



Australian Government

**Australian Transaction Reports
and Analysis Centre**

Explanatory Note for Consultation Purposes

The *Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act 2011* allows a levy to be imposed upon leviable entities. A 'leviable entity' is a reporting entity which has provided a designated service within the previous financial year and is or must have been, enrolled on the 'census day'. Mandatory enrolment is necessary to accurately determine the amount of levy payable by leviable entities.

The census day is the day on which a reporting entity's liability to pay the levy is determined by the AUSTRAC CEO by legislative instrument. This Determination by the AUSTRAC CEO specifies '10 February 2012' as the census day for the 2011-12 financial year.

The census day for subsequent financial years will be 1 July or a day determined by the AUSTRAC CEO by legislative instrument.

The *Human Rights (Parliamentary Scrutiny) Act 2011* (Human Rights Act) came into effect on 4 January 2012. The Human Rights Act introduces a requirement for a Statement of Compatibility to accompany all new disallowable legislative instruments which includes this Determination.

A Statement of Compatibility must contain an assessment of whether the legislative instrument is compatible with the rights and freedoms recognised in the seven core international human rights treaties which Australia has ratified and which are specified in the Human Rights Act.

The Statement of Compatibility for *Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Determination 2012 (No. 1)* will be contained in its Explanatory Statement. AUSTRAC considers that this legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments lists in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.



Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Determination 2012 (No. 1)

*Australian Transaction Reports and Analysis Centre Supervisory
Cost Recovery Levy Act 2011*

I, John Lance Schmidt, Chief Executive Officer, Australian Transaction Reports and Analysis Centre, make this Determination under paragraph 7(1)(a) of the *Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act 2011*.

Dated

2012

John Lance Schmidt

Chief Executive Officer
Australian Transaction Reports and Analysis Centre

1 Name of Determination

This Determination is the *Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Determination 2012 (No. 1)*.

2 Commencement

This Determination commences on the day after it is registered.

3 Determination

The census day for the 2011-2012 financial year is 10 February 2012.

Persons should note that in relation to activities they undertake to comply with the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act 2011, they will have obligations under the Privacy Act 1988, including the requirement to comply with the National Privacy Principles, even if they would otherwise be exempt from the Privacy Act. For further information about these obligations, please go to <http://www.privacy.gov.au> or call 1300 363 992.