

# Scams – Risk & regulatory overview

**AUSTRAC**

- Identification of potential money laundering and / or terrorist financing
- Transaction monitoring, suspicious matter reporting and general transaction monitoring requirements

**ABA**

- Additional obligations for vulnerable customers, including increased training for staff
- ABA action for non-compliance
- Adherence to commitments under Scam-Safe Accord

**ASX**

- Consideration of continuous disclosure obligations
- Financial loss reporting
- Impact to share price and shareholders
- Corporate Governance standards

**APRA**

- Compliance with general operational risk and cybersecurity requirements under APRA prudential standards
- Implications under FAR

**OAIC**

- Potential data protection / privacy issues, including the secure storage of data
- Mandatory breach reporting notification requirements



**Australian Government**

- Scams Prevention Framework – which establishes scam prevention principles in legislation - public consultation for this Framework closes 4 October 2024

**ASIC**

- Potential breach of general obligation to ensure financial services are provided efficiently, honestly and fairly
- Reportable situation considerations
- Expectations regarding anti-scam frameworks (REP 761/790) and assessment of maturity of anti-scam practices – identify opportunities to uplift governance, capability and culture

**AFCA**

- Increased external dispute resolution complaints and settlements
- Potential for systemic issue findings, associated remediation costs and increased levies

**ACCC**

- Participation in the National Anti-Scam Centre (**NASC**)
- Increased regulatory oversight to ensure institutions taking steps prevent / mitigate losses arising from scams

**Global trends**

- UK - from October 2024, payment firms required to reimburse victims of authorised push payment (**APP**) scams
- US – bill introduced in August 2024 seeking to oblige payment providers to reimburse victims of APP scams
- Evolving case law regarding liability

