

Anti-Money Laundering & Countering Financing of Terrorism Act 2009

WHY WE NEED TO ASK YOU FOR INFORMATION

New Zealand has passed a law called the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (“the AML/CFT law”). The purpose of the law reflects New Zealand’s commitment to countering the impact that criminal activity has on people and economies within the global community.

From 1 July 2018 lawyers must comply with these new rules. This will help towards the prevention of international money laundering and terrorist financing. Lawyers must obtain and verify information from prospective and existing clients about a range of things. This is part of what AML/CFT law calls “customer due diligence”.

CUSTOMER DUE DILIGENCE REQUIREMENTS

Customer due diligence requires a law firm to undertake certain background checks before providing services to clients or customers. Lawyers must take reasonable steps to make sure that the information they receive from clients is correct, and so they need to ask to see original documents that show this.

We will need to obtain and verify certain information from you to meet these legal requirements. This information includes: Your full name; your date of birth; and your street address.

To confirm these details, documents will be required. We need to sight these documents in order to act for you. Please therefore bring with you current original documents of the following (an English translation where documentation is in a foreign language is also required):

	Primary Identification	Secondary Identification
Option 1	<ul style="list-style-type: none"> ● Passport (NZ or overseas); or ● NZ Firearms Licence; or ● NZ Emergency Travel Document; or ● NZ Refugee Travel Document 	<ul style="list-style-type: none"> ✓ Not required
Option 2	<ul style="list-style-type: none"> ● NZ Drivers Licence <p><i>Plus a secondary identification document</i></p>	<ul style="list-style-type: none"> ● Credit Card or Debit Card (with matching signature and embossed name); or ● SuperGold card; or ● Bank Statement; or ● Student ID card (from NZ institutions only with photo); or ● Birth Certificate (NZ or overseas)
Option 3	<ul style="list-style-type: none"> ● Birth Certificate (NZ or overseas); or ● Citizenship Certificate (NZ or overseas) <p><i>Plus a secondary identification document</i></p>	<ul style="list-style-type: none"> ● NZ Drivers Licence; or ● Overseas Drivers Licence (with photo) accompanied by an international driving permit and an English translation; or ● 18+ card; or ● SuperGold card; or ● NZ Armed Forces ID; or ● NZ Police ID; or ● Student ID card (from NZ institutions only with photo)

Address Verification		
Option A	<ul style="list-style-type: none"> ● Bank Statement or letter (must include Banks stamp); or ● Government agency statement; or ● Registered Kiwisaver or super scheme letter; or ● IRD letter; or 	<p>Option A documents should be no more than 12 months old.</p> <p>We must view original copies of these documents.</p> <p>If you have used a bank statement as proof of identity it cannot be also used to verify your address.</p>
Option B	<ul style="list-style-type: none"> ● Council rates or water bill; or ● Utility bill (gas, power, fixed phone line, internet, Sky TV); or ● Current Insurance policy (house and/or contents only); or ● Signed tenancy or lease agreement; ● Correspondence from a NZ educational institution (e.g. Primary school, secondary school, tertiary institution, that reports under the Ministry of Education in NZ) 	<p>Option B documents should be no more than 2 months old.</p> <p>Digital copies of utility statements and insurance policies are accepted, provided the statements show you are taking responsibility for a fixed (non-moveable) service or fixed asset at the same address the statement would otherwise have been posted to.</p> <p>A tenancy agreement must be signed by the tenant(s) and landlord.</p>

TRUSTS, BUSINESS & COMPANY

If you are seeing us about company or trust business, we will need information about the company or trust including the people associated with it (such as directors and shareholders, trustees and beneficiaries). These people will also need to provide their identity and address verification.

We may also need to ask you for further information. We will need to ask you about the nature and purpose of the proposed work you are asking us to do for you. Information confirming the source of funds for a transaction may also be necessary to meet the legal requirements.

Also depending on the type of work you want us to do, we may require the following where you are not a Trust, Business or Company:

Source of Funds Verification
<p>The following documents must be no more than 2 months old from the date provided and must be in the name of the client whose source of funds we are verifying.</p> <ul style="list-style-type: none"> ● Pay slips ● Employment agreement ● Sale & Purchase agreement ● Government issued document (such WINZ arrangement) ● Financial records from Accountant ● IRD Tax Returns ● Evidence of company dividends ● Evidence of inheritance ● Bank Statements * <p><i>* Occasionally bank statements will not be sufficient enough evidence, we may require additional information from you in some instances.</i></p>

WHAT HAPPENS IF YOU CANNOT BRING THESE DOCUMENTS TO YOUR MEETING

We understand it is not always possible to come and see us before you need to engage us to act on your behalf. If you are overseas or out of town, this makes face-to-face meetings more difficult.

Our company policy recognises this and we can accept copies of original documents that are certified by one of the following:

Certification of Documents	
<p>New Zealand</p> <ul style="list-style-type: none"> ● Commonwealth representative ● Lawyer ● Notary Public ● New Zealand Honorary Consul ● Member of Parliament ● Chartered Accountant ● Justice of the Peace ● Honorary Consul ● Registered Teacher ● Registered Medical Doctor ● Member of Police ● Minister of Religion 	<p>Overseas</p> <ul style="list-style-type: none"> ● Commonwealth Representative ● Lawyer ● Notary Public ● Honorary Consul ● Member of Parliament
	<p>Please contact us for a copy of our Identity Certification policy which outlines further information on certifying documents.</p>

IF YOU CANNOT PROVIDE THE REQUIRED INFORMATION

If we are not able to obtain the required information from you, it is likely we will not be able to act for you. Because the law applies to everyone, we need to ask for the information even if you have been a client of ours for a long time.

Before we start working for you, we will let you know what information we need, and what documents you need to show us and let us photocopy.

Please contact the lawyer who will be undertaking your work, if you have any questions or concerns.