

Queensland



FINANCIAL TRANSACTION REPORTS ACT 1992

**Reprinted as in force on 11 January 2002
(includes amendments up to Act No. 69 of 2001)**

Reprint No. 1B

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Information about this reprint

This Act is reprinted as at 11 January 2002. 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.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

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

Also see endnotes for information about—

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

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FINANCIAL TRANSACTION REPORTS ACT 1992

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FINANCIAL TRANSACTION REPORTS ACT 1992

[as amended by all amendments that commenced on or before 11 January 2002]

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

“**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.

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 reports of suspect transactions

(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; or
- (c) the Crime and Misconduct Commission; or
- (d) 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;

give the person who made the request 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*.¹

(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.

1 For references to *Crimes (Confiscation of Profits) Act 1989* in this Act, now see *Acts Interpretation Act 1954*, section 14H and *Crimes (Confiscation of Profits) Amendment Act 1995*, section 4.

7 Reports of suspect transactions not reported under Commonwealth Act

(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.

8 Protection of cash dealers etc.

(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)² of

2 Section 64 was renumbered as section 90—now see *Crimes (Confiscation of Profits) Amendment Act 1995*, section 38.

Section 65 was renumbered as section 92—now see *Crimes (Confiscation of Profits) Amendment Act 1995*, section 38.

the *Crimes (Confiscation of Profits) Act 1989*, not to have been in possession of the information at any time.

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—1 000 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.

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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 11 January 2002. 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	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	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 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	25 March 1993
1A	to Act No. 16 of 1999	30 April 1999

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)

as amended by—

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)

6 List of annotations

Further reports of suspect transactions

s 6 amd 1999 No. 16 s 12; 2001 No. 69 s 378 sch 1

Transitional provision—meaning of “Commonwealth Act”

s 11 om R1 (see RA s 40)