



OnCourse Anti-Money Laundering, Counter-Terrorism Financing and Sanctions Policy

Policy Statement

OnCourse is committed to preventing, detecting and deterring Money Laundering and Terrorism Financing (ML/TF). OnCourse renounces all forms of terrorism and will not support, tolerate or encourage terrorism or the activities of those who embrace terrorism and will make every reasonable effort to ensure that its resources are not used to facilitate terrorist activity. In addition, OnCourse complies with relevant Anti-Money Laundering and Counter-Terrorism Financing (AML/CTF) laws and relevant Economic and Trade Sanctions (**Sanctions**) laws in the jurisdictions in which it operates: Australia and Kenya.

Purpose

The purpose of this Policy is to ensure:

- There is commitment to compliance with relevant AML/CTF and Sanctions laws
- There are measures and controls in place to identify, mitigate and manage ML/TF risks in the jurisdictions OnCourse operates in (Kenya and Australia)
- There is guidance on the meaning of ML/TF and Sanctions and how to comply
- Governance and responsibilities for ML/ TF and Sanctions risk management are clear

OnCourse Board Commitment

The OnCourse Board are committed to complying with all relevant AML/CTF and Sanctions laws and are committed to ML/ TF and Sanctions risk management.

Roles and Responsibilities

The OnCourse Board are responsible for ensuring all employees, volunteers, partners and third parties are made aware of their AML/CTF and Sanctions responsibilities. They are also responsible for implementing an AML/CTF and Sanctions risk management framework. In addition, all employees are expected to be accountable for their own actions and to avoid activities that involve ML/TF and non-compliance with the relevant AML/CTF and Sanctions laws including this Policy.

Scope

This Policy applies to all OnCourse employees, volunteers, partners and third parties of OnCourse and applies to the Kenyan and Australian jurisdictions in which OnCourse operates.

Related Policies and Procedures

- OnCourse Anti-Money Laundering, Counter-Terrorism Financing and Sanctions Procedure



- OnCourse Volunteer Code of Conduct
- OnCourse Financial Management Framework
- OnCourse Constitution
- OnCourse Child Protection Policy

Legislative Requirements

OnCourse must comply with Australian law and Kenyan Law where it operates. Relevant legislation includes:

- *Charter of the United Nations Act 1945 (Cth)*
- *Autonomous Sanctions Act 2011 (Cth)*
- *Criminal Code Act 1995 (Cth)*

What is Money Laundering (ML), Terrorism Financing (TF) and Sanctions

ML - the process by which proceeds from an illegal/criminal activity (“dirty money”) are disguised to conceal their illicit origins to make it appear legitimate “clean money” by putting it through a series of transactions (“laundering”).

TF - simply defined as using money to fund terrorism.

The link between ML and TF – The techniques used for ML and TF are similar as both have to do with concealment and disguise. ML is the process of concealing proceeds of crime, while TF conceals the usage of funds for terrorism and can also be the proceeds of crime. The biggest difference is that TF can involve funds from both legal and illegal sources. Such legitimate sources may include donations to charities that may in turn be used to support terrorist activities or terrorist organisations.

Sanctions – measures which include targeted financial sanctions which prohibit making assets of any kind available to a listed person or entity or using or dealing with a listed person or entity’s assets. It is a serious criminal offence making assets of any kind, including funds available to a listed person or entity, or to use or deal with a listed person or entity’s assets.

Listed Persons or Entities – means any person or entity which appears on either of the following lists:

1. “The Consolidated List” – a list of all persons and entities subject to targeted financial sanctions under United Nations Security Council (UNSC) decisions and maintained by the Department of Foreign Affairs and Trade (DFAT)
2. “List of Terrorist Organisations” – organisations which have been proscribed by the Australian Government as terrorist organisations under the *Criminal Code Act 1995 (Cth)* because they advocate the doing of a terrorist act (regardless of whether or not a terrorist act occurs), or because they are directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (regardless of whether or not a terrorist act occurs). The list is maintained by the Attorney-General’s Department.



OnCourse's Approach to AML/CTF and Sanctions

The following outlines OnCourse's approach to AML/CTF and Sanctions:

- OnCourse complies with AML/CTF and Sanctions laws in the both Kenya and Australia jurisdiction in which it operates
- OnCourse has regard to international best practice principles and guidance for Non-Profit Organisations (NPO) and its AML/CTF and Sanctions risk management framework is based on:
 - the Australian Government Safeguarding Your Organisation Against Terrorism Financing Guidance for NPOs (2009)
 - the Australian Charities and Non-For Profits Commission (ACNC) Anti-Terrorism Checklist
 - the joint Australian Transaction Reports and Analysis Centre (AUSTRAC) and ACNC ML/TF Risk Assessment for NPOs (2017)
 - the Office of the Commissioner of Charities Protecting Your Charity Against Money Laundering and Terrorism Financing Guidance (2015)
- OnCourse may decide not to conduct activities, form relationships or provide services guided by its risk appetite, social responsibility or reputational risk
- OnCourse maintains and complies with an AML/CTF and Sanctions Procedure

Risk Appetite

Risk appetite is the maximum level of risk that OnCourse is prepared to accept in the normal course of operations. OnCourse takes ML/TF risks very seriously and seeks to take reasonable steps to minimise the risk of ML/TF activities. Activities or relationships representing elevated ML/TF risk will be reviewed and approved or declined by the OnCourse Board. The following sit outside OnCourse's Risk Appetite:

- Terrorists (individuals who have been criminally convicted of terrorism-related offences in Australia and Kenya)
- Listed persons and entities on the "DFAT Consolidated List"
- Listed terrorist organisations under the Criminal Code (i.e. the "List of Terrorist Organisations").
- Remittance providers/unregulated financial providers (given the higher ML/TF risks associated with third-party remittance services, OnCourse conducts all transactions via regulated financial channels)

Training

All OnCourse employees, volunteers, partners and third parties must read this Policy and employees must also read the AML/CTF and Sanctions Procedure at onboarding. Employees and partners must sign an attestation stating they have read and understood the contents of the document/s and this attestation must be retained by OnCourse.

Policy Governance

Policy Review



This Policy is reviewed annually at a minimum by the OnCourse Board and following any material changes to AML/CTF and Sanctions laws or laws affecting NPOs.

Consequences of Non-Compliance

All OnCourse employees, volunteers, partners and third parties of OnCourse are required to read this Policy and understand how it applies to them. Non-compliance with this Policy may result in disciplinary action. Examples of non-compliance with this Policy include, but are not limited to, the following:

- Conducting transactions using remittance providers/unregulated financial channels
- Failing to conduct screening on key individuals, entities or partners against the “DFAT Consolidated List” and the “List of Terrorist Organisations”

Policy Implementation

The OnCourse CEO is the Policy Owner and is responsible for approving it.

Policy Version Control

Version No.	Date	Approved By	Description of Change
1.0	December 2017	Jack Mannix	Implementation