

## **Ministerial Exemptions Under the Anti-Money Laundering and Countering Financing of Terrorism Act 2009**

In accordance with section 157(6)(b) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (“Act”), the Associate Minister of Justice hereby gives notice that he has granted the following exemption from the Act:

*Ministerial Exemption: Anglican Church in the Diocese of Christchurch and Church Property Trustees*

1. In my capacity as the Associate Minister of Justice, and pursuant to section 157 of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (“Act”), I exempt the Anglican Church in the Diocese of Christchurch and the Church Property Trustees (CPT) from all provisions of the Act.
2. The exemption is granted subject to the following condition:
  - a. The exemption only applies in relation to services provided by CPT to entities within the “diocese” and under the control of the “Synod” (as those terms are defined within the Anglican (Diocese of Christchurch) Church Property Trust Act 2003) (“Related Entities”), and includes, for the avoidance of doubt, financial services provided to parishes within the diocese.
3. The exemption has been granted for the following reasons:
  - a. Regulation 16 of the Anti-Money Laundering and Countering Financing of Terrorism (Exemptions) Regulations 2011 (“Regulation 16”) provides an exemption from all the provisions of the Act for relevant services provided by a reporting entity to persons who are related to it within the meaning of section 12(2) of the Financial Markets Conduct Act 2013 (“FMC Act”).
  - b. Section 12(2) of the FMC Act defines when one body corporate is related to another body corporate. CPT is a body corporate pursuant to section 5(2) of the Anglican (Diocese of Christchurch) Church Property Trust Act 2003, however the Related Entities are not bodies corporate.
  - c. CPT cannot rely on Regulation 16 because the Related Entities are not bodies corporate and therefore not related to CPT within the meaning of section 12(2) of the FMC Act, as required by Regulation 16.
  - d. Due to the very low money laundering and terrorism financing risks raised by the CPT and the significant compliance costs that would arise from not granting this exemption, I consider that any benefits or requiring compliance with the Act are not justified by the associated costs.
  - e. This exemption is consistent with (and has no effect on the purpose or intent of) the Act, the Financial Transactions Reporting Act 1996 and New Zealand’s international obligations as a member of the Financial Action Taskforce and the Asia Pacific Group on Money Laundering.
4. This exemption comes into force on the day after the date I grant this exemption (**1 September 2015**). This exemption will expire on **30 June 2018**.

Any person wishing to provide comments on this notice should contact the Criminal Law Team at the Ministry of Justice by emailing [international.crime@justice.govt.nz](mailto:international.crime@justice.govt.nz)