



Addendum 3 to AUSTRAC Guideline No. 1



Financial Transaction Reports Act 1988

Suspect Transaction Reports

— Inadmissible in Evidence —

AUSTRAC Guideline Number 1- Suspect Transaction Reporting contains information on the protection of cash dealers and cash dealer officers in respect of the reporting of suspect transactions.

The purpose of this addendum is to advise cash dealers of an amendment to the *Financial Transaction Reports Act 1988* (FTR Act) concerning the inadmissibility of Suspect Transaction Reports in legal proceedings.

Object of the amendment to the Financial Transaction Reports Act

The object of the amendment to the FTR Act is to:

- make Suspect Transaction Reports, or information contained in a Report, inadmissible in evidence in any legal proceeding; and
- prevent the examination of the circumstances relating to the making of the Suspect Transaction Report.

The overall intention of the amendment is to reduce the potential for staff of cash dealers to be examined regarding the making of any Suspect Transaction Report.

Amendment to the Financial Transaction Reports Act

Under new subsection 16(5D)(a), (other than a prosecution for an offence against subsection 29(1) or subsection 30(1) of the FTR Act) the following are not admissible in evidence in any legal (judicial) proceeding:

- Suspect Transaction Reports;

- copies of Suspect Transaction Reports;
- documents purporting to set out information contained in Suspect Transaction Reports; and
- documents given under subsection 16(4) setting out further information in relation to Suspect Transaction Reports.

Under new subsection 16(5D)(b), (other than a prosecution for an offence against subsection 29(1) or subsection 30(1) of the FTR Act) evidence is not admissible as to:

- whether or not a Suspect Transaction Report has been prepared or whether or not a copy of such a Report or a document purporting to set out information in such a Report was provided to the Director of AUSTRAC;
- whether or not particular information was contained in a Suspect Transaction Report; and
- whether or not further information was given under subsection 16(4) in relation to a Suspect Transaction Report.

These provisions apply to Suspect Transaction Reports whether prepared before or after the commencement of the amendment.

Please note that AUSTRAC does not provide legal advice and that this addendum to guideline No.1 should be read accordingly.

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