



Australian Government
Attorney-General's Department
Criminal Justice Division

20 August 2014

Mr Tim Watling
A/g Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Via email - legcon.sen@aph.gov.au

Dear Mr Watling

Proposed Government Amendments to the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014

I submit for your consideration proposed amendments to the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) which the Government intends to move as Government amendments to the Crimes Legislation Amendment (Psychoactive Substances and other Measures) Bill 2014 (the Bill).

The amendments were originally intended to be included in the Bill but unfortunately this was not possible. An unintended consequence of not including the amendments was precluding consideration of those measures by the Senate Legal and Constitutional Committee's inquiry. This was not the intention, and therefore the Government has agreed that we provide an advanced copy of the proposed amendments to the Committee (**Attachment A**).

The proposed Government amendments make minor and technical amendments to strengthen the AML/CTF Act by:

- clarifying that the Australian Taxation Office can share Australian Transaction Reports and Analysis Centre (AUSTRAC) information relating to threshold transactions and international funds transfer instructions, particularly with the taxpayer about whom the information relates; and
- enabling the Victorian Independent Broad Based Anti-Corruption Commission (IBAC) to access AUSTRAC information, bringing IBAC's investigative abilities into line with similar agencies in other Australian jurisdictions.

The first amendment in particular is time critical as it supports an ATO data matching project which is anticipated to raise significant revenue in the 2014-15 financial year and enhance protection of Australia's revenue base.

Yours sincerely

Anthony Coles
Assistant Secretary
Criminal Law and Law Enforcement Branch

2013-2014

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014

- (1) Schedule 6, page 39 (before line 3), before item 1, insert:

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

1A Section 5 (after paragraph (s) of the definition of *designated agency*)

Insert:

- (sa) the Independent Broad-based Anti-corruption Commission of Victoria; or

1B Section 5 (paragraph (t) of the definition of *designated agency*)

Repeal the paragraph, substitute:

- (t) the Crime and Corruption Commission of Queensland; or

1C After paragraph 122(3)(g)

Insert:

- (ga) if the entrusted investigating official is the Commissioner of Taxation or a taxation officer—the disclosure is:
- (i) of information relating to a communication under section 43 or 45; and
 - (ii) for the purposes of, or in connection with, the performance of the entrusted investigating official's duties;

1D After subsection 122(3)

Insert:

- (3A) Without limiting subparagraph (3)(ga)(ii), a disclosure for the purposes of, or in connection with, the performance of an entrusted investigating official's duties includes a disclosure of a kind mentioned in subsection 355-50(2) in Schedule 1 to the *Taxation Administration Act 1953*.

1E Application of amendments

The amendments made by items 1C and 1D apply to disclosures of information on or after the commencement of those items (whenever the information was given under section 49 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*).