



Ministerial Professional Development Practice Note

Topic: Certifying Identity Documents (complying with AML-CFT Legislation)

Date: August 2023 (MP/CM)

The AML-CFT legislation is New Zealand legislation which aims to prevent anti-money laundering and financial terrorism taking place in New Zealand. Many NZ organisations are subject to this legislation, including:

- Banks and Financial institutions
- Accountants
- Lawyers and Conveyancers
- Financial Advisors
- Real Estate Agents
- Brokers
- Businesses that deal in high value goods
- Gambling providers

When a JP certifies an identity document (one with the client's photo on it) for a receiving agency that is subject to the AML-CFT legislation, they must follow certain steps and use specific wording. For these documents, the common certified copy generic wording "*I certify this document to be a true copy of a document presented to me as an original*" will not suffice and will be rejected.

If the transaction will be processed in a foreign country, the JP can certify it using the standard certified copy generic wording ("certified true copy of a document presented to me as an original").

Identity documents all include a photograph and a signature. New Zealand identity documents are:

- NZ Passport which has been signed by the bearer (the JP should check that it has been signed; it is not a valid identity document if it has not been signed).
- NZ Driver Licence/NZ Learner Drivers Licence.
- NZ Firearms Licence.
- Kiwi Access Card (provided this includes a photograph of the bearer).

If any of these documents have expired, the JP should advise the client that they may not be valid for this transaction.

If the identity document is for a person who is not visiting the JP in person, the standard certified copy generic wording should be used.

The AML-CFT legislation does not specify an exact wording for certified statements. Our manual (Section 3.3) provides a generic wording for these documents but receiving agencies can override this and request different wording they believe best meets their obligations under the law. The generic AML-CFT wording works about 80% of the time but there will be variations of the certified statement the JP will need to use instead.

When the JP is asked to certify an identity document which belongs to the person in front of them, they should take the following steps:

- Ask the client what the certified document will be used for i.e., what type of organisation is the receiving agency. Remember that the client is not expected to know if the receiving agency is subject to the AML-CFT provisions. If you, the JP are not absolutely certain that the AML-CFT wording is not necessary, then you should use the AML-CFT wording regardless. It may not be necessary, but it will never be wrong!
- Read all provided instructions – those on the form and any others that have been sent to the client. Note any specific wording that has been requested by the receiving agency on the certification statement.
- Confirm that the receiving agency will accept certification by a NZ JP (this is often stated within the instructions on the form).

- Sight the original document (check NZ passport has been signed!) and confirm that the copy is a true copy.
- Satisfy yourself that the person before you is the same person in the photo on the document.
- Return the original document to the client.
- Stamp or write the certification statement on the copy. If no specific wording has been provided, this is an example of generic wording suitable for AML-CFT purposes:
I certify that this is a true copy of the original document which I have sighted and it represents a true likeness of the individual
- Sign and stamp (or write) your name, plus Justice of the Peace, your JP Number, and the date.

Read the January 2023 issue of Justice Quarterly – Education pages 6 and 7.

Note: We have seen instructions provided by the receiving agency which ask the JP to scan the certified copy of the identity document and send directly to the receiving organisation. This is NOT part of the certification process and the JP does not have to comply with this instruction.