



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**(UNREVISED)**

**FIRST SESSION**

**TUESDAY 31 JULY 2018**

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## THE CABINET

**(Formed by Hon. Pravind Kumar Jugnauth)**

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports

Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance

**PRINCIPAL OFFICERS AND OFFICIALS**

Madam Speaker	Hanoomanjee, Hon. Mrs Santi Bai, GCSK
Deputy Speaker	Hurreeram, Hon. Mahendranuth Sharma
Deputy Chairperson of Committees	Jahangeer, Hon. Ahmad Bashir
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
Deputy Clerk	Ramchurn, Ms Urmeelah Devi
Clerk Assistant	Gopall, Mr Navin
Clerk Assistant	Seetul, Ms Darshinee
Hansard Editor	Jankee, Mrs Chitra
Serjeant-at-Arms	Pannoo, Mr Vinod

**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 25 of 2018**

**Sitting of Tuesday 31 July 2018**

The Assembly met in the Assembly House, Port Louis at 11.30 a.m.

**The National Anthem was played**

*(Madam Speaker in the Chair)*

## ELECTION – DEPUTY SPEAKER

**The Prime Minister:** Madam Speaker, in accordance with the provisions of Section 32 of the Constitution and Standing Order 7 of the Standing Orders and Rules of the National Assembly, I move that the hon. Mahendranuth Sharma Hurreeram, First Member for Mahebourg and Plaine Magnien, be elected Deputy Speaker of the House.

Madam Speaker, hon. Hurreeram has qualified and has a *diplôme en Gestion d'Entreprise et de Marketing* of the Institute of Commercial Management, and he has also been working in several enterprises in Communication, Offshore, and has been elected as a *Conseiller Municipal à Port Louis et a été vice-président des comités de décembre 2014 à janvier 2017, Secrétaire Parlementaire Privé de janvier 2017 à octobre 2017 et Chief Whip du gouvernement depuis octobre 2017.*

Therefore, I move in terms of the Motion.

**The Deputy Prime Minister rose and seconded.**

**Madam Speaker:** Is there any counterproposal?

**Mr Mohamed:** Yes, there is, Madam Speaker. I move that it is hon. Dhananjay Ramful, Third Member of Constituency of Mahebourg/Plaine Magnien, who be elected to the position of Deputy Speaker.

To depart from tradition, which the hon. Prime Minister has done by giving a summary of the CV of the person he is proposing, let me simply say that I am of the view that hon. Dhananjay Ramful, who is the Third Member of Constituency Mahebourg/Plaine Magnien, is a very able candidate. He is a barrister of many years standing ever since the year 2000. He is someone who, for once, would show a departure from what has been done for the last few years. He would be the ideal candidate that Government could adopt. Also, in my proposal, in order to bring in the balance that is required for debates and for proceedings in the House. So, I propose hon. Dhananjay Ramful.

**The Leader of the Opposition rose and seconded.**

**Madam Speaker:** Hon. Members, since we have a counterproposal, we will have to proceed to the election of a Deputy Speaker by ballot, as provided for in Standing Order 7 (7)(b). So, I will suspend the sitting to allow the Clerk to make the necessary arrangements for ballot papers to be distributed to hon. Members.

I suspend the sitting for a few minutes.

*At 11.39 p.m., the sitting was suspended.*

*On resuming at 12.11 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. Members, before the ballot papers are distributed, may I draw your attention to Standing Order 7 (7)(c) which provides as follows –

“For the purpose of a ballot, the Clerk shall give to each Member present a ballot paper bearing the names of the Members proposed on which the Member may mark his or her vote by placing a cross opposite the name of the Member for whom he or she wishes to vote. Ballot papers shall be folded so as to conceal the vote and shall not be marked in any way by which the Member voting could be identified.”

Thank you. I will now ask the Clerk to distribute the ballot papers.

Hon. Members, the result of the ballot is as follows –

- Hon. Mahendranuth Sharma Hurreeram - 39 votes
- Hon. Dhananjay Ramful - 21 votes.

Hon. Members, as per the result of the ballot, I declare hon. Mahendranuth Sharma Hurreeram, who has obtained the highest number of votes, elected Deputy Speaker of the Assembly. I offer him my sincere congratulations.

**Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien):** Thank you, Madam Speaker. I wish to express my thanks to all hon. Members and my gratitude to the hon. Prime Minister and Leader of the House for entrusting me with the responsibilities of this high office. I reassure hon. Members that I will endeavour to conduct the affairs of this Assembly to the best of my abilities and uphold the dignity of the House at all times.

Thank you.

## ANNOUNCEMENT

### NATIONAL YOUTH PARLIAMENT – FIRST EDITION

**Madam Speaker:** Hon. Members, the first edition of the National Youth Parliament will be held on Thursday 02 and Friday 03 of August in the Chamber as announced on 08 May 2018. The selected participants have, in the course of an induction programme, been briefed on the functions and operations of the legislature, on Parliamentary history, etiquette and procedure. The participants as per the Order Paper of the National Youth Parliament will



be called upon to debate on the following three sustainable development goals and will come up with resolutions accordingly –

- (i) Gender inequality, discrimination and gender-based violence;
- (ii) Inclusive and equitable quality education, and
- (iii) Climate Change and its impact.

Hon. Members are kindly invited to attend both the launching ceremony and the two days' National Youth Parliament session. I hope that hon. Members will support the participants by their presence.

Thank you.

**PAPERS LAID**

**The Prime Minister:** Madam Speaker, the Papers have been laid on the Table.

A. **Prime Minister's Office**

The Digest of Social Security Statistics 2015/2016.

- (a) The Annual Report of the Sugar Insurance Fund Board for the 18 months period ended 30 June 2017.

B. **Ministry of Local Government and Outer Islands**

**Ministry of Gender Equality, Child Development and Family Welfare**

The Municipal Council of Quatre Bornes (Pay Public Toilets) Regulations 2018. (Government Notice No. 91 of 2018).

C. **Ministry of Arts and Culture**

The Annual Report of the National Art Gallery for the years 2012 and 2013.

D. **Ministry of Industry, Commerce and Consumer Protection**

- (a) The Consumer Protection (Price and Supplies Control) (Amendment of Schedule) (No. 2) Regulations 2018. (Government Notice No. 89 of 2018).

- (b) The Hire Purchase and Credit Sale (Charges) (Amendment) Regulations 2018. (Government Notice No. 90 of 2018).

E. **Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping**

The Annual Report of the Fishermen Welfare Fund for the 18-month period 01 January 2016 to 30 June 2017.

**ORAL ANSWERS TO QUESTIONS****MINISTER OF FINANCIAL SERVICES AND GOOD GOVERNANCE – ALLEGED OFFENCES**

**The Leader of the Opposition (Mr X. L. Duval)** (*by Private Notice*) asked the Prime Minister, Minister of Home Affairs, External Communication and National Development Unit, Minister of Finance and Economic Development whether, in regard to the hon. Minister of Financial Services and Good Governance, he will state if he will consider his removal from ministerial office in view of the numerous allegations of wrongdoing levelled against him.

**The Prime Minister:** Madam Speaker, I am replying to the PNQ and to PQ B/743 together as they relate to the same subject matter.

I wish, at the very outset, to state that I do not condone any indecorous or unbecoming behaviour on the part of any public official. Holders of public office are expected to maintain high standards of behaviour and treat all persons with consideration and respect.

Madam Speaker, I am informed that there are five cases of alleged offences against the hon. Minister of Financial Services and Good Governance out of which one has been dismissed for want of prosecution and the remaining are still under Police inquiry.

Madam Speaker, the latest case relates to the alleged assault as mentioned in PQ B/743. I am informed that the Central CID is presently conducting an enquiry into the matter.

Having said this, I hasten to add that the Minister of Financial Services and Good Governance has neither been prosecuted so far nor has he been found guilty of any criminal offence.

According to section 10(2) of the Constitution, even in the case where a person has been charged with a criminal offence, he is presumed to be innocent until he is proved guilty or has pleaded guilty.

I wish to emphasize that it is only after the Police has carried out an enquiry that the matter may or may not lead to an eventual prosecution. Moreover, pursuant to section 72 of the Constitution, it is the DPP who will eventually decide as to whether or not to prosecute.

Madam Speaker, Section 59(2) of the Constitution provides that there shall be, in addition to the offices of Prime Minister, Deputy Prime Minister and Attorney-General, such

other offices of Minister of the Government as may be prescribed by Parliament or, subject to any law, established by the President acting in accordance with the advice of the Prime Minister.

Section 59(3) further provides that the President, acting in his own deliberate judgement shall appoint as Prime Minister the Member of the Assembly who appears to him best able to command the support of the majority of the Members of the Assembly, and shall, acting in accordance with the advice of the Prime Minister, appoint the Deputy Prime Minister, the Attorney-General and the other Ministers from among the Members of the Assembly.

Therefore, as Prime Minister it is my prerogative to advise the President whom to appoint as Minister and, in exercising this prerogative, I certainly recommend a person who is fit and proper for the post of Minister and he continues to hold office until, pursuant to Section 60(4)(a) of the Constitution, his office becomes vacant where I so direct the President or where pursuant to Section 36(1) of the Constitution his seat in the Assembly becomes vacant following a conviction for a term exceeding twelve months.

Madam Speaker, as a country which firmly upholds the rule of law the enquiry will follow its course.

Since the Police enquiry into the four cases including the case of alleged assault is ongoing, I consider that it would be premature to contemplate any action at this stage against the Minister of Financial Services and Good Governance.

Madam Speaker, I wish to reassure the House that in case any action is required by me as Prime Minister, I will not hesitate to take action as appropriate.

**Mr X. L. Duval:** Madam Speaker, let me ask the Prime Minister, in exercising his role to appoint Ministers, whether, in January 2017, when he appointed the present Minister of Financial Services and Good Governance especially, he was aware that this same person already had a police case of embezzlement for a very large sum of money and that was an ongoing case? Was he aware at that time that this case existed and if so, would he like to explain to the House how he came about to appoint this person?

**The Prime Minister:** Madam Speaker, as I have just stated, a case which is ongoing, which is subject to inquiry is not a conviction. There are allegations and allegations have to be proved. First of all, the inquiry must go on and until and unless the DPP decides that the party should be prosecuted, and then - of course, there is also the Court of Law. So, I cannot

substitute myself for a Court of Law or for the investigating authority and already pronounce a judgment.

**Mr X. L. Duval:** Madam Speaker, this case by one Mr Kriti Taukoordass who is a Chartered Accountant was made at the Police in March 2015, three years ago. Does he not find it weird, incredibly weird, that three years after, this case is still pending and no conclusion has been made, no arrest has been made with regard to the case of embezzlement against the Minister of Good Governance of all people.

**The Prime Minister:** Madam Speaker, I am informed by the Police that the inquiry is ongoing. So, I cannot go into the case itself and look at the evidence and what is being done in terms of further inquiry that is being carried out by the Police. So, I cannot give any information about the contents of that case.

**Mr X. L. Duval:** I am sure everybody believes the hon. Prime Minister, Madam Speaker. Madam Speaker, I would like to ask the hon. Prime Minister, two months after being appointed Minister of Financial Services and Good Governance, the Minister appointed the same Mr Taukoordass, through the FSC, as Special Investigator on New Mauritius Hotels. Can I ask whether, as is the practice, the Minister of Financial Services and Good Governance cleared this appointment with the hon. Prime Minister before the appointment was made.

**The Prime Minister:** Well, I believe that the FSC has decided to retain the services of Mr Taukoordass. So, I do not see any problem that necessitated that I should have interfered with that appointment.

**Mr X. L. Duval:** Does not the hon. Prime Minister find it unacceptable that one Mr Taukoordass is appointed two months after - as if it is a big surprise, *hasard, comme on dit* - the Minister of Financial Services and Good Governance is appointed, for a fat cheque. Does he not find it, therefore, a case of abusing his ministerial power in order to sort out his personal affairs and litigation with this Mr Taukoordass?

**The Prime Minister:** Well, if the hon. Leader of the Opposition has any information of any wrongdoing, I hope he makes a declaration to the competent authorities so that there can be an inquiry.

**Mr X. L. Duval:** Is the hon. Prime Minister saying that we are incompetent in this House? This is the competent authority. You appoint him, you are the competent authority. Madam Speaker, I would like to raise now the Police case which has gone now more than one

year, the case of this poor lady, Mrs P. Seedhayan, who has received indecent messages and has made a case of sexual harassment and indecent messages at the Police since July 2017. Again, no action by the Police, no prosecution by the Police although in other cases, people like Romali, Samad Gunny, Ramchurn have been arrested overnight for cases to do with ICTA. This one, nothing for the last year concerning Mr Sesungkur!

**The Prime Minister:** Madam Speaker, of course, regarding what the hon. Leader of the Opposition is saying: are we not competent here? I believe that I am competent, but competent enough not to confuse the role of a Prime Minister and the role of Investigative Authorities. I cannot act as if I am myself the investigation party and also the Judge to decide. Then, where are we going if that is the meaning of competence as per the hon. Leader of the Opposition?

He is alleging now that there is a case which has been reported to the Police and that nothing is happening. The case of - he mentioned the name, I do not want to repeat the name. But I am informed by the Police that they have already moved in terms of a Judge's Order and that there is a reply that is being awaited from a telecommunication company. So, the case is ongoing.

**Mr X. L. Duval:** Does the hon. Prime Minister know that only yesterday, the Police informed Mrs Seedhayan that the records at MTML, the telephone company, somehow has been lost and destroyed and that they are no longer being found? Only yesterday! Does not he find it odd that after a year has gone by, suddenly the Police go through the records and it has been destroyed and no longer available. Is he aware of that?

**The Prime Minister:** I am not aware that yesterday the Police have - I will check with the Police what has happened.

**Mr X. L. Duval:** It is very odd. Madam Speaker, another case of abusing of office. Is he aware that the husband of Mrs Seedhayan, one Mr Jeetun Seedhayan, was, a few days after this fight got on, offered appointment in the Insurance Industry Compensation Management Company? This Mr Seedhayan is a '*boulangier*'. There is nothing wrong with '*boulangier*', but under Insurance Management Committee! This is where he is appointed and that this person, Mr Seedhayan, obviously, without applying he got this job. This is fantastic! He went to ICAC a few days later and denounced Minister Sesungkur. Again, the Prime Minister said: wait for the inquiry. How long is the patience of this nation? Again, one year by, nothing from ICAC!

**The Prime Minister:** Madam Speaker, the hon. Leader of the Opposition said: ‘wait for the inquiry, how long?’ Well, I am not the investigating body. Again, if there is a complaint, whether it is before the CCID or before ICAC, I am sure they are investigating and, ultimately, there will be a finding. In the light of their conclusion, then action will be taken. But I cannot, of course, ask ICAC - the hon. Leader of the Opposition is mentioning ICAC, do I go and interfere with ICAC - this is how it is going to do its work! We will see.

**Mr X. L. Duval:** It is an obvious case of interference in ICAC, obvious case of interference in ICAC and the Police. Obvious, Madam Speaker! Madam Speaker, I will raise this issue, a Superintendent of Police this time. The Police itself record a precautionary measure against the same Minister Sesungkur in March of this year. Things get worse and worse with Minister Sesungkur. In March of this year, a precautionary measure, interference in a Police inquiry in relation to the accident of the son. Is the hon. Prime Minister now aware that in March 2018, a Superintendent of Police made that record in Rose-Hill Police Station?

**The Prime Minister:** According to the information that I have been provided with, I do not see any case with regard to what the hon. Leader of the Opposition is alleging, that there has been a declaration against him for interfering. Well, I do not have it. Maybe, he can provide me with the information then.

**Mr X. L. Duval:** It is for the Police, they are behind the Prime Minister to provide him with the information. I don’t work for the Prime Minister. Now, let me tell you, Madam Speaker, as I said things get worse and worse. Only 10 days ago, this Minister Sesungkur made a unprovoked assault on a photographer. Unprovoked assault! Slapping him in front of witnesses!

*(Interruptions)*

I don’t know - he is not here now - whether he is at *les Casernes* with the *parade d’identification* which is going on at the moment. This is the situation that in appointing this Minister, we have put us into – the Minister is not here, he is probably at *les Casernes* with the *parade d’identification*. What has happened now with this case, 10 days ago? Are we going now to wait another two years for something to happen or not?

**The Prime Minister:** Madam Speaker, there is an allegation, there has been a declaration against the Minister, so then, do I act on the allegation? There have been allegations against me, we all know, from this drug baron. So then, we believe the allegation? Let the inquiry...

*(Interruptions)*

I am informed, Madam Speaker, that the statement of the declarant is not yet completed, because the declarant started to give a statement, and then he decided - I don't know for whatever reason - to stop and to go, probably to do something else; I believe he will be coming back. So, his statement is not yet completed. The hon. Leader of the Opposition wants me to take action on a matter where, not only a statement is not completed, inquiry is not completed, but also even DPP has not been able to obtain the file for any decision. How can I do that? Then, in that case, we can have allegations against everybody and then there will no Government one day.

*(Interruptions)*

We will all have to step down.

*(Interruptions)*

**Madam Speaker:** Order!

*(Interruptions)*

Order, please! Hon. Jhugroo!

**Mr X. L. Duval:** Madam Speaker, I am quite shocked at the nonchalant way in which the hon. Prime Minister treats an assault by a Minister of his Government, whom he has appointed, on a photographer. I would like to ask, in fact, the hon. Prime Minister whether he is aware that one of the reasons of the *réticence* is that there have been threats made by men close to the hon. Minister of Financial Services and Good Governance against the declarant and also people who were to appear as witnesses in this case?

**The Prime Minister:** Madam Speaker, the hon. Leader of the Opposition is alleging that there have been threats made. If threats have been made, that person who has been threatened should make a declaration to the Police. How is it that supposedly when one person was slapped, he was able to go to the Police and give a declaration? How is it now that when there are threats that are being made, he is not able to go and give a declaration? The hon. Leader of the Opposition is talking about *nonchalance*! I think he has to look amongst his ranks when he talks about *nonchalance*. Just behind him, there is hon. Thierry Henry.

*(Interruptions)*

He was PPS.



*(Interruptions)*

Let me answer!

*(Interruptions)*

Let me answer!

*(Interruptions)*

What is happening to him? He was talking about nonchalance! The standard that they applied to them! He was PPS. He reported a case of fatal road accident, having killed somebody where he stated that he was not driving the car.

*(Interruptions)*

**Madam Speaker:** Hon. Mrs Perraud!

**The Prime Minister:** Then, later on, saying that his wife was driving the car. Then, later on, the wife came and said: 'No, we have been lying, and that it was hon. Henry who was driving the car'. They have lied to the Police.

*(Interruptions)*

He stayed as PPS. Now, he is talking about *nonchalance*!

*(Interruptions)*

What *nonchalance* is he talking about?

*(Interruptions)*

**Madam Speaker:** Order, please!

**Mr X. L. Duval:** Again...

**Madam Speaker:** Order!

**Mr X. L. Duval:** Again, the hon. Prime Minister is misinformed. He is misinformed not only here. The then Prime Minister defended hon. Henry. I, myself...

*(Interruptions)*

...with PPS Henry by my side, offered his resignation...

*(Interruptions)*

**Madam Speaker:** Hon. Mrs Perraud!

*(Interruptions)*

Hon. Mrs Perraud!

**Mr X. L. Duval:** ...to the then Prime Minister, and he turned it down. So, the hon. Prime Minister should...

*(Interruptions)*

**Madam Speaker:** Hon. Mrs Perraud!

*(Interruptions)*

Hon. Mrs Perraud, please!

*(Interruptions)*

Hon. Mrs Perraud! Order!

*(Interruptions)*

Please, order on this side! Order!

**Mr X. L. Duval:** On a point of order, the former Prime Minister said I am lying. I would like him to withdraw.

*(Interruptions)*

The former Prime Minister has to...

*(Interruptions)*

...because it happened in front of witnesses, he has to withdraw it!

**Sir Anerood Jugnauth:** Madam Speaker, what I am saying is that he is not telling the truth. They never came to me...

**Mr X. L. Duval:** He has to withdraw and without any qualification.

*(Interruptions)*

No qualification!

**Madam Speaker:** Rt. hon. Minister Mentor, did you use the words that 'he is lying'? If you did, then you kindly withdraw and you rephrase it, and say it otherwise.

*(Interruptions)*

**Sir Anerood Jugnauth:** I withdraw the word 'lying', but I maintain that he is not telling the truth.

*(Interruptions)*

**Madam Speaker:** No, please!

*(Interruptions)*

Please! Please!

Rt. hon. Minister Mentor when a word is being withdrawn, it has to be withdrawn unreservedly. So, would you please withdraw that word unreservedly and we restore order in the House so that the debate may continue.

*(Interruptions)*

**Sir Anerood Jugnauth:** Madam Speaker, I have already withdrawn!

*(Interruptions)*

Shut up your bloody mouth!

*(Interruptions)*

**Madam Speaker:** Please, hon. Members!

*(Interruptions)*

Hon. Members!

*(Interruptions)*

I cannot hear!

*(Interruptions)*

Hon. Members, please! Order! I cannot hear!

*(Interruptions)*

Please, can we restore order in the House so that the question can be asked!

*(Interruptions)*

Please, I cannot hear!

*(Interruptions)*

Hon. Rutnah, please!

*(Interruptions)*

Please, do not argue with me! Right! Rt. hon. Minister Mentor I did not hear. There is so much noise in the House that I did not hear what you said!

*(Interruptions)*

And please be quiet on this side so that at least I may hear what is being said!

**Sir Anerood Jugnauth:** He has been calling me a liar. He will have to withdraw!

*(Interruptions)*

**Madam Speaker:** Did you hon. Leader of the Opposition? It is childish this debate! Did you...

*(Interruptions)*

**Mr X. L. Duval:** The Rt. hon. Minister Mentor should withdraw first, then I will withdraw!

*(Interruptions)*

**Madam Speaker:** Order!

*(Interruptions)*

Please, resume your seat! Let us proceed in order!

*(Interruptions)*

Resume your seat! Let me give my ruling! Rt. hon. Minister Mentor, if you did say, so as to restore order in the House, please withdraw. I will ask the hon. Leader of the Opposition also to withdraw that word. The word 'liar' is unparliamentary. Please!

*(Interruptions)*

**Sir Anerood Jugnauth:** Well, I have already withdrawn, Madam Speaker.

*(Interruptions)*

I withdraw it again!

*(Interruptions)*

**Madam Speaker:** Hon. Leader of the Opposition!

**Mr X. L. Duval:** Again, he has withdrawn, I also withdraw.

*(Interruptions)*

**Madam Speaker:** Thank you so much. I think now we can restore order in the House. Hon. Bhagwan, since you have got a PQ on this issue, I will allow you.

**Mr Bhagwan:** I was waiting my turn, Madam Speaker, thank you. Madam Speaker, from what we have heard and witnessed in the House itself because we are here since the beginning of this Government, we can state that the Minister is a serial defaulter and a habitual absconder of ministerial responsibilities. Can the hon. Prime Minister...

*(Interruptions)*

*Reste trankil do boufon!*

**Madam Speaker:** Please!

*(Interruptions)*

**Mr Bhagwan:** *Biscuit Marie, reste trankil!*

**Madam Speaker:** Who is making provocations on that side?

*(Interruptions)*

**Mr Bhagwan:** *To latete couma biscuit Marie!*

**Madam Speaker:** Who is making...

*(Interruptions)*

Please! Hon. Members, on this side of the House...

*(Interruptions)*

Hon. Bhagwan, please resume your seat! We have just restored order in the House...

*(Interruptions)*

Hon. Sinatambou, please! Do not make any provocations so that we can finish with the PNQ! Yes, hon. Bhagwan!

**Mr Bhagwan:** Madam Speaker, since now the public knows that the Minister is a serial defaulter and an habitual absconder of ministerial responsibilities, and we all know that the Police - we are not new, we know how the Police is run, they take instructions. Can the hon. Prime Minister give assurance to the country, the nation, the public at large, that there would not be any interference on his part or other responsible high ranking Ministers from

Government in this particular case, so that we do not have to wait another *incartade* of Mr Sesungkur to have him removed on the eve of general elections?

**The Prime Minister:** Madam Speaker, the hon. Member, again, is saying, although not giving any details, but just making general allegations. But, I can assure him and the House that there has never been any interference with regard to those cases. Obviously, I am a person who knows ethics and who knows that...

*(Interruptions)*

*Oui, to riyé!*

*(Interruptions)*

**Madam Speaker:** Order, please!

**The Prime Minister:** *To riyé!*

*(Interruptions)*

**Madam Speaker:** Order!

**The Prime Minister:** *To riyé couma dire bann gopia!*

**Madam Speaker:** Order, please!

*(Interruptions)*

Please, reply to your question!

**The Prime Minister:** Of course, I never interfere into inquiries that are being conducted by the Police.

**Madam Speaker:** Hon. Bhagwan, you have other questions?

**Mr Bhagwan:** Since we have just heard from the Leader of the Opposition that there are threats against the family and the close relatives of that person who gave a statement to the Police, can the hon. Prime Minister at least instruct that absconder, that Minister to stay quiet and not to run after the families, send people, send bouncers to the houses of these poor people?

**The Prime Minister:** Well, again, these are allegations. The hon. Member is saying that he sends bouncers. If he sends bouncers and the hon. Member has evidence...

*(Interruptions)*

**Madam Speaker:** Please, hon. Bhagwan!

**The Prime Minister:** ... and information, he should make a declaration to the Police and the Police will continue to enquire into that case. The hon. Member cannot simply come and make allegations. I can make allegations against any Member of the Opposition as well. But when I do make them, I do make them with substance, with proof.

**Madam Speaker:** Hon. Shakeel Mohamed!

**Mr Mohamed:** Thank you, Madam Speaker. The hon. Prime Minister has made a lot of hue and cry about the issues against the hon. Minister Sesungkur being merely allegations and that he cannot act upon allegations and there is the presumption of innocence under section 10.

In light of what the hon. Prime Minister has said, presumption of innocence, only allegations, no finding of guilt, why is it, therefore, that he has asked three Ministers from his Government to resign? Hon. Soodhun, there has been no finding of guilt against him and the presumption of innocence should apply. Hon. Roubina Jadoo-Jaunbocus, no presumption of guilt, presumption of innocence should apply. I feel very queer and strange to say that...

*(Interruptions)*

**Madam Speaker:** Please!

**Mr Mohamed:** Hon. Dayal, there has been nothing; no presumption of guilt, the presumption of innocence should apply for him. Why is it, therefore, that there are *deux poides deux mesures*? Three Ministers are asked to go and presumption of innocence does not apply to them, but only to one Minister. Is he afraid of the by-election that may happen?

**Madam Speaker:** Okay, you have made your point, hon. Shakeel Mohamed.

**The Prime Minister:** I am certainly not afraid of any by-election and not afraid of the hon. Member as well.

*(Interruptions)*

But in those three cases that are being mentioned, they offered to step down in the meantime while enquiries are ongoing. In another case, it is a case that is ongoing before the Court. So, it is very different. What is being asked is to remove the Minister, in regard to a case which is totally different...

*(Interruptions)*

**Madam Speaker:** Hon. Baloomoody!

Hon. Adrien Duval! You have got two more questions.

**Mr A. Duval:** Thank you, Madam Speaker.

The hon. Prime Minister is saying that concerning the enquiries, the DPP has not taken a stand yet. But the enquiries have been stalling since three years, and unless and until it is completed and sent to the DPP, then the DPP will not be able to prosecute. Is the hon. Prime Minister going to ask the Commissioner of Police to speed up enquiry, so that the file may be sent to the DPP, or is he scared that the DPP might prosecute and he might have no other excuses than to revoke that Minister?

**Madam Speaker:** The hon. Member has made his point.

**The Prime Minister:** I am not scared! What is the hon. Member talking about? And certainly not of him as well! But the enquiry will take its course and, obviously, it is being followed closely and being monitored by the Commissioner of Police. When it is concluded, obviously, it will be sent to the DPP for any action.

**Madam Speaker:** Hon. Leader of the Opposition!

**Mr X. L. Duval:** The Police and the ICAC appeared to have been struck with paralysis. Three years for one enquiry, one year at ICAC, etc. Can the hon. Prime Minister confirm that the reason why the Police and ICAC have been paralysed is because hon. Sesungkur has been walking with his *lettre de démission* as MP in his pocket, and has been threatening him and everybody else with a by-election in No. 10?

**The Prime Minister:** That is the biggest joke I have ever heard...

*(Interruptions)*

**Madam Speaker:** Hon. Jhugroo, next time I sanction you!

**The Prime Minister:** Madam Speaker, there is no paralysis. The institutions are working, enquiries are underway, and at the conclusion of each enquiry, we will see what is going to be the decision that will be taken eventually by DPP. But, certainly, no one has been walking, on this side of the House, not only for Minister Sesungkur, but anybody here, with a letter of resignation. The hon. Leader of the Opposition is, maybe, having nostalgia, when there was a former Minister of Finance who was walking with a letter of resignation when he



was in Government together with his good friend Dr. Navin Ramgoolam. Maybe he is having this nostalgia.

**Madam Speaker:** That is your last question.

**Mr X. L. Duval:** Yes, but there were two questions, Madam Speaker, all in one. I must remind you of that.

I would like to ask the hon. Prime Minister whether, since the situation is getting worse and worse, and given the very bad publicity that we have had *par coincidence*, maybe *pas par coincidence*, concerning the Financial Services Sector, ESAAMLG with a very nasty report, SEBI, and we had to run to India to sort things out, he does not realise that this Minister is simply not a fit and proper person, even if you look at sections 18 and 20 of the Financial Services Act, to be Minister of Good Governance, where *il aurait dû donner le bon exemple et pas* the worst example. Secondly, the Minister of Financial Services is himself facing a civil case and a Police case for embezzlement. Our Minister of Good Governance and Financial Services being faced with two cases: one civil and one criminal for embezzlement. Does he not think it is time, for the reputation of our country and for the reputation of this Government, that he removes the Minister forthwith?

**The Prime Minister:** Madam Speaker, I have already replied with regard to the different allegations that have been made on which enquires are underway. The hon. Leader of the Opposition mentioned ESAAMLG. Now, I can explain, I can say a lot of things about ESAAMLG. But I hope he will come with a specific question on ESAAMLG. He is making allegations that, yes, there is a report, that this is this and that.

Well, we know what happened, and we have taken a number of initiatives in order to deal with the review that is underway right now with regard to Mauritius. So, I do not want to dwell lengthily thereon because I can also mention, for example, views of other institutions, what they have been saying about the process and so on.

I hope he does come with a specific question, and then we shall give all the required information so that the public will see. Do not come and make allegations, ESAAMLG, this and that! I can mention lots of things as well, but without giving information, substance, to what is being alleged.

**Madam Speaker:** Time is over! Hon. Members, the Table has been advised that PQ B/739 in regard to the tragic death of innocent unarmed civilian Palestinian men, women and

children will be replied by the hon. Minister of Foreign Affairs, Regional Integration and International Trade.

I will now call upon the Deputy Speaker to take the Chair.

*At this stage, the Deputy Speaker took the Chair.*

**The Deputy Speaker:** Hon. Bhagwan!

**LANDSCOPE (MAURITIUS) LTD – CHIEF EXECUTIVE OFFICER - POST**

**(No. B/740) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Landscape (Mauritius) Ltd., he will, for the benefit of the House, obtain therefrom, information as to if the post of Chief Executive Officer thereof and of Business Parks of Mauritius Limited and of the other institutions falling thereunder have been filled and, if so, give details thereof and if not, why not, indicating if it is now fully operational.

**The Prime Minister:** Mr Deputy Speaker, Sir, first of all, let me congratulate you on your assumption of the high responsibility of Deputy Speaker of the National Assembly.

I am informed that the State Property Development Co. Ltd, Business Parks of Mauritius Ltd, the Tourist Villages Co. Ltd, and Les Pailles International Conference Centre Ltd have merged into the State Land Development Co. Ltd on 01 December 2016.

The State Land Development Co. Ltd subsequently changed its name to Landscape (Mauritius) Ltd on the same date, and the amalgamated company is fully operational as from that date. Le Val Development Ltd will be merged into the company at a later stage. There are also six subsidiaries under Landscape (Mauritius) Ltd, namely Cyber Properties Investment Ltd, Informatics Park Ltd, BPML Freeport Services Ltd, Landscape Facilities Co. Ltd, Côte d'Or City Ltd and Riche Terre Smart City Limited.

At the same time of the amalgamation, there were three former Chief Executive Officers in post, namely

- (a) the CEO of the former State Land Development Co. Ltd;
- (b) the CEO of the former State Property Development Co. Ltd,
- (c) and the CEO of the former BPML.

Madam Speaker, I am further informed that following the termination of the contract of employment of the CEO of the former State Land Development Co. Ltd and the resignation of the CEO of the former BPML, the CEO of the former State Property Development Co. Ltd was requested to oversee and manage the activities of the amalgamated company, Landscape (Mauritius) Ltd as well as the following three subsidiaries of Landscape (Mauritius) Ltd, namely Cyber Properties Investment Ltd, BPML Freeport Services Ltd, and Informatics Park Limited.

**The Deputy Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** Thank you, Mr Deputy Speaker, Sir. I have a few questions. Can the hon. Prime Minister inform the House whether Mrs N.H. is acting as CEO of Landscape?

**The Prime Minister:** Well, she was already the CEO of SPDC and, therefore, she remained in office when there was the amalgamation. But she has been given additional responsibility, as I have stated, with regard to the other subsidiaries that fall under the Business Parks of Mauritius and the SLDC.

**The Deputy Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** Can I know from the hon. Prime Minister, whether he has been made aware *qu'il y a une situation malsaine au niveau de Landscape* between the Chairperson and the acting CEO *au detriment du personnel* and whether he has received representations from the staff, from the unions, from people working in the different organisations falling under the Landscape, *de cette situation malsaine qui fait beaucoup de tort sur la productivité et au niveau du moral du personnel?*

**The Prime Minister:** Mr Deputy Speaker, Sir, I am aware that there have been at times differences between the CEO and the Chair. And I have obviously tried to find out what were the issues and I have spoken to both the Chair and the CEO to see to it that things are done in a manner that will not impact negatively on the institution. But with regard to the employees whom the hon. Member mentioned, I do not recall having received any representations from them.

**The Deputy Speaker:** Hon. Dr. Joomaye!

**Dr. Joomaye:** Thank you, Mr Deputy Speaker, Sir. I understand from the hon. Prime Minister that the former heads of the subsidiaries, Mr Wong So and Mr Koomaren Chetty, resigned from Landscape, and Mrs N. Hanoomanjee was requested to take over their duties

and responsibilities. I would like to know from the hon. Prime Minister what salary they were drawing for these responsibilities and now what salary Mrs Hanoomanjee is being remunerated to take over these responsibilities?

**The Prime Minister:** Well, Mr Claude Wong So was drawing a monthly basic salary of Rs275,000 and other allowances of Rs75,000, that is, a total of Rs350,000 per month. Mr Koomaren Chetty was drawing a monthly basic salary of Rs100,000 and other allowances of Rs41,400. He was also paid Rs70,000 for performing the duties of Officer in charge of the three subsidiaries of BPML, which I have mentioned, so making a total of Rs211,400 per month. Mrs Naila Hanoomanjee was drawing a monthly basic salary of Rs130,000 and other allowances of Rs33,000, that is, a total of Rs163,000 per month.

But, I must say, after the amalgamation, the three CEOs were requested to take a pay reduction and they were informed that this would be a temporary measure. Mrs Naila Hanoomanjee accepted and her pay package was accordingly reduced to a monthly basic salary of Rs100,150 and other allowances of Rs41,400, that is, a total of Rs141,550. The passage benefit and end-of-year gratuity payable to her were also reduced accordingly while Mr Wong So refused the pay reduction and his contract was therefore terminated.

So, Mrs Hanoomajee, CEO of the former SPDC, was then requested by the Board of Landscape to oversee and manage the activities of the former SLDC and a Responsibility Allowance of Rs70,000 was paid to her as from 10 March 2017, bringing her total monthly package to Rs211,550. Now, there are additional responsibilities. I must say also that, at a later stage, Mr Koomaren Chetty had also resigned from the post of CEO of BPML.

**The Deputy Speaker:** Last question, hon. Bhagwan!

**Mr Bhagwan:** Can I ask the hon. Prime Minister whether the Government policy not to pay Board fees to staff, be it CEO or others, of subsidiaries, is adhered to by these persons? Because I have in my possession a request from the CEO of the Cyber Properties to credit amounts to the accounts and others, despite this Government policy not to pay allowances to officers sitting on a Board. May we know whether this policy is adhered to and, if not, can we have some details also?

**The Prime Minister:** Well, from the information that I have, as at to date, she has not been remunerated as Director of any of those companies. But I need to look at whether this is the practice or not. I shall check, but she has not obtained any fees as Director so far.

**The Deputy Speaker:** I suspend the sitting for one and a half hours.

*At 1.13 p.m., the sitting was suspended.*

*On resuming at 2.47 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. Lepoigneur!

### **MAURITIUS HOUSING COMPANY LTD - CHAIRPERSON - APPOINTMENT**

**(No. B/741) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Mr D. B., Chairperson of the Board of Directors of the Mauritius Housing Company Ltd., he will, for the benefit of the House, obtain therefrom and from all the parastatal bodies falling under the aegis of his Office and Ministry of which he is a member, information as to the date and terms and conditions of appointment thereof, including the benefits drawn.

**The Prime Minister:** Madam Speaker, Mr D. B. has been appointed Chairperson of the Board of Directors of the Mauritius Housing Company Ltd on 15 March 2017. As Chairperson, he is eligible to a monthly fee of Rs70,000 as approved by the shareholders.

Furthermore, MHC meets the cost of petrol up to Rs8,000 per month for official functions and a cell phone, with call facilities up to Rs1,000 per month.

Mr D. B. also chairs a Sub-Committee of the Mauritius Housing Corporation Company Ltd Board where he is paid a fee of Rs5,000 per sitting.

He is also a member of the Real Estate Development Monitoring Sub-Committee of the MHC Board and is paid a fee of Rs2,500 per sitting.

Madam Speaker, except for MHC, Mr D. B. is not a member of any other parastatal body falling under my Office or my Ministry.

**Madam Speaker:** Yes, hon. Lepoigneur!

**Mr Lepoigneur:** Est-ce que Monsieur D. B. est aussi le Directeur de la NPCC?

**The Prime Minister:** Well, the question is related to any bodies falling under the aegis of my office and my Ministry. So, I have thus looked into any other position he is holding or in any other body which falls under my responsibility.

**Madam Speaker:** Yes, hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. Madam Speaker, from public domain, we know that the projected availability of credit to the *ti-dimounes* who are intending to build a house is about Rs2 billion for this year. Can we know from the hon. Prime Minister, in 2015 when the former Chairperson was there, how much credit was made available and thereafter in 2017 and 2018...

**Madam Speaker:** No, I am sorry hon. Rutnah. This question does not arise from the main question. The main question relates to the terms and conditions of appointment. I am really sorry. Yes, hon. Baboo!

**Mr Baboo:** Is the hon. Prime Minister aware that the Chairperson is also the Chairperson of the HR Committee of MHC and he has recruited his own cousin as Assistant Manager and Sales Marketing?

**The Prime Minister:** Sorry, the Chairperson has appointed...

**Mr Baboo:** Whether Mr D. B. is also the Chairperson of the HR Committee?

**The Prime Minister:** Well, I know that he is the Chairperson of the Subcommittee, but this has always been the case under the previous Chairperson, Mr Mamade Khodabaccus. He also was chairing the MHC Board. He was also member of the Corporate Governance and Human Resource Committee and he was also chairing the Real Estate Development Monitoring Committee. It is the same practice that has been ongoing.

**Mr Baboo:** My question is, being the Chairperson of the HR Committee, how has he been able to recruit his own cousin?

**The Prime Minister:** Well, I am not aware of that. Maybe, if the hon. Member can give me the particulars about this, I shall definitely try to find out.

## **ROSE BELLE BUSINESS PARK PROJECT – INFRASTRUCTURAL UTILITIES & FACILITIES**

**(No. B/742) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to La Technopole de Rose Belle, he will, for the benefit of the House, obtain from Landscape (Mauritius) Ltd., information as to the –

- (a) construction cost thereof;

- (b) current use thereof, and
- (c) monthly revenue received from the rental thereof.

**The Prime Minister:** Madam Speaker, the Rose Belle Business Park Project is being developed on a gross area of about 56 *arpents* of land. The site is already serviced with modern infrastructural utilities and facilities.

And to date, Landscape (Mauritius) Ltd. has sold 22.5 *arpents* of land to some promoters. In addition, 1.1 *arpents* of land have been leased to a healthcare company with a view to setting up a plant for the manufacture and development of pharmaceutical products.

On the land sold to promoters, a diamond cutting and polishing factory has been set up on 2.5 *arpents*, a Data Centre on 6 *arpents* and a high-tech workshop on 2 *arpents*. As regards the remaining 12 *arpents* of land sold to 7 other promoters, implementation of 2 projects will start shortly and the others are in the pipeline.

Moreover, a high-tech building, comprising ground plus five floors, has been built by the former BPML, now merged into Landscape (Mauritius) Ltd. on about 2 *arpents* of land along the motorway.

Around 12 *arpents* of land have been earmarked for the setting up of a Pharmaceutical and Life Sciences Park as announced in the 2018-2019 Budget Speech.

Madam Speaker, as regards part (a) of the question, the construction cost of the high-tech building of Landscape (Mauritius) Ltd. is Rs299,611,020 inclusive of VAT.

Regarding part (b) of the question, the building consists of a total floor area of 6,800 square metres and it has been earmarked to be used for ICT related activities, including disaster recovery, office, pharmaceuticals and manufacture of medical devices and other high-tech activities.

With regard to part (c) of the question, I am informed that 10% of the building space is currently occupied and the monthly revenue is Rs210,500, inclusive of VAT. I am further informed that Landscape (Mauritius) Ltd. has launched an aggressive marketing campaign to rent the remaining space.

**Mr Uteem:** Madam Speaker, may I know from the hon. Prime Minister when was the completion of the building that he just mentioned and for how long it has been left unoccupied?

**The Prime Minister:** Well, let me give the hon. Member the full information. In 2012, during the Budget Speech, the then Minister of Finance had announced the setting up of a building for high-tech manufacturing in Rose Belle. The construction of the building was entrusted to the former BPML. The construction started in September 2014 and the building was completed in December 2016.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** In an interview, the former CEO of BPML, Mr Chetty, stated that BPML is negotiating with Dubai Multi Commodities Centre to set up a gold trading platform in that building. May I know from the hon. Prime Minister what happened to that project?

**The Prime Minister:** I don't know what happened to the project, but clearly it did not materialise because, as I said, only 10% of the building is being occupied and rented.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** The construction of this *Technopole* was one of the highlights of the first Budget Speech of hon. Lutchmeenaraidoo in 2015. Will the hon. Prime Minister agree that the fact that only 10% of this building has been leased out for ICT, shows the lack of interest of international investors in the ICT sector in Mauritius?

**The Prime Minister:** Yes, but then, we must look back at what happened. As I stated in my answer to a supplementary question, it was decided in 2012 that this building would be constructed. It started in 2014 and I tried to find out information about how decision was taken to build this high-tech building. I am informed that there was no market survey that was carried out to find out whether there was any demand for such building in Rose-Belle and there was no feasibility study that was carried out to find out whether the project was viable. But, in the meantime, of course, when we were in Government the building was completed and from then on we have to see to it how best we can use this building in order to have revenue for Landscape (Mauritius) Ltd.

**Mr Uteem:** I just need to correct something. The hon. Prime Minister just mentioned that it was the former Government, but is not it true, is not it the case, that in December 2015, when this Government was in power, the Fast Track Committee of this Government approved



the construction of this building and now he is putting the blame on the others? So, how can the Fast Track Committee approve the construction of these buildings if he did not have all this market survey that he just mentioned?

**The Prime Minister:** The hon. Member is wrong. I have just stated that the construction was started in September 2014, is the hon. Member still doubting my word for it? If he wants, I can bring other documents and lay on the Table of this Assembly.

*(Interruptions)*

Chetty says! You believe Chetty more than me now? I am answering as Prime Minister in this House, and he is referring to Chetty! Even if Chetty has said something, I am saying that he is wrong, and that the construction started before.

Now what has happened is that we have been put before a *fait accompli*, as the building is there. We are not going to waste the resources of Landscape. So, we try to see how best we can use it so that we can attract investors to come in. True it is that mention was made of *Technopole*, but this has not gone ahead and now Landscape is launching this aggressive marketing campaign and let us hope that more space will be taken up by other entrepreneurs.

**MINISTER OF FINANCIAL SERVICES AND GOOD GOVERNANCE -  
ALLEGED CASE OF ASSAULT**

**(No. B/743) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether he will state if he has been informed of an alleged case of assault reported against the hon. Minister of Financial Services and Good Governance at the Montagne Blanche Police Station in relation to an incident which allegedly occurred on Sunday 22 July 2018 at Sebastopol and, if so, indicate whether in regard thereto and to the other pending inquiries initiated against the said hon. Minister, consideration will be given for the removal thereof from ministerial office forthwith.

*(Vide reply to PNQ)*

**STATE INVESTMENT CORPORATION – MR M. B. - RETIREMENT**

**(No. B/744) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Home Affairs, External Communications and National

Development Unit, Minister of Finance and Economic Development whether, in regard to Mr M. B., Managing Director of the State Investment Corporation (SIC) Ltd., he will, for the benefit of the House, obtain from the SIC Ltd., information as to if disciplinary proceedings were instituted against the latter prior to his resignation in 2007 and, if so, indicate the outcome thereof.

**The Prime Minister:** Madam Speaker, I am informed that no disciplinary proceeding has ever been instituted against Mr M. B. prior to his retirement from the State Investment Corporation in 2007.

In fact, Mr M. B. did not resign in the year 2007; he retired from the SIC, having attained the legal age of retirement, which was then at 55 years, to take up employment elsewhere. His request for retirement was approved by the SIC.

**Madam Speaker:** Hon. Baloomoody!

**Mr Baloomoody:** My question reads whether any disciplinary committee was instituted against the latter prior to his resignation in 2007. So, can the hon. Prime Minister confirm that prior to his resignation in 2007, no disciplinary committee was held against that gentleman?

**The Prime Minister:** Prior at that time or even after.

*(Interruptions)*

**Mr Baloomoody:** Once again, unfortunately, like the Deputy Prime Minister was misinformed last time when he answered PQ B/196 regarding this same gentleman, today the hon. Prime Minister has been misinformed again. I have in my hand, Madam Speaker, a letter dated 25 July 2002, prior to 2007 -

“The Board has carefully considered your version and has come to the conclusion that in the interest of good management of the casinos that your contract of employment as Chief Executive Officer of SIC Management Services be terminated forthwith.”

That was prior to a disciplinary committee.

“However, in accordance with the terms of your contract, you are hereby given one month’s wages in lieu of notice as per section 13 (2) of your contract of employment.”

It was signed by the then Chairman of the SIC Management Services Co. Ltd. I beg leave to file a copy.

**The Prime Minister:** Madam Speaker, I maintain that there was no disciplinary committee prior to the termination of the services of Mr D. B. at the SIC Management Services Co. Ltd. But - it is good - I have also tried to find out what has happened prior to this letter being sent to him and let me mention what I have been informed about.

In fact, Madam Speaker, all this happened because Mr B. had discovered an irregularity with regard to the lease purchase of a Touch Bet Roulette. I am informed that the price had been inflated by more than 44% of the normal market price and, furthermore, the company went through an agent which was not the normal practice for purchase of branded equipment for casinos. The procedure in place when the company acquires a branded equipment is that it goes directly to the branded company and not through agents. The practice procedure at SIC Management Services Ltd was that, at least, a committee of four senior managers was constituted to analyse any bid or quotation received.

In this case, the Managing Director of SIC who was also the Chairperson of SIC Management Services Ltd had received the offer personally by fax. And in this case, it is only the Operations Manager along with the Chairperson of SIC Management Services Ltd who decided on the lease purchase of this equipment. The Chairperson was clearly interfering in the operational matters especially for purchase of equipment, and in addition I am informed that Minutes of the meeting of the Board of 20 May 2002 of SIC Management Services Ltd have been manipulated to include an item on Touch Bet Roulette in matters arising whilst this matter had not been discussed at the Board meeting of 20 May 2002 or at any previous Board meetings.

The Minutes have been prepared and signed only by the Chairperson of SICMS Ltd. I am informed that the Secretary to the Board refused to sign the said Minutes because she was not agreeable with the document. Now, this is the issue that led to the termination of the services of Mr B. at SICMS Ltd.

**Madam Speaker:** Yes, hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. Madam Speaker, in the light of the answer given by the hon. Prime Minister, can an inquiry be triggered or the matter referred to ICAC so that those involved in the manipulation be investigated?

**The Prime Minister:** Madam Speaker, I think it is a clear case wherein an investigation is required, and we shall institute an investigation into this matter.

**Madam Speaker:** Hon. Baloomoody!

**Mr Baloomoody:** Is it not a fact that Mr B., after the Operations Manager has acted as a whistle-blower disclosing certain acts and doings of that Mr B. which was contrary to good governance and even illegal transactions, sacked, suspended, the Operations Manager because the latter has informed management of his role in the buying of certain machines, and the Board was not satisfied with the explanation given by him for the suspension of the Operations Manager, and this is why he was sacked?

**The Prime Minister:** Then, Madam Speaker, why was it that, if all this was against Mr B., his services were terminated at the SICMS Ltd, but he was still employed by the SIC? Why is it that he was still employed? Why is it that he was not also sacked at the SIC?

**Madam Speaker:** Last question!

**Mr Baloomoody:** He was sacked, then he was re-employed not by the same Government.

*(Interruptions)*

He was sacked! Not by the same Government! We are talking about the 2002 Government. He was sacked, then he returned back in 2007.

**The Prime Minister:** He was sacked by SICMS Ltd. and he was re-employed! Have you ever heard a case when somebody is to be blamed, he is sacked in one company, a subsidiary company looking after the casinos, and then he is employed by the mother company?

*(Interruptions)*

I think there is a limit to what I call nonsense. But, anyway, Madam Speaker, the inquiry...

*(Interruptions)*

Let me answer!

*(Interruptions)*

I am answering. Let me answer!

*(Interruptions)*

I am answering.

*(Interruptions)*

I am answering.

**Madam Speaker:** Hon. Baloomoody, please, sit down!

*(Interruptions)*

Hon. Baloomoody, please resume your seat!

*(Interruptions)*

Hon. Baloomoody!

*(Interruptions)*

Hon. Baloomoody, resume your seat, please!

*(Interruptions)*

Please, resume your seat! Okay. Yes, finish your reply!

**Mr Rutnah:** On a point of order, Madam Speaker, the hon. Member used the words ‘you corrupt people’

*(Interruptions)*

‘employ corrupt people’.

*(Interruptions)*

**Madam Speaker:** Please, not on the person!

*(Interruptions)*

Hon. Baloomoody, please!

**Mr Rutnah:** Perhaps he should remove these words.

**Madam Speaker:** He is saying that he said ‘employing corrupt people’. He is saying that he did not accuse anybody of being corrupt on this side and that he is saying ‘employing corrupt people’. Well, next question, hon. Ms Sewocksingh!

### **CITIZEN’S ADVICE BUREAUS - SERVICES**

**(No. B/745) Ms M. Sewocksingh (Third Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Citizens Advice Bureau, he will state the present number thereof in operation, indicating in each case the –

- (a) number of officers attached thereto, and

(b) services provided to the public thereat.

**The Prime Minister:** Madam Speaker, I am informed by the National Development Unit that presently there are 35 Citizen's Advice Bureaus operational in Mauritius and one in Rodrigues.

With regard to part (a) of the question, each Citizen's Advice Bureau is normally serviced by one Citizen's Advice Bureau Organiser. Presently, some Citizen's Advice Bureau Organisers are serving more than one Citizen's Advice Bureau pending the filling of vacancies in the grade.

The Citizen's Advice Bureau Organisers are assisted by Word Processing Operators, Office Auxiliary/Senior Office Auxiliary and General Workers on a needs basis.

I am further informed that 20 Management Support Officers have been recruited and posted in Citizen's Advice Bureaus to reinforce the existing team where the workload is on the high side.

With regard to part (b) of the question, the main services provided by the Citizen's Advice Bureau to the public are to –

- (a) provide assistance and guidance to members of the public on facilities extended by Government and the Public Sector;
- (b) act as facilitating agency between the people and Government to meet the aspirations of citizens in various localities;
- (c) serve as forum for cooperation and collaboration between NGOs and stakeholders to promote development in regions;
- (d) organise sensitisation campaigns on pertinent themes based on prevailing needs and other emerging issues to create a well-informed society oriented towards development, and
- (e) handling complaints from the citizens.

**Ms Sewocksingh:** Can the hon. Prime Minister inform the House if the Government has the intention to decrease the number of Citizen's Advice Bureaus taking into consideration that they have now the online Citizen Support Unit?

**The Prime Minister:** No, there is no policy for decreasing the number of CAB.

*(Interruptions)*

In fact, I have enumerated the numerous services that are being provided by the CAB. But the Citizen Support Portal is an additional one, and will surely facilitate the work, not only of the CAB organisers, but also relay people directly to the different institutions in regard to complaints, suggestions or enquires that they are making.

**Ms Sewocksingh:** Following a reply on same in 2016, the then hon. Prime Minister informed the House that there will be recommendations and observations made by the Internal Control Unit in a draft report; it will be taken into consideration and the NDU will come up with policies and Action Plan to revamp the Citizen's Advice Bureau. May I know from the hon. Prime Minister where matters stand?

**The Prime Minister:** Yes, we are making the CAB also responsible for handling matters pertaining to citizens' complaints and, as I said, citizens' suggestions and so on, to relay them directly to Government and this is another additional work. As I said, now we have - I believe it is already in place now - 20 Management Support Officers to give further assistance because we have noticed that in certain CAB, the workload is quite high as compared to that of others. So, in fact, we are doing the contrary to what the hon. Member is saying. We are beefing up, not only the human resources, but also seeing to it that there are more services available at the CAB.

**Madam Speaker:** Hon. Armance, you have a question! Last question!

**Mr Armance:** Madam Speaker, on Wednesday, MPs from the Government usually go there to receive their *mandants*. I would like to know from the hon. Prime Minister why is it that MPs from the Opposition are prohibited access to the CAB? They are not allowed to use the CAB *pour recevoir leurs mandants tout comme les députés du gouvernement*.

**The Prime Minister:** The issue is about the present number and the functioning of the CAB, and so, I think it is a question of policy.

*(Interruptions)*

The policy will have to be decided by Government.

**Madam Speaker:** Time is over! Hon. Members, the Table has been advised that PQ B/755 has been withdrawn. PQ B/781 in regard to the use of cannabis for medical purposes will be replied by the hon. Minister of Health and Quality of Life.

Hon. Rughoobur!

## CHILDREN SHELTERS - INMATES

**(No. B/748) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the children shelters, she will state, in respect of the year 2017, the number thereof which were being managed by private organisations, indicating the -

- (a) total number of inmates placed thereat, and
- (b) age limit of children admissible thereto, indicating the age of the inmates who were actually admitted thereat.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** Madam Speaker, for the year 2017, there were 13 private organisations which were managing the children shelters.

As regards part (a) of the question concerning the number of inmates placed therein, I am informed that the total number stood at 402. However, 50 minors were placed in year 2017.

As regards part (b) of the question, the age limit ranges from 0 to 18 years and the age of the inmates who were actually admitted is 1 month to 17 years.

**Mr Rughoobur:** Madam Speaker, in regard to the problem that we are having with the shelters for children these few days, there was a Fact-Finding Committee in 2015 that made a series of recommendations, and there was also the decision to put in place a regulatory body to look into the issue of recruitment of staff, education of children. May I know from the hon. Vice-Prime Minister where matters stand in regard to that regulatory body and its recommendations?

**Mrs Jeewa-Daureeawoo:** Madam Speaker, let me start by saying that we were all children once and so this is something which concerns all of us. We all want our children to be grown up healthily and in a proper manner.

So, the priority of the Government is, of course, to ensure that children in the shelters are well taken care of, they are being looked in a proper manner. Shelters are, in fact, a place of safety and we are very much concerned when there are problems in shelters, and immediate actions are taken.



With regard to the Fact-Finding Committee, I must say that following the Fact-Finding Committee of Mr Denis Vellien, an Implementation Committee was set up to work on the recommendations. At that time, I was at the said Ministry, so I brought it to Cabinet and we took the decision to set up a Technical Committee chaired by the Permanent Secretary of the Ministry. The said Committee sat on a number of occasions, and the Committee came with recommendations. So, we are working on all the recommendations of the Fact-Finding Committee and the Technical Committee. Some of the measures have already been implemented - of course, the easiest one - and some of the measures which need more time are being worked out. I do hope that in the months to come, we will be able to implement most of them.

**Mr Rughoobur:** Madam Speaker, I was referring to the Director of Audit Report, latest one, 2016/2017. In one of the shelters managed by the Ministry, by the National Children's Council, this is what is mentioned, and I quote, Madam Speaker -

“The menu was prepared by the Acting Officer in Charge, rather than under the guidance of a Nutritionist/the Home Economics Section of the Ministry.”

Based on the series of problems that we are having with the shelters in general for children, may I know from the hon. Vice-Prime Minister whether there is a problem of local expertise? Is there an urgent need to look for a strategic partner, foreign expertise?

**Madam Speaker:** Hon. Rughoobur, I am sorry. This question also does not arise from the main question. If you had a question on the age of inmates being admitted to those shelters or if you had any questions on the total number of inmates, whether the shelters were overcrowded or not, that would have been most relevant. So, I am sorry, this question is not admissible.

Hon. Mrs Perraud!

**Mrs Perraud:** I would like to ask the hon. Vice-Prime Minister whether she can inform the House about the number of children sent by the CDU to the shelters managed by Vedic Social Organisation since 2016, and also the number of children who was sent to RYC and BHS since 2016.

**Mrs Jeewa-Daureeawoo:** Unfortunately, I do not have the information now. So, I will look into it and then I will convey it to the hon. Member.

**Mr Uteem:** Madam Speaker, talking about the age of 18 years, does the hon. Vice-Prime Minister find it normal that once a child is sent to a shelter, nothing is done to try to reconcile that child with his parents or grand-parents, or uncles or aunts, and this child, from sometimes 3-4 years old, stays in the same shelter till the age of 18? Does the hon. Vice-Prime Minister find that normal?

**Mrs Jeewa-Daureeawoo:** Madam Speaker, I must say that in 2017, when I was at the said Ministry, I was very much concerned about the significant number of children in the shelters, and I must say that many of the children stayed there for quite a long time. So, I was not happy. That is why I have said earlier that I brought it to the attention of Cabinet, because I personally think that children should return to their families. Shelters are a temporary accommodation, we all agree, and I think a lot of effort is being done to reconcile children with their parents. I can say that, up to now, many children have returned to their biological cells and sometimes it is not easy, because the children themselves have been used to staying in these shelters. So, we are working on that. We are doing our best to see to it that children are returned to their biological parents.

**Mr Rughoobur:** Madam Speaker, we have been talking about the recommendations of the Fact-Finding Committee. One of the major recommendations was also the criteria that have to be reviewed for the choice of the private contractors managing those shelters. May I know from the hon. Minister if there has been any review of the criteria in the bidding documents?

**Mrs Jeewa-Daureeawoo:** Well, as far I know, the scope of services has already been revised. I think that there is specific qualification with regard to the managers and the caregivers of the shelters, which were not there before the revision.

**Madam Speaker:** Hon. Mrs Perraud, and then last question hon. Dr. Boolell. Please be brief and concise.

**Mrs Perraud:** Concerning the age limit, can the hon. Vice-Prime Minister inform the House how many shelters are operating as halfway homes and what is the policy of the Ministry concerning children who have spent years in shelters and who are now 18 years old?

**Mrs Jeewa-Daureeawoo:** I think that, for the time being, we have two halfway homes. But if the hon. Member comes with a specific question, I will look into the matter, because this question is very specific. I will be more than happy to reply to her.

**Madam Speaker:** Hon. Dr. Boolell, last question!

**Dr. Boolell:** Thank you very much, Madam Speaker. Will the hon. Vice-Prime Minister inform the House as to the number of private organisations which employ qualified personnel and, if not, what have been the measures taken to correct this?

**Mrs Jeewa-Daureeawoo:** Well, all the private shelters have to recruit qualified personnel. So, if the hon. Member knows of any shelter which is not employing qualified caregivers, he just let us know and we will look into the matter. Because as I have said, children issues are very serious issues and we are all concerned. Children issues are apolitical, and I think we all have to work together for the betterment of our children.

### **CHILD DEVELOPMENT UNIT - OFFICER-IN-CHARGE - QUALIFICATIONS**

**(No. B/749) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Child Development Unit, she will state –

- (a) the name and qualifications of the Officer-in-Charge thereof, and
- (b) if an evaluation report of the functioning and achievements thereof is available and, if so, table copy thereof.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** Madam Speaker, Mrs Karoonawtee Chooramun is the Head of the Child Development Unit and she is the holder of the following qualifications: Cambridge School Certificate; Cambridge Higher School Certificate; Teacher's Certificate (Primary) General Purpose; BSc Social Work, University of Mauritius, and MSc Social Development in 2002.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** Thank you, Madam Speaker. Based on the problems that we have been having with these shelters, where we have got children in distress, may I know from the hon. Vice-Prime Minister if there is a serious problem of leadership, and if there is an urgent need to review the functioning of this?

**Mrs Jeewa-Daureeawoo:** Madam Speaker, I do not think it is a question of leadership. The main objective of the CDU is to provide protection services and the CDU, as I have said, has the obligation to ensure parental role whenever parents fail to do so. Well, you will agree with me that for too long the CDU has remained as it is. It was high time to restructure the Child Development Unit (CDU). The CDU has been split into two distinct

units now. So, we have the Child Protection Unit and the alternative Care Protection Unit. The Child Protection Unit now focuses on emergency protection for children and the Alternative Care Unit focuses on foster care, residential care and also mentoring. By separating the responsibilities of the CDU, each unit now has a head and I do think that with these two separate units, we will have a smooth running of the CDU. Let's see how it works. If we have to bring further amendments, I will not hesitate to do so for the betterment of our children.

**Mr Rughoobur:** Thank you, Madam Speaker. I was referring to this issue of leadership because the website for this Children Development Unit has not been updated, I think, for several years. In the website of the CDU itself, one of the objectives defined was to set up a District Child Protection Committee.

May I know from the hon. Vice-Prime Minister if this important measure has been implemented by the Child Development Unit and what is the status today?

**Mrs Jeewa-Daureeawoo:** I think it is rather the Community Child Watch; I have never seen District Community Watch. I have come across Community Child Watch. What I know is that the Community Child Watch is being implemented now at the level of the Social Centres and Community Centres. So, it allows for proximity services and provides for surveillance of children in all regions around the island.

**Madam Speaker:** Hon. Mrs Perraud!

**Mrs Perraud:** Can the hon. Vice-Prime Minister tell the House how many senior officers are on call per day for the monitoring of cases for each station?

**Mrs Jeewa-Daureeawoo:** Madam Speaker, this question is very far from the original question. The hon. Member must be fair. If she can come with a specific question, I will look for the answer.

#### **SOCIAL WELFARE CENTRES - CAPITAL INVESTMENT**

**(No. B/750) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or)** asked the Minister of Gender, Equality, Child Development and Family Welfare whether, in regard to the Social Welfare Centres, she will state the –

- (a) number thereof in operation in 2017, and
- (b) value of the capital investments undertaken during the financial year ending 30 June 2017.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender, Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** Madam Speaker, I will answer questions B/750 and B/751 together as both questions relate to centres available to the public.

All these 57 Social Welfare Centres were in operation in 2017. An amount of Rs806,000 was spent on Capital Investment during the financial year ending 30<sup>th</sup> June 2017. These works comprised –

- (a) Materials for a shelter at Roche Bois to the tune of Rs135,000;
- (b) The installation of CCTV cameras at Brisée Verdière at a cost of Rs90,000, and
- (c) Upgrading works at Grand Bois Social Welfare Centre, amounting to around Rs600,000.

Other important projects involving water proofing, tiling works and plumbing at Petite Julie and rain water drainage system at Rivière du Rempart Social Welfare Centre to the tune of Rs450,000 also started in financial year 2016-2017 and were completed after June 2017.

Regarding part (a) of the question B/751, I wish to inform the House that all the 136 Community Centres were in operation in 2017.

As regards part (b) of the question, I am informed that an amount of Rs3.6 m. was spent on upgrading projects and purchase of equipment and furniture.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** The reason for this question, Madam Speaker, is because of the amenities in these Social Welfare Centres and Community Centres. May I know from the hon. Vice-Prime Minister what are the arrangements made? Because, I think, in this year's Budget, there is provision for Capital Investment in either of these Social Welfare Centres and Community Centres. If she can mention the amount that has been earmarked?

**Mrs Jeewa-Daureeawoo:** Well, provision has been made for Capital Expenditure, but I do not have the figure now. I will look at it.

**Madam Speaker:** You have a question?

**Mr Rughoobur:** Thank you, Madam Speaker. With regard to the social activities that are being organised by these Social Welfare Centres and Community Centres, may I make a

request to the hon. Vice-Prime Minister, if there can be a sort of agreement, a MoU with the CSR Foundation? Because, often, in my constituency for example, we see the serious problem of funds to organise activities, so if there can be eventually an agreement, an MoU to the CSR Foundation.

**Mrs Jeewa-Daureeawoo:** The CSR Foundation caters for NGOs and here we are talking of Community Centres and Social Welfare Centres which fall under the Government. Government do make provisions for the proper running of all the centres around the island. I must say that we fully understand the importance of both the Social and Community Centres around the island. That is why I can say, both the Capital Investment and the Operation Costs increase year by year. For the Budget 2018-2019, I do know that it has been increased considerably.

**Madam Speaker:** I will remind hon. Members to be brief in their questions and hon. Ministers also to be brief in their replies. Hon. Abbas Mamode!

**Mr Abbas Mamode:** Thank you, Madam Speaker. Since we are talking about Community Centres and Social Centres, is the hon. Vice-Prime Minister aware that these are for public use, and that social organisations are not allowed if they invite Members of the Opposition, they cannot use the Centre, they are not even allowed to get the Centre to be used? This happened this very morning!

**Madam Speaker:** No, no! This is a statement or this is your question?

**Mr Abbas Mamode:** It is a question.

**Madam Speaker:** Yes, hon. Minister!

**Mrs Jeewa-Daureeawoo:** I am not aware of that.

**Madam Speaker:** Hon. Adrien Duval!

**Mr A. Duval:** Madam Speaker, *laissez-moi enfoncer le clou un peu plus profond*. Is the hon. Vice-Prime Minister aware that - we are to abide by operation costs - for all the *parades de lever du drapeau* for Independence Day, Opposition MPs are not invited, nor are they invited for any function?

**Madam Speaker:** Hon. Adrien Duval, do not make a statement! Ask your question! I have just said a few minutes back that Members cannot make statements; they have to be brief in their questions and Ministers as well have to be brief in their answers.

**Mr A. Duval:** Madam Speaker, if I may just ask, is it normal? Is it the policy?

*(Interruptions)*

**Madam Speaker:** Hon. Jhugroo! You start again?

**Mrs Jeewa-Daureeawoo:** Madam Speaker, there is a Committee which looks at all the events and functions that are to be carried out in these centres. So, it is for the Committee to decide whom to be invited or not.

**Madam Speaker:** Hon. Osman Mahomed! Next Question!

### COMMUNITY CENTRES - CAPITAL INVESTMENT

**(No. B/751) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Community Centres, she will state the –

- (a) number thereof in operation in 2017, and
- (b) value of the capital investments undertaken during the financial year ending 30 June 2017.

*(Vide reply to PQ B/750)*

### MOKA CENTRAL CRIME INVESTIGATION DIVISION - MR G. N. – INQUIRY

**(No. B/752) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to one Mr G.N., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if he was interrogated by the Central Crime Investigation Division of Moka and subsequently arrested on grounds of assaulting a civil agent on or about 09 June 2017, and, if so, indicate where matters stand as to the inquiry initiated thereinto.

**Sir Anerood Jugnauth:** Madam Speaker, I am informed by the Commissioner of Police that on 09 June 2017, one Police Constable posted at the Moka Police Station, who was on armed sentry at the residence of Honourable S.D.S. reported a case of assault committed by one Mr G. N. on him on the same day.

Madam Speaker, I am further informed by the Commissioner of Police that Mr G. N. was interrogated on 10 June 2017 by CID Moka in the presence of his lawyer in connection with this case and arrested on the same day. On 11 June 2017, he appeared before the Bail

and Remand Court, following which he was detained at Quartier Militaire Police Station. He was subsequently released on bail on 14 June 2017, after furnishing a surety of Rs15,000 cash and recognizance of Rs50,000.

The case file was referred to the Director of Public Prosecutions for advice and the Commissioner of Police had been requested to submit additional information regarding this case.

Enquiry, therefore, into the case is still ongoing.

**Mr Osman Mahomed:** Thank you, Madam Speaker. At the material time, Mr G. N. was attached to the services of the Minister of Good Governance, hon. Sesungkur. Can I ask the hon. Minister Mentor whether his services are still attached within the Civil Service and he still has an office at the...

*(Interruptions)*

**Madam Speaker:** Hon. Sesungkur, the question is not addressed to you! It is addressed to the hon. Minister Mentor.

**Sir Anerood Jugnauth:** Well, whether he still employed or not, I do not have this information.

**Mr A. Duval:** Is the hon. Minister Mentor aware that Mr G. N., the driver of the hon. Minister Good Governance has an office. He is occupying the office of the PRO in his Ministry and has today again been at the receiving end of an allegation and this time larceny with violence, having stolen sunglasses after having helped the Minister himself to slap the guy. Is he aware that this person is occupying the office of PRO?

**Sir Anerood Jugnauth:** I have not been informed about this. I will find out.

**Madam Speaker:** Last question, hon. Osman Mahomed!

**Mr Osman Mahomed:** Madam Speaker, the hon. Sesungkur just crosstalked to me saying that he was never attached to his services. I am here tabling monthly return of contribution to the National Provident Fund from the Ministry of Good Governance where his name is there signed by officers of the Ministry. I am tabling this at the moment for him to check. He has lied to Parliament.

*(Interruptions)*

**Madam Speaker:** Order! Order!



**Mr Osman Mahomed:** Also Mr G. N. has been found in the case involving the Minister slapping the cameraman as being provisionally charged against him. Press reports are already out, hon. Minister Mentor and I am tabling this one as well. We are having these kinds of people within the premises of Government ...

**Madam Speaker:** Please no statement. You have asked your question, no statement, I said! Next question, hon. Osman Mahomed!

**PLAINE SOPHIE WIND FARM PROJECT - FINANCIAL INSTITUTION -  
AGREEMENT**

**(No. B/753) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Plaine Sophie Wind Farm Project, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if it has authorised the promoter thereof to enter into direct agreement with a financial institution and, if so, indicate

—

- (a) when and the terms and conditions thereof, and
- (b) if such an agreement is in line with the terms and conditions of the agreement binding the promoter thereto.

**The Deputy Prime Minister:** Madam Speaker, I am informed by the Central Electricity Board that the promoter does not require its authorisation to enter into an agreement with a financial institution. The question of an authorisation...

**Madam Speaker:** Hon. Deputy Prime Minister, can you be a little bit louder. They say that they are not able to hear.

**The Deputy Prime Minister:** Madam Speaker, I am informed by the Central Electricity Board that the promoter does not require its authorisation to enter into an agreement with a financial institution. The question of an authorisation by CEB accordingly does not arise.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Thank you, Madam Speaker. I realise there may be a typo in the question. So, I do reckon with your answer. Can I ask the hon. Deputy Prime Minister whether at all a direct agreement is being envisaged on this Wind Farm Project involving the parties involved? A direct agreement will render the CEB as a middleman between the promoter and the finance institution. Is this on the table? Has it been signed? Is there one that is being envisaged or has it been signed?

**The Deputy Prime Minister:** Well, that is very far from the question, but I will nevertheless attend because I know a little bit about this. All these ESPAs contain a clause to say that there will be a financial institution which will lend money to the promoter. Then the same ESPA contains a clause which says that if ever the lender so requires, the CEB and the lender - it is not triangular - will discuss a direct agreement. That is so in this ESPA. I understand that CEB and the lender which is PBB or some other bank have discussed and are almost going to agree on what is called a direct agreement. I mean, there is no indirect agreement. There is an agreement. It is an agreement between the lender and CEB. Normally, if ever there is a default by the supplier or they go into insolvency, the bank can take certain steps to preserve the project. These are normal clauses in such agreements.

**Mr Osman Mahomed:** Well, I thank the hon. Deputy Prime Minister although the question is not there and he has agreed to reply. An agreement at this stage in the contract where construction has already started, is it in the interest of the CEB to go for such an agreement?

**The Deputy Prime Minister:** Of course, it is in the interest of the CEB because if something happens to the Suzlon - let us say they default in their performance - CEB will be helpless or they go into insolvency, which I do not hope, but, if at all, this is the job of all those who draft contracts. If at all something happens, then the bank can take steps. Of course, we are on insolvency legislation but the bank can step in and tell CEB: 'I am going to appoint another contractor to finish the project'. Of course, CEB must consent to it. The bank will not be able to impose this on CEB. It is a bit more complex than it appears when I am talking, but this is generally the format of the contract. It is in the interest of CEB to have that sort of contractual structure. Indeed, I believe that most, if not all, ESPAs have got that sort of structure.

**Mr Osman Mahomed:** This project was supposed to be commissioned in August 2014 and now we are in August 2018. Can I know from the hon. Deputy Prime Minister

whether the project - the Wind Farm at Plaine Sophie - is still on track and will it be commissioned by end of December, as he himself stated in the House some time ago.

**The Deputy Prime Minister:** I did not hear the last part. I am not the only one to talk softly.

**Mr Osman Mahomed:** In my last question or other Members' questions on this, the hon. Deputy Prime Minister said that the Wind Farm at Plaine Sophie will start operation in December 2018. Is this still on track?

**The Deputy Prime Minister:** The hon. Member is now taxing my memory a lot, I must speak under correction of the record. What I believe I said in my reply is that there is a commissioning date which is perhaps December 2018, I take the hon Member's word for it, but that there would be penalties. I am myself not very well at ease with the state at which the works have reached, but, at the same time, I know that the banks and CEB will enter into a direct agreement and that should expedite matters.

#### **ICTA LEGISLATION - REVIEW**

**(No. B/754 ) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Technology, Communication and Innovation whether, in regard to the market service and market segments, he will, for the benefit of the House, obtain from the Information and Communication Technologies Authority, information as to if it has held a public consultation and carried out a market analysis in accordance with the provisions of subsection (1) of section 30 of the ICTA Act and also complied with the provisions of subsection (2) thereof and, if so, give details thereof and, if not, indicate the reasons therefor.

**Mr Sawmynaden:** Madam Speaker, I am informed by the Information and Communication Technologies Authority that no public consultation has been carried out in accordance with the provisions of subsection (1) of section 30 of the ICTA Act. Hence, no designation and public notification has yet been made in compliance with section 30 (2) of the ICT Act.

I am further informed that prior to implementation of section 30 of the ICT Act, a comprehensive framework for the definition of markets and the identification of operators with significant market power as well as the obligations of operators are being developed. The industry will be consulted prior to the full implementation of section 30 as the eventual

comprehensive framework requires the review of various related sections of the ICT Act as well as a revamp of the licensing, cost monitoring and enforcement frameworks.

As the House is aware, a merger exercise of the Independent Broadcasting Authority and the ICTA is presently being conducted and such issues will also be looked into by the Consultant.

**Mr Osman Mahomed:** I did not quite hear the first part, but can I ask the hon. Minister whether in regard to consultation the issue of change of transmission system by Mauritius Telecom from copper cable to fibre optic cable is still an issue because long time ago when ...

**Madam Speaker:** Be brief!

**Mr Osman Mahomed:** I am going to go to the question. The issue is consumers are being doubly charged for Rs90 line rental and access charge which was meant from long time ago, copper cable which has now been replaced by the fibre optic cable. Has this issue of double charging been referred to the hon. Minister?

**Mr Sawmynaden:** Well, this is very far from the question. If the hon. Member comes with a specific question, I will get all the details. I don't have this information with me right now, but as I mentioned before that, no public consultation has been carried out in accordance with the provisions.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Osman Mahomed:** Can I refer the hon. Minister to an issue of national interest with regard to the change of cable at the Mauritius Telecom where contract to the tune of Rs1 billion has been attributed without tendering procedure? I am here tabling the respective article for his attention and whether he could kindly look into this. I believe it must have been brought to his attention that for small contracts, Mauritius Telecom resorts to tenders but for big contracts like Rs1 billion, this is going without tender to some privileged companies?

**Mr Sawmynaden:** As the hon. Member is aware, Mauritius Telecom is a private company and it has got its own Board of Management and its own method of procurement. I will look into it, but I cannot answer on behalf of Mauritius Telecom.

**CITÉ MALHERBES, CUREPIPE - MUNICIPAL COUNCIL ELECTION  
CAMPAIGN - ALLEGED ASSAULT**

**(No. B/755) Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the reported case of alleged assault which occurred during the Municipal Council election campaign in 2012 at Cité Malherbes, Curepipe, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand.

*(Withdrawn)*

**MINISTRY OF PUBLIC INFRASTRUCTURE AND LAND TRANSPORT - ROAD SAFETY COORDINATOR - TENDER EXERCISE - ALLEGATIONS**

**(No. B/756) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to Mr D. R., Road Safety Coordinator at his Ministry, he will state if he has been informed of any alleged corruption case reported against him at the Independent Commission against Corruption and, if so, indicate the measures taken in relation thereto, if any, pending the conclusion of the inquiry.

**Mr Bodha:** Madam Speaker, in regard to Mr Daniel Raymond, Road Safety Coordinator at my Ministry, I wish to inform the House that my Ministry is not in presence of any correspondence from the Independent Commission Against Corruption (ICAC) on any alleged corruption case against him. In that respect, no measures have been taken.

Madam Speaker, however, I am informed that allegations have been levelled against the Road Safety Coordinator in the media in the context of a tender exercise relating to training of driving instructors for motorcars.

I wish to point out, Madam Speaker, that the duties and responsibilities of the Road Safety Coordinator are clearly spelt out in the contract and the role of the Road Safety Coordinator is to advise on specific road safety matters. He is therefore not involved in any procedural matters, the more so, not in any tender process at the level of my Ministry. The procurement exercise is being carried out according to the provisions of the Public Procurement Act and he is neither a member of the Departmental Bid Committee nor of the Bid Evaluation Committee to evaluate the bids received.

**Mr Abbas Mamode:** Thank you, Madam Speaker. Can the hon. Minister inform the House whether decisions taken by Mr Daniel Raymond are supported by members of each

committee he belonged to, including Engineer from your Ministry, Engineers from RDA, Police officers and Motor Vehicles Dealers' Association?

**Mr Bodha:** Madam Speaker, an adviser is here to advise on specific matters and that does not mean that the advice has to be taken into account systematically by all those who are the members of a committee. So, of course, I think there are contradictory matters and, at the end of the day, the committee has to take a decision.

**Mr Baboo:** Can the hon. Minister inform the House what are the terms and conditions attached to the contract of Mr D. R. and whether his contract will be renewed?

**Mr Bodha:** Madam Speaker, Mr Daniel Raymond has a net salary of 3000 euros per month. The second question was whether his contract will be renewed. This year, it has just been renewed, I think, two months back.

#### **NTA - AUTO CYCLES & MOTORCYCLES - REGULATIONS**

**(No. B/757) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the auto and motor cycles, he will, for the benefit of the House, obtain from the National Transport Authority, information as to the –

- (a) number thereof currently on the roads, and
- (b) if the dealers thereof and the driving schools were consulted during the preparation of the regulations in relation thereto.

**Mr Bodha:** Madam Speaker, I am informed by the National Transport Authority that as at 30 June 2018, 91,378 motorcycles and 117,407 auto cycles are registered in their database.

In respect of part (b) of the question, I would like to highlight that in line with the National Road Safety Strategy, a specific Action Plan was developed for two wheelers as they account for almost half of the fatalities and serious injuries on our roads.

This Action Plan was endorsed by the National Road Safety Council comprising members from both the public and the private sectors. The Plan focuses on the legislation framework, the training of driving instructors for motorcycles and Police examiners as well as the coming into operation of the *Moto École*.

In that respect, two regulations were made under the Road Traffic Act to cater for the coming into operation of motorcycle driving schools. Firstly, the Road Traffic (Driving Schools

and Driving Instructors) Regulations 2017 for motorcycle driving schools and licensing of driving instructors for motorcycles which was introduced in September 2017. Secondly, the Road Traffic (Amendment) Regulations 2018 for licensing of learner drivers of motorcycles which came into effect as from March 2018.

Furthermore, 24 motorcycle driving instructors and 15 Police examiners have been trained and two motorcycle driving schools are now operating. The opening of two others is scheduled in the coming months.

Madam Speaker, the “*Moto École*” project is a new venture. It is the first time that such schools have been set up in Mauritius. I am informed that in the context of the new licensing scheme for motorcycle learner drivers, dealers have been consulted in respect of the categorisation of four types of motorcycles as follows -

- AM – an autocyce with an engine capacity not exceeding 50 cc;
- A1 – a motorcycle with an engine capacity between 50 cc but not exceeding 125 cc;
- A2 - a motorcycle with an engine capacity of more than 125 cc but not exceeding 300 cc, and
- A – a motorcycle with an engine capacity exceeding 300 cc.

I am further informed, Madam Speaker, that consultations were held with driving instructors while the Regulations were being prepared. However, my Ministry received representations from the Driving Instructors Federation in respect of the schedule of the Regulation relating to road restrictions at certain hours and peak time for all learner drivers, including leaners of motorcycles. This has been favourably considered and the amendments will shortly be made to the schedule in consultation with the State Law Office.

**Mr Abbas Mamode:** Is the hon. Minister aware that even after being trained at the *Moto École*, still 90% of the people undergoing tests failed? What are the measures that will be taken by his Ministry to ensure that they get the proper training? 90% is a bit exaggerated ...

**Madam Speaker:** No statement, put your question, please!

**Mr Bodha:** From the statistics which have been given to me, those who have failed are those who have not followed any course at the *Moto École*. In fact, the *Moto École* has come into force a few months back and only 2 or 3 who have been to the *Moto École* has undergone the test so far.

**Mr Armance:** Madam Speaker, regarding the instructors who have been formed by the RDA - I understand from the Minister's answer - can I know clearly how many have been formed, how many have been employed and what is the Minister's plan to the one who has not been employed yet. I understand that only two have been offered a job and the other ones are still waiting for the Ministry to revert back.

**Mr Bodha:** Madam Speaker, 24 motorcycle driving instructors were trained. 15 Police examiners were trained. So, the Police examiners are already conducting the exams. As regards the motorcycle driving instructors, I think that half of them have a job.

*(Interruptions)*

So, I will look into the matter. Anyway, we have two new motor schools which are starting in the next months.

**Madam Speaker:** Last question, hon. Baboo!

**Mr Baboo:** Can the hon. Minister inform the House whether there is any official platform where the dealers of motorcycles, driving schools and either NTA or his Ministry meet to discuss the national issue?

**Mr Bodha:** Well, I think the coordinating platform could be at the National Transport Authority. Anyway, if there are any issues which have to be addressed with all the stakeholders, we are very ready to sit down.

*(Interruptions)*

Yes, with the NTA.

#### **ABERCROMBIE POLICE DISTRICT HEADQUARTERS - CONSTRUCTION**

**(No. B/758) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the construction of new premises to house the Abercrombie Police District Headquarters, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if the contract has now been awarded and, if so, indicate –

- (a) the name of the contractor;
- (b) the contact value thereof;
- (c) the start and completion dates thereof, and



- (d) if the Abercrombie Central Investigation Division and a Detention Centre will be housed therein.

**Sir Anerood Jugnauth:** Madam Speaker, I am informed by the Commissioner of Police that the contract for the construction of a new Police Divisional Headquarters at Abercrombie is in the process of being awarded. However, following the completion of the evaluation of tenders for the project, a Letter of Acceptance was issued on 18 June 2018 to the contractor Kanakia Associates Co. Ltd. notifying them that their bids submitted through the e-Procurement system has been accepted as per the terms and conditions of the tender documents. Procedures are underway in consultation with the Ministry of Public infrastructure and Land Transport for the signature of the contract.

Madam Speaker, as regards part (b) of the question, I am informed by the Commissioner of Police that the accepted contract amount of the project is equivalent to Rs108,675,000 inclusive of VAT.

With regard to part (c) of the question, the works will start upon signature of the contract. The duration of the works at least has been estimated at 450 days as from the start date.

Concerning part (d) of the question, the House may wish to note that provision has been made for the new building to accommodate the Metropolitan North CID Office. No provision has been made for a detention centre thereat.

**Madam Speaker:** Hon. Abbas Mamode!

**Mr Abbas Mamode:** Is the Rt. hon. Minister Mentor aware of *l'état des lieux du district* north, and that some remedies can be done? Hon. Rutnah must be there quite often as barrister, yes.

**Madam Speaker:** No statement!

**Mr Abbas Mamode:** The yard *est dans un état déplorable et même les avocats allant aux headquarters doivent apporter des spray anti-moustiques avec eux.*

*(Interruptions)*

*Non, c'est vrai!* It is not a joke!

**Madam Speaker:** Yes, no statement. Put your question!

**Sir Anerood Jugnauth:** I have not been there to see *l'état des lieux.*

(Interruptions)

**Madam Speaker:** Hon. Armance!

**Mr Armance:** Same as hon. Abbas Mamode just asked.

**Madam Speaker:** Same question?

**Mr Armance:** No, it is not the same.

**Madam Speaker:** The question has been asked then!

**Mr Armance:** If the Rt. hon. Minister can please...

**Madam Speaker:** Same question?

**Mr Armance:** It is on the same line, not the same question, Madam Speaker. Is the Rt. hon. Minister Mentor aware of the state of affairs of this building? Because right now, this building *est infecté de moustiques, punaises et rats. Les policiers y travaillent et les gens viennent visiter.*

**Madam Speaker:** What is your question? No statement, I said!

**Mr Armance:** Can the Rt. hon. Minister Mentor, at least, please look into this matter for the good sake of everyone who is visiting this Police Station? Because it is a main Police Station at Abercrombie.

**Sir Anerood Jugnauth:** When works will be started, definitely order will be put there before they can start the construction.

**Mr Abbas Mamode:** Is the Rt. hon. Minister Mentor aware that not even one cent has been put in the last Budget concerning the construction of Abercrombie North Headquarters?

**Sir Anerood Jugnauth:** Maybe there are already funds available.

**Madam Speaker:** Hon. Abbas Mamode, next question!

#### **TROU FANFARON POLICE STATION - CONSTRUCTION**

(No. B/759) **Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Trou Fanfaron Police Station, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if land has now been acquired for the construction of new premises for the housing thereof and, if so, indicate –

- (a) if the design and plan in relation thereto have been finalised;
- (b) the expected start and completion dates thereof, and
- (c) the expiry date of the present contract for the renting of premises of the IKS building for the housing thereof, indicating the monthly rental payable therefor.

**Sir Anerood Jugnauth:** Madam Speaker, I am informed by the Commissioner of Police that the Trou Fanfaron Police Station will, according to the Ministry of Public Infrastructure, form part of the integrated project for the Redevelopment, Modernisation and Operation of the Immigration Square Terminal. Therefore, acquisition of land for the construction of a new Police Station at Trou Fanfaron is not required.

Madam Speaker, with regard to part (a) and (b) of the question, I am informed by the Commissioner of Police that details pertaining to the design, expected start and completion dates cannot be determined at this stage.

Regarding part (c) of the question, the contract for the renting of premises of the IKS Building for the housing of Trou Fanfaron Police Station will expire on 01 June 2020. The monthly rent amounts to Rs96,925.

**Mr Abbas Mamode:** Is the Rt. hon. Minister Mentor aware that concerning *station* Fanfaron, which is found in the district of Port Louis in a highly dense area called Immigration Square, no parking is available? If you have to go for a complaint or for an accident, there is not even a parking available over there.

*(Interruptions)*

**Madam Speaker:** What action will be taken regarding the parking!

**Sir Anerood Jugnauth:** This situation has existed for years and people have been managing.

*(Interruptions)*

Well, they should keep on managing for some time more.

**Madam Speaker:** Do you have any additional supplementary question on this! No. Hon. Quirin, next question, please!

**SPORTS ARBITRATION TRIBUNAL - CASES LODGED**

**(No. B/760) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Sports Arbitration Tribunal, he will, for the benefit of the House, obtain therefrom, the list of cases lodged therewith since January 2015 to date, indicating the outcome thereof in each case.

**Mr Toussaint:** Madam Speaker, 20 cases were lodged before the Sports Arbitration Tribunal for the period January 2015 to date. I am tabling the list of cases referred to the Tribunal for the said period and their status.

**Mr Quirin:** Merci, Madame la présidente. L'honorable ministre peut-il nous dire s'il y a un membre de ce Tribunal qui récemment a démissionné, si c'est le cas de bien vouloir préciser le nom, la date de sa démission et les raisons, et aussi de bien vouloir préciser si la personne en question a été remplacée?

**Mr Toussaint:** Madame la présidente, d'après les informations que j'ai en ma possession, un des membres a soumis sa démission le 9 février 2018. Malheureusement, je n'ai pas d'information pour dire pourquoi il est parti, et il a été remplacé par M. Mikal Bruno le 11 juillet 2018.

**Madam Speaker:** Hon. Quirin, do you have any supplementary?

**Mr Quirin:** Une dernière question, Madame la présidente. D'après les renseignements qui me sont parvenus - je sais que l'honorable ministre a déposé une copie des cas qui ont été logés récemment - il paraît que malgré tout, le Tribunal fonctionne au ralenti et qu'il y a pas mal de cas qui avaient au préalable été référés à *l'Ombudsperson for Sports*, qui sont, cette fois-ci, pas entretenus et référés au Tribunal d'arbitrage pour le sport. Est-ce que l'honorable ministre peut confirmer si c'est bien le cas et si le travail se fait au ralenti ou bien si les cas sont entretenus assez rapidement?

**Mr Toussaint:** Madame la présidente, il faut préciser que le Tribunal, comme je viens de le dire, a vu 20 cas. Malheureusement, je n'aurais pas le temps pour passer en revue pour dire en détails combien de cas qui ont été *settled*. Donc, d'après la liste que j'ai et dont je viens de faire circuler, nous pouvons constater qu'il y a pas mal de cas qui ont été réglés.

### TROU AUX CERFS - RADAR PROJECT

**(No. B/761) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable

Development whether, in regard to the proposed construction of a Radar at Trou aux Cerfs, he will, for the benefit of the House, obtain from the Meteorological Services, information as to where matters stand, indicating the –

- (a) expected date of coming into full operation thereof;
- (b) concurrent training to be imparted to the staff members who will be responsible for the manning thereof, and
- (c) total cost thereof.

**Mr Sinatambou:** Madam Speaker, the radar project at Trou aux Cerfs comprises –

- (i) the construction of a radar tower;
- (ii) the installation of the radar equipment;
- (iii) the training of the technical staff and users, and
- (iv) the installation of monitors at the Meteorological Services Headquarters at Vacoas.

Regarding the construction of the radar tower, as at today, I am informed that more than 95% of the construction of the radar tower has been completed, and it is expected to be fully completed within the next two months.

Madam Speaker, I am tabling a picture of the original artwork of the radar and a picture of the radar tower as it stood last week.

*(Interruptions)*

*Pas per, pe faire la ! Pas per, twa!*

Regarding the installation of the radar equipment, the radar equipment to be installed in the tower was received in Mauritius from Japan in mid-April 2008. As at date, I am informed that 40% of the installation of equipment has been completed, and it is expected that the 60% remaining will be fully completed within the next quarter.

I wish to inform the House that appropriate training will be imparted to the engineer who will be in charge of the tower while installation is in progress. Thereafter, testing of the equipment will begin by the manufacturer, which may last two months, and the calibration of the radar will start subsequently. It is expected that the radar will come into full operation during the current financial year.

As regards part (b) of the question, I understand that formal training of the technical staff to be posted at Trou aux Cerfs and the meteorologists posted at Vacoas will tentatively

start in January 2019, and this training will be carried out by resource persons from Japan. This will eventually enable the manning of the radar by trained staff from the Met Services.

As regards the total cost, the project is financed by a grant aid of Japanese Yen 1,340,000,000 equivalent to about Rs437 m. from the Government of Japan and a contribution of Rs100 m. from the Government of Mauritius, making a total project value of Rs537 m.

Madam Speaker, I wish to add that, according to my information, the radar system being implemented by my Ministry is an up-market and state-of-the-art technology and Mauritius is the first country in this part of the world to benefit from such a technology.

**Mr Armance:** Madam Speaker, about the same PQ in 2015, with regard to the training of the staff, the then Minister Alain Wong who was responsible for Environment replied that there will be capacity building of the staff - since 2015. May I know from the hon. Minister, since 2015 to date, how many staff have been trained and how many staff have enrolled for the Capacity Building Programme?

**Mr Sinatambou:** Well, the hon. Member should understand that when my colleague stated that there will be capacity building, first of all, the radar has to be up and standing.

*(Interruptions)*

Yes. The project started under the outgoing Government then, and it is this Government which implemented the project as from September 2016. So, let us be aware that the training will happen very soon.

**Ms Sewocksingh:** Madam Speaker, the Minister at that time, hon. Wong, informed the House in reply to a PQ that the project would be completed in March 2018. May I know from the hon. Minister why there is a delay?

**Mr Sinatambou:** I think it was made clear in that particular Parliamentary Question. My colleague did mention that the weather is quite varying there. That's firstly. Secondly, there were piling works which had to be made, which took longer than expected.

### **ALBION - PETROLEUM PORT & JETTY PROJECT**

**(No. B/762) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the proposed implementation of the Petroleum Port and Jetty Project at Albion, he will state -

- (a) as per the 1 km buffer zone, the number of houses and extent of land that would be compulsorily acquired, indicating if the calculation of the compensation in case of compulsory acquisition would be based on the market value thereof or otherwise, and
- (b) if he is aware of rocks excavation works being carried out by Pradeep Ltd. on the site earmarked therefor.

**Mr Gungah:** Madam Speaker, in my reply to PQ B/33 on the same subject matter in March 2018, I informed the House that in September 2017, the Joint Working Group comprising the State Trading Corporation, Indian Oil Corporation Ltd and Mangalore Refinery and Petrochemicals Ltd had appointed Engineers India Ltd to carry out the Detailed Feasibility Study to assess the viability of the project.

The Detailed Feasibility Report from EIL is expected by the end of this year, and a final decision on the project will be taken after receipt of that report.

It is only in the event of a positive recommendation in the Detailed Feasibility Report that the location and siting of the Petroleum Port and Jetty Project and its buffer zone, if any, at Albion, would be determined.

It is, thus, premature at this stage to speculate on the houses and the land that would need to be acquired. If so required, Government would follow the usual procedures for acquisition of land and not necessarily have recourse to compulsory acquisition.

With regard to part (b) of the question, I wish to point out that the Detailed Feasibility Study does not cover the area where rock quarrying works have been observed.

However, I am informed by the Ministry of Environment and Sustainable Development that a Stop Order was issued to Pradeep Ltd on 14 July 2017, under section 73(1) of the Environment Protection Act 2002, for carrying out illegal rock quarrying works at Pointe-aux-Caves, Albion.

In fact, under Part B of the Fifth Schedule of the Environment Protection Act 2002, “Rock Quarrying” warrants an Environment Impact Assessment (EIA) licence.

The rock quarrying works were stopped and Pradeep Ltd submitted, in September 2017, an application for an EIA licence, which is still under process.

In June 2018, officers of the Ministry of Environment and Sustainable Development and the *police de l'environnement* observed, on site, that rock quarrying works had restarted. Upon request of the officers, the proponent stopped all activities.

Legal action is being initiated against Pradeep Ltd for non-compliance to the Stop Order issued under section 73(2) of the Environment Protection Act 2002.

**Mr Lepoigneur:** Donc, si je comprends bien, Pradeep Ltd n'avait pas eu l'autorisation de faire les travaux qu'il a faits sur le site en question.

**Mr Gungah:** No, as I said, the Detailed Feasibility Study does not cover the area that is being quarried, that is, the quarrying works are being done. It does not have any relation.

**Mr Lepoigneur:** Il y a déjà un *Development Proposal Map* qui est en circulation venant du ministère des Terres et du Logement - je ne sais pas si vous êtes au courant de ça. Là-dedans, le projet tombe dans la région où il y a Belle Vue et Camp des Amourettes qui sont impliqués. Donc, par rapport à ça, il y a déjà le LNG qui est à côté du CEB. Le plan est déjà en circulation. Est-ce que c'est un plan officiel ?

**Mr Gungah:** Non, il n'y a pas de plan officiel, Madame la présidente. Au fait, il y a une étude qui est en train d'être faite, et comme je l'ai dit, c'est à partir de cette étude qu'on saura si le site est approprié et quel site sera approprié.

**Mr Lepoigneur:** Donc, je vois qu'on parle d'un *Jetty*. Là, il y a deux *Jetty* d'après le plan qui est en circulation. Dans une question que le ministre avait répondu le 8 mai 2018, il avait dit qu'avant qu'il n'y ait des développements et le chantier être en action, il y aurait eu consultation avec les habitants d'Albion. Mais est-ce que le ministre a prévu de rencontrer les gens d'Albion ? Parce qu'ils sont vraiment inquiets en voyant Pradeep Ltd faire des travaux. Par rapport à ça, est-ce que le ministre a l'intention de les rencontrer pour les rassurer ?

**Mr Gungah:** Madame la présidente, si je l'ai déjà dit dans une réponse, donc je vais maintenir ce que j'ai dit ; on va le faire.

**Mr Lepoigneur:** Par rapport à ce qui se passe actuellement où Pradeep Ltd est venu creuser à la limite non autorisée et les travaux ont été stoppés, maintenant ils se demandent si le projet est en train d'aller de l'avant ou pas. Il y a beaucoup de personnes qui ont eu des permis de construction et qui sont à côté, et qui n'arrivent même pas à lancer leur développement par rapport à ça.



**Mr Gungah:** Madame la présidente, il faut qu'on attende jusqu'à la fin de cette année pour avoir les détails de cette étude. C'est à partir de là que tout va s'enclencher.

**Mr Armance:** Est-ce que monsieur le ministre est au courant que ce projet est largement contesté par les habitants d'Albion et de Pointe aux Sables ? C'est principalement concernant l'environnement. Il a parlé d'*EIA* qui est *under consideration*. Je voudrais savoir s'ils ont reçu l'application pour l'*EIA* ou c'est *under review*.

**Mr Gungah:** Madame la présidente, c'est toujours au stade d'étude. Ce n'est que lorsqu'on aura le rapport final que le nécessaire sera fait. Madame la présidente, j'ai déjà rassuré, même mon collègue, le ministre Sinatambou a déjà rassuré que toutes les procédures vont être suivies pour préserver notre environnement.

**Madam Speaker:** Hon. Uteem !

**Mr Uteem:** Thank you, Madam Speaker. May I know from the hon. Minister, once this feasibility study is completed, assuming that it is positive, will the Government go ahead with an international tender or have they already identified the person they will give the contract to?

**Mr Gungah:** It is still premature, Madam Speaker. In fact, I must say that the studies that are being carried out are being done by professionals and consultations will be made with all stakeholders. As I have said, Engineers India Ltd is the body that is doing the consultancy for the Joint Working Group. If there is need to go for further studies to be carried out, we will do so.

**Madam Speaker:** Last question, hon. Bhagwan!

**Mr Bhagwan:** Thank you, Madam Speaker. Madam Speaker, the people of Albion and the region are under the impression that illegal work regarding excavation work is being carried out by Pradeep & Co. Ltd. and that this is linked with the Oil Jetty Project. Can I impress upon the Minister to ask his colleague, the Minister of Environment, to issue a Press communiqué informing the people of the region about the exact problems at Albion, that this particular illegal activity by Pradeep Ltd. is not linked with the Jetty Project?

**Mr Gungah:** Madam Speaker, I confirm that the quarrying works are not linked with the studies that are being carried out, but, as I said, legal action is being initiated against Pradeep Ltd. for non-compliance to the Stop Order issued under Section 72 of the Environment Protection Act.

**EGPYT - CONFEDERATION AFRICAINE DE VOLLEY-BALL - CONGRESS**

**(No. B/763) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)**

asked the Minister of Youth and Sports whether, in regard to Mr K. T., he will state the capacity in which he represented Mauritius at the congress of the *Confédération Africaine de Volleyball* held in Egypt in the first or second week of July 2018.

**Mr Toussaint:** Madam Speaker, I am informed by the Mauritius Volleyball Association that Mr K.T. is on leave from all activities of the Federation since 23 April 2018. The Federation has issued a communiqué to stakeholders on the matter and the President of the *Confédération Africaine de Volleyball* was duly informed.

Madam Speaker, I am tabling a copy of the Press communiqué from the Mauritius Volleyball Association of 23 April 2018.

**Mr Lepoigneur:** Est-ce que le ministre peut confirmer si M. K.T. a vraiment été en mission, représentant la Fédération Mauricienne de Volleyball en Egypte pour le congrès ?

**Mr Toussaint:** Madame la présidente, je viens de dire dans ma réponse qu'au niveau de la Fédération Mauricienne de Volleyball, M. K.T. a pris un congé. Je ne saurais vous dire s'il est parti à ce congrès ou pas.

**Mr Lepoigneur:** Je pense que le ministre a dû voir à travers la presse que M. Teeroovengadam a représenté l'Ile Maurice en Egypte lors de la réunion de la Confédération Africaine.

**Mr Toussaint:** Madame la présidente, il n'y a pas eu de demande de la part de la fédération auprès de mon ministère pour que M. K.T. puisse aller représenter Maurice.

**Mr Lepoigneur:** Là, c'est la réputation de l'Ile Maurice qui est en jeu. Ils ont pris la décision en Australie de poursuivre l'affaire. Donc, je pense que le ministre aurait dû écrire à la fédération pour demander des explications comment quelqu'un, qui est supposé avoir *stepped down* au niveau de la fédération, aille représenter l'Ile Maurice en Egypte.

**Mr Toussaint:** Madame la présidente, je l'ai dit dans ma réponse. La Fédération de Volleyball a bel et bien dit que M. K.T. est en congé et qu'il ne représente ni la fédération ni l'Ile Maurice. Maintenant, s'il est parti de son propre chef, moi, je ne peux pas l'empêcher.

**Madam Speaker:** Last question, hon. Armance!

**Mr Armance:** Madame la présidente, je voudrais savoir du ministre si oui ou non M. K.T. faisait partie de la délégation mauricienne. Oui ou non ?

**Mr Toussaint:** Madame la présidente, permettez-moi d'expliquer rapidement. Si la fédération n'a pas fait de demande pour que M. K.T...

*(Interruptions)*

*Pas fer mal élevé ! Mo expliquer !*

**Madam Speaker:** Please! Do not interrupt the hon. Minister!

**Mr Toussaint:** Donc, voilà comment cela se passe pour qu'une personne d'une fédération puisse aller représenter sa fédération et par la même occasion l'Ile Maurice. C'est à la fédération d'envoyer une demande auprès de mon ministère parce que le budget est alloué par le ministère. Dans ce cas précis, la fédération n'a pas fait de demande pour que cette personne puisse aller représenter quoi que ce soit. Je le redis, je ne sais pas s'il est parti. S'il est parti, ce n'est pas avec l'argent des contribuables.

**Mr Armance:** Madame la présidente, ce n'est pas la réponse à ma question. Ma question était simple, claire et nette : est-ce que oui ou non il a fait partie de la délégation ? Il n'a même pas mentionné le mot 'délégation'.

**Mr Toussaint:** Je ne peux pas répondre pour un individu qui n'est pas passé par sa fédération, M. la présidente. Je ne surveille pas chaque individu dans ce pays. Moi, je fonctionne d'après ce que la fédération demande, et c'est tout.

#### **NATIONAL LEAGUE COMPETITIONS – UNDER -18 & 18-20 YEARS CATEGORIES**

**(No. B/764) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the National League for Team Sport, he will state the reasons why no competitions were held for the youth under 18 and between 18 and 20 years of age, respectively.

**Mr Toussaint:** Madam Speaker, I am informed that National League Competitions were organised for football and rugby by the respective federations for both Under-18 and between 18-20 years categories. No league competition was held for basketball, handball and volleyball.

However, my Ministry has organised several games in collaboration with the National Sports Federations for volleyball, basketball and handball for both age categories.

**Mr Lepoigneur:** Est-ce que le ministre peut confirmer à quelle époque il y a eu la ligue des jeunes?

**Mr Toussaint:** Comme je l'ai dit, Madame la présidente, dans ma réponse initiale, c'est seulement le football et le rugby qui ont organisé des compétitions.

Football –

- Junior Under-20 competition organised by MFA, 10 clubs participated in the Junior League held during the period November 2017 to June 2018. The winner was Petite Riviere Noire Football Club.

Rugby –

- Under-18, Under-20 competition organised by the Federation on a yearly basis. League B comprises of 7 teams which started in January 2018 and is still ongoing.

**Mr Lepoigneur:** Madame la présidente, qu'en est-il des autres sports collectifs, dont la formation passe par aussi les compétitions pour qu'ils acquièrent l'expérience ? Mais qu'en est-il des autres Fédérations ? Il n'y a pas eu de propositions depuis plus de 20 ans.

**Mr Toussaint:** Je suis entièrement d'accord avec l'honorable membre, Madame la présidente. C'est vrai qu'au niveau du basketball, du volleyball et du handball, il n'y pas eu de compétition pour les jeunes et c'est dans cette optique que depuis l'année dernière - parce qu'il n'y avait pas de joueurs dans cette catégorie - au niveau de mon ministère, nous avons ouvert des *Training Centres* pour les jeunes. Parmi les *Training Centres*, *6 Regional Training Centres for Athletics*, *9 schools for basketball*, *5 schools for volleyball*, *4 schools for handball*. Donc, à travers l'ouverture de ces différentes écoles pour les jeunes, nous espérons pouvoir former des jeunes afin qu'éventuellement il y ait une compétition de jeunes par ces fédérations.

**Madam Speaker:** Yes, hon. Quirin!

**Mr Quirin:** Merci, Madame la présidente. L'honorable ministre vient de dire dans sa dernière réponse qu'il n'y a pas mal d'écoles récemment qui ont vu le jour. Peut-on savoir quel est le budget qui est consacré à ces écoles ?

**Mr Toussaint:** *Madame la présidente*, this year an amount of Rs13 m, has been earmarked to promote the development of sports at youth level.

### **COPYRIGHT LEGISLATION - AMENDMENT**

**(No. B/765) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Arts and Culture whether he will state if consideration will be given for the introduction in the House of a Private Copying Bill to boost the artist community.

**Mr Roopun:** Madam Speaker, private copying derives from the idea that it would not be practical for users to seek the authorization of right-holders each time they need to make a copy for personal use. It is noteworthy that section 16 of the Copyright Act 2014 makes provision for the private reproduction of a legally obtained published work in a single copy, without the authorisation of the author or owner of copyright, where the reproduction is made by a natural person for his personal use.

Section 3 of the Copyright (Amendment) Act 2017 amended section 2 of the Copyright Act 2014 by inserting the definition of ‘equipment’ to mean any recording or transmission equipment.

Furthermore, section 8 of the Copyright (Amendment) Act 2017 amended section 16 of the Copyright Act 2014 to introduce a new subsection to read as follows, I quote -

*“(3)(a) Where a reproduction concerns an audiovisual work or a work embodied in a sound recording, other than the reproduction of a single copy by an individual exclusively for his own personal purposes, the author or owner of copyright shall be entitled to equitable remuneration to be paid to, and distributed by, the Society.*

*(b) The equitable remuneration shall be paid -*

*(i) by the manufacturer of the equipment or material supports, normally used for private reproduction for personal purposes of the work, except where such equipment is, or such material supports are, exported; or*

*(ii) by the importers of such equipment or material supports, except where the importation is by a private person for his personal purposes.”*

Madam Speaker, Section 8 of the Copyright (Amendment) Act 2017 has not yet been proclaimed.

After consultations with the concerned stakeholders, including the Ministry of Finance and Economic Development, the Ministry of Foreign Affairs, Regional Integration and International Trade, and the Ministry of Technology, Communication and Innovation, the modalities regarding the levying and remuneration mechanism shall be worked out and agreed upon by the Board of the Mauritius Society of Authors (MASA). Thereafter, arrangements would be made for the proclamation of section 8.

Since the entitlement for equitable remuneration to be paid for any audiovisual work or a work embodied in a sound recording already exists in the law, the need for a Private Copying Bill does not arise.

**Mr Henry:** Avec l'implémentation de cette mesure, est-ce que le ministre peut nous confirmer que Maurice sera en ligne avec l'UNESCO en ce qui concerne la diversité culturelle?

**Mr Roopun:** Insofar as cultural diversity is concerned, Madam Speaker, we are already in line with UNESCO.

**Mr Henry:** Est-ce que le ministre est en courant qu'au Burkina Faso, au Nigeria, en France, en Belgique et au Canada, ils ont tous appliqué cette loi pour avoir un fonds additionnel pour la culture?

**Mr Roopun:** Madam Speaker, I already explained that we already have provision which came in the last amendment we brought in late 2017 and we are working on that.

#### **NATIONAL ARCHIVES – PUBLIC ACCESS**

**(No. B/766) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Arts and Culture whether, in regard to the National Archives, he will state the prescribed procedures for members of the public to have access thereto for research purposes, indicating if consideration will be given for a review thereof.

**Mr Roopun:** Madam Speaker, access at the National Archives Department is regulated by Section 13 of the National Archives Act 1999 and Sections 3 to 13 of GN No. 28 of 2002.

Any member of the public with a research interest can have access to the National Archives collections, except for records where special authorisation is needed, for example private papers.

When a user visits the National Archives Department for research purposes, he has access to catalogues, inventories, repertories, indexes and other finding aids available in the Search Room, to facilitate his research.

The Archives Officers and Senior Archives Officers posted in the Search Room assist, guide and help users by answering their queries regarding their research topic.

Upon requests made from users, documents are provided to them for an 'on spot consultation' and upon filing the required Research Form and paying a daily fee of Rs30 for inspection of records at the National Archives Department, according to GN. No 54 of 2011.

Members of the House may also wish to know that the National Archives Department grants free access to its digital collection of around 530,000 pages to members of the public. Registered users can have online access to the digital collection by creating an account on the Home Page of the Department.

As per section 3 (1) of GN No. 28 of 2002, the research room of the National Archives Department is open to members of the public as follows -

Weekdays: 09.30 to 15.00 hours

Saturdays: 09.30 to 11.30 hours

However, as per section 13 (2) of the National Archives Act, the Director may refuse access to any member of the public to any public archives, in case it may cause, *inter alia* -

- (i) prejudice to any other member of the public; or
- (ii) social unrest in the country.

Madam Speaker, in view of the fact that public is already being granted access to the National Archives Department, review of the existing prescribed procedures is not envisaged at this stage.

**Mr Henry:** Est-ce que le ministre est en courant que pour certaines personnes, on demande un affidavit pour qu'ils aient accès aux archives?

**Mr Roopun:** Madam Speaker, in fact, according to the form, there are certain documents which are not made available to everybody in order not to facilitate any issue of fraud. Just like at the Registrar Department and at the Civil Status Office, documents are made available to persons who have got direct relationship with either the document or whenever there is a particular need for any document, there should be some linkage.

**Mr Henry:** Est-ce que le ministre peut revoir cela parce qu'il y a beaucoup de gens qui n'ont pas les moyens de faire un affidavit pour avoir accès aux archives?

**Mr Roopun:** I will look into the matter, Madam Speaker.

**Madam Speaker:** Yes, hon. Baboo!

**Mr Baboo:** Thank you, Madam Speaker. Can the hon. Minister inform the House if his Ministry intends to put all the digitalised documents online so as to facilitate both local and international researchers?

**Mr Roopun:** In fact, Madam Speaker, the project of digitalising the records of the National Archives has been ongoing for quite some years. It will take some time. Of course, it is quite onerous and we are doing our best to try to digitalise as much as possible.

**Madam Speaker:** Last question, hon. Adrien Duval!

**Mr A. Duval:** On the same line of the question of hon. Henry; with regard to those who are required to swear affidavits especially the poor people, whether the Minister can see with the Attorney General perhaps, if we can on a legal aid basis find a solution. Perhaps a State Attorney or an Attorney who is paid by the State can take up and draft the affidavits where people have little means.

**Mr Roopun:** Madam Speaker, may I just clarify. There is no need as such to swear an affidavit. What is needed is proof; whatever document is needed by any applicant, he has got an interest in that document and the only way we can have it is through an affidavit of succession, but for the purpose of research, there is no need for any affidavit.

#### **US DEPARTMENT OF STATE - TRAFFICKING IN PERSONS REPORT**

**(No. B/767) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether he will state if he has taken cognizance of the Trafficking in Persons Report dated June 2018 of the Department of State of the United States of America and, if so, indicate the actions Government proposes to take to meet the minimum standards required for the elimination of human trafficking in Mauritius.

**Sir Anerood Jugnauth:** Madam Speaker, I have taken cognizance of the Trafficking in Persons Report dated June 2018 of the US Department of State which indicates that Mauritius has remained on TIER 2.



I wish to inform the House that five cases of trafficking in persons have been inquired into by the Police in the last 3 years.

Madam Speaker, on the basis of cases reported and previous Trafficking in Persons Reports of the Department of State of the US, several actions have been initiated by my Ministry in collaboration with stakeholders concerned to effectively address cases of human trafficking and also prevent the occurrence thereof.

I am hereby tabling a list of actions being taken by the Government to address issues regarding Trafficking in Persons.

**Mr Baloomoody:** In fact, there are many issues and I will come to one by one. One issue which the report addressed to is the question of illegal seizing of passport of foreign workers by employers. Can I know from the Rt. hon. Minister Mentor what action has been taken with regard to this issue and whether any prosecution has taken place with regard to the seizure of passport of foreign workers?

**Sir Anerood Jugnauth:** Well, whenever there is such a case, the person who is victim must go to the Police, report and then inquiry is made and action taken. Therefore, this is the situation.

**Madam Speaker:** Hon. Baloomoody!

**Mr Baloomoody:** The report makes very severe remarks concerning the trafficking of people especially when it comes to prostitution. This is what the report has to say –

“Mauritius is a source, transit and destination country for women, men and children subjected to forced labour and sex trafficking. Girls from all areas of the country are induced or sold into sex trafficking often by their peers, family members.”

Can I know from the Rt. hon. Minister Mentor what action is being taken to address this issue and what are we reporting to the UN Secretary there?

**Sir Anerood Jugnauth:** Well, if the hon. Member believes in every word that is there, I must say that as far as I am concerned, the person writing this nonsense must have been dreaming.

**Mr Baloomoody:** Nonsense again we hear. This is another word which is being repeated today, but the fact is that it is a report which tarnished the image of Mauritius. Whether we believe or not it is tarnishing the image of Mauritius. It is on the website and everywhere. So, can I know from the Rt. hon. Minister Mentor what action has been taken to

make sure that people do not consider this report as a genuine report and is there a counter report on the net to reply to this report?

**Sir Anerood Jugnauth:** We are doing our work, what should be done.

**Mr Baloomoody:** There was a last report three years ago and, unfortunately, from the last report to this report, Mauritius, according to that report, has not answered to any of the queries developed in the last report. So, can I ask the Rt. hon. Minister Mentor whether this time we will answer to the queries, inform the institution what action we are taking so that in the next three years we do not have another negative report?

**Sir Anerood Jugnauth:** The previous report was concerning the time of the previous Government. This one is now, and since we have been taking quite a few actions in order to clear our name.

**Madam Speaker:** Last question, hon. Adrien Duval!

**Mr A. Duval:** Madam Speaker, is the Rt. hon. Minister Mentor aware, first of all, that Mauritius is classified in the Tier 2 countries, the same as Afghanistan and Nepal, countries that have had conflicts and that it highlights in the report that in terms of prosecutions a lot of Police officers still lack the understanding with regard to what is labour trafficking, what is sex trafficking and all this? And then, with the issue of prevention, there are also lacunas there. Therefore, can the Rt. hon. Minister Mentor take it up with the Commissioner of Police that proper training is given to Police officers in light with the recommendations of this report so that we may move up tier and be in the tiers of the developed countries?

**Sir Anerood Jugnauth:** Well, comparing Mauritius with other countries, I leave it to the appreciation of the hon. Member. But I will ask him, when they were in Government...

*(Interruptions)*

Why did not they come up...

*(Interruptions)*

**Madam Speaker:** Silence please!

**Sir Anerood Jugnauth:** ... with actions or proposed actions and why did not they draw our attention then that we are like this country or that country. It is now that their eyes are opened.

**MINISTRY OF HEALTH AND QUALITY OF LIFE - DRUGS -  
PROCUREMENT**

**(No. B/768) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked Dr. the Minister of Health and Quality of Life whether, in regard to the procurement of drugs by his Ministry, he will state the measures taken with a view to addressing the shortcomings raised in the last Director of Audit Report.

**Dr. Husnoo:** Madam Speaker, the reply to PQ B/768 is lengthy. With your permission, Madam Speaker, I am arranging to place the reply of the PQ on the Table of the National Assembly.

**Madam Speaker:** The information is being tabled.

**Mr Ameer Meea:** Madam Speaker, the procurements of Drugs for financial year 2016/2017 totalled an amount of Rs1, 069, 000,000 and there were several unsatisfactory remarks by the Director of Audit in its last report. One of it was that after several unsuccessful attempts to procure drugs, the Ministry has, at last resort, purchased in urgency whatever quality was available and at higher prices. My question to hon. Minister: is he aware of this situation and what has been done to remedy the situation?

**Dr. Husnoo:** Yes, the hon. Member is right. In the Audit report, it was mentioned about this problem. We are aware of it and we have been working on it. There has been a committee which has met four times since we had the Audit Report. The last meeting was in early June, we are working to try and find ways to streamline the way we can establish our list and establish the requirement for the year. We will work on it, on how we are going to bid for it so that we prevent this kind of purchasing at very high prices. There was a problem, I agree, but we have been working on it for the last few months.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** Again, referring to the Director of Audit's Report, there have been drugs which were found inappropriate for use due to deterioration, changes in colour or fake products received, and in one of the cases mentioned in the report, there has been a loss of Rs8 m. to the Ministry of Health. Again, is the hon. Minister aware of this particular case and what has been done in that case as well?

**Dr. Husnoo:** Again, the hon. Member is right. There are about four types of drugs. There is the *Paracetamol* Solution, Mucosal Cough Mixture, Methylprednisolone and one of

the drugs was Amoxicillin where the quality was not good. The hon. Member is right. As far as the *Paracetamol* was concerned, it was a fake product. What we have done, again, we have contacted these people, those who sold these drugs. I have got it here. It is in the report, but I will go through it now.

In the matter of the fake *paracetamol* solution for IV infusion of 50 and 100ml which was supplied to my Ministry between 2014 and 2015, actions for recovery were already initiated by my Ministry on 21 June 2017. A Police inquiry was initiated in April 2015 and my Ministry is awaiting the outcome. Following several exchanges of correspondences between my Ministry and the Attorney General's Office since December 2017, the latter has, on 18 June 2018, been requested to provide advice on the appropriate legal action to be initiated for recovery of the total amount represented by the supplier of the fake *Paracetamol* Solution i.e. Rs6, 188, 359.53 for breach of contract.

Furthermore, we have other types of medication like Mucosal as well. Following a complaint received on 15 of 2017 from ENT Hospital, Mucosal Cough Mixture which was found to be unfit for consumption due to the presence of particles, my Ministry wrote to *Beccimco*, the supplier on 16 June 2017. My Ministry has already recovered the total value representing the unfit product on 27 April 2018, i.e. USD 49, 217.

**Mr Ameer Meea:** Madam Speaker, there are so many cases in the report, I would not go one by one. But one of the main query that I have with it is that - apart from a Police case - no proper actions are being taken by his Ministry, that is, the supplier must be blacklisted. And also, in some cases where there are contracts, liquidated damages must be applied. This is mentioned clearly in the report that no actions are taken against these suppliers. So, my question to the hon. Minister: why are those actions mentioned by the Director of Audit are not applied?

**Dr. Husnoo:** As I have mentioned, Madam Speaker, actions are being taken. I have given the hon. Member two examples. Apart from it, these are specific items that I have mentioned, but we are looking at the procedures in how come we reached that situation. So, we have to look at the procedures and change, and eventually, as the hon. Member mentioned, blacklist this company. I completely agree with you.

**Madam Speaker:** Yes, last question hon. Adrien Duval!

**Mr A. Duval:** Thank you, Madam Speaker. One of the shortcomings highlighted in the report is that there is no proper analysis of the drugs that will be required for a year and

half in advance. As a result, on grounds criticality, some drugs are purchased for a markup of 300% more expensive. May I ask the hon. Minister what has he done now to remedy to the fact that there is no proper forecast?

**Dr. Husnoo:** That is what I have just mentioned because we have got the report a couple of months ago. We have been working on the procedures. It is a matter of looking at the procedures; how come we reach that situation. We are working on the procedures to change the procedures so that we do not get in that situation later on.

**Madam Speaker:** The Table has been advised that PQ No. B/790 has been withdrawn. Hon. Ameer Meea!

### **ST FRANÇOIS XAVIER STADIUM - RENOVATION**

**(No. B/769) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Youth and Sports whether, in regard to the Saint François Xavier Stadium in Port Louis, he will state when the bleachers thereof will be covered and lighting provided thereat.

**Mr Toussaint:** Madam Speaker, the St François Xavier Stadium is being renovated for the Indian Ocean Island Games 2019. The covering of the bleachers and provision of lighting have been included in the scope of work. Renovation is scheduled to start shortly and is expected to last till the first week of April 2019.

**Mr Ameer Meea:** Yes, I thank the hon. Minister for his reply because this is a long awaited measure. I, myself, brought this issue to the House in 2016.

**Madam Speaker:** Ask your question!

**Mr Ameer Meea:** Is the hon. Minister aware that the synthetic turf is in a very bad condition, whether provision has also been made to renew the turf?

**Mr Toussaint:** Yes, Madam Speaker!

### **LAVIMS PROJECTS - IMPLEMENTATION**

**(No. B/770) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Housing and Lands whether, in regard to the Digital Cadastral Database (DCDB) and the Property Valuation of Residential and Commercial Sites components of the LAVIMS Project, he will state if they are fully operational and, if not, why not.

**Mr Jhugroo:** Madam Speaker, the Land Administration, Valuation and Information Management System (LAVIMS) came into operation in 2009 following a study which was commissioned in 2005 to scrutinise the current land administration and management procedures in Mauritius.

The project comprises three (3) major components as follows -

- (i) The Digital Cadastre is where each land parcel is mapped and assigned a unique Parcel Identification Number (PIN) and is maintained by the Ministry of Housing and Lands;
- (ii) The Parcel based Deed Registration System is maintained by the Registrar General's Department; and
- (iii) The Property Valuation Roll is for taxation purposes and is maintained by the Valuation Department.

The three components are supported by an integrated Information Management System.

Madam Speaker, I am informed that the first two (2) components are fully functional. With regard to the Property Valuation Roll, my Ministry has been informed by the Valuation Department that some shortcomings have been noted while using this component and a Technical Committee has been set up at the level of the Ministry of Finance and Economic Development to attend to these shortcomings.

**Mr Ameer Meea:** Madam Speaker, firstly, I will come to the Digital Cadastre, and then to the valuation. On the Digital Cadastre, is the hon. Minister aware that in the last Director of Audit Report, mention is being made that the Cadastre did not include plots of land owned by the State, and this was one of the main objectives of this Cadastre? May I know from the hon. Minister whether now the land owned by the State is included in the Digital Cadastre?

**Mr Jhugroo:** Madam Speaker, unfortunately I do not have this information right now with me. I will ask my friend to come with a substantive question. I can give this information.

**Mr Ameer Meea:** Madam Speaker, in fact, it is in the question. Anyway! I will come now to the valuation of residential and commercial sites. Again, in the Director of Audit Report, mention is being made that that the Valuation Roll, which is instrumental for the proper revenue management for Local Authorities, Registrar General Department and Ministry of Housing, is not at all functional, and this component has cost 3 million USD, that

is, Rs100 m. May I ask the hon. Minister when this problem will be sorted out and when will this be operational?

**Mr Jhugroo:** Madam Speaker, I have answered previously that with regard to the Property Valuation Roll, my Ministry has been informed by the Valuation Department that there are shortcomings and the Technical Committee has been set up at the level of the Ministry of Finance and Economic Development. I will ask my hon. friend to address this issue to the Minister of Finance and Economic Development.

**Madam Speaker:** Hon. Dr. Joomaye.

**Dr. Joomaye:** Thank you, Madam Speaker. I would like to ask the hon. Minister if the Municipalities and the District Councils are connected to LAVIMS project?

**Mr Jhugroo:** Madam Speaker, all Municipalities and District Councils have access to LAVIMS read only, and their officers have been also trained to use LAVIMS.

**Mr Ameer Meea:** Madam Speaker, the maintenance of the LAVIMS cost approximately Rs35 m. every year. May I ask the hon. Minister who does the maintenance of the LAVIMS, which company name, and whether he is satisfied with the services provided by this firm?

**Mr Jhugroo:** Madam Speaker, the information that I have got now, the contract for LAVIMS was awarded to Infoterra Ltd., now Airbus, in December 2008 for the revised amount of 20,451,894 USD. The contractor has been paid an amount of 20,111,677 USD between 2009 and 2016, that is, some Rs618.3 m.

*(Interruptions)*

Maintenance; let me see if I can get some answers from my officers. Consideration is being given to go on Government Cloud which will reduce...

*(Interruptions)*

**Madam Speaker:** Maintenance contract!

**Mr Jhugroo:** With regard to maintenance, I will ask my friend to come with a specific question.

**Mr Rutnah:** Madam Speaker, if I may take the hon. Minister back to the Property Valuation Roll. As I understand it, he said that the Property Valuation Roll is not functional. If it is not functional, how is land acquired by Government is being assessed at the moment?

**Mr Jhugroo:** Madam Speaker, the information that I have, even though the Property Valuation Roll is not functional, the assessment of land is being made by the Valuation Department which operates under the purview of the Ministry of Finance and Economic Development.

### **QUATRE BORNES - TRAFFIC CONGESTION**

**(No. B/771) Dr A. Boolell (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to traffic congestion in Quatre Bornes and in the vicinity thereof during peak hours, he will, for the benefit of the House, obtain from the Traffic Management and Road Safety Unit, information as to if -

- (a) any survey in relation thereto is available and, if so, if same will be rendered public, and
- (b) consideration will be given for the Metro Express to be elevated when passing through Quatre Bornes to avoid worsening the said problem.

**Mr Bodha:** Madam Speaker, I am informed by the Traffic Management and Road Safety Unit of my Ministry that following surveys conducted, a Traffic Management Plan has been devised and implemented along St Jean Road, Quatre Bornes, to alleviate congestion in that area. The traffic measures are as follows -

Firstly, the paid roadside parkings along St Jean Road have been removed along both sides and two additional lanes, one in each direction, have been provided to increase road capacity from its junction with Tulipes Avenue to its junction with Victoria Avenue.

Secondly, Girofliers Avenue, which is located adjacent to the Quatre Bornes Market, has been opened to traffic from its junction with St Jean Avenue. It is presently operating as a one-way street in the direction of Sodnac, resulting in better traffic fluidity along St Jean Road in the vicinity of the Market.

Thirdly, a pedestrian crossing along Sir William Newton Street has been relocated by approximately 25 metres to avoid spill-over of queues into St Jean Road, and

Fourthly, a pedestrian crossing, located near La Louise Kalimata Mandir, has already been signalised to improve traffic fluidity and for the safety of pedestrians crossing the road along this busy stretch.

My Ministry has also approved the construction of a bus layby for four buses in the vicinity of Victoria Hospital to cater for the high traffic volume along the Candos-Vacoas



Road and, once the procedures for land acquisition are over, the construction will be undertaken and is expected to be completed at the end of next year.

Madam Speaker, furthermore, following the construction of a roundabout located at the junction of Hillcrest Avenue with the Motorway, vehicles coming from the region of Sodnac towards Motorway M1 are now able to do so without passing through St Jean Road. This has contributed to reduce the number of vehicles along St Jean Road, especially during the morning peak.

I wish to inform the House that a Traffic Modelling Unit has been set up at the TMRSU with the assistance of two experts from the Korea Expressway Corporation. The traffic experts from Korea are working together with officers of TMRSU, Police, RDA, the University of Mauritius and the Mauritius Research Council on various priority locations where congestion regularly occurs, and Quatre Bornes is one of these priority locations and measures are being discussed to streamline and optimise the traffic flow along that road. In that respect, traffic surveys will continue to be carried out at La Louise, Berthaud Avenue and Murphy Avenue with a view to devising appropriate traffic schemes and finding short-term and long-term measures to relieve traffic congestion at Quatre Bornes and its vicinity.

Additionally, my Ministry will embark upon the construction of a link road between La Vigie-La Brasserie-Beaux Songes to provide an alternative route for traffic coming from the south and the east proceeding towards the west or vice versa, thus bypassing the highly residential and commercial areas of Vacoas and Quatre Bornes. This will also mitigate congestion in Quatre Bornes.

Madam Speaker, as regards part (b) of the question, I am informed by the Metro Express Limited that the Metro Express will pass along two lanes of St Jean Road. In 2012, the original project provided for two lanes along St Jean Road in both directions. It has now been decided that traffic will be two lanes exiting Quatre Bornes. Subsequently, a grade separated junction will be provided along Motorway M1 at its junction with Hillcrest Avenue. This proposed new grade separated junction will serve as main vehicular access to the region of Quatre Bornes from Motorway M1. Further, two lanes will provide easy access for vehicles towards the Motorway. The RDA has finalised the alignment with Metro Express Limited and Larsen and Toubro Ltd. The tender documents for the design and built project of the Hillcrest Grade Separator will cost of Rs600 m. and they are being finalised, and have to be finished in around 18 months.

As regards the alignment of the Metro, the design must be at grade in order to integrate the new transport system with the urban landscape along that road. The Metro Express alignment design...

*(Interruptions)*

**Madam Speaker:** Finishing? Four minutes already.

**Mr Bodha:** The Metro Express alignment, Madam Speaker, provides for a flyover at the level of St Jean.

It is to be highlighted that, since the beginning, the metro alignment were designed to be at grade and not elevated. The choice of this specific alignment is based on the rationale that the elevated alignment will have negative impact to the high-rise buildings along the road and the piers for elevated viaduct would also require space that would reduce the number of lanes on the road.

**Dr. Boolell:** I thank the hon. Minister. Will he inform the House whether the detailed survey will be rendered public so that people can scrutinise it, please?

**Mr Bodha:** Madam Speaker, in fact, we have already put a Monitoring Committee for the Metro in all the cities. The last city which is left, in fact, is Quatre Bornes because we need some specific detail. The hon. Member mentioned that he wanted the *forces vives* of Quatre Bornes to be part of it. So, we are coming to this very soon, and all the information will be made available, because we need the consensus of everybody to be able to implement the Metro in that city.

#### **BELLE ROSE & QUATRE BORNES – ROADS - REINSTATEMENT**

**(No. B/772) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the roads in Constituency No. 18, Belle Rose and Quatre Bornes, namely, Avenue Belle Rose from Victoria, State Secondary School Gaëtan Raynal towards Belle Rose, part of Avenue La Source, Avenue Murugan/Western Boundary and part of Avenue Bissessur at Palma Road which were considerably damaged in relation to the Quatre Bornes Sewerage Network Project has been stalled in 2015, he will, for the benefit of the House, obtain from the Road Development Authority, information as to if same will be reinstated.

**Mr Bodha:** Madam Speaker, I am informed by the Road Development Authority (RDA) that sewerage works in Constituency No.18, Belle Rose/ Quatre Bornes were

undertaken along both classified roads falling under the purview of the RDA and non-classified roads.

Regarding classified roads such as Saint Jean Road A8, Palma Road B2, Ollier Avenue B73, Victoria Avenue, I am informed that after the sewerage works, reinstatement was done to the satisfaction of the RDA in 2014. These roads are at present in good condition.

As regards the roads that the hon. Member is referring to, namely Avenue Belle Rose from Victoria, State Secondary School Gaëtan Raynal towards Belle Rose, Avenue La Source, Avenue Murugan, Western Boundary and Avenue Bissessur, these roads are not classified and fall under the responsibility of the Municipal Council of Quatre Bornes.

I am informed by the Council that -

- (i) at Avenue Belle Rose from Avenue Victoria to State Secondary School Gaëtan Raynal, the roads have been damaged due to pipe laying works by the Central Water Authority (CWA). They will be reinstated by the CWA after completion of works;
- (ii) at La Source Avenue and Avenue Murugan, the roads are in a poor state due to wear and tear. Rehabilitation works will be considered by the Council during this financial year;
- (iii) the roads on the Western Boundary are considered to be in good condition, and
- (iv) the roads on part of Avenue Bissessur at Palma Road are in a poor state due to wear and tear. They will be rehabilitated by the National Development Unit within this financial year.

### **BUS OPERATORS - SUBSIDIES**

**(No. B/773) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the bus operators, he will state the quantum of subsidies granted thereto following the rise in the price of diesel since 2014 to date and table the list of the beneficiaries thereof.

**Mr Bodha:** Madam Speaker, I am informed by the National Transport Authority (NTA) that a Bus Companies Recovery Account (BCRA) was set up in October 2004. The objective is to shock-absorb the impact of any change in the price of diesel on the operating

costs of the bus companies. The mechanism provides for the bus companies to contribute to or to be refunded from the BCRA, as the case might be.

In this context, a Memorandum of Understanding (MoU) was signed between the Government and the operators. Bus companies and the National Transport Corporation are being compensated since April 2004 while individual operators are being paid as from October 2005.

According to the NTA, a total amount of Rs299,093,173 has been disbursed to bus operators, both in Mauritius and Rodrigues, from January 2014 to 30 June 2018. In fact, bus companies have benefitted from an amount of Rs257 m. whereas an amount of Rs42 m. has been disbursed to individual operators. I am tabling the details of the disbursements, Madam Speaker.

### **RIVIERE DES ANGUILLES - SWIMMING POOL - CONSTRUCTION**

**(No. B/774) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Youth and Sports whether, in regard to the proposed construction of a swimming pool at Rivière des Anguilles, he will state where matters stand.

**Mr Toussaint:** Madam Speaker, I wish to inform the House that in order to ensure the timely implementation of the project, tender documents are being prepared for the appointment of a global consultant for the construction of the Rivière des Anguilles swimming pool. The appointed consultant would be responsible for the geotechnical investigation, design preparation of tender documents for appointment of a contractor and the construction supervision.

**Mr Jahangeer:** Madam Speaker, this is a very long overdue project. Will the hon. Minister, therefore, consider my humble request to find out where is the actual administrative bottleneck for project implementation?

**Mr Toussaint:** Madame la présidente, l'honorable membre a tout à fait raison de dire que c'est un projet qui date de très longtemps, parce que d'après les renseignements que j'ai, ce terrain a été mis à la disposition de mon ministère depuis le 9 mars 2010 pour la construction d'une piscine. Je puis dire à l'honorable membre que de mon côté, je ferai tout le nécessaire pour que ce projet puisse se matérialiser au plus vite.

**Mdam Speaker:** Next question!

**Mr Uteem:** Madam Speaker, after listening to the hon. Prime Minister this morning, I am not prepared to ask any question to a Minister who is currently under investigation of no less than five criminal cases. He is unfit to be a Minister.

**Madam Speaker:** Next question, hon. Uteem!

### **MAURITIUS INTERNATIONAL ARBITRATION CENTRE - FUNDS**

**(No. B/776) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the Mauritius International Arbitration Centre, he will –

- (a) state the –
  - (i) quantum of funds contributed by Government thereto since the creation thereof to date, and
  - (ii) reasons for the termination of the Joint venture between Government and the London Court of International Arbitration , and
- (b) for the benefit of the House, obtain therefrom, information as to the number of cases it has administered as at to date.

**Mr Gobin:** Madam Speaker, the Mauritius International Arbitration Centre Limited (MIAC) was incorporated on 21 July 2011.

On 28 July 2011, the Government of Mauritius, MIAC and the London Court of International Arbitration (LCIA) entered into an agreement on the establishment and operation of the LCIA-MIAC Arbitration Centre.

With regard to part (a) (i), as to the quantum of funds based on statements of income and expenditure of MIAC, I am tabling the figures for the period 2011 up to the period ending 31 December 2017.

Madam Speaker, I wish to inform the House that the LCIA-MIAC is but one component in the wider aim of Mauritius to become the seat of choice for international arbitration in Africa. I am informed that for the number of cases it has administered since the signature of the Joint Venture Agreement LCIA-MIAC, 12 arbitration cases and one mediation case were lodged before the LCIA-MIAC Arbitration Centre.

LCIA-MIAC, Madam Speaker, was one of the linchpins in bringing the ICCA Conference to fruition in 2016. In view of MIAC's achievements and the MIAC's role in

establishing the reputation of Mauritius internationally as a legal services hub, I will venture to say, Madam Speaker, that the money shown on the document I have tabled is well spent. As to the rate of progress, we know that parties to international disputes favour arbitration, but they are also risk averse. The establishment of a new institution is a long-term undertaking, with the progress measured in decades rather than months.

MIAC has benefitted from its association with the LCIA since 2011, gaining goodwill and practical experience from a leading institution. But MIAC is now in a position to stand on its own feet and proceed independently of the LCIA. Government supported the termination of the LCIA cooperation at this stage in order to allow MIAC to further define its own distinctive identity to take full advantage of its position between Africa and Asia, and to cooperate with a wider group of partners, including the Permanent Court of Arbitration. I believe, Madam Speaker, that Government's support of MIAC will continue to bear fruit in myriad ways, and in particular continue to contribute to the emergence of Mauritius as the regional hub for investment into Africa and to the diplomatic status of Mauritius as a State committed to the African continent and to its development.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. The document tabled shows that since 2011 to 2017, Government has spent Rs96 m. for only 12 cases. Does not the hon. Attorney-General agree that Rs96 m. is a lot of money for only 12 cases?

**Mr Gobin:** As I have stated, Madam Speaker, I consider that it is money well spent and I also consider that progress in international arbitration cannot be measured in only a matter of months or just a few years. It takes decades to build a reputation. If we just take the example of Singapore, I am sure my learned friend knows very well, it took them more than 23 years to build their international reputation.

**Mr Uteem:** The question, Madam Speaker, was very specific. I wanted to know the reason for the termination of the Joint Venture between the MIAC and the London Court of International Arbitration, and I would like to know from the hon. Attorney-General, if it is not the case that the initiative for terminating the agreement was actually started by the London Court of International Arbitration and not by MIAC as he is trying to suggest to the House?

**Mr Gobin:** Madam Speaker, I will, with your permission, repeat what I have said. Government supported the termination of the LCIA Corporation to allow MIAC to further

define its own distinctive identity, to take full advantage of its position between Africa and Asia and to incorporate with a wider group of partners, including the Permanent Court of Arbitration.

**Mr Uteem:** If this is the case, then, may I know from the hon. Attorney- General, why is it that after the termination, the agreement between the London Chambers of Arbitration and MIAC provide that all arbitration clauses which refer to an arbitration by LCIA-MIAC prior to 31 August 2018, will now be administered by LCIA (London Court of International Arbitration) and not Mauritius. It is only the cases after August 2018 that will be managed by MIAC.

**Mr Gobin:** Madam Speaker, this relates to a specific clause of the agreement. I will need notice of this question.

### **MARRAKESH TREATY – MAURITIUS RATIFICATION**

**(No. B/777) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the blind or visually impaired persons, he will state the number thereof in Mauritius as at July 2018, indicating if Government will consider ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

**Mr Sinatambou:** Madam Speaker, I wish to inform the House that according to data obtained from Statistics Mauritius in the last official census carried out in year 2011, there were 9,024 persons, that is, 4,064 males and 4,960 females, who reported having difficulty seeing even if wearing a glass.

As regard to the second part of the question, Mauritius signed the United Nations Convention on the Rights of Persons with Disabilities in September 2007 and ratified same in January 2010. It is to be highlighted that 161 countries have signed the Convention and 177 have acceded or ratified same. The Marrakesh Treaty to facilitate access to published works for persons, who are blind, visually impaired or otherwise pre-disabled, was signed by Mauritius on 28 June 2013. It is to be noted that out of 80 signatories, only 40 have ratified the Treaty. The ratification of the Marrakesh Treaty by Mauritius is under consideration.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. Can the hon. Minister give us a timeframe, because he mentioned that this is under consideration by the Government? Is there any timeframe where the Government will come up with a decision whether to ratify or not the Marrakesh Convention?

**Mr Sinatambou:** My understanding is that Government is due to report to the UN Committee which is actually set up to look at the implementation of the United Nations Convention on the Rights of Persons with Disabilities and the Committee meeting is scheduled, I think, for February 2020. So, I am quite sure that before that, we will have done the needful.

**Mr Uteem:** May I ask the hon. Minister if he could consider speaking to his colleague in Cabinet, the hon. Minister of Arts and Culture, about copyright? Because, one of the objectives of the Marrakesh Convention is to allow the waiving of copyright when it comes to translating books in Braille language. So, may I ask the hon. Minister, even if Mauritius is not ratifying the Convention, in the meantime if consideration can be made to amend the provisions of the Copyright Act so that visually impaired persons can have access to the Braille edition of books?

**Mr Sinatambou:** Yes, in fact, I have already discussed with my colleague, the hon. Minister of Arts and Culture, and I can already inform the hon. Member that Section 23 of the current Copyright Act already allows that.

**Madam Speaker:** The Table has been advised that the following PQs have been withdrawn: PQs B/797, B/798 and B/799.

Time is over!

## MOTION

### SUSPENSION OF S. O. 10(2)

**The Prime Minister:** Madam Speaker, I move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

**The Deputy Prime Minister rose and seconded.**

*Question put and agreed to.*



## STATEMENT BY MINISTER

### AFRICAN YOUTH GAMES - MAURITIUS DELEGATION

**The Minister of Youth and Sports (Mr S. Toussaint):** Madam Speaker, with your permission, I would like to make a statement with regard to the outcome of the participation of the Republic of Mauritius in the 3<sup>rd</sup> African Youth Games held in Algeria from 19 to 28 July 2018.

The Mauritian delegation comprising of 55 athletes participated in 17 sport disciplines out of 30. The Mauritian delegation is back today at 11.30 a.m. and has been welcomed at the airport by officers of my Ministry.

I have the pleasure to inform the House that among 41 participating countries, Mauritius ranked eighth, winning eight gold medals, nine silver medals and 14 bronze medals, making a total of 31 medals. From the 11<sup>th</sup> place in the previous edition of the Games held in Botswana in 2014, Mauritius has progressed both in ranking to the 8<sup>th</sup> place and in the number of medals won from 20 to 31. These performances are the results of the strategies put in place by my Ministry to ensure that young talents from grassroots level are nurtured through the most effective training system in high-performance sports to attain excellence.

Madam Speaker, with your permission, I am mentioning the names of the gold medallists –

- three gold medals in weightlifting - Dorian Madanamoothoo;
- one gold medal in badminton - Alexandre Bongoût;
- one gold medal in cycling - Adriano Azor;
- one gold medal in pétanque - Aftab Batun;
- one gold medal in canoeing - Terence Saramandif;
- one gold medal in equestrian by team - Damien Chasteau de Balyon, Margaux Koenig, Alysee and Thomas Espitalier Noël.

Thank you, Madam Speaker.

**Madam Speaker:** I suspend the sitting for half an hour.

*At 5.18 p.m. the sitting was suspended.*

*On resuming at 5.59 p.m. with Madam Speaker in the Chair.*

**PUBLIC BILL***Second Reading***THE FINANCE (MISCELLANEOUS PROVISIONS) BILL****(NO. XI OF 2018)***Order for Second Reading read.*

**The Prime Minister:** Madam Speaker, I move that the Finance (Miscellaneous Provisions) Bill (No. XI of 2018) be read a second time.

Madam Speaker, the Bill provides for the implementation of measures announced in the Budget Speech and in its annex and for matters connected, consequential or incidental thereto.

Madam Speaker, this year we have made the Pursuit of our nation's Transformative Journey the central theme of Budget 2018/19 – transformative journey for all economic and social sectors, the environment, our main institutions and for our population.

To this end, we have announced a series of measures and policies in the Budget Speech and in its Annex that need the appropriate legal framework. The Finance Bill therefore brings amendments to 68 legislations.

Some legislative amendments relating to measures and policies announced in the Budget are being made separately from the Finance Bill.

I will focus my speech on 5 main themes that are addressed in the Bill and on some miscellaneous amendments that need to be elaborated on.

Thus, my speech will be structured as follows –

1. consolidating the regulatory framework for the financial services sector;
2. fostering reforms in the Global Business Sector;
3. the taxation and other fiscal measures;
4. improving the Ease of Doing Business;
5. the fight against money laundering and prevention of terrorism, and
6. miscellaneous amendments.

## **CONSOLIDATING THE REGULATORY FRAMEWORK FOR THE FINANCIAL SERVICES SECTOR**

Madam Speaker, I will start with the amendments relating to consolidating the regulatory framework for the financial services sector.

### **Bank of Mauritius Act**

Clause 4 amends the Bank of Mauritius Act as follows –

- (a) in section 2 to include any Ministry or Government Department, Local Authority or Statutory Body or the Financial Intelligence Unit in the definition of “public sector agency”;
- (b) in section 50(5) to increase the fine from Rs500,000 to Rs1 m. where a financial institution fails to comply with the guidelines issued by the Bank of Mauritius, and
- (c) a new section 52A provides for the establishment of a Central KYC Registry.

Consequential amendments relating to the hosting of a Central KYC Registry by the Bank of Mauritius is being made to the Banking Act.

### **Banking Act**

Clause 5 amends the Banking Act as follows –

- (a) in section 5 to provide for the identification and certification of good conduct of beneficial owners in determining an application for a banking licence;
- (b) in section 7 to provide for the Bank of Mauritius not to grant approval for the establishment, or continued operation, of a financial institution that has no physical presence in the country in which it is incorporated and licensed, and which is unaffiliated with a regulated financial group that is subject to effective consolidated supervision;
- (c) in section 7D to provide for banks which have been granted a banking licence to carry on exclusively private banking business to be –

- (i) exempted from such provisions of the Banking Act and be subject to such terms and conditions and guidelines as the Bank of Mauritius may determine, and
  - (ii) be authorised to hold, store or sell precious metals, as part of managing its client's investment portfolio and to provide safety vault services to its clients as the Bank of Mauritius may determine.
- (d) in section 12, to provide for a non-bank deposit taking institution to maintain an amount paid, as stated capital, of not less than Rs200 m. or a higher amount, after deduction of the accumulated losses of the non-bank deposit taking institution;
  - (e) in section 14E to allow for the fine-tuning of the provision on licensing of issuers of commercial papers;
  - (f) in Section 30 to allow the Bank of Mauritius to waive any of the requirements under sub-section (1)(b) upon an application by a financial institution;
  - (g) in Section 39 to provide for the BoM to revoke the appointment of auditors of a financial institution where the circumstances so warrant;
  - (h) in Section 42(1) to allow the BoM to conduct regular examinations of the operations and affairs of every financial institution at least once every 2 years or within such time frame as it may determine;
  - (i) in Section 64 to provide for the BoM to impose a fine of up to Rs 1million where confidential information of bank customers has been unlawfully disclosed.

### **Financial Reporting Act**

Clause 28 amends the Financial Reporting Act as follows -

- (a) in Section 2 to define Limited Liability Partnership;
- (b) in Section 21 to provide for the Financial Reporting Council to ratify, vary and make any other decision and give written notice to the public interest entity, licensed auditor or audit firm, of its final decision

within 30 days of receipt of the determination of the Enforcement Panel;

- (c) in Section 35(1) to provide for a licensed auditor, on behalf of a firm, to provide audit services, on his own account or in partnership with other persons or in a limited liability partnership, unless that firm is licensed as an audit firm;
- (d) in Section 35(4) to allow for the Council to issue a licence to an audit firm, and
- (e) in Section 43 to provide for -
  - (i) the Council to cancel or suspend a licence, and
  - (ii) any licensed auditor or audit firm who or which does not comply with the requirements of the Financial Reporting Act or any rule, conduct, guidelines and standards relating to auditing issued by the Council will be liable to pay such penalty as may be prescribed.

### **Financial Services Act**

Clause 29 amends the Financial Services Act as follows -

- (a) in Section 7(1)(b) for the Financial Services Commission (FSC) to be empowered to give directions to any person as may be required, for the purposes of its functions, to ensure compliance with licensing conditions;
- (b) in Section 16(1)(b), in order for due diligence information to be provided at time of application;
- (c) in Section 18 to ensure that licensees maintain the requirements needed for the grant of a licence at all times;
- (d) in section 19 to clarify that the offence and sanctions applicable where false and misleading information are provided apply to all types of licensees;
- (e) in Section 29 to impose an obligation for -

- (i) every licensee to keep and maintain at all times an internal register of the beneficial owners of each of its customers and record such other information in the register as may be specified by the Commission, and
  - (ii) every qualified trustee to keep and maintain at all times an internal register of any trust under its administration or trusteeship and to record other information in the register as may be specified by the Commission;
- (f) in Section 42 to empower the FSC to request information relating to the identification of beneficial owners and identification of persons acting on behalf of customers;
- (g) in Section 45 to extend the scope of the offence with respect to a person who destroys, falsifies, conceals or disposes of, or causes or permits the destruction, falsification, concealment or disposal of any document, information stored on a computer or other device where such information is relevant to the FSC;
- (h) in Section 46(1)(a) to allow the FSC to take actions against a licensee which fails to comply with Sections 52 or 52A of the Bank of Mauritius Act;
  - (i) in Section 48 to provide for appointment of an administrator in relation to the business activities of a person whose authorisation has been withdrawn;
- (j) in Section 66(7) -
  - (i) to allow for any determination of the Review Panel to be published except for information which the Review Panel considers to be sensitive;
  - (ii) to capture all the offences and not restricted to the trafficking of narcotics and dangerous drugs, arms trafficking or money laundering under the Financial Intelligence and Anti-Money Laundering Act 2002.

- (k) in the Second Schedule, to allow the FSC to regulate Custodian Services (Digital Asset) and Digital Asset Marketplace;

Consequential amendments will be made to Sections in other legislations relating to companies holding a Category 1 or 2 Global Business Licence, namely, the Companies Act, Insurance Act, Limited Liability Partnership Act, Limited Partnerships Act, Private Pension Schemes Act, Non-Citizens (Property Restriction) Act, Protected Cell Companies Act, and Securities Act.

### **Companies Act**

Clause 13 amends the Companies Act as follows -

- (a) in Section 2, as well as the 13th and 14th Schedules as a result of the reform of the Global Business sector regime;
- (b) in Sections 91, 148, 190, 221, 276(1), and 278 to consolidate transparency, corporate governance and increasing fines and penalties for those committing an offence under these Sections, and
- (c) in Section 346 to eliminate the requirement for a certificate of current standing to contain a statement regarding payment of licence fees as same are no longer applicable.

### **Insolvency Act**

Clause 36 amends the Insolvency Act as follows -

- (a) in Sections 123, 136, 139, 144, 162, 212, and 328 to provide for improved procedures for liquidation and to review the order of payment to MRA with a view to aligning the process in the context of a winding up with that of a receivership.

### **Limited Partnerships Act**

Clause 43 amends the Limited Partnerships Act in Section 39 to improve transparency.

## **FOSTERING REFORMS IN THE GLOBAL BUSINESS SECTOR**

I now come to the second theme on which the Bill focuses, that is, on Fostering Reforms in the Global Business Sector.

## Financial Services Act

Clause 29 amends the Financial Services Act as follows -

- (a) in Section 2 to define new terms which are used in the Financial Services Act to reflect the changes made to the Global Business regime and delete terms which are no longer relevant;
- (b) in Sections 15, 17, 25 30, 72, 73,74, 76 and 79 to cater for the changes to be made to the Global Business sector regime, including the abolition of the Category 2 Global Business Licence;
- (c) in section 71, by providing as follows -
  - (i) an obligation for a corporation to apply for a Global Business Licence, through a management company, where it has a majority of foreign ownership and proposes to conduct business principally outside Mauritius;
  - (ii) an obligation for the licensee to be managed and controlled from Mauritius and to conduct its core income generating activity in or from Mauritius, by employing suitably qualified people and incurring a minimum level of expenditure commensurate with its level of activities;
  - (iii) laying down the criteria to be used to demonstrate that a licensee is managed and controlled from Mauritius, and
  - (iv) the applicable sanction in case of contravention of the section;
- (d) introducing a new section 71A relating to Authorised companies as follows -
  - (i) an obligation for a corporation to seek an authorisation, through a management company, from the Financial Services Commission in case it has a majority of foreign ownership and proposes to conduct business principally and it does not have its place of effective management in Mauritius;
  - (ii) the process to be followed by a corporation to obtain an authorisation from the FSC;



- (iii) power to the FSC to restrict the type of activities that an Authorised company, can conduct, and
- (iv) the applicable sanction in case of contravention of the section;
- (e) in section 94, to allow the FSC to regulate Compliance Services and Global Shared Services;
- (f) a new section 96A to introduce necessary transitional provisions as a consequence of the reforms brought to the Global Business sector regime, allowing the -
  - (i) existing rules, before the amendments, to remain applicable up to 30 June 2021 for companies licensed before 16 October 2017, and
  - (ii) FSC to cease the issuance of Category 2 Global Business Licence as from 01 January 2019.

### **Limited Partnership**

In the same vein, clause 43 introduces a new section 82A of the Limited Partnership Act to allow the existing rules, to remain applicable up to 30 June 2021 for companies licensed before 16 October 2017.

### **THE TAXATION AND OTHER FISCAL MEASURES**

I will now elaborate on the amendments relating to taxation and other fiscal measures.

Clause 18 amends the Customs Act to provide for a Deferred VAT Payment Scheme on imported capital goods and refund of taxes on export of selected prohibited goods. In addition, the enforcement power of the MRA is being enhanced to better combat the sale of counterfeit products, perform security checks on any person within the airport customs area and through equipping bonded warehouses with CCTV cameras. The tax-free allowance of a passenger travelling from Rodrigues to Mauritius in respect of his accompanying luggage is being doubled from Rs10,000 to Rs20,000 for an adult.

Clause 19 amends the Customs Tariff Act to validate the Financial Resolution passed in the National Assembly on Budget Day relating to an increase in customs duty on blended edible oils, sugar, and iron bars for construction.

Clause 24 amends the Excise Act to address mainly environment concerns. The financial incentive given to local manufacturers to encourage the recycling of used PET bottles into another product is being increased from Rs5 to Rs15 per kilo. An excise duty of Rs2 per unit is being introduced as from 01 February 2019 on non-biodegradable disposable plastic containers, namely take-aways, plates, bowls, cups and trays.

Clause 69 amends the VAT Act to implement budget measures relating to easing cash flow of businesses, additional vat exemptions, new beneficiaries and items under the VAT Refund Scheme and penalty provisions to ensure compliance. In addition, the Special Levy on Banks, previously under the Income Tax Act, is being brought under the Value Added Tax Act and will be levied on the net operating income derived by banks from their domestic operations.

### **Income Tax Act**

I will now elaborate on the amendments relating to income tax.

Clause 35 amends the Income Tax Act to implement the income tax measures announced in the Budget Speech, namely to give effect to the reduced tax rate of 10% for middle income earners and revision in personal income tax allowances and exemptions. It also gives effect to the decision of Government to relax the eligibility criteria and conditions for paying the Negative Income Tax as from 01 July 2017 and implement the changes in tax administration and other measures listed in the Annex to the Budget Speech.

### **Reduced Income Tax Rate of 10% for middle income earners**

Clause 35 also provides for the introduction, as from income year 2018/2019, of a reduced tax rate of 10% for individuals having annual net income of up to Rs650,000.

### **Personal income tax allowances and exemptions**

The personal income tax allowances and exemptions are being increased with effect from 01 July 2018 as follows -

- (a) all Income Exemption Thresholds are being increased by Rs5,000;
- (b) the deduction for children pursuing tertiary studies is being increased from Rs135,000 to Rs200,000 for those studying abroad and up to Rs175,000 for tertiary studies in Mauritius instead of Rs135,000;

- (c) the exemption threshold on any lump sum received as severance allowance, pension or retiring allowance is being raised from Rs2 m. to Rs2.5 m.;
- (d) an individual investing in a rainwater harvesting system for his house will be allowed to deduct from his taxable income the total amount invested in such a system;
- (e) a retired person who in an income year derives emoluments not exceeding Rs50,000 will be eligible to the enhanced income exemption thresholds granted to retirees.

### **Work@Home Scheme**

Under the Work@Home Scheme, an employer is allowed a double deduction in respect of the emoluments of a full-time employee who starts to work at home during the period 01 July 2018 to 30 June 2020 provided that eligibility conditions are met.

In addition, employers under that scheme will be granted an annual tax credit of 5 per cent for three years on investment in the required Information Technology system.

### **Revenue raising measures**

A final withholding tax of 10% will now be payable on winning amount exceeding Rs100,000 obtained from the Mauritius National Operator, a casino operator, a hotel casino operator or a gaming house operator.

Clause 35(u) extends for a further two years the Solidarity levy on telephony service providers, that is, up to June 2020, and also removes the requirement for book profit of a company to exceed 5% of its turnover to be liable to the levy.

As regard the Special Levy on Banks, it is being maintained up to the year of assessment starting on 01 July 2018. Subsequently, a special levy on banks will be payable under the Value Added Tax Act.

### **Taxation of Banks**

Clause 35(l) sets out the new regime of taxation for banks which makes no distinction between Segment A and B income. The new regime will apply to banks as from the year of assessment starting on 01 July 2020.

### **Other amendments**

The other main amendments to the Income Tax Act are as follows –

- (i) An 8-year tax holiday in respect of income derived under the Sheltered Farming Scheme and to a company registered with the Economic Development Board manufacturing automotive parts;
- (ii) A 5-year tax holiday to a project developer or financing institution collaborating with the Mauritius Africa Fund to develop infrastructure in a Special Economic Zone;
- (iii) The Insurance Industry Compensation Fund is being exempted from income tax;
- (iv) Expenditure on new plant and machinery (excluding motor cars) up to 30th June 2020 by a company importing goods in semi knocked-down form on the condition that at least 20% local value addition is incorporated therein will be eligible to an investment tax credit of 5% over 3 years;
- (v) A registered unsalaried Mauritian artist, earning less than Rs500,000 in a year, will be given the option to deduct 50% of earnings generated from his artistic work other than a literary work without having to document or specify his/her expenses;
- (vi) An enterprise, not engaged in the business of buying and selling of artwork, will be allowed to deduct the cost of acquisition of artworks from a local artist up to a maximum of Rs500,000 if they are displayed in the place of business where the public can view them and the artworks are kept for at least 3 years;
- (vii) The income tax exemption granted on interest income received from debentures and bonds quoted on the Stock Exchange is being extended to cover returns from sukuks;
- (viii) Capital expenditure incurred by a company to set up a crèche for the benefit of its employees may be deducted twice in the computation of its corporate tax, and
- (ix) Firms will be allowed, upon the prior approval by the National CSR Foundation, to retain an additional amount of up to 25% of their CSR contribution for CSR programmes which have already started as at 01

January 2019 and which are in accordance with the guidelines set by the Foundation.

### **Land (Duties and Taxes) Act**

Clause 38 amends the Land (Duties and Taxes) Act to provide for better tax administration. The amendments are as follows –

- (a) the graduated penalty imposed in cases where the value of an immovable property has been undervalued is being halved;
- (b) interest at the rate of 0.5% per month will apply on the amount of land transfer tax or registration duty owed to the Registrar-General for more than 6 months, capped at 50% of the tax or duty remaining unpaid, and
- (c) 5% of the amount of tax or duty assessed will be payable at the time an aggrieved person lodges an appeal with the Assessment Review Committee.

### **Mauritius Revenue Authority Act**

Clause 46 amends the Mauritius Revenue Authority Act to provide for improvement in tax administration.

### **Registration Duty Act**

Clause 60 amends the Registration Duty Act to allow the Registrar-General to authorise notaries, banks and attorneys to pay an amount not exceeding Rs2 m. through the ‘direct debit scheme’ operated by the Bank of Mauritius.

The second amendment removes the requirement for a fresh site plan to be submitted at time of registration of an immovable property provided that specified conditions are met.

## **IMPROVING THE EASE OF DOING BUSINESS**

Madam Speaker, I now come to the fourth theme on which the Bill focuses, namely Improving the Ease of Doing Business.

### **Setting up the framework to carry out Regulatory Impact Assessment**

The Economic Development Board Act is being amended at Clause 21 to –

- (i) empower the Economic Development Board to carry out Regulatory Impact Assessment;

- (ii) provide for the establishment of the National Electronic Licensing System (NELS), its application, validity and enforceability, and
- (iii) allow for sharing of information between EDB and public sector agencies through the NELS.

Clause 8 amends the Cadastral Survey Act to allow a land Surveyor to submit to his client an electronic copy of a memorandum of survey, survey report or plan.

Clause 23 amends the Environmental Protection Act as follows –

- i. the processing of EIA/ Preliminary Environmental Report application will be made through NELS;
- ii. the number of hardcopies required at the time of application has been reduced from 10 to 1 for the PER and from 15 to 3 for an EIA;
- iii. the timeframe for determination of an application for PER and EIA has been streamlined, and
- iv. to remove the requirement to submit an application for PER for parcelling out of land above 5 hectares.

Clause 48 amends the Morcellement Act in order to –

- i. eliminate the requirement for a PER when applying for a Morcellement Permit;
- ii. provide a time frame of two weeks for members of the Morcellement Board to request for additional information;
- iii. a Morcellement Permit shall not be required where the land is divided for an excision or a morcellement under the Property Development Scheme or the Smart City Scheme, as is the case under the Real Estate Development Scheme.

Madam Speaker, with a view to expediting clearance of controlled goods on import, Clause 47 amends the Mauritius Standards Bureau Act to repeal the relevant sections relating to the issuance of the Electronic Conformity Report after examination, testing or analysis of controlled goods.

Clause 21 amends the Economic Development Board Act to provide for the setting up of a Film Promotion Fund.

Clause 12 amends the *Code Civil Mauricien* to provide for the setting up of an electronic movable collateral registry to record ‘*gage sans déplacement*’ at the Registrar-General’s Department and a search facility will also be provided to the public.

Clauses 34 and 51 amend the Immigration Act and Non-Citizens (Employment Restriction) Act to provide that the Economic Development Board will be responsible to receive applications for occupation permit in the fields of Artificial Intelligence, Biotechnology, Fintech and Robotics.

## **THE FIGHT AGAINST MONEY LAUNDERING AND PREVENTION OF TERRORISM**

I now turn to the next theme which is about the measures and policies to Fight Money Laundering and Prevent Terrorism.

### **Asset Recovery Act**

Clause 3 amends Section 4 of the Asset Recovery Act to allow the Director of the Financial Intelligence Unit (FIU) to appoint law practitioners for providing assistance to the FIU in exercising its powers.

### **Bank of Mauritius Act**

Clause 4 amends the Bank of Mauritius Act in Section 2 to provide for the definition of banking laws to include Financial Intelligence and Anti-Money Laundering Act and the Prevention of Terrorism Act. This will give the BoM legal powers to enforce anti money laundering and terrorist financing measures.

### **Banking Act**

Clause 5 amends the Banking Act as follows -

- (a) to introduce a new Section 53A to require every financial institution developing new products, business practices, delivery mechanisms and technologies to better assess and manage related risks; and
- (b) to introduce a new Part VIIIA relating to Prevention of Money Laundering and Terrorism Financing -
  - (i) to require every financial institution and every holder of a licence, including its branches and subsidiaries, to implement programmes against money laundering and terrorism financing,

commensurate with the money laundering and terrorism financing risks to which it is exposed and the size of its business;

- (ii) to allow the BoM to issue guidelines/directives/instructions to any financial institution for them to undertake due diligence of customers to prevent money laundering and terrorism financing;
  - (iii) to provide for a fine not exceeding Rs1 million for non-compliance with any guideline, direction or instruction issued by BoM; and
  - (iv) to provide for an examination report made in respect of a financial institution to be kept confidential, subject to such provisions allowing for disclosure of the report;
- (c) To introduce a new Section 96C, to provide for the BoM to make regulations and to issue guidelines, directives or instructions regarding the implementation of resolution of the Security Council of the United Nations on freezing the funds and assets belonging to declared terrorists or terrorist organisations.

### **Biological and Toxin Weapons Convention Act**

The Bill makes it an offence for a person to directly or indirectly, provide or collect funds with the intention or knowledge that they will be used for production of conventional, biological and chemical weapons.

To this end, Clauses 6, 10, and 15, amend, the Biological and Toxin Weapons Convention Act, the Chemical Weapons Convention Act and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or to Have Indiscriminate Effects Act 2018, respectively.

### **Business Registration Act**

Clause 7 amends the Business Registration Act to provide for the Registrar of Businesses to share with the FIU information in the fight against money laundering, terrorism financing and other related criminal behaviour.

### **Civil Status Act**



Clause 11 amends the Civil Status Act in Section 17B(2) to provide for the FIU to have real-time access to the Civil Status database with a view to compiling a full profile of suspects especially in drug cases.

### **Co-operatives Act 2016**

Clause 16 amends the Co-operatives Act which is amended to -

- (a) provide that every internal auditor or controller of a society to make a report to the FIU on any transaction which he considers to be suspicious not later than 15 days from the day he becomes aware of the transaction; and
- (b) allow the use of money from the Co-operative Development Fund for financial assistance to secondary society and tertiary society.

### **Financial Intelligence and Anti-Money Laundering Act**

Clause 27 amends the Financial Intelligence and Anti-Money Laundering Act (FIAMLA) as follows -

- (a) in Section 2 to define the terms Customer Due Diligence (CDD), Ministry, Proliferation Offence and Reporting Person;  
Reporting person means a bank, financial institution, cash dealer or member of a relevant profession or occupation;
- (b) introducing new Sections 14A and 14B to allow reporting to the FIU in respect of cash transaction reports and electronic transfer of money above a prescribed threshold;
- (c) in Section 17 and introducing new Sections 17A to 17G, for every reporting person to –
  - (i) identify, assess and monitor risks associated with money laundering and terrorism financing;
  - (ii) establish policies, controls and procedures to mitigate and manage effectively the risks of money laundering and terrorism financing;
  - (iii) restrict the establishment of an anonymous account or an account in a fictitious name;

- (iv) undertake CDD by means of reliable and independent source documents or information;
  - (v) cater for third parties reliance for performing CDD;
  - (vi) apply the CDD requirements to customers and beneficial owners with which it had a business relationship;
  - (vii) maintain all books and records with respect to his customers and transactions and to ensure that such records and books are available; and
  - (viii) report on currency transactions above a prescribed amount;
- (d) in Section 18 to provide for necessary sanctions to be imposed where a financial institution fails to comply with guidelines of the Bank of Mauritius for the prevention of money laundering and financing of terrorism;
- (e) in Sections 19, 19A, 19B and new Sections 19D and 19E to -
- (i) impose a fine not exceeding Rs10 million and imprisonment not exceeding 5 years for persons not complying with Sections 17 to 17G;
  - (ii) include the Director of the Integrity Reporting Services Agency or his representative as member of the National Committee for Anti-Money Laundering and Combating the Financing of Terrorism;
  - (iii) provide for the functions of the National Committee;
  - (iv) provide for the Ministry responsible for the subject of anti-money laundering to conduct an assessment of the risks of money laundering and terrorist financing affecting the domestic market and relating to cross border activities; and
  - (v) provide for the collection and maintenance of such statistical information for the purpose of risk assessment;
- (f) in Section 30 to prevent misuse of information disclosed by FIU;
- (g) introducing a new Section 32A to provide that any person who contravenes the FIAMLA or any regulations made under the FIAMLA

will commit an offence and be liable to a fine not exceeding Rs1 million and to imprisonment for a term not exceeding 5 years, and

- (h) in Section 35 to extend the power to make regulations to include terrorism financing and proliferation offences.

### **Financial Services Act**

Clause 29 amends the Financial Services Act and it is being amended in section 83 to

–

- (i) require that information relating to companies in the Global Business sector be kept confidential and not secret so as to be in compliance with Recommendation 9 (Financial institution secrecy laws) of FATF, and
- (ii) capture all the offences and not restricted to the trafficking of narcotics and dangerous drugs, arms trafficking or money laundering under the Financial Intelligence and Anti-Money Laundering Act 2002.

### **Foundations Act**

Clause 30 amends the Foundations Act in section 36 to provide for the disclosure and availability of Beneficial Ownership Information following enquiries related to AML/CFT.

### **Immigration Act**

Clause 34 amends the Immigration Act in section 9F to allow the FIU to share data obtained from the Passport and Immigration Office with other regulatory agencies.

### **Prevention of Corruption Act**

Clause 54 amends the Prevention of Corruption Act as follows –

- (i) in section 81 to allow the Director-General to disclose to the investigatory authorities, the FIU and supervisory authorities such information as he considers necessary in the public interest;
- (ii) for the purpose of an investigation in respect of an offence committed in Mauritius or abroad under this Act and the Financial Intelligence and Anti-Money Laundering Act, the Director-General may impart to an agency in Mauritius or abroad, such information, to assist the investigation.

### **Prevention of Terrorism Act**

Clause 55 amends the Prevention of Terrorism Act in section 6(1) (b) to provide for the definition of a proscribed organisation to be replaced by a new definition to include a proscribed organisation or a person declared to be a suspected international terrorist under section 10(1).

### **Registration of Associations Act**

Clause 61 amends the Registration of Associations Act in section 6 to allow the Registrar of Associations to implement anti money laundering measures. Any registered association will now have the duty to keep records for at least 5 years instead of 3 years.

### **Miscellaneous Amendments**

I will now elaborate on main miscellaneous amendments.

### **Consumer Protection (Price and Supplies Control) Act**

Clauses 14 and 65 amend the Consumer Protection (Price and Supplies Control) Act and the State Trading Corporation Act to allow the State Trading Corporation to collect contributions on Mogas (essence) and Gas oil (diesel), with respect to Road Development Authority, Rodrigues Transportation and Storage, Construction of Storage Facilities for Petroleum Products as well as subsidy on Liquefied Petroleum Gas (LPG), Flour and Rice.

### **Courts Act**

Clause 17 amends the Courts Act to allow the Intermediate Courts to hear mediation cases and the District Court to hear cases of up to Rs100,000 instead of up to Rs25,000.

### **District and Intermediate Courts (Civil Jurisdiction) Act**

Clause 20 amends the District and Intermediate Courts (Civil Jurisdiction) Act to allow the Small Claims Tribunal to hear cases of up to Rs100,000 instead of up to Rs25,000 and for the extension of the legal delay for entering a small claim case before the District Court to 2 years instead of 1 year.

### **Employment Rights Act**

Clause 22 amends the Employment Rights Act to allow for prescription of terms and conditions of employment of a home worker and for a female worker who reckons less than 12 months' continuous employment to be entitled to maternity leave with pay.

### **Finance and Audit Act**

Clause 25 amends the Finance and Audit Act in section 4B to make it mandatory for Ministries/Departments to include a statement, in their report on performance, showing an implementation plan for remedial action and for preventing the recurrence of the shortcomings, including wastage of public funds referred to in the Report of the Director of Audit.

### **Finance (Miscellaneous Provisions) Act 2017**

Clause 26 amends the Finance (Miscellaneous Provisions) Act 2017 to repeal relevant sections of the Finance (Miscellaneous Provisions) Act 2017 which were subsequently not proclaimed.

### **Freeport Act**

Clause 31 amends the Freeport Act as follows to provide that –

- (i) no restriction will apply regarding sales of goods on local market;
- (ii) the power of the Economic Development Board to allow enterprises outside the Freeport zone to store goods in a Freeport zone is being maintained, and
- (iii) the maximum period for warehousing of goods in the Freeport is being aligned to that of a bonded warehouse, that is 24 months, where goods are entered on or after 01 October 2018;
- (iv) provision of services will not be allowed within the Freeport (to comply with OECD requirements). The holder of a Freeport certificate, issued before 16 October 2017, may continue to provide services within the Freeport until 30 June 2021;
- (v) manufacturing activities will not be allowed in the Freeport (as per World Trade Organisation rules). However, a Freeport certificate for manufacturing activity issued before 14 June 2018 will remain valid provided the company continues to carry out the same manufacturing activity;
- (vi) repair and maintenance of heavy duty equipment is being introduced as a Freeport activity, and

- (vii) an exhibition area being used for the purpose of vault activities will be authorised in the Freeport.

As regards the taxation regime applicable to the Freeport, the corporate tax exemption granted to Freeport operators and private Freeport developers on export of good is being removed to become OECD and WTO compliant. The current tax regime will continue to apply until 30 June 2021 to companies which have been issued with a Freeport certificate on or before 14 June 2018.

### **Gaming Regulatory Act**

Clause 32 amends the Gaming Regulatory Act to make provision for the terms and conditions for the licensing of hotel casino, hotel casino operators and hotel casino gaming machines.

The Bill also provides for fine and imprisonment for the use of licensed equipment for unauthorized purpose. In addition, MRA will be allowed to make an assessment on a person who is not licensee but is carrying out a gambling activity.

Furthermore, the capacity of GRA and *Police Des Jeux* is being reinforced to better monitor gambling operators and their activities through the -

- (i) introduction of technical standards on equipment used by specific operators;
- (ii) introduction of a cash limit of Rs10,000 in respect of transactions conducted among stable owner, stable manager, stable trainer, horse owner and jockey;
- (iii) extension of the connection of the Central Electronic Monitoring System to more operators, and
- (iv) sealing of relevant items during an investigation, which are considered as material evidence.

With a view to implementing the enforced provisions of the agreement reached at the Mediation Division of the Supreme Court in lieu of payment of damages claimed by Lottotech Ltd for banning of scratch cards and advertising, provisions are being made to increase of net proceeds from lottery games conducted by Lottotech Ltd from 46.16% to 47.16%, authorise it to conduct a second Lotto draw and for the transfer of *Loterie Vert* brand and its management to the same company. It is to be noted that Lottotech Ltd has also

accepted to take over some 44 employees of *Lotterie Vert*, who are below the age of 55 years with a salary not less than the last salary they are currently drawing.

### **Human Resource Development Act**

Clause 33 amends the Human Resource Development Act for the Human Resource Development Council to fall under the purview of the Prime Minister and for the review of its Board composition.

### **Law Officers Act and Law Practitioners Act**

Clauses 39 and 40 amend the Law Officers Act and Law Practitioner's Act so that Officers in the new cadre, namely the Legislative and Litigation Counsel, are considered as "Law Officers" and "Legal Officers" for the purpose of these two Acts.

### **Legal Aid and Legal Assistance Act**

Clause 41 amends the Legal Aid and Legal Assistance Act in Section 4(b)(ii) to increase the eligibility criteria to qualify for a legal aid from Rs10,000 monthly to Rs15,000 monthly.

### **Local Government Act**

Clause 44 amends the Local Government Act to remove from 12th Schedule classified trades relating to gaming activities as these are already included in the Gambling Regulatory Authority Act.

### **Mauritius Fire and Rescue Service Act**

Clause 45 amends the Mauritius Fire and Rescue Service Act to -

- (a) review the definition of 'owner' to include the occupier where the premises are not occupied by the owner;
- (b) give a legal status to the Fire Code;
- (c) allow the Local Authority to cancel any authorisation to carry out a classified trade in the premises in case of an emergency or where a fire certificate has been revoked;
- (d) define the compliance requirements and validity of a fire certificate, and
- (e) allow the Chief Fire Officer to issue a notice to an owner to remove any hazardous material from any premises.

**National Pensions Act and National Savings Fund Act**

Clauses 49 and 50 amend the National Pensions Act and the National Savings Fund Act to bring consequential amendments pursuant to the new Part IVC “Collection and Recovery of Tax” in the Mauritius Revenue Authority Act which provides for enforcement action to collect arrears of revenue under the various revenue laws.

**Public Procurement Act**

Clause 59 amends the Public Procurement Act to –

- (a) re-define a "public body" to include Government department and not agency of the Government;
- (b) consolidate provisions relating to exempt Public Bodies;
- (c) make prequalification in respect of procurement of large or complex works optional, and
- (d) include disqualification of a potential bidder or supplier in a procurement process in addition to suspension and debarment.

**Road Traffic Act**

Clause 62 amends the Road Traffic Act to -

- (a) allow the National Transport Authority to extend Registration Marks beyond FM 2500, covering any combination of 2 letters from FN to ZZ followed by a number between 1 and 1000, with exceptions as may be determined by the Road Transport Commissioner, and
- (b) provide for a concessionary rate of Road Tax of Rs4,000 per annum payable by a food crop grower engaged in hydroponic culture or sheltered farming.

**State Lands Act**

Clause 64 amends the State Lands Act to renew, for 2 years, the scheme for hotel reconstruction and renovation, that is, up to 30 June 2020. Under the scheme, a hotel on State Lands that closes to undergo renovation or reconstruction is granted a reduction of 50% in its rental payable in respect of its lease for a maximum of one year provided that the hotel safeguards employment of all its employees and other conditions are met.



### **Statutory Bodies (Accounts and Audit) Act**

Clause 66 amends the Statutory Bodies (Accounts and Audit) Act to repeal Section 7B relating to remuneration and fringe benefits of staff of a Statutory Body.

### **Sugar Insurance Fund Act**

Clause 67 amends the Sugar Insurance Fund Act to –

- (a) simplify the administration of the insurance policy and reduce cost to SIFB to ensure its solvency, and
- (b) allow the SIFB to provide loan to planters for re-plantation.

### **Town and Country Planning Act**

Clause 68 amends the Town and Country Planning Act to reduce the deposit period of draft Outline Schemes from 3 months to 1 month.

### **CONCLUSION**

Madam Speaker, I will now conclude. This year the Finance Bill covers a broader spectrum of legislations than most previous Finance Bills. This bears out the extent of the reforms and policy changes that this Government is implementing so that we can as a nation make it our goal of a modern and inclusive high income country.

With these words, Madam Speaker, I commend the Bill to the House.

**The Deputy Prime Minister rose and seconded.**

**Madam Speaker:** I will now ask the Deputy Speaker to take the Chair.

*At this stage the Deputy Speaker took the Chair.*

**The Deputy Speaker:** Please, be seated. The hon. Leader of the Opposition!

(7.01 p.m.)

**The Leader of the Opposition (Mr X. L. Duval):** Mr Deputy Speaker, Sir, I am going to comment on this Finance Bill. As the hon. Prime Minister stated, there are 68 laws being changed tonight.

**The Deputy Speaker:** I am sorry, I think the mic of the hon. Leader of the Opposition is not working. I will suspend the sitting for 10 minutes.

*At 7.03 p.m., the sitting was suspended.*

*On resuming at 7.07 p.m. with the Deputy Speaker in Chair.*

**The Deputy Speaker:** Hon. Leader of the Opposition!

(7.07 p.m.)

**The Leader of the Opposition (Mr X. L. Duval):** Mr Deputy Speaker, Sir, 68 laws being changed simultaneously, there is danger, obviously, that quite a few things will slip in unaware, either unknown to the Parliament itself here, unknown to the public at large. Even when I listened to the hon. Prime Minister speaking, there are many things, in fact, that have not been said; much emphasis, I think, ought to have been placed here and there, which have not been put. Nevertheless, Mr Deputy Speaker, Sir, I am going to raise issues which are particularly of concern to me. I am not going to talk, obviously, about the 68 laws being changed - all of them. I will talk about a few, and I am sure my colleagues will pick up where I have left off. I know it has been the practice for long now to have these omnibus laws being presented to the House, and as the hon. Prime Minister is saying, it is not good that it is getting longer and longer and longer. It is not actually something to be proud about because the longer it gets, the more difficult it is for democracy to function and for us to really pick up what is in the Finance Bill.

Now, a large number of the amendments is being made to our finance laws, following what the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) has said, what the European Union wants, what the OECD, what FATF, etc., want. I am not really going to deal with that in any great detail; perhaps a little bit at the end. I would also, as is the practice, avoid policy matters which have been debated in the Budget speeches, Mr Deputy Speaker, Sir. Habit, Mr Deputy Speaker, Sir.

Firstly, I want to talk about the Banking Act, which is on page 8 of the Bill. One thing that upsets me is the fact that now the Bank of Mauritius will be able, in its own judgement, to exempt as much or as little as it wants from the requirements of the Banking Act any private banking business. Now, Mr Deputy Speaker, private banking is a wide definition. If you look at the Banking Act, Mr Deputy Speaker, Sir, private banking relates to offering banking and financial services to high-net-worth customers. So, you can offer a whole range of banking services, but to high-net-worth individuals, and you also offer financial services to these high-net-worth individuals. You can see there is a double aspect to the private banking legislation. And here, the exemption that is being given, the change that is being made will allow the Bank of Mauritius to change, on its own free will, and decide which parts of the

Banking Act will apply to private banking. I do not think, Mr Deputy Speaker, Sir, that is correct.

Perhaps the hon. Prime Minister will tell later what is the transparency that is being offered. Are we going to be told such and such private bank has been exempted from such and such provisions of the Banking Act, but the other private bank has not been given these exemptions, or it is going to be like most things that the Bank of Mauritius does, completely opaque, and we will never know, and more importantly customers will never know what exact provisions of the Banking Act apply to which and which private bank? So, I do not like this amendment, but I have no doubt that it will be passed if the majority wants it to be passed.

Nevertheless, my request is for there should be complete transparency and that the Bank of Mauritius should publish exactly which parts of the Banking Act, which exemptions have been given to which and which bank. In fact, Mr Deputy Speaker, in my mind, this private banking definition ought to be changed. It is not appropriate to mix financial services, which relate more to the FSC, with banking, which relates to the banks of Mauritius. There is a dual control in Mauritius, dual regulator; one for financial services, one for banking. But for the private banking business, they are both together. So, I can imagine that if it is only a bank that is offering financial services, the Bank of Mauritius may risk to give some exemptions, because the Banking Act could not really apply. I hope I am making myself clear somehow. I do not believe that private banking business, as defined, is appropriate. It mixes two types of services, one which would fall under the Financial Services Commission and one which would fall under the Bank of Mauritius, and I do not agree that we should give *carte blanche*, a blank cheque to the Central Bank to give exemption from the provisions of the Banking Act as it wishes. Mr Deputy Speaker, Sir, I want to insist that the Bank of Mauritius be forced to give transparency to any action that it takes under this Section. Because we have seen, of course, high profile bank failures in Mauritius, not new for Mauritius: Union Bank, Delphis Bank, Bramer Bank, BCCI. Bramer Bank, of course, just recently.

Mr Deputy Speaker, Sir, that, in my humble opinion, the Bank of Mauritius has lost all its independence today with the Deputy Governor of the Bank, the first Deputy Governor acting as advisor to the Minister of Finance. We see him every day in the corridors of the Ministry of Finance.

Mr Deputy Speaker, Sir, a similar point I am making on the Non-Bank Deposit-Taking Institutions which is a positive point; it is now being asked to have a minimum share capital of Rs200 m. It had not had a minimum share capital requirement before. For instance, Mr Deputy Speaker, Sir, British American Insurance was a Non-Bank Deposit-Taking institution. It went down, it failed with billions of Rupees of debts and, of course, my contention is that Rs200 m. as minimum capital is not sufficient and we should have it the same amount as for banks, which is Rs400 m., Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, I will move now to the Consumer Protection Act, which is Clause 14 of the Finance Bill. And here, it deals basically with the famous subsidy that is taken every time we buy a litre of diesel, every time we buy a litre of mogas. There is a substantial amount of money that is syphoned from our pockets - if that is the right word - and given to the State Trading Corporation. Now we are creating - I suppose following the PNQ, etc. - formally a reserve where different types of monies will be put and it determines which bit goes to the Consolidated Fund, etc.

My point is this, Mr Deputy Speaker, Sir, the State Trading Corporation should not be allowed to keep for ever and ever subsidies, amounts that it has taken from the consumers' pockets and it just keeps it in its bank account and its reserves. There should be a time limit after which excess subsidies that have been taken should be returned to the consumers via a change in the price structure of petroleum products, Mr Deputy Speaker, Sir. This is my point. I have calculated - hon. Rutnah will confirm - that there is an excess amount of some Rs2 billion at present being held by the State Trading Corporation, representing excess subsidies that it has taken from the consumers' pockets and not used to reduce the price of liquid petroleum gas, flour and rice. Money has been taken from us and kept by the State Trading Corporation. My calculation, about Rs2 billion!

Mr Deputy Speaker, Sir, if you took no more money from the petroleum account, that Rs2 million could be used to subsidise these 3 items for, maybe, 2 or 3 years hence. So, the price of petrol could have been reduced by that amount because these are excess monies being kept *à l'insu du consommateur* because he has not picked it up. Nobody would have raised it. Recently, we raised it in this House. The money is there and should not be kept for ever and ever and there must be time barring where it should be returned to the consumers via a reduction in the price of petrol through the price structure, Mr Deputy Speaker, Sir. Of course, there should be a requirement that these subsidies should not be used for any other purpose than for reducing the price of LPG, rice and flour. The Rs2 billion should not be used

for anything else, projects of the STC, transferring to the Consolidated Fund, etc. It should be used only for the consumers because it is money that has been taken from the consumers for that purpose.

Mr Deputy Speaker, Sir, Clause 21 - Economic Development Board. We have yet more amendments by Government to facilitate investment. Okay, we have the National Economic Licensing System - I do not know where it is now. Can the Prime Minister tell us when we expect to see it online? When do we expect to see the NELS operating? But, the stark truth is that private investment keeps falling and falling, and falling. It is going to be lower in 2018, according to Statistics Mauritius, at 12.3% of GDP, lower than last year and lower, of course, than 2014, where it was 14.3%. So, something is wrong and it will not be sufficient just to keep on facilitating. It is good, let's keep on facilitating. We facilitate investors. Hopefully, we can facilitate citizens as well, but the truth is that the fishes are not biting, people are not investing and the amount of private investment, believe it or not, is falling year on, year on, and year on and cannot be stopped from falling apparently.

I will deal now, Mr Deputy Speaker, Sir, with the Film Promotion Fund. We started a few years ago, I think in 2012, the Film Rebates Scheme, because we wanted to have a new industry in Mauritius. It is working, it is happening and it is a good thing. But this new Film Promotion Fund is a bit of a weird beast, Mr Deputy Speaker, Sir. Why? Because there is a departure from usual practice! Usual practice is for funds to be created, and then, for every year the Minister of Finance will place, will transfer monies from the Consolidated Fund to that particular Fund, and that is how it happens. Although there are, I agree, a few exceptions, but the very rare, extremely rare occasions in Mauritius where taxes, VAT, etc. are earmarked for one particular item of expenditure as it is here. For instance, you do not imagine that every tourist in Mauritius, every hotel will pay a fee, will pay the income tax, will pay VAT, whatever it is they pay, and that that amount would all accrue to the MPTA. You do not imagine that. They will all pay to the Consolidated Fund and amount annually from the Consolidated Fund are transferred to MPTA. Here, no! There will be some money from the Consolidated Fund, but also a lot of money - this is why I would like the Prime Minister to elaborate. How much money is estimated to accrue to the Film Promotion Fund annually without even taking money from the Consolidated Fund? Is it Rs100 m.? Is it Rs10 m.? Is it Rs500 m.? Nobody knows what is the amount that is going to accrue automatically or that he intends to make accrue automatically every year to the Film Promotion Fund, *en dehors*, excluding amounts which would be transferred from the Consolidated Fund.

So, this is very rare that we earmark amounts of taxes, types of taxes, percentages of taxes for one particular expenditure item. I do not know why the hon. Prime Minister has decided to do that. Why he has moved from usual practice although I say it has occurred in the past, but very rarely? What is the point? I mean now, if you look at it the other way, a lot of the income accruing to the Mauritius Film Promotion Fund will escape Parliament because it is going to go straight. There is not going to be any vote in Parliament once a year for these amounts that are accruing there.

Now, I would like to know how much money is expected to be raised in the various ways into the Film Promotion Fund. For instance, on one film 'Serenity,' we hear, I cannot confirm, that about Rs220 m. was given as subsidy from taxpayers' funds. Perhaps, the Prime Minister can tell us if he has the figure. That is a huge amount of money that is paid on one film. The budget of the whole MTPA, leave its administration budget, overseas for promotion etc. is about Rs500 m. So that one film, if that is true the figure, accounted for half of the budget of the MTPA. I have not seen anyone talk about the film yet. Let us hope there is some return and that the taxpayer gets back some of his investment.

As I said, I started the Film Rebate Scheme. It wasn't meant to pay that sort of money to any particular film. It has gone far over what amount had been imagined at the time. So, we need to know. That is why transparency on the Mauritius Film Promotion Fund is very important especially as we leave it now to the Economic Development Board (EDB) to decide, again by itself, what percentage it will subsidise films. It does not say what percentage. It will be the EDB which will decide what is the percentage. I ask the question. Will it give 20% here and 50% there? Will there be a level playing field? How are we going to know who has the better connections in Government to get the bigger amount? This Government, the future Government whatever, there must, I think, be a level playing field. There must be by way of Government Notice, this is the amount that is paid so that there is no temptation to give favours from taxpayers' money left, right and centre, Mr Deputy Speaker, Sir. So, that is the second point which concerns the Film Production Promotion Fund, which as I have mentioned, is quite an unusual fund in the way that it is receiving money and also in the complete freedom that the EDB will seem to have to set whichever rates it wants to set to refund particular films. I think it should be transparent again and it should be a level playing field for everyone, at least every type of film because now we seem to pick and choose and that is not what I would advise, Mr Deputy Speaker, Sir.

If I come to clause 28, the Financial Reporting Act. Now, I realise that the Financial Reporting Council hasn't had a CEO for the last three years. The last CEO had left. She was a good lady. She left and she has not been replaced for the last three years. So, we have all these laws being passed and there is no one to execute them because there is no CEO, only an officer in charge like quite a few of our institutions at the moment. We are altering the law, so that the enforcement panel can take better disciplinary actions.

However, Mr Deputy Speaker, when the British American Insurance went bankrupt, billions are owned directly or indirectly to the taxpayer. Let us not be afraid to say: what has happened to the auditor KPMG? The same auditor KPMG is virtually bankrupt closing down in South Africa because it has meddled in the Gupta affair. KPMG today worldwide is in danger because of the Gupta affair and its ramifications worldwide. You have heard, I am sure, Mr Deputy Speaker, of the Gupta family and the previous President of South Africa and all the corruption that were involved there and KPMG were tied up into that. In Mauritius, KPMG audited the companies of BAI. It went bankrupt. Billions are owed everywhere. What has happened? Not one action taken by anyone including the Financial Reporting Council against KPMG.

Mr Deputy Speaker, the previous Leader of the Opposition asked me a question in Parliament. I had the audited accounts of KPMG when I responded and I did say that the audited accounts of KPMG showed Rs6 billions of excess. I did not invent it. As an accountant myself, I relied on what KPMG had given. Apparently all these were false, had disappeared. Therefore, I would like to ask the hon. Prime Minister, let us take some action, at least against the auditors there. Get some money for the taxpayers from their obvious negligence in dealing with the BAI audits. It is only fair that we should do so for the taxpayers, Mr Deputy Speaker, Sir.

Now, let me come to the Gambling Regulatory Act; hotels and casinos. I do not know if there are hotel casinos or casino hotels. I am not sure which one. Mr Deputy Speaker, Sir, the hotel casino a beautiful thing for some people, I am sure. What would it be able to do the hotel casino? It will be able to organise games. Parts I and II of the Gambling Regulatory Authority Act will be organised and held by the hotel casinos. What about the poor casinos? The poor casinos belonging to the State Investment Corporation, mostly I think, can only organise part I games. They cannot organise part II games that is not for them. So, hotel casinos and casino hotels can do to part I and part II whilst proper casinos can only organise part I games. Now, what is the licence fee for the hotel casinos? Rs205,000 per annum to

organise part I and part II games. What is the licence fee for the normal casinos? Rs3.5 m., Mr Deputy Speaker, Sir!

Let me tell you what are the casinos games. Part I organised by both hotel casinos and casinos: Blackjack, Chemin de fer – I do not know what that is - Live Roulette , Mini-chemy, Oasis Stud, Punto Banco. The casinos, which are paying Rs3.5 m., will organise these games. If you pay much less, you can organise all these, but also 10 ½, Big and small, Big Wheel, Bingo, Crabs – I don't know what that is, Chinese dominoes, Over/Under 7, Poker, Premier Roi, Quatre Quatre, Sap Si Waye, Sic Bo, Tai Sai, Vanlak.

You can do all that if you pay less. What you pay less, you do more with this. This is why I said, many things are not being said, Mr Deputy Speaker, Sir. You pay less, you play more! Is that normal? Now, this is why I say the danger here is that people are abusing of the system. Because you think of a hotel, a hotel is not qualified here. Any hotel can apply for a hotel casino licence. So what is a hotel? How big is a hotel? Let us have a guess.

Mr Deputy Speaker, Sir, ten rooms upwards, you can call a hotel. You can get a hotel certificate from the Tourism Authority if it is ten rooms upwards. That is a good deal. You build ten rooms, a small restaurant whatever, you open a big Casino underneath it and you pay a fraction of the price and you organise twice as many games. That is a good deal for some hotel owners maybe, but it is not a good deal, Mr Deputy Speaker, Sir, for the nation. If I am wrong, you tell me.

*(Interruptions)*

Yes, I am sure you will tell me if I am wrong, this is how I read it. And I found it astonishing that the Prime Minister did not talk about it at all, as far as the fees are concerned. That was not mentioned in his speech, I listened carefully.

So, there is a big issue of fair and unfair competition in the hotel casino, casino hotel deal, Mr Deputy Speaker, Sir. Now, we do not want casinos masquerading as hotels. We do not want that. The Government was elected, the previous Minister of Finance is not there, he went on and on about *nation zougadère*, we have to stop *nation zougadère* etc. and we are going exactly in the other direction. Now, I mentioned for a hotel, only 10 rooms suffice for someone to get a hotel certificate.

Now, if we want to have hotels casinos, I think the minimum that the Ministry of Finance and Prime Minister should do is to set a minimum number of rooms to avoid all this. Let us say 200 rooms. That was the unwritten law before. If there are 200 rooms, you could



apply for a casino licence. I am sure the hon. Prime Minister knows that. This is a fair number of rooms, not just any hotel, but a minimum number of rooms per hotel and even so, to me the whole licensing fee is '*bancal*', is lopsided. For a hotel gaming machine, we pay Rs50,000 fee per annum whereas one which is cited under casino will pay twice as more, Rs125, 000.

It is not as if I have seen anywhere that Mauritian residents or Mauritian citizens will not be allowed to go and become *zougadère* in these hotels. No. I can say there is no prohibition on Mauritians or non-hotel residents going and wasting all their money or dollar in these hotels casinos. I cannot see that anywhere. So, we are back now more than ever to the *nation zougadère*. As far as *nation zougadère* is concerned, I note now that the *lotto* has got what he had wanted for a long time. It had requested for a very long time to have a second draw, a weekly second draw. I see now from the Prime Minister's speech, it has been given a second draw in exchange for a slightly higher percentage of its takings, Mr Deputy Speaker, Sir.

Again, a second draw with what '*lotto*' always wanted, you have got it. Again, it is a slap in the face to whom? Mr Sesungkur is not here, a slap in the face to Mr Vishnu Lutchmeenaraidoo who had been trying to do the opposite. Also, limited pay-out machines are the limit, it should be limited to pay Rs3000, now the price has been up to Rs5000. So, it would be more attractive for people to go and waste their money on the limited pay-out machines. These are the one armed bandits that you have everywhere. Obviously, the House should know also, Mr Deputy Speaker, Sir, that it has been notoriously difficult for the GRA or for Government to control what exactly these limited pay-out machines do. They are very difficult to control technically and to see that they are actually giving a fair deal to anyone who puts these coins in there. Now, as I mentioned, they will be even more attractive to people being able to pay Rs5000 maximum as the winnings instead of the Rs3000 previously.

Mr Deputy Speaker, Sir, I will come now to the Income Tax Act - global trading. I will say something here to the hon. Prime Minister. Global trading, what is used to be called Paper Trading previously, was stopped years back. Why was it stopped? Because we had a lot of representations, a lot of complaints made, basically, by the African nations, by NGOs in Africa. But our offshore sector, as it was then, was being used to siphon off tax revenues which ought to accrue, which ought to go to our friendly regional partners on the African Continent mainly. So, that is what paper trading, global trading which was happening in the Freeport was doing. People complained, we saw that it was unfair and it was stopped. Some

time ago, the previous Minister of Finance reintroduced it and now in the Income Tax Act, it is being stated, of course, that again it is going to carry on and it is going to be taken as exports.

Now, what is Global Trading or Paper Trading? You export something from one point to another, it does not ever come to Mauritius, but the paper work comes to Mauritius. Let us say we want to export cocoa from Africa to Switzerland, from Senegal or Ghana wherever cocoa is grown, it will never touch Mauritius, as you can see. The company there in Ghana or Senegal or whatever will invoice Mauritius for a certain amount, low amount of money. The Mauritius Company in this global trading, – it is a beautiful name for something which is not beautiful - this local company will invoice maybe twice the amount in this case to Switzerland. The profit is accumulated in Mauritius. The profit escapes the African Government's tax.

I am saying it here because *tôt ou tard* it will be known and we are going to get a bad name again. So, my appeal to Government is to get rid of this global trading in the Income Tax Act. It does not help us, it brings hardly anything. It gives us a bad reputation because all it does, the only purpose of using Mauritius and invoicing Mauritius and for Mauritius to re-invoice is, obviously, to keep profits here and nothing else. And when we are keeping profits here, we are taxing here at 3 % and the Africans are starving in Africa because the money is here. And this is wrong, Mr Deputy Speaker, Sir. It is wrong and it is time to change it. When I was Minister of Finance, I remember I was going here and there, we had this NGO actionate, they had this *pancarte* saying this and that against Mauritius. We don't want this to happen again. We are doing a lot of efforts with ESAAMLG and all these things that we are doing, and yet somehow we open a hole, large enough for a train to go by, a lorry or something with this global trading, Mr Deputy Speaker, Sir. Let us hope that good sense will prevail and that we won't have to face unfriendly actions again from the African Continent because of what some few people will be doing in the export sector here, in Mauritius.

Mr Deputy Speaker, Sir, a few more things. We are amending the Local Government Act by taking a lot of things out of Schedule 12. In fact, we are not amending the Local Government Act, we are just amending a Schedule to the Local Government Act. Now, all of us know that when we change the Schedule to the Act, it is not by an Act of Parliament that we change the Schedule, at least, not to this particular Schedule. It is through Regulations. In fact, section 162 of the Local Government Act says quite clearly –

“The Minister - we can say the Minister of Local Government - may, by regulations, amend any of the Fifth, Sixth or Eighth to Twelfth Schedules.”

It is very rare, therefore, for the Finance Bill to include changes to a Schedule in the Finance Bill. Is it there because there are so many that nobody will notice, whereas if he had a specific GN we would notice? I do not know why it is there, but it is very odd. Anyway, it is there. What does it do? It actually removes a lot of the gaming activities from the ambit of the licence fees which are due and payable to Local Authorities.

Now, I understand that the Municipality of Port Louis gets something like Rs15 m. or more from these gaming activities in its area. So, I hope that the Ministry of Finance will reimburse or compensate the Municipality of Port Louis for loss of income that is going to happen now with this amendment to the Local Government Act. What is also annoying now is that they are going to lose most of the control they have on gambling in the area, granted that when a Building and Land Use Permit is given originally, it will have maybe entertainment or gambling on it. But from that point onwards, they will have no control at all on which person comes within the area to organise gambling activities. I think, again, if we really wanted seriously to fight against *nation zougadère*, this is not what we would have done. We had problems in Quatre Bornes. At one point, I remember there was one; I do not remember the name. It was on the main street. It had a lot of publicity.

*(Interruptions)*

Ti Vegas, my *collistier*, at that point, had raised a war against them. Rightly so because they were attracting prostitution and all that. Eventually, we managed to get rid of them. At that time, there was dual licensing. The Municipality gave a licence and the GRA for the equivalent. Now, this is no longer going to be. I think it is a step in the wrong direction. It is not the case obviously, but had we wanted to prevent gambling and undesirable persons having gambling houses in our towns, next to us as neighbours, in our villages, and the way to do that is certainly not by taking it out of the ambit of the licensing powers of the Local Authority.

Mr Deputy Speaker, Sir, the Mauritius Fire and Rescue Service Act is being amended.

*(Interruptions)*

Well, I thank you. I see it is being tightened. I think it is in the public interest. I have no particular issue on that. Following the questions I had asked, I am happy that at least that has happened.

Mr Deputy Speaker, Sir, I am not going to be that long. Just to conclude on the considerable number of laws that are being amended to comply with what ESAAMLG and European Union, etc. To my mind, there is little point in changing all these laws if you are not going to appoint the appropriate person to manage these institutions. If you do not have the persons to manage these institutions, then you are not going to have the proper result; *les lois seront bafouées*. We saw how the Financial Services Act, sections 18 and 20, fit and proper persons were completely ignored when the Financial Services Commission, the new Board was appointed so that they could reactivate the licences of one, Mr Sobrinho. We saw that. So, what is the point of passing all these laws when the persons that are going to manage that and apply these wonderful laws are not going to be independent. That is my point, Mr Deputy Speaker, Sir. Independence of our institutions is crucial for the sustainability of our financial system and our economy. We had one President resigned, we have allegations of interfering, of using a charity's credit card. I think the ICAC is supposedly enquiring on the rest, how much interference was there. Let us see if ever the ICAC will come up with anything.

So, tightening of the laws, Mr Deputy Speaker, Sir, has no effect if the persons meant to apply these new provisions are not independent or do not even know the meaning of 'independence'.

Mr Deputy Speaker, Sir, thank you very much.

**The Deputy Speaker:** Hon. Sinatambou!

(7.49 p.m.)

**The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou):** Thank you, Mr Deputy Speaker, Sir. I wish to start first by thanking the hon. Prime Minister, Minister of Finance and Economic Development to have come before this House today with the Finance Miscellaneous Provisions Bill of 2018 to provide for the implementation of measures announced in his Budget Speech on 14 June, especially now for matters not only contained in the Budget Speech, but connected to, consequential to and incidental to what he said in his speech.

I think I will share the approach of both the hon. Prime Minister, Minister of Finance and Economic Development and that of the hon. Leader of the Opposition by ensuring that I do not go into policy, but stick to the legal provisions which are before this House today. Just to say, however, before that, that we must acknowledge today that an overwhelming majority

of the population welcomes the measures in the Budget, except I would say for the usual few and for the usual reasons.

I said previously the Bill proposes the amendment of 68 different legislations in different sectors. Although one must admit that the hon. Prime Minister, Minister of Finance and Economic Development has been very explicit on the amendments proposed, I will intervene on a number of amendments being brought to a number of laws which fall under the purview of my Ministry. However, before doing that, I must confess that I do not have much expertise in the areas upon which the hon. Leader of the Opposition intervened. The Banking Act, the Financial Reporting Act and such legislations are not within my field of competence or expertise, but there is a number of general points which I think arise from what he was saying.

Now, I come to the first statement that he made when he rose that coming up with 68 laws in an omnibus legislation is dangerous, according to him. Now, I would say that this is self-contradictory because on the last occasion when he intervened regarding the Budget, he alleged that he had seven paths to nowhere, and today we are told that there is too much on our plate. Well, at least, this side of the House is consistent with what it stated. It stated that we have a lot to do to continue our transformative journey. To do that, there is a lot of measures to be adopted and today we are coming with the amendments to the 68 laws because this is the magnitude of the task.

When it is stated that it is not too good that every year the Finance Bill gets bigger or that now the Finance (Miscellaneous Provisions) Bill gets bigger, I would beg to disagree. Either there is an agenda to make this country progress; either there is a pathway to ensure the continued progression of this country; either there is a willingness to make sure that we keep our development journey or we will be taxed of being lethargic, of being too slow, of being inactive, of being passive. In fact, I must say that - with all due respect, I am not trying to impute motives to anyone - time and again, I cannot stop myself from having the impression that some people are trying to slow down this Government. I cannot help myself from having this impression.

*(Interruptions)*

I beg your pardon?

**The Deputy Speaker:** Hon. Ameer Meea, please do not interrupt.

**Mr Sinatambou:** You can see how the impression is justified. Can you see, hon. Deputy Speaker, why I have this impression? You are just explaining something and you have someone who will always breach the Standing Orders and stop you from progressing in what you are trying to say.

*(Interruptions)*

Another one! What is the problem?

*(Interruptions)*

Pardon?

**The Deputy Speaker:** Hon. Minister, please continue with your speech!

**Mr Sinatambou:** But it is not correct that people, in a sitting position, breach the Standing Orders...

*(Interruptions)*

*Ki été? Alerte?* No, I will not accept that anymore! Either we are respected in terms of the Standing Orders or I will insist that a point of order is taken.

*(Interruptions)*

**The Deputy Speaker:** Please address the Chair, hon. Minister!

**Mr Sinatambou:** I would request that the hon. Member withdraws the word 'Pinocchio'. I insist...

**The Deputy Speaker:** Hon. Bérenger, please do not disturb the House!

*(Interruptions)*

Hon. Bérenger, please! Hon. Minister, please carry on with your speech.

*(Interruptions)*

Order, please! Hon. Minister, please continue.

**Mr Sinatambou:** Hon. Deputy Speaker, on a point of order. This morning, one of the other side treated me of '*bouffon*'. I chose not to take care of that. I will not accept that another Member calls me 'Pinocchio' this time and stay quiet about it. I insist that he withdraws this word.

**The Deputy Speaker:** Hon. Bérenger, please withdraw.

**Mr Bérenger:** What?

**The Deputy Speaker:** Please withdraw the word.

**Mr Bérenger:** ‘Pinocchio’?

**The Deputy Speaker:** Yes.

**Mr Bérenger:** You are ruling that ‘Pinocchio’ is unparliamentary?

**The Deputy Speaker:** Yes.

*(Interruptions)*

Please!

*(Interruptions)*

Thank you for giving me that honour...

**Mr Bérenger:** When he behaves like a ‘Pinocchio’, I say he is a ‘Pinocchio’.

*(Interruptions)*

**The Deputy Speaker:** Hon. Bérenger, please withdraw!

*(Interruptions)*

Please withdraw!

*(Interruptions)*

Please withdraw! You are a seasoned politician. You are an ex-Prime Minister. The youth of the country is watching you. Please, give the good example!

**Mr Bérenger:** And him!

**The Deputy Speaker:** Please, give the good example!

**Mr Bérenger:** ...to give a ruling. Take your decision!

*(Interruptions)*

**The Deputy Speaker:** Order, please!

*(Interruptions)*

Hon. Bérenger, I am calling you to order!

*(Interruptions)*

I am saying 'order' to everyone! It is you the one who is provoking. You are the one provoking.

*(Interruptions)*

Hon. Bhagwan!

*(Interruptions)*

Hon. Bérenger, please withdraw!

**Mr Bérenger:** I am not withdrawing...

*(Interruptions)*

**The Deputy Speaker:** Otherwise, I will have to act.

**Mr Bérenger:** Of course!

*(Interruptions)*

**The Deputy Speaker:** Hon. Bérenger, please withdraw!

*(Interruptions)*

**Dr. Boolell:** Mr Deputy Speaker, Sir, you need to give your ruling as to whether 'Pinocchio' is unparliamentary. Please do!

*(Interruptions)*

**The Deputy Speaker:** Yes, in this context, it is unparliamentary. Members cannot come in the House and insult people.

*(Interruptions)*

Hon. Members, order! Order, please!

*(Interruptions)*

I suspend the sitting for 10 minutes.

*At 8.00 p.m., the sitting was suspended.*

*On resuming at 8.15 p.m. with the Deputy Speaker in the Chair*

**The Deputy Speaker:** Hon. Bérenger, I am giving you a last chance. Please, kindly withdraw.

*(Interruptions)*



Then, I have no choice, hon. Bérenger, than to order you out.

*(Interruptions)*

Hon. Minister Sinatambou, please!

**Mr Sinatambou:** Thank you, Mr Deputy Speaker, Sir.

*(Interruptions)*

Mr Deputy Speaker, Sir, as I was saying earlier, before this unfortunate and misbehaved approach from the other side of the House, there appears to be this tendency to try and slow the Government. Let me try to explain to you what I mean. For example, I heard the hon. Leader of the Opposition speak of the Banking Act and he referred us to page 9 of the Finance Miscellaneous Provisions Bill which relates - if you will just allow me to have a look - Mr Deputy Speaker, Sir, to Non-Bank Deposit-Taking Institutions. Indeed, if one looks at the new section 12, subsection (5A) which is being introduced to the Banking Act, there is now this obligation to have a stated capital of not less than Rs200 m. Now, already, one will accept that this is unprecedented and, still, the hon. Leader of the Opposition would have us believe that it needs to be higher up to Rs400 m.

Mr Deputy Speaker, Sir, here is a piece of legislation which is bringing unprecedented change to the banking legislation, which is now obliging a non-deposit taking financial institution to have a stated capital of not less than Rs200 m. Something which has not been done in the five decades of our Independence, which has not been done by any other Government, which is yet being done here, and still, that is perceived by some as not being enough! I beg to disagree because it is quite clear that a non-deposit taking financial institution does not have the same muscle as a banking institution has, which is why I am convinced that it is right to have a Rs400 m. minimum deposit for a banking institution and a Rs200 m. stated capital for a non-bank deposit taking institution.

Let me now come to one thing, which I must say, I believe is not right. I believe the approach taken by the Opposition every time that the Petroleum Pricing Committee meets, that the approach they take is wrong and verges on demagoguery. Every time we hear this word '*démagogie*', I made it a point to try and work out exactly what it is, and I often find my explanation in *Le Petit Robert*. And *démagogie, M. le président, c'est lorsque nous faisons appel, ce que nous disons, nous le disons pour faire appel aux sentiments et aux émotions du peuple*. So, in other words, even if you take a measure, even if you take a fiscal measure, which is to the benefit of, let's say, 60,000 Mauritians, which is, for example, the decision we

have taken to reduce the tax rate by 15%, from 15% to 10%, that measure for 60,000 people is cast aside, is not remembered by the people because, somehow, you take an argument which actually works on the mind of the people. So, by just taking, for example, one incident, you blow it up out of proportion. It so happens that the measure for 60,000 people is just blurred, if not, forgotten. I believe that this is what happens whenever the Petroleum Pricing Committee meets. The way we hear the hon. Leader of the Opposition speaking of the fact that you have today Rs2 billion of excess amount - the expression 'excess amount'...

*(Interruptions)*

There is not excess. This is money for the people, this is money held by a public body for the purposes of actually subsidising the public. And apart from the Petroleum Pricing Committee, we have the Price Stabilisation Account. We have to keep money in reserve because the price of petroleum raises up and down, So, coming in front of this House - actually, I find it so unfair. If you look at page 35 at clause 14 of the Consumer Protection (Price And Supplies Control) Act, the specific amendment being brought and introducing a new section 3A, that section 3A allows contributions to be levied for the purposes of the Road Infrastructure of the Road Development Authority, of the contribution to the Rodrigues Transportation and Storage matter, the contribution to the construction of storage facilities for petroleum products in Mauritius and the contribution to a subsidy on LPG, on flour and rice.

So, here is a piece of legislation which is actually catering for the levy which is going to be taken, which is going to charge on the price of petrol in order to actually fund subsidies on Liquid Petroleum Gas, on flour, on rice, on transport, on the road infrastructure - that's the words, 'make believe', which was used by the Deputy Chief Whip the other day. They make believe that there is misuse; they make believe that there is abuse. That is not true. This is money which is actually being taken, which is going to be preserved for use, present or future, of the public. I believe that the use of the word 'excess', that the criticism brought by the Leader of the Opposition in relation to clause 4, introducing this new section 3(a) to the Consumer Protection Act, is not warranted.

The other point, which I would like to take, which I believe is worth taking is this approach. Apart from demagogy, apart from trying to slow the Government down, there is the other thing which I think is not correct. Here is a speech by the hon. Prime Minister, Minister of Finance and Economic Development. He comes and explains to this House that he has structured those 68 legislations under six specific cornerstones. I did not have the

privilege of reading his speech before. I heard it together with everyone here, but I must say when you look at the five underpinnings of the speech of the hon. Prime Minister, how clauses 4, 5, 13, 28, 29, 36, 37, 43 and 52 are about the consolidation of the regulatory framework of our financial sector. How can we say that this is too much? In fact, we urgently need to consolidate the regulatory framework of our financial sector.

Then, the second underpinning of the speech was clause 29 on financial services and clause 43 on the Limited Partnership Act. How can you not agree that this is important because we are here with the second underpinning, the fostering of reforms in our global business sector? This is needed. This is urgently required. People try to think that when you speak on this side of the House, something that they are still in the colonial days and can give you names right, left and centre. They should know that this is not allowed any more. This cannot be condoned.

Indeed, when you look at the third underpinning of the speech of the hon. Prime Minister, Minister of Finance and Economic Development, what do you see? Clauses 18, 19, 24, 35, 38, 46, 60 and 69 - in particular clause 35 on income tax - deal with the third underpinning of his speech, taxation. Can we say that this is not enough, that this is too much? No, Mr Deputy Speaker, Sir, because in the income tax amendments which are being brought before this House, we have the reduced income tax rate from 15% to 10% which is actually going to benefit about 60,000 people. We have the new clause, 27(e) of the Income Tax Act, which is being introduced by clause 35 of the Finance (Miscellaneous Provisions) Bill, which is bringing about the rainwater harvesting scheme. Everyone can go for that. Can we say that this is not good enough, that there is too much? The work at home scheme is being implemented through the amendment brought in clause 35.

The fourth underpinning of the hon. Prime Minister's speech is improving the ease of doing business; clauses 8, 12, 21, 23, 34, 47 and 48. They had been on the other side of the House harping on and on that Mauritius had lost so many ranks going down to 47<sup>th</sup>. Now, we have come back to 25<sup>th</sup>. We are taking even more measures in order to ensure that we go further up the index. That cannot be too much. That cannot be too many legal provisions. I will agree, at least, with one thing as regards the hon. Leader of the Opposition. No one is perfect! There will sure be a number of things which can be improved I am sure, no one being perfect, but let us not come here and say that there are too many measures here. Things will slip. That there are numerous legislation where we have tried to put things right, left and

centre. That is imputing motives something which our Standing Orders do not allow. Standing Order 40 rule 5 is quite clear on that.

However, leaving now the fourth underpinning, I will come to the last two ones, Mr Deputy Speaker, Sir, the measures and policies to fight against money laundering and terrorism. I have counted 16 laws being amended in this Finance (Miscellaneous Provisions) Bill. 16 laws are being amended in the endeavour of this Government to take the right measures and policies to fight against money laundering and terrorism. So, surely the hon. Prime Minister, Minister of Finance and Economic Development should rather be applauded, should be congratulated and not criticised.

The last underpinning of his speech was the miscellaneous provisions and here indeed when you look at the measures which those miscellaneous provisions are bringing, the Courts Act where the Intermediate Court can now bring mediation, where the District Court can hear cases of up to Rs100,000, where the Small Claims Tribunal jurisdiction is being increased under the District and Intermediate Courts (Civil Jurisdiction) Act, where the Employment Rights Act is being amended to allow any woman, who does not have one year in employment, to still benefit from maternity leave. I believe that those 68 laws are rightly placed in this Finance (Miscellaneous Provisions) Bill of 2018.

Mr Deputy Speaker, Sir, there is so much more to say, but I believe that the best has been said. What remains can be left for another time. For now, I believe that this Finance (Miscellaneous Provisions) Bill 2018 should actually be unanimously voted by this august Assembly because it actually should command respect, it shows hard work, it shows patriotism for the welfare of this country and the Prime Minister should be commended for bringing this Bill before the House. I thank you.

**The Deputy Speaker:** I suspend the sitting for one hour.

*At 8.32 p.m. the sitting was suspended.*

*On resuming at 9.46 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. Sesungkur!

(9.46 p.m.)

**The Minister of Financial Services and Good Governance (Mr D. Sesungkur):** Thank you, Madam Speaker. It has been a tough day for me today, yet I am here because I want to contribute to this piece of legislation. I have not much to say because the Prime

Minister has covered most of the issues, most of the amendments that were there to be brought. But, nevertheless, I can contribute by giving certain information on the operationalisation of the measures contained in the Finance (Miscellaneous Provisions) Bill which covers a large part of enactments, of laws which are there. Those which are directly relevant to my Ministry would be the Financial Services Act, the Financial Intelligence and Anti-Money Laundering Act (FIAMLA), the Financial Reporting Act, the Captive Insurance Act, the Foundations Act but also the Banking Act and the Income Tax Act.

If we have to come up with such wide ranging changes in this Finance Bill as was referred to by the hon. Leader of the Opposition, it is precisely because of the incompetence of a person called Xavier Luc Duval. I will explain myself. The last report of the ESAAMLG came up with a number of issues, of points that we had to address. Those issues had to be addressed long time ago and that man who today preaches lessons, gives lessons to everybody – I am sure he is listening to me tonight - he was at one point in time the President of ESAAMLG.

He was supposed to prepare the nation, the country for these changes. He has done nothing. And today what is he saying? That we are coming with so many changes, so many amendments to the law. Why this is so? It is so because of his incompetence. This is the reason why we have to, today, come up with so many amendments because we want to defend our repute, because we want to maintain, to preserve our good reputation at international level. But these people were so irresponsible in their days, they had done nothing and today since they are in the opposition, on the other side of the House, they just come up with cheap criticisms. They find all sorts of things to say and people at times forget that we have been in Government for only a few years, if I may say a certain number of months. We cannot be responsible for all the odds, all the problems that this country has been facing.

Look at the chairs! Everywhere is empty! But at the end of the month, they are collecting their pay. They are using all sorts of tricks just to run away, *prend take-away pe aller*. I had some respect for Xavier-Luc Duval till this morning. I must say that since this morning. *Vaux mieux mo pas koser!*

*(Interruptions)*

**Madam Speaker:** Be moderate, don't go too far!

**Mr Sesungkur:** *Vaux mieux mo pas kozer*, like my good friend, hon. Teeluckdharry has said. Madam Speaker, the hon. Prime Minister has depicted, has clearly described our objective of becoming a high-income country. And in this objective, the Financial Services Sector is a key sector. It is today one of the most important contributor in terms of growth, in terms of expansion, in terms of creation of wealth, in terms of creation of productive jobs for our youth. Since we have been in Government, this Government has sustainably put a lot of efforts, a lot of energy to make this sector progress further, develop further so that we can improve our competitiveness at international level.

We have made a number of reforms and I must say that we are lucky that despite major challenges, major changes like, for instance, the renegotiation of the double taxation agreement with India, which merely threatened the very basis, the very foundation of our offshore sector, our global business sector, yet, today, we are on the path of growth. There is sustained expansion; sustained growth in this sector and thanks God who has always been protecting us, this sector is yet to grow much more in the coming years. There is every reason for us to be optimistic unlike *certain prophètes de malheur* like hon. Reza Uteem. This hon. Member is not present today. I am sure he is listening.

*(Interruptions)*

He is listening from home.

*(Interruptions)*

But every time I hear this Member, I ask myself: is he living in a real world or is he somewhere in a different planet?

*(Interruptions)*

Since he has become president of MMM, *tout dimoune pe kité pe alé!*

*(Interruptions)*

Everybody is running away! I hope that he will take some care of this. As I said, Madam Speaker, despite various challenges, the ever-changing global environment, we must aware of this.

There was a time when Mauritius was developing its International Financial Centre (IFC) and there were not many competitors. Today, we have competitors everywhere. In Africa itself, Kenya wants to develop its financial centre. There are South Africa, Nigeria, and Morocco. There is also Rwanda. So, we have many competitors, but yet despite our re-

negotiation of our treaty with India, Mauritius still remains a number one contributor in terms of FDI in India. I hope that this will continue to be the case in the coming years. We have been able to maintain our traditional market, develop it further, for instance, in Africa. I was talking to...

**Madam Speaker:** Hon. Sesunskur, your debate cannot be too broad based. You have to relate it to the specific amendments which are being brought.

**Mr Sesunskur:** Yes, I am coming to the amendments, Madam Speaker. I was just depicting the context of the major changes that have been brought in the Finance Bill which covers widespread legislations, but mainly the Financial Services Sector. So, we had to make those changes, those amendments like the hon. Prime Minister has said. We had to reinforce, to strengthen our AML/CFT system because not only this is a requirement of international institutions like the OECD, like the FATF, ESAAMLG, but also we wanted to be seen as a jurisdiction, which means business, which wants to be clean and respected internationally. So, that is why there have been so many changes, so many amendments brought to the FIAMLA and also to the Financial Services Act.

Madam Speaker, I wanted to say a word on the recent report of ESAAMLG. It is not like we do not want to be assessed or to go against the ESAAMLG, but we want to work together with ESAAMLG on the recommendations that they are making. Precisely, in this context, we have asked for technical assistance from the IMF and World Bank to help us in this process. For the Financial Services Sector, there have been two major strategic papers that have been prepared during last year. That is the blueprint on the Financial Services Sector and also a high level report on the Fintech. All these to say, Madam Speaker, that we have a lot of ambition for our International Financial Centre, and this Government is leaving no stone unturned to make Financial Services a key sector in the coming years.

I have also been informed that - because I did not attend the part where the hon. Leader of the Opposition was addressing the House - he referred a lot to the FSC and the FRC. He referred also to the case of the BAI. People will recall that BAI is not something which we have created. In the days when he was the Finance Minister, the FSC and the FRC were condoning activities which would not have been considered normal. They were basically covering the fraudulent activities that BAI was conducting, BAI and Rawat. BAI was involved in daylight robbery, and he was the Finance Minister at that time. He came to this House to give a certificate of good health, of financial solvency, even going as far as

against the IMF. The IMF was criticising, was questioning the solvency of BAI. He came to the House and said: “There is nothing to worry. The savings, the money of the public are in good hands, safe hands”. I am ashamed because he is a *confrère*. I am ashamed of him because this guy was sort of, I cannot even describe...

**Madam Speaker:** Do not refer to him as ‘this guy’. He is an hon. Member.

*(Interruptions)*

**Mr Sesungkur:** No, I am not referring to the Pinocchio guy.

*(Interruptions)*

But Pinocchio guy, he made the fundamental issue of solvency.

**Madam Speaker:** You know that word, the hon. Deputy Speaker, when he was in the Chair, had asked that this word be removed. So, you have to withdraw that word.

**Mr Sesungkur:** But I think the nation should know that it is hon. Xavier-Luc Duval who came to this House and declared that BAI was safe, sound and solvent. What happened? A few months later, we realised that it was bankrupted, and it was bankrupted since 2012. A report by nTAN shows that BAI was bankrupted as far back as 2012. So, these are the kinds of people that we are having today, who want to teach the nation that they are like sacred God; they are *plus blanc que blanc*.

Madam Speaker, today, we have taken a number of actions to strengthen the FSC, to strengthen the FRC. Precisely, in this context, we are coming with amendments to the Financial Reporting Act which the hon. Prime Minister has already covered. But I would like to just give some more details on this because KPMG was the auditor of BAI and, when the whole thing happened, FRC could not take any action against KPMG. There were certain lacuna in the law, there were certain weaknesses which we want to correct with this amendment so that in the future there is no such similar cases.

Presently, FRC is only able to sanction individual auditors for breach of Financial Reporting Act, and the sanctions provided for in the Financial Reporting Act are warning, suspension or cancelation. They are very simple actions that can be taken. It is worth noting that the range of sanctions provided for in the Financial Reporting Act is limited, as experienced in different situations, as I just explained in the case of BAI. In some cases, it has been found that a warning is too lenient and a suspension or cancelation was not appropriate in the circumstances. In other cases where suspension or cancelation was appropriate, it has



been observed that the person withdraws his licence before the sanction was imposed, in which case the law does not provide for imposing sanctions on a person who is no longer holding an auditor's licence. In some situation, it has been observed that the root causes of the breaches is at firm level rather than at engagement level, that is, at partner level, at individual partner level. However, the Act does not provide for any sanction for audit firms.

Hence, to strengthen the regulatory objectives of FRC and have authority on audit firms, Government is amending sections 35 and 43 of the Financial Reporting Act respectively to empower the Financial Reporting Act to register audit firms with a legal status, which will allow FRC to take appropriate sanctions when the firms fail to keep the expected level of standards required from them, and secondly impose financial penalty on both individual auditors and audit firms. These will be prescribed by the FRC based on the severity of the breaches.

So, here is an amendment which will address the problem that was witnessed with BAI and which might still arise in future, and which we are addressing, because we believe that the financial ecosystem will only work if we have regulators which are there as a watch dog, which can give assurance to investors that their money is safe. And this can be done by regulating, by reviewing the financial reporting of each and every company, and where the standards are not applied, the Financial Reporting Council can take sanctions and punitive measures.

I believe that it was very important for us to send a strong signal, especially to accounting firms which are engaged in an activity which creates the element of trust which our financial centre badly needs because without the element of trust, nobody will invest in a company or on the stock market. It was vital for us to address this issue so that the ecosystem is strengthened.

Madam Speaker, there was a time when Mauritius was only performing and was pleased to stay ahead of certain African countries, but times have changed, and as there is no evidence of direct correlation between global business and the size of its jurisdiction, we have lately witnessed many challenges, which were not the case some time back, as I already explained. We, therefore, need to have robust legislation with world-class diplomatic skills.

The 2018/19 Budget Speech clearly spelt out Government's commitment to give its full support to the global business sector while ensuring compliance with best international norms and standards. The reform of the global business sector is being carried out in view of

implementing recognised international norms and best practises, including BEPS standards in our financial services and global business sector. The aim is to enhance the reputation of Mauritius as an international financial centre. The reforms will address issues such as ring fencing and will increase substance requirements. The major change will be the abolition of the Category 2 Global Business regime - GBC2 regime.

Currently, GBCs2 are not allowed to conduct business in Mauritius and cannot be owned by local residents. As such, the current framework gives rise to ring fencing and is not in line with BEPS standards. Grandfathering provision will be provided for existing GBC2. The reform will also concern Category 1 Global Business Companies. In view of the abolition of the GBC2 regime, GBC1 will then be known as simply Global Business Company. In addition to changes in taxation, GBC1 will be required to have additional economic substance in Mauritius, that is, they will have employ an adequate number of professionals and incur adequate expenditure proportionate to their activities. Management companies will continue to act as secretaries of GBC1.

In addition to the above, the Income Tax Act will be amended so that companies incorporated in Mauritius, but whose effective management is outside Mauritius, will be considered as non-resident for tax purposes. Where such a company has a majority of foreign ownership and proposes to conduct business principally outside Mauritius, it will have to seek an authorisation from the FSC and have a management company as registered agent. This will ensure that there is a regulatory oversight on such companies, and the role of management companies will be to ensure regulatory compliance and appropriate AML/CFT verifications.

Currently, the FSC has no power on the laws to formally act in case of breach of licensing conditions. The amendment to section 7(1) (b) will enable the FSC to issue directions to licensees for compliance with licensing conditions in addition to the relevant Acts as well as subsidiary legislations and guidelines issued hereunder. The amendment to section 16(1) (b) has been proposed in order to comply with the technical compliance assessment of FATF.

As per FATF standards, the principle that financial institutions conduct customer due diligence should be set out in law, though specific requirements may be set out as enforceable means. As such, this amendment has been proposed in order to make it clear that customer due diligence must be submitted at the time of application. The word “particulars” at section

16(1) (b) was subject to different interpretations during the mutual evaluation process. It is to be highlighted that this is a merely technical amendment given that, as a matter of practice, complete due diligence information is submitted at application stage. The rationale for amending section 18 is that numerous licensees meet the requirements prescribed under section 18 of the FSC, at the application and licensing stage.

But thereafter, after having obtained the licence, they fail to maintain compliance with these requirements. This subsection 18 (ii) expressly require licensees to maintain the requirements of section 18 of the FSC at all times, even at post licensing stage. As currently drafted, the offence of false and misleading information can only be committed at the time of an application for a licence or during investigation. The FSC has no recourse if false and misleading information is provided in other circumstances. Following the amendment to section 19(1), it will be an offence if licensees provide false and misleading information, even at post licensing stage.

The amendments to sections 29 and 42 have been proposed in order to meet FATA standards. Currently, section 45 can only be applied when there is onsite inspection or investigation on the relevant Act. The amendment to section 45 will extend the ambit of this section to ensure that any tampering with evidence, at any stage, not just during onsite inspection or on investigation, constitutes an offence. Amendment to section 46(1)(a) by adding section 52 of the Bank of Mauritius Act will enable the FSC to take actions against a licensee which defaults from compliance with section 52 of the Bank of Mauritius Act.

Madam Speaker, these are important elements which operators will need to know. There is also the Supervisory Authority Power of the FSC, in accordance with section 46(1) of the FSC, when the licensee has contravened, or is likely to contravene a relevant Act. The Bank of Mauritius Act is not a relevant Act, hence it is proposed to amend section 46(1)(a) so as to enable the FSC to take action for non-compliance in relation to KYC.

There have been a number of amendments which the Prime Minister has already covered. I do not want to dwell much further on that, but suffice it to say that the amendment also contains a number of new products and services which will be added and which will improve our product and service offering as an International Financial Centre.

Madam Speaker, I would like to end here and say that our International Financial Centre has a bright future, and I am confident that in the coming years, with the help and the

support of the Prime Minister, we will make this sector the number one sector as contributor to our economy.

Thank you very much.

**Madam Speaker:** Hon. Gungah!

(10.16.p.m.)

**The Minister of Industry, Commerce and Consumer Protection (Mr A. Gungah):**

Allow me, Madam Speaker, to start by congratulating hon. Hurreeram for his election as Deputy Speaker this morning after a democratic election. He has been entrusted with a difficult job of managing the House, especially with the sort of Opposition that we have. I am sure he is going to do very well under your guidance, Madam Speaker.

I thank you, Madam Speaker for giving me the opportunity to comment on the Finance (Miscellaneous Provisions) Bill 2018. Indeed, this Bill is an important step in the implementation of budgetary measures announced last month. Some measures have already been implemented and today we are debating on the changes to be brought to certain legislations that will allow full and comprehensive implementation of Government policy. This Bill makes provision for a more cohesive system for our institutions, thus creating a more favourable environment for business facilitation.

Madam Speaker, my intervention will focus essentially on amendments brought to the legislations pertaining to my Ministry. I would, at the outset, elaborate on the amendments proposed.

*(Interruptions)*

**Madam Speaker:** Order, please!

**Mr Gungah:** I would, Madam Speaker, at the outset, elaborate on the amendments proposed to the Consumer Protection, that is, the Price and Supplies Control Act, and to the State Trading Corporation Act. During the debates on the Budget and in my replies to various Parliamentary Questions, there have been discussions on the contributions and levies collected by the STC on the price of petroleum products. The process of collecting and remitting the contributions has been carried out by different and successive Governments over the years, but is not clearly spelled out in our legislations, and this ambiguous situation is therefore being addressed. The amendments that are being brought to the Consumer Protection (Price and Supplies Control) Act will now empower the Minister responsible for

consumer protection to charge, collect and remit any tax, duty or levy in fixing the retail prices of mogas and gas oil.

The STC Act is also being amended so that all contributions levied in the price structure of mogas and gas oil be credited into the Reserve Fund of the corporation and payment be made to the relevant authorities, such as the Road Development Authority, the National Transport Authority, the Rodrigues subsidy account as per the rates mentioned in the proposed Fourth Schedule of the Consumer Protection (Price and Supplies Control) Act.

Let me give some explanation, Madam Speaker, on the current system of collection and remittance of contributions by the STC. Let me come to the contribution to RDA, which is Rs1.85 for mogas and Rs1.75 for gas oil. Out of this, 25 cents per Litre of mogas and 15 cents per Litre on gas oil are paid to the RDA. The difference, that is Rs1.60 on mogas and gas oil, is paid to the National Transport Authority through the Accountant General.

Now, concerning the contribution to Rodrigues Transportation and Storage, an amount of 41 cents per Litre on mogas and gas oil is credited into the Rodrigues Subsidy Account through the Accountant General. As regard to the contribution to subsidy on Liquefied Petroleum Gas, flour and rice, the amount is presently credited to a subsidy account. And concerning contribution to the construction of storage facilities for petroleum products, this is credited to a Storage Tank Development Account at the STC.

Now with the amendments that have been proposed in this Bill, these contributions will be credited to the Reserve Fund of the State Trading Corporation and then paid to different stakeholders like the RDA, NTA, Rodrigues Subsidy Account.

Concerning the amount collected for subsidies and construction of storage facilities for petroleum products, this will be credited to the Reserve Fund and then allocated to the respective accounts. Therefore it is clear, Madam Speaker, that these amendments will bring more transparency and will be aligned with Good Governance practices

Madam Speaker, I would here like to reply to the hon. Leader of the Opposition *qui a parlé surtout du montant prélevé pour subventionner le prix du riz, de la farine et du gaz ménager. Parce que, d'après le leader de l'opposition, cette somme est excessive à la STC et ne se répercute pas dans la population. Mais je dois dire aussi que pendant plusieurs années, avant que nous soyons ici, avant décembre 2014, le montant collecté était insuffisant. Quand nous sommes arrivés, nous avons dû revoir ce montant en hausse et ceci a été fait en novembre 2015.*

Added to this, Madam Speaker, the method of procurement of these essential commodities like rice, flour and domestic gas by the STC, has proved to be fruitful through tendering exercises. Thus, there has been a surplus of Rs1.2 billion - not Rs2 billion, Madam Speaker - for the period January 2016 to June 2017, that is, 18 months not 12 months as mentioned by the Leader of the Opposition. *Qu'est-ce qu'on en fait, Madame la présidente?* In 2016, that is, when we found there was an excess of *R 1.2 milliard*, we reduced the price of LPG, that is, for a cylinder of 12kg, from Rs330 to Rs270, that is, by Rs60. Here also, I would like to remind the House and the population as well, from November 2005 to March 2012, the price of a cylinder of 12kg of LPG was increased by Rs80. Then, Madam Speaker, after having reduced the price of LPG in 2016, by Rs60; in 2018, we went further and reduced it to Rs240. In two years, the reduction has been Rs90. It is good that I mention that the population should know that the STC subsidises one cylinder of LPG of 12kg at the level of Rs180 which is approximately, I think, 43% or 45% of the actual price *pour les tiddimoune*. Without this subsidy, Madam Speaker, the price would have been Rs420. Today, it is Rs240. *Nou finn devire chiffres en bas la haut.*

Madam Speaker, in 2017 the price of flour, everybody knows it, I do not have the figures with me, was reduced for white flour and brown flour. Brown flour, I think, was reduced by more than Rs1.70 something. This year we went further again. We even reduced the amount collected under the item contribution to subsidy of LPG, rice and flour. We reduced that amount from Rs2.70 to Rs1.75 for mogas and from Rs2.70 to Rs1.20 for gasoil. We also removed the item *Maurice Ile Durable*. Why did we do that, Madam Speaker? We knew at that time, there was a high in the price of petroleum products on the world market. It happened even in the previous Government, but what did they do? At least, we did all these and it was announced by the hon. Prime Minister during the Budget that the price of mogas and gasoil had been reduced. Which Government would do such things, Madam Speaker? So, Madam Speaker, we should be responsible...

**Madam Speaker:** Hon. Minister, which clause you are relating to?

**Mr Gungah:** Yes, I am replying to the hon. Leader of the Opposition, Madam Speaker.

**Madam Speaker:** Did he mention this because you know, all these arguments had been made during the time that we were having debates on the Budget. I was not in the Chair,

if you tell me that the hon. Leader of the Opposition made those arguments, then he opened the debate and you have to reply, otherwise concentrate on the amendments.

**Mr Gungah:** In fact, the reply to the Leader of the Opposition has been quite short, but I know it hurts so it feels.

Madam Speaker, we should be responsible about how we spend our economy and that is what we are doing in the Government. Now, Madam Speaker, let me comment on the amendment to the Mauritius Standards Bureau Act which depicts the new proposed process for the importation of controlled goods. Changes are being brought to the Consumer Protection (Safety Requirements) Regulations 2017 in order to facilitate import procedures and hence the ease of doing business. The ease of doing business, as you know, Madam Speaker, is one of the major objectives of this Government. One of the main complaints that we have received from importers is the time taken for the release of goods from Customs, which leads to the payment of high demurrage fees and the amendment to the Regulations will address this issue by allowing for faster clearance of goods from MRA Customs thus avoiding importers having to pay high demurrage fees.

Presently, imported goods, which are accompanied by a proper certificate of conformity, are released by customs directly to the importers. However, the issue becomes complicated for imports not covered by a certificate of conformity or in cases of doubt regarding the certificate. In such cases, the goods are retained by Customs until clearance is obtained from the Mauritius Standards Bureau which is required to either verify the certificate of conformity or to carry out tests on the samples of the goods imported.

This procedure, Madam Speaker, is time-consuming and sometimes importers have to pay very high demurrage fees indeed. With this Bill, we are amending the process of importation and now upon arrival, the goods falling under the Schedule to the Consumer Protection (Safety Requirements) Regulations shall be cleared and released by Customs to the importers under seal of the Ministry of Industry, Commerce and Consumer Protection, that is, the Commerce Division of the Ministry. This will reduce substantially the demurrage fee that the importers need to pay. The importer shall then make an application to the MSB for a Certificate of Conformity or submit samples for testing as appropriate.

Madam Speaker, importers can only commercialise their products upon receipt of a certificate of conformity either from the supplier or from the MSB. I can assure the House that to prevent nonconforming goods from being commercialised, the Consumer Affairs Unit

of my Ministry will carry out checks and controls at the importers premises and on the market as well. However, I should point out that concerning electrical cables and cement, testing of samples are and will still be compulsory.

Let me now come, Madam Speaker, to the amendment proposed in the Banking Act related to the importation of gold by a bank which holds a private banking licence exclusively. The bank will be able to hold, store or sell gold, silver, platinum and other precious metals in the name of its clients. Such activities, of course, will be monitored by the Bank of Mauritius. Such a private bank will also be allowed to offer safety vault services to its clients for valuable items like gold, silver, platinum, precious and semi-precious stones, precious metals, pearls, works of art and collectors pieces or antique and other high value goods as determined by the Bank of Mauritius.

These two measures are not only innovative for our banking sector, but they will also help to propel our financial sector and other sector of the economy to new heights. That was the philosophy behind the Mauritius International Derivatives and Commodities Exchange (MINDEX) project which was announced in the 2016/2017 Budget. The aim of the MINDEX project is to open Mauritius to gold business that will encompass a wide spectrum of high value-added activities, ranging from refinery of gold, production of gold bars, setting up top end jewellery processing units, vault facilities and trading of gold and bullion on the MINDEX. The MINDEX is also meant to facilitate trade in diamond and other precious metals.

For the last two decades, Madam Speaker, Mauritius has been promoting the financial services sector as an important pillar of its economic development. This sector actually represents 11.8% of our GDP and the Government is committed to provide fresh impetus to the sector to boost economic development.

These two measures come at an opportune time when precious metals are becoming one of the 'basic asset class' used in Portfolio Management in the same way as equities and bonds.

Traditionally, precious metals have been used mainly as currency. At a certain stage, transactions regarding precious metals like gold, silver, platinum were done through exchangeable certificates. Nowadays, investors and clients of private banks in the world prefer to invest in physical precious metals rather than certificates. This has now become a common service offered by private banks in the world. The London Bullion Market



Authority (LBMA) is the standard-setting body for this global wholesale market for precious metal production.

Madam Speaker, Mauritius has already a well-established financial sector with a high ranking in the Ease of Doing Business Index. This measure will spur new investments as well as lead to the creation of highly paid jobs.

This new activity will enable the country to widen its platform to include investors, to invest in physical precious metals in private banks in Mauritius. It is also expected that the trading of precious metals by private banks will bring some additional benefit to the Mauritian economy, especially to the manufacturing sector. This will be in the form of high-value and precision business activities, such as diamond polishing, jewellery production from gold, precious metals and coloured stones. We have to ensure that all transactions comply with traceability, transparency and legal requirements which are *sine qua non* conditions for a sound and reputable financial centre.

To conclude, Madam Speaker, as I said earlier in my intervention, today is another important step for the implementation of measures announced in the budget 2018/19. Undoubtedly the amendments proposed will enhance transparency and good governance for a better Mauritius.

The Leader of the Opposition said in his speech that 68 laws are being amended. But for me, Madam Speaker, I need to congratulate the hon. Prime Minister because we should have courage and determination to amend 68 laws and we are doing this in order to pursue our transformative journey.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Jhugroo!

(10.37 p.m.)

**The Minister of Housing and Lands (Mr P. Jhugroo):** Thank you for giving me the opportunity to intervene on the Finance (Miscellaneous Provisions) Bill (No.X1 of 2018).

Madam Speaker, to start with I also take this opportunity to congratulate my friend, hon. Hurreeram, for his election as Deputy Speaker. Seeing you in action tonight, Mr Deputy Speaker, Sir, I should take all precautions not to be ordered out of the House in the future.

Madam Speaker, although this Bill provides for amendments to a number of enactments to give effect to the Budget proposals announced in the Budget Speech

2018/2019, I will focus my intervention on two pertinent amendments being made and which fall under my portfolio. First, clause 48 of the Bill which pertains to amendments to the Morcellement Act and second, clause 68 of the Bill which pertains to an amendment to the Town and Country Planning Act.

Madam Speaker, lately, it has been reported that many big land owners in Mauritius, including Sugar Estates, are subdividing considerable extents of their lands for residential purposes under the *Bail à Construction* Scheme. A *Bail à Construction* is a contract under which a party called the lessor confers on another party called the tenant the right to use immovable property for a certain time subject to the payment of a rent in accordance with the existing provisions of the Morcellement Act. Such a subdivision of land does not fall within a purview of the Morcellement Act as it does not constitute a *Morcellement* as defined by the Act. Consequently, this lacuna in the legislation allowed a number of shortcomings from the evasion of payment of the Morcellement tax, which is presently at a rate of Rs30 for every square meter of land or part thereof to more significant environmental impacts arising from the evidence of assessing the planning, environmental and infrastructural issues which may crop up with the implementation of such project.

Madam Speaker, it is therefore essential to ensure that relevant authorities responsible for, *inter alia*, Land Use Planning and Management, Utilities and Infrastructure are able to assess as to whether a project is being implemented in an integrated manner and in accordance with statutory provisions and established norms. To address this loophole in the current legislation, the scope of the Morcellement Act is being enlarged through an amendment to section 3 of the Act. A *bail à construction* on a plot of land forming part of a larger plot of land other than a State land would now be governed under the Morcellement Act. This will bring, under the Morcellement Act, all types of land subdivisions except those exempted by legislation.

Madam Speaker, with a view to avoiding the applicants of a Morcellement Permit the hassle of providing piecemeal information, the Act will also be amended so that within two weeks of receipt of an application the Morcellement Board will once only, and within a specified time frame, require an applicant to provide any additional information which are required for the processing of his application.

Madam Speaker, I will now move on to the amendment being brought to section 12(3) of the Town and Country Planning Act which may, at first glance, appear to be a very

small amendment. This amendment will enable the Town and Country Planning Board to complete the process for the review of an existing outlined scheme within a shorter time frame. Presently, the law provides a period of three months for representations from the public following the drafting of a new planning scheme or a proposed amendment to an existing scheme. This time frame unduly delays the process of approval more noticeable in the case of minor amendments or partial amendments to a planning scheme.

Madam Speaker, with these words, I will conclude that the amendments being brought through this Bill will allow the smooth implementation of measures announced in the Budget Speech 2018/2019 by the hon. Prime Minister and will strengthen our laws which are related to various economic activities.

Thank you for your attention.

**Madam Speaker:** Hon. Gobin!

(10.43 p.m.)

**The Attorney General, Minister of Justice, Human Rights and Institutional Reforms (Mr M. Gobin):** Thank you, Madam Speaker. At this late hour, I do not propose...

*(Interruptions)*

...to repeat the experience we had last Tuesday, finishing at five in the morning. The hon. Prime Minister has already covered, in fact, all clauses of the Bill. I rise tonight, first of all, to congratulate the hon. Prime Minister in the bold commitment to implement the measures announced in the Budget. This bold commitment to implement has taken the form of a Finance Bill, which is amending 68 legislations in the country.

The point I wish to make tonight is to explain the nature of the Finance Bill; why it is amending 68 legislations and, in the same vein, to answer the point that was made. The Bill was called an 'omnibus legislation'. The Bill has been taxed as amending too many legislations at one go, as if it is the first time that it is happening; as if we are transgressing some kind of rule which does not allow Government to bring such an omnibus legislation. It is an omnibus legislation, yes, but it is not out of the blue that Government makes such an omnibus legislation. This is the point that I want to make tonight. There are two issues here.

First is, how do we come with such an omnibus legislation? Is there a rule which allows Government to make such a Bill? The answer is yes. It is my duty as legal adviser to advise Government. The Rule of Law which allows Government to bring such a Bill

amending 68 legislations is to be found nowhere else than in the Standing Orders of the House. The Standing Order I am referring to is Standing Order 52 (1) (b), and I quote -

“A Finance Bill may, in addition to the measures relating to taxation and national finance announced in a Budget Speech, contain provisions relating to the other measures announced therein and provide for matters connected, consequential or incidental to those measures”.

This is what is at the basis of a Finance Bill which amends 68 legislations at one go. Hon. Members and the public at large will appreciate if we had to amend the 68 legislations by bringing 68 Bills before the House, what would that entail?

The second point I want to make is to amend 68 pieces of legislation at one go, it sounds like as if we want to do it fast or we have something to hide or anything. Not at all! This is the second point I want to make. I want to highlight - and I want to congratulate once again the hon. Prime Minister - to drive the drafting of such a Bill, to vet such a voluminous piece of legislation demands courage, and it has been displayed by the hon. Prime Minister in preparing, drafting such a legislation to bring to the House.

Secondly, the Bill was introduced in the House, if my memory serves me right, on 17<sup>th</sup> of this month. It was allowed to ventilate. Hon. Members had sufficient time to read. Furthermore, a detailed explanatory document was circulated. When I say ‘detailed explanatory document’, I want to differentiate with the normal document which is circulated; usually, which is called the legislations, existing legislations which are to be amended. This is a normal course of things. For this Bill, a detailed document was circulated, once again for hon. Members to read and to digest this omnibus legislation. Here is the document which has been circulated more than 10 days ago, if I am not mistaken. This, Madam Speaker, is the point I wanted to make essentially.

However, since I am on my feet, I have to make just one point - I know it is quite late in the night - concerning my office. Maybe, it is because I have been myself a former State Counsel, this is why I feel that I have to make this point. It relates to the creation of the Legislative and the Litigation Counsel Cadre in the Attorney General’s Office. This has been the intention of successive Governments for a number of years, but no Government has lived up to a commitment to create this cadre; to give the Office of the Parliamentary Counsel sufficient staff and budget to enable the Office of the Parliamentary Counsel to prepare legislation, whether it is primary or secondary legislation. It is this year that the Budget has

announced the creation of the Legislative and Litigation Counsel Cadre in the Office of the Parliamentary Counsel. Budget has been provided for five Legislative and Litigation Counsel to be recruited.

This serves as a good example to show how a Finance Bill, although it is assumed that it will cover only a question of taxation and finances, covers other matters which are incidental. This is the incidental matter, which is covering. It is a creation of new posts; provision of certain amount of money to pay for the salaries and other expenses of those officers. It is at long last we have reached the day where we are going to have this new Cadre together with the Budget, and this will go a long way to assist, not only this Government, but any other Government in the future to implement legislative measures.

Madam Speaker, I want, before concluding, to thank the officers of my Office, particularly the Parliamentary Counsel and her staff, who have put in very long hours over the last few weeks, including weekends to ensure that this Bill comes before the House just a few days after conclusion of the Budget debates. The Government, once again I should say it, Madam Speaker, is committed to implement the measures announced in the Budget Speech 2018/2019. Government is committed to implement the said measures in a timely manner and this Bill is testimony to such a commitment on the part of Government and, more particularly on the part of the hon. Prime Minister himself. This is the point I wanted to make tonight.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Prime Minister!

(10.52 p.m.)

**The Prime Minister:** Madame la présidente, tout d'abord, je dois faire quelques commentaires sur ce qui s'est passé aujourd'hui, au moment où nous sommes en train de débattre le Finance (Miscellaneous Provisions) Bill (No. XI of 2018).

L'alliance Bérenger-Ramgoolam a choisi de partir, et j'espère que la télévision, le peuple mauricien va voir les bancs vides du côté du MMM et du Parti travailliste. Ils ont choisi de démissionner devant leurs responsabilités au lieu d'être là et de participer dans les débats sur cette loi qui est si importante pour le pays, parce qu'on est en train de traduire les mesures du budget en termes de provisions légales qui doivent être amendées.

We have seen the indecorous and the unbecoming way in which hon. Bérenger has conducted himself today, attacking the integrity of hon. Members on this side. *Je crois*

*qu'arrivé à cet âge, après avoir traité les gens de tous les noms tels 'laké sat, Pinocchio, ti-crétin, gro fey' et autres, enfin son répertoire est...*

*(Interruptions)*

Yes, but I have to comment on this.

*(Interruptions)*

Is the hon. Member taking a point of order? No!

Maybe he believes that he is before the Central Committee of the MMM. *Il se croit dans un cirque et il fait le clown. Mais comme a si bien dit l'honorable Danielle Selvon, elle ne sait plus s'il faut en rire ou en pleurer.* And that is why maybe all of them are leaving the Party.

Anyway, Madam Speaker, we could have done something. The number of orators; true it is that a few Members have decided not to intervene, but we have maintained the orators, especially the Ministers who have the responsibility with regard to a number of legislations that are being amended today.

Madam Speaker, let me thank all the Members who have contributed to the debates on the Finance (Miscellaneous Provisions) Bill, and I thank the hon. Leader of the Opposition also. We might not agree, but at least Members of the PMSD are here and he has intervened. He has at least given his opinion on the number of amendments that are being made. But we have no doubt that the amendments made to the various legislations will modernise and update the legal framework that governs the development of our country and will improve the effectiveness of our policies.

As I have pointed out earlier in my Second Reading speech, Madam Speaker, the main highlights of the Bill - and I want to repeat - are -

- (i) consolidating the regulatory framework for the financial services sector;
- (ii) fostering reforms in the Global Business Sector;
- (iii) the new taxation and other fiscal measures;
- (iv) improving the Ease of Doing Business;
- (v) the fight against money laundering and prevention of terrorism, and
- (vi) other miscellaneous amendments that have been made.

One main highlight is about consolidating the regulatory framework for the financial services sector. Various amendments also propose to consolidate the legal framework for

better compliance with the Anti-Money Laundering and Combating the Financing of Terrorism system to improve the reputation and image of Mauritius as an international financial sector.

My colleague, the hon. Minister of Financial Services and Good Governance has intervened and has made some remarks with regard to those amendments that are being brought. But I would like to inform the House that technical assistance has been sought from the IMF to assist Government in the development of the National AML/CFT strategy and action plan. In fact, the IMF will also assist us in the drafting of additional amendments, as may be necessary, to ensure both technical and effective compliance with international standards.

Let me also address some of the main concerns that have been raised during the debate by the hon. Leader of the Opposition. With regard to the Banking Act, he says that there is lack of transparency on exemption to be granted by the Bank of Mauritius to private banking operators. Well, the Bank of Mauritius will issue guidelines on exemption granted on private banking activities for the sake of transparency and for the benefit of all operators in the sector. These will be publicised and will form part of the licence that will be given. I must say that the Bank of Mauritius is the sole regulator for all banking activities, including private banking. In fact, the FSC regulates investment banking, which is not banking business, but only advisory.

With regard to the issue that you raised concerning the minimum share capital of Rs200 m. which is not sufficient and should be Rs400 m., well, hon. Sinatambou has made the point, with which I totally agree. But we will see in time to come if there is any need to increase that. We will review if the situation justifies.

You also made a remark that the Deputy Governor of the Bank is seen in the corridors of the Prime Minister's Office and, therefore, the Bank has lost its independence. I do not think you really believe in that when you said it, because the Bank of Mauritius is independent. But you must understand. I think you have been Minister of Finance...

**Madam Speaker:** Do not talk directly to the hon. Leader of the Opposition.

**The Prime Minister:** I am not. I am looking at all sides.

**Madam Speaker:** But you are addressing him 'you'.

**The Prime Minister:** But, Madam Speaker, the Leader of the Opposition has been Minister of Finance, and I know, he knows very well that there must be - the Bank of Mauritius is independent, but there are consultations that are held with the Bank of Mauritius. Yes! I mean you did not do it! Well, then it is terrible, because you cannot run a country, you cannot manage a country if you are not in consultation - either the Bank of Mauritius or myself - with the Bank of Mauritius. And I do not expect all the time that the Governor of the Bank will be moving and coming to see the Prime Minister. So, obviously, why there are Deputy Governors is because there are certain things that the Deputy Governors will be requested to share with Government or to impart information to Government, and that is done with the Minister of Finance. And I am not hiding. I am not saying 'no, he doesn't come'. There are, there have been, and there will continue to be consultations.

The other point that has been made is excess funds collected by STC for subsidy to be redistributed to consumers. My colleague Minister Gungah has replied to that. He is talking about the reserves. It is good to remind the people how the STC had been dilapidating funds in the past through their hedging exercise, the catastrophic hedging exercise that they had been doing. How many billions of rupees have been lost, whereas STC now is managing the funds in such a way - and Minister Gungah has just mentioned, I am not going to repeat again - that the number of measures that have been taken are in the interest of consumers generally, especially the *ti-dimoune*.

*(Interruptions)*

**Madam Speaker:** Hon. Jhugroo!

**The Prime Minister:** With regard to when the National e-Licensing come into operation, well, I am informed that the first phase of the National e-licensing system shall come into operation next month. It is ongoing, but it is a major work that will be undertaken because, at the end of the day, we want a lot of applications for licences to be made online.

In regard to private investment that keeps on falling, well, there are several projects in the pipeline amounting to around Rs50 billion already approved in the Fast Track Committee for the next three years and, I am sure, this will certainly have a positive impact on private investment figures in the months to come.

In regard to Film Promotion Fund, how much tax is estimated to be credited in the fund? Well, it will depend, Madam Speaker, on the level of qualifying expenditure of films produced locally. Initially, it is estimated that around Rs650 m. will accrue to the Fund



annually and the percentage will be laid down in regulation. You talk about Serenity. Obviously, I have to seek information. But I am told that it will be launched in October 2018 and I am sure that the country will reap many more benefits than the costs that have been associated with the film. Already, Madam Speaker, I am told that the rebate that had been paid to the film producers, amounts to around Rs214 m. But we have already recouped Rs98 m. in form of several taxes, quite apart from the fact that - I hope - it will bring publicity to Mauritius and will probably attract more tourists to visit us.

You made the point also that EDB will decide for itself on how much rebate and so on. Well, sometimes I do not understand. When we give independence to an institution of competence, like the EDB, we are told that now we are being criticised, 'They are the only ones to decide'. When Government will have a word, have a say in their affairs, let's say in a decision that has to be taken, then, there is interference of Government. So, I do not know; in any event you lose. But we have chosen to give the EDB the independence to decide and, of course, they have their officers, they have people of calibre, competent people who are going to manage this scheme. Obviously, we are going to monitor, we are going to follow up on this and if there is anything that has to be said, we will tell them, but it will be up for them to decide and to allocate in terms of type of film, what kind of rebate should be given. So, we have trust in the EDB.

Now, you talked about what has happened to KPMG. Well, I am told that necessary actions will be taken by the authorities' concerned against that audit firm. And then, you mentioned about the inequality and unfairness of the GRA in the Hotel-Casino Licence. The licence fee, I am told, and the rate of gaming tax is lower because, first of all, it is restricted for access to tourists as it will be provided in the conditions of the licence. It is not going to be open. It is not like we are giving a licence to a hotel for them to operate a business, a gambling or casino business, and open to everybody. It is going to be limited only to foreigners.

And secondly, I am told that being seasonal, the hotels cannot guarantee a constant flow of players as compared to local casinos and gaming houses, where there is already an established *clientèle*.

A policy decision has already been taken at the level of GRA Board to grant Hotel-Casino Licence only to hotels having four stars and above. And in addition, the licence will be issued to hotels with a minimum qualifying number of rooms and certainly not ten rooms.

But I will go further, even if, let's say there is a hotel having ten rooms and they are able to run a casino that will allow only foreigners to come. So what? I have no problem with that. It is not going to affect the local population and we are certainly not propagating gambling amongst Mauritians.

The Lotto! You made some remarks about the Lotto having a second draw, which is what it always wanted. Well, we must realise that there was a case before the Court where they had claimed damages of more than Rs500 m. but the matter was referred to the Mediation Court, and there, there was an agreement to the effect that –

- (i) Lottotech Ltd be taking over the *Lotterie Vert*, which was making huge losses, so as to safeguard the National - so as to safeguard employment also, that is, 47 employees below the age of 55;
- (ii) Government will obtain 47.16% of the net proceeds, although it is a slight increase, but still, and
- (iii) In consideration for the above, the Lottotech Ltd will be allowed to renew its licence for two periods of five years plus a second lotto draw.

With regard to the Income Tax Act, currently global trading is exempted from income tax under the Freeport regime and a tax of 3% will now be imposed.

And lastly, for the holders of gaming licence that are paying double licences, both at GRA and Local Government, - because you made the point why is it that now it would not be licenced by Local Government - it will be licenced by GRA because, in some cases, they were paying double licences. So, the amendment will bring more fairness in the system and will rationalise the payment at one place, that is, the GRA.

And I am also informed that Ti Vegas is suing Government now for Rs200 m.

*(Interruptions)*

Yes, I hope we can ...

Before concluding, Madam Speaker, I would also like to respond to the criticism that has been made as to the large number of legislative amendments that have been brought in the Finance Bill. My colleague, the Attorney General, has talked about it. I must say that we made it a point to circulate the Bill on 17 July and we are debating the Bill today, 31<sup>st</sup>. That is nearly two weeks.

Hon. Bérenger had the cheek to say, in one of his Press conferences, that I went on a private visit abroad and that I was absent for this Bill. What has this got to do?

*(Interruptions)*

I think he is losing his head! But, anyway, the Bill has been circulated since two weeks. The hon. Leader of the Opposition knows - I mean, the ins and outs, I would say, of quite a number of those legislations, and we have nothing to hide. If we wanted certain things to go by, let's say, *inaperçus*, we could have kept the Bill, we could have circulated it, let's say, a few days before or one week before, but we chose to give time, let it be ventilated, let Members have, not only time for themselves to peruse the Bill, but also to seek advice because we are not experts in all fields. We need to seek advice sometimes from people who are knowledgeable in certain areas.

I think two weeks is more than enough for Members to have been able, at least, to gather information. So, therefore, you can take it from us that we had nothing to hide. It is being debated. Any Member would be free to say anything, any comment, in fact, any criticism also that they wish to make with regard to this Bill.

The number of amendments in the Bill, in fact, reflects the number of measures and policy changes that I have announced in the Budget Speech and this has always been the case. In any Budget, whatever amendments have to be brought to any legislation, they have to be brought before this House because we cannot otherwise give effect to the measures that have been announced in the Budget and then people will accuse us of *effets d'annonce* and nothing happening. Now, we have to implement those measures as quickly and as effectively as possible, in order, to achieve the objectives that this Government has fixed.

So, let me thank all my colleagues who have intervened, the hon. Leader of the Opposition also who has intervened on this Bill. As I said, we could have gone home earlier, but we chose to stay because it is a serious matter. The people of Mauritius expect our contribution with regard to this Bill and I salute the fact that the PMSD is here and has contributed in the debate.

Thank you.

*Question put and agreed to.*

*Bill read a second time and committed.*

## COMMITTEE STAGE

*(Madam Speaker in the Chair)*

*The Finance (Miscellaneous Provisions) Bill (No. XI of 2018) was considered and agreed to.*

*On the Assembly resuming with Madam Speaker in the Chair, Madam Speaker reported accordingly.*

### *Third Reading*

*On motion made and seconded, the Finance (Miscellaneous Provisions) Bill (No. XI of 2018) was read a third time and passed.*

## ADJOURNMENT

**The Prime Minister:** Madam Speaker, I beg to move that this Assembly do now adjourn to Friday 03 August 2018 at 3.00 p.m.

**The Deputy Prime Minister rose and seconded.**

*Question put and agreed to.*

**Madam Speaker:** The House stands adjourned.

## MATTERS RAISED

(11.23 p.m.)

### **JARDIN DE LA COMPAGNIE - HAWKERS**

**Mrs A. Perraud (First Member for Port Louis North & Montagne Longue):** Madame la présidente, ce soir ma question est adressée à la ministre des Collectivités locales, l'honorable Madame Fazila Daureeawoo. Il s'agit du Jardin de la Compagnie de Port-Louis.

La rumeur circule et elle est persistante que les autorités vont héberger les marchands ambulants dans le jardin. Cette nouvelle est inquiétante ; elle est alarmante lorsque nous imaginons l'invasion de ce lieu par les marchands. Nous sommes pour reloger les marchands, leur donner un endroit où ils pourront travailler en toute quiétude mais pas en sacrifiant le bijou de la capitale. Il est bon de rappeler que le Jardin de la Compagnie est un endroit historique qui appartenait à l'époque à la compagnie des Indes. Ce lieu est intimement lié à l'histoire de Port-Louis. C'est un des lieux incontournables de la capitale.

Le Jardin de la Compagnie abrite quelques arbres centenaires au cœur de la capitale, suffoquant sous les bétons et c'est le seul endroit verdoyant de Port-Louis. Alors, la question a été soulevée au conseil municipal de Port-Louis mais la réponse n'a pas été claire. Alors, je vous la pose directement ce soir. Est-ce que vous pouvez éclairer la Chambre ? Est-ce que le Jardin de la Compagnie va abriter les marchands ambulants ?

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** To my knowledge, it has not been decided yet. There was a request, but it has not been decided. I will look at it personally.

**Madam Speaker:** Hon. Ms Sewocksingh!

### **RHEUMATIC & MUSCULOSKELETAL DISEASE – TREATMENT**

**Ms M. Sewocksingh (Third Member for Curepipe & Midlands):** The matter is addressed to the hon. Minister of Health and is related to the treatment of rheumatic and musculoskeletal disease, which seems to be a very painful and depressing disease, Madam Speaker. It has been noted that hospitals providing biologics to a handful of needy patients, has suddenly stopped since January, apparently, due to cost issues. There are some 18 patients who are urgently requiring this treatment.

Treating rheumatologists have made several requests to the M.O.H to renew their treatment. There was also a lady who intervened in one of the private radios and hon. Sinatambou even assisted to that lady. Madam Speaker, I have also been told that there is only one person who is receiving that treatment right now, so, for some reasons and I don't want to bring this issue into politics. So, I would request the hon. Minister if he could kindly look into the matter and try to see how his Ministry can assist these needful patients. Thank you.

**Dr. Husnoo:** Thank you, Madam Speaker. As far as rheumatic diseases are concerned, there are some very difficult cases, some very severe cases and if I understand very well, we have a subcommittee in the Rheumatologist Department who decide. They meet regularly and discuss about these difficult cases. And when they decide that somebody needs one particular treatment, be it expensive, we normally approve it. Anyway, I am going to look into it. I know there is this subcommittee there, but I am going to look into it. Thank you.

**Madam Speaker:** Hon. Henry!

## EDUCATORS – RECRUITMENT

**Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien):** Ma requête va vers la ministre de l'éducation au sujet du recrutement d'enseignants pour le langage créole qui a provoqué beaucoup de frustrations parmi des jeunes diplômés car il y a eu un appel de candidatures pour remplir ce poste. Il y a eu 150 candidats avec comme critères un degré en kreol morisien, mais aucune candidature n'a été retenue.

Il y a eu six enseignants du primaire qui ont été promus au secondaire alors qu'ils n'ont pas de degré alors que le dernier batch de l'université de Maurice, il y a 18 étudiants qui ont fait leur degré et qui ont obtenu leur degré. Et même parmi certaines de ces personnes qui ont eu des degrés, il y en a même qui sont des *Supply Teachers* en ce moment même en secondaire qui ont postulé pour ce poste mais n'ont pas été retenus.

Les parents de ces étudiants sont frustrés. Ils ont passé leur temps à faire des sacrifices pour que leurs enfants puissent avoir un degré et on a promis que le langage était un métier d'avenir, mais là, ils se sentent vraiment laisser-sur-place parce qu'ils ont tout fait pour essayer d'avoir l'attention de la ministre. Ils se posent même des questions, ils se demandent s'ils n'ont pas perdu leur temps d'aller étudier le langage créole à l'université de Maurice ?

Donc, je demande au ministre de bien vouloir reconsidérer le cas de ces 18 élèves qui ont obtenu un degré à l'université de Maurice pour qu'ils ne soient pas découragés et pour qu'ils puissent voir l'avenir pleinement.

**The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L.D. Dookun-Luchoomun):** Madame la présidente, j'aurais voulu attirer l'attention de l'honorable membre que le recrutement des professeurs se fait à travers la PSC et que le ministère n'a aucun rôle, aucun regard dans le recrutement des enseignants. J'ai appris par voie de presse qu'il y a eu du mécontentement au niveau des jeunes qui ont terminé leurs études.

Je dois dire que le ministère n'a aucun rôle, aucun contrôle là-dessus. De toutes les façons, j'ai eu la demande d'un *lecturer* de l'université pour un rendez-vous et je lui ai donné rendez-vous pour vendredi, mais je dois dire clairement que le recrutement ne se fait pas au niveau du ministère.

**Madam Speaker:** Hon. Abbas Mamode!

**Mr Abbas Mamode:** I have two issues, Madam Speaker; one concerns the hon. Prime Minister and one your good office.

**Madam Speaker:** I will allow you one and the other one after hon. Lepoigneur, if there is still time.

#### AGALEGA - MBC RELAY

**Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East):** I will address myself to the hon. Prime Minister. In my Constituency in Agaléga, we have a problem of reception of MBC for the last two weeks. So, I would request the hon. Prime Minister to look urgently into the matter and that a solution be found at the earliest. Thank you.

**The Prime Minister:** Well, this is serious because we normally would wish MBC to be able to relay and broadcast everywhere, including Agaléga. So, if for the past two weeks they have not been able to *recevoir la* MBC, of which I am not aware, but since the hon. Member raised it, I shall obviously look into it with the MBC.

**Madam Speaker:** Hon. Lepoigneur!

#### GROS CAILLOUX, MORCELLEMENT MARTELLO – ENVIRONMENTAL MONITORING PLAN

**Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière):** Merci, Madame la présidente. Ma requête s'adresse au ministre de l'environnement concernant le Morcellement Martello, à Résidence Belle Eau, à Gros Cailloux. Il y a eu pas mal de permis qui ont été demandés. Le EIA licence, ils ont déjà eu, mais ils attendent toujours et le projet a été bloqué depuis plus de huit mois par rapport à *Environmental Monitoring Plan* qui n'a pas été alloué jusqu'à l'heure. D'après mes renseignements ça prend deux mois, mais, malheureusement, il y a eu beaucoup d'acheteurs qui ont versé 35 % et il y a d'autres 50 %. Ils ont pris des emprunts, ils sont en train de rembourser leurs emprunts et le projet est bloqué. Les gens se posent la question : si ce n'est pas une vendetta politique par rapport à *bal couleur* et c'est le même promoteur qui avait mis un *case* contre l'honorable Dayal et les clients sont pénalisés. J'ai une pile de documents à déposer pour le ministre. S'il peut voir un coup et revenir vers ces gens après. Merci.

**The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou):** Thank you, Madam Speaker. There is certainly no such thing as a political vendetta in this case. I have had the opportunity of getting some information. The EIA licence was granted months ago, in fact, since 2016, if I am not mistaken. Now, the proponent need to have, as rightly said by the hon. Member, an Environmental Monitoring Plan (ENP) to be approved.

Now, it is not right to say that it takes two months. It can take any number of months depending on the nature of the work to be provided, on the nature of the plan to be provided. Now, the Environmental Monitoring Plan is more or less a plan of works provided for approval to my Ministry for Environmental Monitoring. And at this juncture I am informed that a number of authorities intervened and it is there that the shoe is pinching.

The promoter wants to construct a culvert or a cut-off drain and this has not been approved by the relevant authority, and the promoter has chosen to initiate legal proceedings before the Supreme Court. So, there is nothing any Ministry can do. The matter is before Court and has to be adjudicated upon, and that has happened because it is the proponent himself, the vendor who has chosen to initiate legal proceedings.

**Madam Speaker:** Hon. Abbas Mamode!

#### PARLIAMENTARY QUESTIONS – WRITTEN ANSWERS

**Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East):** Yes, Madam Speaker. There are, at present, around 150 PQs, whose replies as written, have not been received yet. There are even PQs addressed to the hon. Prime Minister himself. So, please, look into the matter.

*At 11.34 p.m., the Assembly was, on its rising, adjourned to Friday 03 August 2018 at 3.00 p.m.*

#### WRITTEN ANSWERS TO QUESTIONS

##### CANNABIS – MEDICAL USE

**(No. B/781) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to Cannabis, he will state if Government will consider the carrying out of an in-depth study regarding the use thereof for



medical purposes in the light of the proposed descheduling thereof from the UK Dangerous Drugs Act, especially following a case in which the UK Government issued an emergency licence at the Heathrow Airport in June 2018 to allow B. C., a twelve year old patient to be treated by a bottle of medical Cannabis oil.

**Reply (Minister of Health and Quality of Life):** I would like to point out that in the recent report of the Commission of Inquiry on drugs, it has been recommended that, I quote “since the WHO has not yet recognised and recommended the use of Cannabis for medical use, pending the findings of further in-depth research, the Commission recommends utmost cautious before introducing medical Cannabis”.

In this respect, Government will not consider the carrying out of an in-depth study regarding the above case as we stand guided by the recommendation of the World Health Organisation (WHO).

#### **VALLÉE DES PRÊTRES & CITÉ LA CURE – POLICE STATION**

**(No. B/783) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to Vallée des Prêtres and Cité La Cure, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if consideration will now be given for the urgent setting up of a Police Station thereat, in view of the recent increase in the number of reported cases related to law and order cases and of the increase in the size of the population thereat and, if so, indicate the proposed location thereof.

**Reply:** I am informed by the Commissioner of Police that as at now, Vallée des Prêtres and Cité La Cure are adequately policed by Abercrombie Police Station. The construction of a new Police Station thereat is not envisaged.

However, I wish to point out that, in addition to Police Officers from Abercrombie Police Station, on a daily basis, Police Officers from other Units and adjuncts of the Force, such as Traffic Unit (North) and Traffic Unit (South) supported by Divisional Traffic Police (DTP), ERS and Police Bike Patrol are also being deployed in these regions for undertaking fixed point duties at main junctions and other specific places, foot and mobile patrols,

assisting pedestrians at crossing zones, preventing the operation of illegal hawkers, enforcing the road traffic regulations and preventing other crimes, amongst others.

I am also informed that as part of Police Hot Spot policing, a Police vehicle is deployed at Cipailles Brillée situated between Cité La Cure and Vallée des Pretres on a 24/7 basis. Police is also considering the possibility of providing a mobile Police Post in the region in order to be closer to the inhabitants thereat.

### **POLICE NORTHERN DIVISION – IRREGULARITIES – BOARD OF INQUIRY**

**(No. B/784) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the ten Senior Officers who acted as Divisional Commanders at the Northern Division during the period when irregularities pertaining to the 918 cheques totalling Rs14,157,247.00 occurred and against whom a Board of Inquiry recommended the institution of disciplinary actions, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the rank thereof, indicating where matters stand as to the disciplinary actions initiated against three of them.

**Reply:** I am informed by the Commissioner of Police that the Board of Inquiry, which was set up to look into the irregularities pertaining to the 918 cheques collected during the period from 01 January 2014 to 31 March 2015, recommended, *inter alia*, that disciplinary proceedings be instituted against the Senior Police Officers who acted as Divisional Commanders of the Northern Division during the said period. The Senior Police Officers comprised eight (8) Assistant Commissioner of Police (ACPs) and two (2) Superintendents of Police (SPs).

As at date, seven (7) of the Officers have retired and only three (3) of them are still in service.

The explanations of the three (3) Officers have been sought and obtained. In the same breath, the case of “Alleged Embezzlement” (OB 275/15 – CCID) at the Northern Division Headquarters, was referred to the Director of Public Prosecutions. The case file was returned to the Police (Central CID) in May 2018, with the advice to enquire into certain fiscal avenues.

In the light thereof, the Central CID is reorienting its investigation. It is only on the basis of the outcome of this investigation and advice of the Director of Public Prosecutions

that appropriate actions can be considered against all officers concerned, including the three (3) Officers in question.

### **SEBASTOPOL VILLAGE COUNCIL - COUNCILLOR - COMPLAINT**

**(No. B/785) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)**

asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the complaint made by Mr H. S., Councillor at the Sebastopol Village Council, against an officer of the Central Investigation Division in relation to an alleged case of kidnapping, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the actions, if any, taken against the said officer.

**Reply:** I am informed by the Commissioner of Police that pursuant to Section 10(2) (c) of the Independent Police Complaints Commission (IPCC) Act 2016, Police have a legal obligation to forward any complaint made against any Police Officer on any act, conduct or omission in the discharge of his functions to the Independent Police Complaints Commission for investigation. Police cannot investigate further into such complaints.

In the light of the foregoing, the complaint made by Mr H.S. against a Police Officer on 17 July 2018 at Montagne Blanche Police Station was referred to the Independent Police Complaints Commission on 18 July 2018.

Moreover, Section 16(1) of the IPCC Act provides that on completion of an investigation, the Commission has to make an assessment and form an opinion as to whether or not the subject matter of such complaint has or may have occurred. It is then for the Commission to decide as to whether the matter has to be referred to -

- (a) the Director of Public Prosecutions, with a recommendation that the Police Officer be prosecuted for a criminal offence;
- (b) the Disciplined Forces Service Commission, with a recommendation that disciplinary proceedings, or such other action as the Commission considers desirable, be taken against the Police Officer, or
- (c) the Attorney General, with a recommendation that the complainant or his representative be paid such compensation or granted such relief as the Attorney General may deem appropriate.

In view of the above, Police will stand guided by the decision of the Commission regarding any action against the Police Constable. As at date, the Officer is still in service.

### **TI BEL AIR - HOUSING UNITS - BENEFICIARIES**

**(No. B/787) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Housing and Lands whether, in regard to the NHDC Housing Estate at Ti Bel Air, he will, for the benefit of the House, obtain from the National Housing Development Company Ltd., the list of the beneficiaries thereof, indicating when the housing units will be delivered thereto.

**Reply:** I am informed by the NHDC Ltd that 73 housing units have been constructed out of which 62 housing units have been allocated at Residence Pierre de Lune, Petit Bel Air Housing complex.

The housing units were delivered to the beneficiaries on 27 July 2018. The list of beneficiaries will be placed in the Library of the National Assembly.

### **FLACQ - PUBLIC SERVICE VEHICLE (TAXI) LICENCE – ISSUE**

**(No. B/790) Mr K. Tarolah (Third Member for Montagne Blanche & GRSE)** asked the Minister of Public Infrastructure and Land Transport Whether, in regard to the Public Service Vehicle (Taxi) Licence, he will, for the benefit of the House, obtain from the National Transport Authority, for the years 2014, 2015, 2016 and 2017, the number thereof issued in the region of Flacq, Bel Air, Montagne Blanche and Olivia respectively, indicating the number of drivers booked for illegally operating taxi services thereat?

*(Withdrawn)*

### **DRIVING SCHOOLS - MOTORCARS**

**(No. B/791) Mr A. Duval (First Member for Curepipe & Midlands)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Driving Schools, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the names of the persons authorized to operate same, indicating in each case, the number of authorized driving school cars

**Reply:** I am informed by the Commissioner of Police that as at 27 July 2018, one hundred and thirty-seven (137) persons have been issued with a licence to operate a driving school for motorcars.

Furthermore, in accordance with Regulation 4 (c) of the Road Traffic (Driving Schools and Instructors) Regulations 1966, any licensee of a driving school may own a dual

control motor car with either an automatic or manual transmission or both. Out of the 137 driving school licensees, fifty (50) own two motor cars whilst the remaining eighty-seven (87) own one motor car.

I am tabling the information requested for by the hon. Member.

### **CANE LANDS - ABANDONMENT**

**(No. B/794) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Agro-Industry and Food Security whether, in regard to the Rs 50 million earmarked to bring back the 500 hectares of abandoned land under cane cultivation in fiscal year 2017/2018, he will state the –

- (a) amount of funds used as at to date, giving a breakdown thereof, and
- (b) number of hectares of land –
  - (i) brought back under cane cultivation, giving details thereof and
  - (ii) standing in an abandoned state as at to date.

**Reply:** To address the issue of abandonment of cane lands, a provision of Rs50 m. was made for bringing back, at least 500 hectares, under cane cultivation in the 2017/2018 Budget.

This measure is being implemented by the Mauritius Cane Industry Authority (MCIA) under the Cane Replantation Scheme.

Under the Cane Replantation Scheme, assistance, both for land preparation and replanting the fields, is provided to planters who are in the process of abandoning their land when reaching the end of the crop cycle.

In addition, the purchase of cane cuttings by planters for the purpose of replanting is also subsidised under this scheme.

The assistance consists of the payment of a cash grant of Rs71,000 per hectare (about Rs30,000 per *arpent*) replanted to planters.

The payment of the cash grant is effected to the land owners only after the MCIA has certified that all the operations related to cane replantation has been successfully carried out in the field.

For the purpose of implementing this scheme, the MCIA has, at end of June 2018, already signed a contract agreement with 600 planters for a total extent of around 554 hectares.

As regards part (a) of the question, I am informed by the MCIA that, as at 30 June 2018, a sum of Rs22,333,916 has been disbursed, out of which Rs22,275,916 has been paid

as cash grant to 376 planters and a sum of Rs58,000 paid as subsidy on the purchase of cane cuttings.

In respect to part (b) (i) of the question, for period July 2017 to June 2018, an extent of 327.409 hectares have been replanted under this scheme.

The remaining 206 hectares, owned by some 224 planters, are scheduled to be planted during the *petite saison* period of 2018.

It is to be noted that due to unfavourable climatic conditions that prevailed during the first semester of 2018, progress in land preparation and planting operations were slowed down.

As regards part (b) (ii) of the question, I am advised by the Sugar Insurance Fund Board (SIFB) that the extent of land under sugar cane which had moved out from sugar cultivation during the last 10 years is estimated to be around 15,800 hectares.

It is worth to note that part of the land which has moved out of sugar cane has been used for the production of other crops and for infrastructural, residential and other developments.

It is estimated that for period 2011 to 2015, some 5,000 ha of land is considered to be in an abandoned state.

The extent of land belonging to small planters is estimated to some 2,400 ha.

I wish to inform the House that the MCIA is, with the assistance of the State Informatics Limited, is developing an Electronic Data Management System, which would be able to indicate, with precision, the extent of abandoned land, which were previously under cane cultivation.

### **SKILLS AND ENTREPRENEURSHIP DEVELOPMENT PROGRAMME - TRAINEES**

**(No. B/796) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Agro-Industry and Food Security whether, in regard to the Young Entrepreneurs Sheltered Farming Park Project, he will state the –

- (a) terms and conditions thereof, and
- (b) number of beneficiaries thereof, indicating their respective names and addresses.

**Reply:** I wish, at the outset, to inform the House that my Ministry is not engaged in any Young Entrepreneurs Sheltered Farming Park Project as such.

I presume that the hon. Member is referring to the ‘Skills and Entrepreneurship Development Programme’ being implemented by my Ministry.

The Skills & Entrepreneurship Development Programme is a pioneer one. It is so designed to provide a package of incentives aiming primarily at facilitating entry of educated youths in the non-sugar agriculture subsector and leverage as well their capacity to develop self-employment opportunities through venture in primary production activities.

For the purpose of the programme at start-up phase, a sheltered farming park has been constructed on State Land at Plaine Magnien by the Ministry of Agro-industry & Food Security.

Production facilities thereat along with ancillary accompanying support have been made available to a first group of trainees enrolled under the said programme who will be given opportunity to use same during a 12-month incubation period, set to end in March 2019.

With regard to part (a) of the question, I am informed that the said Skill & Entrepreneurship Development Programme targets younger segment of the Mauritian population, aged 35 years at the maximum, who are educated to tertiary level, with experience, if not, interest in primary agricultural production ventures, and do not hold any permanent employment at time of application.

With regard to part (b), I wish to inform the house that –

Out of 52 applicants who responded to a public call for Expression of Interest in the programme launched by my Ministry in May 2017, ten (10) were screened following an appraisal conducted by an interview panel and have been enrolled as trainees.

I am laying in the Library of the National Assembly a list of the ten trainees indicating each name and address.

#### **RESIDENTIAL CARE INSTITUTIONS – CAREGIVERS - TRAINING**

**(No. B/797) Mrs A. Perraud (First Member for Port Louis North & Montagne Longue)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the caregivers in Residential Care Institutions, she will state where matters stand as to the setting up of an institution for the training thereof.

*(Withdrawn)*

#### **CHILDREN SHELTERS – CAREGIVERS - AGGRESSION**

**(No. B/798) Mrs A. Perraud (First Member for Port Louis North & Montagne Longue)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the children shelters, she will state the number of reported cases of aggression on the caregivers by the inmates thereof since January 2017 to date, indicating the measures that have been or will be taken to address the issue.

*(Withdrawn)*

**DOMESTIC VIOLENCE - COMMAND CENTRE - SETTING UP**

**(No. B/799) Mrs A. Perraud (First Member for Port Louis North & Montagne Longue)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the proposed setting up of a Command Centre to help the victims of domestic violence, she will state where matters stand

*(Withdrawn)*