

# Client Due Diligence requirements for a *Trust*

*Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT)*

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## Why we are asking for this information

Under New Zealand's Anti-Money Laundering and Countering Financing of Terrorism Act 2009, law firms are required to verify client information before providing legal services. This applies to all clients, including existing clients. If we cannot obtain the required information, we may be unable to act for you.

## What information we require

Please provide the following information where applicable:

- Each Appointor and Trustee of the Trust
- Each Director of the Trustee Company
- Any individual who will benefit from 25% or more of the Trust's wealth/assets

### Copy of your ID

Please provide **one** of the following:

- New Zealand passport (preferred)
- Australian passport, or
- New Zealand driver licence (front and back)
- Australian driver licence, or
- Overseas passport

### Proof of residential address

Please provide **one** document that meets all of the following requirements:

- Issued by a utility provider, bank, or government department
- Shows your current residential address
- Is in your personal name (not a Company or Trust)
- Dated within the last 3 months

### Identity verification

If we have not met you face to face, we are required to take additional steps to verify your identity. This will involve you receiving a text message from APYLID to complete a biometric identity check, or by providing certified copies of your identification.

## Information and documents for the Trust

Please provide the following information for the Trust:

- A copy of the Trust deed and any variations (if we do not already hold these)
- If the Settlor is not a Trustee or Appointor, confirmation of their relationship to the Trust
- If the Trust is not a Discretionary Trust, the names and dates of birth of all beneficiaries (unless there are more than 10 beneficiaries)
- Details of the Trust's source of wealth and source of funds, as outlined below.
  - **Source of wealth** - This refers to how the trust's original assets or capital were acquired (for example, from savings, inheritance, or the sale of a property).
  - **Source of funds** - This refers to the trust's ongoing income (for example, rental income or regular contributions from earnings).
- Financials for the Trust (if available).
- Confirmation of whether there are any nominee Trustee
- Confirmation of whether there are any other individuals that has effective control or is a beneficial owner, other than those mentioned in the Trust Deed

# Certification guidelines

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If we have not met you in person and you would prefer not to complete the biometric identity check, then you will need to send us a copy of your ID and proof of address document, certified by Trusted Referee.

## Trusted Referee

**Trusted Referees must sight and make a copy of each document and include:**

- Full name, date and signature
- State they have sighted the original ID and it represents the identity of the named individual
  - "I certify that this is a true and correct copy of the original and represents the true likeness and identity of [x] as sighted by me on [date]."
- State they have sighted the original proof of address document
  - "I certify that this is a true and correct copy of the original as sighted by me on [date]."
- State their capacity to act as a Trusted Referee

**Trusted Referees can be:**

- Commonwealth Representative
- Police Member
- Justice of the Peace
- Registered Medical Doctor
- Registered Teacher
- Lawyer
- Minister of Religion
- Notary Public
- Member of Parliament
- NZ Honorary Consul
- Chartered Accountant
- A person authorized by law in that country to take statutory declarations or equivalent

**Trusted Referees CANNOT be:**

- Related to you
- Spouse/Partner
- Living at same address as you
- Involved in the same transaction/business

Please note that the certification must not be older than 90 calendar days.