

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 gave notice on 15 March 2021 that he has granted the following exemption from the Act:

Ministerial Exemption: Foodstuffs North Island Limited

Exempting Foodstuffs North Island Limited (FSNI) from the following provisions of the Act:

- a. sections 1–39 (customer due diligence);
- b. sections 48A–48C (prescribed transaction reports);
- c. sections 49–51 (transaction, identity verification, and other record keeping); and
- d. sections 56–71 (AML/CFT compliance programme, codes of practice, and cross-border transportation of cash).

For the avoidance of doubt, this exemption only applies in relation to the following activities:

- a. lending of money to members for the purchase of Foodstuffs Franchise business;
- b. giving guarantees in respect of a member’s borrowing from New Zealand registered banks for that purpose; and
- c. operating trading accounts for members.

This exemption is made subject to the following conditions:

- a. FSNI must continue to retain an in-depth knowledge of, and monitor, its members; and
- b. FSNI must inform the Ministry of Justice of any changes that may affect the exemption and/or conditions imposed by this written instrument within 10 working days from which the change affecting the exemption occurs.

The exemption has been granted for the following reasons:

- a. it has a limited, well known customer base for captured activities. FSNI’s captured activities are limited to its members;
- b. it has in-depth knowledge of its customers;
- c. there is a limited scope of services offered. FSNI undertakes regular reviews and robust monitoring of its members; and
- d. there is ongoing due diligence and monitoring. FSNI undertakes regular reviews and robust monitoring of its members.

This exemption comes into force on 9 March 2021.

This exemption will expire on 9 March 2026.

Any person wishing to provide comment on this notice should contact the Terrorism and Law Enforcement Stewardship Team at the Ministry of Justice by emailing amlcft.exemptions@justice.govt.nz.