



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**(UNREVISED)**

**FIRST SESSION**

**TUESDAY 02 JULY 2019**

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**(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
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Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade
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**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 21 of 2019**

**Sitting of 02 July 2019**

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

**The National Anthem was played**

*(Madam Speaker in the Chair)*

**PAPERS LAID**

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

**Prime Minister's Office**

- (a) Certificate of Urgency in respect of the following Bills (In Original):
  - (i) The Declaration of Assets (Amendment) Bill (No. XII of 2019);
  - (ii) The Constitution (Amendment) Bill (No. XIII of 2019); and
  - (iii) The Political Financing Bill (No. XIV of 2019).
  
- (b) The Annual Report of the Civil Status Division for Financial Year 2017-2018. (In Original)

**ORAL ANSWERS TO QUESTIONS****VICTORIA URBAN TERMINAL PROJECT**

**The Leader of the Opposition (Mr X. L. Duval)** (*by Private Notice*) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Victoria Urban Terminal, he will state –

- (a) if the lease agreement for the 5.25 *arpents* therefor has been signed, indicating the annual lease rental;
- (b) the interim arrangements that will be made for the passengers of the Metro Express pending the coming into operation thereof, and
- (c) whether, in the light of the cost involved, feeder buses will be provided free of charge to and from the Urban Terminal.

**Mr Bodha:** Madam Speaker, with your permission, I will answer this Private Notice Question.

Madam Speaker, I have had the opportunity on many occasions to explain to the House the rationale behind the decision of Government to implement the Urban Terminal projects in reply to several PQs on urban terminals and the Metro Express project. The Urban Terminal project is a major component of the regeneration of the urban landscape in Mauritius along the corridor from Port Louis to Curepipe with the forthcoming operation of the Metro Express project. Mauritius needed an affordable new mass transit system along with a network of modern integrated urban terminals comprising parking facilities, food court, office space, commercial space, dedicated hawker areas and green spaces.

The urban terminals will normally provide the following facilities –

- (i) a modern and visually aesthetic bus terminal of an extent with enough bus bays to ensure a modern and efficient transportation network;
- (ii) office space;
- (iii) a Hawker area to accommodate hawkers in a secured controlled space, which will benefit from the flow of passengers;
- (iv) parking facilities;

- (v) a pedestrian link (“*esplanade*”) to link the terminal with the Metro Express Terminal;
- (vi) green space;
- (vii) a taxi stand, and
- (viii) commercial spaces and other amenities.

The Victoria Urban Terminal will also include the restoration of the ex-NTA Building, which is a listed building under the National Heritage Fund Act.

The whole project will involve private investment with a tune of Rs1.9, billion out of which Rs350 m., Madam Speaker, will go to the restoration of the listed stone building.

The project will have numerous economic benefits such as creation of employment, generation of trade and improvement of infrastructure in general. It will also have social impacts such as a new facility for 1,000 hawkers, 616 buses operating along the 46 bus routes, 100,000 commuters and 50 taxis currently operating at the Victoria terminal.

Following discussions with various stakeholders and authorities concerned about the best model to be adopted for the implementation of the urban terminals, Government agreed that the most appropriate model would be a lease model, as in the cases of hotel, industrial and other large scale projects.

The urban terminals will be implemented on a design, finance, build, operate and maintain basis. The lease will be for a 60-year period and may be considered for renewal under such terms and conditions as may be decided by the Government.

Madam Speaker, following approval of Cabinet, my Ministry invited proposals through a Request for Proposal (RFP) exercise on 19 December 2016. The closing date was 15 February 2017.

Some 20 companies expressed their interest to submit proposals for the project. However, by closing date, six of the interested companies formed a Consortium comprising the following companies and submitted a common proposal –

- (i) General Construction Co. Ltd;
- (ii) IBL Ltd;
- (iii) Innodis Ltd;

- (iv) Promotion and Development Ltd;
- (v) Rose Hill Transport Bus Service Ltd, and
- (vi) Transinvest Construction Ltd.

And Transinvest Construction Ltd is the leading company in the Consortium.

An evaluation team comprising the representatives of the relevant Ministries, including the Ministry of Finance, the Ministry of Housing and Lands, my Ministry, City Council of Port Louis, amongst others, they did an evaluation exercise. And following an evaluation of the proposal received, it was considered that it was in conformity with the requirements of the RFP.

The Consortium was notified of the acceptance of their proposal. Subsequently, with a view to making the project financially viable, the Consortium made a request that consideration be given by Government for a series of incentives, especially given that around 70% of the land is being earmarked for public and recreational purposes such as bus terminal, taxi stand, overhead bridge, green spaces, amongst others.

An Inter-Ministerial Committee was set up to look into the incentives that could be given. It was accordingly agreed to provide the following fiscal incentives and support to all terminals, that is, to apply the –

- (a) Smart City Incentives.

The following fiscal incentives provided under Smart City Scheme will be provided to the promoters of all urban terminals –

- (i) an 8-year corporate tax holiday on income generated from development and sale, rental and management of immovable property;
- (ii) exemption of Value Added Tax on capital goods (building, structure, plant, machinery or equipment) for the first 8 years, and
- (iii) exemption of Customs Duty on imports of materials, machinery, equipment and other inputs for the development and construction of the terminal, including on furniture in semi knocked down from a condition that at least 20 per cent local value addition is incorporated therein.

**Mr X. L. Duval:** On a point of order. My question is specifically about the lease and it is the lease that has been/will be signed in a few days' time. It is not going back to 2016 and all the information provided for, we already know.

**Madam Speaker:** Well, usually, hon. Leader of Opposition, I give 15 minutes to the hon. Minister to give his reply and I will give you 15 minutes also for your questions. Now, if he takes additional time, then, surely, I will have to act, but I will ask the hon. Minister also to be precise.

**Mr Bodha:** It was also decided, Madam Speaker, that a Fast Track Committee will be set up to facilitate the grant of statutory permits and clearances.

As regards part (a) of the question, regarding the lease of land, the land to be leased is, in fact, of an extent of 5 *arpents* 32 perches and not 5 *arpents* 25. Following discussions with the parties and Ministries concerned, it was decided that the rental could be determined as in cases of similar large magnitude projects implemented on State land such as for hotel projects, Jin Fei, Landscape, Airport of Mauritius, amongst others.

Consequently, in view of the socio-economic importance of the project, in line with section 6 (1 F) of the State Lands Act, which provides as follows –

“Notwithstanding subsection (1C) - which is general -, where a large investment project is deemed by the Minister, subject to the approval of Cabinet, to be in the economic interest of Mauritius, the annual rental determined in accordance with that subsection shall be reduced by such amount as the Minister may determine and any lease may be granted for a period not exceeding 99 years, with the approval of the Minister, subject to the approval of Cabinet.”

Government agreed that the rental payable for all urban terminal projects would be reduced, subject to adjustments every three years thereafter of the lease period by reference to the Cumulative Inflation Rate based on the Consumer Price Index (CPI) of every last three-year period, which shall not exceed 15.76% in any three-year period.

Accordingly, it was agreed that for the Victoria terminal, the rental payable would be Rs1 m. per *arpent* on the lease period, but subject to adjustments every three years thereafter of the lease period by reference to the Cumulative Inflation Rate based on the CPI of every last three-year period, and which shall not exceed 15.7%. After the 60-year period, the lease could be considered for renewal by the Government on such terms and conditions as it may decide.

A letter of Notification of Award was accordingly issued to the Victoria Station Ltd. The detailed design has already been submitted by the Victoria Station Ltd to the Ministry.

The lease agreement has already been finalised in collaboration with the Ministry of Housing and Lands and vetted by the State Law office.

Last week, the Ministry of Housing was notified that there were two shareholders in the Victoria Station Ltd who are non-citizens. In order to enable signature of the Lease Agreement, Victoria Station Ltd has to submit the relevant Non-Citizens Property Restriction certificate and the shareholding structure. The approval of the Prime Minister's Office is accordingly being sought and all necessary documents have already been forwarded to that Office.

The Lease Agreement will thereafter be signed within a fortnight. The works are scheduled to start by end of this month. The implementation plan, Madam Speaker, is as follows –

- (i) overhead bridge – 9 months;
- (ii) urban terminal and the hawkers' area – 2 years;
- (iii) remaining amenities will be operational within a further period of 6 months.

Madam Speaker, as regards parts (b) of the question, I would like to inform Members of the House that provision has been made for 19 metro stations to be constructed along the alignment of the Metro Express project.

Seven metro stations are to be completed for Phase I, including the Victoria Station. This station is to be located on the Caudan side of the motorway, opposite the existing Victoria Bus Station.

As such, the Victoria Metro Station is an autonomous facility that will start operation by September 2019 upon the start of the Light Rail system as scheduled.

The Victoria Urban Terminal is a completely separate project that is to be constructed by the consortium. One of its assignments is to construct a footbridge to connect and integrate the Victoria Urban Terminal with the Victoria Metro Station being built by Larsen and Toubro Ltd for the Metro Express Project.

Madam Speaker, pending construction of the footbridge, which is expected to be ready by the first quarter of 2020, to enable passengers from the Victoria Urban Terminal to

move to the Victoria Metro Station, a temporary bridge will be constructed by the consortium by September 2019.

A shuttle service between the Victoria Urban Terminal and Victoria Metro Station and the three new temporary bus alighting/boarding platforms will also be provided. Further, the present shuttle between Immigration Square and Victoria Station will also be extended. Two new feeder routes will be provided through the main regions of Port Louis and will stop at the Victoria Metro Station.

As regards part (c) of the question, Madam Speaker, recommendations have been made by the Singapore Cooperation Enterprise (SCE) for the provision of feeder services within a radius of 5 km to 10 km in the immediate conurbation of the Metro Stations. This would ensure the first and the last mile connectivity of commuters to and from the Light Rail Stations and would attract patronage of the Metro Express.

Accordingly, 19 feeder routes have been identified, including two routes to connect commuters from Quatre Bornes to the Interchange at Rose Hill, and it is proposed that the feeder routes be allocated to the affected bus companies; Rose Hill Transport for Rose Hill, United Bus Service for Port Louis and National Transport Corporation for Quatre Bornes.

It is expected that some 55 buses, operating at 15 minutes interval, would be renewed to offer feeder services during Phase I of the Metro Express from Rose Hill to Port Louis.

In respect of the Victoria Urban Terminal, two feeder routes, one plying through Cité Vallijee, Cassis, Victoria Interchange and a Port Louis Circular Road cutting through 12 main roads, including Royal Road, Louis Pasteur, Sir Seewoosagur Ramgoolam Street and La Paix Street have been identified and their feasibility has been confirmed following road tests carried out jointly by the National Transport Authority and the Traffic Management and Road Safety Unit. Nine feeder buses will provide services along these two routes.

In fact, it would be of outmost importance, for the successful operation of the Metro Express that the feeder buses would facilitate commuting by linking passengers to the Light Rail Stations for optimal convenience of the passengers.

Passengers commuting to the light rail via feeder buses will be offered a free service. The underlying condition would be that the passenger indeed boards or alights the light rail within a defined time lag. As a control mechanism, the Electronic Ticketing System is being implemented by the Metro Express and it would be extended to the feeder services, Madam Speaker.

**Mr X. L. Duval:** Madam Speaker, do I take it that the foundation stone has been laid, a big *tam tam*, etc., organised, yet the lease has not even been signed to the consortium? Is that it?

**Mr Bodha:** I explained that we have been working with this consortium. There was a letter of approval sent to the consortium. The consortium has been working with us for two years. They have already spent a lot of money in the final design. The project management has already been decided upon and, last week, we had this small issue as regards the non-citizen shareholders. Then, that is why we went to the Prime Minister's Office. I have talked to the Prime Minister's Office; this is going to be a derogation. They have already obtained one for another shareholder, and we believe that this is going to be a question of two weeks.

**Mr X. L. Duval:** Madam Speaker, another example of bad planning. Can the hon. Minister tell us - the original valuation for the land was, I understand, Rs11 m. per *arpent*. Can he provide a copy of the Government valuation, which I understand it was, and confirm also that he said that the land is worth Rs700 m.? He said so in Parliament, here.

**Mr Bodha:** Madam Speaker, we went to valuation, of course. We went to valuation, we got the valuation. But I would like to explain that this project, when we see the amount of investment, the fact that Government is not spending any funds, the fact that we are addressing so many issues, it falls squarely under the precinct of this State Land Act. And I would like to say one thing. In the past, in a number of areas like Jin Fei, the Airport of Mauritius - and I would like to say also that, at the beginning, we were thinking about vesting the land in the Mauritius Ports Authority, and we had a problem because it had to be then included in the strategic environment of the MPA. Now, the MPA is renting land on the other side of the road to almost the same companies, and the leases are Rs1 m. per *arpent*, Rs700,000. For example, for IBL Entertainment, for Innodis, it is Rs700,000 per *arpent*; Caudan Limited, it is Rs900,000 per *arpent*; Tropical Paradise, it is Rs610,000 per *arpent*.

*(Interruptions)*

Madam Speaker, we have to see what we are doing. Why we went on a simple lease? Because it is just like on a *pas géométrique*. For 30 *arpents*, don't we give Rs300,000/Rs400,000 of land? Why? Because we want investment! Do we want *la gare centrale* to stay what it is? Do we want this stone building to have trees inside? Do we want 600 buses to be where they are now? Madam Speaker, we have to decide, and I have been

able - I would like to thank the hon. Prime Minister and all my colleague Ministers, because this is a fantastic project.

Now, if we were to apply the lease, it is Rs60 m. Which company, which consortium would invest and pay Rs60 m. of lease per year? How can they? I am really astounded because the hon. Leader of the Opposition is a former Minister of Finance, and the PMSD has always said: 'We want development, we want investment, we want creation of jobs.' I cannot understand why this attitude now because we are giving a way. Do we want that station? Just close your eyes, Madam Speaker. For 50 years, it has remained like this. Do we want this to stay there as present?

*(Interruptions)*

**Mr X. L. Duval:** Madam Speaker, I have touched a sore point and the hon. Minister need not panic. Do not panic, just answer the question! Can I take it that the Government Valuer, in his/her wisdom, put this at Rs11 m. per *arpent*, for five *arpents* it is Rs55 m. per year? You personally, as Minister, with the approval of the colleagues in Cabinet, reduced that by one eleventh, to Rs5 m. only. Is that what the you are telling the public, without, I presume, going back to the Government Valuer to ask his advice, because you know better? Is that it?

**Mr Bodha:** Madam Speaker, I gave examples of what is happening in the vicinity. I would give you another example, Mauritius Telecom. The land given to Mauritius Telecom falls under this purview. The land given to Mutual Aid falls under this purview. It depends what we want. We want a project, because 70% of the land, Madam Speaker, is not built. They are building only on 30% because we have imposed conditions for a number of bays for buses, for the taxis, for the feeder routes. So, we should know what we want.

**Mr X. L. Duval:** Has the hon. Minister taken the time, in his spare time, to obtain a Certificate in Valuation, that he should replace the Government Valuer, and decide for himself what other people in the vicinity are charging? I would like to ask the hon. Minister...

*(Interruptions)*

**Madam Speaker:** Order!

**Mr X. L. Duval:** I would like to ask the hon. Minister this. In 2020-2021, the prime of prime land that exists in Port Louis worth Rs700 m., according to yourself, your own

words, this land is only going to be four-storey high. What a waste of optimum prime space, that there should only be four-storey high in such an area. Why, in your wisdom, as Valuation Officer, did you not think of increasing the height and making a better use all round of this valued land, which does not belong to you but belongs to the taxpayers?

**Mr Bodha:** Madam Speaker, there is a business model. We have the Town and Country Planning the urban in the Ministry. It has all the limitations as regards to urban planning in a number of areas. You know that this land there is on water.

**Mr X. L. Duval:** So what?

**Mr Bodha:** Yes! So what! No, it is not so what!

Now, what I would like to say, Madam Speaker, it was a bold and prudent choice to make for Government as regards the fact that we want to reengineer all the urban terminals with Rs10 billion of investment. There is something else also, Madam Speaker. Do we want 1,000 hawkers to be in the streets? He did not ask, one second - I wanted to know why there is not one single component of this question based for the hawkers, because so many questions have been asked for the hawkers.

*(Interruptions)*

Now that we have found a solution for the hawkers, now that we have given them the possibility to have a mall ...

*(Interruptions)*

No, but I am asking the question...

*(Interruptions)*

**Madam Speaker:** Let me say that I will be fair. If he is providing information which he thinks is important and he is taking time, I will be fair and I will give you additional time.

**Mr X. L. Duval:** Madam Speaker...

*(Interruptions)*

Exactly! This is not the 1<sup>st</sup> of May. So, the hon. Minister decided by himself the value of the land. I would like to ask the hon. Minister that this is not a hotel. This, as the Government has said itself, is a public-private partnership. Do you want me to quote you and the hon. Prime Minister? I do not need to. However, through some colourable device, you have avoided the

Public-Private Partnership Act entirely, which would have forced you to go to the Central Tender Board.

**Mr Bodha:** Madam Speaker, in fact, we have been working on this. We went to the PPO and it said that -

“As regards to the (...) of the view that the project does not involve a procurement exercise”.

This is for the PPO.

*(Interruptions)*

Listen! It is a simple lease of land for an urban development. In fact, they could have just asked, just like any companies asking for land, for a *pas géométrique* or elsewhere to start a development process. We came with a Request for Proposal. We did the evaluation. We went to Cabinet because we wanted Cabinet’s approval at all given point in time, and we were advised by the PPO all the time because we really wanted - because this is land. Of course, it has a high value, but then, as I said, if we do not do the Urban Terminal there, for the next 10-15 years, it will stay there and trees will grow in this stone building, Madam Speaker.

**Mr X. L. Duval:** The truth is the project is badly designed and hardly anyone was interested in what you wanted to do. Madam Speaker, this is not a hotel. This building, this project will operate a bus terminal for Government, for the Municipality. This building will operate a taxi service for Government, which is Government’s role to do, taxi stand, etc. So, this is not a hotel. You have used, I repeat, a colourable device to avoid the PPA (Public-Private Partnership Act) and, therefore, to decide for yourself, entirely, what is the land value to be ascribed to this project.

**Mr Bodha:** I never decided myself. At all and every juncture, we went to Cabinet because I really wanted to have Cabinet’s approval on this, Madam Speaker. And there is something else. We have, of course, the bays for the buses. We have the bays; we have the taxi service. We’ll have hundred thousand people going through that terminal every day. We are securing a livelihood for 1,000 hawkers who are on the streets, Madam Speaker. Now the hon. Leader of the Opposition is saying that I decided on the value, I decided on the rental. We have to take a decision. The other day, the hon. Prime Minister said that investors they should have a return on investment. There should be a model which fits, because it is not easy to have a Public-Private Partnership. He is talking about Public-Private Partnership. Why do you have? We have it because of the trust in the business, confidence that this Government

has. You invest Rs2 billion like this! And then, on Immigration Square, we are going to have another investment of Rs3 billion. So, again, we are doing the same thing! Madam Speaker, we have to take a decision and the Government has taken that decision.

*(Interruptions)*

**Mr X. L. Duval:** Madam Speaker, the hon. Minister has mentioned, on a number of occasions, hawkers. I wanted to ask him whether the rental cost - I think, it was set at Rs4,000 - has been finalised but, so far, there has been no value given for those people who wish to purchase their stalls outright. Can the hon. Minister now give us the cost for purchase?

**Mr Bodha:** The cost of purchase would be around Rs350,000 to Rs400,000. And the hon. Prime Minister and Minister of Finance has come up with a scheme, providing Rs300,000 to all those who want to buy the stalls, with a very minimal interest rate, so that instead of paying their rent, they pay for the instalment and they are going to be the owner of the stalls.

**Mr X. L. Duval:** Madam Speaker, let's see if they want to pay Rs300,000 or Rs400,000. Even that is not finalised although the agreements have been signed. I would now like to ask the hon. Minister about this. There were supposed to be two urban terminals in Port Louis. I understand the Immigration Square now is not on for quite a while. It will not be on because UNESCO. So, how will people move? How will those people coming from the North move now to this Metro Express Terminal?

**Mr Bodha:** I would like to thank the hon. Leader of the Opposition for this. We have a shuttle. We will have a shuttle which will have more frequencies. That's the first thing. We are adding two new shuttles to be able to do the circular route. But I would like also to say that as regards the Immigration Square Terminal, the final designs are being done and we are just waiting for two experts from UNESCO to do the VIA, which is the Visual Impact Assessment, and the Heritage Impact Assessment. The Terms of Reference have already been drafted and have already been sent to Paris. We are waiting. We already have a list of those experts and, as soon as the UNESCO gives us the green light, we are going to have the two, VIA and the HIA, and we are going to move fast on the Immigration Square Terminal as well, Madam Speaker.

**Mr X. L. Duval:** Madam Speaker, bad planning again. Instead of 19 stations, we only have 18 stations. I would like to ask...

*(Interruptions)*

**Madam Speaker:** Order, please!

**Mr X. L. Duval:** I would like to ask the hon. Minister, now this question of parking. We know that the point of the Metro Express was to take traffic off the road. Do you really think that 410 parking spaces for 1,000 hawkers, for all the shops, all the people at all the places there, will be enough to cater also for the Metro Express?

**Mr Bodha:** Madam Speaker, about planning, you know what we are doing? It is 600 buses. So, if you put two people driving the bus and the conductor, it is 1,200 coming four or five times on the station every day. Hundred thousand people, so many hawkers. We are to plan this. It's so huge a challenge, Madam Speaker. *Nous sommes des planificateurs, pas des 'tireurs plan'*.

*(Interruptions)*

Madam Speaker, let me answer the other question as regards the number of parking. The idea, in fact, is that we reduce the cars coming into the city and increase the ridership of the Metro. This is the purpose. So, we are adding 400 new parkings because all the parkings are going to be the same.

**Mr X. L. Duval:** The question remains, Madam Speaker, that the whole point of constructing an Urban Terminal is to provide taxi service, bus service and parking and, here, the hon. Minister is agreeing that there will be no parking at all for the Metro Express because it is already full. Madam Speaker...

*(Interruptions)*

**Madam Speaker:** Order, please! Allow the hon. Leader of the Opposition to ask his question!

**Mr X. L. Duval:** Madam Speaker, for your information, Bagatelle has 2,600 parking spaces compared to 400 for his Metro Station. Madam Speaker, I would like to ask this question about the feeder buses. The feeder buses, 100 of them will cost something like Rs200 m. a year. You know that. Now, who will pay for that? The taxpayer? The people from Fond du Sac and Mahebourg will also pay for that? It would be added to the cost of the ticket.

**Mr Bodha:** We are going to have 50 feeder buses from Rose Hill to Port Louis. We need another 50 from Rose Hill to Curepipe so that there are 100 buses. In fact, we are

thinking of having electric buses, and we are thinking of having a facility, a leasing fund. I have talked to the hon. Prime Minister to see that the feeder buses don't add up to the cost of the Metro from the companies, and we are thinking of having a leasing system so that they can lease the bus and run the bus.

**Mr X. L. Duval:** Can the hon. Minister just say? It is the taxpayer, through your leasing system, who will pay for it? That is the question! That was a simple question.

**Mr Bodha:** The companies will have the possibility to have access to a leasing fund. They lease the bus and then they run the bus and they pay the lease.

**Mr X. L. Duval:** The taxpayer will fund Rs200 m. or so more, the hon. Minister himself said when I was asking. It will cost Rs200 m. or more and it is the taxpayer who will pay that feeder service.

Madam Speaker, I would like now to come to the construction of the famous terminal, if it ever gets constructed. Now, this is the question. The hon. Minister said in Parliament, himself - and I can quote it - in November 2018 that an EIA was going to be asked for. I understand that no EIA is being asked for now. Can the hon. Minister tell me at least whether there will be no exemption given for the application for the building and land use permit?

**Mr Bodha:** As for the EIA, I have to really confirm because one of the conditions is that they are provided with all the clearances and they have all the permits and they go through all the procedures.

As regards the building and land use permit, I don't think that it would be illegal to build such a big thing without a permit. I look forward to my colleague, the hon. Minister of Housing and Lands to give us the guidance and to analyse properly the building and land use architecture and everything.

According to the Environment Protection Act, bus terminals are exempted. But I think that because of the land where it is, we will talk to the consortium to see to it that mitigating measures are taken.

**Mr X. L. Duval:** The question is whether there will be an EIA, not mitigation measures, whether you are asking for EIA as you committed here in Parliament or/and whether there will be no exemption from the BLUP. That is what I am asking.

**Mr Bodha:** Madam Speaker, no exemption from the BLUP. Okay. According to the law, the EIA is not required, but we will request the consortium to abide by all the mitigating

conditions that are needed, because this is a place where all necessary considerations should be given to protection measures.

**Mr X. L. Duval:** One last question, perhaps my colleagues may wish to ask. In November 2018, the bus stall was doubled for Port Louis only, meaning that, now, Rs5 m. will accrue to this consortium via the Municipality of Port Louis for bus users. This is the same amount as you are charging for the lease of the land. Can you confirm that the bus stall was doubled in Port Louis only and it was so that income would be generated for the consortium?

**Mr Bodha:** No, I think that the buses already pay the sum, today, to the Municipality. Let me say one thing. There are a number of problems today. We have the problem with the taxis. We have the problem with the buses. We have the problem with the bus shelters. We have the problem with the hawkers. And the Municipality, in fact, is finding solutions to some of these major problems in the city.

**Mr X. L. Duval:** What a coincidence that only Port Louis was doubled! What a coincidence! Madam Speaker, I would like to ask one last question. In the famous so-called feasibility study that the hon. Minister promoted the Metro Express was launched, it was provided for that, in 2020, there would be a 20% increase in Metro Express fare and, in 2021, a further 25% increase in bus fare. Is the hon. Minister maintaining that, over the next year and a half or two years, there will be eventually something like 50% increase in the cost of the fare in the Metro Express? This is what...

*(Interruptions)*

Do not say no! The hon. Minister should think about it because this is what he provided to the nation, and I have the document here in his feasibility study, which I hope he read.

**Mr Bodha:** Madam Speaker, to discuss the business model of the Metro that he, himself, as Minister of Finance, approved, it was a loss of about 80 routes, closed. They built a metro on a ridership of 50%. We are not! Since the Government has come here, we have always said that the fare of the Metro is going to be the same. In fact, one of my colleagues even mentioned something, that to take the Metro, if we are to have the feeder fare, the last increase dates back to 2013...

*(Interruptions)*

**Madam Speaker:** Please, hon. Leader of the Opposition! Hon. Leader of the Opposition, if you have other questions, then I will not be able to give the floor to other hon. Members, because then I will be able to give the floor to only one hon. Member on this side.

**Mr X. L. Duval:** This will be the last point because it is important. This is part of the document that was submitted by Government at the launch of Metro Express. It shows clearly here that, in 2021, in a year and a half or so, the fare will increase to Rs50, from Rs34 presently. Now, if you calculate it, it is almost 50% increase. I am asking the hon. Minister whether he is holding to this, that there will be a 50% increase over the next 18 months in the Metro Express. That is what I am asking.

**Mr Bodha:** Madam Speaker, is the hon. Leader of the Opposition saying that we are going to be here in 18 months?

*(Interruptions)*

This is what the hon. Leader of the Opposition is saying. But we have said that there will be no increase.

**Mr X. L. Duval:** The hon. Minister has said and it is going in Hansard that there will be no increase in Metro Express fare over the next two years. Is that what you are saying?

**Mr Bodha:** I have always said there will be no increase with the advent of the Metro when we start. We know that the Metro will take time. For the service from Curepipe to Port Louis, it will take another two years. So, how can we increase on one segment while the other segment is being built? So, I can say that, up and until the Metro is running from Curepipe, we cannot consider any increase in fares. I want to be very clear, Madam Speaker.

**Madam Speaker:** Last question, hon. Leader of Opposition!

**Mr Bodha:** Madam Speaker, I want to be very clear. Whilst one segment is running and the other segment is being built, how can we increase the fare? It will be a very, I would say, absurd decision. It will be an unwise decision, Madam Speaker. So, when the Metro is built and it is running as it should run from Curepipe to Port Louis, then, after some time, we will consider how things are going to evolve, but that would take another two years.

**Madam Speaker:** Yes, hon. Bhagwan! You had a question? I allow this and then, last question for the hon. Leader of the Opposition.

**Mr Bhagwan:** Since we are talking about urban terminals, which is linked with the Metro Express project together, can the hon. Minister inform us what is the latest position

concerning the Place Margéot Urban Terminal? We are reaching September, the end of the year. What is the latest?

**Madam Speaker:** This has nothing to do with the question.

**Mr Bodha:** I would like to thank the hon. Member. In fact, for Rose Hill, we launched one exercise and the bidder was not responsive. We launched a second exercise, and I have been informed that the Evaluation Committee has just submitted its report. So, I cannot say exactly where we are. But I would like also to delink the station built by Larsen & Toubro and the Urban Terminal built by private consortiums.

**Madam Speaker:** Yes, hon. Leader of the Opposition, last question!

**Mr X. L. Duval:** Madam Speaker, absolutely, this is what the hon. Minister had to say about linking and delinking. I will read that bit to him. This is what he said in May 2018 –

“(...) in the wake of the Metro Express project, the need for modern, safe, secure and integrated urban terminals has become imperative(...)”

So, it cannot be delinked because it is linked by definition.

Madam Speaker, I would like to ask the hon. Minister this question. He gave information which happens not to be true and which is not abiding by regarding the EIA. He, himself, in the House, said that EIA will be requested, and the Minister of Environment has power to request for the EIA. So, I will ask him, firstly, to request for an EIA for this project as the hon. Minister of Environment said. Again, Madam Speaker, he has provided information to the nation concerning increases in bus fares - nothing to do about finishing of project 2018/2019. Again, that information appears to have been inaccurate. Now, how much of what the hon. Minister is telling us is inaccurate, we have no idea, but I would, at least, ask the hon. Minister to ensure that these two things are clarified quickly.

**Mr Bodha:** I will certainly do that, Madam Speaker. I personally, and I am sure my colleague, the Minister of Environment will consider that such a massive project in that vicinity would require all the environment mitigating measures.

As regards the figures, I have said, the first leg of the Metro, the first segment is going to be completed in September. The other one is going to be submitted in two years, Madam Speaker. Then, we will reconsider because we have worked on scenarios. The lowest scenario is 30% of ridership from the buses. What they did was 50% of ridership. We are working, and let us see how it does because we are satisfied on this side of the House that

together with the Metro, we are going to have urban terminals which will change the whole urban landscape between Curepipe and Port Louis, Madam Speaker.

**Madam Speaker:** Time is over! Hon. Members, the Table has been advised that PQ B/508 in regard to the implementation of the National Drug Control Master Plan will be replied by the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues. Hon. Osman Mahomed!

### **MASONRY DRAINS (OLD) - CUT STONES - DISPOSAL**

**(No. B/498) Mr Osman Mahomed (Third 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 the old masonry drains made of cut stones dating from colonial times which have been removed by the National Development Unit since 2015 to date, he will state how same have been disposed of.

**The Prime Minister:** Madam Speaker, I am informed that cut stones from masonry drains dating from colonial times which have been removed on sites where drain projects have been implemented by the National Development Unit since 2015 to date have been handed over to the Local Authority concerned.

**Mr Osman Mahomed:** Can I ask the hon. Prime Minister whether, before handing over these cut stones, *pierres taillées* to the Local Authorities, the same have been marked so as to mitigate the chances of them disappearing or being resold? Because they have high cultural heritage value.

**The Prime Minister:** I have been informed about the process which applies in such cases. I am told that, prior to removal of the stones, a joint survey is carried out by the representatives of the NDU, the contractor and the Local Authority concerned for survey of the number of stones to be removed.

In fact, the contractor then submits a plan for removal of these stones and informs the Local Authority about the delivery to their yard on the same day of removal and on receipt of the delivery. The number of stones is counted anew to tally with that of the initial survey and a receipt of the number of stones that are delivered is signed by both the representatives of the Local Authority and the contractor.

**Mr Osman Mahomed:** Can I ask the hon. Prime Minister the position of the Government on these stones? Because a lot of them are being removed, whether for the drain, whether at Vandermeersch or the New Court House, whether these stones will be kept for use for future projects or they will be sold away.

**The Prime Minister:** It is, first of all, up to the Local Authority concerned, because they are the ones who will decide about what use they are going to make. But I am told - I have also inquired about it - that from time to time also, whenever it is required for any infrastructural project in the city, some of those stones are used. But I believe that it will depend on what project is in the pipeline for them to make use of those stones.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** Can I make a request to the hon. Prime Minister to ask the Director of Audit to carry out an audit, being given that the Local Authorities are being involved? I am especially talking about the stones coming from the railway track at Vandermeersch Street which have been left there, even not at the Municipality. Can the hon. Prime Minister, at least, ask the Audit Department to carry out an audit on what has been removed, where they are kept, how much are still lying there and how much have been sold to individuals?

**The Prime Minister:** Madam Speaker, I am also informed that the Director of Audit does normally check on the information that is being provided by the Local Authorities with regard to those stones. But, of course, we can ask, especially from the NDU, in which project they are involved. With regard to the other institutions also, we can ask them to see to it that this survey is being carried out, because I do understand these stones are very valuable and a lot of people really look for those kinds of stones also.

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

## **CHAGOS ARCHIPELAGO - INTERNATIONAL COURT OF JUSTICE - ADVISORY OPINION**

**(No. B/499) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether he will state the diplomatic strategy envisaged to achieve the full decolonisation of the Republic of Mauritius following the recent advisory opinion given by the International Court of Justice on the Chagos Archipelago.

**The Prime Minister:** Madam Speaker, may I request the House to bear with me as the reply which I will give is a lengthy one, since the subject matter of this question is an issue of not only national importance but international importance.

Since Government came to power in December 2014, it has left no stone unturned in its endeavour to secure the full decolonisation of the Republic of Mauritius, in line with the Government Programme 2015-2019.

Prior to our accession to independence, the United Kingdom excised the Chagos Archipelago from the territory of Mauritius, in violation of international law and United Nations General Assembly resolutions, including Resolution 1514 (XV) of 14 December 1960. The decolonisation of Mauritius, therefore, remains incomplete.

Madam Speaker, at the request of Mauritius, the United Nations General Assembly decided by consensus in September 2016 to include on its agenda an item relating to the request for an Advisory Opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. Subsequently, on 22 June 2017, the General Assembly adopted by 94 votes to 15, with 65 abstentions, a draft resolution, which was tabled by the Republic of Congo on behalf of States Members of the United Nations that are members of the Group of African States, to request an Advisory Opinion of the International Court of Justice.

Following the adoption of that resolution, the International Court of Justice held two rounds of written submissions and public hearings. A number of countries, including Mauritius as well as the African Union, made written and oral submissions to the International Court of Justice. Most of these submissions were very supportive of the completion of the decolonisation process of Mauritius.

On 25 February 2019, the International Court of Justice gave a historic Advisory Opinion, in which it found that the decolonisation process of Mauritius was not lawfully completed when it acceded to independence in 1968, in view of the unlawful excision of the Chagos Archipelago from the territory of Mauritius. The Court also concluded that the United Kingdom is under an obligation to bring an end to its administration of the Chagos Archipelago as rapidly as possible and that all Member States are under an obligation to cooperate with the United Nations in order to complete the decolonisation process of Mauritius.

A draft resolution aimed at giving effect to the Advisory Opinion of the International Court of Justice was tabled on 07 May 2019 by Senegal on behalf of States Members of the United Nations that are members of the Group of African States. As I had informed the House on 13 June 2019, the draft resolution was adopted on 22 May 2019 by an overwhelming vote of 116 to 6, with 56 abstentions.

Madam Speaker, on 20 May 2019, I had a meeting in London with the Rt. hon. Jeremy Corbyn, the United Kingdom Leader of the Opposition. The latter, who had addressed on 01 May 2019 a letter to the United Kingdom Prime Minister to condemn the UK Government's rejection of the Advisory Opinion of the International Court of Justice, reiterated his support for the implementation of the Advisory Opinion. He subsequently expressed his support for the resolution, which was adopted by the United Nations General Assembly on 22 May 2019.

Madam Speaker, it is a matter of great disappointment that the United Kingdom has yet to make a commitment to the immediate implementation of the Advisory Opinion of the International Court of Justice and the resolution adopted by the United Nations General Assembly. Instead, hardly a few days after the adoption of the resolution, the United Kingdom Government called for expressions of interest for visits purported to be held to the Chagos Archipelago later this year and early next year in the context of a supposed £40 million package said to be aimed at improving the livelihoods of Mauritian citizens of Chagossian origin. Mauritius sent a note of protest to the United Kingdom, in which it requested that an end be put immediately to the purported programme of visits.

Government will continue to take appropriate steps to encourage the United Kingdom to change its stance, and to do so expeditiously, in order to bring to an early end its continuing colonial foothold in Africa.

I would like to reaffirm that Mauritius has no objection to the military base at Diego Garcia continuing to be in operation, in accordance with international law. In this regard, Mauritius stands ready to enter into a long-term arrangement with the United States, or with the United States and the United Kingdom.

Madam Speaker, Government is committed to implementing a resettlement programme in the Chagos Archipelago. In this regard, a special provision of Rs50 m. has been made in the Budget for this financial year to meet expenses relating to, *inter alia*, preparations for eventual resettlement in the Chagos Archipelago. Moreover, I will shortly

move, in this House, a motion for the inclusion of the Chagos Archipelago in such one of the constituencies of Mauritius as the Electoral Boundaries Commission may determine.

Government also proposes to organise later a visit to the Chagos Archipelago.

Madam Speaker, I wish to commend the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues who has been at the forefront of our struggle to complete the decolonisation of Mauritius. Thanks to his firm initiatives, significant milestones have been achieved in this relentless struggle such as the overwhelming vote of the UN General Assembly to request an Advisory Opinion of the International Court of Justice and the landmark Advisory Opinion given by the Court on 25 February 2019.

I will continue to lead this struggle with unflinching determination so that the decolonisation process of Mauritius can be rapidly completed, thereby enabling Mauritius to effectively exercise its sovereignty over the entirety of its territory, including the Chagos Archipelago, and our citizens, particularly those of Chagossian origin, to return to the Chagos Archipelago, if they so wish.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. I thank the hon. Prime Minister for his relentless struggle over the Chagos Archipelago. Madam Speaker, can I ask, in this context, whether Government has initiated any action as yet insofar as the Indian Ocean Tuna Commission is concerned?

**The Prime Minister:** Madam Speaker, at the last session of the Indian Ocean Tuna Commission that was held from 17 to 21 June 2019 in Hyderabad, in India, Mauritius had requested that an item be included on the agenda of that meeting with regard to the termination of the UK's membership in the Indian Ocean Tuna Commission as a coastal State. In the light of the discussions, the Chairperson concluded that the issue was a global one and needed to be considered by the Commission. So, she had proposed that the matter be included on the agenda of the next session of the Commission since members of the IOTC might not have had the chance to receive instructions from their relevant Ministries. And on the proposal of Mauritius, the Chairperson also invited the FAO to submit a paper on how it proposes to implement paragraph 6 of the UN General Assembly Resolution 73/295, which calls upon the United Nations and its specialised agencies to recognise that the Chagos Archipelago forms an integral part of the territory of Mauritius, to support the decolonisation of Mauritius as rapidly as possible and to refrain from impeding that process by recognising,

or giving effect to any measure taken by or on behalf of, the so-called “British Indian Ocean Territory”.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. Madam Speaker, we know that at the United Nations, France, Germany and Netherlands abstained themselves. In this regard, can I ask the hon. Prime Minister whether he is aware that our ambassadors in these respective countries have established a line of communication with these countries so as to use their diplomatic armoury to gently persuade or exercise pressure on the British to complete our decolonisation?

**The Prime Minister:** Madam Speaker, let me say that our lobbying campaign with regard to the Chagos is ongoing, not only with regard to those countries that have supported us throughout, but particularly with regard to countries which have abstained in voting for that resolution. We, as Ministers, our representatives in the different capitals where they are, are continuously and fully engaged with their respective Governments in order to show to them that the cause that we are fighting is a fair and just cause. And now that we have the ICJ’s Advisory Opinion and that the resolution has been voted, we need to convince everybody - and it is to this effect that we are pursuing our campaign - that the ICJ is calling upon Member States and the resolution also is, therefore, calling upon Member States and the agencies of the UN to implement these recommendations.

**Madam Speaker:** Hon. Ganoo!

**Mr Ganoo:** Madam Speaker, in view of the fact that it seems that the United Kingdom will continue to defy the international community and the ruling given by the ICJ, can I ask the hon. Prime Minister whether he does not think that the Interparliamentary Committee, which was set up some time back in this House, should meet in order to reflect on the way forward, including the plan to resettle the Chagossians?

**The Prime Minister:** Madam Speaker, I know that this Committee of Parliamentarians that was being chaired by the Rt. hon. Minister Mentor had, in fact, stopped meeting for, I would say, a long time. I am informed that, in this Committee, sensitive matters also were being discussed and there was obviously a request that all those matters had to remain confidential. But it so happened that after one meeting, issues that were discussed in that meeting found their way in one of the media. In fact, I am told that the meeting was held on 31 May 2017. I have a copy of the newspaper that published, at a later stage, certain

matters pertaining to that meeting. So, that is why I thought that it would not be appropriate to continue to hold the meetings. But rest assured, hon. Members will, obviously, be kept informed, obviously, about anything that will happen with regard to Chagos, *les développements*, but, of course, we cannot spell out the whole of our strategy publicly. Hon. Alan Ganoo would certainly understand that, with regard to past experiences.

**Madam Speaker:** Hon. Dr. Boolell!

**Dr. Boolell:** Thank you very much, Madam Speaker. May I remind the hon. Prime Minister that even within the rank and file of the British Labour Party, there is no concordance, there is dissenting voice and that, once in power, whichever Party is in power, will rally with the stand taken by the Foreign Commonwealth Office.

**The Prime Minister:** I do not know much about the British Labour Party. From what I know, I have had a meeting with the Leader of the Labour Party, the Rt. hon. Jeremy Corbyn, and I think his stand could not be clearer than that. He has not only written to the then Prime Minister, I must say, Mrs Theresa May, but also after our meeting, has made a declaration, again confirming his stand that he undertakes to implement the recommendations of the Advisory Opinion of the International Court of Justice. He has said that it is established that the United Kingdom has been violating and continues to violate the provisions of international law. And we have to make the fine point, Madam Speaker, because the UK is regularly saying that 'it is an Advisory Opinion, therefore, we are not bound by it.' But it is more than an Advisory Opinion. The finding of the Judges, and at a very landslide majority, is that the UK has been violating the provisions of international law. Therefore, it is illegal for them to carry on occupying our territory. I cannot, of course, predict what will happen in the future, who is going to be in Government in the United Kingdom. That is their affair, that is for the people of the United Kingdom to decide. But, of course, we shall keep on engaging with those Parliamentarians of the different parties. And I must say I have had meetings with the Parliamentarians of the Labour Party, of the Conservative Party and other parties also, the Scottish National Party - I am not so familiar with the names of the other parties - Liberals also, and they have been very supportive. But, of course, we need to keep on engaging with them. We need to keep on rallying further support, and I hope that it will come to their sense, one day, that they have to go according to what Jeremy Corbyn has been advocating.

**Madam Speaker:** Since we have taken almost 20 minutes on this question, I will be fair to the Opposition and I will give an additional 10 minutes for other questions.

Hon. Uteem!

**DISPOSABLE PLASTIC CONTAINERS (NON-BIODEGRADABLE) - EXCISE  
DUTY**

(No. B/500) **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 the excise duty of Rs2 per unit leviable on non-biodegradable disposable plastic containers, he will –

- (a) for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the amount of revenue collected to date in respect thereof, and
- (b) state the reasons why some manufacturers and importers have been exempted from the payment thereof.

**The Prime Minister:** Madam Speaker, the introduction of an excise duty of Rs2 per unit on non-biodegradable plastic containers, namely take-aways, plates, bowls, cups and trays was announced in the Budget Speech 2018-2019. The measure became effective on 02 May 2019, that is, 10 months later, to give ample time for importers and manufacturers to shift from non-biodegradable disposable plastic containers to biodegradable containers.

I am informed that plastic wastes, which will take over 100 years to degrade, constitute about 14% of the total waste landfilled in Mauritius. The use of disposable plastic food containers, including containers used for take-aways, has widely increased in Mauritius with fast changing consumption patterns. During the recent flash floods, it has been established that plastic products were a major cause of obstruction of drains and waterways.

In view thereof, there is need to change the mindset of consumers and to shift from a throw-away society to an ecologically responsible one. The House will recall that this Government took the bold decision to ban non-biodegradable plastic bags as from 01 January 2016. The introduction of the excise duty on non-biodegradable plastic containers was another step in our waste management strategy to reduce generated waste.

Regarding part (a) of the question, I am informed that an amount of Rs3.4 m. has been collected as excise duty for the period 02 May to 27 June 2019.

Concerning part (b) of the question, item 90 of Part IA of the First Schedule to the Excise Act, makes provision for importers and manufacturers to be exempted from payment of the excise duty where the plastic containers are used for the packing of products. The exempted packing containers are used by local manufacturers to pack and seal their products for wholesale or retail trade or export and, as such, are an input in the manufacturing process. In addition, the packing of uncooked vegetables, meat and fruits is also exempted.

However, disposable plastic containers, including take-aways, used for the packing of food products for immediate consumption, are not exempted. These are single use plastic containers and most of them end up as litter in drains and rivers.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. The hon. Prime Minister mentioned the amendment to the Excise Act to exclude certain importers and manufacturers. May I know from the hon. Prime Minister whether a survey has been carried out at the level of his Ministry or the Ministry of Environment to establish how much polluting non-biodegradable material is being exempted from the provision of this Rs2 levy for local manufacturers?

**The Prime Minister:** What I can say is that prior to this measure being adopted, we, of course, had discussions with the industry, and there have been representations because we all want to see that we get rid of those plastics pollutants, but we have to be realistic also. In a number of cases, there are manufacturing processors which require that they use certain plastic components with regard to their process - I have just mentioned, I do not want to go into the details. That is why we have applied a policy where, of course, for those that are being used for immediate consumption, like food and so on, we want to see to it that these are not being thrown away just like that. They also cause a nuisance and then, for processing of these wastes also, it is another problem. So, the policy of this Government, I mean, let me say the vision of this Government is, at least, to give enough time for these companies/enterprises to adapt so that they find alternatives. They have other options also, and the signal is there. So, in time to come, we will see to it that we shall apply this measure to a greater number of enterprises.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** So, the hon. Prime Minister confirms that the Government has bowed to pressure from the big polluters. May I know from the hon. Prime Minister why is it that exemption is on containers, plates, bowls, cups, trays, but not on plastic bottles?

**The Prime Minister:** Madam Speaker, again here, we are not bowing down to pressure. As I said, we are realistic. Does the hon. Member want to see a number of enterprises closing down because we are just putting additional taxes on their processors? That is why I say I agree that we have to fight and to see to it that, at the end of the day, we eliminate its use. The end result of what this Government would want, and I believe this is in line with your questioning, is that we get rid of the use of plastics. Yes, we are agreeable to that, but there is a road to follow before we can reach that point, and I want to do it in such a way as that we have started. These are the measures; we have already abolished and banned plastic bags. So, already, a very concrete and I would say a very courageous measure. I remember the number of protests that we had but, in spite of that, we went ahead. Now, let us proceed in a manner that will at least give time for the industry also to be prepared for alternatives, and this is the approach that this Government is having.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Following the Rs2 levy, there has been an increase in the use of paper products. But these paper products, whether it is cups or trays, also contain non-biodegradable materials. So, may I ask the hon. Prime Minister to consider with the hon. Minister of Environment, to see whether this Rs2 levy can also be extended to other materials which are non-biodegradable and which may fall foul of this ban on plastic?

**The Prime Minister:** Well, first of all, I am informed that pet bottles are also subject to this excise duty of Rs2 per unit.

Now, with regard to this substitution, the paper or carton, what is being used, I stand to be advised, Madam Speaker. I do not know about the technicality, whether they do contain non-biodegradable material. I shall have to be advised and seek information from the scientists and then I shall be in a position to answer. But, of course, if they do contain, we have to see to it that whatever substitution we have is substitution that is going to be environment-friendly.

#### **GROSS DOMESTIC SAVING - GDP - RATIO**

**(No. B/501) 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 Gross Domestic Saving, he will, for each of the years 2014, 2015, 2016, 2017 and

2018, state the rate thereof, indicating if a study has been carried out to ascertain the reasons therefor and the impact thereof on economic growth.

**The Prime Minister:** Madam Speaker, I wish to inform the House that the ratio of Gross Domestic Saving to GDP was 10.6 per cent in 2014, 10.4 per cent in 2015, 11 per cent in 2016, 10 per cent in 2017 and 9 per cent in 2018. For 2019, Statistics Mauritius is forecasting a higher Gross Domestic Saving to GDP ratio of 9.5 per cent.

At the request of the Ministry of Finance and Economic Development, the IMF has, in the context of the 2019 Article IV Consultation, carried out a study on private savings, which is the main contributor to national savings in Mauritius. During that exercise, the IMF has had extensive discussions with the Ministry as well as with the Bank of Mauritius. The main findings of the IMF study are as follows –

The two main determinants of private savings in Mauritius are interest rate on deposits and economic growth.

Private savings in Mauritius do not appear to respond strongly to demographic trends. According to the IMF, a rapidly rising old-age dependency ratio requires a higher level of savings. That is why, in the 2019-2020 Budget Speech, I announced the issuance by Government of two Silver Bonds with an annual interest rate of 5.5 per cent for the elderly to improve the return on their savings and also for encouraging savings towards retirement.

Given the economic and demographic characteristics of Mauritius, the private saving rate is about 3 per cent of GDP lower than potential.

There have been several other studies on the determinants of the saving rate by independent researchers, in particular, at the University of Mauritius, showing that real interest rate and the level of income are determinants of the level of savings in Mauritius, but income has a stronger influence.

Madam Speaker, as regards the impact of savings on the GDP growth rate, to the extent that a low savings ratio reflects a high consumption ratio, it will be positive since higher consumption expenditure will stimulate economic growth at least in the short term.

In the long term, low saving rate can have a negative impact on growth if there is not enough domestic savings to finance investment. However, this is not the case in Mauritius because in spite of low domestic savings, there is enough liquidity in the banking system to

finance investment. In fact, for several years, there has been excess liquidity in the banking system.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. The hon. Prime Minister referred to the measures announced in the Budget for the Silver Bonds. May I know from the hon. Prime Minister why is it that there are two Bonds being proposed? One for those who are 65 and above, and the second one for those who are 60 and younger, but nothing for those who are between 60 and 65.

**The Prime Minister:** I shall have to check, Madam Speaker. I do not have the details with me. I do not think that it was intended for those who are 65 and above to have this scheme, and for those who are less than 60. I believe that, if that is the case, we should be able to correct it so that they should also be able to enjoy this scheme.

**Mr Uteem:** The hon. Prime Minister mentioned the fact that low saving is compensated by a higher rate of consumption, which is helpful for the growth. I agree with that. But does not the hon. Prime Minister agree with me that, in fact, lower savings means higher import? Because people do not consume locally, they import, and this is having a negative impact on our current account deficit.

**The Prime Minister:** First of all, I have been given an explanation here with regard to those younger ones. It says here, it is true, but the younger ones are to encourage savings and the one for 65 plus is to improve income for the elderly. Anyway, I shall find out more about that. But, again, it depends, Madam Speaker. Unfortunately, we do import a lot of our requirements and, therefore, we have to have a policy where we encourage local production. But as the hon. Member will know, with trade liberalisation and with the commitments that we have taken in order to be able to reduce tariffs, now that the world is becoming a global market and producers compete with each other without tariffs. Therefore, we can imagine that the cost of production for any entrepreneur in Mauritius is quite high as compared especially to countries like China, India and others making mass production. So, there again, we are in a situation where Government gives support in order to encourage local production. We have a policy to sensitise people to consume local products, but all this has to be taken together so that, at the same time, we do boost the economic growth with consumption but, at the same time, we try to economise and to spend less on imported products and be able to produce locally whatever we can.

**Mr Uteem:** Last question, thank you. Being given that the hon. Prime Minister, himself, has mentioned that the saving rate is 3 per cent lower than optimal, would the hon. Prime Minister consider coming up with some packages to encourage savings, not just into these Silver Bonds but in other products that may be issued by banks and insurance companies to encourage savings?

**The Prime Minister:** We have taken a number of measures, Madam Speaker - I did not want to go into that. Apart from the Silver Bonds, we have the Golden Jubilee Bonds by the Bank of Mauritius, which is a three-year Bank of Mauritius Golden Jubilee Bond at an interest rate of 4.25 per cent. This is 2.5 per cent above the rate on bank deposits. The Bank of Mauritius has also encouraged banks to open up access to treasury bills and securities to the public as an additional saving outlet.

The coming into force of the Mauritius Deposit Insurance Scheme Act in 2019, is again to better protect the savings of bank depositors. Increase in financial deepening in Mauritius may also have encouraged higher consumption, as I said, due to a wider spectrum of instruments and consumer credit facilities. So, a number of measures have already been taken. Of course, we need to monitor and this is important. Let me say to the hon. Member that when I look at the trend of gross domestic savings as a percentage of GDP, it is unfortunate that it has been falling regularly. And just to give an idea, from 2006, it was 19.1 per cent and 2014 it came down as low as 10.6 per cent, but since we have been in Government, it has been hovering around 10 per cent.

Now, it is, of course, the policy of Government to try to see how we can increase that rate. I am happy to see that, at least, for this financial year, it is going to increase, according to Statistic Mauritius, to 9.5 per cent. But that is not enough; we are not satisfied with that. So, we shall have to see to it how we can increase that rate again in the future.

**Madam Speaker:** Hon. Ramful, next question!

### **MAHEBOURG WATERFRONT PROJECT**

**(No. B/502) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** 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 proposed development of the Mahebourg Waterfront, he will, for the benefit of the House, obtain from the Economic Development Board, information as to the proposals received therefor, if any, giving details thereof.

**The Prime Minister:** Madam Speaker, I am informed by the Economic Development Board (EDB) that the land at the waterfront at Mahebourg of an extent of 4.77 hectares is State land which falls under the purview of the Ministry of Housing and Lands.

I am further informed that the Ministry of Housing and Lands requested the EDB to invite Expressions of Interests for the development of the land at the waterfront.

Thus, on 23 October 2018, the EDB invited an Expression of Interest from property developers and investors to submit proposals for the lease of the said land for the development of a mixed-use commercial waterfront project. The closing date was 15 December 2018.

However, at the closing date for the submission of proposals, no offer was received.

Madam Speaker, I am informed that the EDB is presently finalising an Expression of Interest to enlist the services of a consultant to work on a Master Plan for the Mahebourg Waterfront project and on the regeneration of the Mahebourg area under the National Regeneration Programme, introduced in June 2018, as an initiative to regenerate and revitalise the central areas of our city, towns and larger villages.

**Madam Speaker:** Hon. Ramful!

### **SPEED TO MARKET SCHEME**

**(No. B/503) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** 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 Speed to Market Scheme, he will, for the benefit of the House, obtain from the Economic Development Board, information as to the amount of funds disbursed thereunder, indicating the number of beneficiaries thereof and the name of the beneficiary having obtained the largest amount, indicating same.

**The Prime Minister:** Madam Speaker, the House will recall that, during the Budget Speech of 2016/2017, I announced the introduction of the Speed to Market Scheme in order to give a new impetus to the textile and apparel sector with respect to its exports to the European market, especially in the wake of the challenges of Brexit. This Scheme entails a 40% rebate on basic airfreight costs to Europe with Government underwriting it over a period of two years. The Scheme became effective as from April 2017.

Subsequently, as from July/August 2017, Madam Speaker, the Speed to Market Scheme was extended to a series of other products manufactured in Mauritius such as jewellery, medical devices, fruits, flowers, vegetables, chilled fish, articles of leather, footwear, watches and fabric plush toys. For agricultural produce, the 40% rebate is shared equally between the planter and the exporter.

The Economic Development Board, which manages the Scheme, upon presentation of all the necessary documents as evidence of exports, refunds to eligible parties concerned the quantum of the applicable rebate.

Madam Speaker, I am informed that, since its introduction to 20 June 2019, the Economic Development Board has disbursed a total amount of Rs189.6 m. under the Speed to Market Scheme to 69 companies and 172 planters.

Madam Speaker, I am further informed that the Compagnie Mauricienne de Textile Limitée (CMT), one of the leading apparel manufacturers in Mauritius, has exported by air to Europe goods for an export value of around Rs2.7 billion and has been refunded the largest amount under the Scheme, to the tune of Rs52,095,239.

I wish to inform the House that these beneficiaries have acknowledged that the Speed to Market Scheme has contributed to maintain the competitiveness of their exports to Europe.

That is why, Madam Speaker, in the 2019/2020 Budget, I have provided a sum of Rs120 m. under the Scheme, which shall now be known as Support for Trade Promotion and Marketing Scheme, and the Scheme will also consider the possibility of covering the US market.

**Madam Speaker:** Hon. Ramful!

**Mr Ramful:** With regard to Compagnie Mauricienne de Textile Limitée, the hon. Prime Minister will know that, recently, this company has expressed its intention to move away to other places, to Madagascar and Bangladesh, threatening some 5,000 jobs in that particular sector. Now, is it not strange that this company has benefited about Rs52 m. under that Scheme and still they have expressed their intention of moving away?

**The Prime Minister:** Well, Madam Speaker, the question should be asked to the entrepreneur, not to me. To me, what I can say is that there is a Scheme and for any enterprise which applies to get a rebate under that Scheme, we shall look at its eligibility, whether it satisfies the criteria. If it satisfies the criteria, we have to, unless we are not serious ourselves.

But, of course, I hope and I would wish that those business people - in fact, in this case, it is a very big company - will stay in Mauritius and they will keep on doing their business and keep on employing people, keep on making Mauritius earn more foreign exchange.

**Mr Ramful:** The reason why I am asking this is because, recently, the EDB has changed the policy. Now they have placed a cap of about Rs1 m. May I know why? Is it because there have been abuses of this Scheme?

**The Prime Minister:** No, there has been no abuse. From what I know, there has been no abuse. But I think, after discussion with MEXA, it was found that it would be appropriate that we have a capping, and the capping is not Rs1 m., it is Rs10 m. per company. From what is being projected, it seems that there will be more applicants and that there will obviously be more of those applicants who will be eligible. I say 'it seems'. Therefore, we have to give support to everybody and not that one should be taking the lion share, when there are other companies also which are eligible and which have to be supported. It has been done, you know, after discussion with the MEXA. So, there is agreement on this.

**Madam Speaker:** Hon. Dr. Boolell!

**Dr. Boolell:** Can I ask the hon. Prime Minister if he can submit figures, whether in respect to the Speed to Market Scheme, this has helped to reverse the decline in export?

**The Prime Minister:** Yes, of course.

**Dr. Boolell:** And how much, if he could submit...

**The Prime Minister:** Of course, it has helped a lot. It has been appreciated by the MEXA and by the entrepreneurs. That is why we have come up again. Well, I would say it is a similar scheme, except that the name has changed because we are giving this support. Initially it was for textile. We have extended it to other manufacturers, and that is why we needed to change the name.

**Dr. Boolell:** So, will he be willing to circulate the information?

**The Prime Minister:** Yes.

**STATE BANK OF MAURITIUS & STATE BANK OF MAURITIUS HOLDINGS –  
DIRECTORS**

(No. B/517) **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 the public officers appointed as Directors in the State Bank of Mauritius and the State Bank of Mauritius holdings respectively, since 2015 to date, he will state the –

- (a) name and qualifications thereof, indicating the experience and expertise in the banking sector held by the incumbents, and
- (b) criteria used for the selection thereof, and
- (c) remuneration drawn therefor.

*(Withdrawn)*

### **BANK OF MAURITIUS – GOVERNOR**

**(No. B/518) 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 the Governor of the Bank of Mauritius, he will, for the benefit of the House, obtain from the Bank of Mauritius, information as to the –

- (a) qualifications held;
- (b) total pay packet and fringe benefits drawn, and
- (c) overseas missions attended since his appointment to date, indicating in each case the –
  - (i) country visited;
  - (ii) air fare cost, and
  - (iii) amount of *per diem* received.

*(Withdrawn)*

**Madam Speaker:** The Table has been advised that the following PQs have been withdrawn: PQ B/517 and PQ B/518.

I suspend the sitting for one and a half hours.

*At 1.06 p.m., the sitting was suspended.*

*On resuming at 2.38 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. Members, the Table has been advised that PQ B/547 in regard to the National Corporate Social Responsibility Foundation will be replied by the hon. Minister of Social Integration and Economic Empowerment.

Hon. Rughoobur!

**MAPOU & PAMPLEMOUSSES - DISTRICT COURTS - PREMISES**

**(No. B/519) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or)** asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the premises which formerly housed the District Courts of Mapou and of Pamplemousses respectively, he will state if same have been surrendered to the Ministry of Housing and Lands and, if so, when and, if not, if consideration will be given for the maintenance thereof.

**Mr Gobin:** Madam Speaker, the Rivière du Rempart District Court as well as the Pamplemousses District Court are both presently sitting in the ex-SIFB Building situated in the district of Pamplemousses. I am informed that the premises, which formerly housed the District Court of Rivière du Rempart situated in Mapou, has not been surrendered to the Ministry of Housing and Lands.

I am further informed that the Judiciary is proposing to renovate the said building with a view to relocating the Rivière du Rempart District Court there.

Madam Speaker, insofar as the ex-Pamplemousses District Court Building is concerned, I am informed that the Ministry of Housing and Lands has been informed that the Judiciary does not propose to keep the site. The site therefore will be handed over to the Ministry of Housing and Lands.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** Thank you, Madam Speaker. May I know from the hon. Minister whether there has been a budget allocated for the maintenance of the Mapou site and during the last six months what are the amount spent there for maintenance?

**Mr Gobin:** Madam Speaker, the Judiciary will be responsible for the maintenance of the sites under its responsibility. Insofar as the ex-Pamplemousses District Court building is concerned, that would not fall under the Ministry. But insofar as the exact amount is concerned, I do not have that. I will have to ask for it.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. Madam Speaker, in relation to the District Court of Rivière du Rempart, do I understand from the hon. Minister that only the existing...

*(Interruptions)*

**Madam Speaker:** Hon. Rutnah, the question relates to District Courts of Mapou and Pamplémousses. I do not know whether the District Court of Rivière du Rempart falls within that.

**Mr Rutnah:** Madam Speaker, normally there is no district called Mapou, but traditionally people call it District Court of Mapou. It is, in fact, the District Court of Rivière du Rempart. So, if I may continue. In relation to the District Court of Rivière du Rempart, is only the existing building that is going to be maintained and reopened, or will there be an additional building providing a very modern complex for the District Court of Rivière du Rempart?

**Mr Gobin:** It is a bit early to reply to that question. The project is to renovate the whole site so that the District Court of Rivière du Rempart situated in Mapou can be brought back to Mapou after the renovation works. It is still early for me to give details of the project.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** Thank you, Madam Speaker. Since my question relates basically to maintenance of the site, may I request for the second time. I am making a request to the hon. Minister to, please, convey to the Judiciary if they could urgently have a look and do the maintenance of the site and, at least, keep it in a condition that is okay.

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

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

#### **INTERMEDIATE COURT - CIVIL & CRIMINAL CASES**

**(No. B/520) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or)** asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the Intermediate Court, he will, for the benefit of the House, obtain information as to the number of civil and criminal cases disposed of in the year 2016, 2017 and 2018, respectively.

**Mr Gobin:** Madam Speaker, I am tabling the information which I have obtained from the hon. Master and Registrar of the Supreme Court for the years 2016, 2017 and 2018.

**Mr Rughoobur:** Until I have a look at the reply, I have noted that more or less the amount of cases on average is remaining undisposed, around almost 1,700-2,000 annually. May I know from the hon. Minister what are the measures that are being taken to accelerate on this in order to reduce the amount of cases being disposed annually?

**Mr Gobin:** Madam Speaker, unfortunately, I will need a specific question for this matter because this falls entirely under the jurisdiction of the Judiciary.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** I know that there was an investment in the e-Judiciary system, but, at least, at the level of the Ministry, if the hon. Minister can enlighten the House as to the status and whether it has served its purpose?

**Mr Gobin:** Unfortunately, Madam Speaker, I will need notice of this question.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. Earlier this year or last year, the hon. Attorney General came up with a law which increases the value of certain matters that can be handled by the Intermediate Court and as a result of this, there is likely to be more cases, now, in front of the Intermediate Court. So, in view of this situation, is the Government considering increasing the number of Magistrates who will sit at the level of the Intermediate Court?

**Mr Gobin:** Well, I wish to point out that at the time when the prescribed amount was increased, it was done in full consultation with the Judiciary. Even the prescribed date of the coming into force was fixed after consultation with the Judiciary.

Insofar as the number of posts is concerned, I do not have the exact number, but they have been constantly increased over a number of years. And if need be, we shall do the needful upon recommendations received from the Judiciary.

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

**Mr Rutnah:** Thank you, Madam Speaker. Is the hon. Minister aware that both for Divisions of the Intermediate Court, Civil and Criminal, we hardly find the decision of the Court published on the Supreme Court website. Would the hon. Minister see how, in his own ways, he could speak to the authorities to ensure that all judgements, including sentencing, be published on the Supreme Court website?

**Mr Gobin:** Well, Madam Speaker, I was not aware of this situation, but I am sure the hon. Master & Registrar has just taken notice of what the question was about and I shall also convey. If ever there is any issue with the website, we shall look into it.

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

**HUMAN RIGHTS COMMISSION – CHAIRPERSON - OVERSEAS  
MISSIONS & BENEFITS**

**(No. B/521) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or)** asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the Human Rights Commission, he will –

- (a) for the benefit of the House, obtain therefrom, information as to the number of overseas missions effected by the Chairperson and officers thereof since April 2018 to date, indicating the cost incurred in relation thereto, and
- (b) state if an assessment of the benefits thereof has been made and, if so, if consideration will be given for the tabling of copy of the assessment report produced in relation thereto.

**Mr Gobin:** Madam Speaker, as regards part (a) of the question, I am informed by the National Human Rights Commission that the Chairperson, members and staff of the Commission have participated in various international meetings, seminars, workshops and trainings. I am tabling the details thereof including their respective costs incurred from public funds.

Madam Speaker, I wish to highlight that clearances are sought from the Prime Minister’s Office prior to the Chairperson, Deputy Chairpersons, members and staff of the National Human Rights Commission proceeding on overseas missions or their participation to international meetings, seminars and workshops.

In this respect, prior to obtaining clearance from the Prime Minister’s Office, the objective of such overseas missions and international participations are spelt out as well as the expected benefits to be derived from attending same. Normally, officers attending such overseas missions are expected to submit a report and also share information and experience gained with their colleagues.

Concerning part (b) of the question, Madam Speaker, no assessment specifically has been made of the benefits by the National Human Rights Commission. I also wish to inform

the House that the National Human Rights Commission is an independent body and its Chairperson, Deputy Chairpersons and members are appointed by the President of the Republic, acting on the advice of the Prime Minister. In accordance with the Protection of Human Rights Act, the National Human Rights Commission prepares its annual report which is tabled in the National Assembly. The latest Annual Report 2018 was tabled on 16 April of this year. I am tabling the information requested with regard to part (a), Madam Speaker.

**Madam Speaker:** Hon Rughoobur!

**Mr Rughoobur:** Thank you, Madam Speaker. I understand that the Human Rights Commission is an independent institution. Since public funds are involved, I wanted to know from the hon. Minister, there should be a mechanism in place to, at least, evaluate those investments, those return? There is no problem into *les voyages tout ça mais*, at least, we have a mechanism to evaluate the return on investment that the Government is undertaking.

**Mr Gobin:** Yes, I totally agree, and this will apply to the whole public service, in fact.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. Would the hon. Minister considering amending the law in relation to the recruitment of the Chairperson of the Human Rights Commission so as to give a wider number of people just rather than only judges to be considered for that position?

**Mr Gobin:** I don't think there is any restriction on the appointment, but to answer the specific question of the hon. Member, Government is not considering amendment insofar as appointment is concerned, at this stage.

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

### **BARRISTERS & ATTORNEYS - FEES**

(No. B/522) **Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or)** asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the fees payable to barristers and attorneys when assisting persons who have been granted legal aid, he will, for the benefit of the House, obtain information as to if consideration will be given for a review upwards of the quantum thereof.

**Mr Gobin:** Madam Speaker, I am informed by the Master and Registrar of the Supreme Court that the fees payable to a barrister or an attorney have been revised by virtue

of new rules, namely the legal aid and legal assistance fees rules 2019 which were made by the Chief Justice on 22 March 2019, under the Legal Aid and Legal Assistance Act. By virtue of rule 3 of the said Legal Aid and Legal Assistance fees rules 2019, the appropriate fee to be paid to a barrister or an attorney assigned under section 9 of the Legal Aid and Legal Assistance Act to assist any party who has been granted legal aid is as specified in the First Schedule to the rules and for legal assistance by counsel under section 7 (b) of the Legal Aid and Legal Assistance Act is as specified in the Second Schedule to the rules. The legal aid and legal assistance fees rules 2019 came, in fact, into operation yesterday, on 01 July 2019 and I am tabling a copy thereof.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** Yes, thank you Madam Speaker. In terms of the budget that was allocated during the outgoing financial year, it appears that almost only 53% of the money budgeted for legal aid was disbursed. May I know from the hon. Minister the reason?

**Mr Gobin:** I will need a specific question, Madam Speaker.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** Well, I don't understand why the hon. Minister is not replying to this. I think this is an important question on legal aid. Anyway! May I know from the hon. Minister, therefore, what are the measures taken to improve on this particular situation? It relates to the person from poor families. I must tell you that in my constituency, people coming to see me for legal aid, they don't have information on this legal aid issue. Probably, there is a problem of communication. May I make a request to the hon. Minister if he could, please, look into the matter?

**Madam Speaker:** I have to interrupt the hon. Member, but I will draw the attention of hon. Members to the fact that their supplementary question has to emanate from the main question. The main question here is in regard to fees payable. So, any question which is being asked and which is outside the main question, I don't think the hon. Minister would be able to reply. Hon. Adrien Duval!

**Mr A. Duval:** Thank you, Madam Speaker. Madam Speaker, I had once raised the attention of the hon. Minister that the fees paid to barristers, especially, or attorneys that go to Rodrigues, there is a disparity between those counsel for Government and those counsel in private practice. In that, those in Government are paid for lodging and transport, whilst those

in private practice are not. It is a burden, Madam Speaker, especially for the young barristers. If the Minister can review this, it's overdue.

**Mr Gobin:** Madam Chairperson, the hon. Member is referring to counsel travelling from the State Law Office, I suppose, to Rodrigues to conduct cases on behalf of Government. They are not paid any special fee. Of course, they will require accommodation when they are in Rodrigues and they require an air ticket to travel to Rodrigues. I am aware that counsel from private practice being sent to Rodrigues for legal aid, for litigants, are provided with their air tickets. And what is interesting is that what has Government done in the last budget, it has doubled the amount in the national budget for legal aid.

**Madam Speaker:** Hon. Baloomoody!

**Mr Baloomoody:** Thank you, Madam Speaker. Can I ask the hon. Attorney General whether he can extend legal aid to workers who feel that they are unfairly dismissed? Because at the Industrial Court, they are not entitled to legal aid.

**Mr Gobin:** The workers already benefit from the services of the Permanent Secretary of the Ministry of Labour, but this is a new idea which has been brought by the hon. Member. We can certainly discuss it in due course.

**Madam Speaker:** Hon. Ganoo!

**Mr Ganoo:** May I pick up from what hon. Baloomoody just said. In fact, the workers do benefit from legal aid, but they do not have the possibility of appealing in case the employer wins the case. So, may I ask the hon. Minister to look into that aspect of things?

**Mr Gobin:** In answer to the previous question, we can discuss in due course.

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

#### **SAFE CITY PROJECT - FACIAL RECOGNITION COMPONENT**

**(No. B/523) 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 the Facial Recognition component of the Safe City Project, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if consideration will be given for the introduction of standards and regulations in relation thereto for the protection of the privacy and confidentiality of the citizens.

**Sir Anerood Jugnauth:** Madam Speaker, the Safe City Project is an integrated and advanced technological system comprising among others the Facial Recognition component for ensuring safety and security of the public.

I am informed by the Commissioner of Police that Facial Recognition is a biometric software application capable of identifying an individual by comparing and analysing patterns based on his/her facial contours. Facial Recognition technology has a wide range of application related to law enforcement and is mostly used for security purposes. Facial recognition allows the tracking of suspicious movements and activities of habitual criminals and wanted persons. Furthermore, the system also helps in searching persons reported missing by uploading their pictures with the consent of their responsible parties.

Madam Speaker, as per section 3(1) of the Data Protection Act, the Act binds the State. This means that the State has to comply with the Act unless the stringent conditions provided for in section 44 of the Act are met. The House will note that the Data Protection Office is established under section 4(2) of the Act and that office has its independence and operational control enshrined in the Act as follows –

“In the discharge of its functions under this Act, the Office shall act with complete independence and impartiality and shall not be subject to the control or direction of any other person or authority.”

I am further informed that the MPF is taking appropriate measures to protect the privacy and confidentiality of citizens. In accordance with Section 14 of the Act, our Deputy Commissioner of Police will be assigned the duties of Data Controller. Pursuant to Section 23(2) (b) of the Act, the Data Controller will perform a data protection impact assessment in accordance with Section 34 of the Act.

As such the law provides adequate safeguards for the protection of the privacy and confidentiality of the citizens; hence there is no need for the introduction of additional standards and regulations.

In addition to the above, Madam Speaker, and pursuant to Section 47 of the Act, a specific Code of Practice will be issued by the Data Protection Commissioner for the Safe City Project prior to the system going live.

**Mr Osman Mahomed:** Thank you. I have noticed that in certain areas of the country, cameras are being placed, especially in towns near houses of people and they are there permanently facing windows and doors of the people. Can I ask the Rt. hon. Minister Mentor

how with such installation they are going to protect the privacy of the people living in their houses?

**Sir Anerood Jugnauth:** Well, so long as it is not placed on their private property, I don't see what we can do. They must keep their doors and windows shut.

**Mr Osman Mahomed:** This project is being managed by the Mauritius Police Force, Mauritius Telecom and Huawei. Can I ask the Rt. hon. Minister Mentor what arrangement will there be between these three entities and the Data Protection Commissioner so that privacy and sensitive information are protected?

**Sir Anerood Jugnauth:** I have already answered that in my answer.

**Mr A. Duval:** Madam Speaker, since the Safe City Project is going to operate outside of the purview of the Data Protection Act, since the Rt. hon. Minister Mentor does not agree that there should be a Parliamentary Committee as oversight committee, will the Rt. hon. Minister Mentor to give some recomfort to the nation that there is going to be at least an audit trail of whoever officer does a search on the system, so that tomorrow, if there are abuses, we can trace back to the officer so that actions and enquiry can be taken? This is a very important component.

**Sir Anerood Jugnauth:** Well, let it come into operation and then we will see if there is any need for doing anything else.

**Ms Sewocksingh:** Madam Speaker, can the Rt. hon. Minister Mentor state to the House what will be the minimum grade of Police officer who will be allowed to use this component?

**Sir Anerood Jugnauth:** Well, that I don't know. I have not been told the qualifications.

#### **FORT GEORGES - COMBINED CYCLE GAS TURBINE POWER PLANT**

**(No. B/524) 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 Design, Supply, Installation, Testing and Commissioning of a Combined Cycle Gas Turbine Power Plant at Fort Georges, he will, for the benefit of the House, obtain information as to if the Central Electricity Board had issued the Notification of Award of the Contract therefor to the successful bidder on 22 November 2018 prior to the Board of the Central Electricity Board being notified thereof and approving same.

**The Deputy Prime Minister:** Madam Speaker, I am informed by the Central Electricity Board that its Board approved the implementation of the CCGT Project in 2015 and that it approved the financing plan and its 2016/2017 Budget.

Subsequently, a procurement process was started.

I am further informed that on 14 November 2018, the Central Procurement Board (CPB) informed the Central Electricity Board that it had selected one bid for award. This was subject to a clarification meeting with the bidder to mutually agree on a list of clarifications provided by the CPB.

As directed by the CPB, on 20 and 21 November 2018, the CEB management held the clarification meetings, in the presence of the EDF Consultant.

On 22 November 2018, acting in accordance with Section 40(3) of the Public Procurement Act, the CEB sent a notification, in writing to the successful bidder and a notice in writing to the other bidders informing them of the decision of the CPB.

Section 40(3) requires the public body to notify the successful bidder in writing of the selection of its bid for award and a notice in writing shall be given to the other bidders, specifying the name and address of the proposed successful bidder and the price of the contract.

The Board took note of this notification at its meeting held on 26 November 2019.

The answer to the question is therefore in the affirmative.

**Mr Osman Mahomed:** Can I ask the hon. Deputy Prime Minister to confirm to the House whether the representative of the Ministry of Finance on the Board of CEB applying her fiduciary responsibility at the special Board Meeting held on Monday 26 November 2018 - Board Meeting 1016 - drew attention that notification of award to the selected bidder was issued without obtaining approval of the Board, that the Board was not apprised of the outcome of the discussions held between the selected bidder to clear the technical deviations as recommended by the CPB, and that funding has not been secured for the project, whereas for all major projects funding has always been secured prior to invitation of such bids, such as the St Louis Project. Is that the case, hon. Deputy Prime Minister?

**The Deputy Prime Minister:** I have not read the Minutes of that Board Meeting with the specific attention which the hon. Member has done. What I can say is that the management of CEB is bound under Section 43 to comply with the directives or the decisions

of the CPB and must notify the successful bidder in writing. No one has any say in this matter, whether it is the Board or the General Manager or anyone in the CEB.

**Mr Osman Mahomed:** Can I ask the hon. Deputy Prime Minister whether during that same special Board Meeting, that same representative of MOFED drew attention to the fact that Cabinet approval should have been obtained prior to issuing of notification of award to the promoter?

**The Deputy Prime Minister:** Well, even if the representative did so, of which I am not aware, that is not correct. There is no need for any approval. The law is clear. I shall read the law –

“A public body, in relation to a procurement contract, (...) shall notify the successful bidder - it is mandatory - in writing of the selection of its bid for award.”

It is not a notification of award; it is a notification of selection of the bidder.

“(...) and a notice in writing shall be given to the other bidders, (...)”

So, it is mandatory, it is not directory, no one has any discretion in the matter, not even Cabinet, not even anyone. That is the law.

**Mr Osman Mahomed:** On the issue of funding, can I ask the hon. Deputy Prime Minister whether CEB and the Ministry of Energy have now been able to satisfy the amended Capital Project Process Manual per financial instructions...

**The Deputy Prime Minister:** I think I should raise an order now, because that is far remote from the original question.

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

### **LIQUEFIED NATURAL GAS – POTEN & PARTNERS REPORT**

**(No. B/525) 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 Report on the Feasibility Study carried out by Poten and Partners on the Use of Liquefied Natural Gas in Mauritius, he will state if copy thereof will be tabled.

**The Deputy Prime Minister:** Madam Speaker, the hon. Member may wish to refer to my replies to supplementary questions arising out of PQ B/352 on 14 May 2019, in the course of which I informed the House that it is was not considered advisable to release the full report. This statement is based on the advice of the Consultant who has drawn our

attention to the fact that the report contains sensitive information relating to potential bidding processes.

I also informed the House that I would consider the advisability of tabling a summary of the report. My Ministry has been in touch with the Consultant and is waiting for his no objection on the summarised version that could be released, if we get the green light.

**Mr Osman Mahomed:** Can I ask the hon. Deputy Prime Minister what difference does he make between the Worley and Parsons Report of 2014 on the potential of using Liquefied Natural Gas and this new Poten & Partners Report insofar as they both deal with LNG and that this report he tabled it very easily in PNQ of 03 March 2015, and now there is so much difficulty to table that report?

**Madam Speaker:** Hon. Deputy Prime Minister, I don't know whether you want to reply to that question, because again...

**The Deputy Prime Minister:** No, I can't, of course.

**Madam Speaker:** ...that question does not arise from the main question. Hon. Lepoigneur, next question!

### **PAVÉ D'AMOUR - SPORTS COMPLEX**

(No. B/526) **Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the sports complex at Pavé d'Amour, in Coromandel, she will state –

- (a) if it is provided with all the required amenities;
- (b) the expected delivery date thereof, and
- (c) if the environment issues raised in relation thereto have been addressed.

**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 am informed by the Municipal Council of Beau Bassin/Rose Hill that the Sport Complex Project at Pavé d'Amour, Coromandel is being implemented in two phases.

With regard to parts (a) and (b) of the question, I wish to inform the House, that Phase I of the project comprising Basketball and Volleyball pitches with lighting facilities and

Petanque Pitch undertaken by the Municipal Council of Beau Bassin/Rose Hill was completed on 29 January 2019 and handed over by the contractor to the Municipal Council.

As regards Phase II of the project consisting of construction of an outdoor synthetic mini soccer pitch with LED lighting facilities, clock room and toilet block, it would be implemented by the National Development Unit under the supervision of its consultant. The design has already been finalised and bids would be invited shortly.

With regard to part (c) concerning environmental issues, the Municipal Council of Beau Bassin/Rose Hill has informed that it had received complaints from some habitants of Lower Pavé d'Amour of alleged nuisance concerning unauthorised access and noise disturbance likely to be caused by the sport activities to be undertaken at the Sport complex.

I am informed that a hearing was held under the Chairpersonship of the Mayor of the Municipal Council of Beau Bassin/Rose Hill with the complainants on 01 August 2018. The complainants have been given full details of the project and they were reassured that all measures have been taken to ensure that no nuisance whatsoever is caused to the neighbourhood. So, that's it.

**Madam Speaker:** Hon. Lepoigneur!

**Mr Lepoigneur:** Merci Madame, mais d'après les renseignements que j'ai moi, il y a plusieurs plaintes qui ont été déposées, des lettres adressées à l'ancien *Chief Executive* et d'autres courriers ont été adressés à M. Seeparsad et une lettre aussi à la ministre et que tous sont restés sans réponse et d'après les habitants qui ont fait les plaintes, ils n'ont jamais eu de réunion avec qui que ce soit. Est-ce que le ministre est au courant de ça ?

**Mrs Jeewa-Daureeawoo:** Well, Madam Speaker, I have been informed by the Municipal Council of Beau Bassin/Rose Hill that a meeting was held on 01 August 2018. I understood that there were eight complainants. So, the eight complainants were asked to attend the said meeting.

**Mr Lepoigneur:** Mais effectivement, il y a 16 plaintes qui ont été faites. Parmi, là où ils ont asphalté devant le complexe...

**Madam Speaker:** Hon. Lepoigneur, please resume your seat! I have said several times that the object of a question is to find out information from the Minister, not to provide her information. So, ask your question, please!

**Mr Lepoigneur:** Au fait, il y a eu 21 habitants de la région qui ont fait une plainte. J'ai vérifié moi-même avec eux hier. Ils n'ont pas été invités à cette réunion. C'est pour cela que je demande à la ministre si elle est au courant. Je vais déposer la lettre pour vous pour voir si ces personnes ont été invitées.

**Mrs Jeewa-Daureeawoo:** Madam Speaker, I will have to find out from the Municipal Council of Beau Bassin/Rose Hill, because this morning itself, I have tried to get information and I have been told that a letter was sent to the eight complainants and they have been asked to attend a meeting. Only four came. I will check again. You just let me have a copy of the said letter.

**Madam Speaker:** The Table has been advised that PQ B/529 has been withdrawn. Next question, hon. Lepoigneur!

*(Interruptions)*

Hon. Adrien Duval, please!

#### **CAMP CRÉOLE VILLAGE, ALBION – FLOODING**

**(No. B/527) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to flooding caused during heavy rainfalls by the river at the Camp Créole Village, in Albion, she will, for the benefit of the House, obtain information as to if consideration will be given for the taking of preventive remedial actions.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** I am informed by the District Council of Black River that flooding at Camp Créole Village was caused by the swelling of Belle Eau River and the feeder Deux Cocos.

I am also informed that during the last heavy rainfall that occurred on 17 February 2019, five houses comprising some 25 inhabitants were affected by flood water. The low carrying capacity of the two water courses could not support the huge volume of flood water, hence causing overflow. The Belle Eau River has almost a flatbed in that region which causes flooding sometimes at the village. The District Council of Black River has further informed that it ensures regular cleaning of the rivers as well as the canal which was last done on 10 June 2019.

I am further informed that the Camp Créole Village lies at the confluence of the two water courses which carry rainwater from a large catchment area. To this effect, the District Council of Black River has made a request to the Land Drainage Authority to carry out a survey for a permanent solution to the problem and this is being addressed by the Land Drainage Authority.

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

**INDIAN OCEAN ISLAND GAMES 2019 – VOLLEYBALL PLAYER – NON-SELECTION**

**(No. B/528) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the forthcoming Indian Ocean Island Games 2019, he will state the reasons for the non-selection of volleyball player Ms S. L. for participation therein.

**Mr Toussaint:** Madam Speaker, the selection of athletes for the forthcoming Indian Ocean Island Games falls under the responsibility of the respective National Sports Federations. I am informed that the list of qualified athletes for the Games has already been finalised and submitted to the *Comité d'Organisation des Jeux des Iles de l'Océan Indien* since 31 May 2019. Same has been worked out by the National Sports Federations after due consultation with their National Technical Directors and National Coaches. The athletes have been retained based on their past performance.

Madam Speaker, in the case of Ms S. L., who is a licensed player currently in Reunion Island, I am informed by the Mauritius Volleyball Association that, since 03 December 2018, she had been advised that her presence in Mauritius would be required for training as from January 2019. However, she has not been able to travel to Mauritius since January 2019 and neither the National Technical Director nor the National Coach has been able to assess her for an eventual inclusion in the National Team.

**Madam Speaker:** Hon. Lepoigneur!

**Mr Lepoigneur:** Merci, Madame la présidente. Je sais que c'est une question qui est arrivée très tard, je n'ai pas de supplémentaire dessus, mais je voulais juste faire une petite parenthèse par rapport à cela.

**Madam Speaker:** No! Hon. Lepoigneur, I am sorry! If you have a question, for sure I'll take your question. But question time is not statement time.

**Mr Lepoigneur:** Non, je voulais savoir si le ministre était au courant que la fille était présente à l'île Maurice en décembre et janvier, mais, malheureusement, c'est la sélection qui avait annulé les entraînements parce que par rapport à la compétition de l'Océan Indien, tous les ans il y a des *guest players* qui étaient venus. Elle était venue en tant que *guest player* et on n'a pas pris en considération.

**Madam Speaker :** You want to ask the Minister whether he is aware?

**Mr Lepoigneur :** Est-ce que le ministre est au courant qu'elle a été lésée par cela ? Elle était à l'île Maurice en janvier.

**Mr Toussaint:** Non, Madame la présidente, je ne suis pas au courant.

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

### **SOUILLAC HOSPITAL – SERVICES**

(No. B/529) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Health and Quality of Life whether, in regard to the Souillac Hospital, he will state if any plan for the extension of the services being offered thereat is being envisaged.

*(Withdrawn)*

### **DPP V PRAVIND KUMAR JUGNAUTH & ANOR - PRIVY COUNCIL - APPEAL**

(No. B/530) **Mr S. Rutnah (Third Member for Piton & Rivière du Rempart)** asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the Appeal to Her Majesty's Judicial Committee of the Privy Council in the matter of the Director of the Public Prosecutions v Pravind Kumar Jugnauth and anor, he will state –

- (a) the quantum of fees paid by the Government of Mauritius to the Queen's Counsel and his juniors;
- (b) the number of Law and other officers who travelled to the United Kingdom in support thereof, indicating the expenditure incurred in terms of airfare, accommodation and *per diem* allowances, and
- (c) if any order for costs was made and, if so, indicate –
  - (i) against whom, and

(ii) the quantum thereof.

**Mr Gobin:** Madam Speaker, this case is Privy Council Appeal No. 30 of 2018 which is an appeal by the DPP against the judgement given by the Supreme Court of Mauritius.

The House will recall that on 25 May 2016, the Supreme Court of Mauritius delivered a judgement in the matter of Jugnauth v ICAC and anor, the reference being 2016 Supreme Court Judgement 187.

The DPP had appealed against the said judgement. The matter was heard before the Privy Council on 15 January 2019 and judgement given on 25 February 2019.

At paragraph 42 of the judgement, the Privy Council said, I quote –

“42. For these reasons, the appeal will be dismissed with costs for the respondent, Mr Jugnauth.”

Madam Speaker, I am informed that following the award of costs, as I have quoted above, the DPP has made representations to the Privy Council regarding the quantum and apportionment of costs. It can safely be assumed that in the light of the said representations the other parties to the appeal will be making their respective submissions concerning costs if they have not done so yet. I am informed that the decision of the Privy Council on this issue of costs, that is, quantum and apportionment is still being awaited.

Madam Speaker, in the light of the foregoing, I am not in a position at this stage to provide the answer to part (c) of the question to the extent now that the parties and their legal representatives are still making representations and submissions on costs in this case and the decision of the Privy Council on this issue is still being awaited. I cannot, at this stage, provide the final figure of fees paid in answer to part (a) of the question.

However, I am informed that the quantum of legal fees paid by Government of Mauritius up to now, amounts to Rs1,550,538 and two Law Officers who were involved in the preparation of the appeal and who appeared together with QC in the case in London. They travelled to London for the purpose of the hearing and the total expenditure incurred for the two Law Officers, including airfare, accommodation, *per diem* amounts to Rs440,482.

Madam Speaker, I wish to add that the figures I have provided above exclude the expenses incurred by the ICAC which is also a party to the case and whose budget also comes from public funds.

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

**DPP VS PRAVIND KUMAR JUGNAUTH - DRAFT JUDGMENT - LEAKAGE**

**(No. B/531) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart)** asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the alleged leakage of the draft judgment in the Appeal to Her Majesty's Judicial Committee of the Privy Council in the matter of the Director of the Public Prosecutions v Pravind Kumar Jugnauth and anor, he will state where matters stand as to the inquiry carried out thereinto.

**Mr Gobin:** Madam Speaker, the judgement of the Privy Council in the matter of DPP v Jugnauth and anor, Privy Council Appeal No. 30 of 2018 was delivered on 25 February 2019. It is common knowledge that some newspapers and media houses in Mauritius had, even before the judgement was delivered, published the outcome of the appeal in local media and on their respective websites. It was thus clear then and there itself that there had been in certain quarters a manifest breach of the practice direction of the Privy Council as regards the embargo on advanced copy of judgements of the Privy Council.

I am informed by the Registrar of the Privy Council that, in accordance with its usual practice, the Board had circulated the draft judgement to the Attorneys and advocates for the parties on 19 February 2019, and this was, of course, on a strictly confidential basis.

I am further informed that, although the terms of the judgement embargo were clear, the result of the Board's decision was widely reported by the media in Mauritius days before the judgement was delivered.

Madam Speaker, I am also informed that the Registrar was directed by the Privy Council to make enquiries of the party's legal representatives. Some 12 legal representatives both from the UK and Mauritius were required to furnish their respective explanations.

I am informed by the Registrar that all denied responsibility. I am further informed that, as a result of this incident, the Privy Council has not since circulated draft judgements in appeals from Mauritius.

Madam Speaker, I quote the words of the Registrar of the Privy Council –

“This is unfortunate and penalises those legal representatives who act professionally and comply with the Board's rules and practice directions”

Madam Speaker, I am additionally informed by the Registrar of the Privy Council that Lady Hale, the Chairman of the Board, asked the Registrar to write to the President of the Bar Council in Mauritius in the hope that she would be prepared to emphasise to practitioners in Mauritius the importance of maintaining the confidentiality of draft judgements and of complying with the practice of the Judicial Committee, and encourage whoever was responsible for the breach to acknowledge it to the Board.

The Registrar has accordingly written to the President of the Bar Council of Mauritius on 13 June 2019 and a reply has not yet been received. The Bar Council of Mauritius has confirmed to me that it has received the letter from the Registrar of the Privy Council concerning the alleged leakage of draft judgement in the case of DPP v Jugnauth. I am further informed by the Bar Council that the said letter will be considered at the next meeting of the Bar Council scheduled for this Thursday 04 of July.

Madam Speaker, the Registrar has further informed me that it is not clear when or whether the Board will wish to resume its usual practice.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Can the hon. Attorney General state to the House whether the DPP has asked the Commissioner of Police to carry out an independent inquiry into this leakage at the Mauritian front?

**Mr Gobin:** I am not aware of this, Madam Speaker.

**Mr Rutnah:** Can the hon. Attorney General, as Minister of Justice, state to the House whether he proposes, at his level, to carry out an inquiry?

**Mr Gobin:** Madam Speaker, I am contemplating to take action at my level and, to that end, I am in consultation with the Registrar of the Privy Council.

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

**Mr A. Duval:** Thank you, Madam Speaker. May we know from the hon. Attorney General whether the Counsels and Attorneys present at the Privy Council, the Mauritian Counsels and Attorneys, have been called for their explanations by the Bar Council and whether also an inquiry has been made with the Press body that has released these articles to see whether they came up with a name or not?

**Mr Gobin:** I heard the hon. Member mentioned the Bar Council. I wish to reiterate what I said earlier. The Bar Council will consider the letter of the Registrar of the Privy

Council on this Thursday. Insofar as the media is concerned, from my level, there has been no inquiry with the media.

**Madam Speaker:** Hon. Ramful!

**Mr Ramful:** Thank you. Since the hon. Attorney General is contemplating to open an inquiry on the leakages of this draft judgment, can he ensure that the hon. Minister of Financial Services is also queried as to how he publicly made statement about the outcome of the case before the final judgement was delivered?

**Mr Gobin:** My responsibility comes from the Law Practitioners Act and it concerns law practitioners, Madam Speaker.

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

### **MTPA - CALL CENTRE CONTRACTS**

**(No. B/532) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart)** asked the Minister of Tourism whether, in regard to the Mauritius Tourism Promotion Authority, he will, for the benefit of the House, obtain therefrom, information as to the Call Centre companies to which the Authority awarded contracts since 2000 to date, indicating the amount of money paid thereto since 2005 to date on a yearly basis.

**Mr Gayan:** Madam Speaker, I am informed by the Mauritius Tourism Promotion Authority that Call Centre contracts were awarded to three different companies, namely Euro CRM, Multi Contact Ltd and Call Services Ltd, during the period 2005 to 2014.

With regard to the company Euro CRM, the following amounts were disbursed for Call Centre services on a yearly basis between the financial year 2005/2006 and June 2012 –

• Financial year 2005/2006	-	Rs1,783,608
• Financial year 2006/2007	-	Rs1,356,411
• Financial year 2007/2008	-	Rs909,860
• Financial year 2008/2009	-	Rs1,526,538
• July to December 2009	-	Rs783,608
• November 2009 to January 2010	-	Rs182,470
• April 2011 to April 2012	-	Rs1,132,705
• May to June 2012	-	Rs192,336

Madam Speaker, as regards the company Multi Contact Ltd, an amount of Rs325,914 was disbursed for Call Centre services for the period September to December 2012, and Rs977,743 was paid for the period January to December 2013.

Lastly, the company Call Services Ltd was contracted for a total amount of Rs310,500 for a period February to October 2014.

Madam Speaker, I wish also to say that as of October 2014, the MTPA has ceased contracting the services of Call Centre companies for the French market especially in view of the service provided was not found to be cost effective.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Can the hon. Minister state who are the Directors and shareholders of these companies?

**Mr Gayan:** Madam Speaker, I am advised from the companies' department that EURO CRM Mauritius Limited had as office bearers Auditor DJM consultant, Director Casanova Pierre Marie Elizabeth, Seetohul Jayprakash Roshansingh and the shareholders were EURO CRM Group and EURO GRM Group.

Madam Speaker, with regard to these two companies, we do not know whether they are companies, but from the information that I have, the entities EURO CRM Group and EURO GRM Group are not registered under the Companies Act 2001. Accordingly, no record relating to the Directors and shareholders is available at the Office.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Can the hon. Minister state to the House the cost of these calls that are made to these calling companies?

**Mr Gayan:** Madam Speaker, these are supposed to be Call Centres receiving calls from people wanting information on Mauritius, but it would appear from a calculation that has been made with regard to all the money spent and the calls received that the average cost of handling one call was Rs554.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** In light of the answer of the hon. Minister to the question of my good friend, hon. Rutnah, I would like to ask him whether he has found any wrongdoing in the

allocation of the contract to any of the three Call Centres he mentioned and if he, as a responsible Minister, has reported the case to ICAC for further investigation?

**Mr Gayan:** Madam Speaker, when preparing the answer to this question, I tried to obtain from the MTPA whether tenders were called for before the contracts were given to these companies. Unfortunately, there is no record of any tender having been made.

*(Interruptions)*

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

**Mr A. Duval:** Madam Speaker, I would just ask whether it is correct that the Call Centres were being solicited to take on all the calls, communications from Mauritius to the European Markets and to coordinate the incoming calls as well and that something like Rs90,000 were being paid a month. Madam Speaker, the hon. Minister is now saying that it was not cost-effective. On what does he base himself to say that?

**Mr Gayan:** Well, I have given all the information, but the very fact that the service was discontinued in 2014, that is, even before we came to power, is evidence enough of the lack of performance of these companies?

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

**Mr Rutnah:** Thank you, Madam Speaker. In relation to this Rs554 per call, has the Minister considered setting up an enquiry to ascertain whether people were fleeced out of their money for a call costing Rs554?

**Mr Gayan:** Well, this is something that we can consider, but we have just obtained this information.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** I have listened carefully to the hon. Minister; he has mentioned the name of one Mr Roshan Seetohul. Is he not the same gentleman who was shaking hand with the Prime Minister this morning?

*(Interruptions)*

Is he not the same one? Just to enlighten the House!

*(Interruptions)*

**Madam Speaker:** Hon. Uteem!

**MINISTER OF FINANCIAL SERVICES & GOOD GOVERNANCE – ALLEGED  
OFFENCES - INQUIRIES**

**(No. B/533) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Minister of Financial Services and Good Governance, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiries initiated into cases of alleged offences levelled against him?

**Sir Anerood Jugnauth:** Madam Speaker, I am informed by the Commissioner of Police that as at date, six cases have been reported against the hon. Minister of Financial Services and Good Governance.

I am also informed that out of the six cases:

- (i) one has been dismissed for want of prosecution by Moka Court;
- (ii) The Director of Public Prosecutions has advised no further action in three cases, and
- (iii) Two cases are still pending, awaiting the advice of the Director of Public Prosecutions.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. The Rt. hon. Minister Mentor mentioned six cases. Last year, answering to a PNQ on 31 July 2018, the hon. Prime Minister mentioned five cases. So, may I know from the Rt. hon. Minister Mentor whether in respect of all these cases, any statement has been taken from the hon. Minister?

**Sir Anerood Jugnauth:** Surely, there must have been an enquiry and it is normal that statement must have been taken. I do not have the information here.

*(Interruptions)*

Nobody is there. We have been deserted.

**Madam Speaker:** The Rt. hon. Minister Mentor does not have the information.

**Mr Uteem:** Last year, the hon. Prime Minister mentioned that one of the cases was an assault case. We are talking about July 2018, the Rt. hon. Minister Mentor has been a senior counsel and a Magistrate, does he find it normal that for a simple case of assault, after one year, the Police have still not decided to prefer charges?

**Sir Anerood Jugnauth:** Well, I do not know whether the cases that are still pending and waiting advice of the Director of Public Prosecutions, maybe the case of assault is there. So, the Director of Public Prosecutions must be finding it very difficult to come to a conclusion.

**Mr Uteem:** When the Rt. hon. Minister Mentor was Prime Minister, he did not hesitate to ask hon. Dayal to step down as Minister because there was a Police case and an enquiry was pending. So, may I know from the Rt. hon. Minister Mentor whether he finds it normal that there is *deux poids deux mesures* when it comes to hon. Dayal and when it comes to hon. Sesungrur?

**Sir Anerood Jugnauth:** Depending on the gravity of the case.

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

*(Interruptions)*

Order please! Order! Can we have some order!

*(Interruptions)*

Who said that? Who said that on this side? Who made provocations? Did anybody on this side make provocations? Now, can you calm down? Next question, Hon. Uteem!

### **PUBLIC GATHERING ACT – PROPOSED AMENDMENTS**

**(B/534) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Public Gathering Act, he will state if consideration will be given for proposed amendments to be introduced thereto to allow persons to hold or participate in peaceful and spontaneous public demonstrations without prior Police clearance.

**Sir Anerood Jugnauth:** Madam Speaker, the rights of the citizens of Mauritius to assemble freely are guaranteed by sections 3 and 13 of the Constitution.

However, this right is not absolute. Section 13 (2) of the Constitution provides that in the interests of defence, public safety, public order and for the purpose of protecting the rights of freedom of other individuals, the freedom of assembly of citizens may be restricted provided that it is justifiable in a democratic society.

The Public Gathering Act 30 of 1991 makes provision for the orderly conduct of public meetings and processions. It also regulates the holding or organisation of public

gatherings after the Commissioner of Police has been notified, not less than seven clear days before the day of the gathering.

The Commissioner of Police has also been vested with powers to impose conditions on the holding or organisation of public gatherings for the purpose of preventing public disorder, damage to property or disruption of the life of the community.

Madam Speaker, as regards spontaneous assemblies, Section 3(3) of Public Gathering Act provides that the Commissioner of Police may, on good cause shown to him, accept a shorter notice than the requirement of seven clear days' notice.

I am informed by the Commissioner of Police that the responsibilities of the Police at a public gathering are to protect peaceful protestors against violence by counter demonstrators and the public in general. During such gatherings, the Police also ensure that there is no damage caused to property and that the traffic in the concerned area is not disturbed.

They also have a duty to ensure a right balance between the rights of demonstrators and the interest of the society at large.

Therefore, Madam Speaker, allowing individuals to hold or participate in peaceful and spontaneous public demonstration without prior Police clearance is not in the interest of public safety and security.

The proposal to amend the PGA so as to allow individuals to hold or participate in peaceful and spontaneous public demonstration without prior Police clearance is not recommended for the following reasons –

- (i) demonstration though peaceful in nature, may at any time turn into a violent one and hence it may jeopardise public safety and public order;
- (ii) it may disrupt the smooth organisation of important events held in public places;
- (iii) it could hinder the sittings of the National Assembly, and,
- (iv) it may obstruct the free movement of individuals and vehicles on the public roads and in public places.

**Mr Uteem:** Thank you, Madam Speaker. In the manifest electoral, this is what the Government promised, and I quote -

« *Tout citoyen pourra assister à des meetings publics, des congrès ou participer à des manifestations pacifiques sans crainte de sanctions ou de victimisation.* »

Will the Rt. hon. Minister Mentor agree that once this Government came into power, it did exactly the opposite and Police have been arresting trade unionists who have been siding with workers in spontaneous demonstration and militant who has been involved in spontaneous demonstration against de-proclamation of our public beaches?

**Sir Anerood Jugnauth:** We have not promised anything contrary to what I have just said. We agree with the law as it is right now and it is a duty of the Police to see that order is maintained in all circumstances.

**Mr Uteem:** The Rt. hon. Minister Mentor mentioned Article 13 of the Constitution and freedom of Assembly can be restrained, provided that the law is reasonably justifiable in a democratic society. What we are asking today is spontaneous gathering, not planned, not organised, people just being very angry with this Government because they don't have water supply or for any reason and they just come down and voice their *mécontentement* like you have in France, you have *gilets jaunes*. So, can I ask the Rt. hon. Minister Mentor whether he will consider amending the definition of public meeting under the Public Gathering Act to carve out for spontaneous peaceful demonstration?

**Sir Anerood Jugnauth:** Well, the hon. Member himself says that people come out with anger, they are not getting water. We all know anger where it may lead to. Therefore, I think the law as it is and as it is being practised is not contrary to the Constitution.

**Madam Speaker:** Next question, hon. Abbas Mamode!

#### ST FRANÇOIS XAVIER MUNICIPAL HALL – LANTERNS

(No. B/535) **Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the St François Xavier Municipal Hall, she will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if consideration will be given for lanterns to be installed in the yard thereat and in the green space found adjacent thereto.

**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 am informed by the Municipal City Council of Port Louis that lighting facilities already exist along the external walls of St François Xavier Municipal Hall. I am also informed that works have been programmed by the Council for the fixing of

additional led lanterns in the yard of the Municipal Hall as well as in the green open space. These works are expected to start in the beginning of August, this year and will be completed in the same month.

**Mr Abbas Mamode:** Madam Speaker, yesterday itself, I was in the region, all the lights were off. So, will the Vice-Prime Minister consider to direct the City Council to install some floodlight over there, because especially at night, in the green space, many cases of prostitution have been reported?

**Mrs Jeewa-Daureeawoo:** Well, Madam Speaker, is the hon. Member referring to the external or inside the yard? Because, as I have said, in the yard there are no lighting facilities. The Municipal Council of Port Louis has a programme for the fixing of 15 additional led lanterns inside the yard.

**Mr Abbas Mamode:** My request is in the garden where illegal activities are being done at night.

**Mrs Jeewa-Daureeawoo:** Okay, I will take care of it.

**Madam Speaker:** Next question, hon. Abbas Mamode!

#### **CITY CENTRE - CONCRETE SLABS - REPLACEMENT**

**(No. B/536) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the road junctions in the City Centre, she will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if consideration will be given for the replacement of the concrete slabs found thereat by heavy duty slabs.

**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 am informed by the Municipal City Council of Port Louis that there are concrete slabs along almost all the road junctions in the City Centre. In case of damage being caused to the concrete slabs, the Council intervenes for the replacements by concrete slabs, and if need be by heavy duty slabs.

**Mr Abbas Mamode:** Madam Speaker, as in his reply to the PNQ this very morning, we know that feeder buses will be around the City of Port Louis. So, can the Vice-Prime Minister give guarantee to the House that prior to those big buses being *dans la circulation routière de Port Louis, on va complètement changer tous les slabs aux coins des rues de Port Louis?*

**Mrs Jeewa-Daureeawoo:** Madam Speaker, I can't give any guarantee, as I have said, as and when required, the concrete slabs are being replaced by the heavy duty slabs. So, there is no programme on the part of the Municipal Council of Port Louis for the change of the existing slabs.

**Mr Abbas Mamode:** Madam Speaker, there is a daily problem in the city of Port Louis concerning slabs at almost every corner of Remy Ollier Street. So, will the hon. Vice-Prime Minister consider the replacement? I am not talking about when slabs are being broken; the present slabs must be removed.

**Mrs Jeewa-Daureeawoo:** I have already answered, Madam Speaker.

**Madam Speaker:** Hon. Ramful!

### **QUANTUM GLOBAL GROUP OF COMPANIES – RESTRICTION ORDERS & OUTCOME OF INVESTIGATION**

**(No. B/537) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Financial Services and Good Governance whether, in regard to the Quantum Global Group of companies, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to where matters stand as to the –

- (a) Restriction Orders regarding the bank accounts thereof, indicating if the parties have reached an out of court settlement and, if so, indicate the terms and conditions thereof and table copy of same, and
- (b) Outcome of the investigation carried out by the Commission, indicating if the matter has been referred to the Independent Commission against Corruption and, if not, why not.

**Mr Sesungkur:** Madam Speaker, as I stated in my reply to Parliamentary Question B/1179 of the sitting of 04 December 2018, this Government is committed to ensure the soundness and stability of the financial system in Mauritius and to develop our country into a World Class Financial Centre of substance.

In this respect, I am informed by the Financial Intelligence Unit that on 07, 09, 11, 16 and 17 April 2018 respectively, following information it received regarding a case of money laundering involving Mr Jean-Claude Bastos, an Angolan national, it applied for and obtained restriction orders from the Supreme Court for the freezing of a total amount of Rs16,871,287,639.70 with respect to the bank accounts of the entities linked to the Quantum Global Group.

Madam Speaker, with regard to part (a) of the question, I am informed by the Financial Services Commission that the Fundo Soberano de Angola (FSDEA) has, in a letter addressed to the Commission in early of March 2019 informed that the State of Angola, the FSDEA, the Limited Partnerships, Mr Jean-Claude Bastos and entities related Mr Bastos, and the Quantum Group have resolved all their disputes amicably, and concluded an agreement to withdraw all claims pending in courts/tribunals and no further claims would be brought. Accordingly, Quantum Global undertook to return control over the assets held in Mauritius to the FSDEA.

Subsequently, following an application made by the Quantum Global Group of companies to the Supreme Court of Mauritius for the issue of an Order to lift all Restriction Orders on the accounts of Quantum Global held in Mauritian banks, the Supreme Court has, on Monday 11 March 2019, revoked all the Restriction Orders applied for by the Financial Intelligence Unit for the total amount of Rs16,871,287,639.70, under Section 27 of the Asset Recovery Act.

Madam Speaker, I am further informed that following representations made by the Quantum Group of Companies, and the order of the Supreme Court of Mauritius dated 11 March 2019, discharging the Restriction Order issued by the Court on 07 April 2018, the FSC has lifted the suspension of the licences of the 7 Closed-end Funds, effective on 11 March 2019.

Madam Speaker, I am also advised that the agreement was made between the FSDEA and the Quantum Global and that neither the FSC nor the FIU has a copy of same. Consequently, no details about the terms and conditions of the agreement are available to be provided for or to be tabled.

Madam Speaker, as regards part (b) of the question, I am informed by the FSC that the Quantum Global Group is a group of many companies whose operations extend to several jurisdictions. For the purpose of this investigation, the FSC has gathered and analysed a number of documents and liaised with various foreign counterparts to assist with the investigation.

I am also informed that since the start of the investigation, the FSC has constantly been liaising with all relevant institutions, including the Financial Intelligence Unit and the Independent Commission against Corruption.

Madam Speaker, I wish to reiterate that the Quantum Global Group of Companies are holder of Category I Global Business Licences and as per Section 83(4) of the Financial Services Act 2007, all documents and other information pertaining to entities holding Category I Global Business Licences are confidential.

Furthermore, there are two cases pending before the Supreme Court of Mauritius relating to the Funds managed by Quantum Group of Companies, in which the FSC is a direct party.

As the investigation is still ongoing, no further information can be disclosed.

**Mr Ramful:** May I know whether the Minister can confirm if there was an out of court settlement between FSC Mauritius and the Quantum Global Group with regard to the outcome of the Judicial Review Application that the Quantum Global Group had entered against the decision of the Supreme Court to grant restriction orders on those companies?

**Mr Sesungkur:** Madam Speaker, I cannot say whether the FSC had an out of court settlement, because FSC clearly is not a party. The two parties are the FSDEA and Quantum Global. I mentioned in my reply that there has been an agreement between these two parties to settle the matter on their own.

**Mr Ramful:** Is the Minister saying that he is not aware whether there was such an agreement between FSC Mauritius and Quantum Global Group or was there no agreement at all?

**Mr Sesungkur:** Madam Speaker, whatever information I have got from the FSC, I have already mentioned in my reply.

**Mr Ramful:** What about the outcome of the inquiries that were started by FSC?

**Mr Sesungkur:** I understand from the FSC that the inquiries are still ongoing and the last communication with the ICAC was only in May 2019.

**Madam Speaker:** Hon. Bhagwan, next question!

#### **BEAU BASSIN ROUNDABOUT - TRAFFIC SCHEME**

(No. B/538) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Metro Express Project, he will, for the benefit of the House, obtain from the Traffic Management Liaison Group,

information as to the traffic arrangements being envisaged at the existing Beau Bassin roundabout in connection therewith, indicating the –

- (a) number of lateral roads involved;
- (b) number of traffic lights to be installed, and
- (c) safety measures to be provided for the pedestrians, keeping in view the number of students using that part of the road regularly.

**Mr Bodha:** Madam Speaker, I am informed that Phase I of the Metro Express Project from Rose Hill to Port Louis is progressing well and will be in operation as from September 2019. The Light Rail system will start at Rose Hill and pass through Beau Bassin and Barkly to proceed to Richelieu and Port Louis.

The rail track will cross the A1 Road at Beau Bassin near what is commonly known as Gool roundabout with a signalised junction configuration. The Traffic Management Liaison Group (TMLG) comprising various stakeholders, including the Metro Express Limited, the Traffic Management and Road Safety Unit (TMRSU), the Traffic Modelling Unit (TMU), the Police, the Road Development Authority, the National Transport Authority and the Municipality of Beau Bassin/Rose Hill, amongst others, analysed the different stages of construction as well as the permanent configuration to be adopted during operational phase of the Light Rail Vehicle. The methods which have been used include traffic and pedestrian volume counts, road tests, and traffic modelling.

Taking into consideration safety and fluidity of traffic during the construction stage, the Liaison Group has adopted a 4-stage traffic scheme, which will last over 12 weeks. Basically, the roundabout has been converted into a T-Junction with proper signage and road markings to guide road users, including vehicles and pedestrians.

Appropriate communication to the public and road users has been made on different stages of the traffic diversion scheme, through the Press and through distribution of leaflets, TV and social media. The first stage is operational as from 25 May 2019 and will be over for a duration of 6 weeks and relates to Vandermeersch Road ending at the Roundabout.

The second stage of the construction will last another 6 weeks and will be focused on the opposite side of the roundabout near the Post Office.

After the works in the final configuration, the junction at Beau Bassin will be a fully integrated signalised junction to cater for efficient and safe movements of both the Light Rail Vehicle and other road users, including the vehicles and pedestrians.

Madam Speaker, I am informed that at present this junction at Beau Bassin is being monitored on a daily basis. Daily positive feedback is being received from the Police present on site on the traffic situation, which is moving smoothly. Also, with the help of the Mauritius Telecom and the Police, a traffic camera has been placed at the Beau Bassin Police Station and this installation is informing road users on the traffic situation in real time, that is, the live traffic can be viewed with the Traffic Watch Application right away.

Madam Speaker, with regard to part (a) of the question, I am informed that apart from the main roads, Vandermeersch Street and the Port Louis/St. Jean/A1 Road, there are 3 lateral roads involved through this junction, namely –

- (i) Dr. Emile Duvivier Street;
- (ii) Sir Napier Broom Street (which is a One-way road traffic towards the junction),  
and
- (iii) Avenue des Artistes, ex. Douglas Street (One-way road traffic away from the junction).

The traffic movement along these roads have been preserved. However, due to geometrical constraints, traffic fluidity and safety, some turning movements from the main road into those lateral roads will not be allowed. Nevertheless, other alternatives for such movements have been put in place such as Mosque Street, Raoul Lejeune Street, etc.

Madam Speaker, as regards part (b) of the question, I am informed that 8 pairs of traffic lights will be placed at these junctions during operation to regulate the movements of the light rail vehicles and road users, including pedestrians movements and I would like to stress that safety of road users has been given top priority.

Madam Speaker, with regard to part (c) of the question, I am informed that all necessary measures have been considered and implemented for safety of road users at the different junctions along the LRT corridor. Accordingly, the new Beau Bassin intersection will accommodate signalised pedestrian crossings, wide footpaths and road furniture for safe pedestrian movements. In addition, pedestrian refuge will be constructed on both sites of the track thereat. Ghoul roundabout which we all know, previously was heavily congested most

of the time, we have now the new Traffic Improvement Schemes. It has simplified the traffic flow which is more fluid as witnessed by the camera of the traffic watch which has been installed.

For the medium-term, a one way scheme is being considered from Manjoo Roundabout in Rose Hill to Ghoul roundabout to make optimum use of the existing road networks. In the long run, we are also considering a complete survey of the Beau Bassin-Rose Hill area to be undertaken into the possibility of setting up some grade-separated junctions for some main roads. This can only be done, Madam Speaker, in real time when after the operation of the light rail and after assessing its impact on safety, traffic and ridership.

I wish to highlight that the biggest challenge has been, Madam Speaker, on the one hand, to continue the works and, on the other hand, to maintain safety and security of all users and the fluidity of the traffic, which is not a simple challenge.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** I have a question to the hon. Minister, Madam Speaker. He has mentioned Mosque Street, which has now been allowed for people to use it as a bypass. But is the hon. Minister aware that Mosque Street is a very narrow street and there is a problem of speeding? I have received representations and there is a mosque there where regular prayers are done. Can I ask the hon. Minister to ask the Police or his officers to review this traffic arrangement? In the morning and in the afternoon, school children come and go from Philippe Rivalland Government School. There is a real problem, especially with the big lorries working and with the heavy vehicles. There is urgency for the - I will call it - liaison, Traffic Management Unit to review the situation and initiate action.

**Mr Bodha:** Madam Speaker, for the Mosque Road, definitely we can see, we can work and have some calming measures. For the morning and afternoon, for the schools, we have made a request to the Commissioner of Police to be there. In fact, the presence of the Police Station in the surrounding is a very interesting factor because we want Police presence and that is the case now during the day, 12-hour presence of the Police.

**Mr Bhagwan:** Can I transmit to the hon. Minister a representation which my colleague, hon. Quirin and myself, have received from the taxi operators. With the works going on there, these taxi operators who earn their living in difficult times, are having very big problems to go out of the traffic stand. Can the hon. Minister at least direct his officers to

have a meeting with the taxi operators and to see what can be done in short and long term and also once this light rail will come into operation?

**Mr Bodha:** I can understand the concerns of the taxi owners there, Madam Speaker. In fact, we will upgrade this taxi stand because the station is going to be just behind the taxi stand. I will ask the National Transport Authority to have a meeting with the taxi operators just like we have done it in Victoria. We will do the same in front of Beau Bassin Police Station.

**Mr Bhagwan:** One last question, Madam Speaker. Another request to the Minister from the people going in and out of the Sacré Coeur Church on Sundays and during weekdays also. There also there is urgent need for the Minister to direct his officers to work with the Police a scheme for those attending the church and also whenever there are activities at the Sacré Coeur Church so that the traffic must not be congested there.

**Mr Bodha:** If I understand, Madam Speaker, it is the Sacré Coeur in Rose Hill.

**Mr Bhagwan:** In Beau Bassin.

**Mr Bodha:** In Beau Bassin, okay, I will take good note of it, Madam Speaker.

**Madam Speaker:** Hon. Bhagwan!

#### **CANNES FILM FESTIVAL – MAURITIUS DELEGATION**

**(No. B/539) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Tourism whether, in regard to the overseas mission effected by a delegation to the recent *Festival des Cannes*, he will state the –

- (a) composition of the delegation;
- (b) amount spent by Government and by the Mauritius Tourism Authority respectively in relation thereto, indicating the costs of airfares, *per diem* and other allowances, and
- (c) duration thereof.

**Mr Gayan:** Madam Speaker, Mauritius participated in the Cannes Film Festival which was held from 13 to 17 May 2019 in Nice, France. I attended the event from 14 to 15 May 2019 accompanied by Mr Bundhun, who is the Director of the Mauritius Tourism Promotion Authority, but he was there from 14 to 17. The cost incurred by Government for my air ticket is Rs201,408 and the total cost of Mr Bundhun's airfare was Rs247,214.

However, the MTPA benefits from a discount from Emirates so that the actual amount paid was Rs185,411 for the airfare of Mr Bundhun.

*Per diem* and other allowances were paid in accordance with rates approved by the Ministry of Finance and Economic Development.

**Madam Speaker:** Hon. Ms Sewocksingh!

**Ms Sewocksingh:** Thank you, Madam Speaker. In relation to the question, may I ask the hon. Minister if there has been any kind of promotion for the destination of Mauritius at *Festival des Cannes*, and, if yes, what is the outcome?

**Mr Gayan:** Madam Speaker, the Cannes Film Festival is basically a networking kind of activity and it provided Mauritius with an excellent opportunity to showcase Mauritius not as a tourism destination but also as a destination where international film producers can come and do business, and this is why the EDB was also there, Madam Speaker.

There were lots of things but one definite outcome was the representative of Netflix who expressed an interest to shoot in Mauritius as from October 2019. I hope that Netflix would be able to benefit from the Film Rebate Scheme because we presented the Film Rebate Scheme to all the producers.

**Madam Speaker:** Hon. Léopold!

#### **PEST & ANIMAL DISEASES - MEASURES**

**(No. B/540) Mr J. Léopold (Second Member for Rodrigues)** asked the Minister of Agro-Industry and Food Security whether, in regard to pests and animal diseases, he will state the measures taken by his Ministry to prevent the proliferation thereof, especially across the borders.

**Mr Seeruttun:** Madam Speaker, the Republic of Mauritius is highly vulnerable with regard to introduction of pests and diseases. The ever-increasing passenger and trade movements makes our territory even more fragile and hence the need to imperatively reinforce our biosecurity measures.

The recent incursion of the Fall Armyworm which affected our maize crops bears testimony to the vulnerability of our country and this warrants strict vigilance and surveillance at entry points.

Madam Speaker, in view of the above, my Ministry has initiated a series of actions as follows –

- (a) Island-wide sensitisation of the farming community as well as the public which is ongoing. Distribution of a pest alert to planters in order to sensitise them on the existence/emergence of pests and diseases and the recommended control measures and treatment.
- (b) Surveillance has been reinforced at entry points and across the island. Flights and ships movement between the islands during the period November to January are restricted so as to prevent the adult White Grub pest, which is harmful to sugarcane, from entering Mauritius.
- (c) Traps have been placed island-wide and application of protein baits to control fruit fly and Fall Armyworm which are devastating to our high economic value fruits, vegetables and maize crops. 700 traps have been placed in Mauritius and 50 in Rodrigues for mass trapping and collection/incubation in the laboratory.
- (d) A preparedness plans and protocols have also been elaborated to control/eradicate emergence of new pests and diseases together with those already observed in our territory.
- (e) Phyto-sanitary control measures have been tightened. Imported agricultural goods that could be potential carriers of pests are fumigated at the Ports of entry. With regard to vegetables and fruits exported to Rodrigues, they are now subject to quarantine inspection and certification prior to packaging and embarkation.
- (f) Phyto-sanitary Certificates are also being issued as a means of certification of the pest and disease freedom of the consignment and as an authorisation for the inter-island movement of consignment.
- (g) Passengers travelling to Mauritius are being notified through on flight announcement to declare all introduction of quarantine materials.
- (h) A Pest Monitoring Committee has also been set up at the level of my Ministry. It is being chaired by the Senior Chief Executive and closely monitors any pest. This Committee meets on a monthly basis.

Madam Speaker, as far as Rodrigues is concerned, an office of the NPPO has been set up there and is operational since January 2019. My Ministry is also finalising the setting up

of an antenna of the Food and Agricultural Research and Extension Institute to implement, monitor and report on the incidence of pests and diseases in collaboration with officers of the agricultural services of the RRA.

Madam Speaker, beside the above, following request made in August 2018, the FAO is elaborating a National Biosecurity Plan for the agricultural sector for the Republic of Mauritius, including Rodrigues and the Outer Islands. The objectives of the exercise are, *inter alia*, to undertake a comprehensive assessment of the biosecurity measures in place, namely the review of existing legislations, policies, procedures and plans amongst others; develop a National Biosecurity Plan to protect our country from pests, threats and diseases and prepare early warning system, rapid response and contingency plan for pests and diseases attacks and emerging threats.

Madam Speaker, with regard to animal diseases, my Ministry is taking all the necessary measures to prevent any proliferation during movements of animals across the borders. Sanitary and phyto-sanitary measures are applied with risk analysis on trade of live animal and products of animal origin, and entry and exit points are controlled by veterinary officers, quarantine staff in collaboration with Customs and Ministry of Health. During movement of animals, strict biosecurity measures are applied such as disinfection, animals, vehicles, wheels and undercover, etc. All live animals...

**Madam Speaker:** Hon. Minister, have you almost finished?

**Mr Seeruttun:** Yes, I'm finished almost.

**Madam Speaker:** Otherwise, I would request you to circulate your reply.

**Mr Seeruttun:** Two more paragraphs, Madam Speaker.

**Madam Speaker:** Because you have taken more than 5 minutes. So, I'll request if you have got additional information that you circulate it.

**Mr Seeruttun:** Well, just to elaborate on the measures that have been put in place as these have been put in the question.

**Madam Speaker:** Do you have for how many more minutes?

**Mr Seeruttun:** One more minute.

**Madam Speaker:** I can give you one more minute but not more than that.

**Mr Seeruttun:** So, the Livestock and Veterinary Divisions of my Ministry together with its four regional centres conduct surveillance on for all farms and the central abattoir with regular collection of samples for testing. Disease diagnosis are carried out by the animal health laboratory and confirmed by the Office International des Epizooties as recognised reference of employees, if required.

**Mr Leopold:** I thank the hon. Minister and his Ministry for having been able to contain all the alien diseases. I just want to ask the hon. Minister whether the food and mouth diseases have been considered as free. Mauritius may consider as free from the food and mouth diseases-the Republic of Mauritius.

**Mr Seeruttun:** Well, Madam Speaker, we had to undertake a few analysis exercises. In fact, we had completed that exercise now and we are applying to have the freedom status from FMD and this is going to be submitted, I believe during the course of this month and hopefully by September, we'll have a reply with regard to that application.

**Madam Speaker:** Hon. Jahangeer!

**Mr Jahangeer:** Thank you, Madam Speaker. Does the hon. Minister foresee any ban on the importation of cattle for the forthcoming Eid al-Adha in Rodrigues?

**Mr Seeruttun:** Any ban?

*(Interruptions)*

No, in fact, we have allowed the importation of cattle from Rodrigues since a few months now and already there have been cattle coming from Rodrigues in the past few months. We do have stock coming from Rodrigues.

**Madam Speaker:** Next question, hon. Ms Sewocksingh!

#### **DETAINEES – PRE-RELEASE & POST-RELEASE PROGRAMMES**

**(No. B/542) Ms M. Sewocksingh (Third Member for Curepipe & Midlands)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the detainees, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to the number of Memoranda of Understanding signed with Non-Governmental Organisations to facilitate the rehabilitation thereof through pre-release and post-release programmes.

**Sir Anerood Jugnauth:** Madam Speaker, I am informed by the Commissioner of Prisons that, as at date, the Mauritius Prison Service has signed nine (9) Memoranda of Understanding with different Non-Governmental Organisations (NGOs) to facilitate the rehabilitation of detainees.

With your permission, Madam Speaker, I am tabling the list of Memoranda of Understanding signed between the Mauritius Prison Service and these NGOs.

Pre-release programmes include counselling, psycho-social support, sensitisation on family and moral values, suicide prevention, sensitisation on substance abuse and visit to families of detainees.

Post-release programmes include counselling, information aftercare, providing employment and referral to prospective employers.

**Ms Sewocksingh:** Can the Rt. hon. Minister Mentor state to the House the number of detainees who have benefited support from NGOs in pre-release and post-release programmes?

**Sir Anerood Jugnauth:** It's the same as I have already pointed out.

**Ms Sewocksingh:** Madam, the question is the number of detainees who have got support from the NGOs in the pre-release and post release programmes. How many detainees?

**Sir Anerood Jugnauth:** I don't have the number.

**Madam Speaker:** Hon. Ms Sewocksingh!

**Ms Sewocksingh:** Thank you, Madam Speaker. I have got the list of the NGOs - I cannot see the MACOSS on the list, may the Rt. hon. Minister Mentor consider to see if partnership can be done in this field for detainees for this programme?

**Sir Anerood Jugnauth:** Well, I'll suggest it to the Commissioner of Prisons.

**Madam Speaker:** Next question, hon. Ms Sewocksingh!

#### **CHILD DAY CARE CENTRES – REGISTRATION & OPERATION**

(No. B/543) **Ms M. Sewocksingh (Third Member for Curepipe and Midlands)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Child Day Care Centres, she will state where matters stand as to the work of the Technical

Committee set up to identify the challenges/constraints faced by same in their registration processes.

**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, at my request, a Technical Committee was set up in May 2017 under the Chairpersonship of the Permanent Secretary of my Ministry to conduct an audit exercise related to the registration and operation of Child Day Care Centres, identify and propose solutions to problems which might crop up and hamper the registration process and advice on appropriate policy measures required for improvement in the service delivery of Child Day Care Centres. On 25 April 2018, Cabinet was informed of the recommendations of the Technical Committee. As at date most of the recommendations have been implemented as follows –

- Medical certificate and certificate of character;
- Regarding medical certificate and certificate of character of staff of Child Day Care Centres - a fast track system has been put in place at the level of the Ministry of Health and Quality of Life and the Police Department for the timely processing of medical certificate and certificate of character, respectively;
- Training by Mauritius Fire and Rescue Service - the staff of 189 Child Day Care Centres have been reached through training sessions;
- Basic experience and professional qualifications - I'm informed that the MIE runs proficiency course in early childhood for prospective child care givers;
- Issue of building and land use permit where Child Day Care Centres have been operating for more than 2 years in the same building and a building and land use permit has already been issued to them, and
- The applications made by the Child Day Care Centres to the local authorities - an exempt development certificate may be issued.

Moreover, an updated list of registered Day Care Centres has been uploaded on the website of the Ministry so that parents can ensure that their children are admitted only in registered centres for their safety and security. A list of the Child Day Care Centres operating without registration has also been uploaded on the website of the same Ministry.

The Ministry is currently finalising the Terms of Reference for the enlistment of consultancy services to work out an early childhood development policy paper. Amendments to the existing Child Day Care Centres regulation will also be worked out to review the validity period of the certificate of registration and to set up a licensing committee with a view to streamlining the process of registration.

**Madam Speaker:** Hon. Ms Sewocksingh!

**Ms Sewocksingh:** Thank you, Madam Speaker. In reply to the question, the hon. Vice-Prime Minister said that her Ministry has a list of Day Care Centres which do not have licences. May the hon. Vice-Prime Minister indicate to the House how many Day Care Centres are still operating without licences?

**Mrs Jeewa-Daureeawoo:** Madam Speaker, we have 395 Child Day Care Centres. 137 registered with the Ministry and 285 unregistered. This has been the situation for years. But we are trying our level best at the level of the Ministry to see to it that gradually the Child Day Care Centres come, have their centres registered with the Ministry.

**Ms Sewocksingh:** Can the hon. Vice-Prime Minister consider regulating those who are still working without licences?

**Mrs Jeewa-Daureeawoo:** Madam Speaker, it is not an easy task, I must say, because to be registered, the Managers of the Child Day Care Centres have to furnish certain documents. For example, we have seen that some of the Child Day Care Centres are operating in rented buildings. So, it is difficult for them to obtain a Building and Land Use Permit. Some are operating in their houses, and there is a lack of, I must say, appropriate infrastructure facilities to obtain a Fire Certificate. Many also were having difficulties to get the medical certificate and the certificate of character of their employees on time. This, we are addressing. We are giving all support to the Child Day Care Centres' Managers to obtain those certificates; but with regard to the buildings in which they are running the Child Day Care Centres, we have no say.

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

#### **PAILLES SEWERAGE PROJECT - PHASE I & II - IMPLEMENTATION**

(No. B/544) **Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to Phases I and II of the Pailles Sewerage Project, he will, for the benefit of the House, obtain

from the Wastewater Management Authority, information as to where matters stand as to the implementation thereof, indicating the expected completion date thereof, including house connections.

**The Deputy Prime Minister:** Madam Speaker, I am informed by the Wastewater Management Authority that Phase I of the Pailles Guibies Sewerage project, which consists of the construction of 4 km of trunk sewers and a pumping station at Grand River North West was completed in October 2018. One component, namely the A1 crossing could not be undertaken because of way leave issues for road closure. This will be carried out under Phase II.

Phase II consists of 4 km of trunk sewer, 44 km of reticulation network, some 3,000 house connections and replacement of about 16.2 km of CWA pipes. The project has been delayed due to a challenge at the Independent Review Panel on the award of the contract for works and the cancellation of bids for consultancy on two occasions.

Following a bidding exercise, on 19 April 2018, the Central Procurement Board selected the bid of Sinohydro Corporation Ltd (China) for award. This was challenged at the IRP, which, on 28 September 2018 recommended a re-evaluation of the bids by a freshly constituted bid evaluation committee.

The CPB proceeded with the re-evaluation of bids and on 26 February 2019 informed the WMA that it had approved the award of contract to the same contractor.

As regards Consultancy for the project, I am informed by the WMA that it carried out a first procurement exercise in October 2017 for the appointment of a consultant to supervise the works. The exercise was cancelled as the lowest bid was much higher than the estimated cost.

A second bid was launched in October 2018 and on 02 May 2019, the procurement exercise had to be cancelled on 02 May 2019 as the scope of the consultancy required substantial modification. The WMA has now decided to carry out the supervision in-house and recruit a contract manager in order to proceed with the implementation of the second phase.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** Thank you, Madam Speaker. Now, I understand that the project has been awarded and the problem for the Project Manager has been sorted out. May we know

the time frame for the implementation of the Phase II, when is he going to go ahead with the project and when are we expecting the Phase II to be completed, mainly the 3,000 house connection?

**The Deputy Prime Minister:** Well, it is hazardous to try and prophesise on time frames. Let us hope that it can get much faster than it has been for that Phase II. We hope that it can be done very fast.

**Mr Armance:** So, can I know from the tender document, what is the completion date that has been given to the contractor?

**The Deputy Prime Minister:** I do not have that information in my file.

**Mr Armance:** Can I also ask the hon. Deputy Prime Minister if the WMA can have consultations with the public there, the inhabitants, to communicate more details about the project since this project has been delayed and it is long overdue, if can he, please, send his officer there to communicate the details of this project to the inhabitants of Pailles?

**The Deputy Prime Minister:** Well, I would need to pass on the suggestion before I can give any commitment, of course, on that matter.

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

#### **CITÉ VALLIJEE & LA TOURELLE CHILDREN PLAYGROUNDS**

**(No. B/545) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Cité Vallijee and La Tourelle Children playgrounds found in Constituency No. 1, Grand River North West and Port Louis West, she will, for the benefit of the House, obtain information as to where matters stand as to the proposed upgrading 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, I am informed by the Municipal City Council of Port Louis that the Cité Vallijee Children playground is operational and in a good state.

The Council has already spent an amount of Rs200,000 in 2016 for the fencing of the Children's playground. The Council, therefore, considers that the playground does not require any immediate upgrading.

Concerning La Tourelle Children playground, I am informed that major repair works, consisting of the construction of a block wall and fencing were carried out in 2016 to the tune of Rs175,000. However, this site has been handed over to the NDU for the construction of a mini-soccer pitch. Bidding exercise is being carried out.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** Thank you, Madam Speaker. I think the hon. Vice-Prime Minister should check the answer. It is totally incorrect to say that the Children playground of Cité Vallijee is fully operational and is well maintained. It is the wrong information, Madam Speaker. So, may I ask the hon. Vice-Prime Minister to, please, check her answer and come back to the House with a proper statement, because I have visited this kindergarten and it is not in a proper way.

**Mrs Jeewa-Daureeawoo:** This is the information I have received from the Municipal City Council of Port Louis. I will check the information and make a statement, Madam Speaker.

**Mr Armance:** Regarding the one at La Tourelle, Résidence Coquillage, for this also, the hon. Minister should, please go and check her information. Hon. Abbas Mamode initiated the project in 2016, and up to now it is not operational. The hon. Minister has to go and see, all the grasses are as high as me.

**Mrs Jeewa-Daureeawoo:** Madam Speaker, I will send an inspector to verify the site and then I will make a statement.

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

#### **CONSTITUENCY NO. 1 - LAW & ORDER**

**(No. B/546) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to larceny and law and order issues in Constituency No. 1, Grand River North West and Port Louis West, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the measures taken in relation thereto, especially, on the advisability of increasing police patrols in regions where drugs dealers prevail on a daily basis.

**Sir Anerood Jugnauth:** Madam Speaker, Constituency No. 1 Grand River North West and Port Louis West comprises Richelieu, Pointe aux Sables, La Tour Koenig, Bain des Dames, Cite Vallijee, Pailles, Camp Chapelon and Bell Village.

I am informed by the Commissioner of Police that these regions are policed by Petite Rivière, Pointe aux Sables, La Tour Koenig, Bain des Dames, Pailles and Line Barracks Police Stations.

Madam Speaker, I am further informed that necessary targeted Policing and special operations are carried out based on the analysis made. All important cases, including crimes which occurred during the past 24 hours, are analysed on a daily basis by a dedicated team headed by a Deputy Commissioner of Police at the Police Headquarters. Factors such as the time and place of occurrence, *modus operandi* of perpetrators, amongst others, are taken into consideration for crime control strategies and proactive measures.

In addition, at Force level, the Commissioner of Police also conducts Strategic Tasking & Coordination Group meetings with Divisional Commanders and Branch Officers on a monthly basis.

Madam Speaker, to assist the local Police in carrying out their duties efficiently some proactive measures for the prevention and detection of crimes have been implemented as follows –

- (i) Targeted crack down operations are carried out jointly with other adjuncts of the Police such as ERS, SSU, GIPM, ADSU, CID, Helicopter Squadron, NCG Commando and Police Dogs in all Police Divisions. One such operation is the ‘Knock and Roar’. The aim of the operation is to keep habitual criminals and notorious characters frequently engaged in unlawful activities which include larcenies under control and strict supervision with a view to ensure safer neighbourhood;
- (ii) With a view to disrupting illicit activities of ill-intentioned persons causing disturbance to law abiding citizens, the Police has launched a new operation under the name of Sudden Fall. In Constituency No. 1, Sudden Fall Operations were carried out in the station areas of La Tour Koenig, Pailles and Line Barracks on Monday 17 June 2019 and Saturday 29 June 2019. During the operation, Police patrolled the regions whereby 11 persons were arrested out of whom 5 were in connection with drug cases.
- (iii) Directed preventive mobile patrols are carried out by the Criminal Investigation Division, Emergency Response Service, Special Support Unit, Bike Patrol and other units in Metropolitan South and Western Divisions;

- (iv) Police have also reengineered its concept of ‘*Hot Spot Policing*’ and ‘*Sector-based Policing*’. Such concept is aimed at improving Police visibility in public places and enhancing Police proximity with members of the public. This is now being carried out in a structured manner and the outcome thereof is tangible as more and more whistle-blowers are tipping off the Police of illegal activities through the Police Hotline 148 and Police Facebook Account;
- (v) Police have strengthened their relationships with representatives of the community through Community Policing Forums and door-to-door policing. Citizens are sharing information on suspicious activities occurring in their neighbourhood. The setting up of Neighbourhood Watch Schemes and the sensitisation of residents on home securities will lead to the elimination of opportunity factors and encourage the reporting of suspicious characters and activities. Since the start of this year, some 436 persons have been sensitised in Constituency No. 1;
- (vi) Police are making extensive use of modern technology – CCTV and drones to prevent and detect offences;
- (vii) An alert code system has been put in place on the Police Facebook to trace out stolen vehicles, and
- (viii) Road Blocks and Vehicle Check Points are being carried out daily at odd hours where suspicious persons and drivers of vehicles are being questioned and systematically checked.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** Only one supplementary because I want to ask my last question. Despite the long list provided by the Rt. hon. Minister Mentor of action is being done in the Constituency, *l’heure est grave dans la circonscription, Madame la présidente, les drogués et les marchands de drogues sévissent librement à vue d’œil...*

**Madam Speaker:** Put your question!

**Mr Armance:** Ma question pour l’honorable ministre *Mentor* est : est-ce qu’il va considérer ma requête que j’avais formulé d’avoir une unité de l’*ADSU* dans une des quatre stations de police de la circonscription?

**Sir Anerood Jugnauth:** But, I just mentioned even *ADSU* is helping. So, all these steps are being taken. Let us wait a little bit and see what is going to be the result.

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

### **NCSR FOUNDATION - PROJECTS - CALLS FOR PROPOSALS**

(No. B/547) **Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the National Corporate Social Responsibility Foundation, he will, for the benefit of the House, obtain therefrom, information as to the number of Calls for Proposals for projects launched since July 2018 to date, indicating when the next Calls for Proposals for projects will be launched.

**The Minister of Social Integration and Economic Empowerment (Mr A. Wong Yen Cheong):** Madam Speaker, with your permission I will reply to this Parliamentary Question.

I am informed by the National Corporate Social Responsibility Foundation that for period July 2018 to date the foundation has launched two Calls for Proposals, namely –

- (i) General Call for Proposal on 19 July 2018, and
- (ii) Special Call for Proposal on 19 April 2019.

The House may wish to note that National CSR Foundation had in June 2018 published its policy and guidelines on funding which is also available on its website. This policy and guidelines on funding, *inter alia*, makes provision for the following –

- (i) The Primary Funds Window will open annually for period June-July and will be for General Call for Proposals, and
- (ii) Special Call for Proposals may be issued on specific theme and targeted intervention at any time during a Financial Year.

Madam Speaker, I am informed that the foundation will launch its next Call for Proposal in the course of this month.

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

**Mr Armance:** Thank you, Madam Speaker. If I understand, Madam Speaker, the first Call for Proposal at national level was in August 2018 and now 10 months after, there has not been a second Call for Proposal. Can the hon. Minister confirm that this is correct, that he had one Call for Proposal at national level in August 2018 and none of them till now? Can he confirm that?

**Mr Wong Yen Cheong:** Madam Speaker, I just mentioned that we had a Call for Proposal recently.

**Mr Armance:** I want to put this question again. Can the hon. Minister confirm to the House that his first Call for Proposal was in August 2018, and that he has done nothing at national level up to now? I am not talking about the Call for Proposal; I am clear in my question.

**Mr Wong Yen Cheong:** Madam Speaker, there is a Special Call for Proposal which is a Call for Proposal.

**Mr Armance:** Anyway, Madam Speaker, the hon. Minister does not have the answer. Will he consider making it a regular process to have, at least, two Calls for Proposals at national level during the same financial year, because ONG cannot wait for 10 months, one year and then apply for the CSR?

**Mr Wong Yen Cheong:** I will see to it, Madam Speaker.

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

**Mr A. Duval:** Madam Speaker, may we know for the next Call for Proposal that is due this month, how much money has been earmarked? So, for this Financial Year 2019/2020, how much money has been earmarked to be distributed following the application submitted?

**Mr Wong Yen Cheong:** Madam Speaker, I can see that there is an amount of Rs301.5 m. that has been earmarked for that.

**Mr Armance:** Yes, if I take from what my good friend, hon. Adrien Duval, said regarding the funds that are available, can the hon. Minister confirm to the House what amount of fund is available for his next Call for Proposal?

**Mr Wong Yen Cheong:** Madam Speaker, the money that is available is Rs301.5 m. which is the same sum.

**Madam Speaker:** We have two minutes left.

I will take a last question from hon. Quirin. Can you please be brief in your supplementary then, and in the reply.

**MAURITIUS SWIMMING FEDERATION - LES DAUPHINS CLUB - GRIEVANCES**

(No. B/548) **Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, he will, for the benefit of the House, obtain from the Mauritius Swimming Federation, information as to if it is in presence of a complaint from members of the Executive Committee of *Les Dauphins de Quatre Bornes* regarding an unlawful takeover thereof by members of the *Cercle des Nageurs de Quatre Bornes* and, if so, indicate the –

- (a) actions taken in relation thereto, if any, and
- (b) present composition of the Managing Committee of *Les Dauphins de Quatre Bornes*.

**Mr Toussaint:** Madam Speaker, in a correspondence dated 19 March 2019, my Ministry was made aware by the Secretary of *Les Dauphins de Quatre Bornes* that the administration of the club had allegedly been entrusted to *Cercle des Nageurs de Quatre Bornes* in an unlawful way.

My Ministry has, therefore, advised *Les Dauphins de Quatre Bornes* Club to refer their grievances to the Ombudsperson for Sports, the most appropriate body to adjudicate on such matters.

A complaint regarding this issue has already been filed at the Office of the Ombudsperson for Sports by the club.

Madam Speaker, I am also informed by the Mauritius Swimming Federation that this issue is currently under investigation at the level of Registrar of Associations.

As regards part (b) of the question, I would like to inform the House that this type of information is not available at the Ministry. It is at the Registrar of Associations' Office which is the custodian and depository of such information that this may be obtained.

**Madam Speaker:** Hon. Quirin!

**Mr Quirin:** Merci, Madame la présidente. Ce coup d'état sportif est un cas qui sort vraiment de l'ordinaire, Madame la présidente. De ce fait, comme l'affaire a été référée devant le bureau de l'*Ombudsperson for Sports*, peut-on savoir quand justement l'*Ombudsperson for Sports* va convoquer tous les protagonistes dans cette affaire de façon à ce qu'il y ait un *fair hearing* ?

**Mr Toussaint:** Madame la présidente, je ne sais pas exactement parce qu'il faut que je me réfère à l'*Ombudsperson* pour avoir ce renseignement.

**Madam Speaker:** One last question!

**Mr Quirin:** Une dernière question, Madame la présidente. Comme un certain nombre de personnes, qui ne sont pas membres du Club Les Dauphins de Quatre Bornes, sont devenues subitement membres du comité directeur, peut-on savoir si le ministère a écrit justement au *Registrar of Associations* ainsi qu'à la fédération de natation afin de savoir qui sont les membres réels du Club Les Dauphins de Quatre Bornes.

**Mr Toussaint:** Madame la présidente, comme je l'ai dit dans ma réponse, il y a une enquête qui est fait au niveau de l'*Ombudsperson*. Donc, éventuellement, nous aurons tous les renseignements avec l'*Ombudsperson*.

**Madam Speaker:** 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.*

(4.38 p.m.)

## STATEMENT BY MINISTER

### WORLD BANK - WORLD DEVELOPMENT INDICATORS - 01 JULY 2019 - GNI PER CAPITA INCOME

**The Prime Minister:** Madam Speaker, I would like to make a Statement on the latest World Development Indicators published by the World Bank on per capita Income.

In my 2005-2006 Budget Speech, I had stated that, and I quote –

*(Interruptions)*

Yes! As far back as that!

“(...) the Budget I am presenting today is prepared around the long-term vision of transforming Mauritius into a high income economy.”

Moreover, in my 2017-2018 Budget Speech, I stated that, and I quote –

“Our aim is for Mauritius to be a high income country by 2023, with an income per capita of around USD 13,600 against the current level of USD 9,740.”

I am pleased to announce that Mauritius has indeed made this year a great leap forward to achieving this goal. According to the latest World Development Indicators published by the World Bank on Monday 01 July 2019, Mauritius per capita Gross National Income (GNI) in 2018 has made an unprecedented jump of 18.8% over the previous year’s level to reach USD 12,050. This brings Mauritius to 97.4% of the high income threshold of USD 12,375 as set by the World Bank in contrast to 84% in 2017.

At this pace, it can be expected that Mauritius would join the league of high- income countries earlier than forecast.

Madam Speaker, I would like to add that while we normally measure our economic performance in terms of Gross Domestic Product, that is, total production of goods and services in the country, the World Bank uses, for the purpose of classifying countries in low, middle and high-income categories the Gross National Income measure. The GNI measures income generated by the country’s citizens, regardless of the geographic location of the income, in other words it is defined as GDP, plus net receipts from abroad for compensation of employees, property income and net taxes less subsidies on production. This year, the World Bank has redefined its measure of Gross National Income to include income from Global Business Activities.

To classify countries by GNI per capita in USD, the World Bank uses the Atlas conversion factor, which is a three-year average of exchange rates adjusted for the difference between the rate of inflation in the country and that in a number of developed countries. The resulting GNI in USD is divided by the country's mid-year population to obtain the GNI per capita.

Thank you.

### **MOTION**

#### **THE DECLARATION OF ASSETS (AMENDMENT) BILL (NO. XI OF 2019) - WITHDRAWAL**

**The Prime Minister:** Madam Speaker, pursuant to Standing Order 63 of the Standing Orders and Rules of the National Assembly, I move that the Declaration of Assets (Amendment) Bill (No. XI of 2019) be withdrawn.

Madam Speaker, as the House is aware, the Declaration of Assets (Amendment) Bill (No. XI of 2019) was introduced into the National Assembly on Monday 24 June 2019. After the introduction of the Bill, I received representations to bring some further amendments to the Declaration of Assets Act of 2018 with respect to Judicial Officers. In view of the nature of the proposed new amendments and the provisions of Standing Order 58(3) (a) of the Standing Orders, it would not have been in order to bring those new amendments at Committee Stage of the Declaration of Assets (Amendment) Bill (No. XI of 2019). It has been deemed more appropriate to incorporate the new proposed amendments in a revised version of the Declaration of Assets (Amendment) Bill which is already on the Order Paper for today's sitting and will be debated later on.

I therefore move that the Declaration of Assets (Amendment) Bill (No. XI of 2019) be withdrawn.

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

*The motion was, on question put, agreed to.*

## PUBLIC BILLS

### *First Reading*

*On motion made and seconded the following Bills were read a first time -*

- (i) *The Declaration of Assets (Amendment) Bill (No. XII of 2019);*
- (ii) *The Constitution (Amendment) Bill (No. XIII of 2019), and*
- (iii) *The Political Financing Bill (No. XIV of 2019).*

### *Second Reading*

## THE DECLARATION OF ASSETS (AMENDMENT) BILL

### (No. XII OF 2019)

*Order for Second Reading read.*

**The Prime Minister:** Madam Speaker, I move that the Declaration of Assets (Amendment) Bill (No. XII of 2019) be read a second time.

Madam Speaker, as stated in the Explanatory Memorandum, the main object of this Bill is to amend the Declaration of Assets Act 2018 so as to, *inter alia* –

- (a) widen further the definition of “assets” so that assets to be declared under the Act shall include -

- (i) any money deposited in a non-bank deposit taking institution, licensed by the Bank of Mauritius, and
  - (ii) trust property;
- (b) exclude Judicial Officers from the application of the Act, pending the designation or setting up of an appropriate institution to act as depository of declarations to be made by Judicial Officers;
  - (c) define the term “State-owned enterprise”;
  - (d) provide for a new delay for the declaration of assets and liabilities, and
  - (e) clarify certain provisions of the Act.

Madam Speaker, as the House will recall, the Declaration of Assets Act 2018 was passed on 12 December 2018. After the completion of all the administrative and logistic arrangements, the Act was proclaimed to come into operation on 01 June 2019.

This new Act, which has brought a radical overhaul of the asset declaration regime in our country, constitutes an important tool in our fight against corruption.

It will enhance not only our overall good governance framework, but also public trust in our institutions and in holders of public office.

Notwithstanding this realisation, now that the Act has come into operation, it is felt necessary to make a few adjustments, and to clarify a few provisions, in the law for a clearer, more effective and flawless interpretation and implementation thereof.

Madam Speaker, to remind the House, the 1991 Declaration of Assets Act had a very narrow definition of the term “assets”. Though that definition has been widened to a great extent in the new Act of 2018, it is felt necessary to widen it further, so as to include therein -

- (i) money deposited in a non-bank deposit taking institution which is licensed by the Bank of Mauritius, and
- (ii) trust property.

Madam Speaker, we consider that the information declared by a person on his assets should truthfully reflect all his major assets, and in Mauritius, money deposited in such deposit schemes and property held on trust could well constitute major assets.

Hence, clause 3 (a) of the Bill is widening the definition of “assets”, by including therein, money deposited in a non-bank deposit taking institution, licensed by the Bank of Mauritius, and property held on trust.

Madam Speaker, “trust property” has been defined as having the same meaning as in the Trusts Act, in which “trust property” is defined as follows, and I quote -

““trust property” means property held on trust.”

With this definition, I am advised that no “trust property” is exempted from the purview of the Declaration of Assets Act and property includes movable and immovable property.

I wish to point out that a person who has already filed his assets declaration under the new law will, in case he has money deposited in a non-bank deposit taking institution or in case he has any trust property, be required to declare such money and trust property to ICAC within 90 days of the coming into operation of the Declaration of Assets (Amendment) Act.

Madam Speaker, as the House is aware, the Declaration of Assets Act 2018 presently requires Judicial Officers to file a declaration of their assets and such declarations are deposited with the ICAC, as is the case with all other declarations made under the Act.

I have received representations from the Judiciary, through the Attorney General, to the effect that the requirement of the Judiciary to submit itself to the control of, and permanent monitoring by ICAC, as required by sections 6, 8, 9 and 10 of the Declaration of Assets Act 2018, would constitute a violation of the independence of the Judiciary.

In this regard, it has been argued that one of the pillars of our democratic Constitution is that, in accordance with the concept of separation of powers, the Judiciary must be insulated from any risk of external pressure, be it from the Executive or from any other quarters.

It has also been highlighted that, for the purposes of the Declaration of Assets Act 2018, Judicial Officers are, as per section 8 thereof, bound to submit themselves to the “directives” issued by ICAC and are, according to section 9, subjected to permanent monitoring by ICAC and even to payment of a penalty to ICAC under section 10.

It has, therefore, been argued that by submitting Judges to a continuous monitoring by ICAC and by making them permanently accountable to ICAC officers, in the manner prescribed under the Act, they would be perceived to be exposed to an unacceptable degree of

pressure, implicitly or explicitly, in the exercise of their decision making, in respect of ICAC cases.

In view thereof, the Judiciary has suggested that another institution be designated as the depository of the declarations to be made by Judicial Officers, and from which such officers would be immune from any risk of pressure, actual or perceived.

Madam Speaker, I would like to point out here that I have been informed by the Attorney General that the Judiciary has absolutely no qualms with complying with the requirements of the new Declaration of Assets Act 2018, except for the reservation I have just explained. It is good for me to repeat that the Judiciary has stated that they have no qualms with complying with the requirements of the new Declaration of Assets Act of 2018.

Madam Speaker, in order to implement the Declaration of Assets Act fully, Government will be holding consultations with the Judiciary with a view to identifying the appropriate institution where members of the Judiciary will file their declaration of assets. Given that the Judiciary has stated, in no uncertain terms, that there is no issue for Judicial Officers to declare their assets, the only outstanding issue to be cleared prior to Judicial Officers being subjected to the Declaration of Assets Act, is the designation of an appropriate institution to act as depository of the assets declarations of Judicial Officers.

It is consequently proposed that, for the time being, Judicial Officers be excluded from the application of the Declaration of Assets Act 2018, pending conclusion of the discussions with the Judiciary.

Appropriate amendments will, accordingly, be brought before the House thereafter to enable Judicial Officers to comply with the Declaration of Assets Act.

Madam Speaker, let me now come to the other proposed amendments.

As I stated earlier, the Bill is also providing for a definition of the term “State-owned enterprise” to clarify it, thereby dispelling any doubt and confusion which have reportedly arisen because of the absence of such a definition in the Act.

As a matter of fact, section 3(1) (g) of the Declaration of Assets Act 2018 provides that the Act shall apply, *inter alia*, to every Chairperson and Chief Executive Officer of State-owned enterprises and statutory bodies, and every officer of such enterprises and statutory bodies drawing salary at the level of Deputy Permanent Secretary and above.

Moreover, section 16(1) of the Act provides as follows, and I quote –

“Every person referred to in section 3(1) and in office at the commencement of this Act shall, within 90 days of the commencement of this Act, make a declaration of his assets and liabilities with ICAC, including the assets and liabilities of his spouse, his minor children and, subject to section 4(4), his children of age and grandchildren.”

Madam Speaker, a number of entities have sought advice from the Attorney General’s Office as to whether they are to be considered as State-owned enterprises. It is apposite to note that the Declaration of Assets Act 2018 provides for severe penalties, which are set out in section 11 of the Act, in case the provisions of the Act and regulations made under the Act are not complied with.

As I mentioned earlier, the Declaration of Assets Act 2018 imposes an obligation on every Chairperson and CEO of State-owned companies and enterprises and every officer of such enterprises of the level of Deputy Permanent Secretary and above to declare their assets. However, no definition of “State-owned enterprises” is provided in the Act, nor is there a satisfactory one in any other legislation.

Following consultations with the Attorney General’s Office, the Solicitor General has advised that the Declaration of Assets Act 2018 be amended to define “State-owned enterprises”, so as to avoid the risk of officers of some enterprises, wherein the State has an interest, from being subjected to an obligation that was not intended for them.

Clause 3 of the Bill thus provides for the term “State-owned enterprise” to be defined, as follows, and I quote –

““State-owned enterprise” means such enterprise, in which the State is a shareholder or exercises a degree of control, as may be prescribed”.

It is to be noted that the word “control”, used in this definition, will have the same meaning as in section 5 of the Companies Act.

A list of such State-owned enterprises, which are to be covered by the Declaration of Assets Act 2018, will be compiled by my Office, in consultations with all Ministries, and will subsequently be prescribed by way of regulation.

Pending the finalisation of the list, an amendment is being brought to section 16(1) of the Declaration of Assets Act 2018, such that the Chairpersons and Chief Executive Officers of the State-owned enterprises, which would eventually appear on the list, and every officer

of such enterprises to whom this law applies, will be required to file their declaration of assets within 90 days of such list being prescribed.

Madam Speaker, with the coming into operation of the new Declaration of Assets Act, and considering queries reported from several quarters, there is also a need to clarify the term “senior public officer” to dispel any doubt and confusion about its exact meaning. Currently, the term is defined in the Act as follows, and I quote –

““senior public officer” means a public officer of the grade of, or drawing salary at the level of, Deputy Permanent Secretary and above.”

It is consequently proposed to redefine the term “senior public officer” so as to bring more clarity and precision in its meaning. The proposed amended definition of the term will be as follows, and I quote –

“a senior public officer means a public officer of the grade of, or drawing salary in a scale the initial point of which is equivalent to the initial point of the salary scale of, Deputy Permanent Secretary and above.”

Madam Speaker, representations have also been received arguing that the Prescribed Form for filing of assets declaration is too complicated and cumbersome and requests have been made, therefore, to introduce a simpler and user-friendly form.

Consequently, the present declaration form is being repealed and a new one will be prescribed shortly, by way of regulation.

Madam Speaker, with the implementation of the Declaration of Assets Act 2018, a few teething issues, as those I have highlighted, arose. Through this Bill, we have addressed most of those issues and plugged the gaps in a manner that will now allow a much smoother implementation of the new law on asset declaration.

With these words, Madam Speaker, I commend the Bill to the House, reiterating Government’s unflinching commitment to combat corruption, particularly by the introduction of appropriate legislation to also ensure good and clean governance and pre-empt and prevent corrupt practices.

Thank you.

**Mr Roopun rose and seconded.**

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

*At 5.03 p.m., the sitting was suspended.*

*On resuming at 5.39 p.m. with Madam Speaker in the Chair.*

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

(5.37 p.m.)

**The Leader of the Opposition (Mr X. L. Duval):** Madam Speaker, I wish to say a few words on this amendment Bill.

First thing, I think I will say, Madam Speaker, is that the Bill seeks to extend, to some extent, the assets that will be caught in the net, that will have to be declared. It is welcome; I have no problem. I will come to some finer details in a moment. I do not think, though we have still exhausted all the possibilities of hiding one's assets and not disclosing it. It would not be a surprise to me. In fact, there will need to be, in my opinion, regular updates of this law so that once other ways of hiding assets and not disclose, of structuring the ownership of assets in such a way that they are not caught by the Declaration of Assets Act will be found, and we will need to plug the hole as we go along. So, I have no problem that we will see in the future and we need to see in the future, in fact, other Bills of this sort to plug anything that comes through. But I will come to the finer details of what we are doing in a moment.

Firstly, Madam Speaker, let us talk about this issue of the Judiciary being excluded from the provisions of the Bill insofar as they need to declare their assets to ICAC. The first question is, of course, what consultation did the Government have, what respect, in fact, did they show to the Judiciary before coming with the original Declaration of Assets Act 2018. Why was not there sufficient consultation at that time so that the Judiciary could have made their representations and avoid all this messy business of the Chief Justice going to the Press, etc.? It is not right. I have been long in Government; I have always known the Government to show great respect for the Judiciary and to be careful whenever the Judiciary is included in any sort of provision of the law, respecting obviously the separation of powers. Here, it seems that, obviously, this consultation process, which is necessary in our type of democracy, did not occur. Now we have to come, *en toute urgence*, with this amendment Bill and, as I said, some sort of messy procedure, with the Judiciary having to come out in public and say: 'we don't want to deal with ICAC'.

Let us be clear on one thing, Madam Speaker. Whatever is said about ICAC having to appear in front of Judiciary and this is why we do not want to declare our assets to the ICAC, speaking of the Judges, I mean, I do not believe in all this. From what I understand, Madam

Speaker, the Judiciary has no faith, no confidence in the independence of ICAC, full stop, in the independence, in the ability of ICAC. That is the reason why they do not wish to have anything to do - that is one reason - with filing their assets with ICAC. What they are saying, in fact, and which ought to worry, not just the Judiciary but every single person concerned with this Bill, is that they are saying that the 'I' in the ICAC ought to be taken out. ICAC is not independent, ICAC is under the boot, the heel of the Executive, of Government, and, therefore, ICAC cannot be trusted to do its work independently. Because, by definition, if it could do its work independently, I think the Judiciary would not have any reason to fear. Why? I believe that there is or there was an underlying risk in the Act that we are trying to amend today, an underlying threat of the Judiciary being put under pressure, being blackmailed even, why not, by the ICAC and probably by any Government of the day that holds power in this country. That, I believe, is the real reason why the Judiciary has not wished to be part of any process of involving filing of documents with ICAC.

But, Madam Speaker, my reasoning goes a bit further. If that is true for the Judiciary, for which we have the greatest respect, the Magistrates and the Judges, why doesn't the same provision apply to the DPP? He is not in the Judiciary, but he is in our system of justice. It is probably the one person that controls every single decision so far as criminal prosecutions are concerned, whereas Judges just refer to individual cases that are referred to them. So, why has the DPP not also been given the same treatment as the Judges - the DPP, the Assistant DPPs, etc., people who also need to be independent in their approach and not be subject to any threat or blackmail or anything of the sort. We will remember, of course, Madam Speaker - I presume it is still being inquired into - the Sun Tan affair, the threat or the attempt at arresting the DPP. I don't know if he had to jump out of his window and run at the back of his house, whatever he had to do to escape the Police Officers standing in front of him.

So, what I am saying, Madam Speaker, is that I believe honestly, truly, that if we have to have a good system of justice, what stands good for the Judiciary also stands good for the DPP and his senior officers. Similarly, they ought to be given the same courtesy as the Judges are given, Madam Speaker. But, then, there is also for the rest of us, poor mortals. What do we do? If the Judiciary says - okay, I don't want to deal with ICAC - well, why should us, parliamentarians, Ministers, yourself, Madam Speaker, everybody, be treated differently? If there is a problem with ICAC, it must be sorted out. We know there were changes to the way that the person was appointed and this and that. I do not want to go into all the details, the nitty-gritty details of how the boss of ICAC was appointed, etc. Therefore, Madam Speaker,

what I am saying is this episode shows clearly that there is a problem with ICAC and that the problem needs to be sorted out because what pertains, what is good for the goose must be good for the gander and, therefore, must also be applicable to every senior civil servant, to every chairman of State-owned enterprise and to everyone.

If ICAC is not independent, then it is not the right institution to deal with the declaration of assets. Either we change institution for everyone or we change the way that ICAC operates, and I would certainly be the first person to go along with that because, I think, that there have been cases where ICAC has not acted independently at all. We all know the number of cases that are outstanding in respect of so many Members of this Parliament at the present time. I do not want to take particular cases, it is not my style, but I could, and I could just say how many cases have been lying dormant at ICAC for the last three/four years. So, there is something wrong, Madam Speaker, and we must deal with it.

Nevertheless, Madam Speaker, the law does leave a void as far as the Judiciary is concerned and what is to be done. I would have preferred that some interim institutions be proposed in the Bill itself, not to leave a void, because this being the Judiciary, there will be a tendency to just leave it like that and not to bother them again. So, I would have preferred that this Bill came up with an institution. I mean, it is being suggested that it will be the Judicial and Legal Services Commission, as an interim measure perhaps. I do not believe that, whether it is the Police, the Police should police the Police, whether it is even religious bodies, we have seen the problems with priests, we have seen all this. So, it is not for an institution to police itself. We need to find, in the long-term, a separate institution that will handle the issue of the Judiciary and then, I think, what is good for the Judiciary will be good for every single person concerned with the Bill, Madam Speaker.

Madam Speaker, I will come now - I am not going to be very long - to the State-owned enterprises. I am a bit surprised the way that the law is drafted, the Bill is drafted, in that it talks of enterprises where there is a degree of control. The Companies Act which the hon. Prime Minister cited is there, is control. You have a control. Control meaning you control the composition of the Board of Directors, the majority, you control the share capital, you have more than 50%, you control the company. So, that should be clear-cut. There is no need, Madam Speaker, for all these State enterprises to have a separate list of what they are. Is that list going to be subjective; on what basis is the list going to be drawn; what is deemed to be a degree of control rather than just purely control? There may be some companies where Government owns some shareholdings, etc., and there is some confusion. But for the

great majority of State-owned enterprises, - parastatal bodies, it is clear-cut - we know which ones the Government controls. And these, there should be no need for any list which will be published some time in the future, which will be given 90 days again, and we will come to - God knows when - that particular list of State-owned enterprises where the Government has a degree of control will be published.

If we talk about Airports of Mauritius, it is clear, nearly 100% Government. Airport Terminal Operations Ltd (ATOL), again it is Government; Duty Free Paradise, in one way or the other, it is Government; Air Mauritius, we know the Government appoints the majority of the Board of Directors. Whether it is State Bank, whether it is Mauritius Telecom, all these companies which are handling billions upon billions of rupees are State-owned enterprises controlled by Government and there is no need for any list to be published at some future point in time.

We have new companies coming up; we have CEB Intranet, Green Energy, etc.; we have Mauritius Multi-infrastructure Ltd, which is the famous stadium in Côte d'Or; we have Metro Express, Rs20 billion. All these companies, Madam Speaker, are straight State-owned enterprises controlled by Government and, therefore, I cannot agree that there will be a list published in the future. Let us leave the list published in the future to twilight zone companies, where you are not sure exactly whether the Government may or may not control. But for the bulk of it, I would expect the hon. Prime Minister to be able to tell us, today, what are these companies and tomorrow have the list, *quitte à* make some future adjustments later. But I can see no reason why they should not be given today.

Madam Speaker, there is also mentioned the issue of the trust property. Obviously, trust was brought up in the original Act as far as trusts for children are concerned. Now, we are talking about trust property. I am also not sure what is the trust property. Is it trust that the declarant has in his favour? Is it one that he has created? We do not know what is exactly meant by trust property. At least, I do not know. Perhaps, at some stage, the hon. Prime Minister will clear for me, at least, what do we mean by trust property.

I will end, Madam Speaker, by talking about the date of submission of the new declaration of assets. Now, as I understand it, it is for the end of August. We are now beginning of July; we have till the end of August, another two months to declare. I am ready to declare my assets at the end of August. I think most of us, if we are given two months, we will find sufficient time for us to be able to declare our assets end of August. I do not see any

reason why we need to wait any further. Madam Speaker, that will be my last point. I think there is no reason to delay any further. It will take a few weeks, maybe, if people have bits like that to take care of, but it cannot take more than two months, in no circumstances.

Therefore, Madam Speaker, I would request that the date of coming into operation of the Declaration of Assets Act, even with this amendment, be maintained for the end of August, 90 days, and obviously there is a simplified form that will be sent to us. Good! I mean, if we could fill in the complicated form, we should not have any problem to fill in the simplified form in the two months that are left.

Madam Speaker, therefore, what I am saying is that we have a date, end of August, whether for us, whether for all the other people that are concerned, that should apply and the same should apply to all the State-owned enterprises, the Chairmen and all the people who earn above a certain amount of money. These persons also, Madam Speaker, should have the date set in stone at the end of August.

Thank you very much.

(5. 53 p.m.)

**The Minister of Tourism (Mr A. Gayan):** Thank you, Madam Speaker. Madam Speaker, we are dealing with the Declaration of Assets (Amendment) Bill and we had the other Bill that came to the House in December. All Bills that come to the House are published and they are discussed in the papers, in Parliament. It is a matter of regret that at the time that the main Bill was published, the representations that we have to address today were not aired. But it does not matter, Government is open to suggestions from all quarters, and this is why we are today debating in the House the Declaration of Assets (Amendment) Bill (No. XII of 2019).

Madam Speaker, the hon. Prime Minister who introduced the Bill has been very clear in the reasons for this particular Bill. I believe that one of the main topics for debate today will be why should the Judicial Officers be excluded from this particular Bill.

Let me start by saying, Madam Speaker, that Mauritius is a party to the United Nations Convention against Corruption. That particular Convention defines ‘public official’, and I quote from Article 2 –

“(a) “Public official” shall mean: (i) any person holding a legislative, executive, administrative or judicial office of a State Party, whether appointed or elected,

whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority".

I believe that we are not alone in the world addressing the issue of Judges; whether Judges or Magistrates should fall within the ambit of a law relating to declaration of assets.

Let me give to the House an example of India. India was the country that, in the late 1990s, had the Bangalore Conference on Judicial Conduct. As a result of that conference, there were rules that were set out for the world in respect of how Judges should behave in their professional life and their private life. That Bangalore Conference gave rise to a lot of studies in countries in respect of should Judges declare their assets, should they, if they do declare, where do they declare, what kind of assets they should declare and who should be the depository of the declaration.

In India, in 1997, there was a decision taken by the full bench of the Supreme Court of India to the effect that every Judge should make a declaration and disclose all his assets or her assets and liabilities. But, in 1997, that declaration was to be made to the Chief Justice of India. The declaration was supposed to be confidential, not disclosed to the public. That was in 1997, after the Bangalore Conference. And then, in November 2007, one Indian National called Subhash Chandra Agarwal filed a RTI application under the Right to Information Act, and that application under the RTI was to the effect that the Chief Justice of India had to disclose all the assets, which he had custody of, from his Judges. The Supreme Court of India denied that request. So, what that gentleman did then was to go to the Central Information Commission, which is the body under the RTI, and that Central Information Commission asked the Apex Court, that is, the Supreme Court of India to disclose information on the ground that the Chief Justice of India was within the ambit of the Act. The Chief Justice of India was not happy. So, he appealed against that decision and a decision is still being awaited.

I am saying this, Madam Speaker, just to illustrate that, when it comes to the Judiciary, because it is such an important institution in any democratic State, we take on board their concerns, and India is not the only country which has addressed this issue. It is significant to understand that since 2007 until today, there has been no final decision in India with regard to disclosure of assets of Judges and to whom they should disclose. But the principle seems to be that the Judges need to disclose all their assets and liabilities because it is important in a world which is very concerned about integrity in public affairs, that

disclosure has to be to a certain body. In India, it seems that the Chief Justice of India would consider himself to be the rightful depository of such declaration of assets. Right or wrong, that's a different issue, but, in India, the Judges are appointed through a selection panel composed of Judges.

But the same situation does not arise in the United States, for example. In the United States, you have Judges who, before their appointment, have to undergo public hearings in the Senate, and all sorts of questions are asked about those Judges - questions about their private life, about their assets. And this is a public hearing. Recently, we had the hearing of Judge Kavanaugh in the United States and lots of questions were asked about his private life. There was even a lady who went to depone against him, etc.

But I am just saying that the mode of appointment of Judges in the country is important with regard to what should be disclosed, what should not be disclosed. If we had a system of public hearing, for example, 'X' wants to be a Judge, we ask all sorts of questions to the Judge, he discloses his assets in public and then, it would be easy.

In England, for example, it is a different system. They also have a Code of Conduct for Judges to declare their interests, but they declare within the Court system. In the US also, it is disclosed within a committee composed of Judges of the Supreme Court.

So, the question that we have to face, in Mauritius, the Judges are not saying: 'We are against declaration of assets'. They are saying: 'We do not want to be subject to the control of the ICAC'. And the Prime Minister has said that consultations will take place with regard to what would be the body which is appropriate.

But, Madam Speaker, all the Members in this House have been sending their declarations to ICAC after the last elections and even before. And before ICAC came into the picture, who were we sending our declarations to? To the Speaker! That changed because we thought that ICAC was going to be the body that would be independent and that would be the depository of all the declarations. As far as I know, there has been no mishap with regard to the declaration made by any Member of this House. Now, whether or not the Judges are right in not trusting the ICAC, that's a different issue, but we need to have a body. Should it be the Chief Justice of Mauritius? Should it be the President or the Prime Minister? I don't know, but somebody must be the recipient of that declaration.

This is why I believe that it is very important that we address this issue in a very dispassionate and in a very clear manner, because we are dealing with a situation which is

dynamic. Declaration of assets, whether in Mauritius or elsewhere, is a dynamic situation. The hon. Leader of the Opposition is right; assets that people knew about 20 years ago are *périmés*. Today, we have new sorts of assets and, in the future, we will have other assets as well. So, we need to have a system that is proactive, which is dynamic, and which responds to whatever is happening in the world today.

But then, Madam Speaker, let us ask the other question: are there any countries in the world where Judges disclose their assets to an anti-corruption body? Yes, there are. But even in those countries like Albania, I think, Ukraine - there are one or two other countries - the concern that has been expressed there by the Judges is that they are worried about their security, and the way those countries have addressed the issue of security for Judges is to say: 'Okay, we are going to redact your declaration of assets.' Because there, they have public disclosure. Anybody, any Judge who files or any public official, I mean, they have public disclosure and they have found that there must be a body. It must a body that is capable of monitoring the assets and liabilities of the people who declare their assets, and they have not agreed that it should be the Judges. Because the question arose in one country. If Judges were to disclose their assets to the Judiciary, would the Judiciary be in a position to monitor and to analyse all the investments made or whatever to show whether the Judges have enriched themselves illegally? These are issues that need to be addressed, because the Judges are not competent, they do not go into audit trails, they are not forensic people who can detect a risk with regard to any money transaction or financial transaction. So, it is not an easy situation. Whether ICAC has that capability is another issue. But the hon. Prime Minister has said there will be consultations. We will see what the consultations come up with. But what I am saying, Madam Speaker, is that it is a serious matter. Disclosure, yes, but the body to which it should be disclosed has to be a body that creates trust in the Judiciary and also in the body that is going to accept it.

Madam Speaker, we are talking about assets and liabilities, but we need also to talk about the Judiciary with conflicts of interest. We are a very small country, only 1.3 million people. Everybody knows everything about everybody in Mauritius and even if they do not know, they invent. We have to be careful also in what kind of system we are going to put into place so that public trust is retained in the system. I am talking of conflict of interest, Madam Speaker. No one is immune from a situation of conflict of interest. In this House, we have discussed the case of Lord Hoffman in the House of Lords, in the Pinochet case.

Lord Hoffman was a trustee of Amnesty International and there was a case before the House of Lords where he was one of the Judges, and the issue was whether General Pinochet should be extradited to Spain to stand trial, and General Pinochet was going to be tried in Spain. The case came before the House of Lords, and Amnesty International was for his being extradited to Spain. The wife of Lord Hoffman was an employee of that organisation, Amnesty International. The House of Lords took a decision that General Pinochet had to be extradited to Spain to stand trial, and then, it came out that Lord Hoffman had been a trustee of that organisation, and the House of Lords reversed this decision because of that conflict of interest of Lord Hoffman - because Lord Hoffman was in the majority, it was a three to four against decision.

So, when you are talking of this kind of situation for Judges, I mean, we have to bear in mind the confidence that the public needs to have in the Judiciary, but the Judiciary also must be in a position to create an environment where people trust the Judiciary implicitly. So, the Judiciary, for the time being, is going to be out of the system, out of the ambit of this law, but I believe that, somehow, a *modus* will have to be found where everybody in Mauritius works within a system where people have confidence that there is no corruption involved, there is no conflict of interest, that we are clean. I am not saying that it will be perfect, perfection is not of this world, but to the extent possible, we must be in conformity with the provisions of the convention against corruption. Everybody talks about having a clean system; we are trying to expand the ambit of the assets. In fact, I think the MMM wanted trust property to be part of this particular set of Declaration of Assets, but I agree that trust property must be properly defined. Who declares the trust property? Is it the trustee? Is it the beneficiary? Is it the set law? So, these are things that will have to be addressed when we come to the nitty-gritty of this particular law, but we are in a dynamic situation. Trust property - anything having to do with trusts must form part of the sum total of the declaration that anybody has to make under this particular law.

Madam Speaker, let me say a few words about the form that has been prescribed by ICAC. I have looked at the form myself, and you must have a lot of courage to sit down to start filling that form. It can be done, but if we want to have a system that is used by everybody, we must make it friendly, and I hope that when the new form is prescribed, it will be in a much more friendlier state than the one that is available today. As long as all the assets are included in the form, I believe that we do not need to make it too difficult or too cumbersome, as the hon. Prime Minister has said, for the form to be filled.

Madam Speaker, as for the other things that the hon. Prime Minister has mentioned, I do not think that I need to go into them because his explanations have been very clear, but I wanted to say this about the Judiciary because it is an important issue, we need to preserve the independence of the Judiciary and we should take no decision that can in, anyway, undermine the effectiveness of a strong Judiciary. I believe that we can do it. I am sure that the hon. Prime Minister and the hon. Attorney General will have consultations with the Judiciary. We will borrow from the experience of other countries; we will see how we can have a system in a small jurisdiction like Mauritius so that it is effective and it instils confidence in the users and the recipients of the judicial process.

I thank you, Madam Speaker.

**Madam Speaker:** Hon. Fowdar!

(6.13 p.m.)

**Mr S. Fowdar (Third Member for Grand'Baie & Poudre d'Or):** Thank you, Madam Speaker. Madam Speaker, I would like first to all to thank the hon. Prime Minister for bringing these amendments, which I think were necessary.

To start with, Madam Speaker, I would definitely congratulate both orators for the very good speech, the hon. Leader of the Opposition and hon. Anil Gayan. I think they picked my mind, you know, because some of the ideas which I had to speak about, they already told about them.

The first one is this Bill, it concerns something which is dynamic and I don't think this is a last amendment we are bringing to this Act, and I foresee that in the future many amendments would come to cater for new environment, new situations. One of them would be - we know that fraudsters, money launderers are getting more sophisticated in their approach, and definitely, they are going to invent new products, new vehicles, new mechanism, so that they can hide their money. And here, we are looking at our officials, our MPs, Ministers, PS, CEO, everybody concerned with politics, close to politics. We are looking at their invisible assets, but we cannot see their invisible assets. What they want to do is they try the maximum to turn their visible assets into invisible assets, and this is a fight between the authorities and the people concerned.

So, Madam Speaker, I can foresee there is one more thing which is coming very soon, and it is in the limelight, it is crypto currency, digital money and bitcoin. Now, it is not widely accepted worldwide but sometime, maybe in a year's time or two years' time or five

years' time, this will become acceptable and then we will need to cater for how we are going to chase those people who have those digital currencies, which is not the case now. We are not prepared for digital currency in Mauritius. We do not have a legal framework, we do not have a structure but it is going to come. So what I want to say is sooner or later you will have more amendments and they will be many amendments to come so that we do not get people with illicit enrichment which we need to chase.

Madam Speaker, the Declaration of Assets Act remains for me a very powerful tool to prevent corruption and to detect illicit enrichment. The amendments brought by the hon. Prime Minister, one of them talks about how would we identify State-owned enterprises? And I was a bit uncertain what was going to be the definition for control. So, fortunately, the Prime Minister has already stated that the control with regard to State-owned enterprises would be found in the Companies Act. I have not seen the Companies Act today but I presume either it is going to be shares in those State-owned enterprises or they may have significant influence by having Directors with majority votes or simply Directors who have instructions from higher quarters and they are influential Directors within the Board of those State-owned enterprises. So, I think the definition now would be clear with the reference made to Companies Act, how would we define "State-owned companies".

The second issue is the trust property. The trust property is a little bit tricky, Madam Speaker. In a trust, we have three parties. We get the settler, we get the trustee and we have got the beneficiaries. In most of the trusts, family trusts are made in such a way that the father or the parent gives assets to their children. They transfer assets to their children within a trust where you will never see whether the assets are owned by the parents, or they are owned by the children, they are owned by the trust and the trust has got no owners as such. So, what happens is some people are going to transfer their assets which would become invisible within their balance sheet. We won't see them. They will transfer the assets to a trust and the trust will be carried out by a trustee and the trustee would take all the benefits of the trust, that is, the interest, or whatever money they would receive and give it to the beneficiary. In most cases, they are the children of the settler.

So, now the question is: who are we going to chase within the Declaration of Assets Act? Are we going to chase the settler, the beneficiary or the trust? I think to my mind, I do not know how the mechanism is going to be worked out. I think it is going to be for the settler to make a declaration, affidavit or whatever, that they have or they have not, any trust where they have put their money for the beneficiaries. So, the trust property is a tricky one

and I am very happy that it has been included just like offshore companies; it is being included in the amendments here that the trust property would form part while we are going to chase those invisible assets.

I have got no problem with the first one, that is, non-bank deposit taking institution. Madam Speaker, I had the opportunity to work in one of those institutions and I was really amazed to see common people putting big deposits. I do not know from where they were getting this money, in that institution which was not a bank, it was one of those non-bank deposit taking institution and they were saving a lot of money and sometimes you will some of them were caught for drug traffics and what not. So, this is very good that we include those non-bank deposit institutions to be included by those who are going to declare their assets.

Madam Speaker, I do not have a lot to say about the judiciary. I am not a lawyer but I have listened carefully to my good friend, hon. Anil Gayan, and I do agree that we need to have a separate legislation for them. It looks normal that they do not report to ICAC or whatever. So, all those amendments for me seem to be in order and, as I said, I will definitely wait for further amendments to come in the future.

I thank you, Madam Speaker.

(6.21 p.m.)

**Mr P. Bérenger (Third Member for Stanley & Rose Hill):** Madam Speaker, last Friday, late in the evening, we received the Order Paper for today's meeting; three days, therefore, before today's meeting. It is only, therefore, on Friday, late in the evening that we learnt that the amendment to the main Act, the Declaration of Assets Act was being withdrawn, a Motion from the hon. Prime Minister to withdraw the amendment that we had been considering for quite a while, but also that, today, we are asked to pass a new amendment, First, Second and Third reading.

Madam Speaker, I am tempted to say what a mess. What a mess! So much time wasted! And now we are going to have to wait anew. We know how long we waited for the previous amendment that has been withdrawn, how long it took for that amendment to be proclaimed. Months! And then we had to wait for regulations to be made, and now it is going to happen all over again. We are back to square one. What a mess! We are going now to have to wait for the proclamation of the new amendment that is before us. Then, we are going to have to wait for ICAC to come forward with new regulations, with a new form. And I agree fully that the form that ICAC prepared was sometimes ridiculous, asking us for the

*date de naissance* of our grandchildren. Stupid! There are some parts! And that shows what ICAC is. So, now it is the same ICAC that is going to work on new regulations, on new forms to be filled by all of us! What a mess! And with new delays! We know how long it took for the previous amendment to be proclaimed, how long it took for ICAC to work out forms and regulations, long delays and, now, back to square one, all over again. That is why I say what a mess. So much time wasted. Never mind! One is tempted to ask whether all these procedures that are going to start all anew, whether all this will be done before the General Elections. By the tone of the hon. Prime Minister's speech, it is yes, but I stand to be convinced. I stand to be convinced because we have wasted so much time with the previous amendment, and now we are back to square one and we are going to do all this all over again.

Having said that and having expressed the wish to hear the hon. Prime Minister confirm that this new amendment will come into operation, proclamation will be made, new forms, new regulations, as short delays as possible, new delays. Therefore, I hope that the hon. Prime Minister will confirm that all this will be done - I have doubts - before the next General Elections.

Having said that, I will offer a few comments on three aspects of the Bill. One is the Judiciary. I was going to ask, but the hon. Prime Minister has already said that it is only recently that he received representations from the Judiciary, for them to be excluded from the control of ICAC. It is good that the new Chief Justice has made it clear that he agrees, that the Judiciary agrees fully that they have to report to some institution, but not ICAC. I agree fully with that. *Séparation des pouvoirs oblige*, but also the *crédibilité nulle de l'ICAC*. We have to report to ICAC, we have no choice, but probably they will make again a mess of things, Madam Speaker.

The idea is that we will either designate or set up an appropriate institution to act as depository of the declarations by the Judicial Officers. Easier said than done! It is not going to be easy and I hope that the Executive having agreed to withdraw the Judicial Officers from the ambit of this amendment of the Declaration of Assets Act, the Judiciary, itself, will come forward with suggestions. And it will not be easy. I heard hon. Gayan talk about India. A complete difference! In India, it is voluntary. In India, the Judges came forward - a number of years back, but it is voluntary. There is no law making it a duty for Judges to declare their assets. Therefore, the question of which institution receives such declarations does not arise.

I also heard - I think it is the hon. Leader of the Opposition - that the DPP also should be included. *Non*. I believe we have to stop somewhere. And, *en passant*, this morning, again, I was checking the Constitution. There is something that we should think about, and which has been prevailing since Independence. In our Constitution, Chapter V is Parliament; Part I, The National Assembly, Part II, Legislation and Procedure in National Assembly. Therefore, Chapter V, Part I - Parliament; Chapter VI - the Executive; Chapter VII - the Judiciary. And since Independence, both the DPP and the Leader of the Opposition are stuck in Chapter VI, the Executive. I do not know how this arose, but we should do some thinking about it at a time when we are discussing what we are discussing. It is not proper that the DPP like the Commissioner of Police or like the Civil Servants fall under Chapter VI, the Executive. I think we should remedy that on the first occasion. This is *en passant*. Therefore, it is easier said than done to find, to appoint or create a new body to receive and control. Hon. Gayan is right on that. We can say the Judicial and Legal Service Commission. It is not their job; they are not equipped to even inquire, if required. Therefore, I hope that the Judiciary will help us without undue delay, but I say that with due respect, of course, to the Judiciary. It is a difficult issue, but it is a very good thing that the new Chief Justice and the Judiciary has agreed straightaway that Judges, Magistrates, Judicial Officers will have to declare their assets somewhere, although it is a very difficult situation. I hope, therefore, that the Judiciary will help us, will make suggestions. There will be discussions through the appropriate authorities and, without undue delay, we will find a solution to that difficulty. I understand the reaction concerning ICAC. There is a fundamental issue of *séparation des pouvoirs*, but ICAC *crédibilité nulle*. Therefore, one can understand the reaction of the Judiciary only too well.

My second point is the trust property. It is our suggestion; it is the MMM's suggestion that we include trust. But like somebody has said, it is good that there is this reference to trust property, but it is not enough. We must make doubly sure, and the point has been raised by the speaker just before me. That is why I think we should amend, in section 2 of the main Act, the definition of Assets at Interpretation - clause 2 of the main Act -

“assets” means –

(a) (...);

(b) (...);

(c) (...);

(d) (...).

And under (d), at present, it reads “shares or any interest in a company, société or partnership;”

We propose and we think, to be doubly sure, that we should amend that, so that (d) reads –

“shares or any interest in a company, société, partnership or trust”

Then, we would make doubly sure that this issue of trust is properly dealt with, Madam Speaker.

Finally, there is a question of making the declaration of assets public. The law is clear. ICAC has to make the declarations public. At section 7 of the main Act, Disclosure of declarations, it says –

“ICAC shall disclose to the public the declarations made by members of the National Assembly, (...)”

It has a duty to declare to the public the content of our declaration of assets, but the main Act does not say how this will be done. I am sure we have all been worried recently by *les tergiversations de l’ICAC*, finding already all sorts of formulas. So, I doubt whether we can leave that to ICAC. That is why the now Prime Minister, on 12 December 2018, when he summed up the debate on the Declaration of Assets Act, said the following, and I quote –

“Let me say that the declared information will be posted on the website of the ICAC and that the public will, therefore, be able to have access to the information through the Internet.”

And he quoted other countries where this is already done.

I think we should have put that in the law, considering what ICAC is and considering the way they are trying to *tergiverser*, as we say in French. I think we should put that in the law, that ICAC will not only have, as I quoted earlier, to make to the public available our declaration of assets, but how. It be should spelt out that it must, on its website, make all the information available to the public.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Gobin!

(6.35 p.m.)

**The Attorney General, Minister of Justice, Human Rights and Institutional Reforms (Mr M. Gobin):** Thank you, Madam Speaker, for allowing me to lend my voice to this Declaration of Assets (Amendment) Bill.

I believe I should start by clarifying one issue and it was the first point made by the hon. Leader of the Opposition. It is a very important point, Madam Speaker, and, I think, it is the most important point we have to clear tonight. I heard - and it is very sad for me to say - unfortunately, the hon. Leader of the Opposition saying words to the effect that the Judiciary does not believe in ICAC or that ICAC could not be trusted, or that there was a risk of threat. I even heard the hon. Leader of the Opposition using the words 'the risk of blackmail'. This is very unfortunate, Madam Speaker. I want to make it clear that this is absolutely not the case.

I have received the representations, Madam Speaker. At no time has the Judiciary or any other institutions for that matter, raised these issues which the hon. Leader of the Opposition has raised tonight. At no time has the Judiciary stated, directly or indirectly, that there was a risk of threat or blackmail or that they did not trust the institution, or that they did not believe in the independence of the ICAC. This is not the case. It has never been the case. We should not say such things in the House when it comes to institutions like the Judiciary of our country. We should not say so especially when we hold constitutional post like the post of Leader of the Opposition. We should not put the Judiciary in such embarrassing situations. This is very serious because this is being said not only in this House but it is also being said outside the House by Members of his party. We should stop that as early as possible. We should state the facts especially when it comes to an institution like the Judiciary. I say it again, it is very unfortunate, maybe he will have the time at the appropriate stage to make amends and we look forward that he does so at the earliest.

So, what happened, Madam Speaker? And it is good I heard hon. Bérenger right before me saying, while explaining that we have received some representations, and the hon. orator speaking before me said the words 'the new Chief Justice'. He is absolutely right. But how new is the new Chief Justice? We tend to forget that the new Chief Justice was sworn in in the month of March of this year, not in December, or January or February.

So, when the law came into effect in June, I have recently and I will say so, it is in the month of June that I have received both formal and informal representations from the Judiciary, from the new Chief Justice himself, in his own name and in the name of his Judges

and the lower Judiciary. And the point was never that the Judiciary does not believe in the independence of ICAC or there was a risk of threat or blackmail. The issue concerns the mechanism that is provided in this new Declaration of Assets Act. I should remind the House that it is the first time in this country that we have provided for a completely new mechanism in the system of declaration of assets.

Hon. Gayan reminded the House earlier on what was happening previously. It was a declaration made to the Speaker at some point and then, later on, it was a declaration made to the Independent Commission against Corruption. What is new in this new legislation, Madam Speaker, is the active monitoring of the declarations. It is the active monitoring of the assets and liabilities. This was never there in the law whether at the time of declarations being made to the Speaker or at the time of declarations made to the ICAC under the previous legal regime. And this is for the first time that we are bringing an active monitoring. To illustrate my point, hon. Members can look at what section 8 provides. It is the power of ICAC to give directives to a declarant. Why have we provided for that? It is, indeed, in the spirit of the UN Convention against Corruption. It cannot be a mere administrative filling anymore. Those days are gone and long gone. Previously, it was just an administrative filling. We should move on to the new regime of active monitoring and this is what has been provided in the new Declaration of Assets Act which was passed in December last year.

When we look at the regime, it is not only an administrative filling, it is an active monitoring. We have the power to give directives and there is the power to impose fines. So, considering all this, representations were made to Government that there is actual or perceived - I want to stress on that, actual or perceived - potential situations which can be embarrassing for members of the Judiciary.

Now, the question is, and someone said it earlier on that we should all respect the Judiciary. I put the question: "what should Government do when receiving such representations from no less an authority than the head of the Judiciary, the head of Chapter 7 of the Constitution?" Is it not our duty, as a responsible Government, to treat those representations with the utmost respect? And this is what we are talking about, the respect for the Judiciary. We do not just throw away such representations. So, we take it with the importance that it deserves and this has been happening ever since I received the representations in the course of the month of June. Having received the presentations and considered, then Government realised, as all orators before me, *ce n'est pas une mince affaire*. The idea was given and it is still being considered that the Judicial and Legal Service

Commission could be the depository. Hon. Bérenger mentioned it, the Judicial and Legal Service Commission is not equipped for such work. I put this simple question as to whether the Judicial and Legal Service Commission has any staff. The number of staff for JLSC is nil. The Secretary of the JLSC is a Court Officer. He is the Chief Court Officer who is assigned to the office of the Chief Justice and who performs the functions of the Secretary of a Commission. Will he be equipped to do such active monitoring, as is contemplated in this Act? Certainly not! So, what will the JLSC do? *Ce n'est pas une mince affaire.*

Therefore, the consultations are ongoing, Madam Speaker, and this is taking some time. Therefore, what was the other option? Because time is of the essence and time was running. So, when we consider such a delicate issue and it is a very fine line, separation of powers is not a theoretical concept. It is well settled in our Constitution. As the previous orator said, it is all divided in separate chapters. So, if we have respect for the principle of separation of powers, which is well settled in our Constitution, we need to give more time and thought to, who will be the depository, who will do this active monitoring and who will issue directives if need be, and impose if need be the administrative fines.

But, in the meantime, as time was running out, we, in Government had to take a decision. Either we stop the whole process or we allow the process to continue for everybody else, except for the Judicial Officers. And this is what we are doing tonight. Apart from the other amendments clarifying the definition of State-owned enterprise, enlarging the definition of assets and excluding for the time being, I say it, for the time being, Judicial Officers, what else? As if we have created a whole mess! There is no whole mess, the whole process will continue. The mechanism and the principle of the Declaration of Assets and the active monitoring are now in our law. So, therefore, we should, I think, focus on what we are doing tonight. And this, I want to say again, at no time did the Judiciary say anything against issues of threat, blackmail or trust, etc., or the independence of ICAC.

The second point I want to add is reiterate. In fact, it was stated earlier by the hon. Prime Minister. The Judiciary is fully agreeable to the principle of making declarations. What is being discussed, at this stage, is the depository, and the depository only.

I wish to reassure the House that consultations are ongoing and, as the hon. Prime Minister has stated, Government will come with the appropriate amendment at the appropriate stage. Consultations, Madam Speaker, as orators before me have stated, there is no one size fits all. Each country has developed its own system.

In India, it is voluntary. Now, if anybody were to go on the website of the Supreme Court of India, everybody will see the Assets and Liabilities of the Chief Justice of the Supreme Court of India, His Lordship Ranjan Gogoi. It is posted on their website, not only for himself, but for the other Judges. Do we have such a system in Mauritius? No, we don't yet! Is this the system? In the United States, as hon. Gayan stated earlier, Judges in some States are elected; Judges for the Supreme Court of United States go through this congressional hearing. This is purely American system, which we do not have, which so many other countries as well do not have.

Let me give another example, probably, from the other side of spectrum. Madam Speaker, in Finland, one of the countries at the top of the list for democracy governance, do you know where the declaration of assets of Judges go to? The House will be shocked. They go to the Minister of Justice.

*(Interruptions)*

In Finland, yes! I am not suggesting that it should come to me, I do not want such responsibility. But these exist in countries, in advanced democracies like Finland. I say it again, *loin de nous cette idée de faire de la déclaration des avoirs des juges venir au ministère de la Justice! Loin de nous, très loin de nous!*

I am just illustrating that there are so many systems which exist across so many democracies in the world. The work is ongoing, Madam Speaker. We have to conclude these consultations very soon and come with the appropriate amendment. Amendments there will be. The hon. Leader of the Opposition, hon. Fowdar said, we agree amendments, there will constantly be in such a legislation. If today we are amending to enlarge the definition of assets to include trusts, yes, indeed, why not, later on we will come to the House to include the digital assets, the crypto currencies and bitcoins. But, for the time being, we do not as yet have a legislative set-up to cover for crypto currencies and bitcoins, but it will come. And then, we shall, as we go along, amend and keep up to date such an important legislation which goes in the line of the prevention of corruption as this legislation provides for.

I have heard earlier on arguments being said that what is good for the goose is good for the gander. I do not want to say who is the goose and who is gander, but I think hon. Bérenger has replied to that argument. We need to stop somewhere. The DPP has always been part of the executive, although the Constitution provides for his independence under Section 72. But to say that the DPP exercises the judicial functions is a far cry from reality.

So, I do not want to say anything more here because I think the previous orator has made the point.

Madam Speaker, I want lastly to come to the point that insofar as this new mechanism is concerned, it was a promise of Government that we will come with a new regime for declaration of assets because for a number of years, things have been said about the declaration of assets regime, amendments were required, we would need to amend the definition of assets or we will need to provide that declaration of assets should be made public. But it is this Government which has walked the talk. As the hon. Prime Minister has said earlier, there are teething problems when a new mechanism, a new set up is brought. This should not stop us from going in the right direction. We believe we are in the right direction and we will continue to be in the right direction.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Dr. Boolell!

(6.53 p.m.)

**Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes):** Madam Speaker, I shall be brief. Let me, right from the outset, remind the Attorney General, and if my memory serves me right, I think he used to work at ICAC. And probably, I am sure for the wrong reasons, maybe for the right reasons, but they wanted to arrest him. ICAC wanted to arrest him when he was at ICAC.

*(Interruptions)*

Yes, you were, that's right! And allegedly, he was suspected for leaking information to the Press by the Director General of the ICAC. Now, I am not going to say where he sought refuge...

*(Interruptions)*

**Madam Speaker:** Hon. Dr. Boolell!

**Mr Gobin:** Madam Speaker, I thought this started on a good tone. Now, I think hon. Dr. Boolell is derailing the whole debate. I don't know whether I was about to be arrested by ICAC. That was never the case, hon. Dr. Boolell. Madam Speaker, I am in your hands for a ruling.

**Madam Speaker:** Hon. Dr. Boolell, I think the question of whether hon. Gobin was working at ICAC or was not does not arise here.

**Dr. Boolell:** But I will come to ICAC at a later stage, just to show how credible ICAC is.

Madam Speaker, what is the very essence of this Bill? Integrity! And I must say integrity is difficult to define, as difficult as conflict of interest. What is the fear that has been expressed or rather the concern that has been expressed with respect to declaration of assets? I will come to the reason as to why the hon. Prime Minister has had to withdraw the Bill and come with the amendment proposed.

The independence of the Judiciary - earlier hon. Anil Gayan, Minister of Tourism, explained the concern expressed and what happened in India, and the reason as to why a committee was set up is to ensure that there is no encroachment upon the independence of the Judiciary. Now, the Judiciary or the Judicial officers, they have expressed no fear and they have said that they have no qualms to comply with the provision of the legislation, but what they want is an appropriate institution to be set up and that it should be done sooner than later for them to deposit their assets and liabilities. They are not asking for any special or differential treatment, but they want matters to be expedited. Earlier, the hon. Leader of the Opposition canvassed a point, which I consider to be a very legitimate one, and asked the hon. Prime Minister as to why there was no prior discussion with the Judiciary and why did he have to wait for the main Bill to be introduced, and then, the Executive had to wait for the reaction of the Judiciary. This could have been avoided, had there been prior discussion.

Now, what is also of concern - before I come to the main concern of the Judiciary - is the definition of a Politically Exposed Person (PEP). In the Bill, there is no definition of a Politically Exposed Person. In my humble opinion, the Judiciary is outside this ambit, but when it comes to definition of a Politically Exposed Person, it's very wide. We don't know where it begins, who are those involved, and to what extent that definition can go. Does it reach out to our close relatives? Are they outside this ambit? We don't know. And this has to be clearly defined. Why do I say that? Because the day many of us are not in politics or we are in politics, but not Members of Parliament or even if you are Members of Parliament, you can rest assured that despite we have declared our assets and liabilities, very often, because we are PEPs, our chances of becoming a member of a Board or of being recruited by a company can become very slim. So, my first proposal is that there should have been the definition of a Politically Exposed Person in the legislation.

Now, Mauritius is not the only country that has introduced legislation on the declaration of assets. In fact, there are many countries that have financial disclosure legislation. With the war that we have to wage on terrorism, on illicit funding, this fight against corruption and money laundering has become global and relentless. And as has been stated by many of our friends on both sides of the House, the law being an ass, it needs to be constantly amended because of new breakthrough in technology. What was not heard about some time back is being heard today. Today, we are talking about FinTech, Bitcoin, Artificial Intelligence. These are issues that become part and parcel of our activities of daily living. Now, there is no problem about disclosure, and disclosure has to be mandatory. I would go as far as to say that for those who have no fear, no prejudice, I see no reason why we cannot disclose our assets and liabilities and make them public. I would have no problem with this. But, of course, when it comes to disclosure and confidentiality, the balance has to be struck.

Now, in today's world - I stated earlier that disclosure is almost mandatory. Of course, that does not mean that there would be encroachment or an invasion upon privacy. But let us look at the issue of trust. We know that the ultimate beneficial owner - and that point has been canvassed, although he was looking for answer by hon. Fowdar - of a trust has to disclose his wealth; otherwise, he will land into trouble if the wealth is unexplained. And it is noteworthy, Madam Speaker, that all Crown Dependencies of UK have given firm undertaking that, by year 2022, the name of the ultimate beneficiaries of trust or society will be disclosed to relevant bodies.

In Mauritius, a Select Committee on Fraud and Corruption, as far back as December 2001, recommended that sections 53 and 54 be amended for seizures and forfeiture of assets obtained as a result of corrupt practices. And they were amended as consequential amendments to the Prevention of Corruption Act when the Bank of Mauritius Act was amended in 2002.

Madam Speaker, we are under a lot of pressure - and that for the right reasons - from the European Union, from the Financial Action Task Force (FATF) and the regional branch of Financial Action Task Force. Of course, they will rerate Mauritius as a clean jurisdiction subject that no smokescreen is used to hide the identity of beneficiaries. The law, of course, will protect the legitimate gain of any beneficiary, but transparency and accountability of low-tax jurisdiction is paramount to its success. There is one question that has been asked, and in many jurisdictions - I would now come to the issue of the Judicial Officers. Are Judges civil servants? There was a debate which raged for some time in India, and replies were given

by the Chief Justice and the Committee of Experts. And they say that Judges are not civil servants according to competent authorities and, therefore, not servile or subservient to the Executive. In fact, they are constitutional authority and, therefore, Madam Speaker, I would like to make some proposals.

Let us, first of all, look at Magistrate and what was said. When you download information and more so since this is an issue again that was debated in South Africa by the organisation which regroups Magistrates. Now, what they said was that Magistrates are members of the judicial arm of Government and not civil servants, and, of course, with Judges or Magistrates, they will dispense law for the betterment of the nation.

The point has been canvassed by the former Prime Minister and Members on this side of the House; the signals that we have to send to ensure that the demarcation line between democratic institutions are wide and not blurred. There are ethical issues that we have to give serious thought to. Because, Madam Speaker, in the past - I have heard, although I have not seen it - I have heard of the Prime Minister convening Judges to his office.

*(Interruptions)*

**Madam Speaker:** No, hon. Dr. Boolell! I think that now you are going a bit too far in what you are saying. I don't think you should, I would say, cast aspersion on the integrity of the hon. Prime Minister.

**Dr. Boolell:** I have not mentioned the name of the Prime Minister nor did I say which country. I have said in the past.

*(Interruptions)*

Okay, if you want me to withdraw it, I withdraw it.

**Madam Speaker:** Please, I think you should withdraw.

**Dr. Boolell:** Alright. But what I am saying is that, you know, for good ethical reason, the demarcation line has to be wide. But I will go as far also as I say. I have known Prime Minister in office and in power who has walked to the office of the CJ as and when the need is felt. Basically, what I am trying to convey, the demarcation line has to be clear and wide.

Madam Speaker, there has always been a debate in this House as to the role of Parliament and what can Parliament do, and I will say to all of us here, Parliament, of course, can be supreme, but the demarcation line - I will come back to demarcation line between democratic institutions, which has to be far and wide. Parliament can do what Parliament has

done, but thanks for the Judiciary which has the powers to rule if a colourable device has been used, Madam Speaker.

Our concern - and it is a concern that has been expressed and which has justification - is why is it that people are afraid to submit their declarations to ICAC. I do not want to again create unnecessary fear, but, in the past, and as matters stand now, there are good reasons not to file our declaration to ICAC, and I for one do not believe that we should do it. I for one, I am speaking for myself. I believe that there are better institutions where filing of our assets and liabilities...

**Madam Speaker:** Hon. Dr. Boolell, I think you are widening the debate. You should have observed that those who have spoken before you have limited their interventions to the amendments which are being brought, and I think you should also limit your intervention to the amendments which are in front of us tonight.

**Dr. Boolell:** But, Madam Speaker, the institution where the filing of our declaration is to be made is ICAC. Now, I am not going to talk of the prosecutor turning into the defender, but there is an element of fear that ICAC is an institution which is not credible, and that element of fear is justified.

*(Interruptions)*

I have a right to express my opinion. Okay?

And my fear is not only the fear of every individual. My fear is also, to a large extent, shared by institutions.

Madam Speaker, let me make certain recommendations. Since the appointment of the Judicial and Legal Officers are made by the Judicial and Legal Service Commission, it would be appropriate that every officer in the grade of District Officer or above but not holder of constitutional post, should submit his or her assets and liabilities to the Judicial and Legal Service Commission.

To come and say that the Judicial and Legal Service Commission does not have the resources does not stand. Probably, in a couple of weeks, we are going to debate the Bill on Financing of Political Parties. You mean to tell me that the Electoral Supervisory Commission has all the resources to do the proper monitoring when it comes to assessing financing of political parties? So, I will insist, not insist, but this is a proposal that I am making that every officer in the grade of the District Officer and above but not holder of

constitutional post should submit his or her assets and liabilities to the Judicial and Legal Service Commission. But we have to make sure that the means are allocated for the Judicial and Legal Service Commission to live up to our expectation.

I see no problem, Madam Speaker, why the House should not identify the setting up of an appropriate institution to act as a depository of declaration of holders of constitutional posts. At one time, Madam Speaker, I was thinking that the depository should be the Office of the President. Section 77 highlights the appointment of Chief Justice and Puisne Judge and it is equally true to say that the Chief Justice is called upon to act as President when the President and his Deputy are absent. Therefore, the appropriate institution would be an independent Commission appointed by the President, after consultation with the Prime Minister and Leader of the Opposition.

Madam Speaker, nothing stops those, as I have said, who want to voluntarily release their assets and liabilities, be it on any website, call it their own website, or if they feel that their declaration of assets and liabilities should be gazetted, we should have no problem. But I must say, when it comes to declaration of assets - and I started earlier by referring to integrity - I hope all of us, in this very House, will have the courage to declare fully our assets and liabilities, irrespective whether we have bank account overseas or in Mauritius, and that we should not be seen or perceived to hide behind trust, *société* or for that matter any smokescreen, which goes against the politics of transparency and accountability.

Thank you very much.

**Madam Speaker:** Hon. Rughoobur!

(7.14 p.m.)

**Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or):** Thank you, Madam Speaker, for giving me this opportunity to say a few words on this Bill. Madam Speaker, I have three observations to make on the amendments which are in front of this House today.

Madam Speaker, I think we are not debating on the plight of the ICAC tonight. I believe it is a good thing and we have to congratulate the Government and the Prime Minister for coming forward with such a laudable initiative to fight corruption.

Madam Speaker, I would like, first of all, to congratulate all hon. Members who have spoken before me, and I was listening with attention as well the *discours du ministre*,

*l'honorable Anil Gayan*, and he referred to the UN Convention against Corruption. My first issue, Madam Speaker, is when we look at these amendments being proposed and on the objectives that have been clearly defined, if we look at the first amendment –

“any money deposited in a non-bank deposit taking institution licensed by the Bank of Mauritius;”

We are talking in this case of a customer and the regulator. Madam Speaker, in the UN Convention against Corruption that Mauritius signed in December 2004, there is something very interesting. While we are debating these amendments that we have to take into consideration is the issue of legitimate customer because we have to be very careful in the role of institutions Madam Speaker.

Hon. Dr. Boolell was talking about PEP (Politically Exposed Persons). Madam Speaker let me quote something really interesting that I believe going forward we will have to take into consideration the role of institutions like the Bank of Mauritius, the Financial Services Commission but equally maybe the Financial Intelligence Unit.

Madam Speaker, let me quote from this UN Convention Against Corruption which we ratified in December 2004 –

“Each State Party shall take such measures as may be necessary, in accordance with its domestic law, to require financial institutions within its jurisdiction to verify the identity of customers, to take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates.”

This is interesting, Madam Speaker.

“Such enhanced scrutiny shall be reasonably designed to detect suspicious transactions for the purpose of reporting to competent authorities and should not be so construed as to discourage or prohibit financial institutions from doing business with any legitimate customer.”

Madam Speaker, we are talking of amendments, but we are talking at the same time of customers and the role of the regulator. That is the reason why I wanted to mention in these amendments that are being brought but with reference to the Act as well, we have to be

extremely careful in an economy like ours. What impact the amendments that we are bringing? How important is it for us to ensure that *il y a un encadrement* of those financial institutions by the regulators? In this case, we are talking of Bank of Mauritius but, of course, we have other regulators; we are talking of trusts, we are talking of...

**Madam Speaker:** Hon. Rughoobur, I am sorry, I stopped hon. Dr. Boolell and I think I will have to stop you also. I do not think we should re-open the debate on the Declaration of Assets. Right? You should try to limit yourself to the amendments which are being brought. If you look at the Explanatory Memorandum, you will see clearly the amendments which are being brought and I think you should limit your intervention to these.

**Mr Rughoobur:** Madam Speaker, well, in this case, bringing amendments we are talking of the depositors in a non-bank deposit taking institution and we are talking of the regulator. I believe that this is important for a country like ours to be very careful going forward to ensure that the amendments that you are bringing are a very good thing but, at the same time, there are certain safeguards. I believe, the regulators will have to take into consideration certain issues. There has to be some guidelines in order to protect. What will happen going forward, Madam Speaker, what I wanted to explain is that once these declarations of assets are being done, ultimately you run the risk of financial destitutions being probably uneasy with a category of depositors. For example, in this case, we are talking of PEPs, we are talking of a category of civil servants, we are talking of Members of Parliament. The point that I wanted to make, Madam Speaker, is that in the case of Members of Parliament who have got relatives for example; who are dealing with financial institutions; who are involved, for example, in business and with the coming into force of the Declaration of Assets Act, the impact that this may have on those categories of civil servants, on those categories of people who will have to declare their assets ultimately.

Well, let me come, Madam Speaker, to the second issue that I wanted to elaborate on, and that is the issue of separation of powers. I think, Madam Speaker, there is unanimity in this House that in a democracy like ours, the concept of separation of powers has to be upheld.

The point that I want to make, Madam Speaker, is that Government is proposing that, at this stage, it will not be the interest of the country that we have to declare that the Judges, the Judicial Officers have to declare their assets at the level of the ICAC.

Now I have listened to Members on the other side of the House. The point that I want to make, Madam Speaker, around the world there are three institutions where normally assets are declared by members of the Judiciary. From the research work that I have done, what I have found, Madam Speaker, is that you have got the three main institutions where normally assets of members of the Judiciary normally they go to declare are at the level of an agency which is there to fight corruption or a body that deals with tax administration, and/or within the Judiciary, itself, they have got a structure.

Now, Madam Speaker, we have got several countries. I take the case of Latvia, a country that ranks 41<sup>st</sup> in the Global Perceptions Index on Corruption. There, Madam Speaker, the assets of judges and magistrates are registered and administered by the body in charge of tax administration. This is in Latvia. But there are other cases. In the case of Poland, for example, there, the declaration of assets is done within a structure in its judicial system itself. But, Madam Speaker, it is a good thing that the Government has decided, on the request of the judiciary, for the holding of the separation of powers. We believe that it is a good thing that the Government has decided that we take the time that it will require to ensure that in the coming years, we come up with an institution that is going to enable the country to put in place a proper institution that would, of course, enable the judges and the judicial officers to make a declaration to register their assets.

Madam Speaker, I am not going to be long. I am going to conclude by just saying that the issue of declaration of assets, for me these amendments is a huge step forward and I would like to, of course, say thank you to the Government for coming forward with these amendments.

I would like to thank everybody for their attention.

**Madam Speaker:** Hon. Lepoigneur!

(7.26 p.m.)

**Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière):** Merci, Madame la présidente. Madame la présidente, en décembre, mon collègue, l'honorable Adrien Duval, lors de son intervention, avait souligné que nous, au PMSD, nous accueillons favorablement ce projet de loi qui est : déclarer ses avoirs mais aussi faire des critiques constructives en faisant aussi des propositions valables.

Aujourd'hui, moi aussi je reviens avec ce même support, de venir déclarer ses avoirs avec transparence, en toute démocratie est une décision très importante. Mais je ne vais pas

m'attarder à venir répéter tout ce qui a été dit. Je vais essayer d'être le plus bref possible mais je souhaiterais surtout m'attarder sur l'implication de l'*ICAC* dans ce projet de loi.

Madame la présidente, je me permets de mettre en doute l'intégrité de l'*ICAC* qui a pour tâche d'enquêter sur les avoirs. L'honorable Gobin avait dit que le Leader de l'opposition avait mis en doute l'intégrité de l'*ICAC* mais je présume que ce n'est pas vrai. Aujourd'hui, Madame la présidente, ces amendements proposent que les juges et les magistrats soient exemptés de ce projet de loi suite au refus des juges de soumettre la déclaration de leurs avoirs. Le Judiciaire de l'île Maurice même met en doute l'intégrité de l'*ICAC*. C'est pour ça qu'ils refusent que ce soit l'*ICAC* qui enquête sur leurs avoirs.

Madame la présidente, si les juges refusent de faire confiance à l'*ICAC*, pourquoi nous, nous devons lui faire confiance. Cela démontre aujourd'hui que le rapport 'Lam Shang Leen' avait sa raison d'être. Un ancien juge, dans son rapport, avait proposé la dissolution de l'*ICAC*, Madame la présidente. Au lieu de suivre les recommandations de ce rapport, qui a coûté beaucoup d'argent à nos contribuables, l'*ICAC* se voit avec beaucoup plus de responsabilités et pas n'importe lesquelles, avec un dossier aussi important, sur le control des avoirs.

**Madam Speaker:** Hon. Lepoigneur, I am sorry, I have to interrupt you again. We are not here tonight to make the *procès* of ICAC. The Bill is clear on this issue. If you want to talk about the Judiciary which wants another institution where they can give the list of their assets and liabilities, etc., that is fair. But we are not here to make the *procès* of ICAC. I want to be clear on that.

**Mr Lepoigneur:** Madame la présidente, les amendements de ce projet de loi viennent exclure les juges et les magistrats. C'est pour ça j'explique que, peut-être, il fallait amender et venir éliminer *ICAC* dedans. C'est pour ça que j'interviens sur *ICAC* pour venir expliquer pourquoi le Judiciaire refuse.

Cela nous démontre, Madame la présidente, que l'*ICAC* est une institution qui n'est plus valable. Aujourd'hui, je place l'*ICAC* et la GRA dans le même panier car le rapport Lam Shang Leen a été très critique envers les deux. Mais aujourd'hui, cela donne raison au PMSD d'avoir démissionné en 2016 pour sauver l'indépendance de la démocratie, du DPP et de protéger ce pays contre une dictature.

La réaction des Juges vient confirmer que l'*ICAC* est un outil politique entre les mains des politiciens au pouvoir. Donc, demain c'est l'*ICAC* qui choisira qui il veut poursuivre et

les doutes sur certaines avoirs illicites où les politiciens ont le pouvoir et décideront sur qui enquêter. Pourquoi l'ICAC, Madame la présidente ? Pourquoi ne pas créer une commission indépendante par les personnes indépendantes qui travailleront uniquement sur ce projet de loi ? Pourquoi la tâche n'est pas gérée à la MRA à qui nous déclarons nos dépenses et recettes à la fin de chaque année ? On est en train de faire des amendements, pourquoi ne pas en profiter pour remplacer l'ICAC par une institution indépendante ? C'est-à-dire, que va-t-il se passer ? Là, actuellement, le projet avait été voté le 12 décembre 2018 et avait pris effet à partir du 01 juin 2019 où il fallait remplir les fiches et rendre après 90 jours. C'est-à-dire, le 30 août 2019. Là, on doit tout recommencer à zéro et je découvre aussi que des dépenses ont été encourues par rapport aux courriers, aux déclarations des formulaires qui ont été envoyés et déjà je vois aujourd'hui on a reçu une newsletter en quadrichromie qui a déjà coûté beaucoup d'argent. La tout a été dissoute et on vient recommencer avec une nouvelle loi qui va être votée, qui va prendre environ encore sept mois avant d'être mis en application, ce qui veut dire que cette loi va être applicable après les prochaines élections, pas dans les jours à venir.

Je ne vais pas venir sur certains trucs qui ont été dit mais pour conclure, Madame la présidente, je suis d'avis qu'il faut impérativement qu'il y ait une loi à déclarer les avoirs pour combattre la corruption et le blanchiment d'argent et que les bien acquis qui se font en toute transparence et intégrité. Pour cela, il faut que la loi soit faite en toute démocratie et intégrité.

Je vous remercie, Madame la présidente.

**Madam Speaker:** Hon. Rutnah!

(7.32 p.m.)

**Mr S. Rutnah (Third Member for Piton & Rivière du Rempart):** Thank you, Madam Speaker. Madam Speaker, today, we are supposed to be debating the Declaration of Assets (Amendment) Bill and I have noted, sitting here for a while, that the Opposition have missed the opportunity - *une occasion ratée* - today to discuss, to debate the real issue concerning the Declaration of Assets (Amendment) Bill, except I must be fair to hon. Bérenger who, at least, touched upon some real aspects. Otherwise, he as well chose to jump on the bandwagon, as if to hold a trial of the Independent Commission against Corruption.

Madam Speaker, let us see what this Declaration of Assets (Amendment) Bill is all about. The Explanatory Note – time and again I have said it in the House, these days, those

who are drafting our legislations are not using the kind of language that were used previously in the olden days. These days, drafting is done in a very simple manner, using simple English words that anyone who has studied English will be able to understand.

**Madam Speaker:** Hon. Rutnah, here also I will stop you just to tell you that you should not refer to Civil Servants. If you refer to the Minister of Justice, that is fine, but those who draft the legislation are usually the Civil Servants.

**Mr Rutnah:** Of course, but I am not referring to specific Civil Servants, but we all have to tell the truth that those who draft have been drafting well, under the supervision ...

**Madam Speaker:** But you are referring again to Civil Servants, hon. Rutnah, please refrain from doing it.

**Mr Rutnah:** Anyway, as I see it, it is being drafted properly, Madam Speaker. Let us see what is said here.

“The object of this Bill is to amend the Declaration of Assets Act 2018 so as to –

- (a) widen the definition of “assets”, so that assets to be declared under the Act shall include –
  - (i) any money deposited in a non-bank deposit taking institution licensed by the Bank of Mauritius;
  - (ii) trust property;
- (b) exclude judicial officers from the application of the Act pending the designation or setting up of an appropriate institution to act as depository of the declarations by judicial officers;”

I will come to this part later on in my intervention, because this has been today the centre of what the Members of the Opposition have talked about and they have made extensive reference to ICAC.

- “(c) give a definition to the term “State-owned enterprise”, so that a State-owned enterprise which falls under the purview of the Act shall be such enterprise, in which the State is a shareholder or exercises a degree of control, as may be prescribed;”

And here, the word ‘control’ as well is subject to definition and the definition of the word ‘control’ will be exactly the same as in Section 5 of the Companies Act. And then, what have we also been pondering on in this legislation is to –

- “(d) provide for a new delay for the declaration of assets and liabilities;
- (e) revoke the Declaration of Assets (Prescribed Forms) Regulations 2019;”

For reasons that we all know and one of the reasons recently criticised that the form even asked for the details of your grandchildren, etc. And then to –

- (f) clarify some provisions of the Act,
- and to provide for matters related thereto.”

So, this amendment here does not concern the ICAC. It does not only concern the Judiciary as well. It concerns a wider aspect of this important legislation.

Now, why do we need declaration of assets? We know, at least, there was a perception in the past that all politicians are corrupt. At least, we know that there is a perception out there that all politicians when they have the opportunity, they will enrich themselves. And it was one of the main pledges of this Government that we are going to bring confidence in our system, be it parliamentary, be it other organs of States. That is why the undertaking given then by Sir Anerood Jugnauth that we are going to legislate, we are going to bring a Declaration of Assets Act.

But, the law, as we know, cannot be stagnant. Law has to be dynamic. Law has to change. Law has to reflect the realities in which we are living. Law has to reflect what people want. People want a transparent society today. People want to know more about the politicians, not only politicians, but other people who hold high office. They also want to know more about the Judges. They also want to know more about those who are heading parastatal bodies, Government-owned enterprises. And that is why we have come up with legislation. Now, if we look at what is being proposed today is as a result of the consultation that took place between the Attorney General and the Chief Justice insofar the Judiciary is concerned. But, what about the assets, the definition of the assets? Obviously, when the law has been passed, when this law was looked at again, then it transpired that some people

would try to put money in a non-banking institution and then that non-banking institution is not covered by the Principal Act, and that is why there should be amendment.

So, there is no need to criticise simply because we are bringing an amendment to correct an anomaly that was not covered during the enactment of the Principal Act, and this anomaly was not even identified in the debate by any of the Opposition Members who took part in the debate on the last occasion. Because there are certain things in life sometime you can't foresee, you can't realise that people can become so wise to find ways and means to hide assets, not to declare those assets. So, there needed to be this coverage. There needed to encompass this area of the definition of assets.

Now, let me turn to the issue of the Judiciary. Insofar as the consultation is concerned, my very learned and hon. friend, the Minister of Justice, hon. Gobin has replied earlier on that, in fact, the consultation took place well before March. And what was criticism that has been levelled today is that because the Judiciary has no confidence in ICAC, that's why they have refused to go and declare their assets and to make ICAC a depository. Please! I really sometime don't understand what the PMSD stand is on this issue. To understand the stand of the PMSD, you have to look at history; you have to go back to 1991. You have to! And then, you have to come back to last year's debate. Madam Speaker, let's look at what the *porte-parole* of the PMSD said in 1991 about declaration of assets in relation to Judges.

Mr Hervé Duval, I don't know him, but I am told he was a very polite man and that he was a great debater. And this is what he said –

“I find that in the Bill which we have just rejected, that Judges of the Supreme Court were not included. I am prepared to agree that what I am proposing to add concerning Judges is other than a Judge of the Supreme Court except if that Judge has accepted any other appointment for which he is in the gift of the Government. This sort of Judges should declare their assets just as Ministers and other MLA do. I have not been able to speak during the debates on the previous Bill, therefore, I am making this point.”

And then, there was a discussion, there was a point of order taken and the Speaker intervened and then, hon. Hervé Duval went on, he said - “I withdraw ‘Dayal’...” - the now hon. Dayal was then the Commander in Chief of the SMF - “I withdraw the word ‘Dayal’, but I did not mention the name of any Judges. I am saying that Judges who are in the gift of the Government, I would even go further, Mr Speaker, Sir, I would say that Judges who

accept to chair Commission of Inquiries...” Now, the Speaker intervened then - “The House is aware that you are making personal attack. You are making personal attacks against two gentlemen, Mr Dayal and Mr Sik Yuen.” This was said by the then spokesperson of PMSD about judges.

Now, let us see what hon. Adrien Duval said - he is not here, but I am duty-bound to refer to his intervention on the debates of the Declaration of Assets Bill of 2018 –

“First of all, you have judicial officers starting from the rank of magistrates up to the Chief Justice. And then you have public officers, and public officers within the meaning of the Constitution means persons (...).”

And he goes on. In general terms, he said, why if Judges and Judicial Officers have to declare their assets, for the Public Service Commission or Electoral Service Commission -

“(...) we should not make an exception for members of these Commissions, (...).”

But then, in the debate, hon. Adrien Duval, other than mentioning about the Declaration of Assets of judges, he did not mention that judges should be exempted for such and such reasons. He did not say that, but today, when you see the spokesperson of the PMSD, the Leader of the Opposition, the criticisms that they levelled with reference to ICAC, and then you hear hon. Lepoigneur, again with the criticisms against ICAC; also hon. Dr. Boolell and hon. Bérenger.

If I may say so, in the Lam Shang Leen Report, it was said that the ADSU should be dismantled - not the ICAC - and he keeps on saying that. Now, let us see who has to declare assets and liabilities under the Act. Section 4 of the Act makes provision. It is an obligation for Members of the National Assembly, Members of Regional Assembly, Councillors of Municipal Councils, Municipal Town Councils and District Councils to declare their assets. The ICAC is supposed to monitor all these assets that are declared.

Let me remind the House today, when the ICAC was set up, there was a provision that there should be an Appointment Committee. That Appointment Committee was supposed to appoint independently the Commissioner and the Deputy Commissioner of ICAC. But, nowadays, we call them the Director-General. Now, who got rid of this provision? When the Labour Party and the PMSD came into power, they got rid of this provision, and they are the ones who took away this power to appoint independently and gave it in the hands of Navin Ramgoolam to appoint. So, when Navin Ramgoolam as Prime Minister appoints, when the Labour Party and PMSD are in power, it is okay, ICAC is okay. But when another Prime

Minister appoints, then ICAC is not independent. But we know what ICAC's role was previously in the PMSD and the Labour Party Government.

**Madam Speaker:** Hon. Rutnah, we have spoken about ICAC. I have given you some latitude to speak about ICAC, but I think that we should come to the amendment made in the Bill.

**Mr Rutnah:** Madam Speaker, there is no smoke without fire. If they would not have tried ICAC, I would not have. There was no need for me to talk about ICAC, but because they have introduced it in the debate, the can of worms is opened now.

*(Interruptions)*

Yes! The can of worms is wide-opened and the worms are here on the floor of the Assembly! That is why I have to deal with the issue, because I do not want this area to remain unrebutted in the Hansard. What will my children say tomorrow when they look at Hansard? They will say: 'Mr Rutnah, you took part in the debates and you did not rebut this.' Madam Speaker, in fact, I was not proposing to deal with this.

Now, there is another aspect. We have got the Parliamentary Committee of ICAC. The MMM has walked out of that Parliamentary Committee, but are the Opposition Members today sitting there, are they aware of the powers conferred by virtue of Section 23 of the ICAC Act? Are they aware? They are not, because we no more have any serious Opposition in this country, it is Humpty Dumpty who sat on the wall and fell, and even all the King's horses and the king's men could not put Humpty Dumpty together. This is the kind of Opposition we have.

Now, let me remind the House, and those who are listening, people of Mauritius who are listening, what Section 23 of the Act says –

“23. Termination of appointment

1. Where -

- (a) the Parliamentary Committee has reason to believe that the Director-General has been guilty of such gross negligence, irregularity or misconduct that his appointment ought to be terminated; or
- (b) the Director-General is unable to discharge the functions of his office, whether such inability arises from infirmity of body or mind or any other

cause, the Parliamentary Committee may, by the majority decision of its members, suspend the Director-General from office.”

And then, there are many sub-sections by virtue of which you can get rid of the Director-General of ICAC. But has the Humpty Dumpty Opposition considered Section 23 of the Act? No! Because they do not know, because they have walked out of the Parliamentary Committee, and some of them who even go, they do not understand what is going on...

*(Interruptions)*

**Madam Speaker:** Hon. Baloomoody!

**Mr Rutnah:** Madam Speaker...

*(Interruptions)*

Yes! Walk-out because he followed the steps of the MMM; walking-out party. And then you come and say: *crédibilité* nil ICAC! Encroachment on the Judiciary, hon. Dr. Boolell said that. Encroachment on the Judiciary!

Madam Speaker, judges of the Supreme Court, when they sit in the appellate jurisdiction, they criticise judgment of the Supreme Court, first instance, and they criticise the judgement of Intermediate Courts when they sit as appellate judges, and the District Court. And when the Privy Council sits with their Law Lords, they also when they overturn a decision, they also criticise our judges home here. But one thing we know, we can trust our Judiciary. Errors of law, mistakes of law done are corrected by higher Courts. But our Judges are not corrupt. That's why we have confidence in our system, in our country, in our Judiciary. But then to say this Government today is encroaching, trespassing into the realm of the Judiciary! How preposterous to suggest this! We will never! And the day someone from this side of the House will try to interfere with the work of the Judiciary, I will be the first person standing as probably the last soldier to fight that person who will try to interfere because we have to ensure that the new generation on this side ensures that we bring confidence in our institutions. So, there is no encroachment on the Judiciary and besides from what I have learnt is that the members of the Judiciary, they are not against declaration of assets, they want to declare their assets, but because the nature of the job that they do, because the security that is involved for a member of the Judiciary, it is not appropriate for them to go and declare their assets and liabilities with ICAC. It is not because they have no confidence. I did not hear the Chief Justice coming on the radio or making a declaration in public, in the Press to say that 'I have got no confidence in ICAC', but this is what the

Opposition wants the people of Mauritius to believe. And I anticipate probably the Chief justice is listening to the debate today, probably he will react on this issue.

Now, talking about India, in 2009, there was a Bill that was ready in India, called the Judge's Declaration of Assets and Liabilities Bill 2009 and it actually was approved in the Cabinet on 25 July 2009 in India. It was brought by the then Justice Minister Veerappa Moily and he was about to introduce the Bill in the Rajya Sabha. But why it was not introduced? It was not introduced because there was fierce opposition from both sides of the House. There was fierce opposition. Because that Bill, if became law, was making it mandatory for Judges to declare their assets and liabilities and not only their assets and liabilities, but also their dependents. That is why since 2009, this Bill in India was put in the drawer and the drawer was shut. However, there is this concept of voluntary declaration of assets, but recently out of 27 Supreme Court Judges, guess how many of them have voluntarily declared their assets, 7 only. Out of 27, only 7 Judges have declared their assets! But in Mauritius no, the hon. Judges of the Supreme Court are saying: 'no, we are prepared to declare, we want to declare.' Because that institution has to inspire confidence of the people and they are saying that they should be given a different model of declaration of assets. And I am glad that the hon. Prime Minister and the Minister of Justice have considered and they have agreed that there should be another formula and this is what a democratic society is all about. A democratic society means that we are a society that is flexible, we listen and then we hold consultation and then we react. We don't do it just off-the-cuff like this.

Madam Speaker, let me come to the other area where there should have been debates. The other area is what we see in the Explanatory Memorandum to give a definition to the term "State-owned enterprise". What are "State-owned enterprises"? Who own them? Now, we have a clear definition in those enterprises, in those organisations, where the Government has a share, where Government has its investment, where it is partly owned, controlled by taxpayers' money. And these kinds of institutions have to be well-defined so that no one will escape the net one day. So, I don't understand what is wrong in bringing legislation in order to correct certain anomalies that were present in the principal Act and over which at the time of debate the then Opposition party, who are still the Opposition parties, have not been able to decipher then. So, there was no foreseeability. We did not know, but we know now and as soon as we have known, we are coming up with the necessary amendments.

Let's look at what is the next part of it! Provide for a new delay for the declaration of assets and liability, but, of course, if we find out that the law as it is yet, will not reflect

reality on the ground, what is the point of having a law that is not going to cover as much as we wished, as much as we wanted to. Then, what is wrong in bringing the amendment and today we ought to have been discussing these issues.

And then to revoke the declaration of assets prescribed form regulation 2019, the form on which we had to declare our assets, true it is when you look at the form, it is quite complicated. So, we have to devise a system, possibly another form over which people will feel comfortable, sitting down, reading it, filling it and then comply with the exigencies of the law.

So, Madam Speaker, all in all, as far as I am concerned, I have to thank the hon. Prime Minister who has demonstrated to the people at large that he is a democrat that listens, he takes advice, he consults the Minister of Justice, they discuss, it goes to the Cabinet and then brings changes so that at the end of the day it is for the society to benefit, it is for the children who will be leaders of tomorrow will be growing with an attitude that is going to reflect confidence, transparency, good governance and this is what this Government is all about: transparency, confidence, good governance.

On this note, Madam Speaker, thank you.

(8.04 p.m.)

**Mr A. Ganoo (First Member for Savanne & Black River):** Madam Speaker, it is very rare for a Bill to have undergone such a fate. Here is one of the most important Bills I presume which was voted by the National Assembly in December last and promulgated on the 18 March 2019, this year. The regulations under this Act have been made and came into operation on the 21 March of this year. After the debates were over in December last year, the regulations were made, then came the first Bill to amend the Principal Act and this Bill was circulated to all of us in the House. The Bill dates the 21 June of this year, No. XI of 2019. Before the Bill is debated in the House, a second Bill dated one week afterwards, the 28 June 2019, again to amend the main Act, is circulated by Government. The second Bill, as we can see, introduces new amendments to the Principal Act which amendments were not to be found in the first Bill, number XI of 2019 which was circulated. Government then - we discovered when we received our Order Paper - decides to table a Motion which has just been voted this afternoon by the House, to withdraw the first amendment Bill which was circulated, number XI of 2019. I do not think any other Bill has undergone such a fate, has known the *péripéties* which this Bill has gone through. I think we have to draw the necessary

lessons from the fate of this Bill, Madam Speaker. Firstly, I agree with the Leader of the Opposition, I think if necessary proper consultations were conducted with stakeholders, principally the Judiciary, we would not have landed in this situation. Let me explain myself, Madam Speaker.

The most important amendment that led to the abandonment of the first amendment Bill, number XI of this year, was, of course, the issue whether the judicial officers should be excluded from the legislation, which the second amendment Bill, the Bill we are discussing today, did, in fact, because the Bill which we have before us today, in Clause (b) deletes the definition of “judicial officer”. I don’t have to go through the specific clause of the Explanatory Memorandum and also in the Bill, Madam Speaker.

So, it has been clearly explained in the Explanatory Memorandum, paragraph (b) exclude judicial officers. So, if necessary consultations had taken place between Government and Judiciary, I think, in all humility, Madam Speaker, Government would have been able to feel the pulse of the Judiciary and such an embarrassing situation would not have taken place today. The Government would not have been placed in this unpleasant situation - let us call a spade a spade - where now it is common knowledge to everybody from the layman to the legal profession, to us parliamentarians today that the Judiciary has been able to prevail upon the Executive on this issue and rightly so. I wouldn’t say the Judiciary has twisted the arms of the Executive, but the Judiciary has been able successfully to drive home a sensible point and argument.

To my mind, Madam Speaker, we find ourselves also in such a situation today because I think our National Assembly, the way it functions should have evolved. In fact, since the last 51 years, since our independence, our National Assembly has not undergone any change, any evolution. We must in the near future, Madam Speaker, and perhaps you could be the architect of what I am going to say. We must reflect on the advisability of setting up a Committee System in our House, as obtained in most Westminster jurisdiction. The Committee System will enable the House to better reflect, assess, amend and refine all these Bills that are churned out by the National Assembly.

Today, Madam Speaker, we know that all the Bills are introduced in the House after having been conceptualised by the Executive. I have no quarrel with that, this is the role of the Executive. The policy directives are given by the Executive or a particular Minister, approved Cabinet, referred to the House after having been drafted by the SLO. The Bills are

then introduced, the debates go on, take place in *session plénière* as we are doing today, and very rarely we know amendments proposed by the Opposition are taken on board. This is not only the scene of this Government, it has been the scene of all previous Governments, very rarely, let's call a spade a spade again, Madam Speaker, that proposals made by the Opposition are taken on board when Bills are debated. The clear advantages of a Bill being examined in a Committee are multiple, Madam Speaker, first and foremost, the atmosphere in a Committee, the serenity which prevails are more conducive for a better exchange of ideas and taking on board what the Opposition or any other Member or a backbencher of Government might come up with. I do hope that, in the near future, we inspire ourselves and emulate what younger Westminster democracies have done where the Committee System has been set up and produces better results in terms of quality and level of legislation, in terms of the end-product, Madam Speaker.

Let me now come to the substance of the Bill itself, and the amendments proposed. Firstly, the Bill proposes to widen and I shall be very brief, Madam Speaker, I will not repeat what has been said before, but let me come to this question, the first issue about the definition of assets. In fact, since the debates have taken place on this Declaration of Assets Bill or since the legislation came in our practice, Madam Speaker, those were the old days. I went through the history of the different revolution of our legislation last time in December, I won't do it again now, but we know that the fundamental issue with regard to this legislation has been the definition of assets. During the course of the debate in December, I reminded the House about the several PQs put to the different previous Prime Ministers about the advisability of amending the law and to, *inter alia*, broaden the definition of the term 'assets'. It is, of course, in the Principal Act voted and adopted in December last. We remember the term 'assets' was defined in eight different ways and it is, of course, right that 'assets' today is being amended to include any money deposited in a non-bank deposit taking institution licensed by the Bank of Mauritius.

It is, of course, the right thing to have done. But we should not, on this issue, have stopped at the non-bank deposit taking institution, Madam Speaker. It is a good amendment, it is in the right direction, but I asked the question to the hon. Prime Minister: What about money deposited with an Asset Manager, with an Investment Banker, money deposited in an Investment Fund locally or internationally, in an Insurance Company whereby the Insurance Company can also invest in insurance linked products? The hon. Minister of Financial Services is not here, I am sure he would have understood what I mean.

All these mechanisms which I have just highlighted, the Investment Banker, the Asset Manager, money deposited in an investment fund, all these mechanisms amount to money invested with financial intermediaries. I repeat, they are the Asset Managers, the Investment Bankers, they are non-bank deposit taking institutions licenced by the Bank of Mauritius. But they are - in three of these cases, the Asset Managers, the Investment Banker and the Investment Fund - licenced, they are granted licences by the Financial Services Commission to receive money. Money is deposited to them, large sums of money can be deposited to them, Madam Speaker. The Prime Minister has, unfortunately, missed these cases and the law should have provided also that assets means money in a bank, money deposited in a non-banking institution but also money deposited with Asset Managers or Investment Bankers, as I have just mentioned.

The second amendment to redefine the word ‘assets,’ Madam Speaker, is to include ‘trust property’. To me, this also is good. We should have done it since December last year when the Principle Act was adopted. It is inevitable, it is appropriate, and the inclusion of trust property in the word ‘assets’ is plugging a major loophole which existed in our law. In fact, that is why during the debates in December of last year, when the different issues were being trashed out, Madam Speaker, I personally emphasised the need of redefining ‘assets’ although in the Principle Bill which was being debated in December of last year, I agreed to the widening, to the broadening of the term ‘assets’, as many of us did, but I remember, Madam Speaker, having underlined the fact. I am, unfortunately, going to quote myself, and this is what I said –

“Madam Speaker, as I said, the situation has evolved today, the definitions of assets should have included other investment products such as insurance policies or assets held directly by the public officer or his related parties or indirectly through structures, special purpose vehicles such as partnership, trust, international business companies outside the countries held by nominees.”

I am sure my friend, hon. Fowdar, understands the point, what I am saying. But I remember having drawn the attention of the hon. Prime Minister to the advisability of including in the definition of assets the word ‘trust’.

So, Madam Speaker, it is clear, therefore, that the law on our Declaration of Assets would have been totally flawed had we not inserted the concept of trust property in the definition of ‘assets’. And why do I say so, Madam Speaker? Today, the ingenious minds,

the criminal minds employ a range of techniques and mechanisms to obscure the ownership and control of illicitly obtained assets across the world, Madam Speaker. Law enforcement agencies, the different States have a formidable challenge to identify the true beneficial owners who effectively own and exercise control on ill-gotten gains. These are the schemes designed for the concealment of the true beneficial ownership. It is indeed a tall order for law enforcement agencies.

With the evolution in the global financial system, Madam Speaker, especially in the field of communication technology, criminals have been favoured with new opportunities to misuse company and legal structures to conceal their corrupt and ill-gotten proceeds. Among these, this group of people would find many politicians all over the world. Many of the mechanisms, Madam Speaker, have already been compiled by the Financial Action Task Force and other experts to conceal the beneficial ownership. Among these techniques, the trust enables a separation of legal ownership and beneficial ownership of assets. And this is the mechanism commonly used, a tool to disguise ownership by the use of arrangements to hide the beneficial owner through complex change of ownership and adding numerous layers of ownership between an asset and the owner, and sometimes in different jurisdictions.

I come to the point of the Judicial Officers, Madam Speaker, the explanation that the Judiciary will have to submit to the control and monitoring of ICAC. I am taking the exact words - I have noted it down - which the Prime Minister used to submit to the control and monitoring of the ICAC. I agree, this will weaken the independence of the Judiciary, and it is an understandable argument. It is a matter of regret that we all, in December, missed that point, Madam Speaker. So, the necessary correction is being done today. But there is more than that when we reflect on this point of the control and monitoring of the ICAC on the declarants, including the Judicial Officers, because we know, Madam Speaker, sections 8 and 9 of the Principle Act. I am, in fact, highlighting what, I think, the Prime Minister, when he made his speech, said. Section 8 of the Principle Act –

“For the purposes of this Act, ICAC may issue directives to any person to whom this Act applies.”

That is ICAC may issue directives to the Judicial Officers, to the Judges.

Section 9 –

“Notwithstanding any other enactment, ICAC shall monitor the assets and liabilities of any declarant for the purpose of detecting and investigating corruption and money laundering offences or illicit enrichment.”

Of course, section 9 also would have applied to the Judges, Madam Speaker. But there is more to that. When we look at the Prevention of Corruption Act, the Parliamentary Committee of ICAC has been vested with the role of monitoring the ICAC now. Nine Members of this House, five from the Government and four from the Opposition, as far as I remember. Politicians, Parliamentarians monitoring the ICAC which is in turn monitoring the Judges. There is a logic, therefore, in what is being done today, Madam Speaker. But this question of control of ICAC, Madam Speaker, is very pertinent. I am not going to do any ICAC bashing today, but I remember also having raised this issue last time, Madam Speaker. I said –

“Some before me, on this side of the House, have denounced the credibility of the ICAC. They have clearly and unambiguously expressed their doubt with regard to ICAC as the right mechanism to monitor this whole question of the declaration of assets.”

And I said, Madam Speaker, this question of control and monitoring is important to any country, any jurisdiction which is coming up with the law of disclosure of assets because the experts, Madam Speaker, have made the necessary studies. This is what I said –

“The question remains often as to the extent to which the disclosed information is an accurate representation of the wealth and the income of those declaring the assets. (...) How much false information? How much unverifiable data will there be, Madam Speaker? How far will the monitoring and verification exercise be carried out? (...) how productive will this mechanism take place?”

And finally, I said, Madam Speaker –

“Research has (...) shown, Madam Speaker, that countries that verify regularly the official statements had significantly lower corruption than countries that did not verify the declaration content and are happy just to accept the declaration made without any verification.”

So, this is the pertinence of having the proper mechanism for control and monitoring and this is what I am alluding to in my speech when the Bill was adopted in December, Madam Speaker.

But then, I will come to the question of, who will judge the judges, Madam Speaker? The question is, therefore, what is the Mechanism which should be put in place for the Judges? And we must be happy that our Judiciary has, according to what the Prime Minister and the hon. Attorney General said just now, Madam Speaker, that they have no qualms about declaring their assets.

I think our Judiciary has realised that declaring one's wealth, Madam Speaker, is no indication that one is at fault. But what is the solution, Madam Speaker? This is the one million dollar question. As the suggestion was made that the Judges can be made to declare their assets to the LGSC, but the Attorney General commented on that proposal because there will be no effective control and monitoring. Can we think of the Judges declaring their assets to His Excellency the President of the Republic? Again, the same argument, there is no control and monitoring mechanism. But I asked the question today, Madam Speaker. Some Members before me have talked about the Indian experience, but I will talk about the UK experience, Madam Speaker.

- What happened to the House of Lords?
- What obtains there in the UK concerning the Lords sitting in the House of Lords, Madam Speaker?

In fact, in 2010, a Code of Conduct was set up for Members of the House of Lords with regard to the declaration of their interest, of their assets. And in fact, there, a register has been set up in place for the registration of the interest of the assets of the Members of the House of Lords. But, Madam Speaker, of course, there is no control mechanism there. And, therefore, I put the question, Madam Speaker, whether we shouldn't make a special case for the Judiciary? Should we leave it to them to declare their assets? And without the proper effective control and mechanism that is to be set up in case for the other declarants, including us, Parliamentarians.

I beg the question, Madam Speaker. Can we find a solution to this problem of who will monitor the assets of Judges and decide whether any member of the Judiciary has falsified, has manipulated his assets and so on, and has made a false declaration? I think the proper answer will be to leave it to them to declare their assets, like it is the case in the House of Lords, Madam Speaker.

Madam Speaker, with the adoption of this Bill, unfortunately, I have to say, and I am concluding, that matters will inheritably delayed. In fact, there are now two clogs to slow

down the whole process of disclosure of assets, and this is unfortunate. And I was smiling when I heard the hon. Attorney General arguing just now time is of the essence. Yes, time is of the essence, but the way we have been handling the matter today goes completely against the fact that we realised time is of the essence, Madam Speaker.

The declaration forms, as prescribed in the law, will be repealed, and new ones will be designed, will be drafted and will be prescribed, that's the first clog. The second one, a list of State-owned enterprises will now be compiled and prescribed. This is the second step, the second clog, Madam Speaker. Which are these State-owned enterprises? The hon. Prime Minister said he will have to go and look for them. The identification of these enterprises hinges on the definition of control, as provided in the law, as defined in section 5 of the Companies Act. Which are these State-owned enterprises where the Chief Executive, the Chairman of the Board and other high ranking officers will have to declare their assets? Mauritius Telecom? Air Mauritius? SICOM? Cargo Handling? We wish to have the list as quickly as possible, Madam Speaker.

The law will come into effect 90 days after it will have been proclaimed and the law can only be proclaimed when the declaration forms will be finalised, when the list of State-owned enterprises will have been finalised. *Est-ce qu'on est parti pour la gloire*, Madam Speaker?

Pour conclure, ces amendements ont été peut-être nécessaires, mais pas inéluctables, Madame la présidente. On aurait pu les éviter si, comme j'avais dit plus tôt, on avait organisé les consultations appropriées, et si on avait peut-être mis sur pied un *Select Committee*, puisque la déclaration des avoirs concerne les parlementaires avant tout. Tout était bien parti en décembre, Madame la présidente, mais, fâcheusement, le *process* a subi un contrecoup, comme nous le constatons, aujourd'hui. Après toutes ces longues heures de débat, aujourd'hui, souhaitons que le Premier ministre accélère les choses et que soit promulguée la loi dans le plus bref délai, et ceci, Madame la présidente, dans l'intérêt suprême de la transparence, de la bonne gouvernance, de la probité, de l'intégrité et de la moralisation de la vie publique.

I have done. Thank you, Madam Speaker.

**Madam Speaker:** Hon. Prime Minister!

(8.34 p.m.)

**The Prime Minister:** Madam Speaker, let me thank the hon. Members from both sides of the House who took the floor and contributed to the debate over this Bill.

As I explained earlier on, the main objective of this Bill is to address a few issues which have cropped up during the implementation of the Declaration of Assets Act of 2018, and the aim is to ensure a more effective and efficient implementation of the new and revamped asset declaration regime which this Government introduced in December last. I must say that most of the issues raised by the hon. Members from the other side of the House have been adequately addressed by Members from this side, especially by the hon. Attorney General and hon. Gayan.

Nevertheless, I would, of course, like to take a few points which came from the other side. Hon. Bérenger has raised the question as to why we are rushing with the Bill through all stages. But, in the same breath, he also insinuated that it may be a strategy on our part to delay the disclosure of assets of elected officials in view of the forthcoming elections. So, it can either be one or the other, but not both, Madam Speaker. We would not rush now if we intended to delay any disclosure.

I failed to understand this point, Madam Speaker, when the hon. Member spoke about receiving this Bill on Friday and, therefore, have to debate it today. I think that when we look at the Bill - well, maybe I looked at it in a way that I found it quite straightforward, quite simple, and I thought that three days would have been enough in order to analyse, to look carefully at the amendments, especially when the amendments are in terms of enlarging the assets and removing - I think the main point, I am not saying the only point, that has been discussed in the National Assembly today is about the exclusion of Judicial officers. So, I think enough time has been given. Otherwise, we would have debated it again sometime next week, and then the same argument would have been repeated, accusing us of delaying the process in order not to disclose or even if we disclose, not to publicise the assets of especially Members on this side of the House.

But let me say that we have opted to get the Bill through all the stages today itself. As I have said, the proposed amendments are simple and straightforward. Besides, the revised version of the Bill, which we have been debating this afternoon, incorporates all the provisions of the first version which was read a first time on Monday last. Therefore, hon. Members have had ample time to examine those proposals and, on our side, there was no reason to delay this Bill. I heard hon. Ganoo saying that this is the first time that a Bill is

having this fate. No, we have tried to find out. In fact - I asked even before - when I was advised to table this Motion, I asked whether it has been done in the past and I would like to see the precedence. There have been a number of Bills which have been withdrawn in the same manner.

*(Interruptions)*

Constitution! I will tell you! Yes, the Constitution Amendment Bill of 2011; the Local Government Bill, the Courts Amendment Bill. In fact, I wanted to see how it was done. That is why I thought I would...

*(Interruptions)*

Yes, exactly! There is a list of Bills, which I shall not go through.

Therefore, Madam Speaker, the Declaration of Assets Act which we passed last year, I must say, is a very, very important tool in our anti-corruption framework. So, by all means, we want to see a speedy and effective implementation thereof. Okay, we are being accused that - I heard hon. Ganoo saying that, well, it is again delaying this process and so on. A fair point, yes! I take it that this will be delayed because we have to prescribe the State-owned enterprises, we have to get the form in a manner which is acceptable, which is good, which is going to be reasonable. All this will be done. But, okay, let us see whether time will tell whether we mean business and whether what we are being accused today, of trying not to go ahead or before the General Election, because I can say General Election will take its own time. I think we have enough time not only for Members to declare their assets, but for it to be publicised.

The other issue which was raised by both the hon. Leader of the Opposition and hon. Bérenger was in relation to the question as to why ICAC was designated as the depository and a number of accusations also against ICAC.

Madam Speaker, the House will recall that, while presenting the Declaration of Assets Bill 2018 in December last, I clearly explained the rationale behind our choice for ICAC to be the depository of all declarations of assets. We were of the considered view that it was not necessary to create a separate and distinct institution for this purpose. An asset declaration system is, first and foremost, a tool to combat corruption, and ICAC is the leading agency in the fight against corruption in Mauritius. So, it was, therefore, quite normal for the ICAC to be designated as the depository for assets declarations.

Moreover, Madam Speaker, the ICAC is fully equipped to carry out an active and effective monitoring of such declarations. And I would come to ICAC again later on. Let me also add that we had opted for a single depository, because that would also enable a more effective monitoring, compared to an arrangement where the declarations would have been scattered among different depositories. It is apposite for me to mention here that, in many countries, Judicial Officers also are subject to the same oversight body that monitors other public officials. In some countries, however, there are indeed separate arrangements for Judicial Officers.

Insofar as Mauritius is concerned, as I stated earlier, this issue will, of course, be thoroughly examined in consultation with the Judiciary, and an appropriate oversight body will be designated for Judicial Officers. I do not think it would be proper, as has been suggested by the hon. Leader of the Opposition, that before the conclusion of the consultation process with the Judiciary, that we designate an interim depository. Because what will happen? An interim depository? Do we have time for that interim depository to create the required structure? Are we going to conclude our discussions with the Judiciary in such a short span of time? I must say that the question that has been raised by hon. Ganoo is, indeed, a fundamental issue that has to be discussed, when he says that, fair enough, Judicial Officers have to declare their assets and the depository has to be some other agency or institution. Now, I did not suggest, but it has been suggested elsewhere that it could be the Judicial and Legal Service Commission itself, but hon. Ganoo's question is very pertinent. I am not talking about the other Judges. Let us assume that there could be indeed a proper infrastructure for monitoring of the declaration of assets of Judges generally. But there would be need to be, at the top, the ones who are going to receive those declarations of assets. Would it be like what the Judicial and Legal Service Commission is, with three Judges at the top and themselves making a declaration of assets to themselves? How is it going to be monitored? I mean, I am just asking the question in the same way that you raised this issue.

Therefore, it is not a simple matter. What I want to say for hon. Members to understand, that we should not be accused. Let me say that I hope the hon. Leader of the Opposition will believe - I say 'believe' - what I am going to say because he said earlier that well, the Judiciary has no faith in the independence of ICAC and that they are under the boot of the Executive and so on. I find that kind of statement deplorable, unless and if he had personal knowledge, yes. There have been representations from the Judiciary to the Attorney General, to myself, as Prime Minister. I can safely say there has been no such insinuation or

allegation against ICAC. So, we should not just come and make any kind of statement and embarrass the Judiciary for something which they have not said. The debate has been - I have listened very carefully - 'well, then it means that there have been no proper consultations' when we came with this Bill in 2018. Madam Speaker, I shall just say to hon. Members of this House, I will not drag the Judiciary into such a debate. I shall not say what took place in 2018 and why is it that we came with the Bill that was voted. What I have stated to the House is to be fair and also to be able to explain the reason why we are moving for this amendment. It is because there have been representations from the Judiciary. So, I shall not go and certainly not try to justify our position. We know what representations have been ongoing since 2018, but we shall leave it at that. If some people want to draw negative conclusions or to say anything about it, I must say it is a pity because we are talking about the Judiciary.

So, let me again stress - because it is important, not in this House, but maybe outside people might have the perception - that the Judiciary has no problem at all in complying with the provisions of the Declaration of Assets Act of 2018. They have also not called into question, again, I repeat, the independence of ICAC. The only qualm of the Judiciary is that the control and monitoring by ICAC constitutes a risk to their independence. Hence, their request for an alternative oversight body to be designated.

Let me hasten to add that it is not only a question of identifying the appropriate institution to act as depository. We have also to ensure that the designated institution has the required capacity to undertake that task. The House will certainly appreciate that an effective monitoring of declared assets requires some special expertise, which the institution eventually designated may or may not have, and building such capacity requires time and resources.

Again, that is why I say we have chosen - it is not the intention of Government to embarrass the Judiciary also - so that we are not again being accused of delaying matters because the consultations would have been ongoing. It is not a simple matter and, in order not to delay things, for the time being, we have preferred to amend this Act in order to remove the Judicial Officers from making their declaration of assets; for the time being, until when the time will come, when we are agreeable, then, of course, we will have to again move for an amendment to this Act.

Madam Speaker, let me now take another issue that was raised by hon. Bérenger, that is, the public disclosure by ICAC on its website of the declarations made by elected officials.

As regards public disclosure of declarations, let me point out that ICAC does not have any discretion in the matter. Section 7 of the Act already imposes an obligation on ICAC to disclose information of a category of declarants and, as such, there is no question, as seems to have been wrongly presented, not by hon. Bérenger, but I have read it in the Press as to whether ICAC should or should not disclose. They have to disclose. It is in the law. But, of course, ICAC is compelled under the law to disclose those declarations but, however, it should be pointed out that before being able to disclose the relevant declarations, certain requirements have first to be fulfilled, including –

- (i) putting in place of a system to ensure compliance with the law;
- (ii) identifying the categories of declarants whose information has to be disclosed;
- (iii) the specific information from those declarations that has to be disclosed, taking into consideration the fact that certain information from these declarations should not be disclosed in accordance with the law, and
- (iv) on top of this, of course, the ICAC has to wait for the declarations to be filed in the first instance, and then for these to be verified for any irregularity or genuine error or technical non-compliance.

Madam Speaker, I am informed that the Commission has already addressed those issues and initiated action accordingly for the relevant declarations to be eventually uploaded online, as well as disclosed to the public through the written Press. The necessary preparations are on course and discussions are presently ongoing with the UNODC regarding the appropriate application software to be adopted for this purpose. I am informed that an officer of the UNODC is presently in Mauritius in connection with a project for the computerisation of the ICAC.

So, accordingly, the Commission is proposing to disclose to the public the information of the relevant declaration within a period of 30 days from receipt of the relevant declaration by ICAC. This will, of course, be subject to review in the context of the provision of any new delay as presently being considered in the proposed amendment.

Madam Speaker, the hon. Leader of the Opposition questioned the need to draw up a list of State-owned enterprises for the purposes of the Declaration of Assets Act. He said and he seemed to be clear in his mind as to which entities would fall under the purview of this Act. However, as I have stated earlier, Madam Speaker, following the implementation of the new Law, several entities sought clarifications from the Attorney General's Office as to whether they should be considered as State-owned enterprises. Hence, our proposal to define

the term and to list down those entities, and we believe that such a list will help to dispel all doubts and confusion. I can say to the House that this exercise will be conducted, I would say, in a fairly short time.

Madam Speaker, I also stated earlier on, while passing the new legislation in December last, that we reviewed and revamped all the core dimensions of our assets declaration system, namely -

- (i) The breadth of disclosure, that is, who should be required to declare his assets?
- (ii) The content of disclosure, i.e. what to declare?
- (iii) Who would be the depository of the declarations?
- (iv) The disclosure rules, i.e. public access to the declared information.
- (v) The frequency of declaration.

Madam Speaker, let me remind the House that, in the previous Declaration of Assets Act, there was no provision for public disclosure at all. In fact, the provision was deleted in 2011 through an amendment that was sneaked in the Local Government Act - I think we all remember that - whereby the whole of the section pertaining to disclosure was deleted from the Act, purely and simply. And the hon. Dr. Boolell has the cheek to say that, you know, we should be more transparent, there should be better good governance and so on. This is what they did at that time.

The mechanism that we have proposed in the existing Act, and in the present Bill, in fact, strikes a right balance between the need for transparency on the one hand and the protection of privacy and personal security on the other hand. Different countries, Madam Speaker, have adopted different approaches in addressing this issue, depending, of course, on their local context. We have opted for a disclosure mechanism that is adapted and appropriate for a small country like ours, where there is a legitimate concern about invasion of privacy and the risk to personal security.

The right to privacy is a fundamental right protected by the Constitution. There is no reason why anyone and especially elected officials should not also benefit from this protective provision of the Constitution.

Madam Speaker, when we introduced the Declaration of Assets Bill in December last, I stated during the debates that the Bill might not be a perfect one and that there was no single

best practice that could achieve every expected outcome of an asset declaration regime. Each country has to grow its own system to fit its context and make adjustments whenever required. This is precisely what we are doing today through this Bill. Through these amendments, we have been fine-tuning the existing asset declaration system so as to allow a more effective implementation thereof. And there is no doubt - and on this, I will agree with the hon. Leader of the Opposition - that there will be regular updates. We shall have to come to this House. As has been mentioned by other interveners, there will be new assets that will have to be included and that will have to be declared, and therefore, the law will have to be amended.

There have been a few issues that have been raised. Let me also talk about the concern with regard to trust, because I heard at least one Member saying that well, we do not know how is it defined, whether it will mean that somebody who will be included or not. Let me refer Members to the Trust Act of 2001, where clearly it is defined –

"trust" means a trust referred to under section 3 and includes –

- (a) the trust property; and
- (b) the functions, interest and relationships under the trust;”

And section 3 - I will not read the whole part of section 3, Madam Speaker, but just to mention what is more important –

“a trust exists where a person holds or has vested in him, or is deemed to hold or have vested in him, property of which he is not the owner in his own right, with a fiduciary obligation to hold, use, deal or dispose of it –

- (a) for the benefit of any person whether or not yet ascertained or in existence;(…)”

And then, there are (b) and (c) and subsection 2.

And what is very relevant to what has been discussed in this House is the definition of property. Property includes movable and immovable property, wherever situated, rights and interest in the property, whether vested, contingent, defeasible or future. Just to enlighten hon. Fowdar about what he said about the trust. True it is that maybe it is not a very familiar concept, even now, in Mauritius, but there is obviously a set law, there is a trustee and there is a beneficiary. But any person who has to make a declaration under the Declaration of Assets Act, of course, will know whether he is the set law or he is the beneficiary or he is a

trustee, and he has an obligation to declare his interest. The concern of some Members I believe is about what if this is hidden, if they are invisible assets. But the invisible means that somebody is hiding, that somebody does not want to declare. But the same will apply, for example, for somebody who owns the assets himself and does not declare. So, it will be for the institution, in this case ICAC, to monitor and to see. Whenever it comes to the attention that somebody has not declared any assets, then they will have to take action according to the law.

I heard about the Director of Public Prosecutions. I think it is very clear. I shall not repeat what has been mentioned. Hon. Bérenger referred to the Constitution, under which heading the DPP falls, but suffice to say that, under the Declaration of Assets Act 2018, it is defined –

“judicial officer” means a judicial officer in the grade of District Magistrate and above”

And when we are excluding Judicial Officer, we are not excluding senior public officers and DPP does fall into that definition of senior public officer. So, therefore, the issue for me is straightforward and does not pose any problem.

I must say something, Madam Speaker, when I heard some criticisms against ICAC, although it is not the issue with regard to the main debate. I have listened to some, I must say, gratuitous accusations against ICAC, even if I have to ask a few questions. I must say I have personal knowledge, when I was myself being interrogated by ICAC and that, after some time, I entered a case before the Supreme Court. We can check, it is on record. I have the recording as well. The then Director of ICAC gave a statement to a private radio because the question was being asked why is it that the case of Mr Pravind Kumar Jugnauth was not moving forward. It was told, at one time, and he came on radio to say that because Mr Jugnauth has entered a case before the Supreme Court, we have to wait for the outcome of that case before we can proceed. I shall not bore the House into why is it that I had to go to the Supreme Court so that I would then be able to continue giving my defence. So, he stated that publicly. In fact, I do not blame him. That was a good reason because that matter has to be sorted out. I do not know what would have been the judgement, but that would have, at least, decided on the issue of whether I would be able to continue with my defence, because my defence was stopped at one time at ICAC.

And then, what happened? I say that particularly to hon. Dr. Boolell. Then, why is it that, suddenly, there was a phone call on one day and *illico presto* the Director had to rush to the office of the DPP in order to finalise formal charges.

*(Interruptions)*

**Dr. Boolell:** On a point of order. What has that got to do with me?

*(Interruptions)*

When he said that indirectly to Dr. Boolell. I think that he has to ...

*(Interruptions)*

**Madam Speaker:** Order, please!

**Dr. Boolell:** Hold on a minute! He cannot ...

*(Interruptions)*

What are you talking about? The Prime Minister needs to have a culture of...

*(Interruptions)*

**Madam Speaker:** Order, please! Can I listen to the point of order? I did not even hear what you said.

**Dr. Boolell:** I said that the Prime Minister needs to have a culture of restraint. He cannot point a finger at me.

*(Interruptions)*

**The Prime Minister:** Let me tell the hon. Member. Maybe he is misunderstanding me. Let me clarify. I am not accusing him of anything. What I am saying is that he was part of that Government of that day. I am not saying that because - do not misunderstand that because of your relation. It has nothing to do with that! No! If he wants me to say it, I will say it. It does not have anything to do with his relation with the DPP. That has to be clear. What I am saying is, then, suddenly, there was a phone call. Then, the former Director had to rush and to formalise the formal charges against me on a Friday afternoon. I do not want to go into the detail. The Members of the MMM should know why, at that time. So, do not speak that ICAC is at the whims and caprices of a Prime Minister or Government and so on. That is why I do not want to dwell any further on this, Madam Speaker.

Let me conclude, Madam Speaker. Let me reassure the House that there will be no delay in the implementation and we are not back to square one with the present amendments. In fact, we have already cleared much ground in terms of capacity building and setting up of the required logistics.

As I stated earlier, my Office has already started compiling the list of State-owned enterprises in consultation with all Ministries. That will not take a long time to be completed.

So, let me reiterate our unequivocal subscription to the principles of discipline, transparency, accountability and exemplary governance in the conduct of public affairs. We will, of course, leave no stone unturned to eradicate fraud and corruption in all aspects of public life and restore and preserve our national values.

Thank you.

*Question put and agreed to.*

*Bill read a second time and committed.*

### **COMMITTEE STAGE**

*(Madam Speaker in the Chair)*

*The Declaration of Assets (Amendment) Bill (No. XII of 2019) 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 Declaration of Assets (Amendment) Bill (No. XII of 2019) was read the third time and passed.*

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

*At 9.12 p.m., the sitting was suspended.*

*On resuming at 10.50 p.m. with Madam Speaker in the Chair.*

### **MOTION**

**HON. S. MOHAMED - POINT OF ORDER - SITTING OF 17.06.19 - RULING**

**MADAM SPEAKER - REVIEW**

**The Deputy Speaker:** Hon. Members, since the mover of the Motion is not present, therefore, the Motion lapses.

### ADJOURNMENT

**The Prime Minister:** Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 09 July 2019 at 11.30 a.m.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo) rose and seconded.**

*Question put and agreed to.*

**The Deputy Speaker:** The House stands adjourned.

Hon. Ganoo!

### MATTER RAISED

#### BLACK RIVER – SOCIAL HOUSING

(10.50 p.m.)

**Mr A. Ganoo (First Member Savanne & Black River):** Merci, M. le président et merci à la Chambre de m'avoir donné l'occasion de m'exprimer sur un problème urgent de ma circonscription.

M. le président, j'avais, donc, informé la Chambre que je voulais, aujourd'hui, intervenir sur le problème du logement social dans la région de la Rivière Noire. Donc, M. le président, je serai bref. Mais je voudrais quand même attirer l'attention du gouvernement, en particulier, du ministre du Logement, l'honorable Mahen Jhugroo, sur cette région de notre pays, Rivière Noire qui symbolise l'accentuation des inégalités des dernières années.

M. le président, récemment, une *ONG*, le *Kolektif Rivier Nwar* a tiré la sonnette d'alarme sur ce problème, un problème aigu qui afflige cette région depuis trop longtemps. En effet, c'est un problème qui perdure, aucun projet de logement social a été conçu ou livré pour les habitants de cette région depuis longtemps.

M. le président le *Kolektif Rivier Nwar* vient de tirer la sonnette d'alarme sur les conditions de logement dans la région et je leur suis reconnaissant. Effectivement, le dernier projet de logement social dans la région de Rivière Noire fut finalisé en 2004-2005. M. le président, j'étais moi-même ministre à l'époque. J'avais initié ce projet avec les autres

collègues du gouvernement d'alors, le gouvernement MMM-MSM, et il s'agit de Camp-Lacolle qui a été aujourd'hui converti et transformé en vrai exemple de progrès social pour les habitants de Rivière Noire.

Evidemment, dans le passé, moi et les autres députés de la région, nous avons systématiquement aidé à régulariser beaucoup de *squatters*, mais le problème quand même reste entier. Le *Kolektif Rivier Nwar* a identifié, avec l'aide d'une anthropologue, 636 familles qui ont un besoin d'un logement social, M. le président. Et, comme vous le savez, cette région est une région d'abord où il ne reste presque pas de *State land*, et la seule solution serait l'acquisition obligatoire des terres, parce qu'il y a très peu de terres de l'Etat. Cette étude a identifié 17 familles de squatters qui doivent être régularisées et relogées urgemment. Donc, considérant cette situation, et principalement la montée en flèche des prix des terres dans la région, le village de Rivière Noire est un îlot de pauvreté dans une mer d'opulence, M. le président, et les risques de tous les problèmes sociaux, de promiscuité, des conditions inacceptables où vivent beaucoup d'habitants, des conditions insalubres, le *overcrowding* dans les maisons des cités, des problèmes entre les héritiers.

Donc, il faut absolument, M. le président, que les autorités interviennent, aident à reconditionner les maisons, remplacer les maisons en amiante qui ont été construites dans le temps.

Je voudrais attirer l'attention du ministre et lui demander, M. le président, d'intervenir. C'est un cri du cœur de la part de beaucoup d'amis de la région, et je suis, aujourd'hui, comme beaucoup d'autres travailleurs sociaux, le porte-voix des sans voix. J'aurais aimé féliciter le *Kolektif Rivier Nwar* - Mons. Steve Lebrasse et Mons. Radegonde - qui œuvre quotidiennement et sans relâche pour le progrès de ces habitants de la région.

Moi-même, à plusieurs reprises, je suis intervenu dans la Chambre, M. le président. Dans une question supplémentaire le 14 juin 2016, j'avais même, à un certain moment, demandé au ministre Soodhun, le ministre du Logement d'alors, si ce n'était pas possible d'allouer les terres qui ont été allouées, comme nous le savons, à Les Salines Pilot, Rivière Noire, à des promoteurs, et certains d'entre eux, apparemment, à l'époque, n'avaient pas respecté leur condition, et j'avais demandé au ministre dans une question supplémentaire –

« *Can I ask the hon. Vice-Prime Minister to consider the possibility also of devoting part of these acres of land for social housing?* »

En effet, le 09 août 2016, j'avais aussi interpellé le ministre en question sur la construction des *housing units* dans la circonscription No. 14, en particulier à Rivière Noire. Le 13 juin 2017, M. le président, c'est l'honorable ministre Bodha qui faisait de l'intérim, et il avait confirmé ce jour-là, et c'était ma question –

*« The hon. Minister has confirmed the fact that no NHDC houses are being constructed in all these regions for the past years. »*

Le ministre Bodha avait répondu que c'était la *NEF* qui avait construit des maisons. Je lui avais posé la question sur la NHDC qui n'avait pas construit des maisons dans la région. Et le ministre Bodha m'avait répondu –

*« Yes, this is correct, Madam. »*

C'était la question du 13 juin 2017. Donc, plusieurs fois, comme je vous dis, j'ai attiré l'attention des autorités sur ce problème aigu. Il n'y a qu'une solution aujourd'hui, une collaboration entre l'Etat et le privé. Il faut que l'Etat *compulsorily acquires* les terres à proximité dans la région aux alentours de Rivière Noire, parce qu'il y a des terres qui appartiennent à des propriétaires fonciers, M. le président. Ce serait peut-être la seule solution pour pouvoir venir en aide à ces 636 familles qui vivent dans des situations très difficiles. C'est pourquoi je fais un appel, sincère et honnête, au ministre du Logement, sur qui, je suis sûr, ma requête ne tombera pas *on deaf ears*.

M. le président, et je lui demande de bien vouloir d'abord, peut-être, recevoir le *Kolektif Rivier Nwar* pour qu'il puisse venir expliquer ce qu'il y a dans ce document qui a été produit, 'L'envers du Décor'. Comme je vous dis, c'est une étude qui a été faite par une anthropologue, et qui a bien identifié tous les problèmes, principalement ce problème majeur de logement social dans la région de Rivière Noire.

Merci, M. le président.

(11.00 p.m.)

**The Minister of Housing and Lands (Mr P. Jhugroo) :** Mr Deputy Speaker, Sir, I take good note of what has been said by the hon. Member of Constituency No. 14, but I will also inform the House that all these issues have been addressed by the hon. Member of the same Constituency.

Mr Deputy Speaker, Sir, since this Government is in power, the hon. Prime Minister and Minister of Finance and Economic Development *a pris le taureau par les cornes* to

address the issue of social housing, which was not considered as a priority by the former Government.

I understand the concern of the hon. Member who has been sitting for so many years in the Opposition and eagerly awaiting for this Government to alleviate the problem of housing in the region of Black River.

Mr Deputy Speaker, Sir, I wish to inform the House of the following -

- 1,070 housing units have already been constructed and delivered in Bambous, Palma, Tamarin, Riambel and Camp La Colle by the NHDC Ltd.;
- 237 housing units are presently under construction in Bassin and Gros Cailloux. It is expected that these units will be delivered by the end of this year, and
- Some 815 housing units, which will be financed under the Saudi Development Fund, will be constructed over three sites, namely at Cascavelle, Palma and Bassin.

The project is currently at design stage and the contract for works is expected to be awarded by August 2019.

Some 160 housing units for the relocation of squatters of La Ferme and Eau Bonne will be constructed over a site at La Valette. The NHDC Ltd. is presently carrying out the design of the project and once finalised, tender for works will be launched.

Mr Deputy Speaker, Sir, with respect to future social housing projects, some 1,000 housing units will be constructed over 3 sites, covering an extent of about 21 *arpents* in the vicinity of Black River, Savanne, and surroundings, namely at –

- Beaux Songes;
- Surinam, and
- Souillac.

The size of each housing units has been increased to 50 metre square so as to provide a more comfortable living condition to the beneficiaries, comprising two bedrooms, a dining and living room, a modern kitchen, a bathroom and toilet.

I also wish to point out that in all NHDC housing estates, this Government is providing necessary social and recreational amenities where required, such as –

- Children playground;

- *Pétanque* Court;
- Badminton Court;
- Green Space, and
- Community Centre.

Mr Deputy Speaker, Sir, unlike the previous Government, this Government has at heart the welfare of its citizens, especially those families having very low income. The former Government had only one income threshold throughout its mandate for the past ten years. This Government has reviewed the income criteria for the allocation of housing units on three occasions. Today, the income ceiling has been raised to accommodate families earning up to Rs30,000 per month to ensure that more families benefit from social housing schemes.

As such, the overall housing scheme shall be as follows as from this financial year –

- families earning up to Rs10,000 monthly and are found eligible under the NHDC Housing Scheme will benefit from 67% Government subsidy on purchase of NHDC housing unit;
- families earning between Rs10,001 and Rs15,000 monthly, will benefit from 60% Government subsidy;
- families earning between Rs15,001 and Rs20,000 monthly, will benefit from 30% Government subsidy;
- families earning between Rs20,001 and Rs25,000 monthly, will benefit from 25% Government subsidy, and
- families earning between Rs25,001 and Rs30,000 monthly will benefit from 50% of Government subsidy.

Moreover, as recently announced in the Budget, families earning up to Rs10,000 monthly found eligible under the NEF Housing Schemes will benefit from 75% Government subsidy on purchase of an NHDC housing unit.

Mr Deputy Speaker, Sir, in addition to the construction of social housing units, this Government has also extended the roof slab grant scheme and the purchase of building materials scheme to those families residing in houses containing asbestos. Therefore –

- families earning up to Rs10,000 monthly can now benefit a maximum sum of Rs100,000 for casting of roof slab and/or purchase of building materials;
- families earning between Rs10,001 and Rs15,000 monthly, can now benefit a sum of Rs70,000 for casting of roof slab or purchase of building materials, and

- those families earning between Rs15,001 and Rs20,000 monthly, can now benefit a sum of Rs50,000 for casting of roof slab or purchase of building materials.

Mr Deputy Speaker, Sir, according to a survey conducted in the region of Black River, some 200 families occupying houses containing asbestos can benefit from this new scheme that I have just mentioned.

Thank you.

*At 11.06 p.m., the Assembly was, on its rising, adjourned to Tuesday 09 July 2019 at 11.30 a.m.*

### **WRITTEN ANSWERS TO QUESTIONS**

#### **GOVERNMENT PUBLICITY – NEWSPAPERS & PRIVATE RADIOS**

**(No. B/504) 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 Government publicity, he will give a list of the newspapers, private radios and online newspapers having benefitted therefrom in financial years 2015/2016, 2016/2017 and July 2018 to date.

**Reply:** The information is being compiled and will be placed in the Library subsequently.

#### **AIRPORT OF MAURITIUS LIMITED – LEGAL ADVISORS & SOLICITORS/ATTORNEYS**

**(No. B/505) 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 the Airport of Mauritius Limited, he will, for the benefit of the House, obtain therefrom, a list of the legal advisors and solicitors/attorneys whose services have been retained thereat since January 2015 to date, indicating the terms and conditions of the retention of service in each case.

**Reply:** The requested information is being placed in the Library of the National Assembly.

## NATIONAL AIR ACCESS POLICY

(No. B/506) 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 national air access policy, he will state the present state of affairs.

**Reply:** In the Government Programme 2015-2019, it is clearly stated that air access policy will be reviewed to transform Mauritius into a regional aviation and tourism hub.

Since 2015, Government is pursuing a policy of a more liberal approach to open air access, on the basis of bilateral agreements, in order to promote connectivity, with a view to transforming Mauritius into a regional aviation and tourism hub whilst ensuring fair and equal opportunities for the development and growth of the national carrier, Air Mauritius Ltd.

It is relevant to point that air services between Mauritius and other countries are established on the basis of Bilateral Air Services Agreements.

The Bilateral Air Services Agreement is a framework which lays down the rules for the operation of scheduled air services in and out of Mauritius and it is signed at Government level, following negotiations between the two Contracting Parties. The Bilateral Air Services Agreement is also a standard document which makes provision, *inter alia*, for capacity entitlement, frequency of services, route schedules, air safety and security issues, as well as the conditions to be fulfilled by airlines to qualify for designation.

Over the past years, existing and new air services agreements have been re-negotiated/signed with several countries reflecting a more liberal air access policy. Thus, bilateral provisions have been relaxed to allow for multiple designations of airlines on routes, increase in frequency/capacity entitlements, routing flexibilities and code-sharing possibilities.

To date, Mauritius has concluded Bilateral Air Services Agreements for scheduled air services with 58 countries and a Memorandum of Understanding on air services with Dubai. By virtue of many of these Agreements and Memorandum of Understanding, Air Mauritius either operates direct flights to these countries or has codeshare arrangements with its partner airlines to market points in these countries. On the other hand, currently, 18 foreign airlines are operating scheduled flights to Mauritius. As a matter of fact, since 2015, new airlines, such as Turkish Airlines, Saudi Airlines, KLM, Evelop and Kenya Airways are operating flights to Mauritius.

Despite the gradual liberalisation of air services, foreign carriers are not fully exploiting the opportunities available in the Bilateral Air Services Agreements and the traffic

rights entitlements have largely remained unutilised. This is precisely why, since January 2017, a Ministerial Committee on Air Access under the chair of the Prime Minister as also the Minister of External Communications, is looking into the expansion of the air access to and out of Mauritius.

It is relevant to point out that air access policy pursued so far has resulted in an increase of seat capacity from around 1.8 million in 2014 to over 2.4 million in 2018.

So far, the stand of Government has been one that does not favour the Open Sky Policy. Open Sky is an international policy concept that calls for the liberalisation of the rules and regulations of the international aviation industry – especially commercial aviation – in order to create a free-market environment for the airline industry. The main objective of Open Sky Policy is to liberalise the rules for international aviation markets and minimise Government intervention as it applies to passenger, all cargo, and combination of air transportation, as well as scheduled and charter services.

As at date, Mauritius has not signed any Bilateral Air Services Agreement based on the Open Sky Policy.

Open Sky is a liberal approach to international aviation markets. Such a policy can be detrimental to Air Mauritius Ltd as it may entitle much larger airlines to fly into and out of Mauritius without any frequency or capacity restrictions and may also lead to liberalisation of cargo and charter flight operations and reservation systems. These could result in disproportionate competitions with Air Mauritius Ltd in terms of no capacity restrictions, liberalisation of the operation of charter flights, cargo and computer reservation system.

Likewise, the implications of joining the Single African Air Transport Market, which is an initiative of the African Union, have been thoroughly considered and in January 2018, Government agreed to Mauritius not joining this initiative at this stage, taking into account its negative impact on Air Mauritius.

The national air access policy pursued so far has been formulated based on socio-economic imperatives and the overall national interests. Any controlled or prudent approach should not be over protective of the national carrier. However, when negotiating Bilateral Air Services Agreement with other countries, Mauritius has ensured that traffic rights are granted to other countries in exchange for benefits of comparable magnitude for Mauritius and the Mauritian carrier. There should be need for reciprocity, balanced benefits and fair opportunity in the negotiation of traffic rights.

Connectivity remains instrumental to the long-term socio-economic development of Mauritius. An open, reliable and sustained air access policy based on the Bilateral Air Services Agreement framework is conducive to economic growth.

As pointed out in the Budget Speech a few weeks ago, Government is committed to continue to further expanding and modernising our air connectivity with the rest of the region and the world.

### **GOVERNMENT SECURITIES – SECONDARY MARKETS**

**(No. B/507) 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 Government securities, he will state where matters stand as to the promotion of the trading thereof on the secondary markets.

**Reply:** According to section 9 (1) (c) of the Public Debt Management Act, one of the objectives of the debt management strategy is to support the development of a well-functioning market for Government securities.

Initially, trading on the secondary market was limited as all banks could bid at the primary auction of Government securities, including non-bank institutions which could also submit bids at the auctions, through their banks.

In March 2017, the Bank of Mauritius issued new Guidelines on the Operational Framework for Primary Dealers, indicating the criteria for selection of primary dealers. The Guidelines further stated that the number of primary dealers would be restricted to a maximum of five or such other number as the Bank may, from time to time, determine. It also specifies their responsibilities, including their obligations to provide two-way quotes, at all times, in securities of all tenures. Presently, four primary dealers, who meet the required criteria, have been appointed by the Bank of Mauritius.

Following the implementation of the new Guidelines, trading on the secondary market for Government securities has been rising steadily. The average monthly trading volume, which was around Rs7 billion in 2018, increased to Rs8.7 billion during the period January to May 2019, that is, an increase of 24%.

In a bid to further increase trading, meetings were held by the Ministry of Finance and Economic Development in March and April this year, with senior officials of most of the non-financial public sector bodies. Explanations were given to them on the benefits and mechanisms for investing in Government securities, through the secondary market. By way of Circular Number 6 of 2019 issued on 20 May 2019 to Officers-in-Charge of all public

sector bodies, the Ministry of Finance and Economic Development requested them to invest their surplus cash balances, either in the new Treasury Certificates issued as from 03 June or in traditional Government securities, through the secondary market.

From 03 June up to 28 June 2019, some Rs2.3 billion have been invested in Treasury Certificates by non-financial public sector bodies.

Furthermore, in the preface to the 2019/2020 Budget Estimates, under the section on Debt Management Strategy, Government has laid down that public sector bodies will be encouraged to invest in Government securities, through the secondary market.

In regard to trading by individuals, various measures have been taken to encourage individuals to trade in Government securities on the secondary market. Since June 2018, the Bank of Mauritius has engaged into discussions with commercial banks to facilitate access to the secondary market to individuals. Following these discussions, commercial banks offering securities for trade on the secondary market, now display information thereon at their head offices and in all their branches. Retail customers can thus have a clear view of the array of securities available and their yields. It is also possible to view available securities and their prices on the websites of the primary dealers.

It is to be highlighted that with a view to promoting trading, all customers, whether retail, corporate or institutional, can purchase both Government and Bank of Mauritius securities from commercial banks offering such services, with marginal fees or commissions, if any. Furthermore, arrangements have been made to enable customers to have their accounts debited directly for the purchase of financial instruments on the secondary market.

On its part, the Bank of Mauritius has embarked on a financial literacy programme to bring to the attention of citizens the risk-free nature of Government and Bank of Mauritius securities. Awareness was conducted through on-site lectures and through the media, with information provided in prime-time news bulletins of the Mauritius Broadcasting Corporation.

In line with obligations laid down in the Guidelines, Primary Dealers Banks have also been conducting awareness programmes for the benefit of their customers, both retail and corporate. Trading by individuals in Government securities on the secondary market, which was merely Rs524 m. between March and December 2017, picked up to Rs4.9 billion for the period January to December 2018. Since January up to 25 June 2019, such trading has amounted to Rs3.4 billion.

**NATIONAL DRUG CONTROL MASTER PLAN – IMPLEMENTATION**

(No. B/508) Mr F. Quirin (Fourth 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 the National Drug Control Master Plan, he will state where matters stand as to the implementation thereof.

**Reply (Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues):**  
With your permission, I will reply to this question. Government decided to set up a Committee of officials on 25 September 2015 to look into the pertinent issue of the drug scourge prevailing among youth in the country. The Committee recommended a holistic and integrated approach to effectively address drug problems through the formulation of a National Drug Control Master Plan.

Subsequently, the United Nations Office on Drugs and Crime was approached in 2017 for technical expertise and the latter provided the services of an independent consultant to work out the National Drug Control Master Plan. The consultant submitted a Draft in 2018, following intensive consultations/workshops with all parties involved in the fight against the drug scourge.

Thereafter, in line with the recommendation of the Draft Report for a Governance Structure for the implementation of the Master Plan, the Prime Minister announced the setting up of a National Drug Secretariat under the aegis of my Ministry, chaired by the Permanent Secretary. The Terms of Reference of the National Drug Secretariat provide, *inter alia*, to ensure the coordination, implementation, monitoring and evaluation of the programmes involving a large spectrum of key actors at national, regional and international levels.

It will also advise Government on the adoption of evidence-based drug policies, strategies and programmes and report to the High Level Drug and HIV Council under the chair of the Prime Minister.

A sum of Rs1 m. was sanctioned in the last budget. For this year, an amount of Rs7 m. has been provided to meet the running costs of the Secretariat.

As at now, the Secretariat is manned by an Adviser and an officer under the Service to Mauritius Programme. Procedures are on for the recruitment of 11 additional staffs.

The National Drug Secretariat is working on the implementation of the four pillars, which are –

- (i) Coordination mechanism, legislation, implementation framework, Monitoring and Evaluation and Strategic Information;
- (ii) Drug Supply Reduction;
- (iii) Drug Demand Reduction, namely drug use prevention, drug use disorders treatment, rehabilitation and social reintegration, and
- (iv) Harm Reduction.

In addition, other agencies are continuing their work in terms of law enforcement, demand, supply and harm reductions. As recently as last week, the Police have seized 1.5 Kg of Heroin on board Shipping Vessel MSC Agatha flying Liberian flag.

The National Drug Secretariat is also working with Non-Governmental Organisations to implement a preventive programme for new Police recruits and a rehabilitation programme for prisoners.

#### **GRA - HORSES - TESTING**

**(No. B/509) Mr F. Quirin (Fourth 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 the present Horse Racing season, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to if 25 horses were tested positive to a prohibited substance before the beginning thereof and, if so, indicate if the matter has been referred to the Police and other authorities for inquiries, and if so, indicate the outcomes thereof and actions taken, if any.

**Reply:** The Gambling Regulatory Authority, on its own initiative, has started out-of-competition testing since June 2018. Prior to the start of the 2019 racing season, following the out-of-competition testing done by GRA during the months of January, February and March 2019, 29 horses were tested positive to prohibited and illicit substances.

Out of the 29 horses, 24 horses were found positive to the substance known as zilpaterol. Based on investigations carried out by GRA in collaboration with the MTC, it was found that the zilpaterol had emanated from horse feed which was produced in South Africa.

On 22 March 2019, the GRA submitted to the Mauritius Turf Club the investigation report.

In accordance with Rule 208(4) (b), the Rules of Racing, on 22 March 2019, the Board of the Racing Stewards suspended the 24 horses from racing for a period of six months as from the dates on which the laboratory detected the illicit substances. However, on 26 March 2019, the MTC Board decided not to apply the six months suspension in accordance with Rule 11(e) of the same Rules of Racing.

Since the 24 horses tested positive of zilpaterol was due to feed contamination, which is not considered as an offence under the GRA Act, the Authority deemed it not necessary to refer the matter to Police. The MTC as well as the Ministry of Agro-Industry and Food Security have been informed of the incident for appropriate action to avoid recurrence of such incident of feed contamination.

The zilpaterol substance was found in only one batch of horse feed in November and December 2018. The subsequent batches were tested and no such illicit substance was found.

For this Racing season, GRA undertook some elective tests in order to ascertain that the 24 horses were free from the substance before they could participate in any race.

Moreover, the GRA, in collaboration with the Mauritius Turf Club, conducts a pre-race testing on the eve of every Race day on every horse scheduled to run on that day.

For the remaining five horses tested positive to prohibited and illicit substances the GRA is still investigating and evidences are being gathered. In accordance with section 110 (e) of the GRA Act, the Authority has to detect and investigate any malpractice or any contravention under the GRA Act.

The investigation at the level of GRA would be completed in a few weeks, and thereafter a report will be submitted to the Police, which had been informed of these cases.

In the meantime, on 12 April 2019, the Board of the Racing Stewards suspended the five horses for a period of six months until 13 September 2019. The five horses are not participating in any race meeting at the moment.

The MTC is also investigating into the matter.

Section 31(e) of the GRA Act allows MTC to have its own Appeal Committee to review decision taken by the Racing Stewards, which is contrary to the principles of good

governance. An entity cannot be the judge and party at the same time. That is why it is proposed to amend the GRA Act to remove the Appeal Committee from the MTC.

Moreover, the Inspectors of GRA are being provided with additional powers for inspection and investigations on the premises of licensed operators as well as any person licensed by these operators to ensure compliance with the provisions in the GRA Act.

### **POLITICAL FINANCING BILL**

**(No. B/510) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** 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 proposed introduction of the Financing of Political Parties Bill in the Assembly, he will state where matters stand.

**Reply:** As the House is aware, the Financing of Political Parties Bill, which has now been restyled as the Political Financing Bill, has already been finalised and is being presented for First Reading at today's sitting.

### **PORT LOUIS - MAMADE ELAHEE STADIUM – RENOVATION WORKS**

**(No. B/511) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** 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 Mamade Elahee Stadium, in Port Louis, he will state if the renovation thereof is being envisaged and, if so, indicate the –

- (a) scope of works;
- (b) cost estimates, and
- (c) expected start and completion dates thereof.

**Reply:** In fact, the National Development Unit is implementing a project for the upgrading of Mamade Elahee Stadium in Port Louis.

With regard to part (a) of the question, the scope of works comprises the following –

- (i) excavation of existing turfing and provision of new topsoil and turfing;

- (ii) construction of a steel structure to cover the existing spectator stand;
- (iii) repairs to existing fencing and walls;
- (iv) renovation to the cloak room, and
- (v) construction of new 'French drains' and surface drains.

Regarding part (b) of the question, following a bidding exercise, the National Development Unit has appointed a Contractor for the execution of the works for an amount of Rs16,980,278.43, inclusive of VAT.

With regard to part (c) of the question, works have started on 10 June 2019 and are expected to be completed by 07 November 2019.

#### **ELECTORAL BOUNDARIES COMMISSION - REPORT**

**(No. B/512) Mr A. Ganoo (First Member for Savanne & Black River)** 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 Report of the Electoral Boundaries Commission on the Review of the Boundaries of the Constituencies which is due in 2019, he will state if consideration will be given for the presentation of a motion in the Assembly for the approval or rejection of the recommendations of the Electoral Boundaries Commission.

**Reply:** Section 39(2) of the Constitution provides that the Electoral Boundaries Commission shall review the boundaries of the constituencies at such times as will enable them to present a report to the Assembly 10 years after presentation of its last report.

The last report of the Electoral Boundaries Commission was tabled in the National Assembly in November 2009. However, the National Assembly was dissolved on 31 March 2010 and no resolution was introduced in the National Assembly to approve or reject the recommendations of the Electoral Boundaries Commission.

The next report is due this year.

The Electoral Boundaries Commission has already embarked on the preparation of its 2019 Report. The Electoral Boundaries Commission has informed that it intends to make its

recommendations within the ambit of its constitutional mandate during the course of this year.

It will, therefore, be premature, at this stage, to state whether a Motion will be presented for the adoption or rejection of the recommendations of the Commission.

### **ELECTORAL SUPERVISORY COMMISSION - POWERS**

**(No. B/513) Mr A. Ganoo (First Member for Savanne & Black River)** 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 issue of widening the powers of the Electoral Supervisory Commission to ensuring free and fair elections and a level playing field amongst political parties, he will state if the Ministerial Committee on Electoral Reform has addressed same and, if so, indicate the proposals thereof.

**Reply:** The Ministerial Committee on Electoral Reform has already addressed the issue of widening the powers of the Electoral Supervisory Commission (ESC) while submitting its proposals on the Financing of Political Parties.

The proposals of the Ministerial Committee in regard to the widening of the powers of the Electoral Supervisory Commission are embodied in the Constitution (Amendment) Bill and the Political Financing Bill which are being presented for first reading at today's sitting.

The Electoral Supervisory Commission is being vested with important powers as the oversight body for the monitoring of political financing. The Commission is also being empowered to issue directives and warnings to political parties to ensure compliance with the provisions of the Representation of the People Act regarding the setting up of temporary political headquarters and campaign quarters, commonly known as "*baz*".

### **GAMBLING REGULATORY AUTHORITY - WEEKLY LOTTERY**

#### **GAMES - PROTOCOL**

**(No. B/514) Mr S. Baboo (Second Member for Vacoas & Floreal)** 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 Lottotech, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to the mechanism put in place for the drawing of the two weekly lottery games thereof.

**Reply:** Since the introduction of the first weekly lotto 6/40 lottery draw in November 2009, a protocol approved by the then Gambling Regulatory Authority Board has been put in place for the draws of the weekly lottery games.

Lottotech Ltd has acquired two draw machines which meet international standards and are duly certified by Gaming Laboratory International. The scales used to weigh the draw balls used by Lottotech Ltd are calibrated by the Mauritius Standards Bureau every year and the draw balls are weighed every month by Lottotech Ltd under the supervision of GRA and *Police Des Jeux*.

The two draw machines are kept in vault with two sets of keys of the vault at the premises of Lottotech Ltd at HSBC Centre, Ebène. One set of keys of the vault remains under the custody of Lottotech Ltd and the second set of keys is kept by the GRA.

Every Saturday and Wednesday when the two weekly draws are effected, the vault is opened by both officers of Lottotech Ltd and GRA and a test draw is effected under the supervision of GRA Inspectors and *Police Des Jeux* before the actual draw takes place. The actual draw is recorded live to tape and broadcast on TV every Saturday and Wednesday.

The procedures for the opening of the vault, selection of the draw machine between the two machines, the test of machine which will effect the draw, the closure of the wagering process, the recording of the draw result and verification of the dividend payable to punters are all performed in accordance with the established and approved protocol.

For the last four years, neither Lottotech Ltd nor GRA has received any complaint regarding the mechanism put in place for the drawing of the two weekly lottery games.

### **TROIS BOUTIQUES - FOOTBALL GROUND - LIGHTING**

**(No. B/515) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** 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 proposed provision by the National Development Unit of lighting at the football ground at Trois Boutiques, he will state where matters.

**Reply:** The National Development Unit has conveyed financial clearance to the tune of Rs5.5 m. to the District Council of Grand Port on 12 April 2019 for the provision of lighting facilities and refurbishment of fencing at the football ground at Trois Boutiques. The bidding document is currently being prepared by the District Council of Grand Port and the bids are expected to be launched by mid July 2019.

### **CITÉ LA CHAUX FOOTBALL GROUND - CLOAKROOM**

**(No. B/516) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** 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 proposed construction by the National Development Unit of a cloakroom at the Cité La Chaux football ground, he will state where matters stand.

**Reply:** The construction of a cloakroom at Cité La Chaux football ground is in the list of projects of the National Development Unit (NDU). A site visit was effected in May 2019 by the representatives of the NDU, the Ministry of Housing and Lands, and the District Council of Grand Port to identify an appropriate space for the construction of the cloakroom. The views of the Ministry of Housing and Lands are being awaited.

### **PORT LOUIS CENTRAL MARKET - RENOVATION**

**(No. B/541) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Project for the Renovation of the Port Louis Central Market, she will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to where matters stand as to the implementation thereof, indicating the expected start and completion dates thereof.

**Reply:** I am informed by the Municipal City Council of Port Louis that it has already awarded the contract for consultancy services for the project “Renovation of Central Market – Fish, Meat and Poultry Section” and presently, the design is being finalised in consultation with the relevant stakeholders.

With regard to the expected start and completion dates of the project, I am informed by the Municipal City Council of Port Louis that the tentative start date would be April 2020 and the expected completion date is November 2021.

### **COTONOU AGREEMENT - ACP-EU PARTNERSHIP**

**(No. B/550) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Cotonou Agreement, he will state if a special committee has been set up to study the different case scenarii prior to the forthcoming negotiations between the African Caribbean and Pacific Group of States and the European Union.

**Reply:** I wish to thank the hon. Member for Belle Rose and Quatre Bornes for his question because it affords me a timely opportunity to brief the House on the state of play on the ongoing negotiations for a successor agreement to the ACP-EU Cotonou Partnership, which expires in February 2020.

In accordance with Article 95.4 of the Cotonou Agreement, negotiations on a new ACP-EU Partnership were launched in New York on 28 September 2018 at the premises of our Permanent Mission in New York. The principal objective of a Post-Cotonou Agreement is to contribute to the attainment of sustainable development in all ACP countries, in line with the provisions of the UN 2030 Agenda and Sustainable Development Goals, through a strengthened and deepened political and economic partnership, with the ACP Group as a more effective global player.

As a major ACP-EU stakeholder, Mauritius actively participated in all the ACP preparatory phases in the run up to the adoption of the ACP negotiating mandate. This mandate includes specific objectives that should underpin a Post-Cotonou Agreement, articulated around three pillars: Pillar 1: Trade, Investment, Industrialisation & Services; Pillar 2: Development Cooperation, Technology, Science, Innovation and Research, and Pillar 3: Political Dialogue and Advocacy.

The ACP mandate also provides for a negotiating structure as follows –

- (i) firstly, a restricted Central Negotiating Group (CNG), at Ministerial level. Mauritius is an alternate member of the CNG;
- (ii) secondly, three Technical Negotiating Teams (TNTs) at ambassadorial level. Mauritius is the Vice-President of TNT 1 on Trade, investment, Industrialisation and Services, and
- (iii) thirdly, a select group of eight ACP Ambassadors which engages in direct negotiations with the EU side. Our Ambassador in Brussels is a member of this select group.

At the 1<sup>st</sup> round of the negotiations in December 2018, both parties agreed to the structure of the successor Agreement which would comprise –

- an All ACP-EU Common Foundation Agreement focused on common principles and the overarching objectives of cooperation, and
- three action-oriented regional compacts or Protocols for the African, Caribbean and Pacific regions respectively. Here, I am pleased to inform the House that Mauritius also forms part of the restricted Africa-specific CNG.

In the subsequent rounds of negotiations, parties have agreed to five key Strategic Priorities for the Foundation Agreement. [(i) People-centred, Rights based, Peaceful and Stable Societies; (ii) Human & Social Development; (iii) Inclusive Sustainable Economic Growth and Development; (iv) Climate Change, Environment and Resilience, and (v) Migration and Mobility]

Strategically, Mauritius has been pushing for our national interests from a three-fold perspective: bilaterally (i.e. Mauritius-EU); regionally (i.e. Africa-EU), and ACP wide (i.e. ACP-EU). From an issue-based perspective, Mauritius has canvassed that issues pertinent to our development priorities feature prominently in the Post-Cotonou Agreement, together with specific provisions and carve-outs reflecting the special situation of ACP Small Island Developing States (SIDS), Middle-Income Countries (MICs) and High Income MICs (HMICS).

The Mauritius position has been developed through a process of consultations led by my Ministry working closely with other line Ministries as well as other stakeholders in Mauritius. Indeed, my Ministry chairs a national consultative committee which also comprises thematic working groups. Besides, in consultation with our Mission in Brussels, the relevant Directorates and Divisions closely follow the negotiations.

Having just attended the 4<sup>th</sup> Joint ACP-EU Negotiators meeting in Brussels on 20-24 May 2019, I am in a position to inform the House that –

- (i) firstly, we are satisfied with the achievements recorded in the negotiations in a short span of time and with the positive spirit exhibited by the two sides in reaching a meaningful outcome in the next negotiating rounds, and
- (ii) secondly, the Mauritius Delegation continues to remain vigilant so as to ensure that the aspirations and interests of Mauritius are adequately reflected in a Post-Cotonou Agreement, both at the level of the Foundation Agreement and the Africa-EU regional protocol.

**MAURITIUS CANE INDUSTRY AUTHORITY - MÉDINE SUGAR ESTATE  
(No. B/551) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)**

asked the Minister of Agro-Industry and Food Security whether he will, for the benefit of the House, obtain from the Mauritius Cane Industry Authority, information as to the extent of land owned by the Médine Sugar Estate, indicating the –

- (a) extent thereof presently under sugar cane cultivation, and
- (b) extent of agricultural land thereof converted for residential, commercial and industrial purposes, respectively, since 2014 to date.

**Reply:** Regarding part (a) of the question, I am informed that the extent of land owned by the Médine Sugar Estate, which is presently under sugarcane cultivation, is around 3,668 hectares, that is, 8,361 *arpents*.

As regards part (b), since 2014 to date, Médine Sugar Estate has been given land conversion for residential, commercial and industrial purposes for a total extent of around 714 *arpents*.

#### **SMEs – GROSS VALUE ADDED – CONTRIBUTION**

**(No. B/552) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Business, Enterprise and Co-operatives whether, in regard to the small and medium enterprises, he will state if the contribution thereof to Gross Value Added has increased since 2015 to date.

**Reply:** The reply to the question is in the affirmative. I can proudly confirm that the contribution of value added of small and medium enterprises to the Gross Value Added has indeed increased during the period 2015-2018 to reach over 33%. Moreover, during the same period, the growth rate of value creation of our SMEs has been hovering around 6%.

As clearly evidenced at page 22 of the Annex to the Budget Speech 2019/2020, the share of SMEs in total export has also increased from 7.2% in 2013 to nearly 11% in 2017.

Much of this progress is attributable to a series of measures initiated, supported and monitored by my Ministry so that we remain on course on the objective set in the 10-Year Master Plan, that is, increasing the SME contribution to GDP to 52% by 2026 while reaching 18% of total export and 64% of total employment during the same period.

My Ministry, in collaboration with SME Mauritius, will continue to support, promote and facilitate the growth and development of our SMEs, including Start-ups through a series of measures/schemes/activities/programmes.

Last year, over 900 SMEs have already benefitted from those schemes while some 1,120 have acquired applied knowledge and know-how in different specific fields, including crafts, skills and aquaponics through appropriate training and workshops.

This august House will appreciate that these commendable results have been achieved despite many of our SMEs graduated to turnover higher than the Rs50 m., which is the upper limit to qualify as an SME. Reasons why, the hon. Prime Minister has proposed an increase in the upper limit so that the most competitive export-oriented SMEs as well as those substituting for imports still benefit from certain incentives being directed to SMEs.

#### **STATE LAND - BUILDING SITES - PURCHASE**

**(No. B/553) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Housing and Lands whether, in regard to section 5(5) of the State Land Act, he will state the number of persons who have been allowed to buy their building site lease since the introduction thereof, indicating the –

- (a) number of such building site leases which are held by the lessees, and
- (b) reasons why all the said building sites have not yet been sold to the occupiers thereof.

**Reply:** As at date, 7,344 lessees of building sites have been allowed to purchase their State land in accordance with section 5(5) of the State Lands Act.

With regard to part (a) of the question, the number of such building sites which are yet to be sold to the lessees is 2,947.

With regard to part (b) of the question, I am informed that these 2,947 building sites have not yet been sold as either –

- (i) some applications are still under process, or
- (ii) the lessees have not yet submitted their applications.

#### **UNIVERSITY OF TECHNOLOGY – DIRECTOR GENERAL**

**(No. B/554) Mr S. Baboo (Second Member for Vacoas & Floreal)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the post of Director, she will, for the benefit of the House, obtain from the University Technology, Mauritius, information as to when same will be filled.

**Reply:** I am informed that the University of Technology, Mauritius (UTM) Board of Governors has, at its meeting of 13 December 2018, approved that the post of Director General be advertised. An advertisement was thus published on the UTM website as from 14 December 2018, and in various local newspapers from 19 to 24 December 2018. The deadline for application was 25 January 2019.

On 28 January 2019, the 11 applications received were opened and screened to determine their eligibility for interview. On 31 January 2019, the Staff Committee met and recommended that all 11 applicants be called for interview. The Board approved by

circulation, on 06 February 2019, that the interviews be held on Monday 18 and Tuesday 19 February 2019.

The Interview Panel recommended that the post of Director General be offered a 5-year contract to the Associate Professor Dr. Keith Robert Thomas, and in case he refuses, the offer would be made to Professor Dr. Michael Robert Phillips. The Board of Governors of UTM approved the report of the interview panel on 28 March 2019.

On 29 March 2019, in line with the provisions of the UTM Act, the Prime Minister's approval was sought, through my Ministry, for the appointment of Associate Professor Dr. Keith Robert Thomas. Approval was conveyed to the UTM through my Ministry on 02 May 2019.

The letter of offer was issued to the successful candidate on 20 May 2019.

On 29 May 2019, Associate Professor Dr. Keith Robert Thomas informed UTM that he would join the university as from 01 September 2019.

### **BEACHES (PUBLIC) – CASUARINA TREES**

**(No. B/555) Mr S. Baboo (Second Member for Vacoas & Floreal)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the beaches, he will state if measures have been taken for the planting of Casuarina trees along same.

**Reply:** The species known as Casuarina or Filao tree was initially introduced to tropical areas throughout the world to stabilise sand dunes and to form windbreaks. However, seeds and leaves from these trees litter blanket the ground and this inhibits the growth of native coastal plant species, thereby resulting in bare sand under the trees.

With the impact of climate change and sea level rise, it has been observed that Casuarina trees are, unfortunately, inducing sand loss and coastal erosion along the beaches around Mauritius. The size and root systems of the Casuarina are not adapted to the flexible nature of sandy beaches nor are they effective in trapping windblown sand.

Accordingly, the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development (Environment and Sustainable Development Division) does not

have any project for the planting of Casuarina trees along public beaches as Casuarina trees are contributing to coastal erosion along the shoreline of Mauritius.

### **BLUE BAY PUBLIC BEACH - EROSION**

**(No. B/558) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Blue Bay public beach, he will state the measures taken by his Ministry, if any, to stop the erosion thereof.

**Reply:** Coastal erosion is a natural process which occurs on beaches. However, the degree of erosion is often exacerbated by natural causes such as cyclones, storms, heavy swells and sea level rise but also by anthropogenic actions such as the construction of hard structures within dynamic beach zones, the tampering and exploitation of coastal dunes, poor surface drainage, compaction of dune sand by the action of vehicles, and the exploitation of natural trees and shrub covers on sand dunes, amongst others.

Following cyclones Berguita in January 2018 and Fakir in April 2018, the Blue Bay Public Beach was severely affected by erosion. Surveys were effected by officers of the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development (Environment and Sustainable Development Division) on 19 and 20 January and 25 April 2018 respectively, and it was found that the beach at Blue Bay had been eroded over some 150 m on both sides of the existing jetty, with an escarpment of up to 1 m high. Subsequently, on 30 April 2018, a joint site visit was effected by the Ministry together with the Beach Authority, the Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping, the District Council of Grand Port, and the Ministry of Housing and Lands to take stock of the situation and with a view to making recommendations in relation thereto. It was observed that the erosion on the left hand side of the jetty was being caused by the accentuation of the long shore current caused by the presence of a solid concrete jetty and the concrete base of a signboard of dangerous bathing located adjacent to the jetty.

It was concluded that until the jetty is replaced by one which would allow the free flow of water and sand, erosion of the public beach would persist.

As a temporary short-term rehabilitation measure, on 26 June 2018, it was recommended that a groyne should be constructed to retain sand, and that, in the long-term, the jetty should be replaced by one which would allow the free flow of water and sand.

The groyne was constructed in August 2018 by in-house labour from the Ministry. Since then, it has been observed that the beach adjacent to the groyne has improved.

However, with a view to further addressing the erosion problem at Blue Bay Public Beach in a holistic manner, the Ministry has launched a tendering process to hire the services of a Consultant who will be entrusted with the task of coming up with coastal protection measures to circumscribe the impacts of beach erosion on the public beach.

**MINISTER OF TECHNOLOGY, COMMUNICATION AND INNOVATION -  
CHIEF INFORMATION OFFICER**

**(No. B/559) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Minister of Technology, Communication and Innovation whether, in regard to the Chief Information Officer employed at his Ministry, he will state –

- (a) the name and qualifications of the incumbent;
- (b) the procedure followed for the recruitment thereof, indicating if his Ministry had received the clearance of the Public Service Commission prior to the said recruitment, and
- (c) if he is in presence of representations from staff members of his Ministry to the effect that the recruitment thereof was unwarranted inasmuch as there were sufficient qualified and experienced serving officers thereat.

**Reply:** With regard to part (a) of the question, I wish to inform the House that the services of a Chief Information Officer were enlisted by my Ministry for a period of one year starting 01 March 2019. I am tabling the details regarding the name and qualifications of the incumbent.

As regards part (b) of the question, I wish to inform the House that the services of the Chief Information Officer were enlisted under the Expert Skills Scheme in accordance with guidelines set out by the Ministry of Finance and Economic Development. The Expert Skills Scheme follows the same procurement process as that of consulting services under the Public Procurement Act.

For the purpose, a Request for Proposals, through open national bidding, was launched on 20 December 2018.

With regard to part (c) of the question, I wish to inform the House that the clearance of the Public Service Commission was not required given that it was not a recruitment exercise but a public procurement exercise similar to that for consulting services under the Public Procurement Act.

As regards part (d) of the question, I am informed that no representation has been received from the staff of my Ministry concerning the enlistment of services of the Chief Information Officer.

I also wish to add that my Ministry is not satisfied with the performance of the incumbent and he has already been informed that his services will no longer be required. The monitoring of all e-projects will be done by the staff of my Ministry.

### **POLICE OFFICERS – PROTECTIVE EQUIPMENT**

**(No. B/560) 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 Police Officers, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if protective equipment have been provided thereto.

**Reply:** I am informed by the Commissioner of Police that since January 2018, Police Officers performing front line duties have been issued with modern personal security equipment with a view to enhancing their defensive capabilities. As such, 2,500 tactical belts, each fitted with expendable batons, handcuffs, torch lights and federal streamers, have been issued to them.

I am further informed that Police Officers of Specialised Branches such as Special Mobile Force (SMF), Special Support Unit (SSU), National Coast Guard (NCG) and Anti-Drug and Smuggling Unit (ADSU) are issued with the under mentioned protective equipment as per the requirements of their specific duties –

- (i) Bullet proof jackets;
- (ii) Protecops (armoured vest to protect chest, shin, groin, knee, pelvic and forearm);
- (iii) Helmets;
- (iv) Shields;
- (v) Combat boots, and
- (vi) Long batons.

Additionally, the SMF and SSU have in their fleet, Light Armoured Personnel Carriers, which ensure the safety and security of the Officers posted thereat during intervention in law enforcement situations.

#### **PORT LOUIS - GROUND WATER & STREAMS - NITRATE - LEVEL**

**(No. B/561) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to ground waters and streams in Port Louis, he will state if same have been found to be polluted by nitrogen and, if so, indicate the measures taken in relation thereto, if any.

**Reply:** Nitrogen in water can originate from both natural and anthropogenic sources. The most common form of nitrogen is nitrate. The natural sources of nitrate include igneous rocks, plant and animal debris. However, the level of nitrate may also be enhanced by human activities such as the discharge of municipal and industrial wastewaters and the use of inorganic fertilizers in agricultural areas.

Nitrate in water is essential for the growth of aquatic plants; however, at high levels it can cause overstimulation of growth of aquatic plants and algae. This in turn can be one of the causes of eutrophication of water bodies, leading to depletion of oxygen in water, causing death of other aquatic organisms such as fish.

With regard to groundwater, it is to be noted that there are five main aquifers in Mauritius which account for most of the groundwater resources of the country. For the Port Louis region, aquifers 2 and 5 are of concern.

Since August 2017, monitoring of groundwater quality is being done every three months in the Port Louis region by the National Environmental Laboratory (NEL) of the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development (Environment and Sustainable Development Division). Groundwater samples are collected at boreholes located at Baie du Tombeau (SW 193: Industrial Borehole), Riche Terre (BH 385: Domestic Borehole) and Terre Rouge (BH 777: Agricultural Borehole).

The findings of the monitoring have revealed that the average nitrate concentration in groundwater is as follows: at Baie du Tombeau, 35.3 mg/L, at Riche Terre 46.8 mg/L and at Terre Rouge 68.0 mg/L. Just for comparison, safe level of nitrate in drinking water is 50 mg/L. It is to be noted that the level of nitrate at Terre Rouge borehole was relatively high during the monitoring period of August 2017 to April 2019 when compared to nitrate levels of groundwater from other regions. The water from this agricultural borehole is used only for

poultry rearing activities. It is noteworthy to point out that nitrate does not affect poultry. However, the source of nitrate in groundwater at this location is currently being investigated.

With regard to streams, it is to be noted that there are three streams in the Port Louis region, namely Ruisseau du Pouce, Ruisseau La Paix and Ruisseau St Louis. These streams are small, with little flow of water, except during the rainy seasons. For this reason, these streams are not suitable for a proper environmental monitoring since a significant flow of water is a prerequisite for assessing water quality. There is, however, no indication that they are polluted by nitrates or nitrogen.