

Sample checklist for engagement of AML/CTF adviser

To help you select an adviser who is suitably qualified and experienced to provide products and services for your business, consider a range of factors about the person, as well as the services they are providing. These are suggestions for your consideration, and is not an exhaustive list.

	Things to do	Things to avoid
The adviser	<ul style="list-style-type: none"> Have you checked and verified your adviser has relevant qualifications or experience, both with AML/CTF and your industry? Have you contacted their referees and verified the quality of their work with previous clients? 	<ul style="list-style-type: none"> The adviser is not familiar with the AML/CTF regulatory framework and your obligations. The adviser is not familiar with your industry or type of business.
The service	<p>The Risk Assessment and the AML/CTF program</p> <ul style="list-style-type: none"> Have you checked that the ML/TF risk assessment or AML/CTF program they propose is compliant with the AML/CTF Act and AML/CTF Rules? Have you checked that the ML/TF risk assessment or AML/CTF program is not a template, and is tailored to your specific business needs? Do you know what is in your ML/TF risk assessment or AML/CTF program and how these work, without needing to ask your adviser? Have you had input and reviewed the ML/TF risk assessment or AML/CTF program they provide for your business, before it is implemented? <p>The training</p> <ul style="list-style-type: none"> Is the training they provide your employees tailored to the specific needs of your business and its ML/TF risks? Is the training they provide your employees delivered frequently and in a way that is engaging for your staff? Does the training provide your employees with a solid understanding of the ML/TF risks you reasonably face, and their respective roles in meeting your AML/CTF obligations? E.g. practical tips on how to recognise and report ML/TF, insights into relevant ML/TF techniques and methodologies. <p>The review</p> <ul style="list-style-type: none"> Can you demonstrate that the person you engaged to undertake independent reviews of your AML/CTF program was not involved in the design, implementation or maintenance of your program, or the development of your ML/TF risk assessment and controls? How frequently will the independent reviews be conducted for your business? Will there be a set schedule, or will reviews be conducted in response to a situation arising e.g. changes to your business, changes to your risk or compliance breaches? Does your independent review adequately cover all of the criteria to ensure it meets the requirements of Part 8.6 or Part 9.6 of the AML/CTF Rules? 	<ul style="list-style-type: none"> The ML/TF risk assessment, AML/CTF program or staff training your adviser provides is a generic template, which they offer to all businesses, and is not tailored to your specific needs. The adviser develops your ML/TF risk assessment, AML/CTF program or staff training without consulting you about your customers, designated services, delivery methods, or jurisdictions. The adviser develops your ML/TF risk assessment, AML/CTF program or staff training without consulting you about your ML/TF risks and your existing safeguards to mitigate and manage those risks. The AML/CTF risk awareness training they provide to your employees is very brief, general, or is easy for employees to complete without much engagement. The person you engage to review your AML/CTF program should not be the same person who designed and implemented the program for your business. The independent reviewer conducts the review without testing any of your systems and controls, or asking your staff any questions about your policies and procedures.