

**MEMORANDUM OF UNDERSTANDING  
CONCERNING COOPERATION IN THE EXCHANGE OF INFORMATION**

**BETWEEN:** VANUATU FINANCIAL INTELLIGENCE UNIT (the “VFIU”);

**AND:** DEPARTMENT OF CUSTOMS AND INLAND REVENUE (the “DCIR”);  
collectively referred to as the “Parties”.

**WHEREAS:** Pursuant to section 13C of the *Financial Transactions Reporting Act* [CAP. 268], the VFIU may, with the approval in writing of the Minister responsible for justice, enter into a written agreement with an assisting entity regarding the exchange of information mentioned in subsection 13C(2) of that Act between the VFIU and that assisting entity;

**WHEREAS:** The DCIR is an assisting entity as defined in section 1 of the *Financial Transactions Reporting Act* [CAP. 268];

**WHEREAS:** The Parties desire, in a spirit of cooperation and mutual interest, to exchange information to facilitate the detection, investigation and prosecution of a money laundering offence, a financing of terrorism offence or any other serious offence or an offence that is substantially similar to such offence.

**IT IS UNDERSTOOD between the Parties as follows:**

**A. Purpose**

1. To strengthen the effectiveness of Vanuatu’s systems to prevent money laundering, financing of terrorism and other serious offence.
2. Promote cooperation between the DCIR and the VFIU.
3. Provide for the sharing of information on money laundering, financing of terrorism and other serious offences.
4. Provide for the investigation of money laundering, financing of terrorism and other serious offences.

**B. Interpretation**

5. For the purpose of this Memorandum, interpretation of words is equivalent to section 2 of the *Financial Transaction Reporting Act* [CAP 268] and section 1 of the *Customs Act* [CAP 257], unless stated otherwise:

**Requesting Party** means a person or institution making or initiating the original request for information;

**Requested Party** means a person or institution to which a request was made to or in receipt of a request;

**Disseminating Party** means a person or institution that has intelligence or information and disseminate to a receiving party;

**Receiving Party** means a person or institution that has received intelligence or information whether or not, he initially requested.

### **C. Scope**

6. The information that is subject to this memorandum is information that the VFIU and the DCIR have reasonable grounds to suspect would be relevant to detecting, investigating or prosecuting:
  - (a) a money laundering offence, a financing of terrorism offence or any other serious offence; or
  - (b) an offence that is substantially similar to such offence.
- 6.1 The use of any information exchanged between the Parties is restricted to purposes relevant to investigating or prosecuting a money laundering offence, a financing of terrorism offence or any other serious offence, or an offence that is substantially similar to such offence.

### **D. Cooperation**

7. The Parties will cooperate to identify and disseminate relevant information in their possession relating to financial transactions that may be relevant to a particular investigation into money laundering, financing of terrorism or any other serious offences;
- 7.1 Upon request, the Parties will furnish one another with information and with copies of available documents that are relevant to specific investigation or prosecution (except as otherwise provided in this Memorandum); and
- 7.2 The Parties will cooperate in providing to each other general information concerning money laundering, financing of terrorism or any other serious offences, including analyses of financial data and information about trends in money laundering, financing of terrorism and or any other serious offences.

### **E. Confidentiality**

8. The information is to be treated in a confidential manner.
- 8.1 The information is not to be further disclosed without the express consent of the VFIU and the DCIR.

### **F. Use and Release of Information**

9. Use of information and documents supplied under this Memorandum is subject to the following limitations:

- a) The receiving Party will not permit the use or release of any such information or documents for purposes other than those stated in the request or dissemination report, unless with prior consent of the disseminating party;
- b) The requesting Party making the request or disseminating party making the dissemination report have reasonable grounds to suspect the information is relevant for detecting, investigating or prosecuting;
  - 1. A money laundering offence, a financing of terrorism offence or any other serious offence; or
  - 2. An offence that is substantially similar to such offence.

## **G. Refusal of Requests**

- 10. A requested Party may refuse to provide information if that Party determines that release of the information or documents requested may unduly prejudice an investigation or proceedings in court.
- 10.1 A requested Party is under no obligation to provide information or documents;
  - a. if judicial proceedings have been initiated by the requested Party in relation to the same acts or omissions alleged to constitute the offence about which the request for information is made; or
  - b. if provision of such information would be likely to prejudice the security, national interest or other essential interests of the country.

## **H. Audit Trail**

- 11. The Parties will ensure that an effective audit trail (written correspondence) is maintained in respect of any information supplied in satisfaction under paragraph 7.1 and 7.2 of this Memorandum.

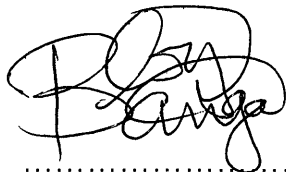
## **I. Effective Date; Amendment; Termination**

- 12 This Memorandum will come into effect on the date of signature by the parties.
- 12.1 This Memorandum may be amended at any time, by mutual agreement between the Attorney General and the Director evidenced by exchange of letters.
- 12.2 Either Party may terminate this Memorandum at any time upon 30 days notice in writing to the other Party.

**J. Acceptance**

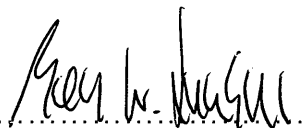
The Parties accept the terms of this memorandum by signing below.

**Sign:**



for  
.....  
**Alatoi Ishmael KALSAKAU**  
**Attorney General**  
**State Law Office**  
**PORT VILA**

**Sign:**



.....  
**Ben Leeshi**  
**Director**  
**Department of Customs & Inland Revenue**  
**PORT VILA**

**Date: 10<sup>th</sup> August 2012**

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