From: <u>Ariarna.Hakaraia@fma.qovt.nz</u>

To:
Subject: RE: FMA contact to Members
Date: Monday, 13 November 2023 9:57:25 am

Attachments:

AML Letter.pdf

Kia ora

The FMA has decided to treat your email below as a request for information made under the Official Information Act 1982. The information you have requested is **attached**.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact me.

Ngā mihi Ariarna

From:

Sent: Wednesday, November 8, 2023 4:42 AM **To:** Michael Hewes < <u>Michael.Hewes@fma.govt.nz</u>>

Subject: FMA contact to Members

Hi Michael,

I have been advised of recent contact by the FMA to our Members including an email inferring that as they are FAPs, AML/CFT appears to apply. For most of our Members that is highly unlikely to be the case so is causing some confusion.

Please send me the communication so I can review it.

Regards





WELLINGTON OFFICE

Level 2, 1 Grey Street Wellington PO Box 1179, Wellington 6140 PHONE +64 4 472 9830

xx October 2023

<First Name> <Surname> Address

Dear xxxx

XXXXXXXXXXXXXX

I am contacting you regarding xxxxx LIMITED. This company is authorised to provide financial advice services under the financial advice provider (**FAP**) licence of xxxxx FINANCIAL ADVISORS LIMITED.

Based on information about your business on the Financial Service Providers Register (**FSPR**) and submitted with the FAP licence application made to FMA, it appears your business may undertake business activities that capture it is an AML/CFT reporting entity.

AML/CFT reporting entities have important legal obligations to meet and FMA is responsible for monitoring whether FAPs (including authorised bodies) are meeting those obligations.

We are currently contacting FAPs to ensure they understand their obligations. The first step is by encouraging them to assess whether their business provides products and services that capture them as an AML/CFT reporting entity, and to update the FSPR by making the appropriate declarations.

I am contacting you because you need to assess whether xxxxx FINANCIAL ADVISORS LIMITED provides products and services that capture it as an AML/CFT reporting entity. Not all FAPs (including authorised bodies) are AML/CFT reporting entities, it depends on the products and services the business provides.

What you should do within the next 10 days

Information to help you determine if your business is an AML/CFT reporting entity and explaining the other obligations can be found here <u>AML/CFT FAQs</u> on the FMA website.

If you determine your business is an AML/CFT Reporting Entity, please take the actions outlined below:

- 1. Log on to your FSPR account (<u>FSPR</u>) and update the entities profile by <u>selecting yes</u> to your organisation being an AML/CFT reporting entity.
- 2. Select that the FMA is your AML/CFT Supervisor.
- 3. Send FMA an email (aml@fma.govt.nz) confirming you have updated the FSPR records.

If you determine that your business is **not a reporting entity**, please send FMA an email advising it is not a reporting entity and the reasons why.

If you have any questions about your entities status as a reporting entity or AML/CFT obligations, please email us at aml@fma.govt.nz. Alternatively, please contact me on (04) 832 6972.

Ngā mihi,

Stephan Leppan