



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

TUESDAY 27 APRIL 2021

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MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 05 of 2021

Sitting of Tuesday 27 April 2021

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

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

The Prime Minister: Mr Speaker, Sir, the Papers have been laid on the Table.

A. Prime Minister's Office**Ministry of Defence, Home Affairs and External Communications****Ministry for Rodrigues, Outer Islands and Territorial Integrity**

- (a) Certificate of Urgency in respect of the Non-Citizen (Property Restriction) (Amendment) Bill (No. VI of 2021). (In Original)
- (b) The Annual Report 2017/2018 of the Information & Communication Technologies Authority.

B. Ministry of Arts and Cultural Heritage

- (a) The Annual Report of the Mauritius Film Development Corporation for the year 2015.
- (b) The Annual Report of the Mauritius Film Development Corporation for the period January 2016 to June 2017.

MOTION**SUSPENSION OF S.O. 10(2)**

The Prime Minister: Mr Speaker, Sir, I beg to 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 seconded.

Question put and agreed to.

PUBLIC BILLS*First Reading*

On motion made and seconded, the Non-Citizens (Property Restriction) (Amendment) Bill (No. VI of 2021) was read a first time.

(11.33 a.m.)

*Second Reading***THE NON-CITIZENS (PROPERTY RESTRICTION) (AMENDMENT) BILL****(NO. VI OF 2021)**

Order for Second Reading read.

The Prime Minister: Mr Speaker, Sir, with your permission, I move that the Non-Citizens (Property Restriction) (Amendment) Bill (No. VI of 2021) be read a second time.

The main object of the Bill is to amend the Non-Citizens (Property Restriction) Act ("the Act") to provide that a foundation, under the Foundations Act, which has a person who is not a citizen of Mauritius as a founder, a beneficial owner, an ultimate beneficial owner or a beneficiary, shall not hold, dispose of, purchase or otherwise acquire property without prior authorisation as required under the Act. Accordingly, the definitions of "acquire", "hold" and "purchase" are being broadened so as to include the distribution of property to a beneficiary under the Foundations Act.

Opportunity is also being taken to provide that a non-citizen shall not dispose of a property, as defined under the Act, unless prior authorisation is sought.

As a consequence of the amendments being brought to the Act, the Foundations Act is being amended accordingly.

Mr Speaker, Sir, the underlying mechanism behind a foundation is that property is endowed by a founder to the foundation for the benefit of a person or class of persons. Property may also be endowed to a foundation for a purpose, charitable or otherwise.

It is apposite to note that any property endowed or transferred to a foundation may be distributed to a beneficiary in accordance with the provisions of its charter or Articles.

A foundation, currently excluded from the purview of the Act, is thus a mechanism through which property could effectively be transferred, including to a non-citizen.

Mr Speaker, Sir, the very purpose of the Act is to control the holding, purchase or acquisition of property by non-citizens within the defined parameters of the Act. It is thus imperative to amend the Act so as to bring foundations within its ambit.

Mr Speaker, Sir, Government seeks to clamp tighter controls on the purchase of real estate by foreign nationals who cannot and should not be allowed to circumvent our legislation regulating land ownership, to acquire property in Mauritius.

We are introducing this new amendment as a safeguard against any attempt to use a foundation to invest in property without prior approval from my Office.

I want to enable Mauritian households aspiring to home ownership to achieve their goal and they should not be outbid by foreign buyers who think they can outsmart our rules by using the Foundation route. The Non-Citizens (Property Restriction) Act already regulates the manner in which foreigners can resort to land ownership in Mauritius and to which they should abide.

As a result, Government feels that better control should be exerted on foreign home ownership to give more protection to aspiring homeowners in our country.

Government will not accept any practice that could open the way to inflation of housing prices. This amendment is in line with our policy to keep house ownership affordable to all categories of the population.

Mr Speaker, Sir, as regards the other amendment being proposed, provision is being made so that a non-citizen shall seek necessary authorisation under the Act before disposing of his property.

In fact, presently, only a non-citizen who holds, purchases or otherwise acquires property in Mauritius has the obligation to seek the necessary prior authorisation to do so under the Act. No provision is made for a non-citizen to seek such authorisation for the

disposal of the property to either another non-citizen or to a Mauritian national. Thus, no timely information is obtained at the level of my Office, for control purposes, when there is disposal of property purchased by a non-citizen.

Mr Speaker, Sir, sections 4 and 11 of the Foundations Act are being accordingly amended so as to align it with the Non-Citizens (Property Restrictions) Act under which authorisation is required for a non-citizen to hold, dispose of, purchase or otherwise acquire property in Mauritius.

Mr Speaker, Sir, with these words, I commend the Bill to the House.

The Deputy Prime Minister seconded.

(11.40 p.m.)

The Leader of the Opposition (Mr X. L. Duval): Mr Speaker, Sir, I have three main points relating to this Bill presented this morning. Firstly, why the extreme urgency in presenting and asking us to vote for this Bill? Secondly, why codify into law the necessity to obtain permission to dispose of immovable property, even in the case of a non-citizen selling to a local Mauritian? Thirdly, why, in this manner, add another argument to our detractors overseas who are now treating Mauritius, bringing Mauritius into the mud if I may say so, by categorizing us as an autocracy? In my view, this Bill today adds another argument to people who want to do a lot of harm to our country.

Firstly, let me say, Mr Speaker, Sir, that we have - I have, anyway - no particular issue with the inclusion of foundation into the ambit of the Non-Citizens (Property Restriction) Act. If it was a loophole and we want to plug it, I have no problem with that, but I would like to know, Mr Speaker, Sir, why the emergency procedure is being used today. Our Standing Orders, Mr Speaker, Sir, are very clear as to how Bills are to be presented to this House.

Firstly, Mr Speaker, Sir, in the case of a Government Bill, as today, under Standing Order 52, as you are aware, except for urgent Bills, it is gazetted 15 days; the Bill ought to be gazetted 15 days before being read a first time in this House.

Secondly, Mr Speaker, Sir, once it is read a first time in this House, the second reading, that is, when we actually debate, when we discuss, is seven days after the first reading. So, Standing Orders 52 and 55 provide, very clearly, 21 days of notice before a Bill is debated in this House and voted. Obviously, we are used also to Bills coming with

Certificates of Urgency, but, even then, a minimum is respected and we are given about 10 days to debate in the House, which, in most cases, we find acceptable; it is published on a Friday after Cabinet and it is presented under Certificate of Urgency on Tuesday, and it is the following Tuesday. So, we have 10 days minimum to discuss, to prepare a Bill, to prepare the arguments, to talk to people, to talk to experts and to come to a view on the Bill. This Bill, Mr Speaker, Sir, which is an important Bill - make no mistake about it; it is an important Bill - Government has given us only three days' notice; Saturday, Sunday, Monday, and Tuesday morning we are talking about it. Three days only to discuss what I consider to be an important Bill.

So, Mr Speaker, my first point is that Government owes us an explanation. What is the urgency? What is the rush? Is there some foundation, someone who is trying to use a foundation to purchase a large part of Mauritian property? Is that why we have been given only three days to discuss about a law which deals with property rights? Is that what it is? Are you aware of some transaction that is going on that you want us to block? Tell us! I think you owe us this explanation. People at home are watching. They want to know why the Government has given only three days' notice to the Opposition and to all Members of this House to discuss on a Bill when Standing Orders provide for 21 days' notice, Mr Speaker, Sir. That is my first point. Because we need reactions from the public; we need reactions from lawyers; we need reactions from property estate agents; we need reactions from everyone, and also Government institutions that may be affected by this regulation, this change in the law. That is, Mr Speaker, the first point; why not urgency but emergency procedures are being used? And we know about the word 'emergency' nowadays. Why emergency procedures are being applied today? I think it is quite a justifiable question to ask, and I would hope that later on, the Prime Minister will provide information as to why the emergency procedure is being used today.

Mr Speaker, let me just remind the House that we are talking about amending an Act, the Non-Citizens (Property Restriction) Act of 1975. So, this is what, nearly 50 years ago that this Bill was passed. 1975! And the Foundations Bill was passed in 2012; nine years ago. So, one is nine years, the other one is nearly 50 years, and we are amending within 3 days. So, in my view - because two things are being amended: one, the foundation section and now the disposal section - there must be a real reason to change something to do with disposal of assets in a Bill that dates from 1975 in such a rush. And that is my first point, Mr Speaker, Sir. I hope that the Prime Minister will tell us more about it in a moment.

Secondly, Mr Speaker, Sir, I have mentioned the foundation changes; I have no particular issue. Some of my friends on this side may want to delve into it in more details. Mr Speaker, Sir, I will deal with authority to dispose. Now, there's a foreigner, he has bought a property and he wants to sell it. If he wants to sell it to a foreigner, then, that transaction will be caught because the foreigner will require a certificate from the Prime Minister or from EDB or whatever to purchase. So, the transaction between one foreigner and another foreigner is already caught in any event. So, why include the disposal when the transaction is already caught between foreigners? Now, where it is not caught is when a foreigner sells to a Mauritian. That is not caught by the Act, but it was caught, as the Prime Minister, I am sure, fully knows, because when the certificate signed by the Prime Minister himself, any Prime Minister, in his own hand signs the certificate, when that certificate is signed, there is usually a condition on that certificate. The Law provides the Prime Minister with the possibility of putting conditions to purchasing a property in Mauritius and one of these conditions, most of the time, I don't know if every time, said that when a foreigner wants to sell, he has to come back and get permission from the Prime Minister to sell. So, although it was not in the Law, codified as such, as to dispose of the property, in many cases, not all cases, the Prime Minister, when he was signing the certificate, would include that under Section 3(2). Section 3(2) says here that the Minister may issue a certificate - in this case, the Prime Minister - subject to such terms and conditions as the Minister may impose. So, Section 3(2) of the existing Act gives that power to put conditions on that certificate and the power to impose restrictions on reselling to anyone who was in there. And here, Mr Speaker, Sir, I will argue that even that was wrong and even that was an abuse of authority, and I will explain why. As I mentioned, selling to another foreigner, we are not concerned with that because we are already caught by the power of the Prime Minister to control the foreigner buying. But why, on earth, would we impose a restriction on a Mauritian buying from a foreigner? Why? We say we want to restrict foreigners buying into Mauritius, we all agree, but when he is selling, he is obviously doing a positive thing, if he's selling it to a Mauritian, if he's selling to a local! Why would you want to control that act? Why would you want to influence that act, which is an act of what, which property is being sold, to whom it is being sold, and at what price it is being sold. And the Prime Minister would have the right to decide when someone is selling to a Mauritian as to these three things: who it is being sold to, the price, and which property. Why? I cannot see why, Mr Speaker, Sir, in a democracy, the Prime Minister needs to have that power. As I mentioned, it was imposed, if you want, *de facto*, on the certificates, but now we are codifying for all to see, for every foreigner who comes to Mauritius to see

that if he buys property here, and God knows, Mr Speaker, Sir, that the property sector here in Mauritius is probably the only viable sector left in Mauritius at the moment; probably the only viable sector. Let's not talk about sugar, about everything else; all that flat on their knees. It is only the viable sector left. When a foreigner buys into Mauritius, he will look at that Law and he will realise that he is trapped, that the property he is buying is a trap and that he will never be able to sell it, except when one Prime Minister gives him permission to sell it. That is what is saying this Law. It's a trap for the foreigner; it's a trap.

Now, let's see, Mr Speaker, Sir, that we have some individuals here and there intent on doing mischief, intent on influence peddling, intent on sleaze, graft, corruption. Mr Speaker, Sir, we are giving an opportunity here, a bit like what the Director of Audit said about emergency purchases. We are giving an opportunity here, which we don't want to give, which we ought not to give, Mr Speaker, Sir; under undue influence of someone who is a foreigner, who wants to sell to a Mauritian. I cannot see, Mr Speaker, Sir, why we should do this. And, therefore, Mr Speaker, Sir, I believe this particular transaction, this particular change in the law, the amendment is wrong. It is wrong, it is not necessary between foreigners because that is already caught in the legislation and it is totally wrong and undemocratic if it is dealing with a Mauritian wanting to buy a property from a foreigner. And that is only good for national policy because that is what we want to encourage; Mauritians to earn more of our property here. So, why does the Prime Minister's Office need to come in-between in this transaction? If it is a problem of tax, a problem of foreign exchange, then, let the MRA, like they do in every country, withholding taxes, whatever you want to do; let that be a tax issue, but not a legal issue. You don't trap someone with a property and you withhold it for the rest of his life, unless the Prime Minister of the day gives him permission to sell it. I cannot see, Mr Speaker, Sir, in any democracy, where that would work, and I can see no national policy imperative that would force this issue onto us for us to be able to vote for this today.

Now, Mr Speaker, Sir, I am going to ask for clarification also because there is some confusion as to the extent to which this law will apply. Where will it start? Where will it stop? Now, let me put it in context, Mr Speaker, Sir. When you look at the latest Bank of Mauritius figures they published for the full year 2019, you will realise the importance of the Real Estate Sector in Mauritius, the importance of understanding how much money is received as foreign exchange into the bank, into our country. God knows that the rupee is depreciating and we really need foreign exchange. And here, Mr Speaker, Sir, the latest Bank

of Mauritius figures show us that for the year 2019, out of some Rs21 billion received for the whole of the foreign exchange, for the whole of Mauritius, more than three-quarters, Rs16 billion, was received for Real Estate. This is what we are playing with today; Rs16 billion was received for foreign exchange.

Now, I may be wrong, this is why I am asking because I have only been given three days to look at this Bill. Mr Speaker, Sir, I do hope - and I hope here again, the Prime Minister would give us clarification - that for this disposal requirement, he will tell us that he has checked properly the law, that his Advisers have checked the law and that this necessity to obtain permission from the Prime Minister of the day to sell to even a Mauritian will not cover Integrated Resort Scheme, Property Development Scheme and the like, because when I look at the amendment - and I am not a lawyer, I am an accountant - I can see that the amendment relates to section 3(c); it is made to section 3(c), amongst others, 3(c) (i), whereas it does not cover 3(c) (ii), 3(c) (iii), 3(c) (iv), 3(c) (v), 3(c) (vi), 3(c) (vii).

And here, it does look to me that if you purchase a property under the Smart City, 2nd floor above Ground Floor Scheme, Smart City Scheme, RES, IRS, etc., it does look to me that the amendment does not cover that. In fact, there is no exemption given when you are selling property in these Schemes, whereas exemptions are given when you are selling shares on the Stock Exchange, etc. It is a bit complicated, but it is not my fault. It has come as an emergency; so, I am having to deal with it here on my feet as it were. But I cannot see, Mr Speaker, Sir, that exemption has been given from this certificate to dispose of property where it deals with sections 3(c) (ii) onwards. And if that was the case, I hope I am not right, but if I am right that will be completely disastrous because that would mean that, unlike previously, people holding property in IRS, PGS, etc., the law was changed in 2015 to exempt them from taking a certificate for disposal. And if that were the case, if I am right, I may be wrong, then we would need a certificate for disposal from IRS. Not only would we need that, it would also be retroactive or these people who have property would suddenly find themselves trapped into this new law, would be unable to sell even to a Mauritian. So, Mr Speaker, Sir, perhaps the Prime Minister will be kind enough to tell us the exact interpretation of this, and I do hope that it is not his intention - as I hope it is not his intention - to include this property trap even for IRS, PGS and the others who have invested.

Mr Speaker, Sir, I also do wish to say that it is an extremely touchy subject, extremely important sector, and that is why I took the time to say that it should not have come as an emergency procedure. We ought to have left everyone the chance to speak, to give their

views and to see how this provision for disposal being codified in the law, will affect the most viable sector that is left in Mauritius, accounting for Rs16 billion, three-quarters of FDI, and helping also to sustain the value of the rupee which is fast depreciating.

The last point, Mr Speaker, Sir, is the point on autocracy. Now, we had, unfortunately, for our country - it does not please me that the V-Dem Report, apparently a very well-known organisation in Sweden, put Mauritius in an unenviable category of countries as being Top 10 autocratizers. Our bedfellows are Brazil, Bolivia, Benin, Serbia, etc., not a very good place to find ourselves, but we do find ourselves in that situation. And what is an autocratizing country? It is a country where one man, and in this case the Prime Minister of the day, would hold too much power; nearly all the power of the Executive. And it is a huge surprise for us, Mauritians. We are used to being a democracy, being held in the sunlight, as the country, the example to follow for the world, and here, we find ourselves in unenviable company, Mr Speaker, Sir.

Recently, we had the same Non-Citizens (Property Restriction) Act, a year or two ago, which was changed to allow the Prime Minister himself to make an otherwise illegal transaction legal where he is satisfied that a transaction which contravenes the Non-Citizens (Property Restriction) Act, which contravenes this section, where someone has contravened the section in a *bona fide* manner, where it is a genuine mistake, and the Prime Minister himself is satisfied that in his opinion that is the case, then he would make that previously illegal transaction legal. That is, Mr Speaker, Sir, now, in section 3(1) (a) of the Non-Citizens (Property Restriction) Act.

Also we had some time ago the Immigration Act - I am just taking two examples, Mr Speaker, Sir - which gives the Prime Minister who, in his own opinion, a foreigner should be declared as, I think, it is a prohibited immigrant, then the Prime Minister himself would suddenly decide that this is the case, that the person is a prohibited immigrant. Now, that may, obviously, have some uses in an emergency, but it is a general provision; it is not here in the law as an emergency provision. So, we don't even know how many times that has been used up to now.

So, Mr Speaker, Sir, this is what I am going to say as nicely as I can, because we are all Mauritians. We do not want to give the impression that we are not a democracy, that somewhere there is a rule of law, that so much power is concentrated in the hands of one person. That is not where Mauritius wants to go. Mauritius wants to go into the League of

Nations recognised around the world as democracies and, therefore, Mr Speaker, Sir, I believe that changes to the law that are brought like this, where it is the Prime Minister today deciding on who will dispose of a piece of land, at what price, which piece of land and to whom even if it is to a Mauritian, goes in the direction of bringing a wood to the fire of the people who want to burn us overseas. And this is my final point, Mr Speaker, Sir, and my final request to this House is that we avoid this type of legislation that can only do us harm in this country.

Thank you very much, Mr Speaker, Sir.

(12.03 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Speaker, Sir, let me, at the very outset, state that we are all in favour of preventing non-citizens from acquiring immovable property by trying to bypass the provisions of the Non-Citizens (Property Restriction) Act 1975 but it is a matter of regret that such an important Bill is being rushed through Parliament. I could not even trace any Cabinet Decision, at least publicized, making reference to this Bill, and I say that it is a matter of regret because the drafting of this Bill could have been improved and many loopholes could have been plugged if Government had cared to hold proper consultation with experts in the field.

We all know the main object is to prevent foundation whose founder is a non-citizen or whose beneficiaries are non-citizens from acquiring property without the approval of the Prime Minister, but I am afraid, Mr Speaker, Sir, that the proposed amendments are simply not sufficient to prevent a non-citizen from abusing the system by using a foundation. Let me explain.

When we drafted the Trusts Bill in 2001, the possibility of a Trust being used to acquire immovable property was very much at the back of our head and was thoroughly discussed. There were wide-ranging consultations with stakeholders, including public notaries. I know what I am talking about because I was part of the team that drafted the Trusts Act 2001. And, as a result, we had included the whole Section 22 in the Trusts Act, which deals with immovable property in Mauritius. We made sure that no Trusts having non-citizen beneficiaries, having non-citizens settlor, could hold immovable property in Mauritius, but we also provided that no non-citizen could subsequently become a beneficiary of a Trust, who already holds immovable property. But, unfortunately, and it is a matter of great regret, Mr Speaker, Sir, that today, we do not have any provision in the Foundations Act, which

corresponds to Section 22 of the Trusts Act and the Bill does not provide for any amendment in that respect, and I do not know why.

In the Non-Citizens (Property Restriction) Act, for example, in the definition of ‘property’, there is a specific reference to Trust which has interest in immovable property, whether legal or beneficial. So, a non-citizen cannot acquire interest in a Trust. But we do not have a corresponding amendment being brought to the definition of the property today to cover interest in a foundation which has immovable property. Why? Simply because we did not hold proper consultation.

The Bill also does not cover foundations set up for a purpose. We can have a situation, for example, Mr Speaker, Sir, where we have a Mauritian dummy founder who sets up a foundation for a purpose. The purpose could be to acquire immovable property in a designated area or even *Pas Géométriques*. Then, that purpose foundation takes a loan from the non-citizen and the non-citizen has the economic rights in this immovable property and enjoys the property.

Now, in this case, the founder is a Mauritian; so, he is not a non-citizen. There are no beneficiaries. So, this situation does not fall within the proposed Amendment. Yet, when we drafted the Trusts Act, we took care to include this situation. Section 7, subsection (2) (c) of the Trusts Act provided, and I quote -

“Notwithstanding subsection 1, no transfer or disposal to a Trust shall be valid in respect of immovable property where the Trust is a non-charitable Purpose Trust.”

So, today, you cannot use a purpose Trust to acquire immovable property, but you can for a foundation. Why? Again, because no consultation was held before this Bill was rushed to Parliament. It is so easy to go around this Act, using special purpose foundations. There are so many loopholes. Let me give you another example, Mr Speaker, Sir. The foundation is founded by a Mauritian donor. There is no non-citizen beneficiary. So, it does not fall within the purview of this Act and the Bill. The foundation takes a loan from a non-citizen. So, the non-citizen gives him money and the money is used to acquire property, and a charge is created in favour of the non-citizen lender. Now, the non-citizen will say to the founder, “Whenever you rent out this bungalow, this property, whatever rent you receive, you will repay to me as interest.” Even better, the non-citizen lender can tell the founder, “I will stay in that property and instead of paying you rent, whatever rent I have to pay you, that would be deemed to be interest, but you have to pay me on the loan. And being given that

there is a charge created in my favour as non-citizen, the foundation will not be able to sell the property without my consent.”

So, it is a very simple basic way of going round this Bill and you only needed a simple amendment to the definition of “acquire”, “alienate”, “hold” or “purchase”. We only needed to delete the words “does not include the burdening of a property with a mortgage and a charge” from that definition.

Yet, we are amending this definition today but we are not deleting the charge provision. So, we are allowing this loophole to perpetuate. So, there are already too many loopholes in that Bill, Mr Speaker Sir. Now, let us see how it will work in practice. How do we enforce the law in practice? How does the public Notary, drafting the Title Deed, if the foundation has a non-citizen beneficiary or ultimate beneficial owner? How do the authorities find out whether there is a non-citizen beneficiary?

According to Section 28, subsection 4 of the Foundations Act, there is a Register. There is a register which is kept by the Registrar of Foundation, which is the same as the Registrar of Companies, but, in that register, you do not include the name, the details, the contact details of beneficiaries and beneficial owners. You do not. Now, it is true that at the time that you set up a foundation, you need to notify the Registrar of Foundation who would be your beneficiaries, but there does not seem to be any provision of the law requiring you to notify the Registrar each time there is a new beneficial ownership, each time there is a new beneficiary, contrary to what is happening in the Companies Act. So, once you have set up a foundation, going forward, you can change your beneficiaries, you can appoint non-citizens and the authorities would not know about it. And yet, one of the reasons, Mr Speaker, Sir, - and I will end on that - why we are still on the grey list of the Financial Action Task Force as a jurisdiction under increased monitoring is precisely because of this. Indeed, in its report published in February 2021, just recently, the FATF makes the following observation with respect to Mauritius to justify our inclusion on that list, and I quote -

“Mauritius should continue to work on implementing its Action Plan to address its strategic deficiencies, including by ensuring - and that is important - the access to accurate, basic and beneficial ownership information by competent authorities in a timely manner.”

Ensuring access to accurate, basic and beneficial ownership information by competent authorities in a timely manner.

So, why are we not amending the Foundations Act to provide disclosures of the beneficial ownership, to allow it to be inserted in a register, which public notaries can have access to, which authorities can have access to?

And then, Mr Speaker, Sir, we are wondering why we are still on the grey list of the FATF, on the blacklist of the European Union and now the blacklist of England, for good measure?

I know, Mr Speaker, Sir, that we are dealing with a technical Bill. But I will urge the Prime Minister to go back to the Drawing Board, hold consultations with experts in the field, with public notaries, with people who would get involved with non-citizens, who know what those non-citizens are doing to circumvent the law and then come back with an improved Bill before this House.

Thank you, Mr Speaker, Sir.

(12.13 p.m.)

The Minister of Arts and Cultural Heritage (Mr A. Teeluck): Thank you, Mr Speaker, Sir. Mr Speaker, Sir, the overarching principle behind the Non-Citizens (Property Restriction) Act is that a non-citizen cannot hold or purchase or acquire property, immovable property in Mauritius unless he gets the approval to acquire that property. Thus, any transfer or vesting of an immovable property situated in Mauritius where beneficial interest is held by a non-citizen, is considered void or/and of no effect unless it is duly approved.

Very often, it has been seen over the years that non-citizens have found means and ways to use vehicles not specifically captured under the provisions of the Non-Citizens (Property Restriction) Act to hold, purchase or acquire property in Mauritius. Mauritius has always had an inbound Foreign Investment Policy. Numerous schemes have been put in place to allow non-citizens to hold or acquire property in Mauritius. However, holding a property should operate within specific frameworks and be regulated. The Non-Citizens (Property Restriction) Act has been amended over the years to extend the ambit of its provisions over new vehicles under which property transactions with non-citizens were made. There is nothing new to that; nothing new to amending the law. The Act has been amended over the years, specifically Section 3 of the Act since 1992 and with the last amendments brought in 2020. And let me remind the House that they were amendments in 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2015. The hon. Leader of the Opposition will recall these amendments; he was in Government. And all the proposals and comments just made by the hon. Leader of the

Opposition, strangely, were irrelevant at that time, when amendments were made over all these years. This present amendment, Mr Speaker, Sir, is but a natural course of legal improvement such that foundations which were structures, which until now remained immune from the requirement of approval under the Act are now captured. Henceforth, all parties to Foundation, whether the founder, beneficial owner, ultimate beneficial owner or beneficiary will be subject to the restriction of the Act.

I won't be long, Mr Speaker, Sir, but I would like to reply to my dear colleague, hon. Reza Uteem, talking about charges by foreign institutions. He is a very learned barrister and he deals a lot in offshore companies. Mr Speaker, Sir, when you are taking a charge over a local vehicle, a Foreign Financial Institution, of course, it will have interest over receivables and, certainly, it will lock certain transactions. This is the normal course of a transaction with international or even local institutions, but that does not, in any way, vest ownership or legal right over the property to the banking or any other type of institution. So, I think the whole point of making that there is a loophole today in giving a charge to a foreign institution over a Foundation or any local vehicle has been left out in the proposed amendment, it is just locking certain types of transactions as per a contractual relationship between two institutions, nothing more. The legal right over the property remains with the Foundation, remains with the local vehicle.

Mr Speaker, Sir, I thank the hon. Prime Minister for bringing these amendments to the House to fill in the legal gaps relating to Foundation and I commend the Bill to the House.

I am done, Mr Speaker, Sir.

(12.18 p.m.)

Mr K. Lobine (First Member for La Caverne & Phoenix): Thank you, Mr Speaker, Sir. Mr Speaker, Sir, I shall join the hon. Leader of the Opposition and the hon. Reza Uteem, who both have succinctly taken the point as to why now this House is being asked to debate on this Bill with a Certificate of Urgency. We received it on Friday, Mr Speaker, Sir. We had the weekend to go through it and consultations with relevant stakeholders, notaries, lawyers, people in the property business have not been able to be made by Members from this side of the House, as it is an important piece of Legislation.

And also, Mr Speaker, Sir, I fail to understand this approach inasmuch as last year, the Finance (Miscellaneous Provisions) Act 2020 that was gazetted on 07 August 2020 to implement the measures announced in the Budget, brought amendments to not less than 57

legislations and the Non-Citizens (Property Restriction) Act was subsequently amended, allowing non-citizens holding a Residence Permit, an Occupation Permit or a Permanent Residence Permit to acquire one plot of service land for residential purposes in smart cities. The Prime Minister can give his covering approval and validate the acquisition of a property by a non-citizen. This amendment also provided for a fine and an imprisonment term to a non-citizen who is in breach of the provisions of the Non-Citizens (Property Restriction) Act. So, why this House is being called upon to debate in one day this Bill when such amendment to the Non-Citizens (Property Restriction) Act could have been brought by the hon. Minister of Finance and Economic Development during the presentation of the next Finance (Miscellaneous Provisions) Bill 2021 in the coming weeks? So, why is this urgency? I do not understand! The amendments being brought to the Foundations Act clarify the prevailing situation and I do appreciate that the inclusion of Foundation in the broad meaning of Non-Citizen is a step forward to clear all doubts. The hon. Leader of the Opposition made his point on this particular section of the Law. However, Mr Speaker Sir, in the main Act, at Section 3(2), which reads as follows –

“On receipt of an application under subsection (1), the Minister may issue to the applicant a certificate authorising him to purchase, acquire or hold (..).”

And now, with the amendment being proposed, “dispose of” is being added, the property subject to such terms and conditions, as the Prime Minister may impose. The Prime Minister has this discretionary power anyway. So, why now, if a non-citizen is disposing of his property and it is a Mauritian citizen who is acquiring same, why the authorization of the hon. Prime Minister is needed? It is in his own right for a Mauritian citizen to acquire property under the Law, under the Constitution. So, why is it that if he is acquiring a property from a non-citizen, who is already a holder of a certificate from the Prime Minister's Office, so why the Mauritian citizen has to wait for another certificate to be issued by the Prime Minister for him to purchase that property? This piece of legislation, in my mind, is not too clear and I hope the hon. Prime Minister will come with a more explicit explanation on it later on.

The existing legislation already provides for a mechanism for the Prime Minister to impose conditions, Mr Speaker, Sir. There is an imposition of conditions when the Prime Minister will issue a certificate. So, he can impose. The hon. Leader of the Opposition rightly said so, all Prime Ministers, when they do give that certificate, they put all these conditions, so this is already the practice. So, why amending the Law, why including it now in this present legislation? That being said, Mr Speaker, Sir, this Bill again, unfortunately,

demonstrates this autocratic trend that we have been witnessing and experiencing, as the hon. Leader of the Opposition has rightly so canvassed earlier on, that of giving far too much powers in the hands of one person, the hon. Prime Minister.

Our country, our people, Mr Speaker, sir, require that the notion of accountability, transparency and fairness in the decision-making process should not remain just mere words. This Bill does not reflect same as there is no mechanism in place to show that decisions shall be taken in a transparent manner and there is no checks and balances provided in this Bill to ensure that every application and/or decision of the Prime Minister under section 3 of the main Act, the more so, now that disposing of a property by the non-citizen shall be subject to the approval of the Prime Minister. I do hope the hon. Prime Minister will bring amendments to this Bill to exclude a non-citizen from seeking the authorization of the Prime Minister to dispose of his property in favour of Mauritian citizens.

I will not go further and I hope that the hon. Prime Minister will make amendment to this part, so that it benefits the Mauritian citizen acquiring a property.

I thank you, Mr Speaker, sir.

(12.24 p.m.)

The Attorney General, Minister of Agro-Industry and Food Security (Mr M. Gobin): Thank you, Mr Speaker, Sir. Mr Speaker, Sir, I welcome the introduction of the Non-Citizens (Property Restriction) (Amendment) Bill (No. VI of 2021) before the Assembly. This is, Mr Speaker, Sir, a much needed piece of legislation at this juncture, mainly because we need to reinforce the safeguards that are already inbuilt in the existing law, but which require tightening. As explained by the hon. Prime Minister, the underlying mechanism insofar as a foundation is concerned, is the endowment of property by a founder to a foundation for the benefit of a person, a class of persons or for a purpose.

Endowment simply means the passing of title. Now, but be that as it may, a foundation can effectively be used as a vehicle, therefore, to transfer property, whereby the necessity to include within the definition of non-citizen in the Non-Citizens (Property Restriction) Act -

“(d) a foundation which has a person who is not a citizen of Mauritius as –

(i) a founder;

(ii) a beneficial owner or an ultimate beneficial owner; or

(iii) a beneficiary,”

This amendment, therefore, is all the more necessary, having regard to the fact that under section 11 subsection (3) of the Foundations Act, property endowed to a foundation may become the property of a beneficiary, following a distribution made in accordance with the provisions of the charter or articles of the foundation, whereby also the necessity for a consequential amendment in that section of the Foundations Act, to make it subject to the Non-Citizens (Property Restriction) Act.

Mr Speaker, Sir, it is also important to mention that amendments have been made to section 4 (2) and section 4 (3) of the Foundations Act to ensure that endowment of property by non-citizens should be made within the strict confines and subject to the Non-Citizens (Property Restriction) Act.

Mr Speaker, Sir, we have heard Members of the other side saying that this Bill is coming with too much urgency. Mr Speaker, Sir, if there is a loophole in the law and we are tightening, we are plugging that loophole, where is the harm? Should we allow people to continue to take unfair advantage of a loophole in the law or should we plug that loophole as the soonest available opportunity? The soonest opportunity is today, and we are, therefore, tightening that loophole to avoid people taking unfair advantage of the loophole in the Non-Citizens (Property Restriction) Act.

Now, let me come to a basic issue. There has always been restriction on ownership of immovable property on non-citizens. It is not the first time that we are imposing safeguards in the law. As my colleague, hon. Teeluck mentioned, although the Non-Citizens (Property Restriction) Act dates back to 1975, this law has time and again been amended in this House to tighten those loopholes as they were found. And hon. Teeluck mentioned a number of occasions and, I think, the latest amendments came in 2011, 2012, 2013 and then, thereafter, we had amendments in 2015, 2016, 2017 and 2018. It is not as if the 1975 Act had remained cast in stone without any amendment. There were a number of amendments to cater for the IRS, PDS, Investment Hotel Scheme, Property Development Scheme, Smart City Scheme. As policies evolved, the law also evolved. So, therefore, coming to the loophole with regard to foundations, in Government, we had to decide, whether we allow those who are taking an unfair advantage of the loophole to continue or we tighten that loophole.

It is, therefore, in these circumstances that this Bill is coming to the House. Yes, and it is coming with a Certificate of Urgency but the people should understand one thing. This Bill

is printed on four pages. If we discard the Short title and the Interpretation section, we are left with only five clauses and a Consequential amendment. It is not as if, a legislation, a Bill over several pages, requiring several days to prepare.

People should understand that had we not moved with this speed, some ill-intentioned persons would have taken unfair advantage of the loophole in the law and once again, therefore, there is nothing sinister *il ne faut pas aller chercher midi à 14 heures*, there is nothing sinister. We are simply plugging-in an existing loophole in our legislation.

Coming to the point about the disposal of property, Mr Speaker, Sir, the amendment will broaden the ambit of the Non-Citizens (Property Restriction) Act and henceforth, it will include the requirement for an authorisation by a non-citizen when disposing of, mortgaging or creating a charge of a property as defined in the Act.

Why are we bringing this amendment? For the simple reason that we require greater accountability and oversight in respect of non-citizens, dealing with immovable property in Mauritius. The House and the people will appreciate, that with the speed at which international financial transactions now take place, we need effectiveness and accountability and oversight when it comes to non-citizens holding, disposing property in Mauritius.

The authorisation given by the Prime Minister is not a mere administrative authorisation, given just out of whims, caprices or for the pleasure of the Prime Minister. This is not how it happens. There is due diligence carried out before certificates are issued, and this is becoming increasingly important in the world that we live in today. If we do not have this due diligence, and, in some cases, enhanced due diligence, certificates are not issued.

Nobody seems to care about that exercise called the due diligence. Even if the non-citizen is selling to a local inhabitant, to a citizen of Mauritius, 50% of the transaction comes from a non-citizen. Although the citizen of Mauritius will represent the interests of the buyer, who will protect him, who will protect that citizen of Mauritius against, God forbid, the unscrupulous non-citizen in the unlikely event that there is such a *rapport de force*, who does the due diligence on the non-citizen.

If something goes wrong, then they will say, no due diligence was done and now the poor citizen of Mauritius is saddled with a transaction, where no one checked who that non-citizen was before the transaction was concluded. This will provide an additional safeguard. Why am I saying additional safeguard? Because there is also the first line of safeguard; the first line is the Notary. The Notary, being himself a Law Practitioner registered under the

Notaries Act, has a duty to perform the due diligence, but can we compare the tools? Can we compare the means at the disposal of a Notary compared to the tools and the information available at the level of the Prime Minister's Office? So, therefore, this adds a second line of safeguard, over and above the first line, which is represented by the Notary.

So, therefore, I welcome this amendment concerning disposal. Reference was made by my learned friend, hon. Uteem, to the Foundations Act that, we are, as a jurisdiction, on the grey list and he even mentioned the black list. I do not recall that we are in any form of black list, but we are on a grey list. Insofar as I am concerned, we are on a list of enhanced due diligence. But hon. Uteem mentioned that there is no requirement under the Foundations Act for the Registrar of Companies, who is also the Registrar of Foundations, to keep a record of beneficial owners. That is not correct. I think my learned friend may have, inadvertently – I am not saying he did that on purpose, but he has inadvertently – said something which is not correct. You may have inadvertently, therefore, provided wrong information to the House. That Foundations Act was amended – and I think I will leave it to my colleague, hon. Seeruttun, who is speaking later after me – that amendments have already been brought to the Foundations Act to add this requirement on the Registrar to keep record of the beneficial owners. Not only to keep record of the beneficial owners, but if there are changes, to record those changes and there is also a delay, and that delay is 14 days.

You see what happens and I am giving just a free bit of advice. When amendments are brought to legislations here, we should all update our law books back in our offices, so that we keep up-to-date. Well, I am saying this may have happened inadvertently. Coming back to what we were saying, there is nothing sinister in bringing this law with this Certificate of Urgency.

Once again, we are tightening where the law needs to be tightened. This takes me back to what I said earlier. A number of amendments have been brought to the Non-Citizens (Property Restriction) Act, as I said earlier. Why? Because as the situation evolves in a country, new situations are found, are discovered. Why? Because transactions get always more and more complicated day by day. If there are a number of transactions happening, escaping the provisions of a law, it is the duty of Government to amend and update the law.

Similarly, in the case of Foundations today, there are a number of transactions which we take note of, which we find are escaping the ambit of a legislation and we are, therefore, bringing those transactions within the ambit of the Non-Citizens (Property Restriction) Act. It

boils down to a simple question, Mr Speaker, Sir, and we have to make things simple for the people out there to understand.

There have always been restrictions on ownership by non-citizens. There was a lacuna concerning foundations. There was an unfair advantage being taken of that lacuna to circumvent the restrictions. Government today is curing that lacuna. The citizen out there should understand that we are protecting the citizens of Mauritius by bringing this amendment.

Insofar as the non-citizen is concerned, who is the non-citizen out there who thinks that in Mauritius, he can come and own property without authorisation of the Prime Minister's Office? They know, they have always known that in Mauritius, holding of immovable property is subject to Non-Citizen (Property Restriction) Act. They have always known that; all Law Practitioners know that; all financial advisers know that. There has been no change. The loophole is being plugged. No non-citizen will find any objection to that because this has been the consistent policy of the Republic of Mauritius, since the existence of that Non-Citizen (Property Restriction) Act. We are just adding one more layer of safeguard concerning foundations and secondly, the authorisation of the Prime Minister's Office will be required for disposal, henceforth.

So, the non-citizen knows that before buying, he obtained the authorisation. He will go through the same administrative process to obtain another authorisation. I am done, Mr Speaker, Sir. Thank you very much.

(12.40 p.m.)

The Minister of Financial Services and Good Governance (Mr M. Seeruttun): Mr Speaker, Sir, thank you for giving me the opportunity to intervene on the Non-Citizens (Property Restriction) (Amendment) Bill (No.VI of 2021), which is being brought to the House by the hon. Prime Minister.

Mr Speaker, Sir, at the very outset, I would like to point out that this Bill is yet another step towards strengthening our legislative framework to combat financial crimes. This measure forms part of the vast array of measures which this Government is taking to consolidate the image and reputation of the country.

Mr Speaker, Sir, the provisions of the Bill have as objective to enlarge the ambit of the current Non-Citizens (Property Restriction) Act 1975 to capture a foundation which has been set up under the Foundation's Act 2012. These provisions will require that a founder, a

beneficial owner, an ultimate beneficial owner or a beneficiary of a foundation who is not a citizen of Mauritius, to seek the prior authorisation of the hon. Prime Minister under the Non-Citizens (Property Restriction) Act 1975 in order to hold, dispose of, purchase or otherwise acquire any property in Mauritius. The amendment will prevent abuse in the acquisition of property in the country through such a vehicle as a foundation.

Mr Speaker, Sir, the Foundations Act was enacted to create business opportunities for the Mauritius International Financial Centre. Such an enactment is made in countries where the concept of Trust is not well understood or popular given that the concept of Trust emanates from the common law system. Whilst Section 22 of the Trust Act already requires that a non-citizen to seek and obtain the prior approval of the Prime Minister under the Non-Citizens (Property Restriction) Act, before acquiring or disposing any property situated in Mauritius, this is currently not the case for a foundation.

Mr Speaker, Sir, in fact, the definition of a non-citizen under the Non-Citizens (Property Restriction) Act 1975 includes an association of body of persons whether corporate or incorporate but does not currently include a foundation. On the other hand, a Trust insofar as it is involved in any transaction referred to in Section 22 of the Trusts Act is covered under the definition of the Act.

Mr Speaker, Sir, as the House is aware, my Ministry, in collaboration with all relevant authorities, is working relentlessly to implement the FATF Action Plan that will enable Mauritius to be removed from the FATF list of jurisdictions under increased monitoring and the EU list of high-risk third countries.

Mr Speaker, Sir, whilst acknowledging that the proposed legislative amendment may have an impact on Doing Business in Mauritius in terms of additional time for seeking the necessary authorisation, it would undoubtedly ensure that we have a more transparent process. This can only be beneficial on the reputational front and ultimately this will enhance trust in the jurisdiction and attract more businesses.

Mr Speaker, Sir, the FATF Recommendations require countries to ensure that authorities can obtain up-to-date and accurate information about the person(s) behind the foundations.

The House will recall that the Anti-Money Laundering and Combatting the Financing of Terrorism (Miscellaneous Provisions) Act, which came into force last year, amended several sections of the Foundations Act to comply with the above requirements.

Section 2 of the Foundation Act was amended to provide for the definitions in respect of beneficial owner, ultimate beneficial owner and nominee. For the purpose of transparency, section 23 was also amended to provide for disclosure of the full name and address of the beneficial owner or ultimate beneficial owner in the case where the beneficiary is a nominee.

Section 36 subsection (6) requires information regarding the beneficial owner or ultimate beneficial owner of a foundation to be lodged with the Registrar at the time of registration of the foundation or foreign foundation, as the case may be. Furthermore, any changes in the beneficial ownership information of a foundation shall be lodged with the Registrar within 14 days of such changes.

The foundation as well as the Council member who fail to comply with the abovementioned obligations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 300,000 rupees. Furthermore, the non-disclosure of beneficial ownership information will be a ground for the removal of a Foundation from the register of the Registrar of Foundations. As my colleague, the Attorney General just mentioned, he was referring to the point raised by hon. Uteem, I think the point that he raised again confirmed that he was, I would say, *à côté de la plaque*. So, it was all catered for previously in the amendment made to the Foundation Act, Mr Speaker, Sir.

Mr Speaker, Sir, Government has demonstrated a strong political will and determination to comply with the international standards to combat money laundering, the financing of terrorism and proliferation financing by bringing fundamental changes to the AML/CFT legislative framework. This is so since we took cognizance of the outcome of the 2018 Mutual Evaluation Report. This Bill is another step to reinforce our legal framework and thus consolidate our jurisdiction by strengthening the effectiveness of our AML/CFT regime.

Mr Speaker, Sir, in line with the provisions of the Foundations Act, a foundation may have as object charitable purposes, non-charitable purposes or both. Non-charitable foundations are mainly set up by High-Net-Worth Individuals and are allowed to conduct business activities. Charitable institutions generally serve for social purposes such as advancement of education, relief of poverty and protection of environment. Both are regulated by the Registrar of Companies who is also appointed to act as Registrar of Foundations.

The supervisory powers of the Registrar of Foundations are to monitor and ensure that the Foundations comply with all provisions of the Foundations Act; carry out onsite and offsite inspections to ensure that businesses are carried out lawfully, and to take actions for any non-compliance.

Mr Speaker, Sir, in fact, Foundations fall under the FATF definition of legal persons which refers to any entities other than natural persons that can establish a permanent customer relationship with a financial institution or otherwise own property. In order to meet FATF Standards, a comprehensive review of the Non-Profit Organisation Sector was conducted in 2020. It was concluded that the Money Laundering risks associated to foundations are rated as Medium to Low.

Mr Speaker, Sir, the foundations form part of the Non-Profit Organisation population and, therefore, pursuant to FATF - Recommendations 8, need to be subject to Terrorism Financing monitoring, due to their engagement in social, cultural and educational activities and the way they raise or obtain funds. Mauritius has on its register 109 charitable foundations and the Registrar of Foundations is raising awareness on the risk of misuse of such entities for Terrorism Financing. As part of its risk-based monitoring exercise, the Registrar carried out onsite inspections for 85 charitable foundations by giving priority to the high-risk ones.

I also wish to highlight that this proposed legislative amendments will help in Assets Recovery in instances where the assets have been acquired through illegal proceeds. There will be a clear traceability and proper record of the ultimate beneficial owner of an asset in Mauritius, be it the property of a citizen or a non-citizen.

Mr Speaker, Sir, the amendment being proposed to the Non-Citizens (Property Restriction) Act will further shield our jurisdiction from money laundering activities and give another right signal to the ESAAMLG and the FATF of our commitment to combat money laundering and terrorism financing.

Mr Speaker, Sir, the role of Government resides in its ability to bring forward measures for the benefit of the country after weighing the pros and cons of such measures. While we are aware that the Bill will, now, place foundations on the same footing as other entities, we can be proud that we are also ensuring that Mauritius maintains its reputation as a trustworthy and credible jurisdiction.

With these words, Mr Speaker, Sir, I thank you for your attention.

Mr Speaker: With these words, I suspend the Sitting for one and a half hours.

At 12.54 p.m., the Sitting was suspended.

On resuming at 2.46 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated!

ANNOUNCEMENT

NON-CITIZENS (PROPERTY RESTRICTION) (AMENDMENT) BILL

(NO. VI OF 2021)

Hon. Members, I have been informed by the hon. Prime Minister that as a result of an IT problem, he is not ready with his summing-up speech. In the circumstances, we are proceeding with the Second Reading of the Supplementary Appropriation (2020-2021) Bill (No. XVI of 2020) and debate will resume on the Non-Citizens (Property Restriction) (Amendment) Bill (No. VI of 2021) at a convenient time.

Second Reading

THE SUPPLEMENTARY APPROPRIATION (2020-2021) BILL

(NO. XVI OF 2020)

Order for Second Reading read.

(2.48 p.m.)

The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy): Mr Speaker, Sir, I move that the Supplementary Appropriation (2020-2021) Bill (No. XVI of 2020) be read a second time.

The Bill makes provision for a supplementary appropriation of Rs17 billion in respect of services of Government...

(Interruptions)

Mr Mohamed: Mr Speaker, Sir, on a point of order. I have just taken note of what you just said that the hon. Prime Minister is not ready with his closing speech for the Non-Citizens (Property Restriction) (Amendment) Bill (No. VI of 2021). Forgive me, but should it not be the Prime Minister himself who should be present in the House, who should inform you, Sir, in the House, that he is not ready with his speech but, whereas to pass the message

through someone else, and you passing it on to us? Is not this a total show of disrespect to the House? I do not know that the Standing Orders allow you to pass the message.

Mr Speaker: You already made your point of order!

Mr Mohamed: I made the point and obviously you won't agree with me, am I right?

Mr Speaker: I have to reply!

Mr Mohamed: Thank you.

Mr Speaker: I will reply at a later stage. Thank you very much! Please, continue.

Dr. Padayachy: The Bill makes provision for a supplementary appropriation of Rs17 billion in respect of services of Government for this financial year under nine Votes of Expenditure.

The House will recall that the National Assembly had voted a total sum of Rs144.3 billion through the Appropriation (2020-2021) Act in respect of services of Government for the Financial Year 2020-2021.

In accordance with section 105(3)(a) of the Constitution, a Supplementary Appropriation is required as the voted provisions under some items of expenditure would be insufficient and some items of expenditure could not have been foreseen.

Mr Speaker Sir, the supplementary appropriation of Rs17 billion is as follows -

- (i) Rs11.9 billion for equity injection in the National Property Fund Ltd (NPFL);
- (ii) Rs3 billion for implementing the COVID-19 Economic Recovery Programme, and
- (iii) Rs2.1 billion under nine Votes of Expenditure.

Rs11.9 billion had been advanced in September 2020 from the Consolidated Fund to the NPFL to -

- (i) settle its immediate debt obligations amounting to Rs7.9 billion, and
- (ii) inject capital of Rs4 billion in the National Insurance Company Ltd for the financial restructuring of the company.

The sum of Rs11.9 billion is now being appropriated under the Vote 27-1: Centrally Managed Initiatives of Government to clear that Advance.

An amount of Rs3 billion is being appropriated under Vote 27-1: Centrally Managed

Initiatives of Government to meet part of the expenditure required for the implementation of the COVID-19 Economic Recovery Programme.

The Programme comprises a package of measures aimed at protecting livelihoods, safeguarding jobs and supporting businesses as follows -

- (i) An Employment Support Scheme for SMEs and Mid-Market Enterprises;
- (ii) An increase in the National Training and Reskilling Intake;
- (iii) A Credit Guarantee Scheme for enterprises implemented by DBM Ltd;
- (iv) An Air Freight Scheme for Export Oriented Enterprises;
- (v) Assistance Schemes for Coral Farming, Fish Breeding and Tea Growers;
- (vi) A Nationwide Clean-up Campaign, and
- (vii) A financial assistance to SMEs and operators in the tourism sector for payment of the 2021 salary compensation to their employees.

A sum of Rs2.1 billion is required under nine different Votes of Expenditure as follows -

- (i) Rs175 m. under Vote 1-5: Office of the Electoral Commissioner to meet the cost of the Village Council Elections 2020;
- (ii) Rs190 m. under Vote 2-4: Government Printing to meet the cost associated with the earlier than expected completion of the construction of the Government Printing Building;
- (iii) Rs195 m. under Vote 2-5: Police Service for payment of one-off allowance to frontliners;
- (iv) Rs150 m. under Vote 4-1: Vice-Prime Minister's Office, Ministry of Education, Tertiary Education, Science and Technology as grant to Mauritius Examinations Syndicate to meet its operating expenses up to June 2020;
- (v) Rs400 m. under Vote 9-1: Housing and Land Use Planning for payment of claims in respect of land acquired for the implementation of various Government projects;
- (vi) Rs375 m. under Vote 10-2: Social Security and National Solidarity in respect of payment of basic retirement pensions due to a higher number of

beneficiaries;

- (vii) Rs190 m. under Vote 21-1: Ministry of Health and Wellness for the payment of one-off allowance to frontliners;
- (viii) Rs325 m. under Vote 26-1: Centrally Managed Expenses of Government for payment of accumulated vacation leave and sick leave to a higher number of public officers proceeding on retirement, and
- (ix) Rs100 m. under Vote 27-1: Centrally Managed Initiatives of Government for payment of allowances in connection with the National Minimum Wage.

Mr Speaker Sir, these nine Votes are listed in the Schedule to the Bill together with their respective sums.

Details on the items of expenditure as well as explanatory notes are set out in the Estimates of Supplementary Expenditure (ESE) that has already been tabled in the National Assembly.

I wish to inform the House that, after taking into account the above supplementary appropriation, it is estimated that the budget deficit for this financial year would have been around 3% of GDP.

Mr Speaker, Sir, I now commend the Bill to the House.

Mr Seeruttun seconded.

(2.55 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central):

Thank you, Mr Speaker, Sir. Mr Speaker, Sir, the Bill came for First Reading back in November 2020 but was not moved for Second and Third Reading until today. Why today? Because when a Supplementary Bill is presented on a Tuesday, MPs and the Leader of Opposition cannot ask PQs and PNQs. So, I find that very regrettable because we have just received our WAP and we have so many issues to raise in this House.

Now, turning to the Bill itself, we do not have any issues with paying the Electoral Commissioner for the expenses for the Village Council Elections. With respect to the Government Printing, we need some explanation for the price doubling from Rs166 m. to an additional Rs190 m. That is a lot of money for Government Printing Office. With respect to the special allowance payable to the Police Service and to the Ministry of Health and

Wellness, they both relate to payment of allowance for frontliners. Again, we do not have any issue with paying a special allowance to Police and Health Workers who had put their lives and those of their close ones at risk by being in the front line but like we have said previously, we feel that this special allowance ought to have also been advanced to other frontliners, not just Police Officers and Health Care Workers. I am thinking about refuse collectors, firemen, those who work in public utilities, and other essential services, who exposed their lives and did not get any recognition from the State. Now, the country is experiencing a second wave of COVID-19 pandemic, the question is whether the State will pay an additional allowance to our frontliners, and if so, which category of people would be eligible for that allowance?

Next, I would like to talk about the Rs400 m. additional fund being provided for compulsory acquisition. This is in addition to the Rs500 m. already voted. Mr Speaker, Sir, we keep on voting money, the Government keeps on acquiring land, but is the Government going ahead with the projects? Are the projects implemented? The Director of the National Audit Office, year in, year out, in his report, is very critical of the amount of land that is compulsorily acquired and not utilised. For example, last year, the Director of Audit observed that several *arpents* of land were vested in various Ministries and remained undeveloped for a period ranging from 5 to 11 years, and nine Ministries, vested with 110 *arpents* of land, did not provide any information about availability of funds or time frame to implement 31 projects. So much resources wasted, so much money wasted! Land is acquired but projects are not implemented. The Director of Audit, Mr Speaker, Sir, also pointed out that every year we pay millions of rupees in interest to persons whose lands have been compulsorily acquired. For example, for the year 2019-2020, we have paid over Rs100 m. because of administrative delays. The State Law Register Software Solutions, which is supposed to ensure better monitoring and efficiency in acquisition process, is still not operational. So, today again, Mr Speaker, Sir, we are being asked to vote a huge sum of money for compulsory acquisition, almost half a billion rupees, 80% more than what was originally budgeted and there is absolutely no guarantee that the projects will be implemented. There is absolutely no guarantee that we will not end up having to pay hundreds of millions of rupees in interest to owners, whose lands are being compulsorily acquired.

Turning to item 10-2, Social Security and National Solidarity, an amount of Rs375 m. is being appropriated. I would be failing in my duty, Mr Speaker, Sir, at a time when we are called upon to vote this additional amount of money for all pensioners, if I did not convey to

the House the greatest disappointment of our pensioners who, for the first time, have not received any compensation this year for the increase in cost of living. Workers in the private and public sector obtained a salary compensation of Rs375, but not pensioners, not widows, not orphans. Yet, the hon. Minister of Finance acknowledged that the inflation rate will be 2.7%. In fact, because of the depreciation of the rupee by more than 10%, the prices of medicines and other imported goods used by pensioners have increased by double digit figures. And how reckless, Mr Speaker, Sir, on the part of the hon. Minister of Finance, to state that Government does not have the funds to compensate pensioners for their loss of purchasing power because Government had to buy vaccines. Where are the vaccines? No compensation for pensioners, no vaccine for pensioners. It is not too late, Mr Speaker, Sir, I hope that in the coming budget the Minister of Finance will rectify this injustice, *rectifier le tir*, and compensate our pensioners for the loss in purchasing power.

Now, let me turn to the big chunk of this additional budget, 26-1 – Centrally Manage Expenses of Government, a staggering Rs15 billion, almost more than 10% of the budget we voted. Let us take it in turn. Rs3 billion for the implementation of measures announced in the Economic Recovery Programme. I have tried to look for this Economic Recovery Programme on the internet but I could not find it anywhere. Even on the website of the Ministry of Finance, I could not see what this Economic Recovery Programme was about save and except for Cabinet decision on 23 October 2020, which provided that Cabinet has agreed to the implementation of an Economic Recovery Programme which comprises a package of measures aimed at boosting GDP growth, protecting job and creating new ones, reducing dependence on imports and improving the well-being of the population. We don't have more details about what is this package of measures. We just heard the hon. Minister of Finance highlighting what is included in that Economic Recovery Programme, but we are talking about Rs3 billion; that's a huge sum of money. And why have an Economic Recovery Programme, in October 2020, only three months after voting the Budget? Everywhere in the Budget, there is mention of the Economic Recovery Plan, and yet, after three months, the Minister of Finance comes back and spends Rs3 billion for a new Economic Recovery Programme. So, is it because the hon. Minister of Finance realised that his Budget was not good enough to stimulate growth and prevent unemployment or is it just a new scheme, Mr Speaker, Sir, to help *copains, copines*, air hostess, jewellers, and cronies who do not have *de l'huile dan zorey* to benefit from this Rs3 billion of extra funds? How much of this Rs3 billion has been earmarked for the Nationwide Cleaning Campaign?

(Interruptions)

Mr Speaker: Quiet! Continue hon. Member!

Mr Uteem: How much has been earmarked for the Nationwide Cleaning Campaign? Who will carry out this Nationwide Cleaning Campaign? Has tender been launched? Who was the successful bidder? I could not find anywhere any bid calling for expression of interest from professional cleaners from the private sector to compete to get value for money. No! Instead, in an article which appeared in *Defi Media* on 20 January 2021, we found out that a company by the name of Mauri Facilities Management Co. Ltd, an affiliate, a subsidiary of Landscape was recruiting 2,000 people as general cleaners with a salary of Rs10,200 per month for period between three months to six months for the purpose of doing this cleaning. 2,000 people recruited in all opacity by Mauritius Facilities Management Co Ltd.? And what will happen to these people after three months, after six months? Is this just a way for them not to be registered as unemployed so that you can boast that you have managed to preserve jobs? That reminds me of the famous '*Quatre jours à Paris*', Mr Speaker, Sir. Then, we find out that funds are supposed to be used for training. According to the HRDC website, the National Training and Reskilling Scheme (NTRS) is targeting some 9,000 unemployed persons. Now, how many of these 9,000 unemployed persons have been trained so far and which training institutions have provided those training? How much money has been paid to these training institutions so far? So much opacity, Mr Speaker, Sir, around this Rs3 billion earmarked for Economic Recovery Programme.

Mr Speaker, Sir, this takes me to the Rs11.9 billion for the National Property Fund and National Insurance Company. I have kept the worst for last. Rs11.9 billion of public funds will be injected in National Property Fund and National Insurance Company. Rs11.9 billion has already been injected in NPFL and NIC. Hon. Members will recall that NPFL was set up in May 2015 to take over assets of BAI to repay Super Cash Back Gold Policy holders and investors in Bramer Asset Management Ltd. NIC was set up to take over the insurance business of BAI. All along there have been many PQs, many PNQs in this House about BAI, about NPFL, about NIC, about Super Cash Back Gold policyholders and Bramer Asset Management investors. All along Government insisted that no public funds will be used to repay the victims of BAI.

In answer to my PQ on 28 March 2017, the then Minister of Financial Services, hon. Sesungkur stated, and I quote –

“However, as a responsible Government, and as clearly stated by my predecessor to the PNQ dated 03 May 2016, and I quote -

“We will not take public funds.”

This was said in this House: ‘We will not take public funds’. A few months later, on 18 June 2017, at a Press conference, hon. Etienne Sinatambou, sitting next to hon. Hurreeram - who is not here – stated, and I quote –

« *Une solution a été trouvée pour les souscripteurs au plan Super Cash Back Gold et ce n'est pas l'argent des contribuables qui sera utilisé.* »

Ce n'est pas l'argent des contribuables qui sera utilisé !

All along, this Government has been telling the population that not one cent of the population will be used to pay for the victims of the BAI! And we know that, today, if we are to ratify Rs11.9 billion of expenditure, it is because the Government mishandled the whole BAI matter. Everybody knows that the assets of BAI were sold out for peanuts. *Brader!* Be it Iframac, Courts, Apollo Hospital, Bramer Kenya and Britam Kenya, all these were disposed at a fraction of their value. I am not going to go on and on about Omega Ark, but, today, Mr Speaker, Sir, we ‘*p passe à la caisse*’, Rs11.9 billion. But it's not Rs11.9 billion, Mr Speaker, Sir, is it? The hon. Minister of Finance can tell us, it's not Rs11.9 billion that we will have to pay. No! We have to add to that Rs11.9 billion, some Rs3.5 billion advanced by the Bank of Mauritius in June 2016! And we have to add Rs6 billion already injected by Government in MauBank, which is a merger between Bramer Bank and NPCB. So, if we take Rs11.9 billion, plus Rs3.5 billion of Bank of Mauritius, plus Rs6 billions of MauBank that gives us Rs21.4 billion. The mismanagement of BAI has cost us, taxpayers, Rs21.4 billion, so far! So far, that's more than the cost of Metro Express. How many houses, how many hospitals, how many drains, how many roads could be built by this Rs21.4 billion? Mr Speaker, Sir, I hope, at least, the Minister of Finance, this Government, the Prime Minister will have the decency, now, to apologise to the population for taking so much public money to clear their mess.

Thank you.

(3.11 p.m.)

The Minister of Social Integration, Social Security and National Solidarity (Mrs F. Jeewa-Daureeawoo): Mr Speaker, Sir, before coming to the Bill itself, allow me to reply to some of the remarks of hon. Uteem. On the issue concerning pension, I would like to

highlight that since 2014, we have increased the Basic Retirement Pension significantly. We have not disappointed our elders; on the contrary, we have provided them with the means to lead a better life. No Government before has even thought of increasing the pension and, today, despite harsh economic challenges due to the COVID-19 pandemic, we have maintained the Basic Retirement Pension at Rs9,000. At no cost, we have decided to decrease the pension and hon. Uteem spoke of injustice. Is it an injustice when, since 2014, we have kept on increasing the Basic Pensions? As for the vaccination, I would like to enlighten hon. Mr Uteem that my Ministry is currently conducting our anti-flu vaccination. We have ordered 150,000 vaccines instead of 75,000 as compared to previous years. Does this not show our concern for our elderly? I leave it to the public to appreciate.

Mr Speaker, Sir, it is an honour for me to address this Assembly in respect of the Supplementary Appropriation (2020-2021) Bill. As the House may be aware, my Ministry has one of the largest budgets of all Ministries. From the time we took Office in 2014 to date, the budget of my Ministry has, I must say, undergone massive increases from Rs13.9 billion in 2014 to Rs36.7 billion today, an increase of 163%. I must say, around 94% of our budget is allocated for the payment of different pensions and social aids.

Mr Speaker, Sir, our Government has always been deeply concerned to providing greater financial security to our elderly, persons with disabilities, widows, orphans and other vulnerable persons; protecting the most vulnerable remains at the core of our response. On this side of the House, we firmly believe that everyone should be able to meet their basic needs. This is why we had made a commitment during our electoral campaign of 2014 and 2019 to increase the basic pensions and, Mr Speaker, Sir, we have lived up to our promises.

Now, coming to some details on pensions, the Basic Retirement Pension was increased from Rs3,623 prior to December 2014 to Rs5,000 in December 2014, and then gradually to Rs9,000 in December 2019, an increase of 148%. All other basic pensions have known a similar increase. At this point, Mr Speaker, Sir, it is pertinent for me to mention that prior to December 2014, the Basic Widow's Pension and the Basic Invalidity Pension were less than the Basic Retirement Pension. Do you know what was the amount of the Basic Retirement Pension and the Basic Widow's Pension at that time Mr Speaker, Sir? It was Rs3,267 only prior to December 2014. Our Government took the laudable initiative to align these two basic pensions with the Basic Retirement Pension. As such, the Basic Widow's Pension and the Basic Invalidity Pension now stand at Rs9,000.

Mr Speaker, Sir, our Government has always shown strong political will to ensure our elderly and other vulnerable groups are well cared for. Another example of our Government's good faith is that in spite of the current difficult situation due to COVID-19 pandemic, I reiterate, we have maintained the Basic Retirement Pension, the Invalidity Pension, the Widow's Pension at Rs9,000.

Today, the House is being asked to vote an additional amount of Rs375 m. for the Ministry of Social Integration, Social Security, and National Solidarity. This additional provision is required largely for the payment of Basic Retirement Pension due to a higher number of beneficiaries. It is good, I mention also that as is the case worldwide, Mauritius is also experiencing an ageing population.

According to the World Health Organisation, the general trend is towards living longer and the pace of population ageing around the world is increasing dramatically. Between the years 2015 and 2050, the proportion of the world's population over 60 years will nearly double from 12% to 22%. According to Statistics Mauritius, the population aged 60 in year 1970 represented 5.9% of the whole Mauritian population compared to 17.4% in 2019. The number of beneficiaries of Basic Retirement Pension in Mauritius and Rodrigues has therefore significantly increased over the years.

Let me take the past year as an example, the number of beneficiaries of Basic Retirement Pension increased from around 227,000 in July 2020 to around to 240,000 in 2021. So, this figure represents a rise of some 13,000 beneficiaries in only one year. As such, the increase in the number of beneficiaries coupled with the increase in the rate of basic pension has caused the budget of my Ministry to swell up. This explains why additional financial resources need to be allocated to my Ministry. But, Mr Speaker, Sir, we are doing this for a very good cause. This fund, I must say, is being used to provide a decent living to our elderly. It is very important for us to enable our seniors to age actively, comfortably and safely. The help shapes the Mauritius we know and love today and therefore supporting seniors is essential, is important.

Therefore, Mr Speaker, Sir, since 2014, our Government has shown its determination to help the underprivileged. The continuous increase in basic pension since 2014 is no doubt proof of our Prime Minister's consideration for the most vulnerable segment of our society. Our efforts have made, I am sure, a real difference in the life of so many families.

To conclude, Mr Speaker, Sir, let me reassure the House that all funds allocated to my Ministry are judiciously used in the best interest of the most vulnerable. Our Government is fully committed to continue supporting our elders and vulnerable groups. We remain people focused, Mr Speaker, Sir.

Thank you.

(3.21 p.m.)

Mr D. Ramful (First Member for Mahebourg & Plaine Magnien): Thank you, Mr Speaker, Sir. Mr Speaker, Sir, I propose to deal with only two items in the Estimates, in particular, the Rs3 billion in relation to the Economic Recovery Programme and also the Rs11.9 billion in relation to the National Property Fund Limited.

Let me start with the second one. Mr Speaker, Sir, we are being asked to vote Rs11.9 billion of taxpayers money. It is good that we refresh our memory sometimes. Mr Speaker, Sir, we have all witnessed the ordeal, *le traumatisme* that the Super Cash Back Gold policyholders and the Bramer Asset Management Debenture Holders have gone through over the years following the reckless and ill-advised move to dismantle the BAI Group, not to forget the overnight suspension of the licence of the Bramer Bank. The Government at the time, Mr Speaker, Sir, was determined to nationalise the BAI Group and we, from the Opposition, we warned the Government, *que le réveil sera brutal* and it will cost the Government coffers huge amount of taxpayers' money.

Today, Mr Speaker, Sir, this Supplementary Appropriation Bill before the House proves that we were right and they were wrong all the way. The Government...

(Interruptions)

Mr Ramful: at a time...

Mr Speaker: Do not do the same thing hon. Duval, again; moving from one seat to another.

Mr Ramful: Can I proceed, Mr Speaker, Sir?

Mr Speaker: Yes.

Mr X. L. Duval: But you allowed me, Mr Speaker, Sir. You stop him?

Mr Speaker: Yes, because you are my friend. Because you are my best friend, I allowed you.

(Interruptions)

Mr Speaker: Continue!

Mr Ramful: May I proceed, Mr Speaker, Sir? At a time when the financial situation of the country is extremely difficult, with the growth rate well below than what was expected and with a soaring public debt, in a situation where we had to take extreme measures, going to the extent of digging into the reserves of the BOM to cover for budgetary deficit.

At a time, when the population is being asked to make sacrifices, we are being asked to vote Rs11.9 billion of taxpayers' money to be injected in a Government-owned Company, which we knew right from the start of its creation that it would go burst, Mr Speaker, Sir. We have been misled; we have been misled all the way by Government.

Mr Speaker, Sir, on 08 September 2015, the then Minister responsible for this portfolio, as representative of the Government, made a Statement in this very House, and it is astonishing how the Government, at that time, misled the people. I will quote from this Statement; the Statement that was made before this august Assembly, and I quote –

“Madam Speaker...”

It is good that I bring this to your attention, Mr Speaker, Sir, because you were not here. At that time, we had Madam Speaker, and this is what the hon. Minister said –

“Madam Speaker, Government has undertaken to repay a massive amount of Rs19.2 billion regarding Super Cash Back Gold and Rs3.08 billion regarding investors of Bramer Asset Management Ltd. In total, this amounts to Rs22.3 billion, indeed a huge commitment taken to alleviate the suffering of these people.

To date, Rs6 billion has already been repaid to Super Cash Back Gold policyholders and Bramer Asset Investors. These repayments have been made from the realisation of Rs2.5 billion worth of liquid assets by the Special Administrators and a line of credit of Rs3.5 billion which has been granted for a period of one year from the BOM on the back of shares held in Britam Kenya, which has not yet been realised.”

I will come to Britam Kenya later on, Mr Speaker, Sir.

“The total amount of Rs16.3 billion, which remains to be paid to Super Cash Back Gold policyholders and Bramer Asset Investors, will be effected as from 30 June 2016, through zero coupon debentures redeemable in five equal instalments of Rs3.26 billion ending on 30 June 2020.”

And this is the most important part of his speech, Mr Speaker, Sir.

This is how, at that time, back in 2015, we were told how that amount, the Rs16.3 billion was going to be financed, and I quote Mr Speaker Sir. This is what the Minister said –

“Madam Speaker, the current Special Administrators and BDO have identified a possible total amount of Rs13.8 billion which is recoverable over the next four years for the payment of debentures from the sale of the National Insurance Company Ltd. (Life and General), immovable properties, including Bramer Property Fund, land and buildings of Apollo Bramwell Hospital, 17 apartments and 17 parking lots of the Diplomat Garden properties, recovery of specific assets at Pailles, Plaine Lauzun, Phoenix Les Halles and Montebello, amongst others. This will contribute Rs13.8 billion towards repayment of the debentures, which will then leave a net shortfall of Rs2.5 billion.”

So, Mr Speaker, Sir, back at that time, we were told and promised, in this very august Assembly, by Government, that no amount of public funds shall be used to reimburse the debt of the NPFL. We were told and promised that the BAI Group had sufficient assets to cover for its Financial Obligations. The truth today, Mr Speaker, Sir, is that there has been a *vente à l'encan* of the assets of the BAI Group. Courts Mammouth, sold at Rs400 m., Apollo Bramwell, sold at Rs700 m. Even *les petits copains* got involved! 43 *Berlines* of Iframac sold to Bissoon Mungroo at Rs 6.3 billion!

Mr Speaker: Talk on the Estimates!

(Interruptions)

Mr Ramful: Britam...This is what we were told!

Mr Speaker: Estimates!

Mr Ramful: Estimates! This is what we were told! This is where the money was supposed to come from!

Britam Kenya, sold at half the price, Rs2.4 *milliards*, when initially MMI Holdings was offering Rs4.3 *milliards*. By the way, we are still awaiting, Mr Speaker, Sir, the report of the Commission of Inquiry, which dates back to 2017. The Commission of Inquiry was set up in 2017. Four years down the line, we are still waiting for the report of the Commission of Inquiry.

So, Mr Speaker, Sir, as I have said, there has been a *vente à l'encan* of the assets of the BAI Group and the NPFL had to borrow, as stated by the Minister of Finance, from BOM and SBM; loans that were backed by guarantee from Government. And I must say that there has been a complete opacity....

(Interruptions)

Mr Speaker: No crosstalking!

Mr Ramful: ... by Government on this issue. If it were not for the Audit Report for the year 2017-2018, we would not have been aware that the NPFL had taken a loan of Rs3.5 billion from BOM plus interest, amounting to Rs0.9 billion, which has to be paid in one bullet repayment of Rs4.4 billion in June 2022. NPFL has also taken a loan of Rs6.4 billion from SBM in September 2017 and we have no idea when this loan has to be repaid back. So, this is why now we are being asked to vote an amount of Rs11.9 billion for repayment of these loans; Rs11.9 billion of taxpayers' money, Mr Speaker, Sir.

Now, I come to the issue of opacity. Mr Speaker, Sir, the NPFL is a wholly-owned Government company and under the Companies Act, as any other private company, it has an obligation to file its Financial Statement.

Would you believe this, Mr Speaker, Sir? This Government wants us to inject Rs11.9 billion of taxpayers' money in a company and yet this company has not filed its audited account since its creation in 2015. So, this Government, which has the responsibility of managing public funds, is investing Rs11.9 billion of taxpayers' money in complete opacity. There is no transparency at all, Mr Speaker, Sir, and there cannot be public scrutiny in the absence of transparency.

On so many occasions, Mr Speaker, Sir, in this House, PQs have been asked on the disclosure of the accounts of the NPFL, and the last one dates back to 11 August 2020, a PQ by hon. Uteem. And this was the answer of the hon. Minister responsible for this portfolio, hon. Seeruttun. He said –

“Mr Speaker Sir, in fact, I did reply earlier on with regard to the late filing of the accounts. The ex-BAI Group was a very complex structure and assets that were transferred had to be re-evaluated, and I am informed by the auditors that this exercise is nearly completed (...)”

This was said back in August last year and the Minister said that the exercise was nearly completed.

“...and it did take some time, but it is almost completed. That is what I have been informed and the accounts should be in a position to be finalized or for filing eventually.”

And we are still waiting. So, maybe, the Minister will enlighten us on this when it has been filed.

Let me come to the National Insurance Company Ltd, Mr Speaker, Sir. We are being asked to vote Rs4 billion to be injected...

Mr Speaker: Only on debate!

Mr Ramful: ...in the restructuring of the National Insurance Company Ltd. Again, on this issue we have been misled. This is what we were told about the NIC back in in September 2015 in this very Assembly, and I go back to the statement made by the then Minister at that time, and I quote –

“Madam Speaker, I am also informed that several parties have expressed interests to participate in the equity of the National Insurance Company Ltd, including two local insurance companies; a major UK based insurance company and a leading local bank, which is expanding in banking insurance as a platform to its future investments in Africa.

I am further informed that the interested parties have identified equity participation in NIC (...).”

He even went on to mention the reasons why those investors would be interested; I won't go into the reasons. And then, he said, I quote –

“Madam Speaker, Government intention...”

Look at this!

“Madam Speaker, Government intention has always been to safeguard the interest and alleviate the sufferings of the distressed policyholders and investors but not to run this insurance company in the long run.”

We are six years down the line, Mr Speaker, Sir. We are still running the company with taxpayers' money and, today, we are being asked to vote Rs4 billion of taxpayers' money for

the restructuring of that company. This is how we have been misled by this Government, Mr Speaker, Sir. And he went on, I quote –

“Madam Speaker, I am informed that there are already two firm offers which have been received by NIC Ltd. for participation in its equity. The first offer is for around 33% equity and the second offer is for an initial minority stake of 20% with an option to subsequently increase to a majority shareholding (...).”

They were selling dreams, Mr Speaker, Sir. They were selling dreams! Today, we have to inject Rs4 billion of taxpayers’ money for the restructuring of the NIC and I expect the Minister to give us some more details about the restructuring exercise that has been done at the NIC. Again, to come to the issue of opacity, I don’t know if this company also has filed its audited accounts, but it has been quite for long, PQs have been asked and I don’t know whether this company has filed its accounts as well. Now, I wonder if a proper actuarial evaluation of the policies in the NIC has been conducted to ensure the solvency of the company.

Therefore, Mr Speaker, Sir, if you include the 5.6 billion equity participation in MauBank Holdings, Rs1.6 billion in 2015, Rs3 billion loan from SBM guaranteed by the Government, Rs2 billion in 2019, the cost of dismantling the BAI Group has cost us more than Rs17.5 billion of taxpayers’ money. Therefore, Mr Speaker, Sir, to conclude on this item, we are being asked to vote Rs11.9 billion of public funds to be invested in a company without any valuation exercise. I am being told that now the accounts have been audited and without even ensuring if the assets reflect a fair value.

Now, let me conclude on this item by referring to what the Director of Audit said in its latest report about investments by Government in certain companies and the fair value of those shares. This is the observation made by the Director of Audit, and he said, investments for a total cost of Rs6.9 billion were disclosed at zero fair value as at 30 June 2020, in respect of equity participation in companies, which showed negative net assets. Today, we are investing Rs11.9 billion of taxpayers’ money in a company and we all know that it is money which is gone for good. That is what we call throwing good money after bad, Mr Speaker, Sir.

Mr Speaker, Sir, let me go on the second item, very briefly, with regard to the Rs3 billion in relations to the Economic Recovery Programme. I know that there was a Cabinet decision of 23 October 2020, with regard to the Cabinet agreed to the implementation of an

Economic Recovery Programme, which comprises a package of measures aimed at boosting the GDP growth, protecting jobs and creating new ones, reducing dependence on imports and improving the well-being of the population.

As I stated earlier on, Mr Speaker, Sir, we are going through tough times. According to Statistics Mauritius, the GDP for 2020 was negative 14.7%; the unemployment rate, 10.4%. Moody's has recently raised the alarms with regard to our debt sustainability and downgraded us. As at December last year, our public debt reached Rs361.9 billion, 84.5% of GDP. In these difficult times, Mr Speaker, Sir, we should put money where our mouth is. I expect the Minister to give us more details on the measures that have been taken by the different agencies, Landscape Mauritius, through the Mauri Facilities Management Ltd, the HRDC, and the EDB with regard to those who have benefited from the schemes under the EDB. So, Mr Speaker, Sir, this is what I had to say about those two items.

Thank you.

The Vice-Prime Minister, Minister of Education, Tertiary, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, I move for the adjournment of the debate.

Question put and agreed to.

Debate adjourned accordingly.

Mr Speaker: Hon. Prime Minister, summing-up!

(3.41 p.m.)

The Prime Minister: Mr Speaker, Sir, first of all, I wish to tender my apologies for the delay in addressing the House for the summing-up due to unforeseen circumstances.

Let me thank all the Members who have intervened during the debate. The Bill was prepared in consultation with the Ministry of Finance, Economic Planning and Development, the Registrar of Companies and the Attorney General's Office, and has as main objective the inclusion of foundations within the ambit of the Act, as already stated.

There is consensus on the inclusion of foundations controlled by non-citizens within the ambit of the Act.

Mr Speaker, Sir, as our legislation stands today, foundations may be used by non-citizens as vehicles to become legal owners of property in Mauritius. And as foundations

have not been included within the purview of the Act, there is a real risk that these entities be used by non-citizens to acquire prime land in Mauritius. The urgency is that some people are using the vehicle of a foundation to circumvent the law; hence the urgency to plug the loophole.

Mr Speaker, Sir, in reply to the hon. Leader of the Opposition on the urgency of the Bill, let me point out that when a Bill is considered urgent and has to be brought to the National Assembly soon after its approval by Cabinet, the Prime Minister issues a certificate of urgency under Standing Order 65 of the Standing Orders and Rules of the National Assembly. A Bill which is accompanied by a certificate of urgency can, therefore, be taken for the First, Second and Third Readings irrespective of time limits required in normal circumstances.

Moreover, in this case, as I have stated, there is information that certain persons may be using foundations to circumvent the law.

Regarding the proposal to require a non-citizen to seek authorisation under the Act prior to the disposal of property, I am of the view that this amendment was long overdue. An in-depth due diligence exercise is conducted both by my Office and the Economic Development Board, whenever prior authorisation is sought by a non-citizen to purchase property in Mauritius. This exercise is carried out with a view to ensuring that the correct procedures are followed with regard to the transactions and to ascertain that the sources of funds are in accordance with the Financial Intelligence and Anti-Money Laundering Act.

Mr Speaker, Sir, I have listened with great attention to various interventions on the other side of the House.

I must also, at the outset, dispel the misapprehension that the purpose of the proposed amendments is to control the price of the property and to whom it is being transferred.

The proposed amendments are meant to have a greater measure of oversight on disposal of property by a non-citizen. Mention has been made of scrutiny by international organisations such as FATF and V-Dem.

This House is aware that value of immovable property held or owned by non-citizen runs into several millions of rupees. It is only legitimate for the sake of accountability and transparency to know who is at the receiving end of a property worth several millions of rupees so that institutions are kept on notice of any transaction that remotely hints at unexplained wealth, if not money laundering.

I have also heard it said that the amendment has omitted the words “dispose of” from the various other subparagraphs of section 3(3)(c), apart from subparagraph (i).

Let me reply that the amendments to the other subparagraphs of section 3(3)(c) except subparagraph (i) are wholly unnecessary to the extent that the requirement for a non-citizen to require authorisation to dispose of property as defined by the Act, is already captured in the amendments that are made to section 3(1) of the Act. The amendments, in fact, now require every non-citizen disposing of property, including property under schemes overseen by EDB, to seek authorisation under the Act. However, it is to be noted that such disposals of property are the exception rather than the norm.

Finally, hon. Uteem has referred to elaborate provisions under sections 7(2) and (22) of the Trusts Act, preventing circumvention of the Non-Citizens (Property Restriction) Act that do not find their equivalence in the Foundations Act, even with the new amendments.

The hon. Attorney General has already addressed this issue. But, in addition, let me reassure the House that the current amendments not only target foundations that have as beneficial owner or ultimate beneficial owner, a person who is not a citizen of Mauritius, but also strengthen the definitions of ‘acquire’, ‘hold’ or ‘purchase’ to include a distribution of property to a beneficiary of a foundation.

Mr Speaker, Sir, at present, there is no requirement to seek authorisation under the Act when a non-citizen disposes of the same property he has purchased. Thus, the non-citizen can dispose of the property as he wishes. It is imperative again that this loophole be plugged.

Mr Speaker, Sir, I wish to point out that it would appear on the face of the Act that the Minister has wide discretionary powers. The practice, however, is that under my Prime Ministership, I have ensured that a proper process is set out from the time of application until the issue of the authorisation by me.

Mr Speaker, Sir, there is a dedicated team at my Office that carefully goes through the applications and subsequently seeks the views of the Attorney General’s Office to ensure that the applications are in order and fall within the strict confines of applicable legislation. It is then, and only then, after being satisfied that the applications comply with all the legal requirements, that approval is granted. It is ensured that there is no undue delay in processing applications so that the issue of hampering disposal of property does not arise. Anyway, as far as I am concerned, at the ultimate stage of approval, files generally do not remain with me for more than 24 hours unless there are genuine queries about the application.

Mr Speaker, Sir, to conclude, I would like to refer to the criticism made by the hon. Leader of the Opposition in the suggestion that Mauritius is slipping into “Autocratisation”.

Let me dispel this perception by referring to the Democratic Index compiled by the Economic Intelligence Unit. In fact, in 2011, when the hon. Leader of the Opposition was the Vice-Prime Minister, Mauritius was ranked 24th. For the year 2020, the Democratic Index has ranked Mauritius 20th and we are classified among the few countries as being a “Full Democracies Regime”, and I think that says it all.

Thank you, Mr Speaker, Sir.

Mr Speaker: Commend the Bill! Prime Minister, you commend the Bill!

The Prime Minister: Yes.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Non-Citizens (Property Restriction) (Amendment) Bill (No. VI of 2021) was considered and agreed to.

On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third reading

On motion made and seconded, the Non-Citizens (Property Restriction) (Amendment) Bill (No. VI of 2021) was read the third time and passed.

The Prime Minister: At this stage, Mr Speaker, Sir, may I move for adjournment of the House.

ADJOURNMENT

The Prime Minister: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 04 May 2021 at 11.30 a.m.

The Deputy Prime Minister seconded.

Question put and agreed to.

Mr Speaker: The House stands adjourned.

Adjournment Matters! I can see everybody interested. So, let's set the principle, short length of foundation, raising of the issues so that everybody gets a chance. Hon. Quirin!

MATTERS RAISED

ATHLETES - TRAINING

Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière): Merci, M. le président. Ma requête, cet après-midi, s'adresse au ministre de la Jeunesse et des Sports mais aussi à l'honorable Premier ministre. De prime abord, je dois dire qu'enfin l'irraisonnable n'est plus au rendez-vous et par conséquent, le bon sens a prévalu avec la décision prise par le gouvernement en faveur de celles et ceux qui pratiquent un sport individuel en extérieur. Et comme annoncé, à partir de ce 1^{er} mai 2021, ils seront désormais autorisés à s'adonner à leur jogging, à la marche à pied ou à faire du vélo, entre autres, ce qui va sans doute jouer positivement sur la santé mentale de bon nombre de mauriciens.

Si cette décision, M. le président, va dans la bonne direction, par contre, c'est consternant que malgré cette démarche, l'ensemble des sportifs mauriciens et mauriciennes, surtout ceux qui pratiquent un sport de haut niveau ou de niveau national ou régional, sont tout simplement ignorés. Et avec votre permission, très rapidement, M. le président, je vais citer un sportif de haut niveau, olympien de son état et multiple gagnant du tour de Maurice de cyclistes, notamment

Mr Speaker: Raise the issue! Other Members are waiting for their turn. Try to be democratic!

Mr Quirin: Oui, je vais faire vite, M. le président. Yannick Lincoln, à propos des interdictions et les incertitudes qui pèsent sur les sportifs en général. Je le cite -

« Même en ayant un degré de résilience considérable en tant qu'athlète d'expérience, je dois avouer que l'incertitude persistante et humiliante... »

Mr Speaker: Now you are taking too much time! So, I change!

Mr Quirin: M. le président, pour terminer, avec votre permission, je lance donc un appel au ministre de la Jeunesse et des Sports afin qu'il trouve les moyens nécessaires et adéquats, afin que nos sportifs aient l'espace intérieur ou extérieur ...

Mr Speaker: You made your point!

Mr Quirin: ... pour qu'ils puissent s'entraîner, bien sûr, tout en respectant les gestes barrières et les consignes sanitaires.

Mr Speaker: You made your point! You made your point!

(Interruptions)

Hon. Members, before the Minister replies, try to cooperate. It is in your own interest that I am doing it. Hon. Minister!

The Minister of Youth Empowerment, Sports and Recreation (Mr S. Toussaint):

M. le président, je dois dire que je n'ai pas compris du tout ce que l'honorable membre voulait dire. Le sport pour le grand public, ça c'est clair, à partir du 1^{er} mai, si tout se passe bien, bien sûr ; le Premier ministre l'a annoncé, tout le monde pourra aller faire son jogging. En ce qu'il s'agit des sportifs de haut niveau, ils ont leurs fédérations, ils n'ont qu'à faire leur demande à travers leurs fédérations. Et il faut savoir que bon nombre de sportifs de haut niveau ont eu la possibilité d'aller s'entraîner pour se préparer pour les jeux olympiques, tout comme les boxeurs Clair et Colin. Les handisports qui se préparent pour le paralympique de Tokyo 2021, ont eu l'autorisation et ils s'entraînent. Ils sont véhiculés par des transports mis à leur disposition et, donc, s'il y a d'autres demandes spécifiques de la part des athlètes de haut niveau, les élites, ils passent par leurs fédérations et, bien sûr, au niveau du ministère nous allons faire ce qu'il faut. Voilà!

CONSTITUENCY NO. 3 - ELECTED MEMBERS - VISIT TO AGALEGA - REQUEST

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):

Thank you, Mr Speaker, Sir. The matter which I wanted to raise is addressed to the hon. Prime Minister, I will, therefore, request his Deputy to make mention of this issue to him. I have written a letter now, almost three weeks, to the hon. Prime Minister, where I have referred in the letter to the right of every Member elected in Constituency No. 3 to travel to Agaléga, which forms part of our Constituency.

I have alerted the Prime Minister to the fact that there are two very urgent issues, amongst others, for which the inhabitants have requested not only me, but all Members of the Constituency to come to Agaléga. One, is the lack of transparency of the on the part of Government pertaining to the construction going on, whether there is a military base there or not, we are totally in the *flou*.

Our constituents have asked us to be there in order to discuss same with us, the lack of respect in hierarchy shown by the representative of the company called Rights, which is based at the Prime Minister's Office in Mauritius, for the Island Manager. And thirdly, the fact that there is a huge problem going on around there, pertaining to health issues and many other issues again. So, for those reasons, I have requested the hon. Prime Minister to make arrangements for us to be able to go to Agal'0ga since, it is our constitutional right to represent our constituents. I have not received an answer from the Prime Minister. However, I am very grateful, I have received an acknowledgement of the letter; at least, I have received that. But I would be very grateful if arrangements could be made ...

Mr Speaker: Please!

Mr Mohamed: ...because I do not - in conclusion, I do not want to be pushed ...

(Interruptions)

Mr Speaker: Don't mention ...

(Interruptions)

Mr Mohamed: ...to go to Court and to ask for constitutional redress against Government. Otherwise, within one week, I will have to do so.

The Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism (Mr S. Obeegadoo): Mr Speaker, due to unforeseen circumstances the Prime Minister has had to withdraw from the House before proceedings are over. The hon. Member may rest assured that I shall communicate the tenor of his intervention to the Prime Minister.

Mr Speaker: Hon. Dhunoo!

SMEs - VAT - PAYMENT TO MRA

Mr S. Dhunoo (Third Member for Curepipe & Midlands): Merci, M. le président. Ma requête ce soir s'adresse au ministre des Finances et ça concerne les petites et moyennes entreprises concernant le paiement de la VAT. Il y a pas mal de petites et moyennes entreprises qui doivent payer la VAT d'ici vendredi, mais le problème c'est que nous sommes en confinement et ils ne peuvent pas payer parce que le *Cash Office* de la MRA est fermé à cause du confinement. Je demanderai au ministre s'il peut étendre le paiement de la VAT pour ces entreprises-là.

The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy): M. le président, je remercie l'honorable membre pour cette question. Je tiens à le rassurer qu'au niveau de la *MRA*, ils ont déjà pris les dispositions pour que ce paiement soit reporté au 30 juin 2021. Merci.

Mr Speaker: Hon. Ms Bérenger!

ENDEMIC SPECIES - EXTINCTION

Ms J. Bérenger (First Member for Vacoas & Floréal): Merci, M. le président. Ma requête s'adresse au ministre de l'Environnement. Le projet d'agrandissement de la route à Chamarel, plus précisément la Route B 104, est en train de massacrer un type de forêt unique avec une végétation indigène des plus denses et regroupant principalement des espèces endémiques en danger d'extinction. Le ministre le sait, il ne nous reste que 4 % de nos forêts indigènes et nous sommes en train de détruire le peu qu'il nous reste. Nous parlons là, entre autres, d'Ébéniers noirs de plus de 500 ans. Il ne s'agit pas de bétonner pour mieux replanter ailleurs et, je dis bien, prétendre, parce que dans le cas actuel, il n'y a aucun projet de réhabilitation et, ça serait un désastre de sacrifier cette région qui a une grande capacité de régénération, mais surtout, la crise climatique c'est maintenant, et nous le voyons bien avec les inondations qu'il y a depuis quelques jours.

Donc, notre biodiversité aussi est en danger. Cette forêt abrite des Kestrels qui ont été sauvés de l'extinction dans les années 70 et, pour toutes ces raisons, qu'il connaît déjà, j'implore le ministre de l'Environnement de bien vouloir faire arrêter ce massacre et de commanditer une étude sur l'impact environnemental de ces travaux.

Je dépose également la lettre authentifiée du président de la *Royal Society of Arts and Science of Mauritius* qui explique la gravité de la situation et qui a d'ailleurs été adressée au ministre de l'Environnement, il y a deux semaines, mais qui est malheureusement restée sans réponse.

Merci.

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): M. le président, je dois dire qu'au niveau du gouvernement nous sommes très soucieux de la protection de l'environnement. Nous sommes pertinemment conscients des effets néfastes du changement climatique sur nos zones côtières et je peux assurer la Chambre que nous sommes en train de prendre toutes les dispositions nécessaires pour la protection de la faune, de la flore et aussi de la côte Mauricienne. Et je dois dire que pour les

agrandissements des routes, que ce soit au niveau de la *RDA*, que ce soit au niveau de toutes les autorités compétentes, nous sommes en train de prendre des dispositions pour s'assurer que là où cela doit se faire, malheureusement cela se fera, mais, bien sûr, nous sommes en train de prendre des dispositions pour la replantation d'autres plantes. Mais, nous savons pertinemment bien que cela ne remplace pas les arbres centenaires mais malheureusement il y a des exigences pour le développement. Mais quand même, M. le président, je dois dire qu'il ne faut pas être sélectif dans son approche. Il faut se rendre à l'évidence. Aujourd'hui, il y a des projets gouvernementaux, il y a aussi des projets du privé et les projets du privé, que ce soit le *PDS*, le *IRS*, le *RES*, et certains membres de la Chambre ne doivent pas être sélectifs dans leur approche et de reconnaître...

(Interruptions)

Mr Speaker: Order!

Mr Ramano: ...aujourd'hui...

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Mr Ramano: ...il y a pas mal de plantes...

(Interruptions)

Mr Speaker: Order!

Mr Ramano: Il y a pas mal de plantes qui ont été coupées par le secteur privé où les membres de l'Opposition sont restés insensibles. M. le président...

(Interruptions)

Mr Speaker: Order !

Mr Ramano: Je dois dire une chose, au niveau du gouvernement...

Mr Speaker: Order ! You don't have the floor there!

Mr Ramano: Pour chaque...

(Interruptions)

Mr Speaker: Order! Order!

Mr Ramano: Pour chaque arbre qu'on va couper, on va faire le 'Tik Tok', on va faire des vidéos, cela ne changera rien, M. le président. Notre préoccupation en ce qui concerne le changement climatique, la protection de l'environnement reste inchangée.

Mr Speaker: Hon. Mrs Mayotte!

(Interruptions)

Ms J. Bérenger: Regardez les photos !

Mr Speaker: Hon. Ms Bérenger, try to control yourself!

(Interruptions)

Mr X.L. Duval: They are being provocative!

(4.05 p.m.)

CHEMIN GRENIER, SURINAM & CHAMOUNY - POTABLE WATER

Mrs S. Mayotte (Second Member for Savanne & Black River): M. le président, ma requête s'adresse au ministre des Utilités publiques. Une demande urgente des habitants de Chemin Grenier, Surinam et Chamouny, qui, à chaque période de grosses pluies, sont privés d'eau potable dans les robinets puisqu'à ce moment, il y émane une eau boueuse et cela est une situation récurrente depuis un certain temps. Donc, je demanderai humblement au ministre des Utilités publiques de traiter cette situation en urgence. Merci.

(4.05 p.m.)

The Minister of Energy and Public Utilities (Mr G. Lesjongard): Thank you, Mr Speaker, Sir. Mr Speaker, Sir, I thank the hon. Member for raising this issue, which I am aware of, and I have requested the CWA to submit a report on the situation because we had faced the same situation some weeks ago. I have gone through the report and, true it is, that during heavy rainfall, because of the presence of muddy water, it is very difficult to treat the water and this has got to do with the turbidity of water, that is, sediment present in the water. The treatment plant that we have, normally is of a capacity to be able to treat the turbidity in the water of an order of 400 - I don't know the measurement really but I understand that with the heavy rainfall that we are having, it has doubled. So, we are looking for solutions, but it will be difficult to find solutions because this has happened in the past also. It is difficult to find solutions in the short-term, but I promise the hon. Member that we will find solutions in

the medium-term and that, in a few months' time, we will be able to treat water during heavy rainfall and treat water of higher turbidity.

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Ms Anquetil!

**DUNPUTH LANE, RIVIERE SÈCHE, FLOREAL - HEAVY RAINFLL -
WATER ACCUMULATION**

Ms S. Anquetil (Fourth Member for Vacoas & Floréal): Je vous remercie, M. le président. Ma requête s'adresse au ministre des Administrations régionales. A chaque grosse pluie, il y a une accumulation d'eau pendant plus d'une semaine, rendant le Dunputh Lane à Rivière sèche, Floréal, impraticable aux piétons et aux automobilistes. Cette situation perdure depuis des années et je sollicite l'intervention du ministre car il est urgent de trouver une solution permanente afin d'éliminer l'eau stagnante et soulager la vie des habitants de la région.

Je vous remercie, M. le président.

(Interruptions)

Mr Speaker: Order!

Any Minister passing on the message?

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I am going to pass on the message to the Municipal Council of Curepipe.

Mr Speaker: Hon. Uteem!

VALLÉE PITOT – FLOOD-PRONE AREA – LANDSLIDE RISK

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Speaker, Sir, I have a matter which is addressed to the hon. Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism. It concerns people in my constituency in Vallée Pitot who live in a flood-prone area, where there is the risk of landslides and this risk has been identified by Japanese experts. Several times, I have asked parliamentary questions in this House. Because there is no solution these people have to be relocated, and the Minister of Housing stated that they would be relocated. Today, with the

heavy rainfall, again, there is the risk of cracks appearing in the houses, so, anytime these houses can collapse. We don't want to have a repeat of what happened in La Butte. So, I am going to urge the hon. Deputy Prime Minister, if he can look into the matter and arrange for the displacement of these inhabitants who are at risk of landslide.

Thank you.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, if you allow me. I am chairing a Committee on Landslide at Chittrakoot and Vallée Pitot. So, we are looking into the matter now. I know it's been for a long time, but we'll try to find a solution. We are working on it, Sir.

Mr Speaker: Hon. Armance!

RÉSIDENCE SIR GAËTAN DUVAL, GRNW - ROADS

Mr P. Armance (Third Member for GRNW & Port Louis West): Ma requête ce soir s'adresse au ministre du *Local Government*, c'est concernant l'état des routes à la Résidence Sir Gaëtan Duval à Grande Rivière. Actuellement, toutes les routes sont endommagées, bourrées de nids-de-poule à toute longueur de mètre. Je sais qu'à long terme il y a le projet de réasphaltage et de drains, mais à court terme, si le ministre peut envoyer une équipe pour faire du *patching* afin de soulager les usagers de la route. Merci.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I would ask the Member to put that issue through the CSU and we will look into it.

Mr Speaker: Hon. Ramful!

RODRIGUES - SMF OFFICERS

Mr D. Ramful (First Member for Mahebourg & Plaine Magnien): Mr Speaker, Sir, it is a simple issue. It concerns the Prime Minister as well as the Minister of Public Service, Administrative and Institutional Reforms. It concerns 32 SMF Officers who have been delegated for duty in Rodrigues, they have been there since 04 February and because of the confinement they are stuck there. They were supposed to be there for 40 days and it is now nearly three months and we are going forward with partial deconfinement.

Can I request the hon. Minister to kindly do the needful, if a fresh batch of SMF Officers could be deployed to relieve them? Thank you.

The Minister of Public Service, Administrative and Institutional Reforms (Mr T. Hurdoyal): Thank you, Mr Speaker, Sir. I thank the hon. Member for his question. I will look into the matter.

Mr Speaker: Hon. Nuckcheddy!

MARE LA CHAUX VILLAGE - DODO BONES - RESTRICTED AREA

Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil): Thank you, Mr Speaker, Sir. My request today is addressed to the hon. Minister of Arts and Cultural Heritage and it concerns the site in the village of Mare La Chaux where bones of Dodo had been found two years ago. At the very start, the site has been declared a restricted area and was hoarded. Now, with time the hoardings have been worn out. I would thus request the Minister, if he can re-ward that site. Thank you.

The Minister of Arts and Cultural Heritage (Mr A. Teeluck): Thank you, Mr Speaker, Sir. I will ask the Museum Council to look into it and we certainly will take on board the request. Thank you.

(4.11 p.m.)

Mr Speaker: Hon. Dr. Gungapersad!

POINTE AUX CANONNIERS - PLEASURE CRAFTS & FISHING BOATS - BEACH ACCESS

Dr. M. Gungapersad (Second Member for Grand'Baie & Poudre d'Or): Thank you, Mr Speaker, Sir. My request is addressed to the hon. Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism. There are a few pleasure crafts and

fishing boat owners who have drawn my attention regarding the problems they are facing to have access to the beach of Pointe aux Canonniers.

Over the years, bungalow owners, especially those which are found along the beach, have blocked the passages used by these pleasure crafts and fishing boat owners by constructing walls. I will provide you more details regarding the exact location of those blocked passages.

I am referring to the Deputy Prime Minister so that he can use his good office to address this issue. On behalf of the aggrieved parties, I thank you in advance.

The Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism (Mr S. Obeegadoo): Mr Speaker, Sir, I should be very happy to look into it, provided I have precise information concerning the location of the problem just raised.. Thank you.

Mr Speaker: Hon. Ameer Meea!

ALFRED BESNARD STREET, ROCHE BOIS – DRUG ISSUE

Mr A. Ameer Meea (Third Membr for Port Louis Maritime & Port Louis East): Mr Speaker, Sir, the issue I am raising is addressed to the hon. Prime Minister. It is in relation to drug issue in Roche Bois, Cocoterie region, Alfred Besnard Street.

I have raised this issue in the House several times at adjournment time and in PQs. The reason I am raising this issue again today is that during confinement time there has been an acceleration of drug trafficking in this region. I think the drug dealers there are making the most of it during confinement time. So, I will request the hon. Prime Minister to convey this message to the Commissioner of Police and that urgent necessary actions are taken.

The Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism (Mr S. Obeegadoo): Mr Speaker, Sir, I will certainly convey the message to the Prime Minister but I would invite the hon. gentleman, if he has more precise information, to communicate it directly to the Prime Minister so that we may act effectively.

Mr Speaker: Hon. Assirvaden!

(4.13 p.m.)

MORCELLEMENT DOWLUT, PHOENIX - FLYOVER

Mr P. Assirvaden (Second Member for La Caverne & Phoenix): Merci, M. le président. Ma requête est adressée au ministre des Infrastructures nationales et du Développement communautaire, l'honorable Bobby Hurreeram. Il est absent, je demanderai au Deputy Prime Minister s'il peut transmettre ma requête au ministre. Ma requête concerne les habitants du Morcellement Dowlut à Phoenix. Le *flyover* est en construction et le centre Abdul Razack Mohamed et la mosquée du centre se trouvent enclavés avec la construction de ce *flyover*. Les habitants du Morcellement Dowlut ont écrit au ministre et au Premier ministre. Je demanderai au Deputy Prime Minister de transmettre, si le ministre peut avoir, avec la RDA, une rencontre avec les habitants du Morcellement Dowlut à Phoenix pour pouvoir voir comment on peut faciliter l'entrée de la région du Morcellement Dowlut sur le *flyover*.

The Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism (Mr S. Obeegadoo): Mr Speaker, Sir, our colleague is absent for obvious reasons given the situation, the climatic conditions and I shall certainly convey the message to him.

Mr Speaker: Hon. Nagalingum!

(4.14 p.m.)

POLICE OFFICERS - PROMOTION

Mr D. Nagalingum (Second Member for Stanley & Rose Hill): Mr Speaker, Sir, with your kind permission, allow me to seek information from the hon. Prime Minister. In fact, the hon. Prime Minister some time back in October 2019 mentioned that all Police Officers of the grade of Caporal were to be automatically promoted to the grade of Sergeant. I received representation from some Police...

(Interruptions)

Mr Speaker: This is policy decision, administration!

Mr Nagalingum: This is something that I have got from ...

Mr Speaker: No. Your constituency, talk about your constituency. Come on, change!

Mr Nagalingum: ... or elsewhere as the same has not been implemented yet, will the hon. Prime Minister inform the House if this will be done and when?

The Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism (Mr S. Obeegadoo): I will convey the message, Mr Speaker, Sir.

Mr Speaker: Hon. Juman!

(4.15 p.m.)

QUARANTINE PERIOD – EXPATRIATES FROM INDIA

Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East): Thank you, Mr Speaker, Sir. With your permission, before making my request, I just want to say that the people of India are in our thoughts and prayers since we know how much they are suffering because of the COVID-19. Having said this, Mr Speaker, Sir, I would like to request the hon. Minister, in view of this disastrous situation prevailing in India, to extend the quarantine from 14 days to 21 days for all those coming from India, with of course special facilities for those not having the financial means to pay for same.

The Minister of Health and Wellness (Dr. K. Jagutpal): Mr Speaker, Sir, as for India, the virus in India which is present; we do not have any study showing that the incubation period is more than 14 days. Nevertheless, I think this has already been under discussion in the High-Level Committee and we are looking into this matter, and obviously if ever this decision will be taken, we will inform the Mauritians coming from India.

Mr Speaker: Hon. Dr. Aumeer!

(4.17 p.m.)

ALMA LANE, VALLÉE PITOT – SPEED BREAKER

Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) Thank you, Mr Speaker, Sir. My request is addressed to the Minister of Land Transport and Light Rail following representations made to me by inhabitants of Vallée Pitot, particularly Impasse Alma, starting...

(Interruptions)

Mr Speaker: Leader of the Opposition, help your colleagues!

Dr. Aumeer: ... starting from Parc Boeuf to Alma Street, of motorcycles speeding day and night and representing a danger to those public living there since there are no

pavements. I request the hon. Minister to see with the relevant authorities, particularly the Traffic Management and Road Safety Unit, if speed breakers or any other alternatives can be put in place to put an end to such traffic difficulties.

The Minister of Land Transport and Light Rail, Minister of Foreign Affairs, Regional Integration and International Trade (Mr A. Ganoo): Yes, Mr Speaker, Sir, I have taken good note of the issues raised by the hon. Member. I will certainly do the needful.

Mr Speaker: Hon. David!

(4.18 p.m.)

CAUDAN & DE CONTI STREETS, PORT LOUIS - FLOODING

Mr F. David (First Member for GRNW & Port Louis West): Merci, M. le président. Ma requête s'adresse au ministre des Infrastructures nationales et du Développement communautaire qui, je le comprends, doit être sur le terrain. Elle concerne les maisons qui se trouvent dans les rues Caudan et De Conti à Port Louis, en bout de ce qui est connu comme le Ruisseau Créole. En ces temps de forte pluie, l'eau provenant de la montagne des Signaux et de Marie Reine de la Paix notamment est acheminée dans ce ruisseau et déborde à hauteur de ces quatre ou cinq maisons en bout de ruisseau. Puis-je donc solliciter l'attention du ministre pour que son ministère puisse notamment considérer le rehaussement des murs de rétention en bout de ruisseau pour éviter tout risque d'inondation.

The Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism (Mr S. Obeegadoo): The point is noted and will be conveyed to the Minister.

Mr Speaker: No other issues to raise so, the House stands adjourned. Thank you.

At 4.19 p.m., the Assembly was, on its rising, adjourned to Tuesday 04 May 2021 at 11.30 a.m.