3)). However, given that such power should only be used in very serious circumstances, we are concerned that such an instrument can only be in place for six months (subsection 77C(3)). We urge that the legislation should allow that the AUSTRAC CEO should be able to use subsection 77B(3) and then conduct a 30-day consultation period, after which, if the AUSTRAC CEO is satisfied that the restriction or prohibition is needed can reissued the instrument to extend the duration for up to three years (as per subsection 77C(2)), with the time of the instrument taken to have started from the time the instrument under 77B(3) was made. In that way, a more dangerous product, service, delivery channel or thing is not restricted or prohibited for a shorter period than a less dangerous one. Still, the AUSTRAC CEO cannot make the initial restriction or prohibition longer than three years.

We would hope that if a product, service, delivery channel, or thing is very harmful to the public interest and the common good, the Parliament would pass legislation to permanently prohibit or restrict it after the AUSTRAC CEO issues an instrument. Six months may be too short for Parliament to pass legislation, while three years would ensure it has enough time to act if it believes it is necessary.

The above concern may be addressed if section 77D allows consultation on an extension to be conducted before the original instrument expires, so there is no gap in a prohibition or restriction between the original instrument and the extension instrument. As section 77D does not specify a maximum period for the extension, we assume this means the AUSTRAC CEO can use section 77D to

make the prohibition or restriction permanent, thereby alleviating the need for the Parliament to legislate such a prohibition or restriction.

We are disappointed that the new paragraph 28(2)(e) will remove the requirement on reporting entities to establish whether any person acting on behalf of the customer is a politically exposed person (PEP). The change will make it easier for PEPs to use agents and other people to conceal that they are behind a transaction where that transaction involves money laundering. The fact that the existing obligation exceeds the FATF standard is not grounds for removing it. The Australian Government should be willing to be a global leader in anti-money laundering measures that are effective at preventing or detecting money laundering. The Government should provide evidence that the extra requirement did not deliver sufficient anti-money laundering benefit compared to the extra effort required of reporting entities. We urge the Committee to recommend that the change not be made unless the Government provides the above evidence that the existing obligation is not effective. If the Committee recommends that the change in relation to PEPs in paragraph 28(2)(e) not be proceeded with, it also means that the change to paragraph 32(c) is not needed.

We continue to believe that the Government should make it a priority to address the problem of lawyers abusing Legal Professional Privilege (LPP) to frustrate investigations by Commonwealth law enforcement agencies and regulators into their clients who hold the LPP. We note that the Attorney General's Department held a public consultation on the matter, which closed in February 2025 ([Review of the use of legal professional privilege in Commonwealth investigations - Attorney-General's Department - Citizen Space](#)). Given that the Bill further cements the use of LPP to avoid anti-money laundering suspicious matter reporting, the Committee should ask the Attorney General's Department about what progress it has made in identifying measures to address the abuse of LPP.

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