



Queensland

Financial Transaction Reports Act 1992

Current as at 1 July 2014

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Financial Transaction Reports Act 1992

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 Corruption 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 Corruption 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.

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- (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.