

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

In accordance with section 157(4) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (“Act”), the Associate Minister of Justice gave notice on 11 July 2022 that he has granted the following exemptions from the Act:

### **Ministerial exemption: Retirement Unit Surrender Consultancy**

Exempting Sharon Pasinemi Bennett trading as Retirement Unit Surrender Consultancy (RUS Consultancy) from sections 11–39 for activities relating to (within the meanings of section 4(1) of the Real Estate Agents Act 2003):

- a. Providing real estate agency work to effect a transaction.
- b. Giving instructions on behalf of a customer to another person for the disposal of a retirement village occupation right agreement.

The exemption is subject to the following conditions:

- a. RUS Consultancy must undertake standard customer due diligence on the recipient of any refunded monies when:
  - i. An occupation right agreement is cancelled in accordance with section 29(2) of the Retirement Villages Act 2003; and
  - ii. the amount to be refunded is over the threshold value of \$9,999.99.
- b. RUS Consultancy must inform the Ministry of Justice of any changes that may affect the exemption within 10 working days from when the change affecting the exemption occurs.

The exemption has been granted with the stated conditions to reduce administrative and compliance burden to RUS Consultancy while ensuring that the money laundering and terrorism financing (ML/TF) risks associated with its business remain at a low level. The residual ML/TF risks are considered to be low because:

- a. No funds pass through RUS Consultancy and there is limited opportunity for ML/TF in relation to the Consultancy’s activities.
- b. The customer base of RUS Consultancy is narrow (retirement village residents with occupation right agreements).
- c. RUS Consultancy operates in the context of additional ML/TF protections. Statutory supervisors of retirement villages and their solicitor retain obligations under the Act including customer due diligence. Lawyers for the prospective buyers also have obligations under the Act.
- d. The exemption is narrow in scope. RUS Consultancy retains all other obligations under the Act.

The exemption comes into force the day after gazetting.

The exemption will expire on **6 July 2027**.

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](mailto:amlcft.exemptions@justice.govt.nz).