

Anti-money laundering regulations for law firms | 律师事务所反洗钱规定

New Zealand lawyers must comply with the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (Act). The Act requires us to do a number of things to help combat money laundering and terrorist financing. This is because the services law firms and other professionals offer may be seen as an attractive option to those involved in criminal activity.

新西兰律师必须遵守《2009年反洗钱和反恐怖融资法》(法案)。该法案要求我们采取一系列措施,以帮助打击洗钱和恐怖融资活动。这是因为律师事务所和其他专业人士提供的服务可能被那些参与犯罪活动的人视为一个有吸引力的选项。

What does this mean?

We must carry out back ground checks (customer due diligence) on our clients, which includes obtaining and verifying identity, address, and in some cases, source of wealth and source of funds. We are also required to report certain international transactions through our trust account and any suspicious activity to the FIU, which is the financial intelligence arm of the NZ Police. This requirement is outlined in our Terms of Engagement (available on our website).

这是什么意思?

这意味着我们必须对我们的客户进行背景调查(客户尽职调查),包括获取和验证身份、地址,以及在某些情况下,财富和资金来源。我们还需要在我们的信托账户报告其某些国际交易,以及向FIU报告任何可疑活动,FIU是新西兰警察的金融情报部门。这一要求在我们的合作条款中(可在我们的网站上查看)有所概述。

What does this mean for Simpson Grierson clients?

Before we can start work for you we need to obtain satisfactory evidence to complete customer due diligence. This includes verifying and documenting your identity, address and business structure. We will also need to understand the nature and purpose of the proposed services you are asking us to undertake for you. The information required varies depending on whether we will be acting for an individual, partnership, company, public body, estate, trust or other entity type. Customer due diligence will include identifying and verifying any beneficial owner(s) and person(s) acting on behalf of a client.

We are also expected to carry out customer due diligence on existing clients particularly if any new instruction involves an activity covered by the Act. We will contact existing clients to let them know when this is required and what information will be needed. We are required to do this even though we may have known you for some time.

这对Simpson Grierson的客户意味着什么?

在我们开始为您工作之前,我们需要获得令人满意的证据来完成客户尽职调查。这包括验证和记录您的身份、地址和业务结构。我们还需要了解您要求我们为您提供的拟议服务的性质和目的。所需信息取决于我们为个人、合伙企业、公司、公共机构、遗产、信托或其他实体类型不同而异。客户尽职调查将包括识别和验证任何受益所有人和代表客户行事的人员。

我们还需要对现有客户进行客户尽职调查,特别是当我们收到任何新指令涉及该法案涵盖的活动。我们将联系现有客户,让他们知道何时需要这样做以及需要哪些信息。即使我们可能已经认识您有一段时间了,我们也必须这样做。

Customer due diligence

If we need to carry out customer due diligence on you, your Simpson Grierson contact person will explain the steps and what is required. For individuals that hold New Zealand or Australian identity documents, we use an electronic identity verification solution called Cloudcheck so that you can easily self-verify in your own time. Please refer to <https://www.gbg-cloudcheck.com/> for further information. Alternatively, you can bring your passport or drivers licence and address document (eg bank statement or utility bill) to our offices to be verified in person, or you can have documents certified by a trusted referee.

If you are instructing us on behalf of an entity, we may need to ask you for information about the entity's structure and a copy of relevant documents to confirm that information eg Trust Deed, Partnership Agreement, structure chart (particularly for complex structures).

We may also need to ask you about your overall source of wealth and the source of funds for a transaction, particularly if you are instructing us on behalf of a trust.

客户尽职调查

如果我们需要对您进行客户尽职调查,您在Simpson Grierson联系人将对您解释这些步骤和要求。对于持有新西兰或澳大利亚身份证件的个人,我们使用名为Cloudcheck的电子身份验证解决方案,以便您可以在自己的时间轻松进行自我验证。请参阅<https://www.gbg-cloudcheck.com/>了解更多信息。

或者,您可以携带护照或驾驶执照和地址文件(例如银行对账单或公用事业账单)到我们的办公室亲自核实,或者您可以让您值得信赖推荐人认证文件。

如果您代表某个实体向我们发出指示,我们可能会要求您提供有关该实体结构的信息以及相关文件的副本以确认该信息,例如信托契约、合伙协议、结构图(特别是对于复杂的结构)。

我们可能还需要向您询问总体财富来源和交易资金来源,特别是如果您代表信托向我们发出指示。

What is a “beneficial owner”?

A beneficial owner is an individual who:

- owns more than 25% of a client;
- has effective control of a client; or
- is a person on whose behalf a transaction is being conducted.

If you meet any of the above descriptions, we will need to verify your identity.

什么是“受益拥有人”？

受益拥有人是指以下个人：

- 拥有客户25%以上的股份；
- 对客户具有有效的控制；或者
- 是代表其进行交易的人。

如果您是符合上述任意一个描述，我们将需要您的身份验证。

What does “acting on behalf” mean?

Acting on behalf is where someone is instructing us on behalf of a client. If this is you, we will need to verify your identity, and confirm that you are authorised to instruct us eg we may ask for a letter of authority to act.

“代表行事”是什么意思？

代表行事是指某个人代表客户向我们发出指示。如果是这样，我们将需要您的身份验证，并将确认您有权指示我们，例如我们可能会要求提供行动授权书。

Who can I contact for more information?

If you require more information please contact the Simpson Grierson person who you usually work with or the AML Team at amlteam@simpsongrierson.com.

怎样联系获取更多的信息？

请您联系通常在Simpson Grierson合作的人员，或者通过邮件：amlteam@simpsongrierson.com 联系AML团队。

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