



Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021

Patsy Reddy, Governor-General

Order in Council

At Wellington this 8th day of June 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under sections 70 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.

Contents

| | | Page |
|---|--|----------|
| 1 | Title | 2 |
| 2 | Commencement | 2 |
| 3 | Principal regulations | 2 |
| 4 | Regulation 6 replaced (Form of cash report prescribed) | 2 |
| 6 | Prescribed information to be included in border cash report | 2 |
| 5 | Regulation 7 revoked (Information cash report must contain prescribed) | 2 |
| 6 | Schedule replaced | 2 |
| | Schedule | 3 |
| | Schedule replaced | |

Regulations

1 Title

These regulations are the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Amendment Regulations 2021.

2 Commencement

These regulations come into force on 9 July 2021.

3 Principal regulations

These regulations amend the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Regulations 2010.

4 Regulation 6 replaced (Form of cash report prescribed)

Replace regulation 6 with:

6 Prescribed information to be included in border cash report

A report under subpart 6 of Part 2 of the Act must contain the information set out in the Schedule.

5 Regulation 7 revoked (Information cash report must contain prescribed)

Revoke regulation 7.

6 Schedule replaced

Replace the Schedule with the Schedule set out in the Schedule of these regulations.

Schedule
Schedule replaced

r 6

Schedule
Border cash report

r 6

- 1 The following information about the person's (A's) requirement to give a report:
 - (a) whether they are moving cash of NZ\$10,000 or more (or foreign equivalent) into New Zealand;
 - (b) whether they are moving cash of NZ\$10,000 or more (or foreign equivalent) out of New Zealand;
 - (c) whether they are receiving cash of NZ\$10,000 or more (or foreign equivalent) from outside New Zealand.
- 2 The following information about A's arrival in or departure from New Zealand:
 - (a) the flight or name of ship or craft, and flight number (if applicable);
 - (b) if A is arriving in New Zealand,—
 - (i) their place of arrival in New Zealand; and
 - (ii) their date of arrival; and
 - (iii) the place or places from which A departed to come to New Zealand (transit point or points); and
 - (iv) if not already provided, the place from which A commenced travel;
 - (c) if A is departing from New Zealand,—
 - (i) their place of departure from New Zealand; and
 - (ii) their date of departure; and
 - (iii) the place or places to which they are travelling (transit point or points).
- 3 The following information about A's nationality, travel documents, identity, and residence:
 - (a) their country of citizenship;
 - (b) their passport number;
 - (c) whether they are a New Zealand resident;
 - (d) their full name;
 - (e) their date of birth;

**Anti-Money Laundering and Countering Financing of
Terrorism (Cross-border Transportation of Cash)
Amendment Regulations 2021**

Schedule

2021/144

- (f) their gender:
 - (g) their email address:
 - (h) their occupation:
 - (i) if A is resident in New Zealand,—
 - (i) their full address; and
 - (ii) their home, work, and mobile phone numbers:
 - (j) if A is not resident in New Zealand,—
 - (i) their full address; and
 - (ii) their phone number (best contact).
- 4 If A is carrying all or some of the threshold amount in cash,—
- (a) the total estimated value of all cash they are carrying in NZD; and
 - (b) for each currency being carried,—
 - (i) the type of currency; and
 - (ii) the amount; and
 - (iii) the approximate current NZD exchange rate; and
 - (iv) the estimated value in NZD; and
 - (v) the overseas location (including the location and country) from which, or to which, cash is being moved.
- 5 If A is carrying all or some of the threshold amount in bearer negotiable instruments (**BNIs**),—
- (a) the total estimated value of all BNIs they are carrying in NZD; and
 - (b) for each type of BNI being carried,—
 - (i) the type of BNI; and
 - (ii) the currency the BNI is denoted in; and
 - (iii) the value of the BNI in NZD using the current (approximate) exchange rate; and
 - (iv) the issuer or drawer of the BNI, and the location (including the location and country) of the issuer or drawer; and
 - (v) the payee or beneficiary of the BNI, and the location (including the location and country) of the payee or beneficiary (if specified); and
 - (vi) the overseas location (including the location and country) from which, or to which, the BNI is being moved.
- 6 If A is carrying cash or BNIs (or both) above the threshold amount,—
- (a) where the funds came from; and

- (b) the reason A is carrying the funds into or out of New Zealand; and
 - (c) what A plans to do with the funds.
- 7 If A is moving cash or BNIs on behalf of a person, business, or organisation, the following information in respect of that person, business, or organisation:
- (a) their full name:
 - (b) their permanent physical address (not PO Box) in New Zealand or in their country of residence or business:
 - (c) their home, work, and mobile phone numbers:
 - (d) whether A is acting on behalf of a financial institution:
 - (e) their business identification number (if applicable):
 - (f) their occupation, business, or main activity:
 - (g) A's relationship to the person, business, or organisation.
- 8 If A will deliver cash or BNIs to a person, business, or organisation, the following information in respect of that person, business, or organisation:
- (a) their full name:
 - (b) their permanent physical address (not PO Box) in New Zealand or in their country of residence or business:
 - (c) their home, work, and mobile phone numbers:
 - (d) their business identification number (if applicable):
 - (e) their occupation, business, or main activity:
 - (f) A's relationship to the person, business, or organisation.
- 9 If a person (**B**) is completing the form on A's behalf, the following information about B:
- (a) their full name:
 - (b) their permanent physical address (not PO Box) in New Zealand or in their country of residence or business:
 - (c) their home, work, and mobile phone numbers:
 - (d) their email address:
 - (e) their occupation, business, or main activity:
 - (f) the reason why B is completing the report on A's behalf:
 - (g) the relationship between B and A.
- 10 A declaration by A (or, if B is completing the form on behalf of A, by B) by written or electronic signature, or by electronic attestation, declaration, or affirmation, that they are satisfied that, to the best of their knowledge, all answers are true and correct.

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, which come into force on 9 July 2021, amend the Anti-Money Laundering and Countering Financing of Terrorism (Cross-border Transportation of Cash) Regulations 2010 (the **principal regulations**) by replacing the prescribed form for a border cash report in the Schedule of the principal regulations with a list of the prescribed information that the report must contain.

Regulatory impact assessment

The Ministry of Justice produced a regulatory impact assessment on 11 March 2020 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- <https://www.justice.govt.nz/assets/Documents/Publications/RIA-AMLCFT-Expiring-Regulations.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

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These regulations are administered by the Ministry of Justice.