

Complying with the AML/CFT legislation

If you have recently tried to start a new investment, open a bank account or obtain legal advice you would have been required to prove your identity, location of residence, and possibly provide proof of your source of funds. These requirements are all part of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (Act). This Act has now been widened (via the Anti-Money Laundering and Countering Financing of Terrorism Amendment Act 2017) to include lawyers from 1 July 2018 and accountants from 1 October 2018. Real Estate agents will also be subject to this legislation from 1 January 2019.

The purposes of the Act are to:

- detect and deter money laundering and the financing of terrorism (ML/FT);
- maintain and enhance New Zealand's international reputation by adopting, where appropriate in the New Zealand context, recommendations issued by the Financial Action Task Force (FATF); and
- contribute to public confidence in the financial system.

What does this mean for you as a client?

We are required to collect and verify more information from our clients, to ensure we know who they are and what they are doing. This is called "Customer Due Diligence" (CDD) and will include verification of:

- Your full name (e.g. passport, firearms licence, drivers licence)
- Your date of birth (as above)
- Your address (e.g. a recent bank statement, phone, power or rates bill)

Similar to the banks and lawyers, this involves viewing and storing copies of an acceptable form of photographic ID and some form of proof of physical address. See over page for acceptable documents.

In some cases, we will need to make more extensive inquiries. This may involve asking questions about the nature of the accounting work, source of your wealth or the source of funds being used in the transactions. We may need to get information and conduct CDD on each of the people involved. For example, directors, shareholders, settlors, trustees, beneficiaries.

Is there anything I need to be doing now?

For existing clients of Footes, once the AML/CFT requirements are implemented, we will only require this information when you provide a new instruction to us, and where our current records are insufficient to satisfy the requirements. There is also an expectation that we will perform the CDD on every client over an extended period of time.

For any new clients joining us, we will be incorporating these measures into our new client engagement procedure. This may require you to come into our office the first time we act for you, with the necessary documentation.

We apologise for the inconvenience these new processes may cause, but we are obligated to comply with the law. We will work as hard as we can to streamline the process and minimise your frustration with being asked for proof of identity.

Our team will let you know what information you need to provide us. For further information [click here](#) or visit https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Services-Anti-Money-Laundering-Index?OpenDocument

Disclaimer

This publication has been carefully prepared, but it has been written in general terms only.

Verification Documents

Proof of Identity

| | | |
|-----------------|---|--|
| Option 1 | Photocopy of one of (which must be current): | <ul style="list-style-type: none"> a. New Zealand or overseas passport, containing name, date of birth, photograph and signature b. New Zealand firearms licence c. Overseas government-issued national identity card, containing name, date of birth, photograph and signature |
| Option 2 | Photocopy of: | <p>And a photocopy of one of:</p> <ul style="list-style-type: none"> a. New Zealand driver licence, front and back if expiry date is on the back b. New Zealand or overseas full birth certificate c. New Zealand or overseas citizenship certificate d. New Zealand or overseas marriage certificate e. both sides of a credit card, debit card or eftpos card f. a bank statement issued by a registered bank to the person in the 12 months immediately preceding the date of the application g. both sides of a SuperGold Card h. a statement issued by a government agency to the person in the 12 months immediately preceding the date of the application, for example a statement from the Inland Revenue Department. |
| Option 3 | Photocopy of one of: | <ul style="list-style-type: none"> • 18+ card • New Zealand Police identification card • New Zealand Defence Forces card <p>And a photocopy of one of:</p> <ul style="list-style-type: none"> a. New Zealand or overseas full birth certificate b. New Zealand or overseas citizenship certificate c. New Zealand or overseas marriage certificate |

Proof of Residential Address

| | |
|---|---|
| Photocopy of one of the following documents within the last three months (online statements, PDFs and documents addressed to PO Boxes are not accepted): | |
| <ul style="list-style-type: none"> • Utility bill • Bank statement • Statement issued by a government agency | <ul style="list-style-type: none"> • Rental tenancy agreement • Hire purchase statement • Rates bill • Insurance policy statement • Car registration document • Payroll |

The copy of the documents obtained should be verified face-to-face or certified by a trusted referee. A trusted referee is one of the following:

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| Trusted Referee | |
| <ul style="list-style-type: none"> • Commonwealth representative (as defined in the Oaths and Declarations Act 1957) • Member of the police • Justice of the peace • Registered medical doctor | <ul style="list-style-type: none"> • Kaumātua (as verified through a reputable source) • Registered teacher • Minister of religion • Lawyer • Notary public • New Zealand Honorary consul • Member of Parliament • Chartered accountant • A person who has the legal authority to take statutory declarations or the equivalent in New Zealand |
| The trusted referee must not be: | |
| <ul style="list-style-type: none"> a. related to the customer, for example, a trusted referee cannot be their parent, child, brother, sister, aunt, uncle or cousin b. the spouse or partner of the customer | <ul style="list-style-type: none"> c. a person who lives at the same address as the customer d. a person involved in the transaction or business requiring the certification |

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