

AML/CFT<sup>1</sup> Regime for Regulated Dealers

# ONBOARDING CONFERENCE

AML/CFT Division  
Ministry of Law

Jun 2019

<sup>1</sup>AML/CFT: Anti-money laundering/countering the financing of terrorism

# OPENING ADDRESS

By the Registrar of Regulated Dealers

I

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

II

How will the regime be implemented?

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

III

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

## ≡ THE STRAITS TIMES

SINGAPORE > Courts & Crime Education Ho

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."

## ≡ THE STRAITSTIMES

SINGAPORE > Courts & Crime Education H

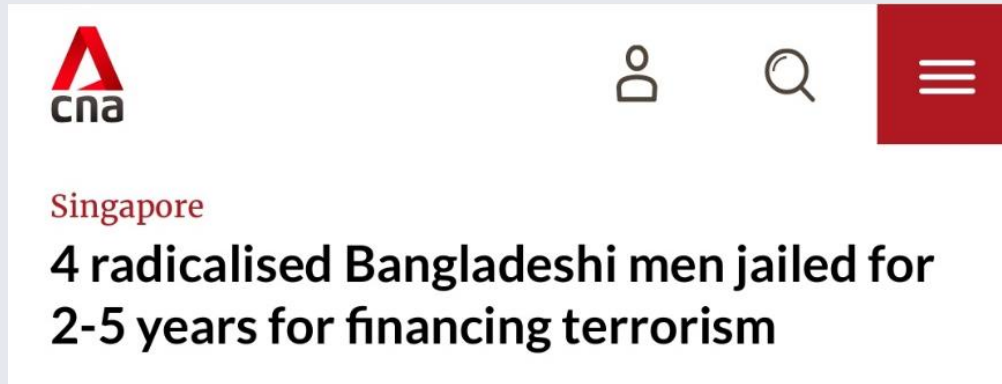
SkillsFuture fraud: \$6.7m cash, 11kg gold kept in Sengkang flat

### 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."



## 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."**

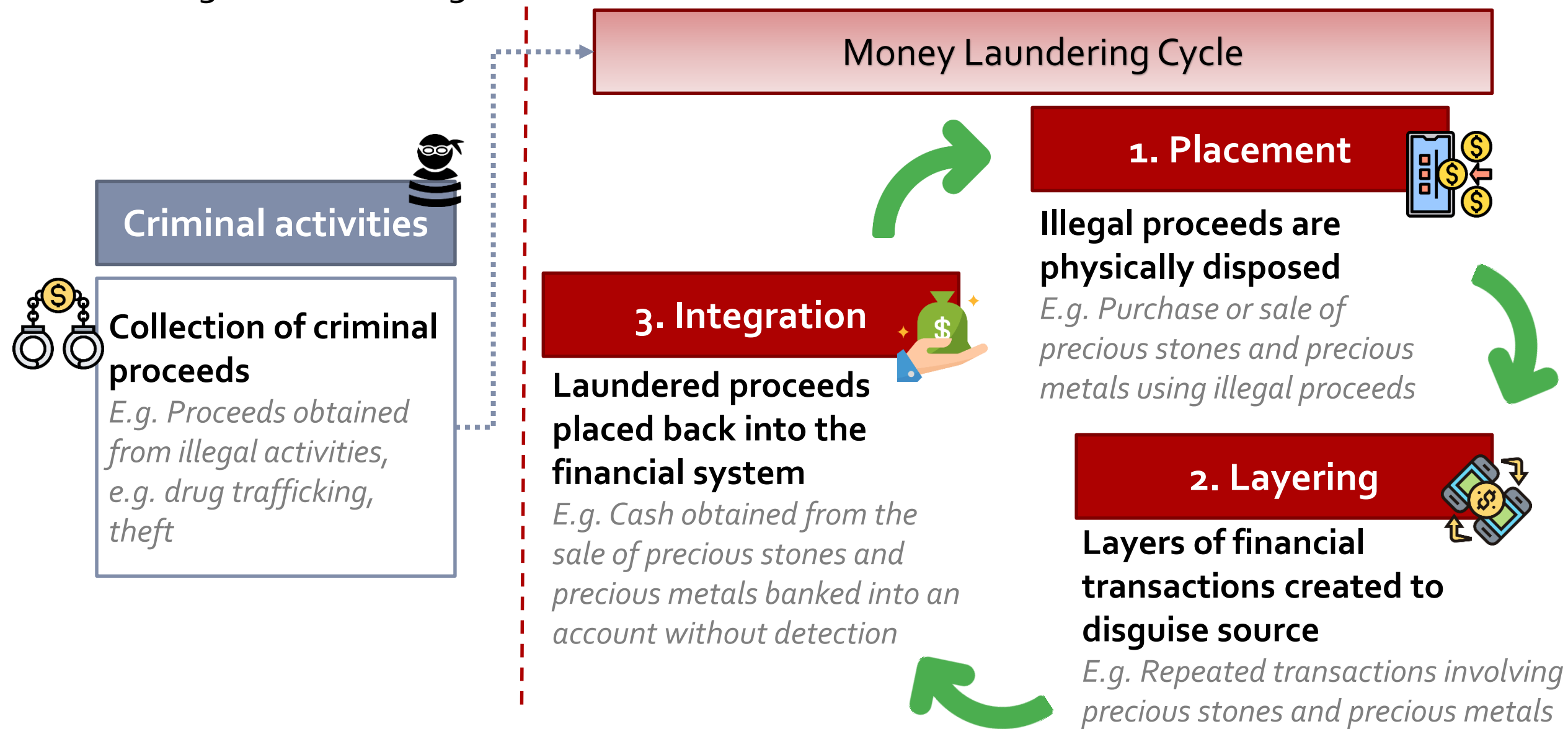


## Took place in 2019:

"...**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.



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

**Terrorist activities**





# 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**")

Part		Key areas to note
<b>1</b>	Preliminary	<ul style="list-style-type: none"> <li>Definitions of terms used</li> <li>Appointment of Registrar and officers</li> </ul>
<b>2</b>	Registration of regulated dealers	<ul style="list-style-type: none"> <li>Registration</li> <li>Regulatory action</li> </ul>
<b>3</b>	Prevention of money laundering and terrorism financing	<ul style="list-style-type: none"> <li>Customer due diligence</li> <li>Cash transaction reports</li> <li>Keeping of records</li> <li>Programmes and measures</li> <li>Disclosure of suspicious transactions</li> </ul>
<b>4</b>	Monitoring and enforcement	<ul style="list-style-type: none"> <li>Powers of monitoring and investigation</li> <li>Power to seize</li> </ul>
<b>5</b>	General offences	<ul style="list-style-type: none"> <li>Providing false information</li> <li>Obstruction of investigation</li> </ul>
<b>6</b>	General	<ul style="list-style-type: none"> <li>Disclosure of information</li> <li>Composition of offences</li> <li>Power to publish information</li> </ul>

What is covered?

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

### Precious stones

Diamond

Sapphire

Ruby

Emerald

Jade

Pearl



### Precious metals

Gold

Silver

Platinum

Palladium

Rhodium

Iridium

Osmium

Ruthenium

Alloy with at least 2% of  
PSPM in weight



## 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

**AND**

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 not 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.)



**Who** is not required to register?

- **Pawnbrokers** (regulated under Pawnbrokers Act)
- **Financial institutions** (regulated by MAS)
- **Foreign dealers**<sup>2</sup> (who carry on a business for not more than 90 days in a year, e.g. exhibition, fair.)

<sup>2</sup>Foreign 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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ML  
risk

TF  
risk

## Entity-based requirements

1

Identify, assess and understand your ML/TF risks.



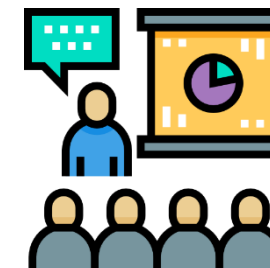
2

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



3

Train your staff in IPPC.



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



ML  
risk

TF  
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.





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

<b>Section 6(2)</b> <b>No regulated dealing without registration</b>	<p>Fine not exceeding <b>\$75,000</b> or imprisonment for a term not exceeding <b>3 years</b> or <b>both</b>.</p> <p>In the case of continuing offence, to a further fine not exceeding <b>\$7,500</b> for every day of part of a day during which the offence continues after conviction.</p>
<b>Section 17(4)</b> <b>Cash transaction reports</b>	<p>Fine not exceeding <b>\$20,000</b> or to imprisonment for a term not exceeding <b>2 years</b> or to <b>both</b>.</p>
<b>Section 27</b> <b>Providing false information to Registrar or authorised officer</b>	<p>Fine not exceeding <b>\$50,000</b> or to imprisonment for a term not exceeding <b>2 years</b> or to <b>both</b>.</p>
<b>Section 28</b> <b>Obstruction of investigation, etc.</b>	<p>Fine not exceeding <b>\$50,000</b> or to imprisonment for a term not exceeding <b>2 years</b> or to <b>both</b>.</p>
<b>Section 39(3)(a)</b> <b>Regulations</b>	<p>Fine not exceeding <b>\$100,000</b> or with imprisonment for a term not exceeding <b>3 years</b> or to <b>both</b>.</p>

## 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-\(imc-td\)](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*

*(<http://www.mas.gov.sg/regulation/anti-money-laundering/targeted-financial-sanctions/lists-of-designated-individuals-and-entities>)*

## 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-the-financing-of-terrorism-and-target-financial-sanctions/anti-money-laundering-and-countering-the-financing-of-terrorism/national-risk-assessment.aspx>)

## For enquiries, I may contact:



### CorpPass

*On CorpPass related matters*

Tel: 6643 0577

Mon – Fri: 8am – 8pm

Sat: 8am – 2pm

Email: [support@corppass.gov.sg](mailto:support@corppass.gov.sg)

Website: <https://www.corppass.gov.sg>

### LicenceOne

*On LicenceOne related matters*

Tel: 6774 1430

Mon – Fri: 8am – 8pm

Sat: 8am – 2pm

Email: [licences-helpdesk@crimsonlogic.com](mailto:licences-helpdesk@crimsonlogic.com)

Website: <https://licence1.business.gov.sg>

### Suspicious Transaction Reporting Office ("STRO")

*On SONAR related matters*

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

Email: [STRO@spf.gov.sg](mailto:STRO@spf.gov.sg)

**Queries relating to SONAR accounts/IT issues:**

Email: [SPF\\_STRO\\_IT\\_Team@spf.gov.sg](mailto:SPF_STRO_IT_Team@spf.gov.sg)

### 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.sg/feedback/feedback-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.gov.sg/eservices/enquiry](http://www.mlaw.gov.sg/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

## Support Level

- Up to 70% of eligible expenses

## Supportable Activities

### 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.sg](mailto:a-star_sme@hq.a-star.edu.sg)

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.

If you are an existing regulated dealer on or before 9 April 2019:

Transition period to obtain registration

**It is an offence not to be registered.**

Deadline to  
obtain  
Certificate of  
Registration

Application  
opens  
in LicenceOne

Application fee of \$140

**10 Apr  
2019**

**9 Oct  
2019**

## Step 1 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 **in-principle approval** about **3 months** after receiving your application.

## Step 3 Pay Registration Fee

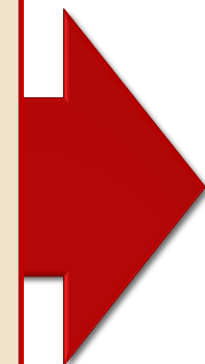
You must **pay a registration fee of S\$300:**

- **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.**



## Key principles & considerations

- 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



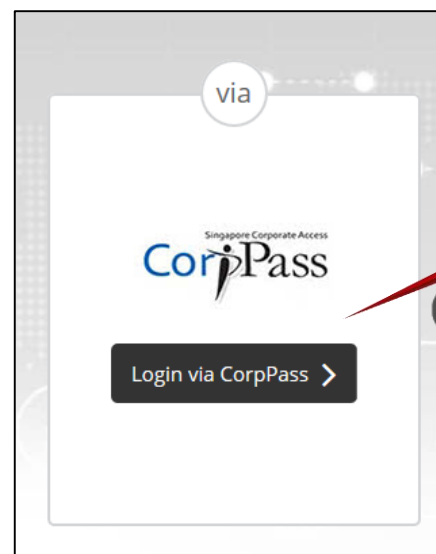
**Error:** Log on to LicenceOne using SingPass.

**Impact:**

- ✗ Certificate of Registration granted to the SingPass holder (individual) instead of the business entity.
- ✗ 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.



Log in using CorpPass!



## 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.

1 SELECT Licence(s)
2 ADD General Information
3 PROVIDE Application Details
4 UPLOAD Supporting Document(s)
5 REVIEW & SUBMIT Application (Payment if applicable)
6 ACKNOWLEDGEMENT

### Apply for New Licence

Registration of Precious Stones and Precious Metals Dealers

Directors/ Managing Directors/ Partner/ Company Secretary/ Owner / Manager

<p>1</p> <p><b>Salutation*</b> <span style="border: 1px solid #ccc; padding: 2px;">Please Select</span></p> <p><b>Name</b> PETER HEINER FRANZ BADER</p> <p><b>NRIC/ Passport/ FIN No</b> S2618522Z</p> <p><b>Designation</b> SECRETARY</p>	<p><b>Date of Birth*</b> <span style="border: 1px solid #ccc; padding: 2px;"></span> </p> <p><b>Whether proposed person is involved in any other Precious Stones and Precious Metals business in Singapore (provide details such as business name if 'Yes')*</b></p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><b>If Yes. Provide details</b> <span style="border: 1px solid #ccc; padding: 2px;"></span></p>
<p>2</p> <p><b>Salutation*</b> <span style="border: 1px solid #ccc; padding: 2px;">Please Select</span></p> <p><b>Name</b> MARC HEINZ PETER BADER</p> <p><b>NRIC/ Passport/ FIN No</b> S9423756D</p> <p><b>Designation</b> DIRECTOR</p>	<p><b>Date of Birth*</b> <span style="border: 1px solid #ccc; padding: 2px;"></span> </p> <p><b>Whether proposed person is involved in any other Precious Stones and Precious Metals business in Singapore (provide details such as business name if 'Yes')*</b></p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p><b>If Yes. Provide details</b> <span style="border: 1px solid #ccc; padding: 2px;"></span></p>

State "Yes"

State "Third party company service provider"





## Learning points so far...

**Compliance Officer Details**

Salutation*	XXX	Name*	XXX
Date of Birth*	XXX	NRIC/ Passport/ FIN No*	XXX

Add

**Place of business (where regulated dealing as defined under section 2 of the Precious Stones and Precious Metals (Prevention of Money Laundering and Terrorism Financing) Act, is conducted)**

Note: Please provide the following details of all the places of business where regulated dealing is conducted. If you do not have a physical place of business, please include details of your organisation operating address.

Place of business*	Level	E.g. 05-01 Key in:05
Postal Code*	Unit Number	E.g. 05-01 Key in:01
Block/House Number	Building Name	
Street Name*	Contact Number	
Name of outlet Manager/ person in-charge*	ID Type*	<input type="radio"/> NRIC <input type="radio"/> FIN <input type="radio"/> Passport
Contact number of outlet Manager/ person in-charge*	Identification number of outlet	

Add

To indicate only 1 outlet manager!



## Who can be a Compliance Manager?

✓ A management level staff from your business.



## Who can be an Outlet Manager?

✗ Do **NOT** 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:**
- ✗ Multiple Certificate of Registration granted to the same business entity.
  - ✗ Duplicate application fees paid.

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

Place of business (where regulated dealing as defined under section 2 of the Precious Stones and Precious Metals (Prevention of Money Laundering and Terrorism Financing) Act, is conducted)

Note: Please provide the following details of all the places of business where regulated dealing is conducted. If you do not have a physical place of business, please include details of your organisation operating address.

Place of business *	<input type="text" value="XXX"/>	Level	<input type="text" value="XXX"/> <small>E.g. 05-01 Key in:05</small>
Postal Code *	<input type="text" value="XXX"/> <input type="button" value="Retrieve Address"/> <small>Please enter your postal code and click "Retrieve Address"</small>	Unit Number	<input type="text" value="XXX"/> <small>E.g. 05-01 Key in:01</small>
Block/House Number	<input type="text" value="Please ! XXX"/>	Building Name	<input type="text" value="XXX"/>
Street Name *	<input type="text" value="XXX"/>	Contact Number	<input type="text" value="XXX"/>
Name of outlet Manager/ person in-charge *	<input type="text" value="XXX"/>	ID Type *	<input type="radio"/> NRIC <input type="radio"/> FIN <input type="radio"/> Passport
Contact number of outlet Manager/ person in-charge *	<input type="text" value="XXX"/>	Identification number of outlet Manager/ person in-charge *	<input type="text"/>

Add more Place of Business instead!

Name of the outlet	Outlet Address	Contact Number	Name of outlet Manager/ person in-charge	ID Type	Identification number of outlet Manager/ person in-charge	Contact number of outlet Manager/ person in-charge

# DIALOGUE SESSION

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

[www.mlaw.gov.sg/eservices/enquiry](http://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:

