



Financial Transaction Reports Act 1992

Current as at 14 October 2010

Information about this reprint

This Act is reprinted as at 14 October 2010. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Financial Transaction Reports Act 1992

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Financial Transaction Reports Act 1992

[as amended by all amendments that commenced on or before 14 October 2010]

An Act to provide for the giving of further information or documents in relation to matters reported under the *Financial Transaction Reports Act 1988* of the Commonwealth or the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* of the Commonwealth and the giving of information in relation to other suspect matters, and for related purposes

1 Short title

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

2 Commencement

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

3 Object of Act

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

4 Interpretation

(1) In this Act—

AMLCTF Act means the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cwlth).

commissioner of the police service means commissioner of the Queensland Police Service.

court includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

designated authority means—

- (a) the commissioner of the police service; or
- (b) the Crime and Misconduct Commission; or
- (c) an investigating officer.

FTR Act means the *Financial Transaction Reports Act 1988* (Cwlth).

investigating officer, in relation to information communicated to the AUSTRAC CEO, means—

- (a) a police officer who is carrying out an investigation arising from, or relating to the matters referred to in, the information; or
- (b) a person who is an authorised commission officer under the *Crime and Misconduct Act 2001* carrying out an investigation arising from, or relating to the matters referred to in, the information.

police officer means a police officer of the Queensland Police Service.

protected information means information that is obtained under this Act.

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

5 Act binds Crown

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.

6 Further information about matters reported by cash dealers under FTR Act

- (1) This section applies if a cash dealer communicates information to the AUSTRAC CEO under section 16(1) or (1A) of the FTR Act.
- (2) A designated authority may request the cash dealer to give to the designated authority the further information stated in the request.
- (3) The further information must 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 *Criminal Proceeds Confiscation Act 2002*.
- (4) The cash dealer must comply with the request to the extent that the cash dealer has the further information.

Maximum penalty for subsection (4)—400 penalty units or imprisonment for 2 years.

6A Further information or documents about matters reported by reporting entities under AMLCTF Act

- (1) This section applies if a reporting entity communicates information to the AUSTRAC CEO under section 41, 43 or 45 of the AMLCTF Act.
- (2) A designated authority may give a written notice to the reporting entity requesting the reporting entity, within the period and in the way stated in the notice, to—
 - (a) give to the designated authority the further information stated in the notice; or
 - (b) produce to the designated authority the documents about the matter to which the communication under section 41, 43 or 45 of the AMLCTF Act relates that are stated in the notice.
- (3) The further information or documents must be information or documents 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 *Criminal Proceeds Confiscation Act 2002*.
- (4) The reporting entity must comply with the request to the extent that the reporting entity has the further information or documents.

Maximum penalty for subsection (4)—400 penalty units or imprisonment for 2 years.

7 Reports by cash dealers of suspect transactions not reported under FTR Act or AMLCTF Act

- (1) This section applies if—
- (a) a cash dealer is a party to a transaction; and
 - (b) the cash dealer has reasonable grounds to suspect that information that the cash dealer has concerning the transaction—
 - (i) may be relevant to the investigation of, or prosecution of a person for, an offence against the law of the State; or
 - (ii) may be of assistance in the enforcement of the *Criminal Proceeds Confiscation Act 2002*; and
 - (c) the cash dealer is not required to report the transaction under any of the following provisions, whether or not the cash dealer is required to report the transaction under Division 1 of Part II of the FTR Act—
 - (i) Division 2 of Part II of the FTR Act;
 - (ii) if the cash dealer is a reporting entity—Division 2, 3 or 4 of Part 3 of the AMLCTF Act.
- (2) The cash dealer must, as soon as practicable after forming the suspicion mentioned in subsection (1)(b), prepare a report of the transaction and communicate the information contained in it to the AUSTRAC CEO.

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

- (3) The report must—
 - (a) be in the form approved by the AUSTRAC CEO for the purposes of section 16 of the FTR 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)(b); and
 - (d) be signed by the cash dealer.
- (4) The communication to the AUSTRAC CEO of the information contained in the report must be made—
 - (a) by giving the AUSTRAC CEO a copy of the report; or
 - (b) in another way approved by the AUSTRAC CEO.

7A Further information about suspect transactions not reported under FTR Act or AMLCTF Act

- (1) This section applies if a cash dealer communicates information to the AUSTRAC CEO under section 7(2).
- (2) A designated authority may request the cash dealer to give to the designated authority the further information stated in the request.
- (3) The further information must 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 *Criminal Proceeds Confiscation Act 2002*.
- (4) The cash dealer must comply with the request to the extent that the cash dealer has the further information.

Maximum penalty for subsection (4)—400 penalty units or imprisonment for 2 years.

8 Protection of cash dealers, reporting entities, etc.

- (1) A proceeding does not lie against—
 - (a) an entity in relation to anything done by the entity—
 - (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 an entity 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 an entity, or a person who is an officer, employee or agent of an entity, communicates or gives information or produces documents under a prescribed provision, the entity or person is taken, for the *Criminal Proceeds Confiscation Act 2002*, sections 250 and 252, not to have been in the possession of the information at any time.

Editor's note—

Criminal Proceeds Confiscation Act 2002, section 250 (Money laundering) and 252 (Possession etc. of property suspected of being tainted property)

- (3) In this section—

entity means a cash dealer or a reporting entity.

prescribed provision means—

 - (a) section 6, 6A, 7 or 7A; or
 - (b) section 16 of the FTR Act; or
 - (c) section 41, 43 or 45 of the AMLCTF Act.

9 False or misleading statements

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—1000 penalty units, imprisonment for 5 years or both.

10 Secrecy

- (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.

11 Law relating to legal professional privilege not affected

To remove any doubt, it is declared that this Act does not affect the law relating to legal professional privilege.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 14 October 2010. Future amendments of the Financial Transaction Reports Act 1992 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	6 December 1992	25 March 1993
1A	1999 Act No. 16	22 April 1999	30 April 1999
1B	2001 Act No. 69	1 January 2002	11 January 2002

Reprint No.	Amendments included	Effective	Notes
1C	2002 Act No. 34	16 August 2002	
1D	2002 Act No. 68	1 January 2003	
1E	2004 Act No. 43	3 December 2004	R1E withdrawn, see R2
2	—	3 December 2004	
2A	2008 Act No. 59	12 December 2008	
2B	2010 Act No. 42	14 October 2010	

5 List of legislation

Financial Transaction Reports Act 1992 No. 29

date of assent 23 June 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 6 December 1992 (1992 SL No. 392)

amending legislation—

Justice Legislation (Miscellaneous Provisions) Act 1999 No. 16 s 1 pt 4

date of assent 22 April 1999

commenced on date of assent

Crime and Misconduct Act 2001 No. 69 ss 1–2, 378 sch 1

date of assent 8 November 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2002 (2001 SL No. 221)

Justice and Other Legislation (Miscellaneous Provisions) Act 2002 No. 34 ss 1, 74 sch 6

date of assent 16 August 2002

commenced on date of assent

Criminal Proceeds Confiscation Act 2002 No. 68 ss 1–2(1), ch 12 pt 6

date of assent 29 November 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2003 (see s 2(1))

Justice and Other Legislation Amendment Act 2004 No. 43 ss 1–3 sch

date of assent 18 November 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 3 December 2004 (2004 SL No. 263)

Justice and Other Legislation Amendment Act 2008 No. 59 ss 1–2(1), pt 13

date of assent 25 November 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 12 December 2008 (see s 2(1))

Justice and Other Legislation Amendment Act 2010 No. 42 ss 1, 214 sch

date of assent 14 October 2010

commenced on date of assent

6 List of annotations

Long title amd 2004 No. 43 s 3 sch; 2008 No. 59 s 51

Interpretation

s 4 amd 2008 No. 59 s 52(3)
def “**AMLCTF Act**” ins 2008 No. 59 s 52(2)
def “**commissioner of the police service**” ins 2008 No. 59 s 52(2)
def “**Commonwealth Act**” om 2008 No. 59 s 52(1)
def “**designated authority**” ins 2008 No. 59 s 52(2)
def “**FTR Act**” ins 2008 No. 59 s 52(2)
def “**investigating officer**” ins 2008 No. 59 s 52(2)
def “**police officer**” ins 2008 No. 59 s 52(2)

Further information about matters reported by cash dealers under FTR Act

prov hdg amd 2010 No. 42 s 214 sch

s 6 amd 1999 No. 16 s 12; 2001 No. 69 s 378 sch 1; 2002 No. 34 s 74 sch 6; 2002 No. 68 s 314
sub 2008 No. 59 s 53

Further information or documents about matters reported by reporting entities under AMLCTF Act

s 6A ins 2008 No. 59 s 53

Reports by cash dealers of suspect transactions not reported under FTR Act or AMLCTF Act

s 7 amd 2002 No. 34 s 74 sch 6; 2002 No. 68 s 315
sub 2008 No. 59 s 53

Further information about suspect transactions not reported under FTR Act or AMLCTF Act

s 7A ins 2008 No. 59 s 53

Protection of cash dealers, reporting entities, etc.

prov hdg sub 2008 No. 59 s 54(1)

s 8 amd 2002 No. 34 s 74 sch 6; 2002 No. 68 s 316; 2008 No. 59 s 54(2)–(4)

Law relating to legal professional privilege not affected

s 11 prev s 11 om R1 (see RA s 40)
 pres s 11 ins 2008 No. 59 s 55

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