

[Legal Notice 22]

**THE MONEY LAUNDERING AND PROCEEDS OF CRIME ACT 2002
(No. 5 of 2002)**

**INSTRUMENT PROVIDING FOR DELEGATION OF CERTAIN FUNCTIONS
OF THE ANTI-MONEY LAUNDERING COMMISSION TO THE FINANCIAL
INTELLIGENCE UNIT**

1. The Anti-Money Laundering Commission (hereinafter referred to as the Commission) is established by section 11 of the Money Laundering and Proceeds of Crime Act 2002 (as amended) (hereinafter referred to as the Act)
2. The Solomon Islands Financial Intelligence Unit (hereinafter referred to as the SIFIU) is established by section 11A of the Act.
3. In exercise of the powers conferred by section 11A(1) of the Act, the Commission hereby delegates to the relevant officer(s) of the SIFIU specified below the following functions:
 - 3.1. to receive reports of suspicious transactions issued by financial institutions and cash dealers pursuant to section 14(1) (under section 11(2) (a) of the Act);

- 3.2. to consider any suspicious transaction report received to determine whether there are reasonable grounds to suspect that the transaction is suspicious and if so to send any such suspicious transaction report to the appropriate law enforcement authorities (under section 11(2)(b) of the Act);
- 3.3. to enter the premises of any financial institution or cash dealer during ordinary business hours to inspect any record kept pursuant to section 14(1), and ask any questions relating to such record, make notes and take copies of the whole or any part of the record (under section 11(2)(c) of the Act);
- 3.4. to send to the appropriate law enforcement authorities any information derived from an inspection carried out pursuant to paragraph 3.3 above or section 11(2)(c) of the Act; if the relevant officer of SIFIU has reasonable grounds to suspect that a transaction involves the proceeds of crime (under section 11(2)(c)(d) of the Act).
- 3.5. to instruct any financial institution or cash dealer to take steps as may be appropriate to facilitate any investigation anticipated by the SIFIU
- 3.6. to compile statistics and records, and disseminate information within Solomon Islands or elsewhere, make recommendations arising out of any information received, issue guidelines to financial institutions and advise the Minister of Finance (under section 11(2)(f) of the Act);
- 3.7. to create training requirements and provide such training for any financial institution in respect of transactions record-keeping and reporting obligations provided for in sections 13(1) and 14(1) (under section 11(2)(g) of the Act);
- 3.8. to consult with any relevant person, institution or organisation for the purpose of exercising delegated functions under paragraphs 3.3, 3.6 and 3.7 (under section 11(2)(h) of the Act);
- 3.9. to conduct an investigation for the purpose of ensuring compliance by a financial institution with the provisions of Part 2 of the Act (under section 11 (2)(i) of the Act);
- 3.10. to request a financial institution or cash dealer which has reported a suspicious transaction in accordance with Part 2 of the Act to give such further information as it has in relation to the transaction (under section 14(3) of the Act);

- 3.11. upon application to the Court, after satisfying the Court that a financial institution or cash dealer has failed to comply with any obligation provided for under sections 12,13,14,15 or 16 of the Act to obtain an order against all or any officers or employees of the institution or dealer in such terms as the Court deems necessary in order to enforce compliance with such obligation (under section 22(1) of the Act).
4. The relevant officer of the SIFIU for the purpose of this delegation is the financial analyst or such other officers as the Commission may from time to time decide.
5. This delegation comes into force on the third day of April 2006 and the functions hereby delegated shall be exercised by the SIFIU on the same conditions as if exercised by the Commission unless otherwise stated. The Commission and SIFIU may agree a memorandum of understanding setting out any conditions under which the above functions are delegated.
6. This delegation may be revoked, in whole or in part, at will by the Commission. Any such revocation shall be in writing and communicated immediately to the relevant officer(s) of the SIFIU.

Signed this third day of April 2006.

Primo Afeau
Attorney-General
Anti-Money Laundering Commission (Chairman)

Johnson Siapu
Assistant Police Commissioner (Operations)
Representative for Commissioner of Police

Shadrach Fanega
Permanent Secretary, Ministry of Finance
Anti-Money Laundering Commission

Rick N. Houenipwela
Governor of the Central Bank
Anti-Money Laundering Commission

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