

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION OF
THE ELEVENTH PARLIAMENT OF GUYANA**

(2015-2017)

FIFTH REPORT

OF THE

COMMITTEE ON APPOINTMENTS

**IN RELATION TO THE APPOINTMENT OF AN ATTORNEY-AT-LAW TO THE
FINANCIAL INTELLIGENCE UNIT (FIU) WITHIN THE ANTI-MONEY
LAUNDERING & COUNTERING THE FINANCING OF TERRORISM
AUTHORITY (AML/CFT)
ACT NO. 1 OF 2015**

**COMMITTEES DIVISION
PARLIAMENT OFFICE
PUBLIC BUILDINGS
BRICKDAM
GEORGETOWN**

June 15, 2017

FIFTH REPORT

Introduction

1. The Standing Committee on Appointments was established under the Constitution to address matters relating to the appointment of Members of the Commissions pursuant to Article 119 (C) of the Constitution and provisions of Standing Order 84. The Committee was given additional responsibilities for appointments to bodies by several statutes enacted by the National Assembly in the 10th and 11th Parliaments. In particular, the Anti-Money Laundering and Countering the Financing of Terrorism (AML&CFT) (Amendment) Act 2015, Act No. 1 of 2015, gave the Committee the responsibility to select and recommend a person for the appointment as an Attorney-at-Law within the Financial Intelligence Unit (FIU).
2. This Fifth Report of the Committee in the 11th Parliament recommends the appointment of the Attorney-at-Law of the Financial Intelligence Unit in accordance with Section 5 of the Anti-Money Laundering and Countering the Financing of Terrorism (AML&CFT) (Amendment) Act 2015, Act No. 1 of 2015.

Members of the Committee

3. At a meeting of the Committee of Selection held on September 4, 2015, the following Members were nominated to the Committee on Appointments.

Members from the Government:

- (i) Hon. Dr. George A. Norton, M.P.
- (ii) Hon. Amna Ally, M.P., Government Chief Whip
- (iii) Hon. David A. Patterson, M.P.
- (iv) Hon. Catherine A. Hughes, M.P.
- (v) Hon. Annette N. Ferguson, M.P.

Members from the People's Progressive Party/ Civic

- (i) Ms. Gail Teixeira, M.P., Opposition Chief Whip
- (ii) Bishop Juan A. Edghill, M.S., J.P., M.P.
- (iii) Dr. Clive R. Jagan, M.P.
- (iv) Mr. Ganga Persaud, M.P.

Election of Chairperson

4. The Committee of Selection at its first meeting held on September 4, 2015 elected Hon. Dr. George A. Norton, M.P., Minister of Social Cohesion, as its Chairperson.

Change of Membership on the Committee

5. Dr. Clive R. Jagan resigned as a Member of the National Assembly with effect from February 10, 2016. Subsequently the Committee of Selection met on March 4, 2016, and nominated Ms. Bhagmattie Veerasammy, M.P. as a Member to replace Dr. Jagan on the Committee.

Mandate

6. The Committee was mandated by the Anti-Money Laundering and Countering the Financing of Terrorism (AML&CFT) (Amendment) Act No. 1 of 2015, to appoint persons to specific positions (specifically section 6), as follows:

The Principal Act is amended by the substitution for section 9 of the following section as section 6-

(3A) The Financial Intelligence Unit shall include-

- b) An Attorney-at-Law appointed by the Parliamentary Committee on Appointments from a short list provided, based on applications in response to public advertisement.*

Meetings of the Committee

7. The Committee held a total of twenty two (22) Meetings.

Attorney-at-Law within the Financial Intelligence Unit (FIU) - Appointment Process

8. At the 2nd Meeting held on Wednesday, December 23, 2015, the Committee commenced discussion on the way forward with the appointment of a person to the position of Attorney-at-Law within the Financial Intelligence Unit (FIU).
9. At the 4th Meeting held on Wednesday, March 9, 2016, the Committee, upon request was provided with the criteria, job description, and terms of reference for the position of Attorney-at-Law.
10. Two Members of the Committee were assigned to review the advertisement for the position of Attorney-at-Law. The Committee approved the advertisement inviting suitably qualified persons to fill the position in the four (4) national newspapers. The advertisement was published on March 22, 23 and 24, 2016, with a deadline for submission of applications by March 30, 2016. The advertisement was posted also on the Parliament Office's website.

11. At the 6th Meeting held on April 13, 2016, the Committee acknowledged the applications and spreadsheet with a summary of the two (2) candidates and their applications received.
12. At the said meeting, a Sub-Committee comprising three (3) Members were tasked with preparing an evaluation form for shortlisting the applicants, using the terms of reference for the position. The Sub-Committee was given a deadline of two (2) weeks to prepare the proposed evaluation forms.
13. At the 7th Meeting held on April 27, 2016, the Committee perused and amended the proposed evaluation form submitted by the Sub-Committee. The Committee undertook to enquire from the applicants via email, whether they deemed themselves as being a "*politically exposed person*" as defined in the Anti-Money Laundering & Countering the Financing of Terrorism (AML&CFT) (Amendment) Act 2015 and the Financial Intelligence Task Force Regulations (FATF).
14. A Matrix of the applicants' responses to the Committee's request was considered at the 8th Meeting held on May 13, 2016. The Committee, however, noted that not all of the applicants had responded and that further efforts would be made by the Clerk of the Committee to contact the applicants with outstanding responses.

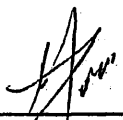
Selection for the position of Attorney-at-Law

15. At the 13th Meeting held on June 27, 2016, the Committee conducted interviews of the two (2) applicants for the position of Attorney-at-Law. The Committee also acknowledged that neither of the applicants interviewed for the position of Attorney-at-Law, possess the requirements outlined in both advertisement and legislation to fill the position. Hence, the Committee decided to re-advertise for the position of Attorney-at-Law. The two (2) applicants would be informed of Committee's decision and would be given the option, if so desirous to reapply for the position.
16. A re-advertisement was done inviting suitably qualified persons to fill the position of Attorney-at-Law. The advertisement was published in the four (4) national newspapers on the June 30, July 3 and July 10, 2016, with a deadline for submission of applications by July 10, 2016. The advertisement was posted also on the Parliament Office's website.
17. At the 14th Meeting held on July 13, 2016, the Committee acknowledged that following the advertisement for the position of Attorney-at-Law, there was only one (1) applicant whom did not fulfil the requirements for the position.
18. At the 15th Meeting held on November 2, 2016, the Committee engaged in discussion with respect to applicants to fill the position of Attorney-at-Law within the Financial Intelligence Unit. A Member, with the Committee's permission promised to approach the Minister of Finance to decrease the years of experience required and to revise the remuneration package in an effort to make it more appealing for applicants. Also a suggestion was made to approach the Guyana Bar Association requesting that they encourage their members to apply for the position of Attorney-at-Law.

19. At the 16th Meeting held on November 16, 2016, the Committee was informed that the correspondence seeking applicants for the position of Attorney-at-Law had been sent to the Guyana Bar Association but to date no response had been received.
20. At the 17th Meeting held on January 25, 2017, the Committee agreed to reduce the years of experience required for the position to three (3) years from the initial five (5) years, to re-advertise in the four (4) national newspapers, the advertisement should be posted Parliament Office's website, to contact the Guyana Bar Association and the Guyana Association of Women Lawyers Association informing of the re-advertisement and that they should encourage their Members to apply for the position.
21. A re-advertisement was published in the four (4) national newspapers. The re-advertisement was published on January 28 and February 12, 2017 with a deadline for submission of application by February, 13, 2017.
22. At the 18th Meeting held on February 15, 2017, the Committee acknowledged ten (10) applications for the position of Attorney-at- Law and shortlisted six (6) applicants to appear before the Committee for interview. In the interim, the Committee agreed that the applicants should be written to seeking a declaration whether or not they are a "*Politically Exposed Person*".
23. Declarations were received from the six (6) applicants shortlisted and at the 19th Meeting held on March 22, 2017, it was brought to the Committee's attention that one (1) of the applicants was deemed as a "Politically Exposed Person" and as such was not eligible. The five (5) applicants remaining were then invited to appear before the Committee for an interview scheduled for March 29, 2017.
24. On March 29, 2017, the Committee held its 2nd Special Meeting whereby interviews were conducted for the position of Attorney-at-Law. At the meeting, the Committee noted that one (1) of the applicants had indicated non interest in the position of Attorney-at-Law within the Financial Intelligence Unit and as such had withdrawn her application.
25. At the said Meeting, following the interview, there were differences of opinion among Members of the Committee. The four (4) opposition Members present proposed Mrs. Coleen Sparman-Stephen as their proffered candidate, since they felt that she had the requisite courtroom experience. While the three (3) Government Members present were in support of Mrs. Yvonne Ramao-Scarville, since she had the prior work experience and training that was relevant for the Unit.
26. The Presiding Member at that meeting recognised that Members could not reach a consensus in arriving at a decision on the candidates for the Attorney-at-Law position and advised them to review the evaluation forms with the aim of returning with a decision at the next meeting of the Committee.
27. At the 20th Meeting held on April 5, 2017, the Committee agreed that Yonette Ramao- Scarville was the best suited candidate for the position of Attorney-at-Law within the Financial Intelligence Unit and this should be communicated to the candidate. At the said Meeting, it was noted that there were no Members of the opposition present.
28. The selected candidate indicated her interest and acceptance of the position and salary offered and the due diligence process was initiated.

Due Diligence for the position of Attorney-at-Law

29. Subsequent to the Committee's decision, it was agreed that the Commissioner of Police would conduct due diligence.
30. The Committee hereby submits for the consideration of the National Assembly, Mrs. Yonette Ramao-Scarville for the position of Attorney-at-Law within the Financial Intelligence Unit (FIU).
31. The Committee examined and adopted the Report and Motion.
32. The Report is accordingly hereby submitted.



Hon. Dr. George Norton, M.P.,
Minister of Social Cohesion,
Chairperson,
Committee on Appointments
May 10, 2017