



Anti-Money Laundering and Countering Financing of Terrorism (Requirements and Compliance) Amendment Regulations 2018

Patsy Reddy, Governor-General

Order in Council

At Wellington this 15th day of October 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 60(2)(c) and 153 of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 on the advice and with the consent of the Executive Council.

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New Schedule 2B inserted	

Regulations

1 Title

These regulations are the Anti-Money Laundering and Countering Financing of Terrorism (Requirements and Compliance) Amendment Regulations 2018.

2 Commencement

- (1) These regulations (except regulation 5) come into force on 1 August 2019.
- (2) Regulation 5 comes into force on the 28th day after the date of the notification of these regulations in the *Gazette*.

3 Principal regulations

These regulations amend the Anti-Money Laundering and Countering Financing of Terrorism (Requirements and Compliance) Regulations 2011 (the **principal regulations**).

4 Regulation 9 amended (Prescribed form for annual report under section 60 of Act)

In regulation 9, replace “Schedule 2 or 2A” with “Schedule 2, 2A, or 2B”.

5 Schedule 2A amended

In Schedule 2A, Part 3, paragraph 7.2, delete “If you answered “yes”, estimate how many of the following you have found in the last year. Circle the estimated number.”

6 New Schedule 2B inserted

After Schedule 2A, insert the Schedule 2B set out in the Schedule of these regulations.

Schedule
New Schedule 2B inserted

r 6

Schedule 2B
Annual AML/CFT report by New Zealand Racing Board

r 9

This form is to be completed by the New Zealand Racing Board.

Part 1

Answer **all** questions in this Part.

1 Period of the report

1.1 Period that this report covers: [*specify year*]

Start date:

End date:

2 Contact details

Entity registration details

2.1 Reporting entity's legal name:

FSPR number (if applicable):

Trading name(s):

Physical address

2.2 Street name and number:

Suburb/town:

City:

Postcode:

Postal address (if different from physical address)

2.3 Street name and number or PO Box:

Suburb/town:

City:

Postcode:

Other contact details

2.4 Full name of AML/CFT compliance officer:

AML/CFT contact telephone number:

AML/CFT contact email address (if available):

Website (if available):

3 Organisation structure

- 3.1 Number of each type of physical location in New Zealand: *[specify number]*
Number of branches: *[specify number]*
Number of agents: *[specify number]*
Combined number of PubTABS and ClubTABS: *[specify number]*
Number of other types of locations: *[specify number]*
- 3.2 Number of New Zealand subsidiaries: *[if none, enter 0]*
- 3.3 Number of physical locations outside New Zealand: *[if none, enter 0]*
- 3.4 Number of subsidiaries outside New Zealand: *[if none, enter 0]*

Part 2

Answer **all relevant** questions.

4 AML/CFT risk assessment

- 4.1 Does your risk assessment meet the requirements of section 58 of the Act?
Meets all/Meets some/Meets none*
*Select one.
- 4.2 If your risk assessment meets only some of the requirements of section 58 of the Act, please list all subsections that it is not fully compliant with (eg, sections 58(1), 58(2)(a) to (c), 58(3)(a) to (c)). *[Use commas to separate each entry.]*
- 4.3 When was the most recent internal review of the risk assessment completed?
[DD/MM/YY]
- 4.4 Has the risk assessment been independently audited? Yes/No*
*Select one.
- 4.5 If yes to 4.4, when was the most recent audit of the risk assessment completed?
[DD/MM/YY]
- 4.6 If yes to 4.4, did the most recent audit of the risk assessment highlight any deficiencies? Yes/No*
*Select one.
- 4.7 If yes to 4.4 and 4.6, have you made the changes identified as being necessary in the most recent audit? Yes, complete/Not yet complete*
*Select one.
- 4.8 During the year, did you make available a new product, service, or channel?

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4.9 If yes to 4.8, before making this product, service, or channel available, did you assess the ML/TF risk? Yes/No*

*Select one.

5 AML/CFT programme

5.1 Does your AML/CFT programme meet the requirements of section 57 of the Act?

Meets all/Meets some/Meets none*

*Select one.

5.2 If your AML/CFT programme meets only some of the requirements of section 57 of the Act, please list all paragraphs that it is not fully compliant with. (list relevant paragraphs from section 57(a) to (i)). [*Use commas to separate each entry.*]

5.3 When was the most recent internal review of the programme completed? [DD/MM/YY]

5.4 Has the programme been independently audited? Yes/No*

*Select one.

5.5 If yes to 5.4, when was the most recent audit of the programme completed? [DD/MM/YY]

5.6 If yes to 5.4, did the most recent audit of the programme highlight any deficiencies? Yes/No*

*Select one.

5.7 If yes to 5.4 and 5.6, have you made the changes identified as being necessary in the most recent audit? Yes, complete/Not yet complete*

*Select one.

5.8 Do you have procedures to identify and verify the identity of—

(a) a new customer (including the customer's beneficial owners or any person acting on behalf of a customer)? Yes/No*

*Select one.

(b) a person seeking to conduct an occasional transaction through your reporting entity? Yes/No*

*Select one.

(c) an existing customer, according to the level of risk involved, if there has been a material change in the nature or purpose of the business relationship and your reporting entity considers that it has insufficient information about the customer? Yes/No*

*Select one.

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5.9 Do you have exception handling procedures for issues related to customer due diligence (CDD) (eg, clause 4 of the Amended Identity Verification Code of Practice 2013)? Yes/No*

*Select one.

5.10 Do you outsource any CDD requirements to third parties (as set out in sections 32 to 34 of the Act)? Yes/No*

*Select one.

5.11 Are your reporting entity's AML/CFT transaction monitoring and accounting monitoring processes best described as electronic, manual, or a combination of both? [*Electronic/Manual/Both*]*

*Select one.

Part 3

Answer **all** questions in this Part.

6 Products and services

6.1 Estimate the value and number of all transactions completed by your reporting entity during the year. Add the number of receipts and payments together, record the total number, and repeat for value.

Gross number of transactions: [*number*]

Gross value of transactions (NZD\$): [*amount*]

*Select one.

6.2 If your reporting entity offers any of the following products and services, specify the value of your annual revenue received from that product or service:

Products and services	Yes/No	Estimate percent of annual revenue of your business (%)
<i>Domestic</i>		
1 Domestic account and deposit taking services: [<i>value in NZD\$</i>]		
2 Domestic wire transfer or electronic funds transfer services: [<i>value in NZD\$</i>]		
3 International wire transfer or electronic funds transfer services: [<i>value in NZD\$</i>]		
4 Foreign currency or money exchange services: [<i>value in NZD\$</i>]		
5 Issuing vouchers: [<i>value in NZD\$</i>]		
6 Redeeming vouchers: [<i>value in NZD\$</i>]		
7 Cash transactions (excluding ATM withdrawals and foreign currency): [<i>value in NZD\$</i>]		
8 Stored value instruments or cards (other than vouchers): [<i>value in NZD\$</i>]		

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	Products and services	Yes/No	Estimate percent of annual revenue of your business (%)
9	Other relevant products or services: <i>[if selected, specify the type of products provided along with estimates]: [value in NZD\$]</i>		
	Total		100
6.3	Name the 3 countries your business receives the most transactions from, and estimate the average monthly number of inward transactions:		
	Name of country	Average monthly number of inward transactions	
	1 <i>[specify]</i>	<i>[specify]</i>	
	2 <i>[specify]</i>	<i>[specify]</i>	
	3 <i>[specify]</i>	<i>[specify]</i>	
6.4	Name the 3 countries your business sends the most transactions to, and estimate the average monthly number of outward transactions:		
	Name of country	Average monthly number of inward transactions	
	1 <i>[specify]</i>	<i>[specify]</i>	
	2 <i>[specify]</i>	<i>[specify]</i>	
	3 <i>[specify]</i>	<i>[specify]</i>	
6.5	Do you provide the following payment methods? If yes, estimate the average monthly value of all transactions settled during the year <i>[enter 0 or value]</i> :		
	(1) Cash: <i>[value in NZD\$]</i>		
	(2) Bearer negotiable instruments: <i>[value in NZD\$]</i>		
	(3) Domestic wire transfers or electronic funds transfers: <i>[value in NZD\$]</i>		
	(4) Foreign wire transfers or electronic funds transfers: <i>[value in NZD\$]</i>		
7	Customers and members		
7.1	Estimate the number of customers your reporting entity had a business relationship with during the year: <i>[number]</i>		
7.2	Estimate the number of customers that carried out occasional transactions through your reporting entity during the year: <i>[number]</i>		
7.3	Estimate, as at the end of the reporting period, the numbers of the following types of customers:		
	Types of customer		Estimate percentages as at end of the year for: (%)
	1 New Zealand resident individuals: <i>[number]</i>		
	2 Non-resident individuals: <i>[number]</i>		
	3 New Zealand resident entities (including companies, partnerships, trusts, charities, and incorporated/unincorporated entities): <i>[number]</i>		

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		Estimate percentages as at end of the year for: (%)
Types of customer		
4	Non-resident entities (including companies, partnerships, trusts, charities, and incorporated/unincorporated entities): [<i>number</i>]	
5	Overseas government bodies (or similar): [<i>number</i>]	
6	Other: [<i>specify type of customer and number in each case</i>]	
8 Channels		
8.1	Estimate the number of your new customers who were accepted via the following methods during the year:	
Methods of acceptance		%
1	Face-to-face (other than on-course): [<i>number</i>]	
2	Face-to-face (on-course): [<i>number</i>]	
3	Self-service terminals: [<i>number</i>]	
4	PubTABS and ClubTABS: [<i>number</i>]	
5	Overseas intermediaries, agents, or third-party referral (exclude your reporting entity's employees): [<i>number</i>]	
6	Online: [<i>number</i>]	
7	Other (List these other methods of acceptance in the additional notes section in Part 4.): [<i>number</i>]	
8.2	Estimate the value of transactions during the year for each of the following methods:	
Methods of acceptance		%
1	Face-to-face (other than on-course): [<i>number</i>]	
2	Face-to-face (on-course): [<i>number</i>]	
3	Self-service terminals: [<i>number</i>]	
4	PubTABS and ClubTABS: [<i>number</i>]	
5	Overseas intermediaries, agents, or third-party referral (exclude your reporting entity's employees): [<i>number</i>]	
6	Online: [<i>number</i>]	
7	Other (List these other methods of acceptance in the additional notes section in Part 4.): [<i>number</i>]	
Part 4		
Answer all questions.		
Your notes here [Notes]		
Declaration and signature		
I confirm that I have the authority to submit this report on behalf of the reporting entity. I have reviewed the answers and information and I confirm that I am		

satisfied that, to the best of my knowledge, after undertaking all reasonable inquiries, all answers are true and correct.

Reminder: Under section 103 of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009, a person commits an offence if, without reasonable excuse, the person provides information to an AML/CFT supervisor knowing that information to be false or misleading in any material respect. (*See* section 103 of the Act).

Yes, I agree:

Date:

Signature:

Full name:

Position or job title:

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations (except for *regulation 5*) come into force on 1 August 2019. They amend the Anti-Money Laundering and Countering Financing of Terrorism (Requirements and Compliance) Regulations 2011 (the **principal regulations**) to—

- prescribe the form of annual report required to be completed by the New Zealand Racing Board under section 60 of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009;
- correct an error in existing Schedule 2A.

Regulation 5, which comes into force on the 28th day after the notification of these regulations in the *Gazette*, corrects an error in Schedule 2A of the principal regulations.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 18 October 2018.

These regulations are administered by the Ministry of Justice.