

ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING BILL 2006

Supplementary Submission by Australian Privacy Foundation

Further to our oral evidence at the Committee hearings on 22 November, we make the following supplementary submission, as requested by Senator Parry.

Suspicious matter reporting

We have reviewed proposed section 41.

We confirm our interpretation of this as separately requiring reporting of any suspicion about an individual in relation to any offence, without any initial requirement of suspicion in relation to money laundering or terrorist financing.

We draw attention to the wording that precedes s.41(d), being

... and any [our emphasis] of the following conditions is satisfied:

... (f) [our paraphrasing as] suspicion 'on reasonable grounds' that information may be relevant to investigation of, or prosecution of a person for [any offence under any Commonwealth, State or Territory law]

(g) – (h) – [specifying suspicion of relevance to financing of terrorism or money-laundering].

We suggest that our interpretation appears to accord with the Explanatory Memorandum at page 81, and invite the Committee to confirm the interpretation of this section with the Attorney-General's Department.

We re-iterate our point that this is a clear illustration of how the scheme of the Act goes well beyond AML-CTF and in effect gathers highly subjective intelligence, from thousands of amateur informers, as a resource for a wide range of law enforcement and revenue protection agencies, without any of the normal quality control or natural justice safeguards that one might reasonably expect.

We have noted the Committee's invitation to us to submit any further comments based on review of submissions and transcripts of hearings, and would like to reserve the option of doing so later this week.

Yours sincerely

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