

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION OF THE
ELEVENTH PARLIAMENT OF GUYANA (2015 - 2017)**

SIXTH REPORT

OF THE

COMMITTEE ON APPOINTMENTS

**IN RELATION TO THE APPOINTMENT OF MEMBERS TO THE
ANTI-MONEY LAUNDERING & COUNTERING THE FINANCING OF
TERRORISM AUTHORITY (AML&CFT)**

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

July 7, 2017

Introduction

1. The Standing Committee on Appointments was established under the Constitution to address matters relating to the appointment of Members of Commissions pursuant to article 119C of the Constitution and provisions of Standing Order 84.
2. 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 (Amendment) Act 2015, Act No. 1 of 2015, gave the Committee the responsibility to appoint a body to be known as the Anti-Money Laundering and Countering the Financing of Terrorism Authority.
3. This Sixth Report of the Committee in the Eleventh Parliament recommends the appointment of ten (10) Members to be appointed to the Anti-Money Laundering and Countering the Financing of Terrorism Authority in accordance with Section 7A (1) of the AMLCFT (Amendment) Act 2015, Act No. 1 of 2015.

Members of the Committee

4. 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

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

Change of Membership on the Committee

6. 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 appointed Ms. Bhagmattie Veerasammy, M.P. as the Member to replace Dr. Jagan on the Committee.

Mandate

7. The Committee was mandated by the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Act No. 1 of 2015, to appoint Members of the Authority, specifically, as follows:

Clause 7A (1) “The National Assembly shall-

- a) by a simple majority; and*
- b) on the recommendation of the Parliamentary Committee on Appointments, after the Committee has consulted such bodies as the Committee may deem necessary to consult, appoint a body comprising ten members to be known as the Anti-Money Laundering and Countering the Financing of Terrorism Authority”.*

Meetings of the Committee

8. The Committee held a total of twenty four (24) Meetings.

Members of the Anti-Money Laundering & Countering the Financing of Terrorism Authority

9. At the 3rd Meeting held on Wednesday, January 13, 2016, the Committee commenced discussion on the way forward with the appointment of Members to Anti-Money Laundering and Countering the Financing of Terrorism (AML&CFT) Authority.
10. The Committee recognised that the appointment of Members to the Authority should be in adherence with the definition of a **“Politically Exposed Person”** as defined in the Anti-Money Laundering & Countering the Financing of Terrorism Act 13 of 2009, Section 2 (1), the AMLCFT (Amendment) Act No. 1 of 2015, Clause 7A (b) and the Financial Action Task Force Methodology.

11. Members discussed the issues with regard to the mechanism to be used in determining the ten (10) Members to be appointed to the Authority. After deliberating, they agreed to invite the Attorney General and Minister of Legal Affairs to address it on the way forward with the type of mechanism and/or modalities for the appointment.
12. At the 4th Meeting held on Wednesday, March 9, 2016, the Chairperson informed Members that a correspondence was sent to the Hon. Basil Williams, M.P., Attorney General and the Minister of Legal Affairs, inviting him to provide additional information on the mechanism and modalities as it relates to the appointment of Members. However, no response was received to indicate whether the Minister would appear before the Committee.
13. At the said meeting a Member proposed a list of bodies for consideration of the Committee which could be consulted to submit nominees to comprise the Authority, as follows:-
 - The Private Sector Commission,
 - The Guyana Association of Bankers,
 - The three Bar Associations,
 - Transparency Institute Guyana Incorporated,
 - Non-Governmental Organisations,
 - Guyana Human Rights Commission,
 - Religious Bodies (faith-based bodies),
 - Institute of Chartered Accountants of Guyana,
 - Umbrella Trade Union Bodies.

Selection of entities for the AML&CFT Authority

14. At the 5th Meeting held on March 9, 2016, the Committee agreed to the list of bodies for submission of nominees for appointment to the AML&CFT Authority as follows:
 - Private Sector Commission (*three nominees, one from each of the sectors*)
 - Commerce
 - Manufacturing Services
 - Corporate
 - Guyana Association of Bankers (*two nominees*)
 - Bar Association of Guyana (*one nominee will be selected out of three nominees*)
 - Transparency Institute of Guyana Incorporated., (*one nominee*)
 - Insurance Institute of Guyana (*one nominee*)
 - Institute of Chartered Accountants of Guyana (*two nominees*)

15. Members considered the contents of the letter to the bodies and decided that the letters should include and explain the following:-
- The biographical data form, which makes provision for detailed information on the nominees' families (such as spouse and children over eighteen years old). This would ensure that the nominees were not related to anyone who is a "*Politically Exposed Person*".
 - Letters sent to the Private Sector Commission, should indicate that the Bankers Association and the Insurance Institute Guyana Incorporated would be consulted separately by the Committee.
 - Details on the confidentiality and commitment role, to avoid being defined as a politically exposed person'; and
 - Years of service of appointment should be stated: - a three (3) year period.
 - Reference should be made to the definition of a "*politically exposed person*" from the AML Act of 2015;7 (a) (1) and (5); and
 - Attachment of the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Act No. 1 of 2015 for ease of reference.
16. At the 8th Meeting held on the May 13, 2016, the Chairperson informed the Committee that the letters to the bodies agreed on were dispatched, with the exception of the Insurance Institute of Guyana Incorporated. This was due to the inability to locate the organisation.
17. The Committee redirected the Secretariat that contact should be made with Mr. Raj Singh, Insurance Brokers & Risk Management Consultants Incorporated, who would provide guidance as to where and whom the letter should be addressed.
18. At the 15th Meeting held on November 2, 2016, the Committee noted that the correspondence was sent to Mr. Raj Singh, Insurance Brokers & Risk Management Consultants Incorporated.
19. The Institute of Chartered Accountants Guyana and the Guyana Association of Bankers had not submitted their nominees as yet.
20. Responses were received from -
- Guyana Private Sector Association (3),
 - Transparency Institute of Guyana, Incorporated (1),
 - Bar Association of Guyana (1), and
 - Insurance Institute of Guyana (1).

21. The Committee recognised that the responses received had totalled eight (8) Members which did not complete the composition of Members required for the Authority.

As a result, the Committee agreed to seek one (1) additional nominee each from the Bar Association of Guyana and the Transparency Institute of Guyana Incorporated. The bodies with outstanding nomination and additional nominees were given a deadline for submission on or before November 11, 2016.

22. However, if the bodies could not provide their nominee(s) by the stipulated deadline, then they would be invited to meet with the Committee to seek advice on the way forward.
23. At the 16th Meeting held on November 16, 2016, the Committee acknowledged receipt of nine (9) nominees from the eleven (11) requested. The Guyana Association of Bankers had informed the Committee of their difficulty deciding on another suitable nominee, since their proposed nominee was being deemed as a “*politically exposed person*”.

Due Diligence on nominees selected by NGOs

The Committee agreed that of the two (2) outstanding nominees from the Legal Associations, the first submission would be accepted to complete the composition of the AML&CFT Authority.

In the interim the nominees received would be written to asking them to declare whether he/she is deemed to be a “*politically exposed person*”.

Also the Commissioner of Police was written to requesting that due diligence be conducted for the following nominees:

- Mr. Eon Caesar;
- Mr. Nicholas Deygoo;
- Captain Gerald R. Gouveia;
- Mr. Wayne Eucaulton Fordyce;
- Mr. Ronald Alli ;
- Mr. Frederick Collins ;
- Mr. Thomas Bissessar Singh;
- Mr. Mohamed Alli; and
- Ms. Melissa Jessica DeSantos.

24. At the 17th Meeting held on January 25, 2017, the Committee recognised that one (1) of the nominees (Mr. Eon Caesar) selected by the Private Sector Commission had passed away. Also the Guyana Association of Bankers, Institute of Chartered Accountants and the Guyana Bar Association had not, to date, provided their nominees as requested.

At the said meeting, the Committee agreed to write the Private Sector Commission, expressing their condolence for the passing of the nominee and requested a replacement from within or from their affiliated agencies.

The Committee also agreed to write the Guyana Women's Lawyers Association and the Guyana Bar Association, inviting them to submit one (1) nominee each for the AML &CFT Authority with a given deadline of fourteen (14) days.

The Committee received a report from the Commissioner of Police with respect to due diligence and background checks done for the nominees, which indicated that the nominees had no criminal record or activities of interest to the Police.

25. At the 18th Meeting held on February 15, 2017, the Committee noted submission of the names of nominees as follows:-

- Guyana Private Sector Commission (2 out of 2),
- Guyana Association of Bankers (1 out of 1),
- Institute of Chartered Accountants Guyana (2 out of 2) ,
- Transparency Institute of Guyana Incorporated, (2 out of 2) ,
- Bar Association of Guyana (2 out of 2),
- Insurance Institute of Guyana (2 out of 2) and
- Guyana Association of Women Lawyers (1 out of 1)

26. After much deliberation, the Committee agreed that the number of nominees for Transparency Institute of Guyana and the Bar Association of Guyana be increased from one (1) to two (2) nominees and the Guyana Private Sector Commission be reduced from three (3) to two (2), which would complete the required composition for the AML&CFT Authority.

27. At the 19th Meeting held on Wednesday, March 22, 2017, the Committee was advised that the Institute of Chartered Accountant of Guyana would be submitting one (1) new nominee, since Mr. Alli had withdrawn his nomination for the consideration of the Committee.

28. At the 20th Meeting held on Friday, April 5, 2017, the Committee was in receipt of submissions from the Institute of Chartered Accountants, where Mr. Sue Sarran and Mr. Aaron Fraser were selected as nominees to the AML&CFT Authority.

Following the submissions received, correspondence was sent to the nominees requesting a declaration whether they are or not a "politically exposed person", to which Mr. Sarran withdrew from the position; the Committee was awaiting response from Mr. Aaron Fraser.

29. At the 21st Meeting held on Wednesday, April 26, 2017, the Committee acknowledged receipt of correspondence received from Mr. Aaron Fraser. From the correspondence received and in keeping with the definition of PEP's, Mr. Fraser was declared by the Committee, as a "politically exposed person".

At the said meeting, the Committee deliberated on the way forward and agreed to write the Institute of Chartered Accountants of Guyana informing them of the Committee's declaration of Mr. Fraser as a PEP and as such either request a replacement and/or proposed that Mr. Prasad reconsiders his withdrawal as a nominee to the Authority and to write the Guyana Securities Council seeking a nominee.

30. At the 22nd Meeting held on Wednesday, May 10, 2017, the Committee was informed that a response was received from the Guyana Securities Council and Ms. Cheryl Ibbott was nominated as a member to the AML&CFT Authority. However, Ms. Ibbott was deemed as a "*politically exposed person*".

Thereafter the Committee agreed to write the Guyana Securities Council seeking a further replacement. Also Mr. Ronald Ali from the Institute of Chartered Accountants of Guyana was written to and was contacted via telephone requesting a replacement nominee for Mr. Aaron Fraser, but no response was received.

31. At the 23rd Meeting held on Wednesday, June 7, 2017, the Committee acknowledged submission from the Institute of Chartered Accountants of Guyana, whereas Mr. Hance Manohar was selected as a nominee to the AMLCFT Authority. Subsequent to the nomination submitted; Mr. Manohar was written to and declared, as not being a "*Politically exposed Person*".
32. The Committee accepted the nominee of Mr. Manohar, representative of the Institute of Chartered Accountants of Guyana and the response received declaring him as not being "PEP". However, it was agreed that on the completion of the due diligence conducted by the Commissioner of Police, Mr. Manohar would be considered a nominee and the composition of Members to the Authority would be completed.
33. At the 24th Meeting held on Wednesday, June 21, 2017, the Committee accepted the due diligence report received from the Commissioner of Police, which declared that there was no criminal records against Mr. Manohar.
34. Thereafter, the following nominees were recommended for the AML&CFT Authority:

Guyana Private Sector Commission	-	Mr. Nicholas Deygoo
	-	Captain Gerald Gouveia
Guyana Association of Bankers	-	Mr. Wayne Eucaulton Fordyce
Institute of Chartered Accountants Guyana	-	Mr. Hance Manohar

Transparency Institute of Guyana Incorporated	-	Mr. Thomas Bissessar Singh
	-	Mr. Frederick Collins
Bar Association of Guyana	-	Mr. Mohamed Alli
	-	Mr. Christopher Ram
Insurance Institute of Guyana	-	Ms. Melissa Jessica DeSantos
Guyana Association of Women Lawyers	-	Ms. Sadie Amin

35. The Committee examined and unanimously adopted the Report and Motion.

36. The Report is accordingly hereby submitted.

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