

ACCOUNTANTS AND ACCOUNTING FIRMS

Legislative requirements effective June 23, 2008



If you are an accountant or accounting firm, you have the following specific regulatory requirements under the PCMLTFA when you engage in any of the following activities on behalf of any individual or entity:

- receiving or paying funds;
- purchasing or selling securities, real property or business assets or entities; or
- transferring funds or securities by any means.

You are not subject to these obligations for the receipt of professional fees. If you are an employee of a reporting person or entity, these requirements are the responsibility of your employer except with respect to reporting suspicious transactions and terrorist property, which is applicable to both.

For information about legislative requirements in effect before June 23, 2008, see the applicable guidelines published before 2008.

REPORTING

Suspicious Transactions

You must report where there are reasonable grounds to suspect that a transaction or an attempted transaction is related to the commission or attempted commission of a money laundering offence or a terrorist activity financing offence.

See *Guideline 2: Suspicious Transactions* and *Guideline 3: Submitting Suspicious Transaction Reports to FINTRAC*

Terrorist Property

You must report where you know that there is property in your possession or control that is owned or controlled by or on behalf of a terrorist or a terrorist group.

See *Guideline 5: Submitting Terrorist Property Reports to FINTRAC*

Large Cash Transactions

You must report large cash transactions involving amounts of \$10,000 or more received in cash.

See *Guideline 7: Submitting Large Cash Transaction Reports to FINTRAC*

RECORD KEEPING

You must keep the following records:

- Large cash transaction records
- Receipt of funds records
- Copies of official corporate records (binding provisions)
- Copies of suspicious transaction reports

See *Guideline 6D: Record Keeping and Client Identification for Accountants*

ASCERTAINING IDENTITY

You must take specific measures to identify the following individuals or entities:

- Any individual who conducts a large cash transaction
- Any individual for whom you have to send a suspicious transaction report (reasonable measures and exceptions apply)
- Any individual or entity for whom you have to keep a receipt of funds record

THIRD PARTY DETERMINATION

Where a large cash transaction record is required, you must take reasonable measures to determine whether the individual is acting on behalf of a third party.

In cases where a third party is involved, you must obtain specific information about the third party and their relationship with the individual providing the cash.

See *Guideline 6D: Record Keeping and Client Identification for Accountants*.

COMPLIANCE REGIME

The following five elements must be included in a compliance regime:

- The appointment of a compliance officer
- The development and application of written compliance policies and procedures
- The assessment and documentation of risks of money laundering and terrorist financing and measures to mitigate high risks
- Implementation and documentation of an ongoing compliance training program
- A documented review of the effectiveness of policies and procedures, training program and risk assessment

See *Guideline 4: Implementation of a Compliance Regime*