

# Anti-money Laundering Legislation and Accepting Direct Briefs

▶ Tuesday 29 April 2025

▶ Chair:

▶ Douglas Campbell KC

▶ Presenters:

▶ Juliana Warner (President, Law Council of Australia)

▶ David Marks KC

# Change is coming - & LCA is negotiating

- ▶ What the LCA is doing about AML/CTF in negotiations -
  - ▶ scope,
  - ▶ exemptions,
  - ▶ legal aid, community legal centres, ATSILS,
  - ▶ judge referrals to bar associations/barristers;
  - ▶ government lawyers, government briefs
- ▶ Identifying regulated work
- ▶ Deciding whether to take regulated work
- ▶ The obligations that follow from deciding to take regulated work

# Don't slip into AML designated services

- ▶ Not undertaking regulated work unconsciously -
- ▶ Knowing what is designated work, and mentally checking off each category before accepting a direct brief
- ▶ Monitoring a direct brief, say in a family matter, which turns into a negotiation about property in a conference room outside the courtroom, and dropping the matter at that point potentially.
- ▶ Not undertaking regulated work without fulfilling AML obligations

# What it you do undertake designated services outside the barristers' exception?

- ▶ Then the full disaster of:
  - ▶ Formulating a compliance plan
  - ▶ Implementing a compliance plan
  - ▶ KYC - CDD, EDD
  - ▶ Review/audit of compliance and plan
  - ▶ DD on employees/contractors
  - ▶ Periodic fees and charges (if any)
  - ▶ Reporting - see below as DWM to give an example, and ask for any better examples
  - ▶ Record-keeping
  - ▶ Suspicious transaction reporting
  - ▶ Real life egs still needed for the LPP exemption from suspicious transaction reporting

# Barristers' exception(?)

- ▶ What the barristers' exception actually entails:
  - ▶ Limited to briefs from solicitors, not other professionals
  - ▶ Limited to solicitors who are doing the designated activity
  - ▶ How the Bar can continue to provide advice to accountants and other professionals
  - ▶ Whether Legal Aid and Community Legal Centres will be sufficient for the exception
  - ▶ In-house solicitors not sufficient for the exception(?)
  - ▶ Thus - whether AGS and Crown Law not sufficient for the exception(??)

