

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
AUSTRALIAN TRANSACTION REPORTS AND ANALYSIS CENTRE

Question No. 197

Senator Ludwig tabled the following question at the hearing on 14 February 2006:

Please provide a full list of the countries with which AUSTRAC has international exchange instruments (IEI), and indicate what the IEIs allow for?

The answer to the honourable senator's question is as follows:

AUSTRAC is authorised to exchange financial intelligence with international counterpart FIU's under *Financial Transaction Reports Act 1988* (Cth) (FTRA). Section 27(11A) of the FTRA outlines the provisions under which the Director of AUSTRAC may communicate Financial Transaction Reports information (FTR information) to a foreign country:

(11A) The Director may communicate FTR information to a foreign country if:

- (a) the Director is satisfied that the foreign country has given appropriate undertakings for:*
 - (i) protecting the confidentiality of the information; and*
 - (ii) controlling the use that will be made of it; and*
 - (iii) ensuring that the information will be used only for the purpose for which it is communicated to the foreign country; and*
- (b) it is appropriate, in all the circumstances of the case, to do so.*

In order to ensure that the Director can be satisfied of the above provisions, AUSTRAC establishes Exchange Instruments with international counterpart FIU's in order to establish the conditions that will underpin the bilateral intelligence exchange relationship.

Under such exchange instruments, AUSTRAC makes requests on behalf of AUSTRAC partner agencies for financial intelligence, and is able to provide financial intelligence in response to requests from these international counterparts. In addition, AUSTRAC is permitted to spontaneously disseminate financial intelligence, where it is considered that information held by AUSTRAC may be of interest to international counterparts with whom an Exchange Instrument is in place. AUSTRAC's capacity to bilaterally exchange intelligence with international counterparts is fundamental, as the sharing of financial intelligence has been recognised as fundamental in efforts to counter transnational organised crime including money laundering and the financing of terrorism.

AUSTRAC can exchange classified financial intelligence with 45 international FIU's located in the countries listed below:

Argentina	Latvia
Bahamas	Lebanon
Belgium	Malaysia
Bermuda	Marshall Islands
Brazil	Mauritius
Bulgaria	Netherlands
Canada	New Zealand
Chile	Panama
Colombia	Philippines
Cook Islands	Poland
Croatia	Portugal
Cyprus	Romania
Denmark	Singapore
Estonia	Slovakia
France	Slovenia
Guernsey	South Africa
Indonesia	Spain
Hong Kong	Thailand
Ireland	United Kingdom
Isle of Man	United States of America
Israel	Vanuatu
Italy	Venezuela
Korea	