

ATTACHMENT FOR NEW ZEALAND

- 1) QI is subject to the following laws and regulations of governing the requirements of QI to obtain documentation confirming the identity of QI's account holders:

[Anti-Money Laundering and Countering Financing of Terrorism Act 2009](#) (the AML/CFT Act)

[Anti-Money Laundering and Countering Financing of Terrorism \(Cross-border Transportation of Cash\) Regulations 2010 \(2010/352\)](#)

[Anti-Money Laundering and Countering of Terrorism \(Definitions\) Regulations 2011 \(SR 2011/222\)](#)

[Anti-Money Laundering and Countering Financing of Terrorism \(Ministerial Exemption Form\) Regulations 2011 \(SR 2011/223\)](#)

[Anti-Money Laundering and Countering of Terrorism \(Exemptions\) Regulations 2011 \(2011/224\)](#)

[Anti-Money Laundering and Countering Financing of Terrorism \(Requirements and Compliance\) Regulations 2011 \(SR 2011/225\)](#)

[Amended Identity Verification Code of Practice 2013](#) (approved by notice in the New Zealand Gazette on the 10 October 2013 under section 64 of the AML/CFT Act)

- 2) QI represents that the laws identified above are enforced by the following enforcement bodies and QI shall provide the IRS with an English translation of any reports or other documentation issued by these enforcement bodies that are relevant to QI's functions as a qualified intermediary:

[Reserve Bank of New Zealand](#)

[Financial Markets Authority](#)

[Department of Internal Affairs](#)

- 3) QI represents that the following penalties apply to failure to obtain, maintain, and evaluate documentation obtained under the laws and regulations identified in item 1 above.

In the case of an individual, a fine up to a maximum amount of \$200,000.

In the case of a body corporate, a fine up to a maximum amount of \$2 million.

Also, a knowing or reckless breach of the CDD rules constitutes an offence and, on conviction, the Reporting Entity or person is liable to:

- a. in the case of an individual, either or both:
 - i. a fine up to \$300,000
 - ii. a term of imprisonment of not more than 2 years
- b. in the case of a body corporate, a fine up to \$5 million.

- 4) QI shall use the following specific documentary evidence (and also any specific documentation added by an amendment to this item 4 as agreed to by the IRS) to comply with section 5 of this Agreement, provided that the following specific documentary evidence satisfies the requirements of the laws and regulations identified in item 1 above. In the case of a foreign person, QI may, instead, use a Form W-8 in accordance with section 5 of this Agreement. Either QI, or a banking or securities association in New Zealand, may request an amendment of this item 4.

For natural persons that are assessed according to the AML/CFT Act as low to medium risk:

To conduct documentary verification of a customer's name and date of birth, the following is required:¹

1. One form of the following primary photographic identification:

- a) New Zealand passport
- b) New Zealand certificate of identity issued under the Passports Act 1992
- c) New Zealand certificate of identity issued under the Immigration New Zealand Operational Manual that is published under section 25 of the Immigration Act 2009
- d) New Zealand refugee travel document issued under the Passports Act 1992
- e) emergency travel document issued under the Passports Act 1992
- f) New Zealand firearms licence
- g) overseas passport or a similar document issued for the purpose of international travel which:
 - i. contains the name, date of birth, a photograph and the signature of the person in whose name the document is issued; and
 - ii. is issued by a foreign government, the United Nations or an agency of the United Nations
- h) a national identity card issued for the purpose of identification, that:
 - i. contains the name, date of birth and a photograph of the person in whose name the document is issued and their signature or other biometric measure included where relevant; and
 - ii. is issued by a foreign government, the United Nations or an agency of the United Nations.

OR

2. One form of the following primary non-photographic identification:

- a) New Zealand full birth certificate
- b) certificate of New Zealand citizenship issued under the Citizenship Act 1977
- c) a citizenship certificate issued by a foreign government
- d) a birth certificate issued by a foreign government, the United Nations or an agency of the United Nations

in combination with a secondary or supporting form of photographic identification, for example:

- e) New Zealand driver licence
- f) 8+ Card
- g) valid and current international driving permit as defined in rule 88(1)(b) of the Land Transport (Driver Licensing) Rule 1999 and a licence from another country with a translation.

OR

- a) The New Zealand driver licence and, in addition, one of the following:
 - i) confirmation that the information presented on the driver licence is consistent with records held in the National Register of driver licences
 - ii) confirmation that the identity information presented on the New Zealand driver licence is consistent with the records held by a reliable and independent source (for

¹ As set out by the Amended Identity Verification Code of Practice 2013 (the Code) approved by notice in the New Zealand Gazette on the 10th day of October 2013 under section 64 of the AML/CFT Act. Although the code is not mandatory, it constitutes a 'safe harbour' – a reporting entity that fully complies with the code is deemed to be compliant with the relevant parts of the legislation. If a reporting entity decides to opt out of the code, it must adopt practices that are equally effective, otherwise it risks non-compliance.

example the information that is recorded for the purposes of the Births, Deaths, Marriages, and Relationships Registration Act 1995, the Citizenship Act 1977, or the Passports Act 1992 by the Department of Internal Affairs)

- c) a document issued by a registered bank that contains the person's name and signature, for example a credit card, debit card or eftpos card
- d) a bank statement issued by a registered bank to the person in the 12 months immediately preceding the date of the application
- e) a document issued by a government agency that contains the person's name and signature for example a SuperGold Card as defined in the Social Security (SuperGold Card) Regulations 2007
- f) 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.

For natural persons that are assessed according to the AML/CFT Act as high risk:

Increased or more sophisticated measures than those required by the Amended Identity Verification Code of Practice 2013.

For legal persons:

- a. Copy of certificate of incorporation
- b. Copy of the Certificate of Registration of a Company or Certificate of Registration of a Foreign Company
- c. Copy of the trust deed or certified copy of extracts from the trust deed.
- d. Copy of the partnership deed.

Identification is also required for each director, officer, sole trader, trustee, partner, general partner, board member, authorised signatory and beneficial owner with 25% or greater interest.

- 5) QI shall follow the procedures set forth below (and also any procedures added by an amendment to this item 5 as agreed to by the IRS) to confirm the identity of account holders that do not open accounts in person or who provide new documentation for existing accounts other than in person. In the case of a foreign person, QI may, instead, use a Form W-8 in accordance with section 5 of this Agreement. Either QI, or a banking or securities association in New Zealand, may request an amendment to this item 5.
- i. QI shall not open an account by any means other than by establishing in person the identity of a customer through the account holder's own identity documents, except as permitted in (ii), (iii) and (iv) below.
 - ii. QI may obtain by mail or otherwise a copy that is an exact reproduction of the specific documentary evidence listed in item 4 above from another person that is subject to know-your-customer rules that have been approved by the IRS for purposes of qualified.
 - iii. intermediary agreements, provided that the laws and regulations listed in item 1 permit QI to rely on the other person to identify the account holder.
 - iv. QI may obtain a photocopy of the specific documentary evidence listed in item 4 by mail or otherwise remotely from the account holder or a person acting on behalf of the account holder, provided that the photocopy has been certified as a true and correct copy by a person whose authority to make such certification appears on the photocopy, and provided that the laws and regulations listed in item 1 permit QI to rely on the certified photocopy to identify the account holder.