AML/CFT¹ Regime for Regulated Dealers

ONBOARDING CONFERENCE

AML/CFT Division Ministry of Law

Jun 2019

OPENING ADDRESS

By the Registrar of Regulated Dealers



Why the new laws, requirements and regime for regulated dealers?

- On-going preventive action
- Safeguard the precious stones and precious metals ("PSPM") sector from money laundering and terrorism financing ("ML/TF")
- Protect Singapore's reputation and preserve trust in the sector



How will the regime be implemented?

- Phased approach
- Shared ownership and responsibility
- Risk-based principles
- Firm and fair regulatory actions



How will the regulator interact with regulated dealers?

Values that underpin our actions/interaction
 Integrity – accountable and mission-focused
 Service – facilitative and collaborative
 Excellence – proactive and innovative

REGULATORY REQUIREMENTS

What am I required to do as a regulated dealer?

By Joanne Koh, Senior Assistant Director/ACD

SINGAPORE > Courts & Crime Education H

4. Rogue lawyer David Rasif absconded with \$11.3m of his clients' money

Took place in 2006:

"In 2010, the Commercial Affairs
Department (CAD) here was able to
recover **\$6.4 million in cash and gold**both here and abroad.

CAD had also been able to seize **40 of the 47 gold bars** that Rasif had bought
for **\$1.65 million** in June 2006."



Took place in 2018:

"...was sentenced to five years and eight months in jail for money laundering.

On Oct 30 and 31 last year, she bought **6kg of gold** bars worth \$344,000 from two jewellery shops...

...collect another **five 1kg gold bars worth \$282,500**. By Nov 1, there were **\$6.7 million in cash and 11kg of gold** in the safe."

Education

 $^{\circ}$





Singapore

4 radicalised Bangladeshi men jailed for 2-5 years for financing terrorism

Took place in 2016:

"Four Bangladeshi nationals... conviction under the Terrorism (Suppression of Financing) Act.

They formed 'lone-wolf **pro-ISIS terrorist** group'.

He had donated \$300 to the cause. Documents on weapons and bomb making...

Four men detained under Internal Security Act."



Singaporean man, 35, charged with providing money to support ISIS propaganda efforts

Courts & Crime

Took place in 2019:

"...provided \$450 to an individual in Turkey on Oct 31, 2014, for the publication of ISIS propaganda.

"This act of providing money in support of terrorist purposes is a serious offence, regardless of the amount, under the Terrorism (Suppression of Financing) Act", said MHA." Money laundering is the process of concealing the proceeds of a crime so that they appear to have originated from legitimate sources.

Money Laundering Cycle

Criminal activities

Collection of criminal proceeds

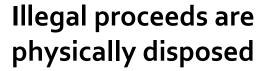
E.g. Proceeds obtained from illegal activities, e.g. drug trafficking, theft

3. Integration

Laundered proceeds placed back into the financial system

E.g. Cash obtained from the sale of precious stones and precious metals banked into an account without detection

1. Placement



E.g. Purchase or sale of precious stones and precious metals using illegal proceeds

Layers of financial transactions created to disguise source

E.g. Repeated transactions involving precious stones and precious metals







MINISTRY OF LAW

Terrorism financing is the funding of terrorism or terrorist groups. Sources of terrorism financing may be legitimate or illegitimate.



Purchase precious stones and precious metals

Purchase precious stones and precious metals in Singapore



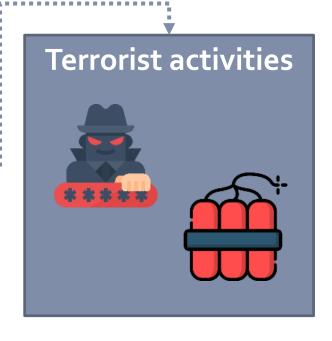
Resale of precious stones and precious metals

Resale of precious stones and precious metals abroad at higher price



Raise funds

Profits derived from sale of precious stones and precious metals



NEW LAW IMPLEMENTED

The Precious Stones and Precious
Metals (Prevention of Money
Laundering and Terrorism
Financing) Act 2019 ("PSPM Act")
came into force on 10 April 2019.

An Act to regulate persons who carry on a business of regulated dealing or as an intermediary for regulated dealing, so as to prevent money laundering and terrorism financing.

* Detailed requirements in the Precious Stones and Precious Metals (Prevention of Money Laundering and Terrorism Financing) Regulations 2019 ("PMLTF Regulations")

| Pa | rt | Key areas to note |
|----|--|--|
| 1 | Preliminary | Definitions of terms used Appointment of Registrar and officers |
| 2 | Registration of regulated dealers | RegistrationRegulatory action |
| 3 | Prevention of money laundering and terrorism financing | Customer due diligence Cash transaction reports Keeping of records Programmes and measures Disclosure of suspicious transactions |
| 4 | Monitoring and enforcement | Powers of monitoring and investigationPower to seize |
| 5 | General offences | Providing false informationObstruction of investigation |
| 6 | General | Disclosure of informationComposition of offencesPower to publish information |

What is covered?

Precious stones, precious metals, precious products and asset-backed tokens ("PSPM").





What is covered?

Precious stones, precious metals, precious products and asset-backed tokens ("PSPM").

Precious products

Any jewellery, watch, apparel, accessory, ornament or other finished product, which is made up of (containing or attached) any PSPM

<u>AND</u>

at least 50% of its value due to the PSPM

Asset-backed tokens

Any token, certificate or other instrument backed by one or more precious metals, precious stones or precious products

That entitles the holder to the precious metal, precious stone or precious product.

What is <u>not</u> covered?

Industrial tools and medical devices.

Any machinery, tool or equipment used for **industrial** purposes.

E.g. crucible, furnace coil.





Any **medical** device listed in the First Schedule of the Health Products Act (Cap. 122D).

E.g. Implants to body parts (knee/tooth implant).







Who is required to register?

Regulated dealers (Persons who carry on a business of regulated dealing, or business as an intermediary for regulated dealing.)

Manufacturing any PSPM

Importing or possessing for sale any PSPM

Selling or offering for sale any PSPM

Selling or redeeming asset-backed tokens

Purchasing any PSPM for the purposes of resale

Who is <u>not</u> required to register?

- Pawnbrokers (regulated under Pawnbrokers Act)
- Financial institutions (regulated by MAS)
- Foreign dealers² (who carry on a business for not more than 90 days in a year, e.g. exhibition, fair.)

²Foreign dealers are subject to transaction-based requirements, except that they are not required to register and not subject to entity-based requirements.

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Entity-based requirements

1

Identify, assess and understand your ML/TF risks.





Develop your internal policies, procedures and controls ("IPPC"), a.k.a. SOP, to prevent ML/TF.





Train your staff in IPPC.



Remember, it is all about managing ML and TF risks!

ML risk

Transaction-based requirements

(1)

Conduct customer due diligence ("CDD")
under certain
circumstances, file
cash transaction
reports ("CTR") for
cash transactions
above S\$20,000.



2

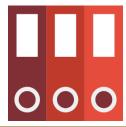
Conduct enhanced customer due diligence ("ECDD") to assess if the customer is of higher-risk.

If found to be suspicious, terminate the transaction and file a suspicious transaction report ("STR").



3

Keep records of designated transactions and related documents for 5 years.



| Section 10(2) Regulatory action | Fine not exceeding \$100,000 . |
|---|---------------------------------------|
| Section 16(6) Customer due diligence | Fine not exceeding \$100,000 . |
| Section 18(5) Keeping of records | Fine not exceeding \$100,000 . |
| Section 19(3) Programmes and measures to prevent money laundering and terrorism financing | Fine not exceeding \$100,000 . |
| Section 20(2) Additional measures relating to targeted financial sanctions, etc. | Fine not exceeding \$100,000 . |
| Section 21(3) Disclosure of suspicious transactions, etc. | Fine not exceeding \$20,000 . |
| Section 22(5) Power to give directions | Fine not exceeding \$20,000 . |

Phase 1

Awareness & Transition

Mar 2019 to Sep 2019 (6 months)

Objectives

- Create awareness of regime
- Drive registration

Channels

- Website, collaterals
- Conference
- Workshops

Phase 2

Phased-In Compliance

Oct 2019 to Sep 2020 (12 months)

Objectives

- Raise AML/CFT awareness
- Facilitate compliance

Channels

- Workshops
- **Compliance Review** Program

Phase 3

Full Compliance

Oct 2020 onwards

Objectives

Level up and sustain AML/CFT standards

Channels

 AML/CFT Training and **Certification Program**

I should read: 📖



 Guidelines for regulated dealers ("Guidelines")
 On how to comply with regulatory requirements

These include:

- Sample risk assessment form
- Sample CDD form
- Sample ECDD form
- Red flag indicators

I must also refer to:



Inter-Ministry Committee-Terrorist Designation ("IMC-TD")

On terrorist designation and legislation for countering the financing of terrorism (https://www.mha.gov.sg/inter-ministry-committee-terrorist-designation-(imc-td))

 Information on targeted financial sanctions and lists of designated individuals and entities

On targeted financial sanctions under the United Nations Regulations

(and-entities.aspx)

I would find it useful to read:

- Financial Action Task Force ("FATF")
 - FATF Recommendations and sector specific risk typologies (http://www.fatf-gafi.org/publications/fatfrecommendations/documents/fatf-recommendations.html)
- FATF reports relevant to PSMD sector
 - ML/TF risks associated with gold
 - (http://www.fatf-gafi.org/media/fatf/documents/reports/ML-TF-risks-vulnerabilities-associated-with*gold.pdf*)
 - ML/TF through trade in diamonds (http://www.fatf-gafi.org/media/fatf/documents/reports/ML-TF-through-trade-in-diamonds.pdf)
- Singapore National Risk Assessment Report

ML/TF risk assessment for Singapore (http://www.mas.gov.sg/regulations-and-financial-stability/anti-money-laundering-countering-thefinancing-of-terrorism-and-target-financial-sanctions/anti-money-laundering-and-countering-thefinancing-of-terrorism/national-risk-assessment.aspx)

CorpPass

On CorpPass related matters

Tel: 6643 0577

Mon – Fri: 8am – 8pm

Sat: 8am – 2pm

Email: support@corppass.gov.sq

Website: https://www.corppass.gov.sq

LicenceOne

On LicenceOne related matters

Tel: 6774 1430

Mon – Fri: 8am – 8pm

Sat: 8am – 2pm Email: <u>licences</u>-

helpdesk@crimsonlogic.com

Website:

https://licence1.business.gov.sg

For enquiries, I may contact:

Suspicious Transaction Reporting Office ("STRO")

On SONAR related matters

Queries relating to CTR/STR report filing/reporting regime:

Email: STRO@spf.gov.sg

Queries relating to SONAR accounts/IT

issues:

Email: SPF_STRO_IT_Team@spf.gov.sq

Personal Data Protection Commission ("PDPC")

On personal data related matters

Tel: 6377 3131

Mon – Thu: 8.30am – 6.00pm

Fri: 8.30am – 5.30pm Online feedback form:

https://apps.pdpc.gov.sq/feedback/feed

back-form



Ministry of Law Services Centre

On PSPM Act related matters

Counter Operating Hours:

Mon – Fri: 8.30am – 5.00pm (Closed on Weekends & Public Holidays)

Enquiry Line Operating Hours:

Tel: 1800-CALL-LAW (1800 2255 529) Mon – Fri: 8.30am – 5.30pm

(Closed on Weekends & Public

Holidays)

Online Enquiry Form:

www.mlaw.qov.sq/eservices/enquiry

Productivity Solutions Grant ("PSG")

To help SMEs adopt IT solutions and equipment to enhance business processes.

Eligible Criteria

- Registered & operating in Singapore
- Have a minimum of 30% local shareholding
- SME only: Group annual sales turnover of S\$100 million or less, or group employment of up to 200 employees
- Applicant's purchase / lease / subscription of IT solutions or equipment must be used in Singapore
 Supportable Activities

Support Level

• Up to 70% of eligible expenses

IT solutions

Pre-scoped IT solutions with pre-qualified vendors. Examples:

- Enterprise Resource Planning System (ERP)
- Accounting Management and Sales Management System
- Customer Relationship Management (CRM)

Equipment

Pre-scoped equipment. Examples:

- RFID scanners/systems
- Vertical Carousel

To find out more, visit Enterprise Singapore ("ESG") website at:

https://www.smeportal.sg/content/tech-depot/en/psg.html

For assistance, contact:

Email: a-star_sme@hq.a-star.edu.sq

Tel: +65 6826 6108

Commercial Database Screening Services

As part of CDD, regulated dealers must take reasonable measures to assess whether the customer is a terrorist/terrorist entity or a designated individual/ entity.

To aid your employees in performing customer screening, you may consider AML customer screening search engines provided by commercial database screening providers.

Find out more at the booths during tea break!



Tea Break

Find out more at the booths!

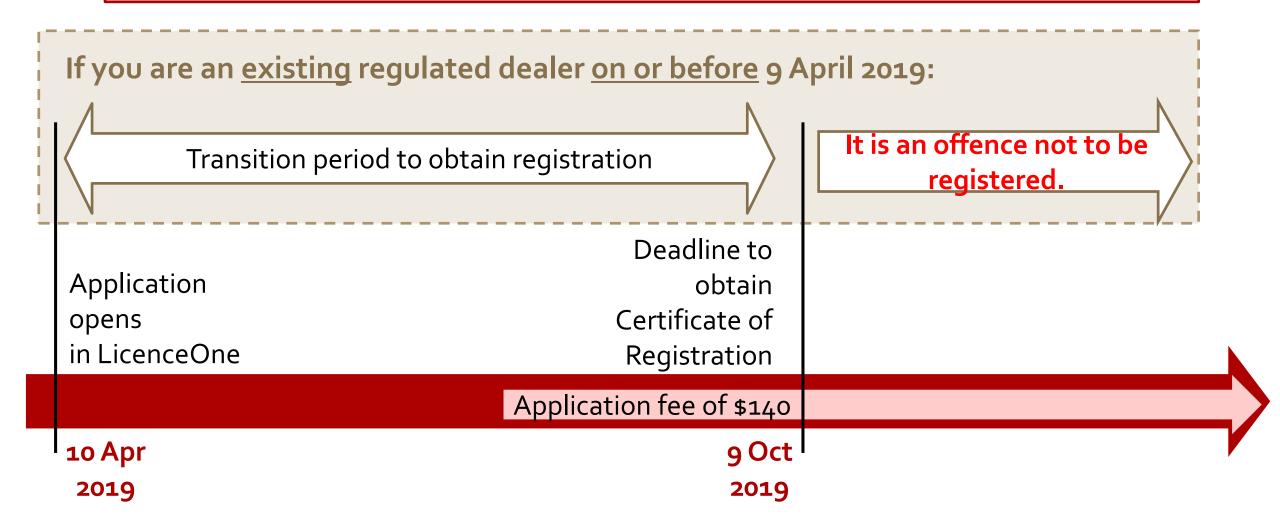
REGISTRATION REQUIREMENTS

It is an offence to act as or hold out to be a regulated dealer unless registered. (Section 6 PSPM Act)

By Chua Jia Leng, Deputy Director/ACD



- Application processing may take up to 3 months, depending on volume received.
- Apply by **30 Jun 2019** to allow sufficient processing time.



Overview of Registration Process

Submit **Your Application**

In **LicenceOne**:

- Complete and submit the application form;
- Choose registration period (1, 2 or 3 years); and
- Pay **S\$140** application fee

Step 2

Registrar **Processes Your Application**

The Registrar may contact you for any clarifications.

If the applicant for registration is, in the opinion of the Registrar, a fit and **proper** person, the Registrar may give inprinciple approval about 3 months after receiving your application.

Step 3

Pay Registration Fee

You must pay a registration fee of S\$300:

- per place of business
- per year of registration

within **7 days** after receiving in-principle approval from the Registrar.

Step 4

Registrar Issues Your Certificate

Within **7 days** after the Registrar receives your payment of the registration fees, the Registrar will email a link to you where you may download the Certificate of Registration.



- Cost recovery
- Keep compliance cost low and sustainable
- Periodic reviews to ensure fees are relevant

Application Fee

(Stage 1 payment in LicenceOne)

- \$140 per new application/ renewal
- For the purposes of section 7(1) of PSPM Act
- To recover costs involved in processing each application

Registration Fee

(Stage 2 payment in LicenceOne)

- \$300 per year per place of business
- For the purposes of section 8(1) of the PSPM Act
- To recover costs involved in processing post-registration issues, e.g. supervision and outreach

Applicant, Director, Managing Director, Manager, Partner, Owner Company Secretary

- Name*
- NRIC/ Passport/ FIN No.*
- Date of birth
- Declaration of
 - (a) any investigations or convictions for offences (excluding parking offences)
 - (b) any lawsuit the person was party to
 - (c) any bankruptcy, insolvency or liquidation
 - (d) any breach of AML/CFT requirements
- * Auto-populated for ACRA-registered entities

Substantial Shareholder

- Name*
- NRIC/ Passport/ FIN/ UEN No.*
- No. of Ordinary Shares*
- Ordinary Share %*
- Voting Share %*
- Declaration of
 - (a) any investigations or convictions for offences(excluding parking offences)
 - (b) any bankruptcy, insolvency or liquidation
 - (c) any lawsuit the person was party to
 - (d) any breach of AML/CFT requirements
- * Auto-populated for ACRA-registered entities

Compliance Officer

- Name
- NRIC/ Passport/ FIN No.
- Date of birth

Place of Business

- Description of place of business
- Address
- Contact No.
- Name of Outlet Manager
- NRIC/ Passport/ FIN No. of Outlet Manager
- Contact No. of Outlet Manager



Learning points so far...

- Follow the Licence One Guide (Step by Step with screenshots) on https://acd.mlaw.gov.sg
- Main issue: Log on to LicenceOne using correct identity

Error: Log on to LicenceOne using SingPass.

Impact:

- X Certificate of Registration granted to the SingPass holder (individual) instead of the business entity.
- X Future amendments / updates to ACRA records NOT auto populated (e.g. new directors, shareholders, company secretary).

√ Log into LicenceOne using CorpPass

- ✓ Certificate of Registration granted to correct entity.
- √ Future amendments / updates to ACRA records auto populated.



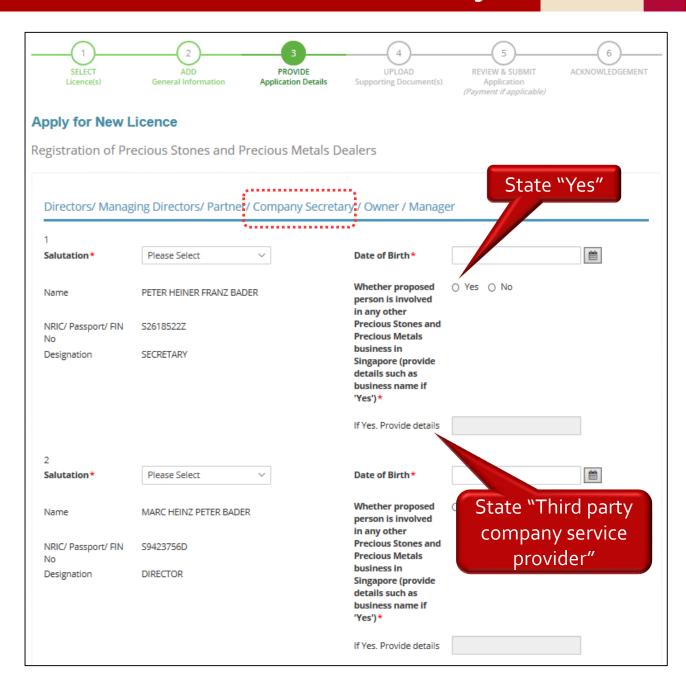
LicenceOne Application Learning Points



Learning points so far...

Are you using a third party company service provider and unable to ascertain whether company secretary is involved in other precious stones and precious metals business in Singapore?

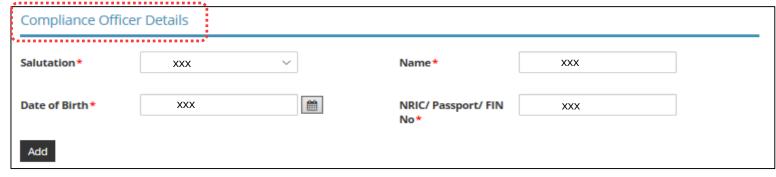
- √ If you are, select "Yes".
- √ In the <If yes, provide details> field, state "Third Party Company Service Provider". No need to list out the other businesses.

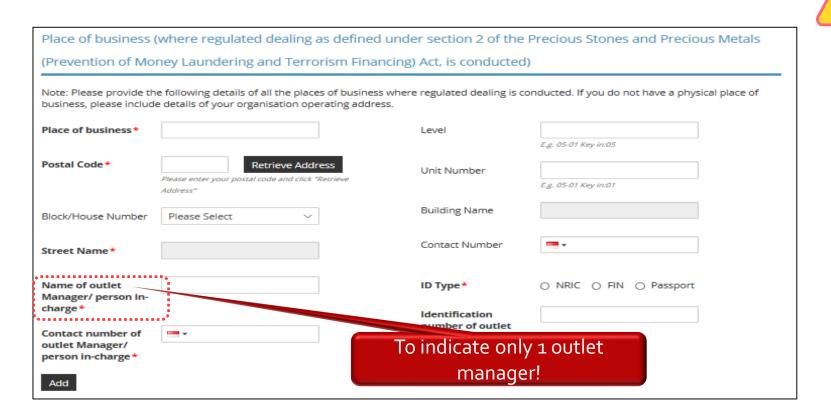


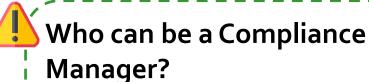
LicenceOne Application Learning Points



Learning points so far...







√ A management level staff from your business.

Who can be an Outlet Manager?

X Do <u>NOT</u> enter multiple outlets if 1 outlet has more than 1 outlet manager. You will be charged registration fees for each outlet added.

√ Enter only 1 outlet manager for each outlet.



Learning points so far...

Error: Submitted multiple applications. e.g. 10 outlets belonging to 1 business entity (1 unique UEN).

Impact:

- X Multiple Certificate of Registration granted to the same business entity.
- X Duplicate application fees paid.

✓ Only need 1 application for each unique business entity (based on UEN).

| ontact number of utlet Manager/ erson in-charge* | ▼ | number of outlet Manager/ person charge* | |
|--|--|--|-----------------------------|
| lame of outlet lanager/ person in- harge * | XXX | ID Type* Identification | O NRIC O FIN O Passport |
| treet Name* | XXX | Contact Number | ■▼ XXX |
| lock/House Number | Please ! XXX | Building Name | XXX |
| ostal Code* | XXX Please enter your postal code and click "Ri Address" | Unit Number | XXX E.g. 05-01 Key in:01 |
| lace of business* | XXX | Level | XXX E.g. 05-01 Key in:05 |

DIALOGUE SESSION

If you have more questions, you may submit an online enquiry form at:

www.mlaw.gov.sg/eservices/enquiry

FEEDBACK FORM

Please provide your feedback on the Onboarding Conference at: https://form.gov.sg/5ccc0ca38dcebc001039204d

or scan the QR code:

