

# TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

Vol. 57

455

Caroni, Trinidad, Tuesday 10th April, 2018-Price \$1.00

No. 44

#### APPOINTMENT TO BE TEMPORARILY MEMBERS OF THE SENATE

IT IS HEREBY NOTIFIED for general information that, under the provisions of section 44(1)(a) and 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, His Excellency the President, acting in accordance with the advice of the Prime Minister, has appointed Ms. AYANNA LEEBA LEWIS, to be temporarily a member of the Senate, with effect from 20th March, 2018 and continuing during the absence from Trinidad and Tobago of Senator the Honourable PAULA GOPEE-SCOON.

16th March, 2018.

456

IT IS HEREBY NOTIFIED for general information that, Her Excellency the President, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in her, under the provisions of section 44(1)(a) and section 44(4)(a) and of the Constitution of the Republic of Trinidad and Tobago, has appointed Ms. ALISHA ROMANO, to be temporarily a member of the Senate, with effect from 27th March, 2018 and continuing during the absence from Trinidad and Tobago of Senator ROHAN SINANAN.

23rd March, 2018.

457

IT IS HEREBY NOTIFIED for general information that Her Excellency the President, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in her, under the provisions of section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago has appointed Ms. AYANNA LEEBA LEWIS, to be temporarily a member of the Senate, with effect from 27th March, 2018 and continuing during the absence from Trinidad and Tobago of Senator ROBERT LE HUNTE.

G. SERRETTE Secretary to Her Excellency the President

26th March, 2018

458

#### APPOINTMENT TO ACT AS AUDITOR GENERAL

IT IS HEREBY NOTIFIED for general information that in accordance with the provision of subsection (2) of section 117 of the Constitution of the Republic of Trinidad and Tobago, Her Excellency the President, after consultation with the Prime Minister and the Leader of the Opposition, has appointed Ms. LORELLY PUJADAS, Deputy Auditor General, to act as Auditor General with effect from 23rd March, 2018, during the period of absence out of the country of Mr. MAJEED ALI, Auditor General.

G. SERRETTE Secretary to Her Excellency the President

G. SERRETTE Secretary to His Excellency the President

G. SERRETTE Secretary to Her Excellency

the President



In The Matter of the Contravention of Section 64(1) of the Securities Act, 2012

by

## EDUCATION FACILITIES COMPANY LIMITED

## **ORDER OF THE COMMISSION**

Dated this 31 day of January, 2018

WHEREAS Education Facilities Company Limited ("the Respondent") filed its Form 10-Material Change Report with respect to the Resignation of Mr. Jerome McCarthy from the position of Assistant General Manager, Support Services, Operations and Administration with the Trinidad and Tobago Securities and Exchange Commission ("the Commission") on June 9, 2017, said date being past the due date;

AND WHEREAS the Respondent filed its Form 10-Material Change Report with respect to the Resignation of Mr. Arnold Piggott from the position of Chairman of Board of Directors with the Commission on June 9, 2017, said date being past the due date;

AND WHEREAS by letter dated September 7, 2017, Staff of the Commission advised the Respondent that it was in contravention of Sections 64(1) of the Securities Act, 2012 ("the Act");

AND WHEREAS by letter dated January 4, 2018, the Respondent, accepted liability for its breach of section 64(1) of the Act;

**AND UPON** the Board of Commissioners being satisfied that the making of this Order is essentially procedural and does not require a Hearing pursuant to Section 159 (10) (a) of the Act.

## IT IS HEREBY ORDERED THAT:

- Education Facilities Company Limited ("the Respondent") has contravened section 64(1) of the Securities Act, 2012 ("the Act");
- Pursuant to section 156(2) of the Act, the Respondent, shall to pay to the Commission an administrative fine in the sum of Six Thousand Trinidad and Tobago dollars (TT\$6,000.00) within twenty-eight (28) days of the date of this Order; and
- This Order shall be published in the Trinidad and Tobago Gazette and posted on the Commission's website. A notice of the posting shall be published in two daily newspapers of general circulation in Trinidad and Tobago.

Douglas Mendes, S.C. (Chairman)

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Enid Zephyr<sup>4</sup>ine (Deputy Chairman)

Suzette Taylor-Lee Chee (Commissioner)

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Patrick Solomon (Commissioner)

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Imtiaz Hosein (Commissioner)



## In The Matter of the Contravention of Section 64 (1)(a), (b) and (c) of the Securities Act, 2012

By

## **Angostura Holdings Limited**

## ORDER OF THE COMMISSION

Dated this 6 day of February, 2018

WHEREAS Angostura Holdings Limited ("the Respondent"), following the appointment Mr. Ian Forbes as its Executive Manager of Operations effective June 1, 2017, breached section 64(1)(a) (b) and (c) of the Securities Act 2012 by: -

- i. filing its Material Change Report with the Commission past the due date of June 6, 2017;
- ii. publishing a notice of the material change in two daily newspapers of general circulation in Trinidad and Tobago past the due date of June 12, 2017; and
- iii. filing a copy of the notice published in the newspapers, with the Commission past the due date of June 12, 2017.

AND WHEREAS by letter dated August 28, 2017 staff of the Commission advised the Respondent that it was in contravention of section 64(1)(a), (b) and (c) of the Act by failing to file and publish the aforementioned documents within the prescribed timeframes;

AND WHEREAS by letter dated October 2, 2017 the Respondent acknowledged that it was in contravention of section 64(1)(a), (b) and (c) of the Act;

AND WHEREAS On December 29, 2017 the Respondent entered into a proposed settlement agreement with the Staff of the Commission, which was signed by the duly authorized representative of the Commission for and on behalf of the Commission and the duly authorized representative of the Respondent for and on behalf of the Respondent ("the Settlement Agreement"), in which the parties agreed to a settlement, subject to the approval of the Settlement Panel;

AND WHEREAS The Settlement Panel approved the Settlement Agreement and agreed to submit the Settlement Agreement to the Commission;

AND WHEREAS pursuant to the Settlement Agreement the Respondent shall pay to the Commission the sum of Twenty-Seven Thousand Two Hundred Trinidad and Tobago Dollars (TT\$27,200.00) within twenty-eight days of the making of this Order;

## AND UPON:

The Board of Commissioners considering the submissions in the Settlement Agreement dated December 29, 2017 and being satisfied that the making of this Order is essentially procedural and does not require a Hearing pursuant to section 159(10)(a) of the Act.

## IT IS HEREBY ORDERED THAT:

- Angostura Holdings Limited ("the Respondent") has contravened 64(1)(a), (b) and (c) of the Act;
- 2. Pursuant to section 156(2) of the Act, the Respondent shall pay to the Commission an administrative fine in the total sum of Twenty-Seven Thousand Two Hundred Trinidad and Tobago Dollars (TT\$27,200.00), within twenty-eight (28) days of the making of this Order;
- This Order shall be published in the Trinidad and Tobago Gazette and posted on the Commission's website. A notice of the posting shall be published in two daily newspapers of general circulation in Trinidad and Tobago.

Douglas Mendes, S.C. (Chairman)

Enid Zepherine

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Imtiaz Hosein (Commissioner)

(Deputy Chairman)

Suzette Paylor-Lee Chee (Commissioner)

Patrick Solomon (Commissioner)



## In The Matter of the Contravention of Section 66(1) of the Securities Act, 2012

by

**Angostura Limited** 

## ORDER OF THE COMMISSION

\*\*\*\*

Dated this & day of February, 2018

WHEREAS Angostura Limited ("the Respondent") failed to file its Interim Financial Statements with the Trinidad and Tobago Securities and Exchange Commission ("the Commission") on or before August 29, 2017, for its interim period ended June 30, 2017;

AND WHEREAS on October 24, 2017 the Respondent filed its interim financial statements with the Commission, past the due date of August 29, 2017;

**AND WHEREAS** by letter dated September 29, 2017 Staff of the Commission advised the Respondent that it was in contravention of section 66(1) of the Securities Act 2012 ("the Act") by failing to file the said interim financial statements with the Commission on or before August 29, 2017;

AND WHEREAS by letter dated October 20, 2017 the Respondent acknowledged that it was in contravention of section 66(1) of the Act;

AND WHEREAS on December 29, 2017 the Respondent entered into a proposed settlement agreement with the Staff of the Commission, which was signed by the duly authorized representative of the Commission for and on behalf of the Commission and the duly authorized representative of the Respondent for and on behalf of the Respondent ("the Settlement Agreement"), in which the parties agreed to a settlement, subject to the approval of the Settlement Panel;

AND WHEREAS the Settlement Panel approved the Settlement Agreement and agreed to submit the Settlement Agreement to the Commission;

AND WHEREAS pursuant to the Settlement Agreement the Respondent shall pay to the Commission the sum of Forty-Seven Thousand Six hundred Trinidad and Tobago dollars (TT\$47,600.00) within twenty-eight (28) days of the making of this Order;

## AND UPON:

The Board of Commissioners considering the submissions in the Settlement Agreement dated December 29, 2017 and being satisfied that the making of this Order is essentially procedural and does not require a Hearing pursuant to section 159(10)(a) of the Act.

## IT IS HEREBY ORDERED THAT:

- 1. Angostura Limited ("the Respondent") has contravened section 66(1) of the Act;
- Pursuant to section 156(2) of the Act, the Respondent shall pay to the Commission an administrative fine in the total sum of Forty-Seven Thousand six hundred Trinidad and Tobago dollars (TT47,600.00) within twenty-eight (28) days of the making of this Order; and
- This Order shall be published in the Trinidad and Tobago Gazette and posted on the Commission's website. A notice of the posting shall be published in two daily newspapers of general circulation in Trinidad and Tobago.

Douglas Mendes, S.C. (Chairman)

Enid Zephyrine

(Deputy Chairman)

Suzette Vaylor-Lee Chee (Commissioner)

Patrick Solomon (Commissioner)

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Imtiaz Hosein (Commissioner)



In The Matter of the Contravention of Section 87(1)(a) of the Securities Act, 2012

By

## Haroon Husain

## ORDER OF THE COMMISSION

Dated this 6 day of Fabruary, 2018

WHEREAS Mr. Haroon Husain ("the Respondent") failed to keep any records that were reasonably necessary in the conduct of his business and operations as an investment adviser, pursuant to section 87(1)(a) of the Securities Act, 2012 ("the Act");

**AND WHEREAS** By letter dated July 26, 2017 Staff of the Commission advised the Respondent that he was in contravention of section 87(1)(a) of the Act by failing to keep records that were reasonably necessary in the conduct of his business and operations as an investment adviser;

AND WHEREAS By letter dated September 28, 2017 the Respondent acknowledged that he was in contravention of section 87(1)(a) of the Act;

AND WHEREAS On December 29, 2017 the Respondent entered into a proposed settlement agreement with the Staff of the Commission, which was signed by the duly authorized representative of the Commission for and on behalf of the Commission and the Respondent for and on behalf of the Respondent ("the Settlement Agreement"), in which the parties agreed to a settlement, subject to the approval of the Settlement Panel;

AND WHEREAS The Settlement Panel approved the Settlement Agreement and agreed to submit the Settlement Agreement to the Commission;

AND WHEREAS Pursuant to the Settlement Agreement the Respondent shall pay to the Commission the sum of Seventy-Five Thousand Trinidad and Tobago Dollars (TT\$75,000.00) within twenty-eight days of the making of this Order;

## AND UPON:

The Board of Commissioners considering the submissions in the Settlement Agreement dated December 29, 2017 and being satisfied that the making of this Order is essentially procedural and does not require a Hearing pursuant to section 159(10)(a) of the Act.

## **IT IS HEREBY ORDERED THAT:**

- 1. Haroon Husain ("the Respondent") has contravened section 87(1)(a) of the Act;
- Pursuant to section 156(1) of the Act, the Respondent shall pay to the Commission an administrative fine in the total sum of Seventy-Five Thousand Trinidad and Tobago Dollars (TT\$75,000.00) for contravention of section 87(1)(a) of the Act;
- This Order shall be published in the Trinidad and Tobago Gazette and posted on the Commission's website. A notice of the posting shall be published in two daily newspapers of general circulation in Trinidad and Tobago

Douglas Mendes, S.C. (Chairman)

Enid Zephyrine

(Deputy Chairman)

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Imtiaz Hosein (Commissioner)

Suzette Taylor-Lee Chee (Commissioner)

Patrick Solomon (Commissioner)



In The Matter of the Contravention of By-Law 67(2) of The Securities (General) By-Laws, 2015

By

**Stephen Burris** 

## ORDER OF THE COMMISSION

\*\*\*\*

Dated this the day of February, 2018

WHEREAS Stephen Burris ("the Respondent") failed to provide each of his clients with a copy of his conflict of interest rules statements at the time the person became a client, pursuant to By-Law 67(2) of the Securities (General) By-Laws, 2015 ("the By-Laws");

AND WHEREAS by letter dated July 25, 2017 staff of the Commission advised the Respondent that he was in contravention of By-Law 67(2) of the By-Laws by failing to provide each of his clients with a copy of his conflict of interest rules statements at the time the person became a client;

AND WHEREAS by letter dated August 7, 2017 the Respondent acknowledged that he was in contravention of By-Law 67(2) of the By-Laws;

AND WHEREAS on December 29, 2017 the Respondent entered into a proposed settlement agreement with the Staff of the Commission which was signed by the duly authorized representative of the Commission for and on behalf of the Commission and the Respondent for and on behalf of the Respondent ("the Settlement Agreement"), in which the parties agreed to a settlement, subject to the approval of the Settlement Panel;

AND WHEREAS the Settlement Panel approved the Settlement Agreement and agreed to submit the Settlement Agreement to the Commission;

AND WHEREAS pursuant to the Settlement Agreement the Respondent shall pay to the Commission the sum of Five Thousand Trinidad and Tobago Dollars (TT\$5,000.00) within twenty-eight days of the making of this Order;

## AND UPON:

The Board of Commissioners considering the submissions in the Settlement Agreement dated December 29, 2017 and being satisfied that the making of this Order is essentially procedural and does not require a Hearing pursuant to section 159(10)(a) of the Act.

## IT IS HEREBY ORDERED THAT:

- 1. Stephen Burris ("the Respondent") has contravened By-Law 67(2) of the By-Laws;
- Pursuant to section 156(1) of the Act, the Respondent shall pay to the Commission an administrative fine in the total sum of Five Thousand Trinidad and Tobago Dollars (TT\$5,000.00) for contravention of By-Law 67(2) of the By-Laws;
- 3. This Order shall be published in the Trinidad and Tobago Gazette and posted on the Commission's website. A notice of the posting shall be published in two daily newspapers of general circulation in Trinidad and Tobago.

Douglas Mendes, S.C. (Chairman)

Enid Zephyrine (Deputy Chairman)

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Imtiaz Hosein (Commissioner)

Suzette Thylor-Lee Chee (Commissioner)

Patrick Solomon (Commissioner)



## In The Matter of the Contravention of Section 64 (1)(a) of the Securities Act, 2012

By

## The National Football Stadium Company Limited

ORDER OF THE COMMISSION

\*\*\*\*\*

Dated this 16 day of February, 2018

WHEREAS The National Football Stadium Company Limited ("the Respondent"), following the cessation of the appointment of Mr. Joel Phillip to its Board of Directors and the appointment Mr. Michael De Silva to the said Board effective August 15, 2016, breached section 64(1)(a) of the Securities Act, 2012 ("the Act") by filing its Material Change Report ("MCR") with the Commission past the due date of August 18, 2016;

AND WHEREAS by letter dated September 8, 2017 Staff of the Commission advised the Respondent that it was in contravention of section 64(1)(a) of the Act by failing to file the MCR within the prescribed timeframe;

AND WHEREAS by letter dated September 18, 2017 the Respondent acknowledged that it was in contravention of section 64(1) (a) of the Act;

AND WHEREAS On December 29, 2017 the Respondent entered into a proposed settlement agreement with the Staff of the Commission which was signed by the duly authorized representative of the Commission for and on behalf of the Commission and the duly authorized representative of the Respondent for and on behalf of the Respondent ("the Settlement Agreement"), in which the parties agreed to a settlement, subject to the approval of the Settlement Panel;

AND WHEREAS The Settlement Panel approved the Settlement Agreement and agreed to submit the Settlement Agreement to the Commission;

AND WHEREAS pursuant to the Settlement Agreement the Respondent shall pay to the Commission the sum of Nineteen Thousand Nine Hundred Trinidad and Tobago Dollars (TT\$19,900.00) within twenty-eight days of the making of this Order;

## AND UPON:

The Board of Commissioners considering the submissions in the Settlement Agreement dated December 29, 2017 and being satisfied that the making of this Order is essentially procedural and does not require a Hearing pursuant to section 159(10)(a) of the Act.

## IT IS HEREBY ORDERED THAT:

- 1. The National Football Stadium Company Limited ("the Respondent") has contravened 64(1)(a) of the Act;
- Pursuant to section 156(2) of the Act, the Respondent shall pay to the Commission an administrative fine in the total sum of Nineteen Thousand Nine Hundred Trinidad and Tobago Dollars (TT\$19,900.00), within twenty-eight (28) days of the making of this Order; and
- This Order shall be published in the Trinidad and Tobago Gazette and posted on the Commission's website. A notice of the posting shall be published in two daily newspapers of general circulation in Trinidad and Tobago.

Douglas Mendes, S.C. (Chairman)

Enid Zephýriné (Deputy Chairman)

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Patrick Solomon (Commissioner)

Suzette Taylor-Lee Chee

(Commissioner)

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Imtiaz Hosein (Commissioner)



## In The Matter of the Contravention of Section 64 (1)(a) of the Securities Act, 2012

By

## The National Football Stadium Company Limited

## ORDER OF THE COMMISSION

\*\*\*\*\*\*

Dated this 16 day of February, 2018

WHEREAS The National Football Stadium Company Limited ("the Respondent"), following the cessation of the appointment of Mr. Joel Phillip to its Board of Directors and the appointment Mr. Michael De Silva to the said Board effective August 15, 2016, breached section 64(1)(a) of the Securities Act, 2012 ("the Act") by filing its Material Change Report ("MCR") with the Commission past the due date of August 18, 2016;

AND WHEREAS by letter dated September 8, 2017 Staff of the Commission advised the Respondent that it was in contravention of section 64(1)(a) of the Act by failing to file the MCR within the prescribed timeframe;

AND WHEREAS by letter dated September 18, 2017 the Respondent acknowledged that it was in contravention of section 64(1) (a) of the Act;

AND WHEREAS On December 29, 2017 the Respondent entered into a proposed settlement agreement with the Staff of the Commission which was signed by the duly authorized representative of the Commission for and on behalf of the Commission and the duly authorized representative of the Respondent for and on behalf of the Respondent ("the Settlement Agreement"), in which the parties agreed to a settlement, subject to the approval of the Settlement Panel;

AND WHEREAS The Settlement Panel approved the Settlement Agreement and agreed to submit the Settlement Agreement to the Commission;

AND WHEREAS pursuant to the Settlement Agreement the Respondent shall pay to the Commission the sum of Thirty Thousand Nine Hundred Trinidad and Tobago Dollars (TT\$30,900.00) within twenty-eight days of the making of this Order;

## AND UPON:

The Board of Commissioners considering the submissions in the Settlement Agreement dated December 29, 2017 and being satisfied that the making of this Order is essentially procedural and does not require a Hearing pursuant to section 159(10)(a) of the Act.

## IT IS HEREBY ORDERED THAT:

- 1. The National Football Stadium Company Limited ("the Respondent") has contravened 64(1)(a) of the Act;
- Pursuant to section 156(2) of the Act, the Respondent shall pay to the Commission an administrative fine in the total sum of Thirty Thousand Nine Hundred Trinidad and Tobago Dollars (TT\$30,900.00), within twenty-eight (28) days of the making of this Order; and
- 3. This Order shall be published in the Trinidad and Tobago Gazette and posted on the Commission's website. A notice of the posting shall be published in two daily newspapers of general circulation in Trinidad and Tobago.

Douglas Mendes, S.C. (Chairman)

Enid Zephyrine ' (Deputy Chairman)

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Patrick Solomon (Commissioner)



## In The Matter of the Contravention of Section 64 (1)(a) of the Securities Act, 2012

By

## The National Football Stadium Company Limited

## **ORDER OF THE COMMISSION**

\*\*\*\*\*

Dated this 16 day of February, 2018

WHEREAS The National Football Stadium Company Limited ("the Respondent"), following the resignation of Mr. Douglas Camacho from its Board of Directors and the appointment Mr. Anand Pascal to the said Board effective July 5 2017, 2017, breached section 64(1)(a) of the Securities Act, 2012 ("the Act") by filing its Material Change Report ("MCR") with the Commission past the due date of July 10, 2017;

AND WHEREAS by letter dated September 8, 2017 Staff of the Commission advised the Respondent that it was in contravention of section 64(1)(a) of the Act by failing to file the MCR within the prescribed timeframe;

AND WHEREAS by letter dated September 18, 2017 the Respondent acknowledged that it was in contravention of section 64(1) (a) of the Act;

AND WHEREAS On December 29, 2017 the Respondent entered into a proposed settlement agreement with the Staff of the Commission which was signed by the duly authorized representative of the Commission for and on behalf of the Commission and the duly authorized representative of the Respondent for and on behalf of the Respondent ("the Settlement Agreement"), in which the parties agreed to a settlement, subject to the approval of the Settlement Panel;

AND WHEREAS The Settlement Panel approved the Settlement Agreement and agreed to submit the Settlement Agreement to the Commission;

AND WHEREAS pursuant to the Settlement Agreement the Respondent shall pay to the Commission the sum of One Thousand Five Hundred Trinidad and Tobago Dollars (TT\$1,500.00) within twenty-eight days of the making of this Order;

## AND UPON:

The Board of Commissioners considering the submissions in the Settlement Agreement dated December 29, 2017 and being satisfied that the making of this Order is essentially procedural and does not require a Hearing pursuant to section 159(10)(a) of the Act.

## IT IS HEREBY ORDERED THAT:

- The National Football Stadium Company Limited ("the Respondent") has contravened 64(1)(a) of the Act;
- 2. Pursuant to section 156(2) of the Act, the Respondent shall pay to the Commission an administrative fine in the total sum of One Thousand Five Hundred Trinidad and Tobago Dollars (TT\$1,500.00), within twenty-eight (28) days of the making of this Order; and
- This Order shall be published in the Trinidad and Tobago Gazette and posted on the Commission's website. A notice of the posting shall be published in two daily newspapers of general circulation in Trinidad and Tobago.

Douglas Mendes, S.C. (Chairman)

Enid Zephyfine' (Deputy Chairman)

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Imtiaz Hosein (Commissioner)

Suzette Taylor-Lee Chee (Commissioner)

Patrick Solomon (Commissioner)



## In The Matter of the Contravention of Section 61(2) of the Securities Act, 2012

by

## Water and Sewerage Authority

## ORDER OF THE COMMISSION

Dated this 22 day of February, 2018

WHEREAS the Water and Sewerage Authority ("the Respondent") failed to file its Revised Registration Statement for its financial year ending September 30, 2016 with the Trinidad and Tobago Securities and Exchange Commission ("the Commission") on or before October 14, 2016;

AND WHEREAS the Respondent filed its Revised Registration Statement for its financial year ending September 30, 2016, with the Commission past the due date of October 14, 2016;

**AND WHEREAS** by letters dated November 15, 2016 and April 20, 2017 the Commission advised the Respondent that it was in contravention of section 61(2) of the Securities Act, 2012 ("the Act");

**AND WHEREAS** by letters dated May 1, 2017, and November 2, 2017 the Respondent accepted liability for the contravention of section 61(2) of the Act;

AND WHEREAS on 30 January, 2018 the Respondent entered into a proposed settlement agreement with the Staff of the Commission which was signed by the duly authorized representative of the Commission for and on behalf of the Commission and the Chief Executive Officer of the Respondent for and on behalf of the Respondent ("the Settlement Agreement"), in which the parties agreed to a settlement, subject to the approval of the Settlement Panel;

AND WHEREAS the Settlement Panel approved the Settlement Agreement and agreed to submit the Settlement Agreement to the Commission;

**AND WHEREAS** the Commission has considered the Settlement Agreement and is of the opinion that it is in the public interest to make this Order.

## IT IS HEREBY ORDERED THAT:

- The Water and Sewerage Authority ("the Respondent") has contravened section 61(2) of the Securities Act, 2012;
- Pursuant to section 156(2) of the Act, the Respondent shall pay to the Commission an administrative fine in the sum of Eighteen Thousand Trinidad and Tobago Dollars (TT\$18,000.00) within twenty-eight (28) days of the date of this Order; and
- The Order shall be published in the Trinidad and Tobago Gazette and posted on the Commission's website. A notice of the posting shall be published in two (2) daily newspapers of general circulation in Trinidad and Tobago.

Douglas Mendes, S.C. (Chairman)

Enid Zephyrine (Deputy Chairman)

Suzette Taylor-Lee Chee (Commissioner)

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Imtiaz Hosein (Commissioner)

latuk Istomon

Patrick Solomon (Commissioner)



In The Matter of the Contravention of Section 136(2) of the Securities Act, 2012

by

## Colonial Life Insurance Company (Trinidad) Limited

ORDER OF THE COMMISSION

Dated this 25d day of February, 2018

WHEREAS Colonial Life Insurance Company (Trinidad) Limited ("the Respondent") is a person connected to Angostura Holdings Limited ("AHL") by virtue of its ownership of more than 10% of AHL shares;

AND WHEREAS on September 29, 2017, CLICO disposed of 61,677,011 of its AHL shares;

AND WHEREAS the Respondent filed with the Commission a Form 22 Notification in respect of the aforementioned disposal, past the due date of October 6, 2017, in breach of Section 136(2) of the Securities Act, 2012 ("the Act");

**AND WHEREAS** by letter dated January 4, 2018, Staff of the Commission advised the Respondent that it was in contravention of Section 136(2) of the Act by virtue of its filing of the Form 22 Notification past the due date of October 6, 2017;

AND WHEREAS by letter dated January 29, 2018, the Respondent acknowledged that it was in Contravention of Section 136(2) of the Act.

**AND UPON** the Board of Commissioners being satisfied that the making of this Order is essentially procedural and does not require a Hearing pursuant to Section 159(10)(a) of the Act.

## IT IS HEREBY ORDERED THAT:

- Colonial Life Insurance Company (Trinidad) Limited ('the Respondent'') has contravened Section 136 (2) of the Securities Act, 2012 ("the Act");
- Pursuant to Section 156(2) of the Act, the Respondent shall pay to the Commission an administrative fine in the sum of Seventy Thousand Trinidad and Tobago Dollars (TT\$70,000.00) within twenty-eight (28) days of the making of this Order; and
- This Order shall be published in the Trinidad and Tobago Gazette and posted on the Commission's website. A notice of the posting shall be published in two daily newspapers of general circulation in Trinidad and Tobago.

Douglas Mendes, S.C. (Chairman)

Enid Zephyrine (Deputy Chairman)

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## POLICE COMPLAINTS AUTHORITY (PCA)

#### 2018 FREEDOM OF INFORMATION STATEMENT

IN COMPLIANCE WITH SECTIONS 7, 8, 9 OF THE FREEDOM OF INFORMATION ACT 1999 (FOIA)

In accordance with sections 7, 8, 9 of the Freedom of Information Act 1999 (FOIA) the Police Complaints Authority (PCA) is required by law to publish this statement, which lists the documents and information generally available to the public from the PCA.

The FOIA gives members of the public:

- A legal right for each person to access information held by the PCA. .
- A legal right for each person to have personal/official information relating to . himself/herself amended where it is held by the PCA and such information is incomplete, incorrect or misleading.
- A legal right to obtain reasons for adverse decisions made regarding an applicant's . request for information under the FOIA.
- A legal right to complain to the Ombudsman and to apply to the High Court for judicial review to challenge adverse decisions made under the FOIA.

## SECTION 7 STATEMENTS

#### SECTION 7 (1) (a) (i)

Structure and Function of the Police Complaints Authority

#### **Establishment of the Police Complaints Authority**

The Police Complaints Authority was established by virtue of Section 5 of the Police Complaints Authority Act, Chapter 15:05 (hereinafter referred to as "the PCA Act")

#### **Vision Statement**

The Reliable Authority leading the way to Justice

#### **Mission statement**

To pursue justice through independent civilian oversight of serious police misconduct and criminality.

**Core Values** Confidentiality

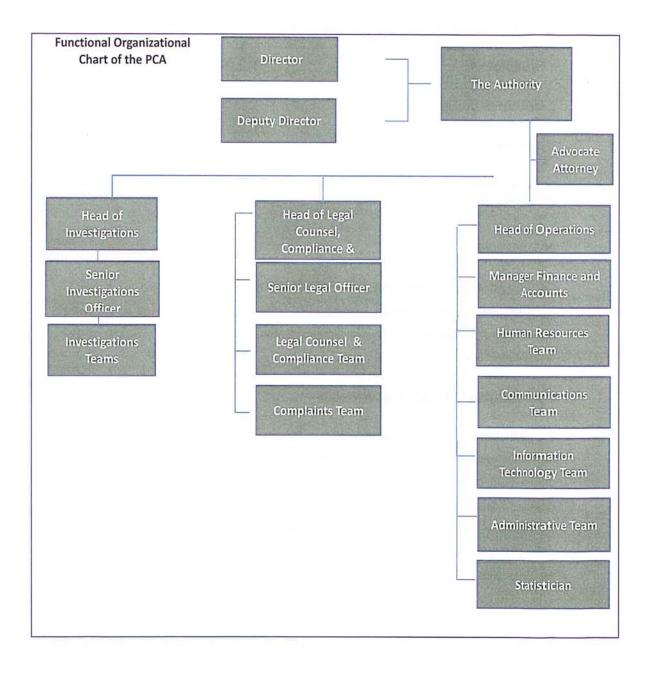
Integrity

Fairness

Professionalism

## 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

#### Structure of the PCA



## 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

By virtue of Section 6 (1) of the PCA Act the Authority comprises a Director and Deputy Director who are appointed by the President on the joint advice of the Prime Minister and the Leader of the Opposition.

The Authority has direct operational responsibility for the PCA's four (4) main units namely:

- 1. Investigations
- 2. Legal Counsel, Compliance and Complaints
- 3. Operations
- 4. Advocate Attorney

## INVESTIGATIONS

The Investigations Team is the largest team in the PCA with its prime focus being the investigating of complaints, that is, criminal offences involving police officers, police corruption and serious police misconduct in strict accordance with the requirements of the PCA Act and the delivery of excellent service on a consistent basis.

## LEGAL COUNSEL, COMPLIANCE AND COMPLAINTS

The Legal Counsel, Compliance and Complaints Team focuses on the provision of efficient, effective and high quality legal services to the PCA with respect to the investigation of criminal offences involving police officers, police corruption, serious police misconduct and for other related matters. Further, the Legal Counsel, Compliance and Complaints Team ensures effective follow-up and liaison between the PCA and the Director of Public Prosecutions/Police Service Commission/Commissioner of Police and all other persons or bodies whether public or private with whom the PCA works in cooperation with or in association with in the performance of its functions.

The Team ensures the PCA's compliance with all statutory and regulatory requirements and provides the requisite assistance in the execution of the overall functions of the Authority.

## **OPERATIONS**

The Operations Team provides the support services required for the Authority to function effectively as detailed below:

## Finance & Accounts

The Finance and Accounts Unit overlooks the entire system of monitoring and control of finances of the Authority in accordance with general accounting principles and practices. The Finance & Accounts Team gathers and summarises financial data to prepare financial reports for PCA's management, regulatory and statutory responsibilities. The Team also monitors and ensures accountability and approval for the disbursement of funds, salary payments and other financial obligations in line with budgetary and policy guidelines.

## 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

## Information Technology

The Information Technology (IT) Team provides the technological and other platforms which enable the effective provision of service to customers and the recording, sorting and follow-up of all complaints. This Unit also has a significant focus on effective project management and new systems implementation.

## Human Resources

The Human Resource (HR) Team focuses primarily on the effective management of PCA's Human Resources and the provision of service to PCA's staff, inclusive of Performance Management, Training and Development and Organisational Development initiatives.

## Communications

The Communications Team focuses on the development and implementation of key strategies and innovative initiatives to ensure that the Authority maintains effective and continuous communication with its key stakeholders.

## Administration

The Administration Team provides and oversees the administrative services required to support the operations of the PCA. The Administration Team will also routinely exercise quality control over facilities and fleet maintenance.

## <u>Statistician</u>

The Statistician is responsible for performing analytical statistical studies and evaluation of data collected over a wide variety of fields relating to the various aspects of the PCA. Work includes the collection and compilation of data and the development and maintenance of a database. The position is also responsible for preparing conclusions based on the analysis of data and reviewing the data collection system of the PCA with a view to recommending to the Authority areas of use of data, more appropriate sampling techniques and methods for increasing its effectiveness.

## ADVOCATE ATTORNEY

Appear on behalf of the PCA at the Magistrates' Court, High Court and Court of Appeal ensuring the provision of high quality, efficient, effective and confidential legal service as required for the investigation of criminal offences involving police officers, police corruption, serious police misconduct and related matters in accordance with the PCA Act.

## 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

#### **Functions of the Authority**

Section 21 (1) of the PCA Act outlines the functions of the PCA.

**21.** (1) The functions of the Authority are to—

(a) investigate criminal offences involving police officers, police corruption and serious police misconduct;

(b) undertake inquiries into, or audits of, any aspect of police activities for the purpose of ascertaining whether there is police corruption or serious police misconduct or circumstances that may be conducive to both;

(c) monitor an investigation conducted by any person or authority in relation to any matter mentioned in paragraph (a) and to undertake audits of those investigations;

(d) advise the Police Service and other public authorities on ways in which police corruption and serious police misconduct may be eliminated;

(e) gather evidence that may be admissible in the prosecution of a person who is not a police officer for a criminal offence in relation to the Police Service and to furnish that evidence to the Director of Public Prosecutions, or where an authority outside the State is concerned, the Attorney General;

(f) gather evidence that may be used in the investigation of serious police misconduct and furnish such evidence to the Commissioner or the Commission for appropriate action;

(g) gather evidence that can be used in the prosecution of a police officer involved in a criminal offence and furnish such evidence to the Director of Public Prosecutions; or

(h) perform any other functions that may be conferred on it by any other written law.

#### SECTION 7 (1) (a) (ii)

#### Categories of documents in the possession of the PCA:

- 1. Initial reports
- 2. Complaints
- 3. Complaint classification forms
- 4. Remit assessment forms
- 5. Request for discontinuance forms

## 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

- 6. Legal opinions
- 7. Complaint additional information forms
- 8. Complaint information sheets
- 9. Internal policies (eg. fleet management, driver and visitor policies)
- 10. Personnel files
- 11. Job descriptions
- 12. Organizational chart
- 13. Letters of appointment
- 14. Contracts of employment
- 15. Contracts for services
- 16. Contracts for consultancy services
- 17. Letters of confirmation
- 18. Interview reports
- 19. Applications for employment
- 20. Terms of engagement
- 21. Offers of employment
- 22. Letters of promotion
- 23. Employee performance appraisals
- 24. Training and development database
- 25. Leave management sheets
- 26. Group health and life plan
- 27. Annual Reports
- 28. Strategic Plans
- 29. Press releases and statements
- 30. Brochures
- 31. Gazetted material
- 32. Public relations materials (eg. flyers, presentations)
- 33. Payment vouchers/ pay sheets
- 34. Salary deduction vouchers
- 35. Schedule of accounts
- 36. Daily cheque listings
- 37. Summary of net amount payable statement

## 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

- 38. Vote books
- 39. Cash books
- 40. Invoice orders
- 41. Requests for release of funds
- 42. Monthly expenditure statements
- 43. Monthly bank reconciliation statements
- 44. Annual statement of budgetary proposals
- 45. Statements of gratuity computation
- 46. Letters of approval of gratuity payment
- 47. Fixed asset registers
- 48. Travelling registers
- 49. Contract and utility registers
- 50. Requisition forms
- 51. Annual return of remuneration paid and income tax and health surcharge deducted
- 52. TD 4 certificates
- 53. Requests for statement of PAYE indebtedness
- 54. Annual financial statements
- 55. Standard Operating Procedures (eg. Audio Visual Recordings, Movement and Activity Register etc)

## SECTION 7 (1) (a) (iii)

#### Materials prepared for publication or inspection:

- 1. Initial Report Form (incidents reported by complainants are recorded on these forms).
- 2. The Police Complaints Authority Act, Chapter 15:05, Act No. 8 of 2006.
- The PCA's Annual Reports of its activities for the periods December 29, 2010 to September 30, 2011, October 1, 2011 to September 30, 2012, October 1, 2012 to September 30, 2013, October 1, 2013 to September 30, 2014, October 1, 2014 to September 30, 2015 and October 1, 2015 to September 30, 2016 which were all laid in Parliament.

## 2018 FREEDOM OF INFORMATION STATEMENT-CONTINUED

The PCA's audited statement of accounts for the periods December 29, 2010 to September 30, 2011, October 1, 2011 to September 30, 2012, October 1, 2012 to September 30, 2013, October 1, 2013 to September 30, 2014, October 1, 2014 to September 30, 2015 and October 1, 2015 to September 30, 2016 which were all laid in Parliament.

## SECTION 7 (1) (a) (iv)

## Literature available by Subscription

The PCA is not in possession of literature available by subscription.

## SECTION 7 (1) (a) (v)

The procedure to be followed when accessing documents from the PCA.

## 1. How to request information:

## General Procedure

The PCA's policy is to answer all requests, both oral and written, for information. However, in order to exercise the rights given by the FOIA (for example the right to challenge a decision if a request for information is refused), <u>a request must first be made in writing</u>. An applicant seeking information that is not readily available in the public domain, must complete the appropriate form (Request for Access to Official Documents) available from the PCA's Reception Desk or from its Designated Officer.

## • Addressing Request

To facilitate the prompt handling of a request, it should be addressed to the Designated Officer of the PCA mentioned in **SECTION 7 (1) (a)(vi)** herein.

#### 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

#### Details in the Request

An applicant should provide details that will allow for ready identification and location of the information that is being requested. If insufficient information is provided clarification will be sought from the applicant. An applicant who is unsure of how to write a request or of what details to include should inquire of the Designated Officer.

## Request not handled under the FOIA

A request under the FOIA may not be processed to the extent that it seeks information that is readily available in the public domain, either from the PCA or from another public authority (e.g. brochures etc.)

## 2. Responding to your Request

## Retrieving Documents

The PCA is required to furnish copies of documents only when those documents are in its possession, custody or control.

#### Furnishing Documents

The PCA is required to furnish only one copy of a document. If it cannot make a legible copy of the document to be released, it will not attempt to reconstruct it, instead the best copy possible will be furnished.

The PCA is not compelled to do the following:

- (a) Create new documents, or
- (b) Perform research for an applicant.

#### 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

#### 3. Time Limits

#### General

Applicants will be notified within thirty (30) calendar days whether or not the request is approved. The PCA will try assiduously to ensure compliance with statutory time limits. If the PCA believes that the processing of your request may exceed the statutory time limit, we will acknowledge receipt of your request and undertake to advise you of its status. You are advised to call the Designated Officer to ensure that the PCA is in receipt of your request and to acquire an update on its status in light of the possibility that requests may be incorrectly addressed or misdirected.

#### Time Allowed

The PCA will advise you of the outcome of your request for access to information as soon as practicable but no later than thirty (30) calendar days from the date the request was received as required by Section 15 of the FOIA. If a decision is taken to grant access to the information requested, you will be permitted to inspect the documents and/or be provided with copies.

#### 4. Fees and Charges

Section 17 (1) stipulates that no fee shall be charged by a public authority for the making of a request for access to an official document. However, where access to an official document is to be given in the form of printed copies or copies in some other form, such as a tape, disk, film or other material, the applicant will be required to pay the prescribed fee incurred for duplication of the said material.

#### SECTION 7 (1)(a)(vi)

The officer in the PCA responsible for:

- a) the initial receipt and auctioning of notices under section 10 of the FOIA;
- b) requests for access to documents under section 13 of the FOIA; and
- c) applications for correction of personal information under section 36 of the

FOIA is as follows:

## 2018 FREEDOM OF INFORMATION STATEMENT-CONTINUED

The Designated Officer is:

Ms. Anita Mangra

Team Lead Legal Counsel

Tower D Level 24

International Waterfront Complex

1A Wrightson Road

Port of Spain

Tel: 627-4383 ext 2420 Fax: 627-0432

E-mail: amangra@pca.org.tt

The Alternate Officer is: Ms. Lisa-Marie Robertson Head of Legal Counsel, Compliance and Complaints Tower D Level 24 International Waterfront Complex 1A Wrightson Road Port of Spain Tel: 627-4383 ext 2466 Fax: 627-0432 E-mail: <u>Irobertson@pca.org.tt</u>

#### SECTION 7 (1) (a)(vii)

Advisory Boards, Councils, Committees, and other bodies, (Where meetings/minutes are open to the public)

This bears no applicability to the PCA.

#### SECTION 7 (1)(a) (viii)

Information can be accessed through the Designated Officer between the hours of 8:00am and 4:00pm from Mondays to Fridays, at the PCA's office located at:

Tower D Level 24 International Waterfront Complex 1A Wrightson Road Port of Spain Tel: 627-4383 ext 2420; Fax: 627-0432

## 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

#### SECTION 8(1) STATEMENTS

#### Section 8(1)(a)

The public is entitled to access documents that are provided by the PCA for the use or guidance of the PCA or its staff in making decisions or recommendations, or in providing advice to persons outside the public authority, with respect to rights, privileges, benefits, obligations, penalties or other detriments, these being:

(i) Documents containing interpretations or particulars of written laws or schemes administered by the PCA, not being particulars contained in another written law; or

(ii) Manuals, rules of procedure, statements of policy, records of decisions, letters of advice to persons outside the PCA, or similar documents containing rules, policies, guidelines, practices or precedents.

The above documents will be made available to the public as they are developed, and include:

#### **Governing Legislation**

The Police Complaints Authority Act, Chapter 15:05.

#### SECTION 8(1)(b)

The public is also entitled to access documents that are provided by the PCA for the use or guidance of the PCA or its staff in enforcing written laws or schemes administered by the PCA where a member of the public might be directly affected by that enforcement, being documents containing information on the procedures to be employed or the objectives to be pursued in the enforcement of the written laws or schemes.

There are documents available which can be requested using the procedure set out in section 7 (1) (a) (v) above.

#### 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

#### SECTION 9 STATEMENTS

#### SECTION 9 (1) (a)

A report or a statement containing the advice or recommendations, of a body or entity established within the public authority.

Recommendations made to the Office of the Commissioner of Police by the Legal Counsel, Compliance and Complaints Unit of the PCA and approved by the Authority are featured in the PCA's Annual Report of its activities for the periods December 29, 2010 to September 30, 2011, October 1, 2011 to September 30, 2012, October 1, 2012 to September 30, 2013, October 1, 2013 to September 30, 2014, October 1, 2014 to September 30, 2015 and October 1, 2015 to September 30, 2016.

#### SECTION 9(1) (b)

A report, or a statement containing the advice or recommendations, of a body or entity established outside the public authority by or under a written law, or by a Minister of Government or other public authority for the purpose of submitting a report or reports, providing advice or making recommendations to the public authority or to the responsible Minister of that public authority.

The 12<sup>th</sup> Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1) on the inquiry into the administration and operations of the Police Complaints Authority.

The Report of the Joint Select Committee on National Security "Inquiry into the "total policing" initiative on March 23, 2015"

#### SECTION 9 (1)(c)

Any report, or a statement containing the advice or recommendations, of an interdepartmental Committee whose membership includes an officer of the PCA.

There are no reports or statements to be published under this section at this time.

#### 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

#### SECTION 9 (1) (d)

Any report, or a statement containing the advice or recommendations, of a committee established within the PCA to submit a report, provide advice or make recommendations to the responsible Minister for the PCA or to another officer of PCA who is not a member of such committee.

The PCA's Annual Reports of its activities for the periods December 29, 2010 to September 30, 2011, October 1, 2011 to September 30, 2012, October 1, 2012 to September 30, 2013, October 1, 2013 to September 30, 2014, October 1, 2014 to September 30, 2015 and October 1, 2015 to September 30, 2016 which were all laid in Parliament.

The PCA's audited statement of accounts for the periods December 29, 2010 to September 30, 2011, October 1, 2011 to September 30, 2012, October 1, 2012 to September 30, 2013, October 1, 2013 to September 30, 2014, October 1, 2014 to September 30, 2015 and October 1, 2015 to September 30, 2016.

#### SECTION 9 (1) (e)

Any report (including a report concerning the results of studies, surveys or tests) prepared for the PCA by a scientific or technical expert, whether employed within the PCA or not, including a report expressing the opinion of such an expert on scientific or technical matters.

There are no reports to be published under this section at this time.

#### SECTION 9 (1) (f)

Any report prepared for the PCA by a consultant who was paid for preparing the report.

There are no reports to be published under this section at this time.

#### 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

## SECTION 9 (1)(g)

Any report prepared within the PCA and containing the results of studies, surveys or tests carried out for the purpose of assessing, or making recommendations on the feasibility of establishing a new or proposed Government policy, programme or project.

There are no reports to be published under this section at this time.

#### SECTION 9 (1)(h)

A report on the performance or efficiency of the public authority, or of an office, division or branch of the public authority, whether the report is of a general nature or concerns a particular policy, programme or project administered by the public authority.

There are no reports to be published under this section at this time.

#### SECTION 9 (1)(i)

#### Any report containing:

- a. Final plans or proposals for the re-organization of the functions of the PCA;
- The establishment of a new policy, programme or project to be administered by the PCA; or
- c. The alteration of an existing policy programme or project administered by the PCA, whether or not the plans or proposals are subject to approval by an officer of the PCA, another public authority, the responsible Minister for the PCA or Cabinet;

There are no reports to be published under this section at this time.

#### 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

#### SECTION 9 (1)(j)

#### Any statement prepared within the PCA and containing policy directions for the drafting of legislation.

The policy containing amendments to the PCA Act and necessary consequential amendments is summarized hereunder.

To widen the definition of "serious police misconduct" to include the commission of a disciplinary offence under the Municipal Police Service Regulations which the Authority considers to be so serious as to bring the Municipal Police Service into disrepute. It would also define the term Assistant Commissioner.

[Prior to the passage of the Municipal Police Service Regulations 2014 ("MPSR"), the Police Service Regulations 2007 ("PSR") applied to Municipal Police Officers ("MPO"). With the passage of the MPSR the PSR no longer applies to MPO therefore MPOs fall outside the definition of serious police misconduct which Is defined as the commission of a disciplinary offence under the PSR which the Authority considers so serious as to bring the Police Service into disrepute"]

- To deem the Authority duly constituted where six months or more have passed without the appointment of a Director or a Deputy Director following the death, resignation or revocation of that Director or Deputy Director.
- To exempt the Authority from stamp duty, corporation tax, custom duty, value added tax, motor vehicle tax, and any other fees, charges, assessments, levies and imposts on any assets of the Authority.
- To amend section 44 of the Act by imposing a duty on the Commissioner of Police to provide a written decision with reasons to the Authority within three months of the Authority making a recommendation pursuant to that section.
- To provide for the Commission, the Commissioner of Police or the Assistant Commissioner to immediately inform the Authority of matters related to Section 21 (1) (a) of the Police Complaints Authority Act and to require each of them, where such information is given, to produce a written report thereon within three days of the date the information was provided to the Authority. Furthermore, to provide the measure(s) of recourse should either of the parties identified fail in their obligation.
- To provide that Regulations made under section 50 be subject to negative resolution of Parliament.

#### 2018 FREEDOM OF INFORMATION STATEMENT—CONTINUED

#### **Consequential Amendments**

#### The Coroner's Act, Chap. 6:04

To ensure that the Authority receives notice from the Coroner in all cases where an inquest is being held into the death of a person who was allegedly killed by police.

The Evidence Act,

To include the Authority under the definition of law enforcement agency so as to ensure its ability to utilize the Audio Visual Rules which guides and ensures the admissibility of statements taken by such means.

#### The Special Reserve Police Act, Chap. 15:03

To make the Police Service Regulations applicable to Special Reserve Police (SRP) for the purpose of dealing with matters of Serious Police Misconduct in relation to such officers. This is due to the fact that currently do not have their own regulations and the PSR does not, at this time, apply to them. A similar approach was taken with Municipal Police Officers to which the PSR applied until the making of their own Regulations.

#### SECTION 9(1)(k)

Any report of a test carried out within the PCA on a product for the purpose of purchasing equipment.

There are no reports to be published under this section at this time.

## SECTION 9 (1)(I)

Any environmental impact statement prepared within the PCA.

There are no statements to be published under this section at this time.

#### SECTION 9 (1)(m)

Any valuation report prepared for the PCA by a valuator, whether or not the valuator is an officer of the PCA.

There are no reports to be published under this section at this time.