



**Anti-Money Laundering & Customer Identification  
Booklet**

1 July 2014

## **AML/CTF IDENTIFICATION REQUIREMENTS**

The *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (“AML legislation”) requires Linear Asset Management Ltd (“Linear”, “we”, or “us”) to identify and verify your identity prior to accepting an application from you. The information we require is set out below (although we may request additional information from time to time, if we consider it is appropriate to do so).

If you invest through a financial adviser, then your adviser may request and collect the verification materials we require.

### **What documents do I need to provide?**

Please see our requirements for each type of applicant in the tables below. You will need to provide us with the documents listed to match the category or structure of the applicant. We need to be satisfied that the documents you provide are a reliable and independent source from which to identify you. For example, photo identification should match your current likeness and where a signature is provided, it should match your current signature on the Application Form.

### **Are original copies required?**

Either an original document or a certified copy can be accepted. We will not accept photocopies or electronic transmissions of a certification. See below for requirements about certified copies and acceptable certifiers.

### **How current must your documents be?**

All documents need to be current unless we advise otherwise. Generally this means a document must not have expired, and is dated as recently as possible and is less than 12 months old. However, we are allowed under the AML legislation to accept an expired Australian passport, but only if it has expired within the last two years.

### **What if the documents are not in English?**

Any non-English document must be accompanied by an English translation prepared by an accredited translator.

An *accredited translator* means—

1. a person currently accredited by the *Australian National Accreditation Authority for Translators and Interpreters Ltd. (NAATI)* at the level of *Professional Translator* or above, or
2. a person who currently holds an accreditation that is consistent with the same standard, to translate into English.

### **What if the documents are hard to read?**

Unfortunately, we cannot accept documents that are cancelled, illegible, defaced, torn or otherwise mutilated.

### **What is an acceptable certified copy?**

Each document you provide must be certified by an acceptable certifier. The certifier should certify that the photocopy is a true copy of the original by writing on and signing a photocopy as

follows: 'I certify this is a true copy of the original', then print and sign their name, date, qualification number (if applicable), state category of certifier (refer to list below) and a contact telephone number.

### **Who is an “acceptable certifier”?**

The following persons may certify your documents for AML/CTF purposes, subject to our approval:

- a. An Australian lawyer (who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described));
- b. A judge, magistrate or Chief Executive Officer of an Australian court;
- c. A Justice of the Peace;
- d. An Australian Consular officer or an Australian Diplomatic officer (within the meaning of the *Consular Fees Act 1955*);
- e. An officer with, or authorised representative of, a holder of an Australian Financial Services Licence having two or more years of continuous service with one or more licensees;
- f. An Australian Police Officer;
- g. An Australian postal agent or permanent employee of the Australian Postal Corporation with two or more years of continuous service who is employed in an office supplying postal services to the public;
- h. A member of the Institute of Chartered Accountants in Australia, CPA Australia or the National Institute of Accountants with two or more years continuous membership;
- i. a Notary public (pursuant to the *Statutory Declaration Regulations 1993*);
- j. an officer with two or more years continuous service with one or more Australian financial institutions (for the purposes of the *Statutory Declaration Regulations 1993*);
- k. a finance company officer with two or more years of continuous service with one or more financial companies (for the purposes of the *Statutory Declaration Regulations 1993*); or
- l. Commissioner for Affidavits or Declaration of Oaths in Australia.

Subject to our approval, if you are overseas, then your documents can be certified by the following overseas-based persons:

- a. A judge or magistrate of any court of law
- b. A registrar or deputy registrar of any court of law;
- c. A person authorised as a notary public in a foreign country;
- d. The overseas equivalent of an officer with two or more years continuous service with one or more Australian financial institutions;
- e. The overseas equivalent of a Commissioner for Affidavits or Declaration of Oaths in Australia.

## Documentation requirements for individuals/joint applicants/sole traders

We are required to verify your, and, if applicable, the beneficial owners<sup>1</sup>, full name, signature and either date of birth or residential address. You have two choices below. If you are a sole trader, then please also provide your ABN:

EITHER

One of the following photographic identification documents:

- Driver's licence (State or Territory issued), OR
- Passport (an Australian passport that has expired within the preceding two years is acceptable), OR
- Foreign Passport (which must have your photo and signature)
- Foreign-issued national ID card (which must have your photo and signature)

OR

One primary non-photographic identification document:

- Australian or foreign-issued citizenship certificate, OR
- Australian or foreign-issued birth certificate, OR
- Birth extract issued by an Australian State or Territory, OR
- Pension card issued by Centrelink or the Department of Veteran Affairs, OR
- Health card issued by Centrelink

AND

One secondary identification document:

- A notice which records the provision of benefits to the individual which has been issued by the Commonwealth, State or Territory within the preceding 12 months that contains the name of the individual and their residential address
- A notice issued by Australian Taxation Office within the preceding 12 months that records a debt payable by the individual to the Commonwealth (or by the Commonwealth to the individual), which contains the name of the individual and their residential address
- A notice from local government body or utilities provider dated in last three months containing name and residential address

<sup>1</sup> See the definition at the end of this document

## Documentation requirements for companies

### Domestic Companies

#### All companies

A domestic company includes any company incorporated in Australia. We are required to *collect* the company's name, registered address, principal place of business, ACN, whether the company is proprietary or public, and for proprietary companies the name(s) of the directors, and we need to *verify* the name, whether proprietary or public and the ACN.

*In some cases we may also ask you for additional details for example, if our policies determine it is required due to the AML-risk the company attracts.*

#### Proprietary companies

If a proprietary company is not licensed and subject to oversight by an Australian statutory regulator then we must collect details about and verify the identity of major shareholders of the company (for example, this applies to Pty Ltd companies that are not AFSL holders or hold another licence) and any person who controls the company. This does not apply if the company is a registered charity or not-for-profit company.

To verify identify of signatory/signatories of company

### Original or certified documentation required

Provide the following for all companies:

- Company search of ASIC database

Provide the following for unlicensed proprietary companies:

- For each shareholder that is a Beneficial Owner<sup>2</sup> (includes any individual who owns 25% or more of the issued capital in the company) and any person who controls the company (for example by means of trusts, agreements, understanding or practice) please provide the documentation required for verification of shareholders, according to the type of entity

PLUS (for all company types) provide the following to verify the signatory(ies):

- For individuals, provide the documentation required for verification of individuals above

### ASIC registered foreign companies

A registered foreign company is a company incorporated outside of Australia that is registered with ASIC. It may be a public or private company (if a private/proprietary company it may or may not be registered in the jurisdiction in which it is incorporated). We are required to *verify* the name of the company, the ARBN (if relevant) and whether the company is registered by a foreign registration body as private, public or other.

To verify identify of signatory/signatories of company

### Original or certified documentation required

Provide one of the following:

- ASIC certificate of registration or ASIC company search
- Certificate of registration issued by foreign registration body (if applicable)
- A public document issued by a company (e.g. audited annual accounts)

PLUS provide the following to verify key shareholders

- For each individual who is a shareholder who owns 25% or more of the issued capital in the company, and any person who controls the company (for example by means of trusts, agreements, understanding or practice) please provide the documentation required for verification of shareholders, according to the type of entity.

PLUS provide the following to verify the signatory(ies):

- For individuals, provide the documentation required for verification of individuals above

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<sup>2</sup> See the definition at the end of this document

#### Unregistered foreign companies

An unregistered foreign company is a company incorporated outside of Australia in accordance with the requirements of the jurisdiction in which it is incorporated. It may or may not be registered in the jurisdiction in which it is incorporated and it is not registered in Australia by ASIC. We are required to *verify* the name of the company, whether the company is registered by a foreign registration body (or not) as private, public or other and any identification number issued to the company.

To verify identify of signatory/signatories of company

#### Original or certified documentation required

Provide one of the following:

- Certificate of registration issued by foreign registration body (if applicable) or company search of foreign registration body
- A public document issued by a company (e.g. audited annual accounts)

PLUS provide the following to verify key shareholders

- For each individual who is a shareholder who owns 25% or more of the issued capital in the company, and any person who controls the company (for example by means of trusts, agreements, understanding or practices) please provide the documentation required for verification of shareholders, according to the type of entity

PLUS provide the following to verify the signatory(ies):

- For individuals, provide the documentation required for verification of individuals above

## Documentation requirements for partnerships

### Partnerships

A partnership is the relationship that exists between individuals/organisations (the partners) carrying on business in common with a view to profit. The rights of the partners between themselves are governed by a partnership agreement. Regulated partnerships are partnerships regulated by an industry/professional association and include law firms, accountancy firms, real estate agencies, etc.

We are required to *collect* the name of the partnership; business name (if any), the country in which it was established, and in respect of at least one partner - the information required to be collected from an individual under the reporting entity's customer identification program in respect of individuals. We must *verify* the name of the partnership and the information about at least one partner.

If regulated, we must also *verify* the partnership is regulated by a professional association (only required if the full name and address of each partner is not collected)

To verify identify of at least one partner

### Original or certified documentation required

Provide the following documents which assist us to verify the partnership:

Partnership agreement (or extract) showing the full name of the Partnership and names and address of all partners;

PLUS

Minutes of the minutes of a partnership meeting (or extract); OR

Accountant-prepared financial statements for the last two years; OR

Business tax returns for the last two years; OR

A notice issued by the ATO within the last 12 months (e.g. Notice of Assessment); OR

Certificate of registration of business name

If the partnership is regulated by a professional association:

A search of current membership directory or membership certificate

PLUS provide the following to verify the identity of one partner:

For individuals, provide the documentation required for verification of individuals above

For companies, provide the documentation required for verification of companies above

## Documentation requirements for trusts/superannuation funds

### Trusts/ super funds including SMSFs

A trust is a relationship which exists where the trustee(s) holds property or assets for the benefit of one or more beneficiaries. The trustee can be an individual, group of individuals, a company, group of companies or a combination of individuals and companies, or any other entity type.

We are required to *collect* the name of the trust and trustee, the full name of the settlor, ABN, type of trust and the country established, and either the beneficiaries or class of beneficiaries of the trust, and we need to *verify* the name of the trust and the identity of the trustee(s).

*NOTE 1 – In some cases we may also ask you for additional details if we need to verify the information we collect. For example, we may need to verify the identity of beneficial ownership<sup>3</sup> if our policies determine it is required due to the AML risk the trust attracts.*

*NOTE 2 – registered managed investment schemes, trusts registered and subject to regulatory oversight of a Commonwealth statutory regulator or government Superannuation funds are required to produce specific documentation – please contact us for further information.*

To verify identity of trustee

*NOTE - Please contact us if the trustee is not an individual or a company.*

### Original or certified documentation required

Provide the following:

Trust deed (or extract) that shows the following:

- the full name of the trust;
- the full name of the settlor of the trust (other than if less than \$10,000; settlor is deceased or it is subject to government regulation. See Note 2 below);
- the full business name (if any) of the trustee
- the type of the trust;
- the country in which the trust was established; AND
- the beneficiaries or class of beneficiaries of the trust.

If necessary, provide other documentation:

*If the above is not clear from the trust deed (or extract), then you may provide other documentation, for example:*

- A notice issued by the ATO within the last 12 months (e.g. Notice of Assessment) that contains the full name of the trust
- Letter from a solicitor or qualified accountant that confirms the full name of the trust

PLUS provide the following to verify the trustee:

- For individuals, provide the documentation required for verification of individuals above
- For companies, provide the documentation required for verification of companies above

<sup>3</sup> See the definition at the end of this document

## Documentation requirements for associations/ clubs / co-operatives

### Incorporated Associations

An incorporated association is a group of persons who have agreed to join together in pursuit of one or more common objectives, which is incorporated in accordance with State, Territory or overseas legislation. This includes strata title bodies corporate. We are required to *collect* the association's name, address, any unique identifying number, plus details about an officeholder. We are required to *verify* the association's name and any unique identifying number.

To verify the identity of the chairperson, secretary or treasurer

### Original or certified documentation required

Provide one of the following documents:

- ASIC search
- Certificate of incorporation from relevant State or Territory government body
- Rules or Constitution of the association (or extract)
- Minutes of a meeting of the association (or extract)

PLUS provide the following to verify the identity of the chairperson OR secretary OR treasurer:

- Provide the documentation required for verification of individuals above

### Unincorporated Associations

An unincorporated association is a group of persons who have agreed to join together in pursuit of one or more common objectives, which is not incorporated. We are required to *collect* the association's name, address, details about an officeholder, plus details about the member applying in his/her capacity as a member of an unincorporated association. We are required to *verify* the association's name and details about the member applying.

To verify the identity of the chairperson, secretary or treasurer

### Original or certified documentation required

Provide one of the following documents:

- Rules or Constitution of the association (or extract)
- Minutes of a meeting of the association (or extract)

PLUS provide the following to verify the identity of the chairperson OR secretary OR treasurer:

- Provide the documentation required for verification of individuals above

### Registered co-operatives

A registered co-operative is a legal entity owned and controlled by the people for whom it was established and who benefit from using its services. Co-operatives may be set up for a very wide range of social and economic activities, such as retailing, agriculture, manufacturing, child care, housing, arts and crafts and taxi services. Co-operatives may be registered by a relevant State, Territory or overseas body. We are required to *collect* the co-operative's name, address, any unique identifying number and name of an officeholder. We need to *verify* that the co-operative's full name, plus any unique identifying number.

To verify the identity of the chairperson, secretary or treasurer

### Original or certified documentation required

Provide one of the following documents:

- Certificate of registration from relevant State or Territory government body
- Register maintained by the co-operative
- Minutes of a meeting of the co-operative (or extract)

PLUS provide the following to verify the identity of the chairperson OR secretary OR treasurer:

- Provide the documentation required for verification of individuals above

### "Beneficial Owner" includes:

- someone who ultimately owns or controls (directly or indirectly) the customer
- "controls", includes control as a result of, or by means of, trusts, agreements, arrangements, understandings and practices, and includes exercising control through the capacity to determine decisions
- "owns" means ownership (either directly or indirectly) of 25% or more of a person