

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

(2015-2016)

SECOND REPORT

OF THE

COMMITTEE ON APPOINTMENTS

**IN RELATION TO THE APPOINTMENT OF A DIRECTOR AND
DEPUTY DIRECTOR OF 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**

18th July, 2016

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 119C 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 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 select and recommend persons for appointment as the Director, Deputy Director, Attorney-at-Law and Accountant to the Financial Intelligence Unit (FIU).
2. This Second Report of the Committee in the 11th Parliament recommends the appointment of the Director and Deputy Director of the Financial Intelligence Unit in accordance with Section 5 of the AMLCFT (Amendment) Act 2015, Act No. 1 of 2015.

Members of the Committee

3. At a meeting of the Committee of the 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 Public Health, 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 10th February, 2016. Subsequently the Committee of Selection met on the 4th March, 2016, and nominated Ms. Bhagmattie Veerasammy, M.P. as the newly appointed 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 (Amendment) Act No. 1 of 2015, to appoint persons to specific positions (specifically sections 5, as follows:

“5. The Principal Act is amended by the substitution for section 8 of the following section as section 8-

8(1) “The National Assembly shall-

- a) by a simple majority; and*
- b) on the recommendation of the Parliamentary Committee on Appointments, appoint the Director and Deputy Director of the Financial Intelligence Unit”.*

Meetings of the Committee

7. The Committee held a total of 14 Meetings.

Director, Deputy Director, Attorney-at-Law and Accountant within the Financial Intelligence Unit (FIU) - Appointment process

8. At the 2nd Meeting held on Wednesday, 23rd December, 2015, the Committee commenced discussion on the way forward with the appointment of person to the positions of Director, Deputy Director, Attorney-at Law and Accountant within the Financial Intelligence Unit (FIU).

9. At the 4th Meeting held on Wednesday, 9th March, 2016, the Committees upon request, was provided with the criteria, job descriptions, and terms of reference for the positions of Director, Deputy Director, Attorney-at- Law and Accountant.
10. Two Members of the Committee were assigned to review the advertisement for the four (4) positions. The Committee approved the advertisement inviting suitably qualified persons to fill the positions in the four (4) National Newspapers. The advertisements were published on the 22nd, 23rd and 24th March , 2016, with a deadline for submission of applications by 30th March, 2016. The advertisement was posted also on the Parliament Office’s website.
11. At the 6th Meeting held on 13th April, 2016, the Committee acknowledged the applications and spreadsheet with a summary of the applications received as follows:

| | |
|-----------------|-----------------|
| Director | - 17 Candidates |
| Deputy Director | - 17 Candidates |
| Accountant | - 29 Candidates |
| Attorney-at-Law | - 2 Candidates |
12. At the said meeting, a sub-committee comprising the Hon. Catherine A. Hughes, M.P. (Coordinator), Hon. Annette N. Ferguson M.P., and Mr Ganga Persaud, M.P. was tasked with preparing an evaluation form for shortlisting of applicants, using the terms of reference for the positions. The Sub-Committee was given a deadline of two (2) weeks to prepare the proposed evaluation forms.
13. At the 7th Meeting held on 27th April, 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 (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 13th May, 2016. The Committee, however, noted that not all applicants had responded and that further efforts should be made by the Clerk of Committee to contact all applicants for the four (4) positions.

Selection of the Director

15. At the 9th Meeting held on 18th May, 2016, the Committee accepted the revised spreadsheet of applicants for the positions and the matrix of applicants’ responses to being a “politically exposed person”. The Committee then shortlisted the applicants to be interviewed for appointment to the position of Director within the Financial Intelligence Unit.

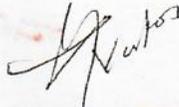
16. The Members of the Committee shortlisted eight (8) persons who were selected to be interviewed for the position of Director of the FIU.
17. The Committee decided that it would interview all eight (8) persons and that the preliminary interview would be held on Monday, 23rd May, 2016, starting at 9.30 a.m. The Committee also decided that the interview format would include both in person, as well as, via Skype for those who were residing overseas. Each applicant would be allowed a duration of one (1) hour per interview.
18. The applicants were informed via email and follow- up telephone calls of the scheduled time for their interviews.
19. On 23rd May, 2016, the Committee conducted interviews for the position of Director. On the same day, the 11th Meeting commenced shortly after the interviews, where Members shortlisted and ranked applicants for the position of Director.
20. The Committee after deliberations selected the top three (3) candidates for further due diligence.
21. The Committee agreed unanimously on the top two (2) candidates, and agreed that further due diligence be conducted on the selected candidates.
22. The Members requested a due diligence be conducted on the named partner of the top ranked candidate and to ascertain her willingness to accept the appointment.
23. The Committee also agreed that the top ranked candidate should be given the position of the Director of FIU conditional on the due diligence process. However, should the top ranked candidate not accept the offer and or was not successful in the due diligence process, then the second ranked candidate would be considered for the position.
24. At the 11th Meeting of the Committee held on 30th May, 2016, Members requested that the Commissioner of Police execute a background check on the top ranked candidate and the named partner.
25. At the 12th Meeting of the Committee held on 20th June, 2016, Members received the response of the Commissioner of Police and decided that the top ranked candidate was no longer eligible for consideration for appointment to the Director of the FIU.
26. The Committee deliberated and by consensus decided that Mr. Matthew Edward Hugh Langevine would be the most suitable candidate for the position of Director of the FIU.
27. At the 9th Meeting held on the 18th May, 2016, the Members of the Committee shortlisted nine (9) applicants to be interviewed for the position of Deputy Director of the FIU.

28. The nine (9) applicants were invited to a preliminary interview held on Monday, 30th May, 2016, starting at 9.30 a.m.
29. On 30th May, 2016, the Committee conducted interviews of seven (7) of the shortlisted candidates in person and via skype. Two (2) applicants for Deputy Director had also applied for the position of Director and had been interviewed on 23rd May, 2016.
30. The Members present after deliberations selected the top three (3) candidates for further due diligence process.
31. Thereafter, Members noted that further consultation should be held with those Members who were absent from the meeting.
32. The Committee then agreed to have further consultation and submit to the Chairperson their final nominee/s for the position of Deputy Director for the next meeting.
33. Following a query on the status of the current position of the Legal Adviser of the Financial Intelligence Unit, a new position was created for an Attorney-at-Law; the Committee directed the Clerk to write the Finance Secretary requesting information on the current status of the Legal Adviser contract.
34. At the 12th Meeting held on June 20th, 2016, the Committee continued discussion on the most suitable candidate for position of Deputy Director.
35. There were differences of views as the opposition Members felt that the current Legal Adviser of the FIU was the candidate who had the highest scores and the highest number of nominations as well as the most experience in the AML/CFT framework and should be given the position. Whilst the government Members were supportive of Mr Abiose Thomas and were of the view that his experience should merit him being given the position. The matter was eventually put to the vote and the nomination of Mr. Abiose Thomas received five (5) votes and the nomination of Ms. Alicia Williams received four (4) votes.
36. As a result, Mr. Abiose Thomas was recommended for the position of Deputy Director of the FIU.
37. The Committee also noted that section 5(4) of the AMLCFT (Amendment) Act 2015 assigned to the Committee the responsibility of setting the terms and conditions of employment. The Committee agreed that the contracts would be of three (3) years duration in keeping with the section 7A(8) of the AMLCFT (Amendment) Act 2015 and the offer would be based on the salaries, allowances and benefits offered to the former Director and Deputy Director of the FIU.

38. Pending the report being tabled and debated in the National Assembly, Mr. Langevine and Mr. Thomas would be advised that (a) they had been selected for the position of Director and Deputy Director, respectively, and that the Committee's decision was conditional on the approval of the National Assembly; (b) they would each be advised of the salary, allowances and benefits of the identified position; and (c) they would be asked to indicate if they were interested in accepting the offer.

Due Diligence Check for the position of Director and Deputy Director

39. Subsequent to the Committee's decision, at the 13th Meeting, held on 27th June, 2016, it was agreed that the Commissioner of Police should be written to seeking any background information on both candidates. Also their current place of employment should be written to requesting any relevant information. In addition, the eligible candidates for the positions should be written to informing them of the Committee's decision for appointment and to enquire if they were still interested in the position. Once candidates were interested, then they should be asked to submit to the Clerk of the Committee, their relevant qualifications and original certificates for verification.
40. At the 14th Meeting held on 13th July, 2016, Members reviewed and accepted the responses submitted by the Commissioner of Police as well as those from the current employers of the proposed Director and Deputy Director, respectively. It should be noted that both candidates accepted the positions and conditions proposed.
41. Consequent to the due diligence Report, the Committee submits for the consideration of the National Assembly, the proposed names of the Director and Deputy Director within the FIU.
42. The Committee commenced the process for the selection of Accountant and Attorney at-Law which the Committee agreed to bring to the attention of the National Assembly in the near future.
43. Thereafter, the Committee examined and unanimously adopted the Report and Motion.
44. The Report is accordingly hereby submitted.



Hon. Dr. George Norton, M.P.,
Minister of Public Health,
Chairperson,
Committee on Appointments