



Office of State Revenue  
NSW TREASURY

ABN: 77 456 270 638

## Revenue Ruling No. G2

### Procedures for Investigators Seeking Access to Bank Records

#### PREAMBLE

Department of Finance Investigators are entitled to full and free access to bank premises and records relating to a liability, duty or requirement imposed by the following New South Wales revenue laws:-

- (i) the Stamp Duties Act 1920;
- (ii) the Land Tax Act 1956;
- (iii) the Land Tax Management Act 1956;
- (iv) the Pay-roll Tax Act 1971;
- (v) the Health insurance Levies Act 1982;
- (vi) the Business Franchise Licences (Petroleum Products) Act 1987;  
and
- (vii) the Business Franchise Licences (Tobacco) Act 1987.

Interstate "revenue officers" are entitled to similar access under the Revenue Laws (Reciprocal Powers) Act 1987 to ascertain whether a revenue law of the Commonwealth, a State or Territory has been complied with (see Revenue Ruling G1 for a more detailed explanation of this Act).

Banks are generally co-operative in dealing with reasonable requests for information and assistance. In order to ensure that a good working relationship continues, the procedures outlined in this Ruling have been put in place, with the agreement of the Australian Bankers' Association.

#### RULING

##### General Enquiries

1. Upon entering the bank's premises, the Investigator will ask at the enquiry counter to see the Manager or Accountant. If neither is available, the Investigator will establish whether there is any other senior bank officer available who is authorised to deal with the enquiry.
2. The Investigator will present an identification card and authorisations for examination by the relevant bank officer. If the bank officer has any doubts as to the Investigator's identity, it can be checked by asking the Investigator to sign his or her name. If the bank officer wishes to retain the signature, the Investigator will endorse the paper "specimen signature only". As a further check, the bank officer may contact the Investigator's Manager or Director by telephone.
3. For security purposes, an identification card or authority may not be taken away or photocopied by the bank officer.

Lang Centre  
Cnr Hunter and Marsden Streets  
Parramatta NSW  
GPO Box 4042  
Sydney NSW 2001  
DX 456 Sydney  
Phone (02) 9639 6200  
Facsimile (02) 9639 6464  
Internet [www.nsw.gov.au](http://www.nsw.gov.au)

4. The Investigator will advise the bank officer of the following matters:-
  - (a) the nature of the enquiry;
  - (b) the legislation in respect of which the enquiry is being made and which authorises the enquiry (the Investigator should have a copy of the relevant legislation and Revenue Ruling for inspection by the bank officer if requested);
  - (c) any information available which will assist with the identification of the information required from bank records, bearing in mind the secrecy provisions of the legislation and the need for discretion.
5. If it is inconvenient for the Bank to immediately provide the information, arrangements may be made to pick it up at an agreed time. Alternatively, arrangements may be made for the information to be provided by telephone if that is both possible and convenient. It is recognised that storage space at branch offices is often limited and records may only be stored for a period of six to twelve months. If records are stored off site, it is accepted that it will normally take several days to have the records extracted and transported to the Branch.
6. Investigators will try to avoid making enquiries during a Bank's busy times e.g. lunch times, approaching closing time and Friday afternoons.
7. Frequently, the senior bank officer approached in the first instance by an Investigator, will direct the enquiry to another officer to find the required information. At the conclusion of the visit, the Investigator will advise the senior officer and thank him or her for the assistance provided in obtaining the required information.
8. The Investigator will make and retain a written record of the visit and of the result of the enquiry.

### **Specific Enquiries**

9. If the Investigator knows in advance exactly what information, etc. is required, e.g. details of particular transactions or copies of specific bank statements, the senior bank officer may be advised in advance by telephone of the visit to the Bank. This will allow the required information to be extracted from the Bank's records at a less busy time, as well as saving time for the investigator.

### **Detailed Enquiries**

10. When detailed enquiries are necessary the Investigator may prepare a written request for the information required. Such a request will normally be hand

delivered to a senior official of the branch, and a "contact" will be established for the purposes of any follow-up action which may be necessary.

### **Enquiries Regarding Business Franchise Licences**

11. The legislation governing the licencing of tobacco and petroleum sales was amended in 1987 to make it quite clear that the wide powers of enquiry authorised by the legislation extends to banks and bank records. The legislative amendments were necessary because of some difficulties encountered with two banks under the previous powers.
12. Discussions have been held with the major banks to advise them of the requirements of the new legislation and transitional arrangements made to overcome any difficulties now encountered at Branch level. These are:-
  - (a) a standard request form will be prepared by the Investigator and provided to the bank in each case (see Annexure "A");
  - (b) a list of senior head office personnel of the various banks to whom branch officials can refer for advice has been compiled, with the agreement of the banks concerned (see Annexure "B").

### **Enquiries Under Revenue Laws (Reciprocal Powers) Act**

13. This Act is dealt with in detail in Revenue Ruling G1. The personnel listed at Annexure "B" may also be contacted if a bank official wishes to seek advice from the bank's head office regarding an investigation of an interstate matter conducted under this Act.

A. D. CLYNE,  
Chief Commissioner.  
11 March 1988

**ANNEXURE A  
NSW Department of Finance**

132 Marsden Street, Parramatta 2150  
Postal Bag 5215 Parramatta, 2150  
Our reference:  
Your reference:  
Telephone: 689 6200

Dear Sir/Madam,

**BUSINESS FRANCHISE LICENCES (TOBACCO) ACT, 1987**

I, ..... am an officer of the Department of Finance and "an Inspector" in terms of the Business Franchise Licences (Tobacco) Act, 1987, I am authorised to make enquiries at the..... branch of the Bank.

I reasonably believe that the records and documents in the custody or under the control of the branch of the Bank relate to activities specified in Section 55 of the Act in connection with the following:

<b>Name</b>	<b>Address</b>	<b>Account No. (If known)</b>
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Other Information

Any assistance given in the examination of these records and documents would be appreciated.

Yours faithfully,

DEPARTMENT OF FINANCE

Enquiries: 689 6200 Facsimile: 689 6464 DX:28400 Parramatta  
Telex: Fincap 73146

## ANNEXURE B

### BANK ACCESS TO RECORDS

Listed below are the names of senior Head Office personnel of the various banks to whom Branch officials can make enquiry.

#### STATE BANK OF NEW SOUTH WALES

Mr. David Smith, Bank Solicitor	2663540
Mr. Haultain	2663333

#### AUSTRALIA & NEW ZEALAND BANKING GROUP

Mr. Ken Byatt, Manager - Audits & Frauds	2271210
Mr. Bob Gilmore, Assist. Manager - Audits & Frauds	2271210

#### NATIONAL AUSTRALIA BANK

Mr. Mark Fewtrell	2371342
Mr. Paul Deans, Assist. Chief Securities Officer	2371323

#### COMMONWEALTH BANK

Mr. Michael Roe, Manager - General Divisions N.S.W. Branches Administration	2277908
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#### WESTPAC BANKING CORPORATION

Mr. Graham Herron, Legal Officer	2606731
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#### General Administration

##### Access to bank records - Investigators' procedures

Department of Finance investigators are entitled to access to bank premises and records relating to a liability, duty or requirement imposed by a number of New South Wales revenue laws. Interstate "revenue officers" are entitled to similar access under the Revenue Laws (Reciprocal Powers) Act 1987.

The procedures for investigators seeking access to bank records are set out in a recent Ruling. This Ruling covers:

- general enquiries;
- specific enquiries;
- detailed enquiries;
- enquiries regarding business franchise licences;
- enquiries under Revenue Laws (Reciprocal Powers) Act.