

Serial 178  
Financial Transaction  
Reports  
Mr Manzie

NORTHERN TERRITORY OF AUSTRALIA

FINANCIAL TRANSACTION REPORTS BILL 1992

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## NORTHERN TERRITORY OF AUSTRALIA

### A BILL for 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

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

#### 1. SHORT TITLE

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

#### 2. COMMENCEMENT

This Act shall come into operation or be deemed to have come into operation on 6 December 1992.

#### 3. 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 obtained under this Act.

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

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4. ACT BINDS CROWN

(1) This Act binds the Crown, not only in right of the Territory but, to the extent that the legislative power of the Legislative Assembly permits, in all its other capacities.

(2) Nothing in subsection (1) renders the Crown liable to be prosecuted for an offence against this Act.

5. 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 shall, if requested to do so by -

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

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

(2) The further information is to be information that may be -

- (a) relevant to the investigation of, or prosecution of a person for, an offence against a law of the Territory; or
- (b) of assistance in the enforcement of the *Crimes (Forfeiture of Proceeds) Act*.

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

Penalty: \$10,000 or imprisonment for 2 years.

6. 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 may be -

- (a) relevant to the investigation of, or prosecution of a person for, an offence against the law of the Territory; or
- (b) of assistance in the enforcement of the *Crimes (Forfeiture of Proceeds) Act*,

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

Penalty: \$10,000 or imprisonment for 2 years.

(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 shall -

- (a) be in the form approved by the Director for the purposes of section 16 of the Commonwealth Act;
- (b) contain the reportable details of the transaction;
- (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 shall 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) shall 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 shall, if requested to do so by -

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

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

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(7) The further information is to be information that may be -

- (a) relevant to the investigation of, or prosecution of a person for, an offence against the law of the Territory; or
- (b) of assistance in the enforcement of the *Crimes (Forfeiture of Proceeds) Act*.

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

Penalty: \$10,000 or imprisonment for 2 years.

7. PROTECTION OF CASH DEALERS &c.

(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 5 or 6 of this Act, the cash dealer or person is taken, for the purposes of section 53 of the *Crimes (Forfeiture of Proceeds) Act*, not to have been in possession of the information at any time.

(3) A cash dealer is not required to give information under section 5 or 6 if the information might tend to incriminate the cash dealer of an offence.

8. FALSE OR MISLEADING STATEMENTS

A person shall not, in giving information under this Act -

- (a) make a statement that the person knows is false or misleading in a material particular; or

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- (b) omit anything from a statement knowing that without the thing the statement is misleading in a material particular.

Penalty: \$25,000 or imprisonment for 5 years.

9. SECRECY

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

(2) A person shall 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 a law of the Territory, the Commonwealth, a State or another Territory of the Commonwealth.

Penalty: \$10,000 or imprisonment for 2 years.

(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 a law of the Territory, the Commonwealth, a State or another Territory of the Commonwealth.

10. TRANSITIONAL PROVISION - MEANING OF "COMMONWEALTH ACT"

Until the commencement of section 5 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.

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