

28 February 2024

[REDACTED]

[REDACTED]

By email to: [REDACTED]

Dear [REDACTED]

**Request for information – [REDACTED]**

1. Thank you for your requests for information under the Official Information Act in your letter dated 31 January 2024.
2. We have granted your request. Please find the requested information in the Schedule below, which follows the format set out in your letter.
3. Please note where your requests are specific to investigations, we have only provided figures for formal investigations (ie where the matter was referred to our investigations team). Where your requests are not limited to investigations, we have provided figures for both investigations and inquiries (ie where the matter was managed by a frontline team).
4. We note this distinction because not all FMA enforcement responses arise from investigations. Many of our enforcement responses (in the form of public or private warnings) arise from inquiries without an investigation – hence why the number of enforcement responses are greater than the number of investigations.
5. Where relevant, we have also included comments in footnotes to explain or contextualise the figures.

6. Please let us know if you have any questions. You also have the right to make a complaint to the Office of the Ombudsman in respect of this decision. You can find details on how to make a complaint on the Ombudsman's website at <https://www.ombudsman.parliament.nz/>

Yours sincerely



Mark McIlvride  
Senior Legal Counsel

## SCHEDULE

#	QUESTION	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
<i>Investigations generally</i>												
1.	How many investigations has the FMA opened in relation to compliance with the AML/CFT Act each year?	-	1	-	-	-	1	2	2	-	1	-
2.	How many information requests has the FMA issued in relation to all AML/CFT investigations each year? <sup>1</sup>	-	-	3	-	-	-	12	13	1	-	6
3.	How many confidentiality orders has the FMA issued in relation to all AML/CFT investigations? [REDACTED]	-	-	1	-	-	-	1	4	-	-	1
<i>Areas of investigation<sup>3</sup></i>												
4.	How many investigations opened related to AML/CFT requirements (pt 2, sub-pt 4 of the AML/CFT Act ie programmes, compliance officer, risk assessments and audits) each year?	-	-	-	-	-	-	1	1	-	1	-
5.	How many investigations opened related to customer due diligence (pt 2, sub-pt 1 of the AML/CFT Act) each year? [REDACTED]	-	1	-	-	-	1	2	1	-	1	-
6.	How many investigations opened related to suspicious activity reports (pt 2, sub-pt 2 of the AML/CFT Act) each year? [REDACTED]	-	1	-	-	-	1	-	1	-	-	-
7.	How many investigations opened related to prescribed transaction reports (pt 2, sub-pt 2A of the AML/CFT Act) each year?	-	-	-	-	-	-	-	-	-	-	-
8.	How many investigations opened related to record keeping (pt 2, sub-pt 3 of the AML/CFT Act) each year?	-	-	-	-	-	-	1	2	-	-	-

<sup>1</sup> Issued under sections 25(1)(a), 25(1)(b) and 25(1)(c) of the Financial Markets Authority Act. We have not included any notices for interviews under section 25(1)(d) in these figures.

<sup>2</sup> The FMA issues a single confidentiality order for a whole investigation or inquiry, which are then provided to relevant individuals and entities. These apply from issue until completion of the investigation or inquiry, or until otherwise revoked.

<sup>3</sup> Note our investigations often cover multiple subparts.

<i>Enforcement action generally</i>												
9.	How many AML/CFT investigations opened (in any year) resulted in no further action each year?	-	-	-	-	-	-	1	1	-	-	-
10.	Of the FMA's AML/CFT investigations (opened in any year), how many have resulted in the FMA taking enforcement action in response to civil liability acts each year? <sup>4</sup>	-	-	-	1	-	-	-	1	-	3	-
11.	How many AML/CFT formal warnings has the FMA issued publicly (ie naming the reporting entity) each year?	-	-	1	1	1	-	1	1	1	1	-
12.	How many AML/CFT formal warnings has the FMA issued privately (ie not naming the reporting entity) each year?	-	3	-	-	11	6	10	10	8	2	-
13.	How many AML/CFT enforceable undertakings has the FMA accepted each year?	-	-	-	-	-	-	-	-	-	-	-
14.	How many times has the FMA applied to the court seeking an order for breach of that undertaking?	-	-	-	-	-	-	-	-	-	-	-
15.	How many search warrants did the FMA issue each year?	-	-	-	-	-	-	-	-	-	-	-
<i>Enforcement action - court proceedings</i>												
16.	How many Court proceedings under the AML/CFT Act has the FMA filed each year?	-	-	-	-	-	-	-	1	-	1	-
17.	Of the Court proceedings at question 16 above, how many sought injunctive relief each year?	-	-	-	-	-	-	-	-	-	-	-
18.	Of the Court proceedings at question 16 above, how many sought the imposition of a pecuniary penalty each year?	-	-	-	-	-	-	-	1	-	1	-
19.	Of the Court proceedings at question 16 above, how many proceedings alleged an offence under the AML/CFT Act each year?	-	-	-	-	-	-	-	-	-	-	-
<i>Areas of enforcement action</i>												
20.	On how many occasions did the FMA take enforcement action (including civil and criminal enforcement action) under the AML/CFT Act each year?	-	3	1	1	12	6	11	12	9	5	-

<sup>4</sup> Note the figures represent what year the enforcement action was taken.

21.	Of the occasions at question 20 above, how many related to AML/CFT requirements (pt 2, sub-pt 4 of the AML/CFT Act ie programmes, compliance officer, risk assessments and audits) each year?	-	3	1	-	12	5	9	10	8	3	-
22.	Of the occasions at question 20 above, how many related to customer due diligence (pt 2, sub-pt 1 of the AML/CFT Act) each year?	-	-	-	1	1	1	2	2	1	3	-
23.	Of the occasions at question 20 above, how many related to suspicious activity reports (pt 2, sub-pt 2 of the AML/CFT Act) each year?	-	-	-	-	-	-	2	1	-	1	-
24.	Of the occasions at question 20 above, how many related to prescribed transaction reports (pt 2, sub-pt 2A of the AML/CFT Act) each year?	-	-	-	-	-	-	-	-	-	-	-
25.	Of the occasions at question 20 above, how many related to record keeping (pt 2, sub-pt 3 of the AML/CFT Act) each year?	-	-	-	-	-	-	-	1	-	2	-

#	QUESTION	TOTAL
26.	What is the average length of an AML/CFT investigation (being the average time between when an investigation was opened and a decision was taken as to the FMA's enforcement response)?	753 days <sup>5</sup>

<sup>5</sup> Note this average has been calculated from completed investigations only.