AML/CFT¹ Regime for Regulated Dealers

INDUCTION BRIEFING

AML/CFT Division Ministry of Law

og September 2019

PSPMACT

Precious Stones and Precious Metals Dealers ("PSMD") Sector

Money laundering ("ML") 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 from layering banked into an account without detection

1. Placement

Introduction of illegal proceeds into financial system

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

2. Layering

Layers of financial transactions created to disguise source to avoid detection

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

THE STRAITSTIMES

SINGAPORE Courts & Crime Education

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."

Terrorism financing ("**TF**") 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



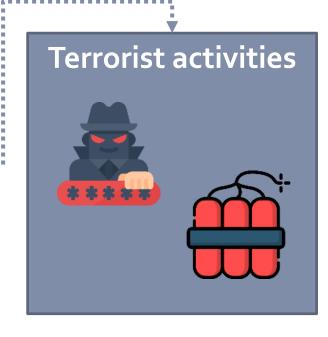
Resale of precious stones and precious metals

Resale of precious stones and precious metals locally or abroad at higher price



Raise funds

Profits derived from sale of precious stones and precious metals



Education









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." Characteristics of precious stones, precious metals and precious products ("PSPM") expose the PSMD sector to ML/TF risks.

Good stores of value

 PSPMs are used to launder criminal proceeds with low risk of value loss

Portable

PSPMs are easy to transport and conceal

Easily convertible to cash

 PSPMs are used to support or finance illicit activities as it is difficult to trace original ownership or true value 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.

New law implemented on 10 April 2019

PSPM Act

Precious Stones and Precious Metals (Prevention of Money Laundering and Terrorism Financing) Act 2019 ("PSPM Act")

PMLTF Regulations

Precious Stones and Precious Metals (Prevention of Money Laundering and Terrorism Financing) Regulations 2019 ("PMLTF Regulations")

Guidelines

Guidelines for Regulated Dealers ("Guidelines")



Register with the Registrar of Regulated Dealers

Entity-based requirements

Conduct **ML/TF risk assessment** with measures to address the risks

Develop internal policies, procedures and controls ("IPPC"), including:

- train your employees
- conduct independent audit for regulated dealers which conduct cash transactions exceeding \$\$20,000

Transaction-based requirements

Conduct Customer Due Diligence ("CDD")

Conduct Enhanced Customer Due Diligence ("ECDD")

File Cash Transaction Reports ("CTR")

File Suspicious Transaction Reports ("STR")

Keep records for 5 years



TRANSACTION-BASED













CTR

- File a CTR within 15 business days after any designated transaction.
- The CTR could be filed electronically via Suspicious Transaction Reporting Office Online Notices and Reporting Platform (<u>SONAR</u>) at https://www.police.gov.sg/sonar.
- A copy of the CTR need to be kept for a period of 5 years from the date of transaction.
- It is an offence not to lodge CTR.

STR

- File a STR immediately or at the earliest opportunity when:
 - 1. CDD could not be performed/ completed.
 - 2. Any suspicion of money laundering and/or terrorist-related activity.
- The STR could be filed electronically via <u>SONAR</u> at https://www.police.gov.sg/sonar.
- The STR has to be kept for 5 years from the date of transaction and remain **confidential to protect the identity of the informer**.
- It is an offence not to lodge STR.





How to submit CTR and STR, for example:



Register for SONAR user account at https://www.police.gov.gg/sonar.





Submit **CTR** Form NP 784 within **15 business days**, and/or

submit **STR immediately**

via **SONAR**.





Keep a copy of the CTR/STR for 5 years.





Example of Transaction-Based Requirements

SAMPLE

Step 1a: When to conduct CDD?

- For designated transactions that exceed \$\$20,000 in cash or cash equivalent; or
- ii. Suspicion of money laundering; or
- iii. Doubts about previously obtained CDD information

Step 1b: How to conduct CDD?

- i. Obtain, record and verify customer's particulars
- ii. Obtain, record and verify beneficial owner's particulars (if any)
- iii. Check customer against listings for terrorist designation and designated individuals and entities
- iv. Check if customer is a politically exposed person (PEP)

Step 2a: When to conduct ECDD?

- i. The customer is defined as a PEP;
- ii. There is a match against the FATF list of high-risk countries; or
- iii. Customer fits the profile of a

Step 2b: How to conduct ECDD?

- . Establish customer's income level, source of wealth and funds
- ii. Obtain approval from senior management to proceed with the transaction
- iii. Perform enhanced on-going monitoring of the transacti



ML risk TF risk

Transaction-Based Requirements

1

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



2

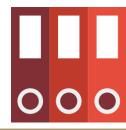
Conduct enhanced customer due diligence ("**ECDD**") to assess if the customer is of higher-risk.

If found to be suspicious, terminate the transaction and file a **STR**.



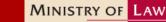
3

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





Refer to the Guidelines on "Customer Due Diligence", "Enhanced Customer Due Diligence" and "Record Keeping"



When to conduct CDD?



Designated Transaction

> S\$20,000 cash or cash equivalent.





Suspicion of money laundering ("**ML**") or terrorism financing ("**TF**").





Doubts on the veracity or adequacy of information from earlier CDD (e.g. for existing customers).



Refer to the **Guidelines** on "**Customer Due Diligence**" and "**Annex D** – Red Flag Indicators for Regulated Dealers"



How to conduct CDD, for example:

1

Obtain, record and verify customer's identifying information.





Screen customer against terrorists designations and lists of designated individuals and entities, and assess ML/TF risk.





Any **positive hits** from screening?

If yes – stop transaction & report to police.

If no – proceed with transaction.





Anne	ι E Sample CDD Form		SAMPLE	
Customer Due Diligence (CDD)				
EODN	/I A – Customer's Particulars			
FURI	A - Customer's Particulars			
Name	e of regulated dealer:	Date:		
Name	e of employee:	Signature of employee:		
A1. C	ustomer's Particulars (For Individuals)			
1.	Transaction number:			
2.	Date/Time of transaction:			
3.	Transaction value:			
4.	Description of PSPM:			
5.	Full name (including any alias):			
6.	Date of birth:			
7.	Residential address:			
8.	Contact No:			
	'Allar'			



Customer Due Diligence (CDD)					
FORM B – Check customer's name against	t lists on:				
 Terrorist designation 					
Sanctions lists on designated individuals and entities					
 FATF public list of high-risk and oth 	her monitored jurisdictions				
*Note: This form should <u>not</u> be shown to t	the customer.				
Name of regulated dealer: Date:					
Name of employee: Signature of employee:					
D1 Charle Assistations on Township Design	ustian and Dasimated Indivi-	duals and Futities			
B1. Check Against Lists on Terrorist Designation and Designated Individuals and Entities					
	nistry of Home Affairs ("MHA")'s website on the Inter- Any match?				
Ministry Committee on Terrorist Des	Ministry Committee on Terrorist Designation ("IMC-TD") on ☐ Yes/☐ No				
terrorist designation (persons and entities designated as					
terror					



When to conduct ECDD?



Politically-exposed person ("PEP"), relatives or close associates of PEP.



or jurisdiction.
(Current examples:
North Korea, Iran,
refer at:
www.fatfgafi.org/countries/#
high-risk)



Person with high money laundering/terrorism financing risks.





How to conduct ECDD, for example:



source of wealth and source of funds.





Obtain approval from senior management before entering or continuing transaction. File STR if necessary.





Conduct **enhanced ongoing monitoring** of the transaction.





Annex D Red Flag Indicators for Regulated Dealers



The list is not exhaustive and may be updated due to changing circumstances and new methods of laundering money or financing terrorism. Regulated dealers are to refer to STRO's website for the latest list of red flags.

Red Flag Indicators: Customers

Transaction Patterns

- i) Transactions that are not consistent with the usual profile of a customer:
 - (a) Transactions that appear to be beyond the means of the customer based on his/her stated or known occupation or income; or
 - (b) Transactions that appear to be more than the usual amount for a typical customer of



Annex F Sample ECDD Form

SAMPLE

Enhanced Customer Due Diligence (ECDD)

*Note: This form should <u>not</u> be shown to the customer.

Where ECDD is conducted, to attach completed (1) CDD Form A, (2) CDD Form B and (3) ECDD Form, together with copies of all supporting documents.

Name of regulated dealer:	Date:
Name of employee:	Signature of employee:

Α.	Income Level, Source of Wealth and Source of Funds				
1.	Establish the following (by reasonable	Income level:			
	means e.g. internet scanning and careful				
	enquiries with the customer):	Source of wealth:			
	a. incom level;	Source of funds:			
	b. so ealth re of				



((I)

When to stop a transaction?

To stop the transaction and consider filing a STR when:

You are unable to perform or complete any CDD; or when you have reason to suspect that the transaction or customer(s) involved may be connected with ML/TF.

To stop the transaction and report to the police when:

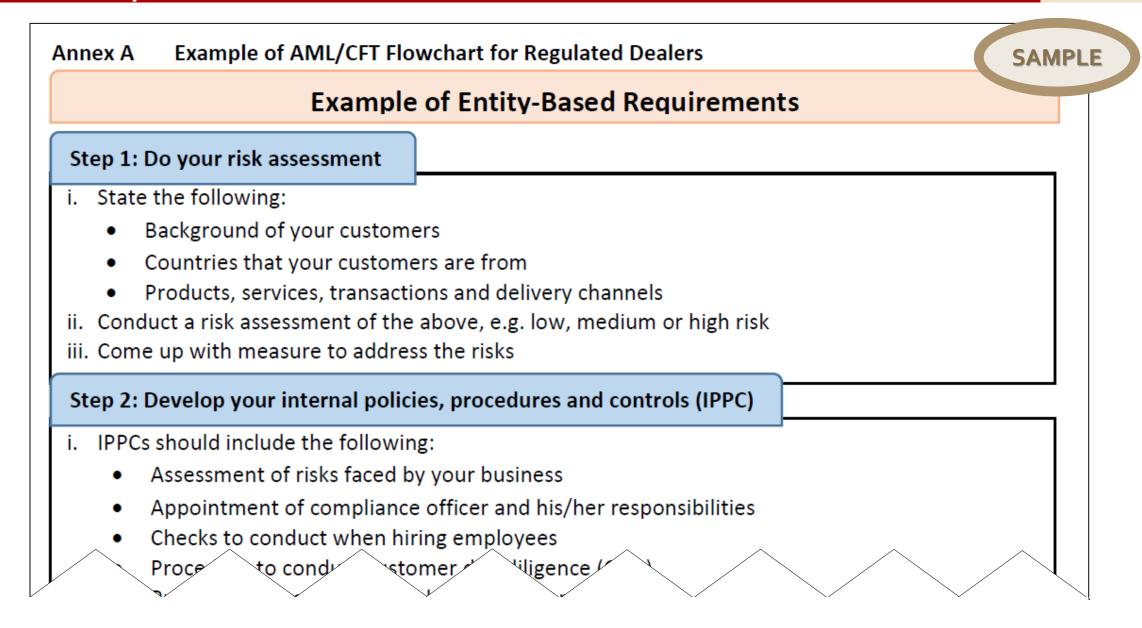
You suspect that the customer is in the listings for terrorist designation and designated individuals and entities.



ENTITY-BASED REQUIREMENTS











Conduct Risk Assessment, for example:

1

Customer risk.



2

Country risk.



3

Product and **Services** risks.





CALABLE	
SAMPLE	

Annex B Sample Risk Assessment Form

Name of regulated dealer:	Date of risk assessment:
---------------------------	--------------------------

A. Background of customers in the previous year

Background	Number of transactions		Low risk	Medium risk	High risk	Measures to address risk ²¹
E.g. Foreign	E.g. 10	E.g. 10/50 X 100 (total no. of transactions) = 20%				
E.g. Local	E.g. 40	E.g. 80%				
Etc.	Etc.	Etc.				





Develop IPPC, for example:



Appoint **Compliance Officer**.





Conduct **employee checks** when hiring.





Train your staff in internal policies, procedures and controls ("IPPC").





Refer to the Guidelines on "Programmes and Measures to Prevent Money Laundering and Terrorism Financing"

SAMPLE

Annex C Sample IPPC Document

Note: Regulated Dealers need to develop and document a set of IPPC which must cover the requirements stated in the Guidelines. Regulated dealers may refer to this sample to customise IPPCs that are appropriate for their business.

Cover Page

Document title: Internal Policies, Procedures and Controls

Name of regulated dealer:

Version Control Record

	Version	Release Date	Key Changes	Author	Approved by
					Senior Management
/		6 119	eleas	XX	





OTHER REGULATORY REQUIREMENTS







Other Measures:

Ongoing monitoring of transactions.





Record keeping for 5 years.





Assess if customer is terrorist or designated person under the United Nations Act.

> Subscribe to MAS website for alert updates.

Regulation Focus Areas



Anti-Money Laundering Enforcement





Refer to the **Guidelines** on "**Ongoing monitoring of Transactions**", "**Record Keeping**" and "Additional Measures Relating to Targeted Financial Sanctions"

Duty to notify change in place of business:

- Carrying out any regulated activity not specified in application
- Ceasing to carry out regulated activity

Duty to notify Registrar of change in particulars and circumstances:

- Change in business name or registered office
- Change in address
- Change in telephone, email, fax
- Change in key personnel
- Application for bankruptcy
- Winding up
- Investigation or criminal proceedings



Collect Customer Information

- As part of the CDD processes, regulated dealers must **obtain, record and verify** customer's identifying information through independent and credible sources.
- This can be done by verifying the customer's identity card, passport or other **government-issued identity document**, which should bear the **photograph** of the customer.

PAYROLL TAX ACT



Laws Requiring Collection of NRIC Number by Organisations

PSPM Act is listed in the Personal Data Protection Council ("PDPC") website
requiring regulated dealers to collect individual's NRIC or other national identification
number under the law.

PRECIOUS STONES AND PRECIOUS METALS (PREVENTION OF MONEY LAUNDERING AND TERRORISM FINANCING) ACT

PRIVATE EDUCATION ACT



Regulated dealers who fail to comply with or contravene any provision in the PSPM Act shall be guilty of an offence, and shall be liable on conviction to a:



or



or



For example:

Section 18(5) Keeping of records

• Fine not exceeding \$100,000

Section 27 – Providing false information to Registrar or authorized officer

Fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both



I should read:

Resources for Regulated Dealers



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

These include:

- Example of AML/CFT flowchart for regulated dealers
- Sample risk assessment form
- Sample IPPC document
- Sample CDD form
- Sample ECDD form
- Red flag indicators

(https://acd.mlaw.gov.sg/guidancematerials/)

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 and lists of designated individuals and entities under the United Nations Regulations

(https://www.mas.gov.sg/regulation/anti-money-laundering/targetedfinancial-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 (https://www.mas.gov.sg/publications/monographs-or-information-paper/2014/national-risk-assessment)

CorpPass

On CorpPass related matters

Tel: 6643 0577

Mon – Fri: 8am – 8pm

Sat: 8am – 2pm

Email: support@corppass.gov.sg

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: <u>SPF_STRO_IT_Team@spf.gov.sg</u>

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/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.gov.sg/eservices/enquiry

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To Do:

Subscribe to MAS website

 Subscribe to alerts for updates to the lists here: <u>https://www.mas.gov.sg/subscription-services</u>



2

Create your **SONAR**user account

 Sign up for your SONAR user account here: https://www.police.gov.sg/sonar



Perform **risk assessment** <u>and</u>
develop **IPPC**

- Document the ML/TF risk assessment, and develop IPPC
- Onboarding Workshop designed for your Compliance Officer



Check the ACD website and your emails regularly

- Updates to guidance materials and events are at the ACD website:
 - https://acd.mlaw.gov.sg
- Notifications are sent to you via email



Subscribe to MAS website

 Subscribe to alerts for updates to the lists here: <u>https://www.mas.gov.sg/subscription-services</u>

Step 1	Subscriber Services Get notified whenever news and updates are posted on this website.		■形数形 画
	* refer to mandatory field. *First Name Last Name		
	First Name	Last Name	3 2 3 4 1 2 X
	*Email	*Organisation	







Create your **SONAR** user account

• Sign up for your SONAR user account here:

https://www.police.gov.sg/sonar



WHAT YOU NEED

<u>Information</u> on registration for SONAR Account, instruction guides and forms.

TO PF	ROCEED
	Login via CorpPass
(For Bus	sinesses and employees of businesses submitting reports to STRO)

Step 3	3
--------	---

UEN/ENTITY ID	0
CORPPASS ID	0
Password	0
Remember Entity ID	0
orgot Entity / CorpPass ID.or Password	



Perform **risk assessment** <u>and</u> develop **IPPC**

- Document the ML/TF risk assessment, and develop IPPC
- Onboarding Workshop designed for your Compliance Officer

Step 1

- Compliance Officer may refer to Annex B available in the Guidelines
- Perform ML/TF risk
 assessment of your business
 and document it

Annex B Sa	mple Risk Asse	essment Form			
Name of regulated dealer:					
A. Background of customers in the pre					
Background	Number of	% of tota			
	transactions	transactions ²⁰			
F.a. Eareign	F_0_10	F.a			

Step 2

- Compliance Officer may refer to Annex C available in the Guidelines
- Develop the IPPC and document it
- Train your staff in IPPC

Annex C Sample IPPC Document

Note: Regulated Dealers need to develop a requirements stated in the Guidelines. Regulate that are appropriate for their business.

Cover Page

Document title: Internal Policies, Procedures ar

Step 3

- Your Compliance Officer may attend the Onboarding Workshop if further guidance is preferred
- Look out for our invitation email





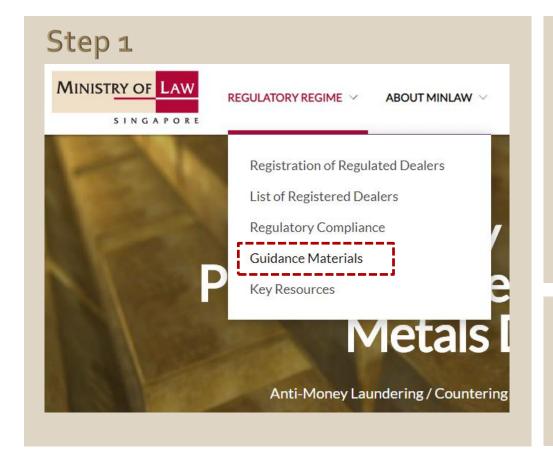


Check the ACD website and your emails regularly

 Updates to guidance materials and events are at the ACD website:

https://acd.mlaw.gov.sg

Notifications are sent to you via email.



Step 2

2. Guidelines for Regulated Dealers in the Precious Stones and Precious Metals Dealers Sector on Anti-Money Laundering/Countering the Financing of Terrorism ("Guidelines")

The Guidelines are meant to help regulated dealers understand the regulatory requirements under the Precious Stones and Precious Metals (Prevention of Money

Step 3

The sample forms and checklists in the Annexes of the Guidelines are also available in MS Word format for ease of editing.

Question & Answer 44 MINISTRY OF LAW



Where can I find more information about the regulatory regime?

Answer:

You can find more information on the Anti-Money Laundering/Countering the Financing of Terrorism Division's website at https://acd.mlaw.gov.sg/.

Question 2:

How do I inform ACD if there is a change to my Outlet Manager?

Answer:

You must notify the Registrar at least 14 days before any change. You will need to submit an online request at https://www.mlaw.gov.sg/eservices/enquiry/ before amending your profile via LicenceOne portal (https://licence1.business.gov.sg).

Question 3:

When do I need to conduct Customer Due Diligence ("CDD")?

Answer:

When there is:

- Designated transaction > S\$20,000 cash or cash equivalent
- 2) Suspicion of money laundering or terrorism financing
- 3) Doubts on the veracity or adequacy of information from earlier CDD.

Question 4:

How do I file Cash
Transaction Report
("CTR") and/or
Suspicious Transaction
Report ("STR")?

Answer:

You need to register for the SONAR user account at https://www.police.gov.sg/sonar to file the CTR/STR online. Submit the CTR within 15 business days, and STR immediately.

Can I use my own Customer Due Diligence ("CDD") form?

Answer:

The sample CDD and various forms in the Guidelines are provided as a guide. You may develop or customize the form for your use.

Question 6:

What are my responsibilities as a regulated dealer?

Answer:

You may refer to the Guidelines on the regulatory requirements and how to comply with the requirements.

FEEDBACK FORM

Please provide your feedback on the Induction Briefing at:

https://go.gov.sg/formfeedback

or scan the OR code:



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

www.mlaw.gov.sg/eservices/enquiry