

Queensland



FINANCIAL TRANSACTION REPORTS ACT 1992

Act No. 29 of 1992

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Financial Transaction Reports Act 1992

Act No. 29 of 1992

An Act to provide for the giving of further information in relation to suspect transactions reported under the *Financial Transaction Reports Act 1988* of the Commonwealth and the giving of information in relation to other suspect transactions, and for related purposes

[Assented to 23 June 1992]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows.

Short title

1. This Act may be cited as the *Financial Transaction Reports Act 1992*.

Commencement

2. This Act commences on a day to be fixed by proclamation.

Object of Act

3. The object of this Act is to facilitate the enforcement of the laws of the State.

Interpretation

- 4.(1) In this Act—

“**Commonwealth Act**” means the *Financial Transaction Reports Act 1988* of the Commonwealth;

“**court**” includes any tribunal, authority or person having power to require the production of documents or the answering of questions;

“**protected information**” means information that is obtained under this Act.

- (2) Unless the contrary intention appears, expressions used in the Commonwealth Act have the same respective meanings in this Act.

Act binds Crown

5. This Act binds the Crown in right of the State and, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

Further reports of suspect transactions

6.(1) If a cash dealer communicates information to the Director under section 16(1) of the Commonwealth Act, the cash dealer must, if requested to do so by—

- (a) the Commissioner of the Police Service; or
- (b) a police officer who is carrying out an investigation arising from, or relating to the matters referred to in, the information;

give the Commissioner or police officer such further information as is specified in the request.

(2) The further information is to be information that—

- (a) may be relevant to the investigation of, or prosecution of a person for, an offence against the law of the State; or
- (b) may be of assistance in the enforcement of the *Crimes (Confiscation of Profits) Act 1989*.

(3) The cash dealer must comply with the request to the extent that the cash dealer has the further information.

Maximum penalty—400 penalty units, imprisonment for 2 years or both.

Reports of suspect transactions not reported under Commonwealth Act

7.(1) A cash dealer who is a party to a transaction, and has reasonable grounds to suspect that information that the cash dealer has concerning the transaction—

- (a) may be relevant to the investigation of, or prosecution of a person for, an offence against the law of the State; or
- (b) may be of assistance in the enforcement of the *Crimes (Confiscation of Profits) Act 1989*;

must, as soon as practicable after forming the suspicion, prepare a report of the transaction and communicate the information contained in it to the Director.

Maximum penalty—400 penalty units, imprisonment for 2 years or both.

(2) Subsection (1) applies whether or not the cash dealer is required to report the transaction under Division 1 of Part II of the Commonwealth Act, but only if the cash dealer is not required to report the transaction under Division 2 of Part II of the Commonwealth Act.

(3) The report must—

- (a) be in the form approved by the Director for the purposes of section 16 of the Commonwealth Act; and
- (b) contain the reportable details of the transaction; and
- (c) contain a statement of the grounds on which the cash dealer holds the suspicion mentioned in subsection (1); and
- (d) be signed by the cash dealer.

(4) The communication to the Director of the information contained in the report must be made—

- (a) by giving the Director a copy of the report; or
- (b) in any other way approved by the Director.

(5) An approval for the purposes of subsection (4)(b)—

- (a) must be in writing; and
- (b) may relate to a specified cash dealer or class of cash dealers.

(6) If a cash dealer communicates information to the Director under subsection (1), the cash dealer must, if requested to do so by—

- (a) the Commissioner of the Police Service; or
- (b) a police officer who is carrying out an investigation arising from, or relating to the matters referred to in, the information;

give the Commissioner or police officer such additional information as is specified in the request.

(7) The additional information is to be information that—

- (a) may be relevant to the investigation of, or prosecution of a person for, an offence against the law of the State; or
- (b) may be of assistance in the enforcement of the *Crimes (Confiscation of Profits) Act 1989*.

(8) The cash dealer must comply with the request to the extent that the cash dealer has the further information.

Maximum penalty—400 penalty units, imprisonment for 2 years or both.

Protection of cash dealers etc.

8.(1) A proceeding does not lie against—

- (a) a cash dealer in relation to anything done by the cash dealer—
 - (i) that was required under this Act; or
 - (ii) in the mistaken belief that it was required under this Act; or
- (b) an officer, employee or agent of a cash dealer in relation to anything done by the person in the course of the person's appointment, employment or agency—
 - (i) that was required under this Act; or
 - (ii) in the mistaken belief that it was required under this Act.

(2) If a cash dealer, or a person who is an officer, employee or agent of a cash dealer, communicates or gives information under section 16 of the Commonwealth Act or section 6 or 7 of this Act, the cash dealer or person is taken, for the purposes of sections 64 (Money laundering) and 65 (Possession etc. of property suspected of being tainted property) of the *Crimes (Confiscation of Profits) Act 1989*, not to have been in possession of the information at any time.

False or misleading statements

9. A person must not, in giving information under this Act—

- (a) make a statement that the person knows is false or misleading in a material particular; or
- (b) omit anything from a statement knowing that without the thing the statement is misleading in a material particular.

Maximum penalty—1 000 penalty units, imprisonment for 5 years or both.

Secrecy

10.(1) This section applies to a person who is or has been the Commissioner of the Police Service or a police officer.

(2) A person must not—

- (a) make a record of protected information; or
- (b) whether directly or indirectly, divulge or communicate protected information;

unless the record is made, or the information divulged or communicated, in the performance of duties relating to the enforcement of the laws of the State, the Commonwealth, another State or a Territory.

Maximum penalty—400 penalty units, imprisonment for 2 years or both.

(3) A person is not required to divulge or communicate protected information to a court unless it is necessary to do so for the enforcement of the laws of the State, the Commonwealth, another State or a Territory.

Transitional provision—meaning of “Commonwealth Act”

11. Until the commencement of section 4 of the *Cash Transaction Reports Amendment Act 1991* of the Commonwealth, a reference to the Commonwealth Act or to the *Financial Transaction Reports Act 1988* of the Commonwealth is a reference to the *Cash Transaction Reports Act 1988* of the Commonwealth.