



**AUSTRALIAN BANKERS' ASSOCIATION INC.**

---

Tony Burke  
Director

Level 3, 56 Pitt Street  
Sydney NSW 2000  
Telephone: (02) 8298 0409  
Facsimile: (02) 8298 0402

---

13 October 2006

Senator The Hon Chris Ellison  
Minister for Justice and Customs  
Parliament House  
CANBERRA ACT 2600

Dear Minister,

**Mutual Assistance Review**

Thank you for the opportunity to comment on the review. ABA member banks support the efficient use of the mutual assistance system in the global fight against financial and other crimes, and contribute significantly to the current information flows.

Some brief comments follow.

**Strategic approach**

The discussion paper emphasises extradition matters but international investigative cooperation is becoming increasingly important to banks and other financial institutions. Defensive measures will not be enough, as crimes against banks are frequently transnational, and strategic approaches are required for international developments in legislation, cooperation and enforcement.

**Guidelines**

The mutual assistance system can have a significant impact on banks and other financial institutions, as they usually are the respondents to mutual assistance requests. While this can be a very effective tool for law enforcement, it can be misused, consuming resources and time. Strict guidelines need to be in place for the courts and executing authorities to issue requests only where the merits have been thoroughly checked and validated.

**FATF SRVII**

Banks and other financial institutions are being required to make significant systems changes as a result of the global adoption of Financial Action Taskforce (FATF) Special Recommendation VII (SRVII - requiring originator information to

ABA-#47896-v2-Mutual\_Assistance\_Review.DOC

travel with payments). As SRVII was brought to the FATF by the United States as a means of expediting mutual assistance processes then governments need to ensure the efficiency gains are obtained.

**Tipping off**

Requests for information under mutual assistance requests must not expose banks to "tipping off" sanctions.

Yours faithfully

---

**Tony Burke**