No. 24 of 2019

REPUBLIC OF MAURITIUS

SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

TUESDAY 16 JULY 2019

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THE CABINET

(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
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Hon. Prithvirajsing Roopun	Minister of Arts and Culture
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Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
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Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance

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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 24 of 2019

Sitting of 16 July 2019

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

The National Anthem was played

(Madam Speaker in the Chair)

PAPERS LAID

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

A. <u>Prime Minister's Office</u>

Certificate of Urgency in respect of the following Bills (In Original):

(i) The Workers' Rights Bill (No. XVIII of 2019);

(ii) The Employment Relations (Amendment) Bill (No. XIX of 2019).

B. <u>Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping</u>

The Annual Report of the Fishermen Welfare Fund for the year ended 30 June 2018.

ORAL ANSWERS TO QUESTIONS

ST FRANCOIS, RODRIGUES – TREASURE TROVE

The Leader of the Opposition (Mr X. L. Duval) *(by Private Notice)* asked the Minister of Minister of Arts and Culture whether, in regard to a treasure trove allegedly discovered at St Francois, in Rodrigues, he will state –

(a) when it was discovered and by whom;

(b) the estimated value thereof;

(c) if the National Heritage Fund has granted permission for excavation, pursuant to section 6(c) of the National Heritage Fund Act;

(d) if excavation works have begun and, if so, indicate the outcome thereof, and

(e) if consideration will be given for the vesting of any treasure found in the Rodrigues Regional Assembly after application of the relevant legislation.

Mr Roopun: Madam Speaker, with regard to part (a) of the question, I am informed that an affidavit was sworn by Mr Roger Doger de Spéville on 15 May 2019, informing that he had, along with one Mr Georges Désiré Némorin, found the following items in Rodrigues on or about 22 March 2019 –

(i) a rusted chest, damaged on the edge as if it had received a knock and leaning towards the West and not horizontal. According to Mr Roger Doger de Speville, the said chest might date as far back as about 300 years;

(ii) a piece of metal strip reinforcement from the chest located to the right of the chest on the ground;

(iii) to the right of the inclined, leaning chest, the remains of broken rope seemingly from a rope and pulley hoist system, symmetrical objects used by men probably to lower this chest into the hole;

(iv) a flat rock placed vertically in front of the chest, towards the East;

(v) a small, unidentifiable bright red dot under the trunk, and

(vi) a chimerical object seemingly with the skull of goat and possibly the body of a fish.

As regards parts (b) and (d), Madam Speaker, no excavation has begun and, therefore, at this stage, the estimated value cannot be determined.

With regard to part (c), I am informed that, as at date, no request has been received by the National Heritage Fund for a permission to excavate.

Concerning part (e), I wish to point out that the Articles 713 and 716 of the *'Code Civil Mauricien'* provide as follows –

(a) Article 713 –

« Les biens qui n'ont pas de maître appartiennent à la nation.»

(b) Article 716 –

« La propriété d'un trésor appartient à celui qui le trouve dans son propre fonds : si le trésor est trouvé dans le fonds d'autrui, il appartient pour moitié à celui qui l'a découvert, et pour l'autre moitié au propriétaire du fonds. Le trésor est toute chose cachée ou enfouie sur laquelle personne ne peut justifier sa propriété, et qui est découverte par le pur effet du hasard.»

Accordingly, in view of the complexity of the case, legal implications will be looked into by all parties concerned, namely the Ministry of Defence and Rodrigues, the Ministry of Arts and Culture, the Attorney General's Office, the Rodrigues Regional Assembly and the National Heritage Fund, amongst others.

Mr X. L. Duval: Madam Speaker, given that some two months ago, I understand that the same Mr de Speville and Mr Némorin also, probably, met with the Rt. hon. Minister Mentor around mid-May, may I ask the hon. Minister whether that is the case and how come, since mid-May this is known to the Government of Mauritius, the Rodrigues Regional Assembly had to wait for articles in the press, weeks later to be made aware of same?

Mr Roopun: Madam Speaker, I wish to state that once the Rt. hon. Minister Mentor was apprised of the situation, consultations were carried out and the Rodrigues Regional Assembly was informed in good time.

Mr X. L. Duval: Madam Speaker, obviously, the hon. Minister has not even taken note of what is happening, what was printed in the press this morning - and I have copies of it - about a press conference yesterday by Commissioner Rose de Lima Edouard saying the

Rodrigues Regional Assembly learned of this matter in the press. How can the Government be so disrespectful towards the Rodrigues Regional Assembly?

Mr Roopun: Madam Speaker, the hon. Leader of the Opposition is quite an experienced politician and he knows that we cannot believe whatever is stated in the press, and I do not think that we can base ourselves on press articles to state facts as if they are the truth.

Mr X. L. Duval: Madam Speaker, this is a press conference by the Commissioner for Arts and Culture in Rodrigues, and it was covered by two newspapers this morning and also on the web, saying that she learnt of the issue in the press. This is not hearsay, written here and there, it is a press conference yesterday.

Mr Roopun: Madam Speaker, I may confirm that, in good time, the Rt. hon. Minister Mentor had informed the Chief Commissioner, once the issue was made known to him.

Mr X. L. Duval: This issue is of such great importance, especially to the people of Rodrigues. May I ask the hon. Minister whether there was any correspondence? This was said verbally or some correspondence was sent by the Minister of Rodrigues, his own Ministry, perhaps, to the Rodrigues Regional Assembly? Was it done officially in a correspondence?

Mr Roopun: Yes, Madam Speaker. If I am not mistaken, a first correspondence was sent on 11 June to the Rodrigues Regional Assembly.

Mr X. L. Duval: It is exactly my point, Madam Speaker. The press article started to appear on 09 June, that is, more than three weeks after the Rt. hon. Minister Mentor was made aware of the discovery of the treasure. Why this delay?

Mr Roopun: Madam Speaker, the House will appreciate that, to my recollection, this is the very first time that we are having certain issues raised about somebody allegedly discovering a treasure. I understand that once a correspondence was received at the level of the Ministry of Rodrigues, the State Law Office was consulted to have all the legal implications and, thereafter, the Rodrigues Regional Assembly was informed and advised about appropriate measures that needed to be taken.

Mr X. L. Duval: Weeks later after Press articles; that is clear now. May I ask the hon. Minister, in the weeks that went by, from mid-May, when the Rt. hon. Minister Mentor was informed, why was there no security provided on the site and security has only been provided by the SMF as from last week?

Mr Roopun: Madam Speaker, I wish, first of all, to correct the hon. Leader of the Opposition. It is untrue, not correct to say that no measure was taken and that it was only after the Press article that we started to act on it. Very early, once we were aware of it, the Rt. hon. Minister Mentor took all appropriate measures. Insofar as Police control was concerned, the RRA was informed. In fact, I agree that it was early of July that the SMF went on site, but we were expecting that measures would have been taken by the RRA. Thereafter, after representation, Government decided that we should secure the site and SMF was placed on site to secure it.

Mr X. L. Duval: The hon. Minister admitted himself that the RRA was informed weeks after the Rt. hon. Mentor became aware of it, and now he is saying the SMF was sent there last week. But the Police is not under the control of the RRA; the Police is under the control of the Commissioner of Police here. So, why, since 15 May - we will talk later because, apparently, the treasure has disappeared; this is something else - there was no Police security there?

Mr Roopun: Madam Speaker, let me repeat. The Rodrigues authorities were informed on 11 June and, thereafter, it was only, in fact, in July that we placed security there. But the Rodrigues Regional Assembly was informed well in advance for them to take whatever measure was needed.

Mr X. L. Duval: Madam Speaker, let us come to another issue. With all the technologies that exist, remote cameras, everything else, what has been done by Government, in the last two months, since you became aware of this issue? What has been done by Government to find out, even by remote means, metal detector, remote cameras, lights, etc., to find out whether any of the items that were averred in the document that the hon. Minister has just cited earlier from Mr de Speville were, in fact, there?

Mr Roopun: Madam Speaker, first of all, I wish to state that we have given some autonomy to Rodrigues. The authorities in Rodrigues were informed about the situation and it was up to the Rodrigues Regional Assembly to take whatever measures needed to be taken, but, as presently advised, I am not aware whether any such investigation has been carried out by the Rodrigues Regional Assembly.

Mr X. L. Duval: Are you not aware, Mr Minister, of the National Heritage Fund, their responsibility concerning all cultural heritage of Mauritius? Are you saying that you

became aware two months ago, and not even an attempt has been made with all the technologies that exist to find out whether any of what is in this affidavit is true?

Mr Roopun: Madam Speaker, as per the National Heritage Fund Act, up till now, nothing has been declared as cultural heritage as stated by the hon. Leader of Opposition. In fact, there is a procedure. Whenever we need to declare a particular site as cultural heritage, the process needs to be done, but, in any event, they are mere allegations at this stage. We even don't know. Nothing has been carried out so far but, of course, if there is need, in due course we are going to ensure that whatever level protection is needed to the site will be done.

Mr X. L. Duval: I am surprised, Madam Speaker, that the Government has done nothing in the last two months to even verify what is there. Madam Speaker, I will remind the hon. Minister of what section 6(c) of the National Heritage Fund Act says, the role of which is –

> "to regulate and authorise the activities pertaining to the exploration, excavation, salvage of national heritage or any object or structure of cultural significance;"

Are you saying that, to you, Mr Minister, this treasure in Rodrigues is of no cultural significance to the National Heritage Fund?

Mr Roopun: Madam Speaker, first of all, we should not assume that there is any treasure.

(Interruptions)

No! We are anticipating lots of things. The first thing that we did was to inform the Rodrigues Regional Assembly because we know that whatever is in Rodrigues has been vested under the law and Rodrigues has got its autonomy. We informed the Rodrigues Regional Assembly and, of course, whenever there is need for us to act, we are going to act.

Mr X. L. Duval: Madam Speaker, the hon. Minister informed them weeks later - weeks later! Even one day later would have been too late. Madam Speaker, there are reports, again, in the Press, this morning's Press - the Minister may not have had time to read - that there have been *traces de fouille* at the site. In fact, this is what Mr Richard Payendee said in *Defi Media* –

> *« Le trésor a déjà été extirpé. »*

And *L'Express* of this morning also cited the fact that the treasure may already have disappeared. Given that the hon. Minister has done nothing to find out if any of this is true, and you have sent the SMF weeks, if not months later, what is he going to do about the reports in the Press now?

Mr Roopun: Madam Speaker, I may confirm that since - I have to check the date, but I believe it is early July - early July, the site has been secured by the SMF and it is still under the control of the SMF.

Mr X. L. Duval: My God! Madam Speaker, I will remind the hon. Minister that it was early this year that the treasure was found. In May, the Ministry of Rodrigues was informed and it is early July, two months later, that you sent in security.

Madam Speaker, let me now move to the future. I maintain that the National Heritage Fund has a role to play, although I would wish to see the treasure go to Rodrigues fully after application of the law. But the National Heritage Fund cannot run away from its responsibility as regards cultural value and should assist.

Madam Speaker, can I ask the hon. Minister whether he has taken any measure to assist the RRA or the National Heritage Fund to find archaeologists - now, months have gone - to help the Government, whether they are based in Mauritius or overseas, to excavate the site?

Mr Roopun: Madam Speaker, I wish to correct the hon. Leader of the Opposition that, once the Rt. hon. Minister Mentor was aware of it, we have been working in collaboration. The NHF has been working in collaboration with officials of the Ministry of Rodrigues and they have been kept informed about the situation as to the law and what needed to be done. It is completely untrue to state that the NHF did not do anything. There was constant consultation between the NHF and the Minister responsible for Rodrigues.

Mr X. L. Duval: Madam Speaker, I will quote from this morning's *Le Defi* –

« La Commission a pris connaissance de l'existence de cette découverte à travers la presse. »

This is the Commissioner Rose de Lima Edouard telling so, and you have…

(Interruptions)

Madam Speaker: Order!

Mr X. L. Duval: Well, I can see no correction anywhere in the Press.

Madam Speaker: Order on this side of the House!

Mr X. L. Duval: You were waiting for the PNQ to answer, I see.

Madam Speaker, let me ask the hon. Minister and my question is clear, unless he is saying that this *Commissaire*, Rose de Lima Edouard has been lying to the Press. Otherwise, it is clear what is being said.

Madam Speaker, I am going to move on to another question, same question that he has not replied. In the future - forget the past, it is a whole mess; in the future now - are archaeologists going to be hired with the help of the Government of Mauritius, hopefully, to go - a proper archaeologist - and excavate the site?

Mr Roopun: First of all, Madam Speaker, I wish, once again, to correct the hon. Leader of the Opposition. There has been no mess. Second thing, I may confirm again that the Rt. hon. Minister Mentor met personally the Chief Commissioner from Rodrigues, Serge Clair, and he was fully informed about the situation. A letter was sent on 11 June and we explained…

(Interruptions)

Madam Speaker: Order!

Mr Roopun: …and we explained clearly…

Madam Speaker: Order, please! No crosstalking!

Mr Roopun: … that we have been in constant contact with the authority in Rodrigues. There has been constant contact on this issue with the RRA and the Chief Commissioner, and I will not dwell into what one Commissioner stated. The Rt. hon. Minister Mentor confirmed that he talked about this issue with the Chief Commissioner in person long ago and also that a letter was sent regarding this issue. I confirm, once again, the mess is only in the mind of the hon. Leader of the Opposition.

Mr X. L. Duval: You are a mess, yourself! Madam Speaker,…

Madam Speaker: Please, don't…

Mr X. L. Duval: I said you are a mess yourself. Madam Speaker, I am going to ask the hon. Minister to give us some dates. The Rt. hon. Minister Mentor met Serge Clair, we do not know when. We only have the date of the letter that was sent weeks later. I am going to

ask my question again; I have no answer for the future. I want to ask the hon. Minister whether he has taken the trouble, since he is the Minister of Arts and Culture of the Republic of Mauritius, to assist the Regional Assembly to find out whether that treasure has, indeed, as Commissioner Payendee said, rightly or wrongly, I don't know, that this treasure worth billions of Euros has disappeared. This is also there. Has he taken the trouble to read and, as Minister responsible for the National Heritage, with the RRA, taking any notice at all? Have you even shown so much disrespect to Commissioner Payendee that you have not even bothered to worry about it?

Mr Roopun: First of all, I must say that there are lots of speculations regarding this alleged treasure and I don't know whoever, how is it that we can state billions of Euros, on what basis this has been stated. I leave it to the one who made the statement. With due respect to the one who made the statement, let me confirm, once again, that we are working in close collaboration with the RRA, and I understand that the RRA is contemplating to seek the services of an archaeologist to assist in the exploration of the area. The area has already been secured; it is going to be…

(Interruptions)

Madam Speaker: Please!

Mr Roopun: The hon. Leader of the Opposition wanted to know what is for the future. I am answering for the future. We are going to seek the advice of archaeologists whenever needed. The site has been secured. It is going to be delimited. If need be, we are going to seek international cooperation on this case and, if need be also, whatever exists under the NHF Act, we are going to trigger the process.

Mr X. L. Duval: Madam Speaker, the hon. Minister will know that his colleagues are getting very excited around him. Let me ask, Madam Speaker - reports by the Commissioner of the Environment state that *le trésor a été extirpé*. Now, two months have gone by. What effort, if anything, have you done to verify after all what an elected Member of the Commission in Rodrigues has been saying publicly?

Mr Roopun: I don't know what is the expertise of the Commissioner. I don't know how we can state that something has been *extirpé,* as you said. But what we can say is that we should act in a very sensible manner. The first thing, I just want to recapitulate. The Rt. hon. Minister Mentor received a correspondence from Juristconsult about an affidavit which was sworn by an individual. In the light of this affidavit, the SLO was contacted, because I must

remind the House that this is the very first time that we are facing such an issue. The SLO was contacted and once the advice was obtained - and this advice, this consultation - I must state that the Rt. hon. Minister Mentor, the Ministry contacted all relevant stakeholders in Mauritius. A letter was sent early June to the RRA and we have been doing our level best to keep everybody informed and to ensure that everything is done according to the law and that the rights of all individuals are secured.

Mr X. L. Duval: Madam Speaker, have you noticed that whatever question I ask, I get the same reply? Same reply whatever question I ask. Madam Speaker…

(Interruptions)

Madam Speaker: Order on this side of the House! Order!

Mr X. L. Duval: The question is this.

(Interruptions)

Madam Speaker: Order, please! The hon. Leader of the Opposition has the floor; he has a legitimate right to be heard.

Mr X. L. Duval: Madam Speaker, thank you. Legitimate right, Madam Speaker, and a legitimate right to be answered to the question that we are asking legitimately. Now, there is this talk of the treasure having disappeared. You have not used any technology, easy technology; remote cameras available even in the shop, metal detectors are available in the shop. You have not even deemed to use even the basic technology to find out whether anything is there and what security measures ought to be appropriately taken. You are making fun of the fact that it may not be worth billions of Euros. But it may be or may not be, you don't know, you have not checked.

Madam Speaker: Yes, we understand your question.

Mr Roopun: Madam Speaker, we are not making fun of anybody. I repeat that we acted diligently in the circumstances after we were made aware of it, and we gave due respect also to the Rodrigues Regional Assembly and ensured that whatever communication had to be sent was sent there. There was due communication between the Rt. hon. Minister Mentor and the Chief Commissioner. Ultimately, Government took the decision to secure the site through the SMF and, up till now, this is done. And I may reassure the House that whatever needs to be done is going to be done by the Minister for Rodrigues, by my Ministry, by the NHF, together with the Rodrigues Regional Assembly. In the meantime, we have secured the

site and, if need be, to secure the assistance of archaeologists, other experts, local or international, everything is going to be taken care of. But, at this juncture, Madam Speaker, I ask the hon. Leader of the Opposition not to trust whatever is being stated in the press.

Madam Speaker: Hon. Leader of the Opposition, you have around six minutes. I do not know whether you would wish others to ask questions.

Mr X. L. Duval: Yes, I will ask this question; probably, the most important question. We know the law says that - you quoted the Code Civil - if indeed, the persons found a treasure fortuitously, *par hasard,* then they may get 50%. I don't want to go into that. But the remainder, the minimum that will be left is 50%. Hopefully, 100% for Mauritius. I would like the hon. Minister to say clearly that whatever the law says, nothing prevents the Government of Mauritius from vesting the treasure in the Regional Assembly. Whatever the Government says, whatever the law says, it can be gifted - it can be gifted whatever, whoever says. I am asking the hon. Minister to commit, today, that the treasure, whatever is found, is and will be, whatever the law says, gifted to the Rodrigues Regional Assembly as it is their cultural heritage, their treasure, it was found on their island, laying there 300 years and that this treasure, whatever the law says, whatever percentage accrues to Mauritius is, in fact, given to Rodrigues.

Mr Roopun: Madam Speaker, *on est dans un État de droit* and whatever is going to be done will be done strictly according to law.

Mr X. L. Duval: I am not saying the law. If I have money in my pocket, it may be mine, I can give it to anyone. I am saying to you that whatever the law says, the Government should rightly give it to the people of Rodrigues.

Mr Roopun: I do not think it is a question, but I confirm that everything is going to be done according to law.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. Madam Speaker, the way a treasure is found defines the mechanism it is distributed afterwards. If a treasure is found accidentally…

Madam Speaker: Hon. Jhuboo, I am sorry! Please, don't give long explanations because we are short of time. So, can you come straight to your question, please?

Mr Jhuboo: So, there are two ways of distributing a treasure. Now, there has been no inquiry, up to now, to establish as to how the treasure was found, whether it is accidentally

or deliberately. Now, my question to the hon. Minister is the following. How is it that there has been no inquiry up to now, but, yet, a letter was sent from the office of the Rt. hon. Minister Mentor, signed by his Permanent Secretary, instructing the RRA to establish the quota of distribution. How is that possible?

Mr Roopun: Madam Speaker, the hon. Member is confirming that, in fact, there had been correspondence between the Ministry of Rodrigues and the RRA. And I repeat, whatever is going to be done will be under the law. The hon. Member is right. This is why I quoted two Articles of the *Code Civil Mauricien*. We have to determine the circumstances under which the alleged objects have been found and whether it qualifies under the law as being a *trésor*, and then we are going to trigger whatever need to be triggered. In fact, in the light of what we gathered, the Ministry of Rodrigues sent a correspondence and, in fact, exchanges were being carried out between the parent Ministry and the RRA. This is obvious!

Madam Speaker: Hon. Leopold!

Mr Leopold: Thank you, Madam Speaker. The Commissioner did not lie to the Press...

(Interruptions)

Yes, they did not lie to the Press. What is stated in the Press is not exact, Madam Speaker.

Madam Speaker: Don't make a statement. Ask your question, hon. Leopold!

Mr Leopold: My question is, given the nature of this problem, it has a scientific, historical and legal implication, and we still need to determine whether the said treasure has been found *par hasard* or by research. I would like to ask the hon. Minister whether he will continually collaborate with the RRA so as to establish whether the said finder or the people who have found it have tampered with the site, or whether there are any artefacts - if ever there is any - that have been stolen, maybe by the people who have discovered the site themselves.

Mr Roopun: Let me reassure the hon. Member, and through him, the whole population of the Republic of Mauritius, that the Government, the Ministry responsible for Rodrigues, the Ministry of Arts and Culture, we are going to collaborate fully with the RRA as we have been doing ever since this issue was raised.

Madam Speaker: Last question!

Mr X. L. Duval: Madam Speaker, can the hon. Minister reassure me and the House, the people of Rodrigues, that he has at least started an inquiry, as my colleague just said, into what circumstances the treasure was found by these two gentlemen? Because the Police are not, to my knowledge, under the RRA but under the Government of Mauritius. I would like to know whether, since 15 May, there have been any declarations, statements and requests made to the Police to inquire into this issue.

Mr Roopun: I don't find, at this juncture, what the Police have to inquire, Madam Speaker. There is no criminal case; there is no issue about anything done which is against the law. What we need to do is to ensure that we collaborate with the Rodrigues Regional Assembly and whatever assistance need to be given will be given, and whatever inquiry need to be done will be done within the parameters of the law.

Madam Speaker: Time is over! Hon. Members, the Table has been advised that…

(Interruptions)

Order, please!

PQ B/640 in regard to the number of non-citizens, being spouses of citizens of Mauritius, flagged as belonging to or having links with terrorist organisations since January 2015 to date, will be replied by the hon. Prime Minister, time permitting.

Hon. Osman Mahomed!

EDB - STRATEGIC PLANNING AND ECONOMIC DEVELOPMENT DIRECTORATE - HEAD

(No. B/623) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Head of the Strategic Planning and Economic Directorate, he will, for the benefit of the House, obtain from the Economic Development Board, information as to the -

(a) qualifications held and package drawn, and

(b) number of reports and strategic and policy advice prepared and submitted to Government as at to date.

The Prime Minister: Madam Speaker, I refer the hon. Member to the comprehensive reply I gave to PQ B/83 on the same subject at the Sitting of 02 April 2019, wherein I gave detailed information on -

(a) the organisational structure of the Economic Development Board;

(b) the mandate of the Strategic Planning and Economic Development Directorate;

(c) the composition, qualifications and salary packages of members of the Strategic Planning Team;

(d) the different strategies and themes on which the Directorate had advised Government, and

(e) the ongoing priorities of the said Directorate.

Since then, the Directorate has also been very active in advocating policies and collaborating with Government for the preparation of Budget 2019-2020, after coordinating the activities of the Commission for Economic Affairs of the National Economic and Social Council (NESC) and evaluating the recommendations from the various multi-stakeholder discussions that were held by the Commission.

Given the high importance of the Strategic Planning and Economic Development Directorate, much effort is being put in by the Economic Development Board to identify the ideal candidate for the post of Head Strategic Planning and Economic Development Directorate, which is vacant. Two recruitment exercises conducted in February and July 2018 have not been successful and the person identified to occupy the post, following another recruitment exercise in January 2019, has declined the offer. The EDB is considering to hire the services of another international recruitment agency to assist in finding the right person for the position.

In the meantime, the responsibilities of the Directorate are under the Deputy Chief Executive Officer of the EDB. In addition to the existing team constituting the Directorate, the EDB has in June 2019 retained the services of a consultant, who has been working in economic consulting related jobs for various governments and organisations of international repute across the world, on economic planning assignments. The terms of reference of the consultant, who is well versed in economic modelling, are to -

(a) advise and prepare reports on the economic sectors of Mauritius using empirical analysis;

(b) develop econometrics models for economic analysis, and

(c) train and build capacity in econometric tools and modelling for the staff of the EDB.

Mr Osman Mahomed: I note that the several attempts to recruit a Head in a substantive capacity have not been successful. Can I ask the hon. Prime Minister whether he is aware and, if he is aware, whether he can confirm to the House if the reluctance for high calibre professional to join this Directorate as Head has to do with *les tiraillements* and *la guerre des clans* that prevail from within the EDB, following the merger of the ex-Board of Investment, Enterprise Mauritius and FSPA?

The Prime Minister: Not at all, Madam Speaker, because I have been informed that when the first selection exercise was carried out by Alentaris, there were seven candidates that were shortlisted. They were interviewed, but I must say, unfortunately, none was found to be suitable. And then, there was another exercise that was carried out in July 2018 and, again, there were five potential candidates who were shortlisted but, again, unfortunately, none was found to be suitable.

The EDB then decided to go for a headhunting exercise. They found one appropriate candidate with the required qualification and the experience but, for some reasons, that person, after the offer was made to him, turned it down. I do not know, I am not aware of any *tiraillement* or any *friction* or anything happening there.

Mr Osman Mahomed: This Directorate is very important because it deals with strategic planning and economic development. Can I ask the hon. Prime Minister, with due respect to the Board members of the EDB, what has concretely been the contribution of these Board members in this very important domain? Because we are talking about the economy of the country. I know they are high-profile members. What has the concrete contribution of these members been?

The Prime Minister: Madam Speaker, let me refer the hon. Member, again, to the answer I gave to Parliamentary Question B/83. I have lengthily stated in that reply the contribution of the EDB and, as from that date also, I have made up a list of all the issues that have been discussed between EDB and myself, as Minister of Finance, and the staff of the Ministry of Finance. I think it will take a long time of the House for me to go through all

those matters that have been subject to discussions. But, as I said, there have been a number of issues which have been subject to discussions, which have found their way in the Budget that I had presented.

Madam Speaker: Last question!

Mr Osman Mahomed: I was, in fact, referring to the contribution of the Board members of the EDB to the department. Anyway! In Budget exercises 2016/17, 2017/18, we were requested to vote a sum of Rs7 m. to prepare the Vision 2030 Blueprint, which has not been prepared or made public yet. Can I ask the hon. Prime Minister whether this Directorate will now have the responsibility to prepare this long-term vision for the economic development of the country, which was announced?

Madam Speaker: Okay.

The Prime Minister: Madam Speaker, this is a specific question which, of course, I shall be very happy to answer if it is asked. But the question that I am put here is related to whether somebody has been nominated as the Directorate and the qualifications and so on. So, I shall obviously look into that, but I can assure the hon. Member who is asking whether the Board members have contributed, that they have. I refer him to the extensive reply and I have tabled a document with regard to the composition, and it is not with one person that I discussed in relation to the issues that they have raised. It is, of course, with some members also because the contribution is not from one person; it is from members of the EDB.

Madam Speaker: Hon. Adrien Duval, next question!

EDB - MR G. A. - RESIDENCE PERMIT

(No. B/624) Mr A. Duval (First Member for Curepipe & Midlands) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to one Mr G. A., he will, for the benefit of the House, obtain from the Economic Development Board, information as to if he has been issued with an occupation permit and, if so, indicate the -

(a) criteria for the issuing thereof;

(b) conditions attached thereto, and

(c) date of issue and validity thereof.

The Prime Minister: Madam Speaker, on 01 March 2018, Mr G. A., South African national, was issued with a Residence Permit as the dependent spouse of Mrs L. A. The latter holds an Occupation Permit as Investor since 10 January 2018, which is valid until 09 January 2021.

On 03 August 2018, the Economic Development Board (EDB) informed my Office and the Passport and Immigration Office (PIO) that it has carried out a due diligence exercise on Mr G. A., which had revealed that he had previously been charged with drug trafficking offences in South Africa and faced imprisonment.

Madam Speaker, the Passport and Immigration Office, which was consulted, informed my Office that it was not in the presence of any adverse report on Mr G. A. at the time of his application for residence permit that was processed in March 2018.

The PIO subsequently sought additional information from the Interpol and the Ministry of Foreign Affairs, Regional Integration and International Trade about the case involving Mr G. A. in South Africa.

The Ministry of Foreign Affairs, Regional Integration and International Trade has written to the relevant authorities of South Africa and the latter have advised the Government of Mauritius to request for Mutual Legal Assistance from the Government of the Republic of South Africa through the appropriate legal channel.

The Interpol of Pretoria has informed that Mr G. A. was arrested in 2006 and prosecuted for a drug-related offence in 2007.

The Attorney General has sent a request to the South African authorities, through diplomatic channels via the Secretary for Foreign Affairs, to seek assistance for information on Mr G. A. The matter is being followed up closely at the level of my Office and, on receipt of relevant information, appropriate action will be taken.

Madam Speaker, the aim of my Government is to implement policies to encourage fit and proper persons to enter the country to contribute to its economic development and we will not tolerate any person with a criminal record who will tarnish the reputation of our island.

Mr A. Duval: Madam Speaker, may I ask firstly if Mr Agliotti has, therefore, a valid occupation permit and, if so, how much has he invested so far in the jurisdiction of Mauritius?

The Prime Minister: Mr G. A. has no occupation permit.

Mr A. Duval: Is he, therefore, not currently in Mauritius and does he have no business interests in Mauritius, therefore?

The Prime Minister: I do not know whether he is in Mauritius right now, but he has a residence permit, not an occupation permit.

Mr A. Duval: Madam Speaker, due diligence with regard to that person, we are trying to shame the person. This is public information on Reuters; there is IOL magazine in South Africa, which I will table, a lot of articles. This person is accused of murder, he is a convicted drug dealer, he has been cited by a self-proclaimed hit man to be also a murderer. So, there are very, very serious allegations against this person by Reuters, and, according to Reuters, 06 December 2007, Agliotti pleads guilty to drug charges, he is also being accused of murder. So, therefore, Madam Speaker, this person is a resident, the hon. Prime Minister does not know if he has invested in Mauritius. I would ask the hon. Prime Minister, the first thing to do is, given that this person has a very, very bad reputation, to protect the reputation of our country and not to entertain any more request on this person and to have him deported like you have had other people deported!

Madam Speaker: We have understood your point.

Mr A. Duval: I table this.

Madam Speaker: Yes.

The Prime Minister: Madam Speaker, the hon. Member should not say *n'importe quoi*. He is saying that the hon. Prime Minister does not know whether he has invested in Mauritius. Big thing! He does not understand when I reply. I told the House that he has a residence permit, not an occupation permit. So, does not the hon. Member know the difference between a residence permit and an occupation permit? So, do not come and say anything; I do not even know whether he has invested! I know fully well! And I know the difference between the residence permit and an occupation permit.

So far, from what I know, that gentleman has not invested in Mauritius. The wife has invested in Mauritius. The wife has an occupation permit and it is because she has an occupation permit that she applied to the authorities for the husband to be allowed to stay. The Passport and Immigration Office has been in contact with authorities, namely Interpol.

At the time when the application was made, I am told that PIO did not receive anything adverse on that gentleman. That is why the permit was given. But, of course, now that we know and that my Office, that PIO is aware of certain facts that may lead us - and I say, certain facts that may lead us - to take action, we have to see to it that those facts are confirmed. I say again, that I do not rely on what is published in this newspaper or that newspaper. I take into account what is published in newspapers in order for us to start an inquiry and to see whether those information are confirmed. Now, if those information will be confirmed, authorities will, of course, act.

Madam Speaker: Next question, hon. Adrien Duval!

Mr A. Duval: I have just two supplementary questions, if I may.

Madam Speaker: Next question! Hon. Adrien Duval, please sit down! I feel that this question has been sufficiently canvassed. We have spent seven minutes on this question. It is fair that the questions of other hon. Members also be replied to. So, I request you to ask your next question, hon. Adrien Duval.

(Interruptions)

Madam Speaker: Hon. Adrien Duval, please do not make comments from a sitting position. This is not in order. Yes!

The Prime Minister: Any time I can face you, even outside if you want; we can continue on this. *Mone envi sover!*

(Interruptions)

Madam Speaker: Yes, hon. Prime Minister, please!

(Interruptions)

The Prime Minister: Even here, yes, any time!

(Interruptions)

Well, but the hon. Member is making provocations, Madam Speaker!

Madam Speaker: Yes. I would request the hon. Member, from a sitting position, do not make provocations please. This can only cause disorder to the House. Yes, hon. Prime Minister!

(Interruptions)

The Prime Minister: Madam Speaker…

(Interruptions)

Madam Speaker: Hon. Jhugroo, do not add spice to this!

NON-CITIZENS/CITIZENS OF MAURITIUS - FAKE MARRIAGES

(No. B/625) Mr A. Duval (First Member for Curepipe and Midlands) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to fake marriages of non-citizens to citizens of Mauritius, he will state, since January 2015 to date, the –

(a) measures taken to combat same, and

(b) number of detected cases thereof and actions taken in relation thereto.

The Prime Minister: Madam Speaker, marriages between non-citizens and citizens of Mauritius are governed by section 19A of the Civil Status Act which, *inter alia*, provides that no marriage shall take place between a non-citizen and a citizen of Mauritius unless -

(a) publication, that is, application and affixing of notice of the intended marriage is made at the Central Civil Status Office in Port Louis;

(b) the non-citizen has resided in Mauritius for a continuous period of at least seven days before the first day of the publication, and

(c) the non-citizen has produced, at the time of publication, all the relevant certificates related to the genuineness of the marriage.

To minimise any possibility of marriage of convenience between a non-citizen and a citizen of Mauritius, a three-pronged approach has been put in place by the Civil Status Office (CSD), the Passport and Immigration Office (PIO) and the Prime Minister's Office (PMO).

At the level of the Civil Status Department, upon an application for marriage, an extended list of mandatory documents is required to be presented by the non-citizen, among others -

- Original passport;
- Birth certificate;

- Certificate of character;
- Affidavit sworn before the Supreme Court;
- Proof of financial means, and
- Immigration status.

Following submission of all the required documents, the publication is made and a copy of the notice of publication, along with relevant documents, is sent by the Civil Status Department to the Passport and Immigration Office and the Prime Minister's Office for clearance.

Prior to issuing any 'No Objection' clearance, the PIO –

(a) scrutinises the notice of publication to examine whether it could be a marriage of convenience;

(b) checks the residence permit or visa records to ascertain whether the non-citizen has overstayed his visa or residence permit, and

(c) verifies whether anything adverse has been reported against the non-citizen.

At the level of my Office, other verifications are made to detect any anomaly in the notice of publication which may constitute a suspicious case of marriage of convenience. The factors, which are usually considered with respect to non-citizens, are mainly the residence and work status, country of origin, date of birth, type of visa and the validity of same.

If no objection is conveyed to the CSD by the PMO, the PIO or any other authority or party, within 10 days of the notice of publication, the application is deemed to be in order and the intended couple can proceed with the civil marriage.

However, if there is ground for objection from the PMO, the PIO or any other authority or party, within the 10 days, same is conveyed to the CSD. In such a case, the publication is flagged on the CSD system and the civil marriage is suspended pending a hearing at the level of the CSD, in the presence of the intended couple and the objectors.

In light of the outcome of the hearing, a decision is taken by the Registrar of the CSD to either withdraw the objection and allow the marriage, or to maintain the objection, under section 22 of the Civil Status Act. The intended couples are informed officially by the CSD of any decision taken.

It is to be noted that whenever an objection to marriage is maintained by the Registrar of the CSD, section 22(3) of the Civil Status Act allows the aggrieved party to apply, within 30 days from the date of which he is informed of the decision, to the Judge in Chambers for an order to quash the decision.

On the other hand, if a marriage is allowed and subsequently evidence is adduced that same is one of convenience, then the Prime Minister's Office may initiate action under section 6(1) of the Immigration Act to deprive the non-citizen of his status of resident.

I am also informed by the Civil Status Department that, from January 2015 to 12 July 2019, out of 3,815 applications for marriage between non-citizens and citizens of Mauritius, 345 objections to marriage have been raised. Out of these -

- 200 have been withdrawn as satisfactory justifications have been provided by the intended couples during the hearings;
- 118 have been maintained as no adequate justification has been provided by the intended couples;
- 25 have been set aside as the intended couples failed to attend the hearings, and
- 2 are still in process.

I am informed that, from January 2015 to date, four cases of marriage of convenience have been reported by the PIO. Appropriate action has been initiated in these cases in accordance with the provisions of the Immigration Act. Section 6(1) of the Act provides that these persons may be deprived of their status of resident.

Madam Speaker, I am aiming at a zero-tolerance policy regarding marriages of convenience in our country and I have instructed the PIO and the CSD to come up with further measures to reinforce the existing control mechanism.

Mr A. Duval: If I understand correctly, out of nearly 4,000 cases since 2015, there are now, when you discount those that have been withdrawn, etc., 30 cases that are ongoing and that four have been referred to the PIO for action? May I ask, out of the 30 cases ongoing, whether he has information as to when investigation into these cases will be completed?

The Prime Minister: No, I did not say 30. I said two are still in process. I do not have the details about those two, Madam Speaker, and about the stage we have reached, but I can provide to the House details about those two cases.

Mr A. Duval: Madam Speaker, out of the nearly 4,000 marriages, it is striking to note that, to now, only four have been reported to the PIO for section 6 of the Immigration Act to take effect, whilst we have amended section 8 of the Immigration Act to give more powers to the Prime Minister to, now, before someone is even getting married, consider him a prohibited immigrant and, therefore, to deport that person. Was it, therefore, proportionate to bring such an amendment when the figures are so low on the pretence that fake marriages was such a big problem that warranted such an amendment to the Immigration Act?

The Prime Minister: Let me say how surprised I am, Madam Speaker, because there was lengthy debate on the amendment to the Immigration Act. The hon. Member is saying the figure is too low. We should not underestimate that there can be one case too many of people who can either be a drug trafficker we have just been discussing about or a terrorist who can enter this country. Therefore, it is the responsibility of this Government to ensure that we act, and that we are on the preventive side, and we see to it that undesirable people do not come into the country to create a mess in this country. That would be a big mess in this country. Therefore, I stand by what I stated during the debate. In fact, I presented that Bill myself, and I will certainly do everything in order to protect this country from any adverse effect that can happen in regard to a non-citizen.

Mr A. Duval: Madam Speaker, the answer of the hon. Prime Minister proves the point in the debate. He already had the power under section 6(1) to deport these people. He has given himself additional powers under section 8, which he has not quoted once and, therefore, he had already suitable powers to deport any resident which he deemed to be against public policy or public interest and, therefore, the question is: why is it, then, that we have given discretion to the Prime Minister now to deport someone, full stop, a resident, without any appeal and when the issue of fake marriage was canvassed as being the issue and, today, we hear that none of them have been feeling the effect of section 8, it has never been used? Why?

The Prime Minister: I refer the hon. Member again to the reasons that were put forward by myself and Members on this side of the House, why we had to amend the law. Let me remind him again and I must say, that, unfortunately, there were people who were going

round the law. What did they do? Okay, they would not apply here, in Mauritius, to get married, so that if there was any valid objection, they would marry abroad, where we have absolutely no control, and they would be legally and automatically entitled to enter the country; no government, no authority would have been able to prevent them, prevent these non-citizens from entering the country. That is the problem! You must understand the problem! Now, we have...

(Interruptions)

Do I have to cite...

(Interruptions)

Madam Speaker: Please, do not interrupt the hon. Prime Minister!

The Prime Minister: Madam Speaker, I do not want to waste the time of the House. I see the hon. Member shaking his head. Do I have to cite the cases that have been lodged before the Court for Judicial Review where the Court has stated that the authority cannot prevent that person who has married a Mauritian citizen from entering the country? The hon. Member is saying that person has entered the country, yes, I have powers to take action to deport him. Yes, I have powers! What kind of power do I have? I have to serve that person a notice. That person is entitled to stay - I am speaking from memory - maybe 60 days, I think - 60 days, probably - in this country before I can even do anything.

Now, you can imagine! As I said, one day can be too many for this country. So, it is good to *bla bla bla* and say this and that. But, Madam Speaker, I stand fully by what we have done in this Government, and I say it again, I say it to the population that we are here to see to it that the country is protected and that we do not allow. Obviously, let me say that we welcome foreigners, we welcome people to come here, we welcome people to come and invest and work here, but people who are genuine, people who do not pose a threat to this country. That is why the law was amended.

Madam Speaker: Hon. Uteem!

Mr A. Duval: Madam Speaker, the hon. Prime Minister has not replied to the question.

(Interruptions)

Madam Speaker: Hon. Adrien Duval, please! Please, resume your seat! Hon. Adrien Duval, you will have time to come with a substantive question next time that the Assembly

sits. I have to be fair. I want hon. Uteem and hon. Bhagwan to have their questions. Time is already over. I am giving extension of time in view of the fact that the hon. Prime Minister has deemed it fit to provide additional information to this House. So, I have to be fair to hon. Uteem. Please, hon. Uteem!

AIR TRAFFIC RIGHTS - APPLICATIONS

(No. B/626) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to air traffic rights, he will state the number of applications received therefor since 2015 to date, indicating in each case the –

(a) name of airline and country of origin, and

(b) outcome thereof

The Prime Minister: Madam Speaker, since 2015, Government is pursuing a policy of a more liberal approach to open air access, on the basis of bilateral agreements, in order to promote connectivity, with a view to transforming Mauritius into a regional aviation and tourism hub whilst ensuring fair and equal opportunities for the development and growth of the national carrier, Air Mauritius Ltd.

Air services between Mauritius and other countries are established on the basis of Bilateral Air Services Agreements. The Bilateral Air Services Agreement is a framework which lays down the rules for the operation of scheduled air services in and out of Mauritius and it is signed at Government level, following negotiations between the two Contracting Parties and not between airlines. The Bilateral Air Services Agreement is also a standard document which makes provision, *inter alia*, for air traffic rights, capacity entitlement, frequency of services, route schedules, air safety and security issues, as well as the conditions to be fulfilled by airlines to qualify for designation.

Once a Bilateral Air Services Agreement is concluded, it is incumbent upon each Contracting Party to designate its airline or airlines to operate scheduled services on the specified route.

Madam Speaker, the information requested by the hon. Member is being compiled and will be placed in the Library.

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Answering to a PQ, the hon. Minister of Tourism has criticised the lack of air capacity as a reason for a fall of arrival of tourism in Mauritius. Would the hon. Prime Minister tell us, in view of this statement made by the hon. Minister of Tourism, what has his Ministry done in terms of trying to conclude Bilateral Air Services Agreement?

The Prime Minister: I can recall what the hon. Minister of Tourism has said and specifically with regard to the period where Emirates Airlines had reduced its number of flights that were serving Mauritius; that is one. Secondly, Air Mauritius also had stopped serving a number of destinations because they found out that it was not profitable and that in the future, probably, it would still not be profitable. So, when you take into account the number of seats that were not then available, this, obviously, had an impact on the industry here. But I am also told that the policy has been that it has resulted in an increase also in seat capacity for some time, from 1.8 million in 2014 to 2.4 million in 2018. But, of course, it is the policy of Government, as I have stated, to see to it that we can accommodate more airlines to service our destination, also taking into consideration the interests not only of the tourism industry, but also of Air Mauritius.

Madam Speaker: Hon. Uteem!

Mr Uteem: Yes, thank you. There have been repeated requests from Qatar to service Mauritius and each time the Government has turned it down. So, may I know from the hon. Prime Minister whether the reason for turning down requests for Qatar Airways are genuine commercial reasons or has there been any pressure from the Emirates or Saudi Arabia?

The Prime Minister: I must say no decision has been taken. It is true that they have requested to fly to Mauritius since quite some time. I must say it is not straightforward as deciding yes or no. It is quite complex because we do have an agreement; Air Mauritius has an agreement with Emirates Airline. I can say to the House that Etihad also has shown interest and that is also quite complex because, with regard to Etihad, we have to negotiate with the UAE, and Emirates Dubai forming part of the UAE makes it even more complicated. With Qatar also, we have to see to it that there is a market and that market, well, is now being serviced by mainly Air Mauritius, Emirates, Turkish Airlines which is now coming regularly to Mauritius, and you have Saudia recently, and they want to increase, I think, three flights per week.

So, we have to be careful, not saying that we have already taken a decision to turn down. But, I mean, we have to see how the market will evolve, how the situation will evolve and eventually, and probably take a decision.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Thank you, Madam Speaker. The hon. Prime Minister has referred to Etihad, and Etihad being the only national carrier of the United Arab Emirates whilst Emirates is not the national carrier of the United Arab Emirates, could he please tell us what has been the reaction of his Government following the letter dated 19 June 2018, which the Chairman of Etihad addressed to his person as well as the letter - well it was on Valentine's date - dated 14 February 2019 from the Vice-President of Etihad, which is addressed to the Secretary to Cabinet? What has been the result following the letter of last year and the letter of the beginning of this year with regard to the request for the only national carrier of the United Arab Emirates to come to Mauritius?

The Prime Minister: Madam Speaker, I have said that Air Mauritius has a long standing agreement with Emirates. There are, I must say, important financial impacts with regard to anything that we would do in order to see to it that there is no negative impact on this agreement. So, we shall still consider the matter. There is a Standing Committee on air access policy. That matter is still being considered and, as I said, no decision has been taken.

I can also say that there have been discussions between Air Mauritius and Etihad in order to try to understand what proposal they want to make. I am not saying more than that because it is, of course, for Air Mauritius to discuss and to make any recommendation they think fit, apart from what Government can decide. We are not dictated by Air Mauritius, but it is important that we also take into consideration the views of Air Mauritius. We shall see.

Madam Speaker: Last question, hon. Bhagwan!

EDB – FOREIGN MEDICAL PRACTITIONERS – OCCUPATION PERMIT

(No. B/627) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the occupational permit, he will, for the benefit of the House, obtain from the Economic Development Board and give the list of foreign medical practitioners presently holding same, indicating in each case the –

(a) nationality thereof;

(b) terms and conditions of permit;

(c) medical field in which he/she is operating, and

(d) public health institution in which he/she is practising.

The Prime Minister: Madam Speaker, I am informed by the Economic Development Board that as at 30 June 2019, 56 foreign medical practitioners hold a valid Occupation Permit as follows –

- 45 under the Professional category;
- 7 under the Investor category, and
- 4 under the Self-Employed category.

In regard to part (a) of the question, out of the 56 Occupation Permits –

- 31 have been issued to Indian Nationals;
- 11 to French Nationals;
- 5 to South Africans;
- 2 to Belgians, and
- the remaining to one individual, each from Albania, Britain, China, Egypt, Japan, Serbia, and Turkey.

Concerning part (b) of the question, Occupation Permits are issued for a period of three years, except where the contract of employment of a professional is less than three years. Foreign medical practitioners are required to register with the Medical Council of Mauritius, prior to practicing medicine in Mauritius.

In regard to part (c) of the question, I am tabling the list of medical practitioners, together with their medical fields, who are presently holding an Occupation Permit.

With respect to the last part of the question, I am informed that none of the foreign medical practitioners under the Occupation Permit is employed in public health institutions.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: I have one supplementary, Madam Speaker. Has the hon. Prime Minister been made aware that there have been complaints addressed to the EDB concerning the activities of certain Specialists working in private clinics; they are in connivance with the

private clinics, and poor, modest patients are being fleeced in terms of fees? Has he been aware by the EDB of these complaints and whether, as Prime Minister, he can ask the EDB to conduct an inquiry into the activities - I will not qualify the activities and the price they are taking with modest patients?

The Prime Minister: I believe that the hon. Member is referring to one case, of which I have been made aware, and where there have been complaints; some anonymous complaints and one signed by a medical practitioner. Even though anonymous ones also are being investigated, I know that the Ministry of Health, also the Medical Council have been looking into the matter. I do not know if the hon. Member was also referring to that case but, in that particular case, the matter is still under consideration, and so no decision has been taken. The contract of that person, in fact, has come to an end. The Occupation Permit has not yet been renewed, but that person has applied for renewal, the health institution for which he is working also has made a case to re-employ that person. But investigation hopefully will then see whether there is any truth, in what has been alleged.

Madam Speaker: Time is over!

Hon. Members, the Table has been advised that PQs B/636, B/643, B/644 and B/645 have been withdrawn.

Furthermore, the hon. Minister of Financial Services and Good Governance has made a request for PQ B/647 addressed to his good self to be taken out of turn. I have acceded to his request. I will then take PQ B/647. Hon. Uteem!

FINTECH & INNOVATION-DRIVEN FINANCIAL SERVICES REGULATORY COMMITTEE

(No. B/647) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Financial Services and Good Governance whether, in regard to the Fintech and Innovation-driven Financial Services Regulatory Committee, he will, for the benefit of the House, obtain therefrom, information as to the –

(a) composition thereof, indicating the –

  (i) terms and conditions of appointment thereof, and

  (ii) aggregate fees paid and expenses incurred in relation thereto, and

(b) number of reports published as at to date.

Mr Sesungkur: Thank you, Madam Speaker to have acceded to my request.

Madam Speaker, I wish to inform the House that the FinTech and Innovation-driven Regulatory Committee was set up in January 2018 to assist in paving the way for appropriate regulatory frameworks for encouraging and supporting the development of Fintech in Mauritius.

In this respect, the Committee had the responsibility to assess the current regulatory set-up with respect to Fintech and Innovation-driven Financial Services Regulations in Mauritius and make recommendations on the need to –

(a) introduce new sets of regulations for Fintech and innovation;

(b) identify priority areas within the regulatory space of Fintech activities, and

(c) advise on the drafting of regulations and guidelines by segment of activities and how Mauritius needs to adapt itself for the benefit of its Financial Services sector.

Madam Speaker, I am informed that the Committee has already completed its assignment and handed over its report to the Financial Services Commission on 18 May 2018. Madam Speaker, with regard to part (a) of the question, I wish to inform the hon. Member that I had already provided the information in my reply to PQ B/1125 at the sitting of 27 November 2018.

With respect to part (a) (i) of the question, I wish to reiterate that the Members of the Fintech and Innovation-driven Regulatory Committee were not remunerated for either their participation in the meetings of the Committee or for the drafting and producing of the report. However, I am advised that the Financial Services Commission provided secretarial services to the Committee and also met the expenses regarding the air tickers and accommodation of the Chairman and Members for attending meetings of the Committee.

As regards part (a) (ii) of the question, as I stated in my reply to PQ B/1125, the Committee met on three occasions. The first meeting was held in Mauritius and the cost of air tickets and accommodation amounted to Rs761,742. Subsequently, two meetings were held in London, primarily in view of the respective availabilities of the international members. The cost for the second and third meetings of the Committee amounted to Rs1,274,571 and Rs1,137,246 respectively.

Madam Speaker, with regard to part (b) of the question, I am informed that after its third meeting, the Committee finalised its report entitled 'Mauritius: Road for a Regional Fintech Hub' which was subsequently handed over to the Commission. The report, as I mentioned earlier in my reply, was meant to be a working document to guide the Financial Services Commission on appropriate regulatory frameworks for Fintech in Mauritius. However, the findings of the report were disseminated during a two day workshop organised by the Financial Services Commission on 19 and 20 September 2018. Thank you.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Minister mentioned that the report has been submitted as far back as May of last year, one year later. May I know from the hon. Minister why hasn't been any legislative framework to implement the recommendation of the report?

Mr Sesungkur: Madam Speaker, I think this report was used as a basis to come up with a Regulatory Sandbox Licence. This is being used right now to process application at the level of the EDB.

Mr Uteem: May I ask the hon. Minister whether the Sandbox has been there before the report has been committed? In fact, there are changes with regard to peer-to-peer. My question is, today, Mauritius is losing out because other countries, there is a race to regulate crypto currencies and Fintech services. So, may I know from the hon. Minister whether there is any team right now at the level of the Financial Services Commission really looking into the possibility of having a proper legislation as opposed to the regulatory sandbox to regulate Fintech services?

Mr Sesungkur: Yes, Madam Speaker, there is Mrs Lauretta Joseph, who is actually a part time consultant working with the Financial Services Commission, advising on the matters mentioned by the hon. Member. And as far as crypto currency is concerned, I am aware that the Financial Services Commission has already disseminated directives as to the recognition of crypto assets as a recognised asset. So, I think the process is on. In fact, there have been several applications which have been made by potential operators to be licensed for these kinds of activities, and I am satisfied this is ongoing and we are making the most of the opportunities in this field.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Yes, thank you, Madam Speaker. Can I ask the hon. Minister whether he can confirm to the House or he is aware that banks are not currently opening accounts for Fintech and Blockchain companies because of the lack of clear rules and regulations and that this lack of ecosystem has led us to being overtaken by countries like Singapore, Malta, Abu Dhabi and Hong Kong, for that matter?

Mr Sesungkur: Madam Speaker, it is not clear from the question what is the issue. Because, as far as I know, companies are allowed to open accounts, but maybe I need some more information on this.

Mr Osman Mahomed: Madam Speaker, the question is whether banks are not currently opening up account for Fintech and Blockchain companies because of the lack of clear rules and regulations?

Mr Sesungkur: I will look into the matter, but it does not fall directly under my purview, Madam Speaker.

Madam Speaker: Next question, hon. Rughoobur!

FREE TRAVEL SCHEME - CASHLESS BUS TICKETING SYSTEM

(No. B/631) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Free Travel Scheme, he will, for the benefit of the House, obtain from the National Transport Authority, information as to where matters stand as to the proposed implementation of the Cashless Bus Ticketing System.

Mr Bodha: Madam Speaker, with your permission .I will answer this question. As mentioned in the reply to PQ B/297 on 24 April 2018, the implementation of a Cashless Bus Ticketing System was recommended by PricewaterhouseCoopers to enhance accountability and transparency in the allocation of Government subsidies to the bus industry under the Free Travel Scheme. The implementation of the Metro Express is also being taken into consideration now.

I am informed that the National Transport Authority has already registered this system with a BOT Project Unit as a Public-Private Partnership project. In line with the requirement of the PPP Act, a feasibility report is being finalised by a project team led by the authority and comprising officers of the Ministry of Public Infrastructure and Land Transport, the

Ministry of Finance and Economic Development and the Ministry of Technology, Communication and Innovation.

Upon approval of the feasibility report by the BOT Project Unit, action will be initiated for a procurement exercise to be launched by the Central Procurement Board in line with the provisions of the PPP Act. Madam Speaker, I am made to understand that in view of the commencement of activities of the Metro Express scheduled in September 2019, the Ministry of Public Infrastructure and Land Transport is concurrently looking into the possibility of extending the Electronic Ticketing System of the Metro Express Limited to some 55 feeder buses along the first leg of the Metro Express corridor from Rose Hill to Port Louis. Accordingly, discussions are on the way with Elis Infotech Systems Company Limited, the service provider of Metro Express. The objective is to put in place an integrated ticketing system to ensure a seamless travel of commuters between the bus and the light rail at the earliest.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. It is clear that this ticketing system definitely is something that is going to bring transparency, I mean the cashless bus ticketing system. May I know from the hon. Minister in regard to this monitoring, the fact that the project has been delayed, will the hon. Minister enlighten the House as to the mechanism in place today to ensure that there is value for money on the investments?

Mr Bodha: I would like to assure the House that we are doing what we can as regards accountability and I would like also to inform the House that for the last five years, the free travel budget has remained the same, which is Rs1.2 billion. The Pricewaterhouse report has, in fact, indicated that with a cashless electronic system, we will make some sort of 10-15% of savings, but the issue today, Madam Speaker, is how to interface this ticketing system with the electronic system of the Metro because the Metro is already implementing a system. So, most probably we are going to move in stages. So, the Metro Ticking System will be extended to the feeder, that is about 100 buses but then, we will be left with 2,000 buses and 200 lines, and we are trying to find out a system to see to it that it works, and the interface works efficiently.

Madam Speaker: Last question!

Mr Rughoobur: Thank you, Madam Speaker. What I am going to ask now, *c'est pas un drame,* but I think it needs some clarification. May I know whether the hon. Minister is

taking necessary steps regarding the impact of workforce in the bus industry following the implementation of this system?

Mr Bodha: I have always said, Madam Speaker, that we will see to it that there is no laying off of workers, first. The second, that the fare is going to be the same. In fact, we are working with the different companies, CNT and the private companies to see to it that with new lines and feeder buses, they will be given new routes and there will be no laying off of workers.

Madam Speaker: I suspend the sitting for one and half hours.

At 1.01 p.m., the sitting was suspended.

On resuming at 2.39 p.m. with Madam Speaker in the Chair.

Madam Speaker: You have finished with your talks? Okay! Please, resume your seats!

Hon. Rughoobur!

SME EMPLOYMENT SCHEME – UNEMPLOYED GRADUATES

(No. B/632) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Business, Enterprise and Co-operatives whether, in regard to the Small and Medium Enterprise Employment Scheme for the Unemployed Graduates, he will, for the benefit of the House, obtain from SME Mauritius Ltd., information as to the number of unemployed graduates recruited thereunder over the past ten months.

Mr Bholah: Madam Speaker, with your permission, I shall reply to PQ B/632 and PQ B/638 together as they relate to the same subject matter. The SME Employment Scheme was introduced in October 2018 with a view to providing unemployed graduates work experience, thus facilitating their entry into real world of work, while at the same time supporting the development of SMEs.

I am informed by SME Mauritius that to date some 1,512 graduates have registered themselves under the Scheme. So far, 534 graduates have been placed and as date there are 268 graduates in post. I am further informed by SME Mauritius that 721 enterprises have been registered, out of which 357 enterprises have benefited from placement. The aggregate amount of funds disbursed is around Rs25.8 m.

Madam Speaker, I wish to point out that there is a great mobility amongst the graduates who have been placed in the sense that, very often, after one or two months, the

graduates managed to find permanent employment elsewhere. Furthermore, a significant number of unemployed graduates who have registered themselves to benefit from the Scheme cannot be placed as their qualifications do not match the business requirements of enterprises.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. May we know from the Minister what mechanism that the Ministry has set in place to evaluate whether the objective of this Scheme is being achieved?

Mr Bholah: Well, the mechanism is that they have to come and register themselves and, on the other hand - the SMEs also which require specific skills or talents - the degree holder is made known to us and there is a matching exercise which is being done at the level of SME Mauritius.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. One of the objectives also for this programme was to promote this entrepreneurial drive among these youths. May I know from the hon. Minister whether specifically under this objective there has been any evaluation done and what is the outcome?

Mr Bholah: Well, there are several interviews that are conducted on a sample basis and, very often, the entrepreneur shows satisfaction and the graduates also learn in a real world situation and which facilitates their entry into permanent jobs.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The SME Employment Scheme was announced in last year's Budget and it was targeting 1,000 graduates and an amount of Rs350 m. was earmarked. I just heard from the hon. Minister that not even Rs25 m. has been disbursed and less than 250 people. So, may I know from the hon. Minister why has this not been a success?

Mr Bholah: Well, as I said earlier, there is a mismatch between what is required by the SME and also what is available from the part of the graduate itself and, quite often, the entrepreneur cannot find the graduate that he would like to have. And it also happens that after one or two months, the graduate leaves the enterprise because he is not satisfied with the work environment, with the logistics available, etc.

Madam Speaker: Hon. Uteem!

Mr Uteem: Is the hon. Minister aware of the malpractices and fraud relating to SME Employment Scheme, whereby companies which have registered less than six months are getting employees will it was supposed to be only one graduate per firm? There are companies which have more than one graduate and there were supposed to be only youths being targeted, but, according to my information, there is even someone who is above 50 years old, who is on VRS from DBM, is benefiting from this Scheme.

Mr Bholah: Yes, the hon. Member is right. This targets unemployed youth graduates. If the hon. Member has any information, he can pass it on to me. I can assure the hon. Member that an investigation will be carried out at the level of my Ministry and SME Mauritius as well.

(Interruptions)

Mr Uteem: I can give a copy of the information to my friend. Is the hon. Minister aware that there is currently an allegation that the HR Manager of SME Mauritius has favoured the training of his son under this Scheme, a blatant case of conflict of interest?

Mr Bholah: I am aware of that case. In fact, there was one entrepreneur named Focustra Ltd. who wanted to have one graduate, and three names were submitted to that entrepreneur, including the one which the hon. Member has just mentioned. An interview was done at the level of the entrepreneur, not SME Mauritius, and the entrepreneur chose to have the services of the said person who happened to be the son of the HR Director.

Madam Speaker: Next question, hon. Rughoobur!

SME SECTOR - 10-YEAR MASTER PLAN

(No. B/633) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Business, Enterprise and Co-operatives whether, in regard to the 10-Year Master Plan For the Small and Medium Enterprise sector in Mauritius, he will state the initiatives undertaken for the implementation thereof.

Mr Bholah: Madam Speaker, the 10-year Master Plan for the Small and Medium Enterprise (SME) sector in Mauritius was introduced in March 2017, with a view to consolidating the SME sector. The 10-Year Master Plan is a roadmap for SMEs with realistic targets for a quantum leap in entrepreneurial vibrancy.

For the purpose of implementing and monitoring progress of the Master Plan, a High Level Steering Committee was set up to examine those recommendations that could be implemented in the very near future and to work out the funding requirements thereto.

Furthermore, SME Mauritius Limited was set up in July 2017 in line with the master plan. It has been assigned the responsibility to implement key actions recommended in the master plan and to provide a holistic support for business needs. SME Mauritius has a personnel of 57 officers with the right technical and administrative skills while an SME portal has also been set up and is operational in facilitating SMEs.

Madam Speaker, a standing committee has also been set up under my Chair with representatives of my Ministry, SME Mauritius and other key stakeholders to monitor the proper implementation of the key recommendations of the master plan.

As at date, over 50% of the recommendations of the 10-Year Master Plan have been initiated of which 23% have been completed. Up to now, various schemes have been put in place for the betterment and enhancement of our SMEs, namely –

- Mentoring and Handholding Programme;
- Technology and skills transfer inclusive business;
- Access to market barcode registration;
- Green Energy Promotion Solar Photovoltaic Rebate Scheme;
- Communication and visibility online presence;
- SME Development Scheme Certificate;
- National SME Incubator Scheme;
- Leasing Equipment Modernisation Scheme;
- SME Factory Scheme;
- The Solar Photovoltaic Scheme;
- Inclusive Business Scheme;
- The SME Productivity Improvement Programme in collaboration with NPCC;
- The DBM Microcredit Loan Scheme;
- The SME Financing Scheme, and
- The SME Employment Scheme.

My Ministry, in collaboration with the SME Mauritius, will continue to support, promote and facilitate the growth and development of our SMEs, including start-ups with the measures taken in line with the objectives setup in the master plan.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. One the important components of this master plan is the issue of training and empowerment at the level of entrepreneurs. I know that the hon. Minister has mentioned skills development. May I have some clarification with regard to the budget that was earmarked and what is the status at the level of training and empowerment of entrepreneurs?

Mr Bholah: In fact, several courses have been conducted so far, but let me mention a few: in crochet, culinary arts, aquaponics, Madhubani painting from foreign experts, banana fibre extraction and innovative handicrafts as well. There are so many courses being run, but there are some which are new to the sector.

Mr Rughoobur: Another important issue relates in the master plan to the issue of the export in the region. Maybe the hon. Minister can enlighten the House as to the accompanying measures that have been undertaken at the level of these entrepreneurs to promote their products in the region.

Mr Bholah: Well, at the level of exports, one of the measures taken is that we support SMEs to participate in international fairs. The other facilities, training for example in barcode which is a sine qua non for exportability of products, and there is a visibility and online presence which is a website where anybody in the world can have access to information. There is also the certification scheme and accreditation to become competitive in as far as export is concerned.

Madam Speaker: Hon. Uteem!

Mr Uteem: The hon. Minister has just mentioned the following technical assistance scheme, the Madhubani painting and banana fibre courses. May I know from the hon. Minister how much funds have been disbursed for these foreign technical assistance and how many people attended these courses because, according to my information, there were very, very few people who showed any interest in those courses?

Mr Bholah: Yes, very few. The hon. Member is right because we have trained the trainers in fact. Now the trainers have applied to get the training certificate with the MQA. As for the funds disbursed for this specific, I don’t have the information at hand, but I can have this information supplied later on.

Ms Sewocksingh: At some point in time, there was a project to cluster SMEs, that is, to regroup them in some specific areas. May I know where are we with this project, if it is still there?

Mr Bholah: Well, I believe that the onus of clustering rests with the SMEs themselves. They can federate into clusters. I mean, business of the same type can be clustered together, but the onus, as I said, rests with the SMEs.

Madam Speaker: Mr Rughoobur!

INTERNATIONAL FAIRS SME REFUND SCHEME

(No. B/634) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Business, Enterprise and Co-operatives whether, in regard to the international Small and Medium Enterprises Fairs, he will, for the benefit of the House, obtain from SME Mauritius Ltd., information as to the number of local SMEs having participated therein over the past two years, indicating the quantum of funds disbursed thereto in terms of refund and the beneficiaries thereof.

Mr Bholah: Madam Speaker, the participation in International Fairs SME Refund Scheme aims at providing opportunities to SMEs to participate in relevant international fairs in such sectors as manufacturing, tourism, ICT and services.

The Scheme provides for the refund of participation costs of SMEs in such fairs up to a maximum of Rs200,000 per SME. The Scheme also provides for an institutional support by stakeholders. Presently, EDB, MTPA and SME Mauritius through participation arrangements, pooling of services, leading groups of SME participants, pre-arranging meetings with buyers and arranging of subsidised exhibition booths allocation.

The participating SMEs have thus the opportunity to carry out international market prospections. Opportunities are also available for B to B meetings, market visibility and direct sourcing of technologies and manufacturing inputs.

During the financial year 2017/2018, there were 256 participants. From 203 SMEs in 63 international fairs organised mainly in European, Middle East, African and nation countries. The total amount disbursed for the year 2017/2018 amounts to Rs16.7 m.

Madam Speaker, since July 2018, the participation in International Fairs SMERefund Scheme is being managed by the Economic Development Board (EDB), while SME

Mauritius is assisting in informing the SMEs of the different fairs as well as giving pre-departure advisory services.

I am informed by the EDB that for the financial year 2018/2019, 142 SMEs participating in some 50 international fairs for which an amount of Rs13.4 m. were disbursed.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. The hon. Minister mentioned that an amount of Rs13.4 for the year 2018/2019. May I know from the hon. Minister what was the amount actually that was earmarked for this project?

Mr Bholah: Well, I don't have the figure right now with me.

Mr Rughoobur: A last supplementary, I just wanted to know from the hon. Minister, if he will confirm that, since this project is under the responsibility of the EDB, there have been changes in criteria and there are some delays, if the hon. Minister can look into this and try to ensure that refunds are speed up?

Mr Bholah: Well, as far as I know, there is no change in the criteria. Regarding delays, most often it happens that the entrepreneurs who have participated in the fair have failed to submit all the documents required in order to process the refund and it takes time for submission of these requirements and which delays the process of refund. This is the main reason that I have been made aware of.

Madam Speaker: Next question, hon. Osman Mahomed!

PRIVATE SECTOR – JOB CREATION – AUGUST 2015-JULY 2019

(**No. B/635) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Labour, Industrial Relations, Employment and Training whether, in regard to the private sector, he will state the number of jobs created since August 2015 to date.

Mr Callichurn: Madam Speaker, I wish to inform the House that employers of the private sector have no legal obligation to inform my Ministry of any job creation. Consequently, no figure is available at my Ministry regarding same.

I also wish to inform the House that the core activity of my Ministry, through the Employment Service, is to register and place jobseekers into gainful employment. In the

course of fulfilling this mandate, the Employment Service, through its 13 Employment Information Centres (EICs), collect information on vacancies in the following manner -

(i) job canvassing on a weekly basis;

(ii) job survey on a quarterly basis;

(iii) notification of vacancies by employers in EICs and on the Mauritiusjobs portals, and

(iv) advertisements in the Press.

As such, the number of jobseekers placed in the private sector by my Ministry from the years 2015 and 2018 are as follows –

Year	**Total**
2015	7,931
2016	7,317
2017	7,986
2018	6,855

In addition to that, Madam Speaker, my Ministry has delivered in the year 2015, new work permits, 7695. In 2016, 9,319 work permits; in 2017, 10,554. In 2018, 11,107 work permits.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. August 2015, which is in my question, is the date the Economic Mission Statement was presented. Can I ask the hon. Minister whether he is able to confirm to the House whether the 100,000 new direct and indirect jobs that were announced in that document, meaning 15,000 for financial services, 15,000 for ICT, 25,000 for ocean economy, 8,000 for tourism, 5,000 for manufacturing, 15,000 for construction and property…

Madam Speaker: Hon. Osman Mahomed, I have told you several times that the object of asking a question is to get information from the Minister. Now, you are yourself providing the reply.

Mr Osman Mahomed: Now that we have passed the 5-year cap which is in the Mission Statement, whether these figures, the hon. Minister has been able to assess whether they have been delivered or not?

Mr Callichurn: As I said in my answer, Madam Speaker, unfortunately, the private sector does not have any obligation to inform my Ministry of any job creation. So, we don't have those figures.

Mr Osman Mahomed: Okay! Will the hon. Minister be able to confirm whether with the closure of Texto, Textknits, Palmar and future textile having closed shops, whether for 2018 the loss of jobs, as opposed to the creation of jobs, amount to some 14,000 only for the textile sector?

Mr Callichurn: Madam Speaker, unfortunately, I don't have the exact number of job losses in those enterprises mentioned by the hon. Member. However, I can state one thing. In 2018, the number of jobseekers placed by my Ministry was 6,855, coupled with the new work permits given, which amounts to 11,105. When you add those figures, it gives you a total number of 15,625 jobs that were created.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Can the hon. Minister inform the House of the net amount of job in the private sector?

Mr Callichurn: If the hon. Member comes with a specific question, I will be glad to answer.

Madam Speaker: Hon. Osman Mahomed! A last question!

(Interruptions)

Order, please!

Mr Osman Mahomed: For an *ordre de grandeur*, can I ask the hon. Minister whether people who are unemployed or underemployed, whether that figure, right now, for substantive posting in the private sector is around 25 to 30%? Is that correct, hon. Minister?

Mr Callichurn: I cannot answer this question because I don't have those figures.

Madam Speaker: Next question, hon. Osman Mahomed!

CWA- 24/7 SERVICE – FUNDS INVESTED

(No. B/636) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to water supply, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the total amount of funds invested since January 2015 to date to secure a 24/7 service thereof, indicating the number of households and the corresponding regions obtaining the said level of service.

(Withdrawn)

PLAINE SOPHIE - WIND FARM PROJECT

(No. B/637) Mr Osman Mahomed (Third Member for Port Louis South and Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the proposed Wind Farm Project at Plaine Sophie, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to –

(a) if the allegedly forged Development Security documents provided have subsequently been found to be valid;

(b) the work progress thereof, and

(c) the quantum of delay damages received as at to date, indicating the date on which same was last received.

The Deputy Prime Minister: Madam Speaker, part (a) of the question refers to my reply to PQ B/160 on 16 April 2019. I, therefore, refer the hon. Member, and the House, to that reply and to the provisions of Standing Order 22, Paragraph (1) (b) for guidance and reference.

In regard to part (b) of the question, I am informed by the CEB that as part of its due diligence exercise, on 29 April 2019, it appointed Crown Agents, India to carry out an inspection at the manufacturing sites in India on the progress with regard to the plant and equipment of the wind farm.

The inspection was carried out from 13 May to 21 May 2019 in Nasik in Maharashtra, Mangalore, Daman and Chennai.

On 29 May 2019, Crown Agents confirmed that major parts of the plant and equipment had been manufactured. This was confirmed by an officer of CEB who had been delegated to attend the inspection.

I am informed that after receiving the report of the inspection, the CEB Board decided to give an extension of time to the promoter to complete the wind farm by 31 March 2020, subject to payment of all outstanding delay damages.

I am further informed by CEB that its technical officers have carried out site visits, the latest one having been carried out yesterday. They have confirmed that the promoter is undertaking preliminary works such as site levelling, site office and site clearing. The plant and equipment are now expected to be delivered in January 2020.

With regard to part (c) of the question, the promoter has paid an amount of Rs8,349,924.66 as delay damages, including interest. The last payment was received on 15 April 2019.

I am informed by the CEB that on 04 June 2019, it has made a claim for delay damages for period 01 February to 04 June 2019, amounting to Rs9,358,171.66. However, on 25 June 2019, the promoter appealed to CEB to waive this claim.

The CEB Board will, after examining all circumstances, including the contractual and legal implications take a decision on the appeal. I will ask the CEB to act fairly and judiciously in the exercise of their discretion in the matter.

Mr Osman Mahomed: Madam Speaker, since 18 December 2018, CEB's legal advisor has opined that the bond of trust between CEB and the promoter has been breached…

Madam Speaker: Hon. Osman Mahomed, please!

The Deputy Prime Minister: It is, first of all, it is a matter of legal opinion. Secondly, it is providing information to me and not asking me for information.

Madam Speaker: Hon. Osman Mahomed, please refrain from providing information. Just put your question in such a way as to ask the hon. Minister for information.

Mr Osman Mahomed: Yes, can I ask the hon. Deputy Prime Minister for this project for which the contract was signed on 03 August…

The Deputy Prime Minister: I can't hear, I am sorry.

Mr Osman Mahomed: You can't hear?

The Deputy Prime Minister: Please, be loud!

Mr Osman Mahomed: Can I ask the hon. Deputy Prime Minister whether for this project for which the contract was signed on 03 August 2012, and for which the commercial operation day was supposed to be May 2015, four years later, after a forged document, does that not provide the CEB the leeway to terminate this contract which is beating around the bush for so many years now?

The Deputy Prime Minister: I understand that the CEB had been contemplating the termination of this contract. They had sought legal advice on this matter and I understand that contractually they would be entitled to terminate that contract, but we need to look at all the circumstances, not only the strictly contractual situation. We need to consider what has been happening at Plaine Sophie. The hon. Member is absolutely right. This is a contract which was signed in 2012. Well, we understand what this means. For all these years, the promoter has been rather inactive. In 2015, we have put the pressure and the termination could have been contemplated except that now we have confirmation that the work is progressing.

Mr Osman Mahomed: Can I ask the hon. Deputy Prime Minister what sense does he make in going forward with this project at the time that it was signed, the price of technology led to Rs7 per kw/h. That was when it was signed many, many years ago and now he, himself, has said in Parliament, following expression of interest, the price has fallen between Rs3.50 to Rs4.00. Would it not make sense to the taxpayers and to the consumers to scrap this project and to float the expression of interest again for much lower prices since CEB has all the leverage to do that now?

The Deputy Prime Minister: Anyone having some little common sense will know that you cannot unilaterally just scrap projects. This is a contract, the contractual obligations, and there are eventual potential liabilities. We need to be very careful where we tread.

Madam Speaker: Next question, hon. Adrien Duval!

SME EMPLOYMENT SCHEME – GRADUATES/EMPLOYERS - REGISTRATION

(No. B/638) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Business, Enterprise and Co-operatives whether, in regard to the Small Medium Enterprise Employment Scheme, he will, for the benefit of the House, obtain from SME Mauritius Ltd., information as to the number of graduates and employers respectively registered thereunder, indicating the aggregate amount of funds disbursed in relation thereto.

(Vide Reply to PQ No. B/632)

NON-CITIZENS - ARRESTS

(No. B/639) Mr A. Duval (First Member for Curepipe & Midlands) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to drug trafficking, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of non-citizens, being spouses of citizens of Mauritius, arrested under suspicion thereof since January 2015 to date, indicating the number of –

(a) cases prosecuted, and

(b) convictions secured.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that since January 2015 to date, four non-citizens, being spouses of citizens of Mauritius, were arrested in four cases of importation of dangerous drugs with averment of trafficking.

It is to be noted that one of them has been prosecuted for Drug dealing with aggravating circumstances. As regards the three other cases, one has been referred to the Director of Public Prosecutions for advice and two are still under enquiry.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Yes, Madam Speaker, this question is very similar to the previous question addressed to the Prime Minister today in that the law has been changed on the pretext that drug trafficker faked by a terrorist are a major problem. Yet, since four years, there have been only four cases. So, why is it then that the Rt. hon. Minister Mentor, why is it that the law has had to be changed with regard to residents, spouses of Mauritian citizens, so as to deport them without the chance to seek judicial intervention?

Sir Anerood Jugnauth: Well, there has been debate when the law was being passed and the hon. Member must know the reasons why.

Mr A. Duval: May I ask the Rt. hon. Minister Mentor, with regard to these four cases, how many today have been successfully prosecuted or formal charges have been laid?

Sir Anerood Jugnauth: Well, I have just said, one has already been found guilty; another one, case after enquiry had been referred to the Director of Public Prosecution for advice and two others, enquiry is still on.

Mr A. Duval: Madam Speaker, may I ask how many spouses of Mauritian citizens have been deported under the new section 8 of the Immigration Act for offences of drug trafficking since the Act has been amended this year?

Sir Anerood Jugnauth: Well, I need a specific question for that.

Madam Speaker: Because you have asked on cases prosecuted and secured.

Next question, hon. Leopold!

MOTOR VEHICLES – AIR POLLUTION

(No. B/641) Mr J. Leopold (Second Member for Rodrigues) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to air pollution caused by motor vehicles, he will state if his Ministry has the necessary means for the detection thereof, indicating the steps taken by his Ministry to address the issue.

Mr Sinatambou: Madam Speaker, I wish to inform the House that under Section 142 subsection (1), paragraph (b) subparagraph 7 of the Road Traffic Act, a Police Officer in uniform or a Police Officer, or a Road Transport Inspector not in uniform may where a motor vehicle is in his opinion emitting smoke or visible vapour which is avoidable, in other words, provoking air pollution, may serve a written notice on the driver or owner of the vehicle directing him to take the motor vehicle to a vehicle examiner to be examined within such time as may be specified in the notice in accordance with Section 13 of the same Act.

When the motor vehicle is referred to vehicle examiner then, pursuant to section 13, subsection 4 paragraph (a) of the Road Traffic Act, the vehicle examiner, upon examination, must supply to the owner of the motor vehicle the list of any defects that have to be remedied. He must also notify the person of the date on which the vehicle must be produced for re-examination and he may, if he thinks it to be necessary in the interest of safety forthwith prohibit the use of the motor vehicle until the defects have been remedied. Pursuant to the above legislation, the *Police de l'Environnement* of my Ministry has, from January 2016 to June 2019, referred 2507 motor vehicles for examination with regard to suspected air pollution. My Ministry is also currently implementing the global fuel economy initiative, a project funded by the European Union and the global environment facility through the United Nations Environment Programme, with the aim of achieving by the year 2050 a 50% reduction firstly in the average fuel consumption from the current eight litres per hundred

kilometres to 4 litres per hundred kilometres; secondly, a reduction in the average carbon dioxide emissions from the current 180 grams per kilometre to 90 grams per kilometre.

After extensive consultative process, a broad array of short, medium and long term policies and measures to tackle vehicle emissions have been formulated within this project. These are, inter alia, legal institutional, fiscal, technological, planning, infrastructural as well as sensitisation aspects. The key strategies devised are firstly, the introduction of cleaner fuels; secondly, the promotion of energy efficient vehicles; thirdly, the improvement in traffic management; fourthly, enhanced monitoring and enforcement and fifthly, bringing behavioural changes through education and sensitisation programmes.

Mr Leopold: I would like to ask the hon. Minister a question, whether there is any evidence of deterioration in air quality due to the emission of gas in the Republic of Mauritius?

Mr Sinatambou: The answer would be no because, in the first place, my Ministry has promulgated the Environment Protection (Display of Fuel Consumption and Co2 Emission Label) Regulations 2019 which is in force since the 01 of June 2019. These regulations require vehicle dealers to affix the label setting out information regarding fuel consumption and carbon dioxide emissions on new cars at any point of sale by being provided with information on the fuel efficiency characteristics of the vehicle, consumers are opting to make savings on fuel while contributing to improve ambient air quality and mitigate climate change. Another factor for the reduction of air pollution from motor vehicles is the fact that Government has introduced favourable fiscal policies on excise duties, road taxes and registration duties in its previous Budgets. As a consequence, the cumulative number of hybrid vehicles on Mauritian roads has increased from 1825 in December 2014 to 11,841 in June 2019 representing a six-fold increase.

Madam Speaker: I will come back to you, hon. Leopold. I will pass on to hon. Jahangeer first.

Mr Jahangeer: While driving on the highway we are suffocated with thick fumes of diesel, so may I ask the hon. Minister how many air pollution control his staff implement on the highway per week?

(*Interruptions*)

Madam Speaker: Hon. Ameer Meea, please. You cannot make those sorts of comments. It is his right to ask questions and to withdraw his questions. Yes.

Mr Sinatambou: As I said earlier, I have, let's say, budgeted the gross number of such cases. As I explained, pursuant to the Road Traffic Act, the *Police de l'Environnement* of my Ministry has, from January 2016 to June 2019, referred 2507 vehicles for examination with regard to suspected air pollution. I don't have the figure split in weeks. Now, it is also to be noted that it is the figure from the *Police de l'Environnement*. Normal Police officers have the mandate under the Road Traffic Act to also proceed accordingly as well as Road Transport Officers who are not in uniform.

Madam Speaker: Hon. Leopold!

Mr Leopold: Thank you, Madam Speaker. Other than Road Traffic Act, what are the means that you have in your Ministry to monitor the air quality in the Republic of Mauritius?

Mr Sinatambou: Well, actually, at some stage, under the previous Government, there were equipment which were actually ordered for the control of vehicle emissions and this was done by virtue of the Road Traffic (Control of Vehicles Emissions) Regulations. However, it has turned out that those equipment are deficient. These were smoke meters and they had had to be scraped. I must say that, in view of the current provisions of the Road Traffic Act, this is highly sufficient to cope with the issue.

Madam Speaker: Hon. Henry.

Mr Henry: Merci Madame la présidente. Puis-je savoir du ministre quelles sont les actions que son ministère entreprend pour tous ces bus, que ce soit privé ou gouvernement, qui polluent les routes tous les matins ? Peut-on savoir quels genres d'actions que le ministère est en train de prendre ?

Mr Sinatambou: I would have thought that the hon. Member would have listened to my reply. I explained that, under section 142 of the Road Traffic Act, there is a procedure which…

(Interruptions)

Mr Sinatambou: Everyday it is done.

Madam Speaker: Please!

(Interruptions)

Hon. Henry!

(Interruptions)

Mr Sinatambou: 2507 vehicles being contravened, I think, show some seriousness on the part of the Ministry.

Madam Speaker: Next question, hon. Leopold!

MAURITIUS & RODRIGUES - SOCIAL MOBILITY - OPTIMIZATION

(No. B/642) Mr J. Leopold (Second Member for Rodrigues) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to vocational training, she will state the steps taken by her Ministry for the optimization thereof in order to improve social mobility in mainland Mauritius and Rodrigues.

Mrs Dookun-Luchoomun: Madam Speaker, in my reply to PQ B/387, on the 21 May 2019, I had informed the House the important and potential contribution of the TVET sector in the socio economic development of the country.

I also stressed that our goal is to create a vibrant TVET sector responsive to the national economic needs so that all trainees emerging from the TVET stream are highly skilled and ready for employment both in Mauritius and Rodrigues.

My Ministry has issued guidelines for the implementation of a number of measures and programmes through its institution, namely the MITD and the Polytechnics Mauritius to promote further the TVET, which is a viable pathway to enhance the probability and thereby improving social mobility.

The MITD is collaborating with the IT Education Services of Singapore, which is a consultant in the TVET sector. An Action Plan has been put for the transformation of the sector. This includes the rebranding of the sector, the review of programmes and curricular relevant to the existing and new emerging sectors, the modernisation of infrastructure with state-of-the-art technological facilities, the development of structural pathway within TVET, capacity building and also building for a lifelong learning framework which will create pathways for career progression.

Madam Speaker, workshops are carried out regularly for capacity building as to date 48 MITD programmes out of 73 have been reviewed and these were developed in close collaboration with industry. Moreover, a total of 170 MITD trainers have already undergone trade specific technical upgrading and pedagogical training both locally and abroad.

The National Apprenticeship Programme announced in the Budget 2018-19 is being implemented by MITD in different trades. A total of 2,489 apprentices, including 52 Rodriguans have already been enrolled on the National Apprenticeship Programme as at 31 June 2019. In order to boost up the sector, the Government has in its Budget 2019-20 announced the NAP is being extended to 32 trades, from 23 to 30.

The upgrading and expansion of training centres are also taking place. A modern training centre is being set up at Beau Vallon, we should include workshops and labs equipped with the state-of-the-art technologies. The same is being done at Le Chou, I will come to Le Chou just in a minute. These measures, Madam Speaker, clearly indicate that our Government is aiming at ensuring and enhancing nexus between training and the world of work to promote employability, enhance social mobility.

Madam Speaker, Rodrigues Regional Assembly has a Commission for Training and Industrial Development and they are collaborating with the MITD. The MITD Le Chou Multi-purpose Training Centre offers training through full-time and apprenticeship modes. Some 241 trainees, including 39 in the apprenticeship scheme have been enrolled in these courses, this year, and 115 trainees have been enrolled in short courses in different fields.

Considerable investment has been made in the expansion of Le Chou Multi-Purpose Training Centre with the construction of a block to accommodate three workshops, to increase enrolment capacity and offer high-level courses in electrical installation work as well as for the introduction of new courses, for example, refrigeration, air-conditioning, etc.

35 trainees from Rodrigues have been enrolled in MITD Training Centres in Mauritius, the new upper level areas, such as hospitality, ICT and nursing.

So, apart from this, we have Polytechnics Mauritius where we have 19 Rodriguans who have been enrolled for expanded training in new areas, especially nursing. Polytechnics Mauritius has also filled a mission in Rodrigues to better sensitise Rodriguans at the course offered and the possibilities of running Polytechnics programmes in Rodrigues is also under discussion, in particular, in digital media, given the present availability of high speed Internet along with training in marine technology.

Madam Speaker, the recognition of prior learning for people who do not reckon any form of qualification but for a significant work experience is also being done at the level of the Mauritius Qualifications Authority and the Mauritius Qualifications Authority has a

centre at the Human Resource Centre at Malabar, Rodrigues, and will provide all necessary information there.

Madam Speaker, once again, I would like to draw the attention of the House that the measures that we have taken indicate our commitment towards the mobilisation resources for the development of our human capital and this both in Rodrigues and Mauritius and we are sure and almost confident that this will enhance employability, enhance the movement on the social ladder.

Mr Leopold: May I ask the hon. Minister about what step her Ministry is taking to work with businesses in the Republic of Mauritius to address any gap in the education and the training on the question of skills?

Mrs Dookun-Luchoomun: Madam Speaker, I mentioned earlier in my answer that we have elaborated the course programmes, the design of the courses as well with the industry people and we are hoping that with this collaboration the placement will be done more easily and with the new National Apprenticeship Programme, we have a collaboration already established with the private sector.

Dr. Boolell: Can I ask the hon. Minister whether we are working towards recognition of high-level programme of TVET with like-minded countries?

Mrs Dookun-Luchoomun: Sorry, I did not hear the last part of the question?

Dr. Boolell: Whether we are working towards recognition of higher level programme of TVET with like-minded countries?

Mrs Dookun-Luchoomun: Certainly, with Polytechnics Mauritius we are moving towards the high-end skills development and we are working with Singapore and other foreign countries, namely Australia and Switzerland for that.

Madam Speaker: Next question, hon. Jahangeer!

CONTAINERISED PRESSURE FILTRATION PLANTS - BIDDER

(No. B/643) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Supply, Installation and Commissioning of 6 numbers of Containerised Pressure Filtration Plants (ONB/CWA/C2018/125) Tender Documents Item ITB 12.1(i)(e), he will, for the benefit of the House, obtain from the Central Water Authority, information as to the name of the successful bidder therefor.

(Withdrawn)

MESSRS TRANSINVEST CONSTRUCTION LTD - GOVERNMENT PROJECTS - SUBCONTRACTORS

(No. B/644) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to Government projects awarded to Messrs Transinvest Construction Ltd. since 2015 to date, he will state same and the corresponding values thereof, giving the list of the subcontractors for Civil/Electrical/ Mechanical/Transportation works in each case.

(Withdrawn)

A1-M1 LINK ROAD PROJECT - WORK PROGRESS

(No. B/645) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the A1-M1 Link Road Project, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the work progress thereof.

(Withdrawn)

GRAND BOIS & SOUILLAC - INCINERATORS

(No. B/646) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the construction of new incinerators at Grand Bois and Souillac, she will, for the benefit of the House, obtain from the District Council of Savanne, information as to where matters stand.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, I am informed by the District Council of Savanne that the buildings which would house the incinerators at Grand Bois and Souillac cemeteries are under construction. 45% of the work has been completed at Grand Bois and 70% has been completed at Souillac. The building at Grand Bois would be ready by 31 October 2019 and the one at Souillac by 27 September 2019.

With regard to the supply installation testing and commissioning of the incinerator equipment, I am informed that one common bidding exercise has been undertaken by my Ministry itself through the Exim Bank of India for 16 units of incinerator equipment to be installed across the island, including Grand Bois and Souillac. The contract agreement for the supply, installation, testing and commissioning of the incinerator equipment is being finalised with the Exim Bank of India. It is expected that the contract agreement will be signed with the successful contractor by August 2019. The incinerator equipment is expected to be supplied, installed, tested and commissioned by March 2020.

Madam Speaker: Hon. Uteem!

CIVIL DAMAGES - GUIDELINES

(No. B/648) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the sentencing of offenders and the award of civil damages, he will, for the benefit of the House, obtain from the Master and Registrar, information as to if Guidelines have been issued in relation thereto.

Mr Gobin: Madam Speaker, the Institute for Judicial and Legal Studies Act was enacted as far back as 2011 and the Act came into force on 01 October 2011. Section 4(d) of the IJLS Act provided at the time as follows –

"4(d) the object of the institute shall be to –

promote transparency and consistency in the sentencing of offenders and the award of civil damages by making recommendations to the Chief Justice for the issue of guidelines"

As the House is aware, in 2018, Government introduced legislation in this House to amend the said IJLS Act. The new sections 4 and 4A of the IJLS Act now read as follows –

Section 4 – objects of the institute

The object of the institute shall be to -

(d) promote transparency and consistency in the sentencing of offenders and the award of civil damages by making recommendations annually to the Chief Justice for the issue of guidelines".

This new section has come into effect since 15 November, last year.

Madam Speaker, a new section 4A has been added to the IJLS Act which reads as follows, I quote –

"Sentencing guidelines and award of civil damages.

The Board shall within 6 months of the coming into operation of this section make recommendations to the Chief Justice to give effect to its object under section 4(d)."

This section has come into effect as well on 15 November, last year.

Madam Speaker, I am informed by the Chairperson of the IJLS that with regard to the sentencing of offenders and the award of civil damages, guidelines are under discussion with the Chief Justice.

I am further informed by the hon. Master and Registrar that the Chairperson of the Board of the IJLS has verbally conveyed to the Chief Justice the difficulties of the Board in relation to its function under section 4(d) and 4A of the Act as amended.

If I have to give a straightforward answer to the question put, until now there have no guidelines which have been issued.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Last year, the law was amended as the hon. Attorney General stated to give a delay of six months for the Board of IJLS to prove these guidelines. Can I know from the hon. Attorney General, before the Bill was presented, debated and voted in this House, did his office had contact with the IGLS to find out whether this was a realistic time frame, six months from the coming into force of the Act?

Mr Gobin: I will have to refer the hon. Member to the debates which took place in this House at the time the Act was being amended. I will leave it at that, otherwise I will have to go back to what was debated in the House in the debates 2018.

Mr Uteem: Is the hon. Attorney General satisfied that the IJLS has the proper resources and means today to provide the recommendation on sentencing guidelines and on award of damages?

Mr Gobin: They have the necessary resources. If ever that institute requires further assistance, it is for the institute to make the necessary requests to the appropriate authorities and why not to my Office.

Madam Speaker: Yes, hon. Baloomoody!

Mr Baloomoody: Is the hon. Attorney General aware that that institute has only four staff, two Secretaries, one who runs the course, the CPD courses and they are on a contract, not on a permanent basis?

Mr Gobin: I am also aware that there is a full time Director and I am also aware of the financial resources which they have.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: In view of the answer given by the hon. Attorney General regarding the difficulties encountered, can I ask the hon. Attorney General whether we should not have recourse to another mechanism like what obtains in UK, whether the Criminal Justice Act itself provides a number of factors that the Court must take into account when passing sentence or alternatively again emulating what is happening in the UK, by setting up a Sentencing Council which will itself devise and frame the necessary guidelines?

Mr Gobin: I understand that the IJLS is facing some difficulties. I am given to understand that. Now, if the IJLS is facing some difficulties, it's up to the IJLS to make requests for additional resources whether financial or human resources, or if they want to retain services of a consultant, whether locally or abroad, all this can be done. It's not necessary that everything comes by way of a PQ from the Opposition.

(Interruptions)

Madam Speaker: Hon. Bhagwan, next question!

MAURITIUS MARITIME TRAINING ACADEMY – HEAD

(No. B/649) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the post of Director, he will, for the benefit of the House, obtain from the Mauritius Maritime Training Academy, information as to the name of the incumbent, indicating the date and terms and conditions of appointment thereof.

Mr Koonjoo: Madam Speaker, the correct appellation of the post is Head, Mauritius Maritime Training Academy. I wish to refer the hon. Member to the reply I made to PQ B/45 on 27 March 2018, during which I tabled a copy of the contract of employment of Dr. Sanjiv Kumar Babooa, Head, Mauritius Maritime Training Academy.

Mr Bhagwan: Can I ask the hon. Minister whether the same person was condemned by the Court for abuse of power when he was Registrar at the University of Technology. Is he

the same person, who was condemned by the Court for abuse of power at the University of Technology? Can the Minister tell us what is the situation?

Mr Koonjoo: I have already replied, Madam Speaker.

Mr Bhagwan: I have some supplementaries. This is confirmed that the gentleman was condemned. Is the Minister aware and is he prepared to investigate into representations received for abuse of power, abuse of authority prevailing at the Mauritius Maritime Training Academy by the same person with regard to transfer of staff, theft, harassment of an expatriate, Captain Kai? Is the Minister aware of the representation received at his Ministry and even elsewhere to the authorities concerning the present abuse of authority by this same person who did the same thing at the University of Technology?

Mr Koonjoo: Madam Speaker, I repeat the same thing again. The same question was put to me by his colleague there, by the side of him, and I gave the reply to him also. So, he better talks to his friend.

Mr Bhagwan: Can we deduce that this Mr S. K. B. is tolerated by the Ministry, by Government because he is a political nominee, although *ses antécédants?* So, he is tolerated being given he is a political nominee of the Minister and the Government of the day?

Mr Koonjoo: If the Member is not satisfied with my answer for the last time, you can go to the Court, please.

Madam Speaker: Hon. Uteem!

Mr Uteem: Can I know from the hon. Minister, just if he finds it normal that someone who has already been found guilty, we are not talking about presumption of innocence here, we are not talking about someone on bail, someone who has already been found guilty of an offence, be heading an important institution like the Mauritius Maritime Training Academy?

Mr Koonjoo: I'll give an additional information to the hon. Member. On 09 July 2019, the Independent Commission Against Corruption informed my Ministry that the case against Dr. Babooa is still under appeal. So, you understand the meaning, it is still under appeal.

Madam Speaker: Last question!

Mr Bhagwan: Madam Speaker, one last supplementary.

In view of this heavy *antécédant* of this person, can the Minister inform the House, the country and the taxpayers whether it is not time for the Government not to renew his contract which is expiring at the end of August this year?

Mr Koonjoo: We are waiting for the reply from the ICAC.

Madam Speaker: Next question, hon. Bhagwan!

LORD MAYOR & MAYORS – OVERSEAS MISSIONS

(No. B/650) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the overseas missions effected by the Lord Mayor and Mayors since August 2018 to date, she will, for the benefit of the House, obtain from the Municipal Councils, the list thereof, indicating the –

(a) countries visited;

(b) purposes thereof;

(c) duration thereof;

(d) costs of air fare;

(e) amount of *per diem* and allowances received.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, with your permission, I am tabling a list of the overseas missions undertaken by the Lord Mayor and Mayors since August 2018 to date with all the information required.

Madam Speaker: Next question, hon. Bhagwan!

CEB – CHAIRPERSON

(No. B/651) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Chairperson of the Central Electricity Board, he will, for the benefit of the House, obtain from the CEB, information as to the –

(a) name of the incumbent;

(b) qualifications held;

(c) terms and conditions of appointment, and

(d) overseas missions effected since his appointment to date, indicating the countries visited and allowances received.

The Deputy Prime Minister: Madam Speaker, Section 5 (1) (b) of the Central Electricity Board Act provides that the Chairperson –

"(…) shall be appointed by the Minister and shall hold office for 3 years and may be eligible for appointment."

On 09 April 2015, I appointed Mr Mootoosamy Naidoo as Chairperson of the Central Electricity Board.

As regards part (b), Mr Naidoo holds a Master in Law (LLM) from the University of Wolverhampton. He also holds a Master in Business Administration from Warwick University. He is a qualified accountant of the Chartered Institute of Management Accountant of the United Kingdom. He has more than 20 years of experience at strategic managerial level in the private sector in Mauritius, in the Indian Ocean and eastern Africa.

With regard to part (c), Section 5 (11) (b) of the CEB Act provides that –

"(…) the Chairperson shall receive such remuneration as the Minister may determine."

In 2015, the Chairperson was appointed on the same terms and conditions as his predecessor, with a monthly fee of Rs108,000 and a monthly petrol allowance of Rs19,350. He was also provided with a chauffeur driven car, as has been the case for all chairpersons since 1998.

In May 2017, CEB appointed BCA Consulting to carry out a salary review. Subsequently, the CEB Board approved a salary increase of 14.9% for all its employees. After collective negotiations and referral to the Conciliation and Mediation Commission, the representatives of CEB employees signed the collective agreement on 14 May 2019 and 28 June 2019.

It was only after the salary issues relating to all employees had been settled that the monthly fees of the Chairperson and Board members were revised based on the recommendations of BCA Consulting. Thus, the fee of the Chairperson is now Rs150,000

monthly, with effect from 01 July 2018. The other terms and conditions remaining unchanged.

With regard to part (d), I am tabling the list of overseas missions undertaken by the Chairperson. Allowances paid were according to the approved rates prevailing in Government. As CEB is a member of the METISS Consortium, all costs of participation in the management committee of METISS are financed under the project.

Mr Bhagwan: Can I know from the hon. Deputy Prime Minister whether the Chairperson of CEB, in his capacity as Chairperson, is also the representative of CEB or other entities of the CEB?

The Deputy Prime Minister: Yes.

Mr Bhagwan: Can we have a list?

The Deputy Prime Minister: Well he was also Chair of perhaps 2 or 3 subsidiaries: Green Energy, Facilities, etc. He has now opted out of all of them except one, CEB Green Energy, for which he receives a remuneration of Rs15,000.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Can the…

The Deputy Prime Minister: I am sorry. Can I just add? I am sure he also participates in sub-committees of the Board. I am not too sure, but I am sure that must be the case.

Madam Speaker: Yes. Hon. Henry!

CONSTITUENCY NO. 12 - SYNTHETIC DRUGS - MEASURES

(No. B/652) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to synthetic drugs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the measures implemented by the Anti Drug and Smuggling Unit to stop the proliferation thereof in Constituency No. 12, Mahebourg and Plaine Magnien.

Sir Anerood Jugnauth: Madam Speaker, Constituency No. 12, Mahebourg and Plaine Magnien comprises of Petit Bel Air, Grand Bel Air, Mahebourg, Beau Vallon, Plaine Magnien including SSR International Airport; Trois Boutiques, Camp Carol, Mare d'Albert and Mare Tabac.

The above regions are policed by Rose Belle, Plaine Magnien, Mahebourg and Airport Police Stations and three Anti-Drug and Smuggling Unit (ADSU) sub offices.

I am informed by the Commissioner of Police that in line with the Strategic Direction of the Mauritius Police Force, ADSU is committed to its objective to "Combat Trafficking and the use of illegal drugs", and in this endeavour, it is carrying out more intelligence-led and targeted operations.

Moreover, the Anti Robbery Squad and Field Intelligence Officers are operating with ADSU teams deployed in all Divisions to gather information relating to drug and criminal activities, and undercover Police officers are trying to infiltrate the drug network to know their mode of operation and any new strategy being employed.

Madam Speaker, the following measures have been initiated by Police to combat drugs including synthetic drugs in mainland Mauritius comprising Constituency No. 12 –

- Acquisition of modern equipment such as drones for surveillance and reconnaissance missions and for location of areas where cannabis plants have been cultivated. Furthermore, ADSU is also in the process of acquiring more technological tools to enhance its fight against drugs;
- More aggressive crackdown operations are being carried out, involving various adjuncts of the Force such as ERS, GIPM, SSU, NCG Commandos, Police Dog, etc in those areas where some inhabitants tend to hamper Police Operations;
- Discreet watch and follow up actions are being carried out in hot spots, where crack down operations have recently been carried out with a view to ensuring that these areas remain drug-free. On 28 June 2019, a Sudden Fall Operation was carried out in Mahebourg Division whereby six persons were arrested including one for possession of Dangerous Drugs.
- Awareness amongst the population on the ill-effects of drugs and their legal implications. The Education Cell of ADSU carries out sensitization sessions in the neighbouring areas as and when required. 21 sensitisation campaigns were held and 1656 persons attended.

- Members of the Public are being encouraged to anonymously share information on suspicious activities including drug transactions in their locality through Police Hotline 148.

Madam Speaker, since 2015 to date, 117 cases of synthetic drugs have been detected by Anti-Drug and Smuggling Unit (ADSU) in Constituency No. 12 whereby 129 persons have been arrested and drugs to street value of Rs82,748,040 have been seized.

Madam Speaker: Hon.Henry!

Mr Henry: Merci, Madame la présidente. Est-ce le Ministre Mentor est au courant qu'il y a certains endroits dans la circonscription où la police/l'ADSU ne peut pas mettre les pieds et dans ces endroits même que la drogue synthétique est en train de proliférer?

Sir Anerood Jugnauth: Well, if they cannot put their feet there, who is going to put his feet? If it is in his Constituency, he must try to speak to those people.

Mr Henry: Madame la présidente, je ne vais rien dire dessus parce que c'est tellement hilarant. Est-ce que le Ministre Mentor peut nous donner l'assurance aux habitants de Mahebourg qui ont quelques problèmes ces derniers temps avec surtout ces drogués de synthétique qui sont en train d'attaquer les gens à côté des guichets de banque ? Il y a beaucoup d'attaque ces derniers temps à côté des guichets de banques, est-ce que le Ministre Mentor peut voir avec la police pour augmenter la surveillance là-bas ?

Sir Anerood Jugnauth: Well, I will pass this on to the Commissioner of Police.

Madam Speaker: Next question, hon. Henry!

NTA - TURQUOISE SMART RESIDENCE NATIONAL HOUSING DEVELOPMENT ESTATE

(No. B/653) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether he will, for the benefit of the House, obtain from the National Transport Authority, information as to if consideration will be given for the provision of bus services going through or in the vicinity of the Turquoise Smart Residence National Housing Development Estate, in Mare d'Albert.

Mr Bodha: Madam Speaker, with your permission, I will answer this question. I am informed by the National Transport Authority that Residence La Turquoise is a *morcellement*

situated some 400m behind the swimming pool of Mare d'Albert and comprises around 55 houses for some 180 inhabitants.

I am further informed that the distance between Residence la Turquoise and the main road at Mare d'Albert is approximately 800m. The road leading to Residence La Turquoise is narrow, from its junction to the main road, and the operation of public buses could constitute a traffic hazard.

According to the NTA, buses of route nos. 9, 137, 198, 200 and 252 operate through the locality of Mare d'Albert; moreover, the authority is envisaging the licencing of taxis to operate from Residence La Turquoise for the benefit of the inhabitants.

Mr Henry: Merci Madame la présidente. Est-ce que le ministre peut nous donner un *time frame* pour les taxis parce que les habitants de l'endroit sont en train de faire face à de gros problèmes ces derniers temps, surtout avec l'hiver et tout ?

Mr Bodha: Now that a request has been made in the National Assembly, I will forward the matter to the NTA for them to be able to have an exercise/a survey and then we will come forward with the application for taxi licences.

Madam Speaker: Next question, hon. Henry!

MASA - DIRECTOR

(No. B/654) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Arts and Culture whether, in regard to the Mauritius Society of Authors, he will state where matters stand as to the recruitment of a director thereat.

Mr Roopun: Madam Speaker, I am informed that since the holder of the substantive post is still under interdiction following a criminal charge, the Board has, on 22 March 2019, decided that a Director be recruited on contract awaiting determination of the criminal case which is before the Intermediate Court.

The notice of vacancy was advertised on the 29 and 30 April 2019. At the closing date of 17 May, four applications were received. Following the screening exercise carried out in mid-June 2019, I am informed that three applicants did not meet the requirements while one applicant failed to produce documentary evidence of experience at managerial level as required. The matter was taken up at the level of the Board on 03 July and my Ministry shall have consultation with the Mauritius Society of Authors on the way forward.

Madam Speaker: Hon. Henry!

Mr Henry: Merci Madame la présidente. Peut-on savoir du ministre depuis quand le poste de directeur est vacant à la MASA ?

Mr Roopun: The post as such is not vacant and there has been officer in charge since 2011.

Mr Henry: Est-ce que le ministre ne trouve pas ça aberrant que pour un poste aussi important que le directeur de la MAS**A**, on prend du temps pour le remplir, et tout cela, avec tous les problèmes que les artistes font face?

Mr Roopun: Madam Speaker, there is a presumption of innocence and the holder of the substantive post has been suspended after the criminal charge and we have to wait for the criminal case. I understand that it is going to be heard in September next, hopefully, and then we can take a decision.

Madam Speaker: Next question, hon. Ameer Meea!

EID-UL-ADHA FESTIVAL – CATTLE/BEEF/GOATS/SHEEP - IMPORTATION

(No. B/655) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to live cattle, beef, goats and sheep, he will state the number thereof –

(a) imported and sold for the 2018 Eid-Ul-Adha Festival, and

(b) imported or to be imported for the forthcoming Eid-Ul-Adha Festival, indicating –

(i) the country of origin, and

(ii) if the price has been fixed and, if not, why not.

Mr Gungah: Madam Speaker, with regard to part (a) of the question, I am informed by the Ministry of Agro-Industry and Food Security that a total of 4,080 cattle and 500 goats/sheep were imported from South Africa and sold for the 2018 Eid-Ul-Adha Festival.

As regards part (b) of the question, the Ministry of Agro-Industry and Food Security has issued six import permits for 4,080 cattle to be imported from South Africa for the 2019 Eid-Ul-Adha Festival by –

- Socovia Ltee - 3,800 heads;
- La Ferme Bellagro Ltee - 200 heads, and
- Tarzan Livestock Co-operative Sty Ltd - 80 heads.

Out of the 3,800 cattle for Socovia Ltee, 600 have already landed on 05 July 2019 and a second batch of 1,631 on 15 July 2019. Another 600 is expected to land on 23 July 2019. Socovia Ltee has confirmed that the company will not import any further cattle for Eid-Ul-Adha 2019.

Furthermore, Socovia Ltee has informed my Ministry that the company will put around 4,200 heads for sale for Eid-Ul-Adha 2019, that is, 2,831 imported in July 2019 and 1,369 from those already in its farm.

Tarzan Livestock Cooperative Sty Ltd and La Ferme Bellagro Ltee have confirmed that they would not import any cattle for Eid-Ul-Adha 2019.

Five import permits have been approved for the import of a total of 1,640 goats/sheep in the context of the Eid-Ul-Adha 2019. However, one import permit issued to La Ferme Bellagro Ltd for a consignment of 600 goats/sheep from Botswana has already lapsed. Soreefarm Co. Ltd, Socovia Ltee and La Ferme Bellagro Ltd have confirmed that they would not import any goats/sheep from South Africa.

I am also informed that 1,005 cattle and 2,129 goats/sheep from Rodrigues may be available for Eid-Ul-Adha 2019.

The only importer, that is, Socovia submitted information pertaining to the costings on Friday 12 July and on Monday 15 July 2019. Thus, the Ministerial et up to fix the price of imported live cattle for Eid-Ul-Adha 2019, will meet this week. Thereafter, the Committee will submit its recommendations to Cabinet for a decision, following which the public will be informed of the prices fixed for sale of cattle for Eid-Ul-Adha 2019.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Yes Madam Speaker, it's a bit alarming that less than a month before the Eid-Ul-Adha Festival, the prices have not yet been fixed. May I remind the hon. Minister that since 2015, there has been a rising trend on the prices of cattle except last year, but since 2015, it has been Rs125, Rs130, Rs135 per kilo…

Madam Speaker: Yes, what is your question, hon. Ameer Meer?

Mr Ameer Meea: Since we are in a monopolistic situation which has been the case since very long, therefore, can I ask the hon. Minister if he can see to it that there are no abuses this year and that prices are not increased without any significant reason?

Mr Gungah: Madam Speaker, first of all, I must say that it has been the case in the past where prices have been fixed some two weeks or slightly more than two weeks before the festival. The reason being that the importer waits that the cattle, the goat and sheep and all be embarked on the ship before giving the price and this is the case as well, this year.

Concerning the price for live cattle, I must say that effort has always been made by the Government to reduce the price in such a way that it is accessible to all those concerned and I just have a comparative table with me. In 2014, for the Eid-Ul-Adha festival, the price was Rs139.50. In 2015, when we came, it came to Rs125 which we fixed. In 2016, Rs129. In 2017, Rs135 and last year, it was Rs134. As I said, the Ministerial Committee is meeting this week, and of course, with all the elements of the cost that have been submitted to the Ministry of Commerce, the analysts will be analysing all the figures before proposing to Socovia, the main importer, the price that we wish to have.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Yes. As the hon. Minister is aware there are some religions criteria to be respected for the age of the animal. Is there any mechanism, maybe at the Ministry of Agriculture so that to ensure of the proper age of the animal?

Mr Gungah: Yes, Madam Speaker, in fact this question comes every year and I must say that the officers from my Ministry, the Consumer Affairs Unit, officers from the Veterinary Services of the Ministry of Agro-Industry and they are on site to make sure that the age is respected, that is, two years old and the way I think they check it is by counting the number of teeth. So, I can assure the Member that this will continue.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Minister has mentioned that he has held discussion with Socovia. May I know from the hon. Minister whether before this Committee is going to fix the price, whether they will also hear representation from other importers and local breeders, because they also sell those cattle for Eid-Ul-Adha?

Mr Gungah: I must say that we didn't have any discussion with Socovia as at now. In fact, the Ministerial Committee is going to meet, then we will meet Socovia which is the main importer. There are no other parties that have imported. So, it's only Socovia that is concerned. Concerning the local one, in fact, as you know every well, we don't fix the price for live cattle, for the local cattle available. So, it's only the imported one and that's why we

normally discuss with the importers and in this case, we have only one importer, that is, Socovia Limited.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Thank you very much, Madam Speaker. Could the hon. Minister answer the following questions, why is it that the price of cattle has to increase at all just for the religious festival and will immediately drop after the festival? Why should there, therefore, be any increase whatsoever only for the festival, not only this time, but all other times? Why?

Mr Gungah: Madam Speaker, it has been a tradition for years and years not to increase the price, but to fix the price.

(Interruptions)

It is not a question of increasing the price; it is a question of fixing the price so that there is no abuse by certain sellers.

Madam Speaker: Next question, hon. Ameer Meea!

STC – PETROLEUM PRODUCTS

(No. B/656) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the procurement of petroleum products with effect from August 2019, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to if tenders have been launched and if so, indicate where matters stand.

Mr Gungah: Madam Speaker, the present contract for the supply of Petroleum Products between the State Trading Corporation (STC) and Mangalore Refinery and Petrochemicals Limited (MRPL) will expire on 31 July 2019.

I am informed by the STC that, on 25 March 2019, the Corporation launched a tender for the supply of 915,000 Metric Tons of Clean Petroleum Products (CPP) and 325,000 Metric Tons of Dirty Petroleum products (DPP) for the period 01 August 2019 to 31 July 2020.

Eleven bidders submitted their offers, out of which nine (9) were for Clean Petroleum Products (CPP) and eight were for Dirty Petroleum Products (DPP).

At its meeting of 22 May 2019, the Board of STC approved to award contracts for the supply of Petroleum Products to Mauritius for the period 01 August 2019 to 31 July 2020.

My Ministry was informed of the Board decision of 22 May 2019 and was requested to seek Government's approval accordingly.

However, on 31 May 2019, the Supreme Court, in the case of STC v/s Betamax Ltd, set aside the award of the Singapore International Arbitration Centre and provided guidance on the application of the Public Procurement Act (PPA). Subsequently, STC sought the advice of the State Law Office on the procurement proceedings that should be followed by the Corporation. As per advice obtained, the procurement procedures set out in the Public Procurement Act (PPA) have to be followed by the STC.

On 07 June 2019, STC had a meeting with the Central Procurement Board (CPB) to discuss the procedures to be followed under the Public Procurement Act. A timeline for carrying out the tender process for supply of petroleum products as per the provisions of the Public Procurement Act worked out to last over a period of about six (6) months.

Taking the abovementioned factors into consideration, on 10 June 2019, the Board of the STC approved that the Corporation annuls the tender exercise and carries out an Emergency Procurement for the period 01 August 2019 to 31 January 2020 through negotiations with the lowest substantially responsive bidders in the tender exercise launched on 25 March 2019.

The STC is in the process of finalising matters with the selected bidders for the Emergency Procurement which will ensure the continuity of supply of our Petroleum Products beyond 31 July 2019. In the meantime, a tender exercise, as per the Public Procurement Act, is being carried out by the STC for procurement of petroleum products as from 01 February 2020.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, it is not reassuring what the hon. Minister just informed the House, that now we are using Emergency Procurement for the six months to come, and the more so, it is expiring at the end of this month. Therefore, can I ask the hon. Minister if he can give the list of the bidders for the Emergency Procurement, the more so he mentioned that we will select the lowest bidders?

Mr Gungah: What I said, Madam Speaker, is that, for the Emergency Procurement, negotiations have been carried out with the lowest substantially responsive bidders in the tender exercise that was launched on 25 March 2019.

(Interruptions)

Madam Speaker, I think any reasonable Member, knowing what we have been facing during the last years with Betamax, can understand that it is not the right moment to give the names.

(Interruptions)

Madam Speaker: Order!

Mr Gungah: I must say this is a very commercially sensitive issue, and even legally sensitive and we won't take any risk to give any name.

(Interruptions)

Madam Speaker: Order!

Mr Ameer Meea: Madam Speaker, the hon. Minister must be serious. We are only asking the list, not the comparative prices of each bidder.

Mr Gungah: I think my answer was clear. I said that negotiations were carried out with the best potential bidders. There can't be hundred potential bidders that are the best. There were two bidders or one bidder, so I can't say the name.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: In a last PQ that I, myself, put on 02 April of this year, the hon. Minister stated, Madam Speaker, that: "the recourse to a tender exercise is, of course, more transparent." So, he wants us to believe that he wants to be transparent, when being asked who is the name of the bidder, he doesn't want to give the name!

Mr Gungah: Madam Speaker, I won't say that I won't give the names, but, in due course, I will give the names.

(Interruptions)

Madam Speaker: Hon. Mohamed!

Mr Mohamed: With regard to the negotiations that have taken place, could the hon. Minister tell us when did the negotiations take place, and the names of the people that took part in the negotiations process?

Mr Gungah: It was in the 3rd week of June 2019. The panel was composed of officers from the Ministry of Finance and Economic Development, officers from my Ministry and officers from the State Trading Corporation.

Madam Speaker: Next question, hon. Ameer Meea!

RICHE TERRE - VEOLIA - WASTE PROCESSING PLANT

(No. B/657) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Social Security and National Solidarity, Environment and Sustainable Development whether, in regard to the proposed development of a Waste Recycling Plant at Riche Terre by VEOLIA Recycling & Environment Services (Mauritius) Ltd., he will state if he has received representations from the *Mouvement Anti-Pollution* in relation thereto and, if so, indicate the measures that will be taken in relation thereto.

Mr Sinatambou: Madam Speaker, VEOLIA Recycling & Environment Services (Mauritius) Ltd submitted an application for an EIA licence on 27 May 2019.

According to the EIA Report submitted by the company, the undertaking will consist of the construction and operation of a waste processing plant at Riche Terre to treat –

(i) hydrocarbon waste sludge from the bottom of storage tanks;
(ii) medical wastes and dead animals by incineration;
(iii) contaminated soils;
(iv) waste plastics, and
(v) used oil filters.

According to the District Council of Pamplemousses, the proposed site is found outside the settlement boundary of the district as per the Pamplemousses Development Management Map. It adjoins the Riche Terre Industrial Area and is about 630 metres from the nearest residential development on its western boundary.

In line with Section 20 of the Environment Protection Act, the EIA was opened for public comments as per established procedure. The public was invited to submit its comments by 20 June 2019.

My Ministry has received various representations from the *Forces Vives* of Baie du Tombeau as well as from inhabitants thereat. The *Mouvement Anti-Pollution* has also submitted comments by way of two letters, dated 25 June and 05 July 2019.

The main concerns raised by the *Mouvement Anti-Pollution* pertained, amongst others, for the following –

(a) the activities proposed by VEOLIA Recycling & Environment Services (Mauritius) Ltd. constitute a bad neighbourhood activity and the site is classified as an agricultural land;

(b) shortcomings associated with the proposed project such as non-disclosure of activities, namely incineration of medical waste, human body parts, dead animals and waste plastics;

(c) whether the promoters have applied for a Freeport certificate and a regulatory sandbox license and, if so, the outcome thereof, and

(d) whether there will be the setting up of an incinerator or not.

The *Mouvement Anti-Pollution* has already been informed as per the established procedures that their concerns would be duly considered during the processing of the EIA application.

Madam Speaker, the EIA application by VEOLIA Recycling & Environment Services (Mauritius) Ltd is being processed based –

(i) on the existing regulations and enactments;

(ii) on the comments and views received from concerned institutions, authorities, entities and individuals, and

(iii) on measures stipulated in the EIA Report.

A decision to issue a licence or not will be taken after considering the merits or demerits of the project and I can assure the House that I will not tolerate any polluting activity from the proponent.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Could the hon. Minister inform us, I mean, I have listened to his answer pertaining to the provisions of the law and how the permit will be delivered or not, but does his Ministry possess the required capacity in order to analyse this particular application and for verification of as to whether the technology that is proposed to being used is of such a nature as to cause immense damage to the inhabitants that are only 600 metres away?

Mr Sinatambou: Yes, I believe it does, but in the event that it does not, the hon. Member should know that there are, I believe, 10 members of the EIA Committee each dealing with a different Ministry and authority which has relevant mandate and capacity.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Could the Minister state if Government intends to go ahead with the project since Ministers in the Government themselves have spoken against the project? They have spoken loud and clear against the merits of this project.

Mr Sinatambou: As I stated earlier, this Government will follow due process and a decision to issue the licence or not will be taken after considering the merits or demerits of the project and I give again the assurance to the House that as the Minister concerned, I will not tolerate any polluting activity from the applicant.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Can the Minister inform the House whether he has received representations from the inhabitants that there are activities on site, whether construction has started, putting walls around and also preparing the soil for implementation of the proposed project? Has there been any site visit effected by his Ministry and whether he is aware that works have started contrary to regulations set out by the District Council?

Mr Sinatambou: Firstly, to inform the House, my Ministry has received comments from at least 20 entities. These comments are being taken seriously. If ever the proponent has started undertaking activities there, that shall be a clear criminal offence, which will render them liable not only to hefty fines but also to custodial sentences. However, I am not aware that they have started any work there, but I will ensure that by tomorrow the officers of my Ministry go and have an inspection on the site.

Madam Speaker: Last question, hon. Ameer Meea!

Mr Ameer Meea: We understand from the hon. Minister that he would leave no stone unturned for this project to see to it whether this is right or not to go ahead with the project, but can I ask him if he has had meetings with the *Mouvement Anti-Pollution* or with the promoters, that is, VEOLIA?

Mr Sinatambou: No, in fact, I will not leave any stone unturned for any undertaking which applies for an EIA Licence. We have to follow due process and we will follow due process.

As regards any meeting, it would not be due process if I were to meet those comments received for or against the project which I were to meet the promoter because there is an ongoing exercise for the grant or the non-granting of an EIA licence.

Madam Speaker: Next question, hon. Armance!

SECONDARY SCHOOLS – PHYSICAL EDUCATION TEACHERS - ALLOWANCE

(No. B/658) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research

whether, in regard to the School Certificate/Higher School Certificate Examinations, she will state if she is in presence of a request for the payment of a daily allowance to the Educators (Secondary) (Physical Education) and, if so, indicate where matters stand in relation thereto.

Mrs Dookun-Luchoomun: Madam Speaker, I am informed that a request was, in fact, made by the Secondary School Physical Education Teachers Association for an allowance to be paid for video recording of students' activities for SC/HSC examinations.

The Physical Education syllabuses for School Certificate and Higher School Certificate comprise a written part and a post-work component which includes activities organised under the supervision of the Educators. I am informed by the MES that schools are required to submit video recordings of the practical activities assessed by the Educators as evidence for external moderation exercise by Cambridge assessment. Assessment and supervision of course work are therefore an integral part of the Educators' responsibility. Candidates should be assessed during the course of study and records kept at the level of the school.

Madam Speaker, discussions were held at the MES with the representatives of the Secondary School Physical Education Educators Association and I am informed that the MES has not acceded to their request as course work for PE syllabus is normally conducted at the level of schools under the supervision of Educators themselves. It is to be highlighted that this policy also applies to all the subjects having course work components such as Design and Technology, Travel and Tourism, Food and Nutrition, Arts and Design and the Global Perspective.

Mr Armance: Thank you, Madam Speaker. The Minister just mentioned that she is aware of the request of Secondary School Physical Teachers' Association. Can I know from her why is it that the MES has not adhered to this request whereas for Food and Nutrition and Food Studies, there is an allowance of Rs386 per day for the same services?

Mrs Dookun-Luchoomun: Madam Speaker, my information is different from what the hon. Member is stating. I am informed by the MES that for the course work which is done during school hours, no extra allowances are provided to Educators.

Mr Armance: Madam Speaker, this is written in the letter that was addressed to the hon. Minister and dated 20 May 2019. It is mentioned that there is an allowance is paid for Food and Nutrition and Food Studies. So, they wanted to know why there is no allowance paid to them. So, it is in the letter.

Mrs Dookun-Luchoomun: Madam Speaker, any allowance paid to Educators would be for supervision of work done during examinations, whereas in the case of the Physical Education Educators, they are supposed to assess their students. It is a course work component during school hours and it has to be done by the Educators themselves. So, no allowances are paid in such situations.

Mr Armance: Madam Speaker, in the same correspondence, the Educators mentioned that they will stop services, I quote –

> "Physical Education Educators will no more do and submit video recording for both SC and HSC examinations this year."

So, who is going to do this recording? Is it going to be the MES or the Educators?

Mrs Dookun-Luchoomun: Madam Speaker, this is an industrial relation problem. They will have to check with the PSC, but Educators are recruited to perform certain duties. Teaching and assessment is part of an Educator's role.

Madam Speaker: Next question, hon. Armance!

CÔTE D'OR MULTI SPORTS COMPLEX – CONSTRUCTION SITE – FATAL INJURY CASES

(No. B/659) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the inquiries initiated into the cases of death of employees having occurred on the construction site of the Côte d'Or Stadium, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that, three cases of fatal injury have occurred at the construction site of the Multi Sports Complex at Côte d'Or on the following dates respectively -

(i) 12 September 2018;

(ii) 03 May 2019, and

(iii) 13 June 2019.

I am further informed that inquiry into the first case has been completed and forwarded to the Office of the Director of Public Prosecution for advice, whilst for the other two cases, inquiry is still ongoing.

Mr Armance: May I ask the Rt. hon. Minister Mentor. I will refer to the second and third cases of 03 May and 13 June. So, now, it is two months and one month later. Can the Rt. hon. Minister Mentor please confirm why this inquiry is taking so long time?

Sir Anerood Jugnauth: Well, the inquiry is still on.

Mr Armance: Regarding the third death that occurred in June, has the Rt. hon. Minister Mentor dared to find out that if the operator of the crane had the necessary licence?

Sir Anerood Jugnauth: Who had a licence? What has this got to do with the question? Come with a specific question.

Madam Speaker: Yes. The question is not allowed.

Mr Armance: Regarding the third death that occurred, Mr H.D., according to our information he was cremated in Mauritius and then his ashes were sent to his family in China. Is this normal? Is it at the request of the family? Has the Minister Mentor found out what happened? Is it part of the inquiry?

Madam Speaker: That question also does not arise. Next question, hon. Armance!

PRISON OFFICERS - SHIFT SYSTEM

(No. B/660) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Prisons, he will, for the benefit of the House, obtain from the Commissioner of Prisons, details of the Shift System put in place for the Prison Officers.

Sir Anerood Jugnauth: Madam Speaker, the Mauritius Prison Service is a disciplinary force and an essential service operating under the Disciplined Forces Service Commission. By nature of their duties, prisons officers are required to work on shift on a 24-hour coverage inclusive of Saturdays, Sundays and Public Holidays.

I am informed by the Commissioner of Prisons that shortly after he took office in 2016, it was brought to his knowledge that prisons officers were putting up an average of less than 34 hours of work weekly, which was not in line with the recommendations of the Pay Research Bureau Report 2016, resulting in bank hours being on the high side.

To remedy the situation, the Commissioner set up a Committee chaired by a Deputy Commissioner of Prisons and comprising the Officers-in-Charge of all penal institutions, their Duty Roster Officers and representatives of the Prison Officers Association (POA) to -

(a) discuss on the hours of work to be put up by prisons staff as recommended by the Pay Research Bureau 2016, and

(b) work out a standard shift of work to be implemented in all institutions.

Madam Speaker, after several rounds of consultations and approval of the Prisons Strategic Committee chaired by the Commissioner, the present shift system has been implemented as from 03 September 2018 as follows -

(a) The morning shift starts at 06:30 hours and ends at 13:30 hours. The officers are on duty for 6 ½ hours, excluding ½ hour of mealtime.

(b) The afternoon shift starts at 12:00 hours and ends at 18:30 hours. As such, the officers put up 6 hours of work, excluding ½ hour of mealtime.

(c) Night duty starts at 18:00 hours and ends at 07:00 hours the following day. However, the Prisons Officers are not on duty for the whole night. They are deployed in two batches as follows -

(i) Batch A is on duty from 18:00 hours to 01:00 hours and is on reserve from 01:00 hours to 06:00 hours. From 06:00 hours to 07:00 hours, the officers are posted back on duty.

(ii) Batch B is on duty from 18:00 hours to 20:00 hours and is on reserve from 20:00 hours to 01:00 hours. From 01:00 hours to 07:00 hours, the officers are posted back on duty.

As such, Prisons Officers put up 8 working hours during the night. The Committee has also introduced the concept of overlapping of shifts to enhance procedural security.

Madam Speaker, in the present shift, Prisons Officers are required to put up at least 37 to 38 hours of work weekly in a cycle of five (5) weeks. Previously, officers posted at the Records Office, Reception Office, Visiting Room, Duty Roster Office and Earnings Section were exempted from night duty. With the implementation of the new shift system, these officers are now deployed on night duty at least once a month.

During a period of five (5) consecutive weeks, an officer posted on General Duties is -

(a) off-duty on either –

(i) two Saturdays and one Sunday or

(ii) one Saturday and two Sundays;

(b) on day duty during one weekend (Saturday and Sunday), and

(c) on night duty on one weekend (Saturday and Sunday).

In a cycle of five (5) weeks, male Prisons Officers working on shift are granted at least six (6) days off-duty. Prior to 03 September 2018, officers on shift system were granted weekly off either on Saturdays or Sundays, thus, depleting the strength of officers and resulting in an increase in officers on Bank Allowances. Such is no more the case now.

In line with gender mainstreaming, the Prisons Management has agreed to the requests of Women Prisons Officers for -

(a) the morning shift to start at 07.00 hours instead of at 06.30 hours;

(b) the afternoon shift to end at 18.00 hours instead at 18.30 hours; and

(c) the night duty to start at 17.30 hours instead at 18.00 hours.

It is to be noted that the security of the prison is not undermined with these minor changes and in a cycle of four (4) weeks, the lady officers put an average of 38 hours of work per week, which is in accordance with PRB Report 2016. In a cycle of four (4) weeks, Women Prisons Officers working on shift are granted at least five (5) days off-duty.

Mr Armance: I am just more concerned about the night shift, the one that the Rt. hon. Minister Mentor mentioned starts at 6p.m. and ends at 7a.m. in the morning, this is around twelve hours of work. We have a complaint from the Prisons Officers Association which maintains that the Prisons Officers are not allowed to have food/drink during these twelve hours of work and they are not allowed to bring their own food instead in a very transparent container. Can the Rt. hon. Minister Mentor confirm whether this is true or not?

Sir Anerood Jugnauth: Well, they are given time to eat. I do not know how much they eat, they don't find that time enough.

Mr Armance: Does the Rt. hon. Minister Mentor find it normal that Prisons Officers work twelve hours in a row without having food and he is joking at me.

Sir Anerood Jugnauth: They do not work twelve hours. This is not correct.

Mr Baloomoody: As a matter of fact, they are not allowed to bring their own food. They have to eat their food outside before 18:00 hours and they are given *deux tranches dipain, deux 'vache qui rit'* and two cups of coffee for the whole night.

Sir Anerood Jugnauth: They bring their own food, they eat it outside and this is what is given in surplus so they should be happy.

Madam Speaker: The Table has been advised that PQ B/668 has been withdrawn. Time is over!

MOTION

SUSPENSION OF S. O. 10(2)

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

Mr Roopun rose and seconded.

Question put and agreed to.

Madam Speaker: Hon. Deputy Prime Minister!

STATEMENT BY MINISTER

MAURITIUS - LNG USE - POTEN & PARTNERS REPORT

The Deputy Prime Minister: Madam Speaker, thank you for allowing me to make that Statement.

Madam Speaker, in my reply to Parliamentary Question B/525 on 02 July 2019, I informed the House that I would consider the advisability of tabling a summary of the report of Poten and Partners on the adoption of LNG in Mauritius.

The Report is the outcome of a study to assess the technical, economic, financial feasibility of shifting to LNG, including financial models and the whole supply chain from import, storage, regasification, electricity generation, bunkering and CNG conversion for inland transportation.

I wish to reiterate that the Consultant has advised that the full report could not be made public because it contains sensitive information relating to any future procurement process. The Consultant has prepared a summary for public information. On 12 July 2019, I obtained Government's approval for the tabling of this summary document.

I am, therefore, with your permission, Madam Speaker, tabling a copy of the summary of the Report, prepared by the Consultant.

PUBLIC BILLS

First Reading

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

(a) The Workers' Rights Bill (No. XVIII of 2019)

(b) The Employment Relations (Amendment) Bill (No. XIX of 2019)

Madam Speaker: Hon. Deputy Prime Minister!

(4.33 p.m.)

Second Reading

THE CONSTITUTION (AMENDMENT) BILL

(NO. XIII OF 2019)

AND

THE POLITICAL FINANCING BILL

(NO. XIV OF 2019)

Order read for resuming adjourned debate on the Constitution (Amendment) Bill (No. XIII of 2019) and the Political Financing Bill (No. XIV of 2019).

Question again proposed.

The Deputy Prime Minister: Thank you, Madam Speaker. A lot has been said about these two Bills and I do not think it is necessary for me to go at length over all the points that have been made, considering that I know that many Members on this side and on the other side will be intervening after me.

These two Bills are being debated together, but we need to bear in mind that there are two different Bills. One is the Constitution (Amendment) Bill and the other one is the Political Financing Bill.

The observation of the Leader of the MMM is that the constitutional amendment is a *mise en pratique* of the Political Financing Bill. That is a question of interpretation, but I think that is perhaps the whole of the constitutional debate, and I shall come back to this aspect later on.

On the one hand, we have the MMM, which has been very clear on that issue. They are 'categorically', I quote, against the Bill, and I suppose it means the two Bills. On the other hand, the PMSD, the Leader of the Opposition agrees that the Bill, I quote –

> "(…) reflects the spirit of accountability and transparency. It reflects that spirit; there is no doubt about that. It goes on the same line as the report of Government in November/December 2018. We may disagree about this and that, and we will disagree on a number of points, but I must say that the line that was taken by that Committee is behind the spirit of the legislation that we are looking at this afternoon."

In fact, everybody agrees that we need to have accountability, that we need to have transparency, we have to put some order in our own house. That is what the two Bills are all about; the Constitution (Amendment) Bill being to make clear that the ESE has got certain powers, and I shall come back to this later. The main point of disagreement is public funding. In the report of Government in November/December 2018, we had accepted the fact and we had proposed the fact that parties be politically funded from the State, that is, from the Consolidated Fund, money would be taken to fund political parties. A formula was proposed, according to the representations. Alright! Criticism was levelled at that formula, but heavy criticism was levelled at the principle of funding by the State, and even in this House, we heard hon. Rutnah being very clear on this. He thinks that taxpayers' money should not find their way to the accounts of political parties. I must say, I, personally, am more *nuancé* than that. But we have to realise, and we have taken on board all the representations that were made, and it is not true that there was no debate. There was debate, and representations were made against public funding.

But I ask myself one question. Where was the Opposition at that time, when everybody was clamouring against public funding? Did they come to give their point of view and to tell the public? No! Correct yourself, we are all unanimous in this? No! What we were proposing was not good. Now that we have taken on board the representations which have been made by several organisations, not only radio, not only people who talk on radio - and some of the people who talk on radio talk a lot of sense as well - but also from trade unions, from NGOs, members of civil society who all felt that it was not in order to take money from the Consolidated Fund to give to the political parties, and we came forward with the present Bill. And this is also not good. As says hon. Sinatambou, '*nanyen pas bon*'! When you do this, *pas bon*; when you do the other, *pas bon*. Therefore, it is obvious that there is some element of seriousness which should go into this debate.

The Bill, apart from this basic fundamental point of public funding, it is true that since you do not have public funding, it means, first of all, there is a minimal State control over parties, whereas in other countries where there is public funding, it means a higher degree of State control over the administration and financing of political parties. But this Bill also deals with the administration of political parties. We look at clause 5 and clause 6. Political parties, today, are lawful associations and they do not need to be registered. We have cases in Court, the case of the PMSD against François at the time, when all the members of the Executive Committee had to be parties to the case in Court, because they were not registered. We have had the case of Nababsing and all the Central Committee members, including myself, including hon. Baloomoody. We were not able to appear for the MMM as counsel because we were parties to the case and because, although lawful associations, we are not registered as such.

Now, there are two things that we can do. One, we register as an association with the Registrar of Association, which implies State control, and that is, of course, unacceptable, because then, you put the political party in the same rank, in the same league as all ordinary associations that you have all over the country.

The second way is to have the registration at the Electoral Commission, as is done today, I think, within 10 days of nomination day with the Electoral Commission. We have chosen to say that it should be registered with the Commission.

Now, we do not need a constitutional amendment for that. It is a mere administrative exercise, and the political party will register with the Commission, or else, alright, if we don't want it to be before the Commission, we will find the Registrar of Association, which is a very bad decision to take. And there are, of course, conditions. I think there is agreement on these conditions, except that the PMSD, the Leader of the Opposition, found fault with the condition that the Commission could ask for 'such other information or document as the Commission may determine'. I cannot understand what is the fault that he finds with it. He was not himself very clear or cogent as to his arguments. But there is absolutely no harm in finding this, because there is a general rule of interpretation that such other information or document cannot be well beyond the scope of what is spelt out in paragraphs (a) to (e) of clause 6.

Then we come to donations. Rules for donation! Let us see what the situation is now. Anyone can make donations. There is no requirement of Know Your Customer (KYC), there

is no requirement that you should ask questions, and especially there is pressure at election time on the political party for financing. We know that now, with this law, *'baz'* will no longer be in existence, and the pressure is being dealt with here by banning certain forms of donation. And the point is suspicious donations, and perhaps that is the central question in that part of the Bill. A registered political party or a member or a candidate cannot 'accept a donation that it, or he knows, or ought reasonably to have known, is a donation which originates from the proceeds of a crime, and the party, member or candidate, as the case may be, shall, in such a case, report the matter to the relevant investigatory body'. That is a rule that now applies to the general law, to certain professions, when you receive money, such as Barristers, Attorneys, members of the legal profession, banks, insurance, etc. When receiving money, first of all, they cannot receive in cash or more than a certain amount, Rs500,000.

And secondly, they should, in any event, enquire as to the source of funds, and that is a very important matter which was introduced in the 2000-2005 Government, with the assistance of external organisations in order to clarify the financial sector in Mauritius. In that matter, the cut-off date - because, of course, we have to deal the BAI matter - is November 2013. Whatever could have happened before 2013 is one thing. As from 2013, there is one thing which is clear, and I will stop at that because I don't want to go into huge controversies in this matter. As from 2013, anyone should know or should have known, because that matter had been raised in Parliament, that money emanating from the BAI was suspect, and that is the whole import of clause 10. In some cases, benefits of the doubt could be given. In other cases, the evidence could be clearer than just real suspicion. So, we need to be careful. It is absolutely important that clause 10 becomes part of the law, and this is why, I think, the Opposition has got to be very careful when thinking about this Bill. When voting for that Bill, you are making clear that BAI situations can no longer arise. Suspicious donations can no longer happen, but when you vote against this Bill, it means what it means. It means that we are saying that we have no problem with leaving the situation as it is now, because now we have to go to the general law in order to know whether a donation is suspicious or not, and that is a very huge matter. And what is important in that Bill is that the Commission is given a power to report a suspicious donation to the investigatory body. In any case, the investigatory bodies that exist, whether it be ICAC - well, ICAC, especially - or the Police are able, even now, to enquire into suspicious donations they have not, up to now, concerning political parties, but they can.

The Commission has got certain powers and has got a role to make. Now, let us be clear on one or two things. As it is now, Section 41(1) of the Constitution states that –

> "The Electoral Supervisory Commission shall have general responsibility for, and shall supervise, the registration of electors (...)."

We are not talking about this.

> "(...) and the conduct of elections of such members and the Commission shall have such powers and other functions relating to such registration (...)."

And what is proposed is to add 'such additional powers and functions relating to political financing'. There can be two views; I have discussed this with one or two of my ex-colleagues of the Bar. Does the Commission already not hold the power to register a political party, to report a party that is receiving suspicious donations? Does the Commission not already hold these powers? We have proposed an amendment to the Constitution to make it clear so that there could be no debate about it. But I have no problem about not voting the Constitution Bill myself. The only difficulty is that, on occasion arising, there would be a challenge to the Supreme Court which, if the Constitution (Amendment) Bill were to be amended, would prevent such challenges from occurring. And, of course, it is too early in the day to anticipate or to prophesise what would be the outcome of a decision of the Supreme Court in this matter.

The same thing goes for the Electoral Commissioner who is already empowered and who is already adequately staffed for the purpose of doing these things which are set out in the law. When I look at clause 14, for instance, here we have, in the law now, the law as it is going to be, what is going to happen is that the treasurer will have, I agree, increased responsibilities. Today - I talk about the two parties of which I have been a Member - the treasurer keeps a bank account and he regularly reports to the Committee as to what is happening and, normally, reports to the leader. Now, there is a duty of reporting. But isn't it the trend all over the world and should we, today, vote against these additional duties and responsibilities of the treasurer? Yes, it is going to be a bit heavier for the treasury, but a treasurer, what he must do, is to make a return of election expenditure under the Representation of People Act, as he does today, and then he submits to the Commission a report indicating the amount, nature and monetary value of any donation received during the campaign period. This is going to help people who want to challenge an election by way of an election petition; this is going to assist in knowing whether a political party has been

acting in an immoral manner; I use this term in its widest context. Therefore, there is nothing wrong with what this Bill is proposing. We need to have the treasurer having a statement of account and, of course, we know that amendments are being made to the Representation of People Act to, first of all, increase the allowable expenditure. Well, I do not know what we want. *Nanyen pa bon!* We are saying now you are allowed to spend up to Rs1 m. per constituency, but you are not forced to spend Rs1 m. But you need to report and you need to explain how you have spent, what you have done and where you got that money from. Is that too much to ask? And are we going to oppose this? Is this what the Opposition wants us to do? To oppose the reporting structure which is being proposed in the Bill? I do not think so.

So, I think that, finally, at the end of the day, the Political Financing Bill as well as the Constitution (Amendment) Bill should be passed, that all Members should vote for this law because it is a law qui va *assainir le processus électoral.* And that is probably the most important aspect of it.

The PMSD, very, very sadly, I think, and shockingly perhaps, made scathing attacks on the Electoral Commission and the Electoral Supervisory Commission. Now, making that sort of attacks is very dangerous, especially when they are ill-advised and especially if they come from nowhere. The law is clear and we have got to abide by our Constitution. Section 38 of the Constitution tells us clearly that anyone can be a member of these Commissions if he is not an MP, if he is not a member of a Local Authority, if he is not a public officer or a Local Government Officer. It was never said that you cannot be a member of that Commission because you have, in your professional life, either as a doctor, cured the hon. Prime Minister or whoever in this House, or as a lawyer, you have acted for him, or as a teacher, you have taught his children. Where do you stop? If whatever you do in your professional life, you cannot then be part of the Commission, however good you may be. And for the particular case of that lady, they go to the extent of naming people in this House, in front of the whole population. It is rather strange, rather bizarre. It reminds me of the very old days when I was young, when they would, on the basis of an appointment as Deputy Speaker, come out with slogans. That was what was happening. Are we going to revive all these matters again, from this generation of politicians? This lady, when she appeared for Mrs Soornack, then there is no problem! And they say she appeared for the Prime Minister in the MedPoint case. That is not true! She never appeared in the MedPoint case; she appeared for the Prime Minister in a completely different case. Nothing to do with MedPoint! But I wonder why the Leader of the Opposition makes a distinction between Mrs Saya

Ragavoodoo and Mr Désiré Basset. Why does not he mention Mr Basset, who is a member of the Commission and was Counsel for the Prime Minister?

(Interruptions)

In the MedPoint case! Why is that? If we go on like this, there are members of the Commission who are sisters of political personalities; another one is the brother-in-law of a well-known politician of the Labour Party. Where do we stop? Where do we stop if we go on like this? Mrs Ragavoodoo has been Attorney for hon. Mohamed. So, that is alright, we do not mention it! For the father of hon. Shakeel Mohamed, in the Opposition, in the Labour Party …

(Interruptions)

Yes, and he won. Yes!

(Interruptions)

So, she is a professional and appears to be, from what I see, a client's, I mean, people of substance. If Mr Yousuf Mohamed, Mr Shakeel Mohamed, hon. Pravind Jugnauth and all these people go to see her - I am not making publicity for her, but she must be very good. But if she is good, why cannot she be on the Commission - if she is so good? What does the PMSD see in this? I have got the list of cases where she has appeared.

Therefore, I think it is good that we make the point. Mauritius is a very small country, we are bound to have this. The Electoral Commissioner is himself a nephew, a cousin of other people who are in politics. Of course, we have that sort of situation. Have I ever or has anyone - I talk for the MMM, I can do that, I feel I can do it - ever suggested that the Electoral Commissioner would have favoured his cousins and nephew who are in politics, that he is arranging for votes to be added to the counting sheets or that sort of thing? There has never been that suggestion. This is the first time and this is why I am making it a point to talk about this, because this is the first time that we have heard such scathing attacks on one person because that person is a professional, a successful and competent professional who just happens to have appeared for different persons across, and some of them are Members of this House.

(Interruptions)

And I am not going to talk exactly of what the hon. Member is saying. When I ask the distinction between one member and the other member, we always receive that gender attitude in the talk of the Leader of the Opposition.

I will conclude with one comment. The Opposition now has said, 'Oh no, let us have a Select Committee.' The Leader of the Opposition tells us –

> "This is my own suggestion and we could invite all the political parties in the House and maybe, why not, if one or two want to depone from outside, (…)"

one or two will want to depone from outside? One or two?

> "(...) I have no problem with that, and come up, say in two weeks' time, with amendments to this law."

All political parties inside and outside this House will meet in a Select Committee and in two weeks' time come up with a report. He is living in Cuckoo land, as usual. It is just not possible, just not workable. There has been a huge debate, in fact, on political financing; the debate has been here since 2002, when there was the Leung Shing report. We have debated it amply and now Government comes with a proposition. There is absolutely no need, except if he is to adopt a rigmarole of roundtable, because this is what he mentions also, not Select Committee but roundtable to talk-talk and try and find a solution, showing whether they are *zoli* or *vilain mamzel* or whatever. I do not know what is in their mind, but we cannot accept the suggestion of the Leader of the Opposition. Those are my observations, Madam Speaker.

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

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

On resuming at 5.57 p.m. with Madam Speaker in the Chair.

Madam Speaker: Please be seated! Hon. Ramful!

Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien): Yes. Thank you, Madam Speaker.

Madam Speaker, I have listened with much attention to the intervention of the hon. Deputy Prime Minister. He has been convincing as usual, convincing and smart; smart in relation to his speech of course, trying to convince us that this Bill is the right solution to this everlasting debate about political financing. He has been trying to convince us that this Bill will be the solution to getting rid of corruption when it comes to political financing. He has

been trying to convince us that this Bill will bring more transparency and accountability when it comes to political financing, and he has been trying to convince us that with this Bill - big money will be flushed out of the political system. This is what he has been trying to convince us.

However, I have to say that his arguments were not enough to convince me that this is the solution, and I'm going to say why. Madam Speaker, on the 21 of December 2015, this Government decided to set up a Ministerial Committee to look into this problem about political financing. There was a Ministerial Committee, there were different Ministers who sat on that Committee, including the Deputy Prime Minister. It was chaired by the now Leader of the Opposition. They came up with certain propositions and among those propositions, there was one fundamental issue about the mode of financing of political parties, that is, it was proposed that political parties should be financed partly from public funds. Those propositions came to Cabinet and on the 01 of April 2016, Government approved those propositions.

Two years later, in November 2018, we don't know why two years later, no explanation has been given, but it took Government two years to publish those propositions on the website of the PMO for public consultation. And now, three and a half later, today, Government is coming with a Bill which is fundamentally different as far as the mode of financing is concerned - fundamentally different – with what Government had proposed initially. So, what do we conclude, that Government itself is not convinced with the mode of financing, and now they want to convince the Opposition.

They, themselves, in one mandate, they have come up with two fundamentally different draft propositions, and now, they want to convince the Opposition to vote with them and they are saying that this is the right solution. Now, if they were genuinely interested, we would have voted – we would have voted if they were genuinely interested in finding a concrete solution. We would have voted, if there was proper consultation with the Opposition, we would have voted if there was meaningful - and I am going to come to this – consultation with the public. Unfortunately, Madam Speaker, this is not the case. Let me say why. Let's take the timing; the timing of this Bill is important.

Madam Speaker, everybody will agree that this Bill is going to have far-reaching consequences on the functioning of Political Parties. The Deputy Prime Minister just said there are provisions relating to the administration of Political Parties. The very existence of

some Political Parties, small parties, is at stake, and you are coming with such an important Bill at the eve of a general election! If you were so serious, if you were genuine in your intention, you wanted to have the right solution, you wanted to get away with big money once for all, you should have come up with such a Bill at the beginning of your mandate or immediately after the proposals were made in 2016, then, we would have believed that you had genuine intention of trying to find a solution. You come two or three months before the general election, and you want us to vote with you on this Bill! So, the time in itself shows that this Government does not have this real intention of finding a concrete solution to that problem.

The second issue, lack of consultation with the Opposition! I have heard the hon. Deputy Prime Minister saying that, according to his interpretation, that they don't need a three-quarter majority to pass the Bill. Now, this is the first time we are hearing this from a Member from the Government side. So, they are now bringing this issue which is creating more doubts in the public mind. Do we need a three-quarter majority or not? And the hon. Deputy Prime Minister just said, of course, there might be Constitutional challenge. So, if you are not sure yourself, if you are creating more doubts, if there is going to be Constitutional challenge later on in the Supreme Court, you are insisting of pushing this Bill through Parliament, and you want to have a concrete solution for this thorny problem about political financing ?

So, as I have said, they, themselves, they are not convinced. And they want us, the Opposition, to vote with them on this Bill. I was talking about consultation, let alone consultation with the Opposition, what about consultation with the public. I have heard that the main argument against public funding is that, apparently, following publication of the propositions on the website of the PMO - that was in November 2018 - there was public outcry against public funding. We have not been told the number of respondents, those who responded to those propositions, how many of them. We have not been told what were the propositions they have made, we are just being told that there was public outcry. I don't know how many people were even aware that those propositions were on the website of the PMO. We are just being told like that, that there has been public outcry, therefore, we cannot go ahead with the provision about public financing.

Now, when we talk about consultation, we should have meaningful consultation. You just come before the House and say that you have published the propositions on the website,

it's for the public to respond, it's for the Opposition Parties to respond, and you said that we have had consultation, meaningful consultation? I put these questions –

- Has there been effective sensitisation campaign to the public?
- Has the public been informed of the different modes of financing?
- Have they been informed of the consequences?
- Has there been a real debate about the modes of financing?

No! Unfortunately, not! And you expect the participation of the public; you expect the public to contribute in this legislative process when there has been no meaningful consultation.

Madam Speaker, unfortunately, as I have said, we would have voted for this Bill, but given what I have just highlighted, these are the reasons why we strongly believe that Government is not serious about this issue.

Madam Speaker, I have heard it. I think all Members from the Government side have said, that, we, on the Opposition side, we do not want political financing to be regulated.

Let me say it, loud and clear, that we are for regulation of political financing, but we are not going to vote a Bill that is going to hamper the political process. In fact, when we look at what has happened under this Government, Madam Speaker, we are more than convinced that regulation of political financing is, now, a must. When you see a bookmaker having the grip on all the betting licences, when you see one or two contractors getting most of the Government contracts, when you see an 'X' Minister coming from a private jet with suitcases full of wonders…

(Interruptions)

When you see …

Madam Speaker: Hon. Ramful! Allow me to tell you…

(Interruptions)

Please, order! Order!

Hon. Ramful, I wish to draw your attention to the fact that you are making serious allegations, but you take the entire responsibility for what you are saying.

Mr Ramful: I have not named anyone, unless someone wants to wear the hat. Unless someone wants to wear the hat! When you see the Lam Shang Leen report about drugs money being used in political campaigns, then you have serious cause for concern.

This is why we say we, in the Opposition, we are for political financing, but then we don't want to vote on such a Bill which is going to hamper the political process. Let me say why!

(Interruptions)

I was reading a report by the OECD that was published in 2016 and they have made some findings on the loopholes that exist in the current legislation across the world. One of the main loopholes is that current funding rules need attention to ensure a level playing field for all democratic actors. If this is what OECD is recommending, how can you ensure a level playing field between political parties when, at the same time, you are allowing for contributions from big private donors without imposing any limit? They can donate how much they want, not only for political campaigns, even for operation of political parties. There is no limit at all. Would you expect political parties like Rezistans Ek Alternativ or Lalit or even Labour Party …

(Interruptions)

…to get the donations that MSM is going to have after they have been five years in power. Would you expect parties from the Opposition…

(Interruptions)

Madam Speaker: Hon. Jhugroo, you are going too far.

Mr Ramful: …to get the same kind of donation, Madam Speaker. So, there is no level playing field with what is being proposed.

There was another issue that was highlighted in the OECD report. Loans, membership fees and there is one thing called third party spending or third party funding. And this is very important. Can go around current spending limits! We are providing spending limits in this Bill, but then, Madam Speaker, if you have a member, let me take an example, hon. Soodhun, decides to give over a million of rupees to the MSM, this is a membership fee, he is a member of the MSM, it will not …

(Interruptions)

No, I am taking an example.

(Interruptions)

This is not going to be accounted for. Not only the money! The Deputy Prime Minister spoke about suspicious, illicit financing. You won't be able to apply KYC to the Rs1 m.

(Interruptions)

Because this is not defined as donation in the Bill. Now, third party loans, if, for example, a member of the MSM decides to give a loan over Rs1 m to the MSM, this also is not counted as a donation. Third party spending! If you have a third party, a bookmaker who has enriched himself for years under a Government, he decides to spend enormous amounts of money on a campaign for a political party without giving a direct donation to that nation, this also is not counted as a donation. It is called third party funding. So, these are loopholes that this Bill, unfortunately, does not address, and you want us to vote for this Bill.

There is another issue that was highlighted in the OECD report. These are findings of the OECD. I am not inventing anything. Findings of the OECD talk about there need to be more efficient and independent oversight and enforcement. I have listened very carefully to the hon. Deputy Prime Minister about the Electoral Supervisory Commission. I share his views. We should not criticise or name people. We know. Every political party, they do it, but, unfortunately, there has been a perception, and you want this body to supervise the register of donors! We know. The Deputy Prime Minister said it. Mauritius is a small country.

(Interruptions)

Madam Speaker: No crosstalking, please!

Mr Ramful: If you associate yourself, we see it every day.

(Interruptions)

Madam Speaker: No crosstalking, hon. Sinatambou!

Mr Ramful: You associate yourself with a party in the Opposition; you run the risk of not getting a job in public service. Now, you want an individual who wants to contribute to the Labour Party to register his name on a list that will be supervised by the Electoral Supervisory Commission. So, let's be realistic!

(Interruptions)

Madam Speaker: Hon Hurreeram!

Mr Ramful: Madam Speaker, I know that the population is divided on this idea of using public funds to finance political activities. Let us be honest to ourselves! This is mainly because, over the years, people have lost faith in the way political parties are being run. This is the crude reality. Unfortunately or fortunately, in any democracy, the existence of political parties is important for the political process. It is important. Unfortunately or fortunately, political parties need finance to operate, and where do you get the finance from. If we want once for all to do away with corruption, if, as I have said, we want to get big money out of the system, the only solution, Madam Speaker, is financing through public funds. Studies, in fact, have shown, Madam Speaker, that public fund in addition to combatting corruption have far better merits than what this Bill is proposing.

Let me just state a few advances. Public financing promotes more contested and competitive elections. We have talking about gender representation, we have been talking about more youth participating in the political process, but if they don't have finance, how are they going to participate? But if the State provides them with a sort of funding, this will give them more opportunity. Do you know how many competent people there are outside, Madam Speaker, who would wish to join the political arena, who would wish to contribute to this country, but for lack of funding, they cannot participate. This is why I say, at least, partly there must be public funding to allow these people, to give them the opportunity to participate in the political process.

So, Madam Speaker, to conclude, I won't be long, I heard the hon. Prime Minister say that he had fulfilled yet another promise given to the electorate by bringing this Bill to Parliament. This is not the point, Madam Speaker. You cannot say that you have fulfilled the wish of the people if you content yourself with presenting a Bill that divides the House. You cannot say that you have fulfilled your electoral promise by trying to push a Bill to Parliament, knowing very well that it will not get the required majority. You cannot say that you have fulfilled your promise by bringing such a Bill a few months before the end of your mandate and lastly, you cannot say that you have fulfilled the wish of the people when your party has obtained an unfair advantage that of being in a favourable position than the Opposition by building up your war chest by getting contributions from fat cats.

Thank you, Madam Speaker.

(6.22 p.m.)

Mr S. Fowdar (Third Member for Grand'Baie & Poudre d'Or): Thank you, Madam Speaker. Madam Speaker, this Bill is in this House for quite a long time now. We have been discussing for two to three weeks and we are nearly reaching the end of the debates and I hope tonight we will come up with a vote.

Madam Speaker, on this side of the House, my colleagues have tried their level best to explain the mechanism that we are proposing in the Bill and they have tried their best to convince the Members on the other side of the House to vote for the Bill – to vote for the Bill in the interest of the country, in the interest of the population. I hope we have succeeded. We will know very shortly when we will come for the time when we will have to vote, whether we have succeeded in convincing the Opposition.

Also we have observed that so many radios and press have discussed about the subject and many people, who were unaware about political funding, now know a little bit what is happening. I listened to the radio, Madam Speaker. People are asking a lot of questions about political funding which probably they did not know before. For example, I heard one of the '*auditeurs*' who asked where is public interest in the Bill – a very pertinent question. How does the public win if we approve this Bill in the House? So, I think it is our duty to give genuine and satisfactory answers to these questions.

Madam Speaker, for me, I have been very keen to intervene on this Bill because I feel that this Bill is for public interest. We are going to protect the public with this Bill, protect the public from undue influence on politicians by political donors. It will preserve our independence as politicians. We are going to be independent and decisions that we are going to take will not be influenced at all by the donors. It will be always in the public interest. But we all know how it works, Madam Speaker – political donation is 'give and take'. It has been going for ages. It is not only in Mauritius, the whole world. They are no stupid to give political donation for nothing. It has got a cost and the cost is very heavy. When it comes to reward, sometimes it influences the policy decision – tax policies, Government decision. So, with political donations, we become dependent on the donors. But what are we proposing, Madam Speaker? What is going to change with this Bill when it passes the cap tonight? What is going to change? First of all, we are going to know the identity of the donors. There is going to be a list of donors. But why the Opposition is scared about the list of donors? I have

listened to the other side of the House. All of them are not happy that there is going to be a list of donors.

Madam Speaker, we are talking of OECD. I read a report under OECD recently and it makes a case for political funding laws to cover not only donation but after donation, that is, it does not stop with donation only, but it goes beyond donation. So, election is December, it goes five years after because they are going to trace and check the donors, whether they have received any kickbacks, whether they have received any sort of benefits which are not warranted. So, the list of donors is scaring some people although we all know who are the donors are for the particular parties.

Now, the other thing is: what are we proposing? Political parties are going to be registered, what is the harm in it? ESC is going to control them, what is the harm in it? Is it not in the spirit of transparency and accountability? What are we saying also is – up to now we have no control on foreign donation, Madam Speaker? Foreign donation is free these days. Whoever from other countries can influence this country, this Government, any Government who come to power by foreign donation and we have heard of foreign donation in the past. What are we saying in this Bill? We are going to prevent; we are going to ban foreign donation. We are saying that donation from non-citizens also will not be allowed, will be prohibited. What we are saying, Madam Speaker, is the accounts of the political parties will need to be audited by qualified auditors. This is the safety we are looking for. This is all to do with transparency and accountability. Is this what the Opposition does not want, Madam Speaker? We will let the public judge. What the Opposition is looking for today and what we are bringing as Bill today?

Madam Speaker, I was in the MMM/MSM Government in 2000 up to 2005 and I am in this Government this time. I remember this was on our desk. We were looking to bring a law on political financing and there was a Select Committee at that time. Since then the Labour took over for fourteen years, nothing happened. Nothing happened regarding political financing and….

(*Interruptions*)

Madam Speaker: Order!

Mr Fowdar: And they are now saying this law is incorrect, Madam Speaker. This law is scaring some people. When it comes to public funding, Madam Speaker, I mean I listened to hon. Ramful, what he said is: the population is divided, but if they are divided then we

cannot approve political funding. They should be unanimous. How can we use public funds without the permission, the green light of the public? We cannot do that Madam Speaker. Do we have a mandate to use public money for politicians? I am not sure the public is happy that we are using the taxpayers' money to give to politicians. They are not happy, Madam Speaker. I won't say they are divided, I would say they are almost unanimous to say: no to public funding. So, all in all, Madam Speaker, I think it is clear if you look at the Explanatory Memorandum of the Bill. It says clearly the object of the Bill is to provide for accountability and transparency and it is in the view to protect us from undue influence and corruption. Hon. Ramful rightly said that we have to do away with corruption. How do we do away with corruption? How do we do away with money laundering? What is happening these days? They know that the donors give you cash. How do they get these unauthorised large sums of money? Millions and they bring cash to give you, to all politicians. What we are saying here that political donation should be by cheque or electronic means? This is what they don't want. This is what they are saying no. They want to continue with cash donation which is money laundering.

(Interruptions)

Madam Speaker, at the end of the day, it is clear because I have listened to them carefully. Because I was going to intervene to them to see what is pinching there, why they don't want this Bill. It is clear, Madam Speaker, there are two main things among others. First, they don't want to see a list of donors. They want to protect the donors, but they forget completely, this Bill, Madam Speaker, applies to them and to us as well. It is applying to MSM, to ML; it is going to apply to PMSD, to Labour Party and the MMM, all of us. It is not a Bill, nowhere in the Bill it says except MSM and ML. It applies to all of us. So, the Bill is going to apply to all of us and I do agree this is not a perfect Bill Madam Speaker. It cannot be a perfect Bill. We will come with amendments in the future. I don't think anywhere in the world you can come with a perfect Bill at once. So, why don't we let it go? At least, we protect the population. In the public interest, we have to pass this Bill, Madam Speaker. Now, Madam Speaker, there has been a lot of talks about this Bill and I listened to hon. Shakeel Mohamed. I listened to him carefully and there is one thing they keep saying and without realising that it has got some other outcomes. He stated political donations have been made to MSM and he produced documents to say Rs19 m. were paid by the BAI to the MSM, but he forgot to say also that , although they hit supposedly, I don't know whether this is true. Although there has been donation, the MSM has not hesitated a second to take out the licence

of BAI when they defaulted. There has been no kick back Madam Speaker. This is unique. Today, they are blaming this Government for having closed down the bank although now they are complaining they have given money and they all have received money. Nobody asked money and the BAI knew why they were giving money and I don't know whether it is true, whether this money given to the MSM is true or not. So, Madam Speaker, in the good interest of the public, if we don't want undue influence, if we don't want donors to influence politicians, if we want to have a clean sheet for political donations I think we have to get this Bill through. It is the responsibility of the Members of the Opposition because they will have to answer to the public tomorrow why they did not vote for the Bill. Although there could be some drawbacks in the Bill – there could be I am saying, I did not find any drawback – we can correct. Firstly, we have to stop these illegal donations of large sums of money and also undue influence.

So, Madam Speaker, I think I have made it, I don't have a lot to say and I said what had to be said. I hope that we come up with a consensus tonight and we do away with corruption, with political funding.

Thank you, Madam Speaker.

(6.35 p.m.)

Mr S. Baboo (Second Member for Vacoas & Floreal) : Madam Speaker, I will not be long as most points raised on this side of the House spell in unanimity in what we see in the shortcomings of this Bill. I must say that, by now, this Government is known to bring Bills in this august Assembly *à la va vite* and try to make the Opposition and the population *avaler les couleuvres*, Madam Speaker when outside, there is an outcry for consultation as this Bill cannot be accepted as it is. Here, we cannot forget the Prosecution Commission Bill for which the PMSD left this Government.

Madam Speaker, the Government cannot bring forward such an important legislation without proper consultation, without consensus of all concerned and try to sell it like hot cakes then come and blame the Opposition being against reform and not walking the talk.

Yes, Madam Speaker. Indeed, the PMSD, as part of the l'Alliance Lepep campaigned for reforms in political financing, but one cannot, as voiced out amply in this House, say that this Bill will not fit the purpose with all its shortcomings. If this Government was so much concerned about walking the talk, Madam Speaker and so determined in fulfilling its electoral promises, then why our institutions are not functioning as they should? Why no reforms at the

level of the PSC? Why cronies are still being protected from prosecution? Why is the Freedom of Information Act – all have been pushed under the carpet, Madam Speaker, but bring this very important piece of legislation only a few months before the end of its mandate and the general elections as they do for dire situations.

Madam Speaker, one of the most troubling critics of contemporary democracy is the inability of representative Governments to regulate the deluge of money in politics. If it is impossible to conceive of democracies without elections, it is equally impractical to imagine elections without money.

Madam Speaker, this is why the hastiness in bringing this legislation to the House raises so many questions and surely brings suspensions and doubts to the real motive of this Bill.

Is this Government trying to bring an end to the small political parties; trying to bring around and monopolising the system, building a sort of dictatorship and bringing down to the lowest our democracy. This is the feeling on this side of the House and outside, Madam Speaker.

The paramount of a functioning democracy, Madam Speaker, is that it has to put in place an effective system of checks and balances backed by full-fledged laws surely not this half-baked meal a system ensuring that Government and public institutions are held accountable for decisions that they take and for the consequences of these decisions. In principle, this must be in the national interest and not only in the interest of a few who have the means to vitiate the democratic process.

Here, we cannot forget, Madam Speaker, the promise made to the population and I quote – ‘nous élargirons les paramètres de notre démocratie en proposant des réformes permettant l’émergence d’une société participative. Il y aura des referendums obligatoires pour des questions cruciales concernant l’État’. And here, we are with this Bill, lacking consultations and consensus. I have listened to the hon. Deputy Prime Minister about the Government having listened to the outcry of some NGOs and members of the public to back out with the idea of State funding parties for election. Very good, Madam Speaker! From this, we can deduce that the Government has agreed to the outcry without going through a referendum, white paper or open public debate. How did they listen then? Was it done through the very selective, *sondage* of the MBC? But what about the outcries of the public, like the Metro Express, water supply, just to name a few, Madam Speaker? Does it mean that

the Government is selective and only accept things which please them? Indeed, Madam Speaker, all western democracies, political parties have provided the orientation for individuals and groups of citizens. As of today, political parties are the only institutions in a democracy which carry out all the functions necessary for the democratic process. I would here like to quote what Professor Karl-Heinz Nassmacher says about those functions. The German Professor of Political Science and well known author of 'The Funding of Party Competition: Political Finance in 25 Democracies' has enumerated those functions in the following terms –

> "Parties mediate or arbitrate between a pluralistic society and its political institutions of government. Parties organise political campaigns in order to mobilize voters to participate in an election. Parties recruit political personnel by selecting and nominating candidates who stand for public office in an election. Parties aggregate a plurality of interests into a reasonable number of political alternatives or policy options and channel conflicts between government and opposition. Parties enable people to generate a plurality of opinions in public debate, elaborate projects or proposals for society and transform policy options into political decisions."

Madam Speaker, in Africa, where there are a number of emerging and new democracies, following the end of the cold war and as a result of both internal and external pressures, the multi-party system was functioning in 2002, in all but eight countries. They have all realised that political parties are as important for democracies as are elections, Parliament, the judiciary, the executive and a free Press.

However, one should also recognise that the main reason for disappointment and even contempt towards political parties and politics generally, is what is perceived as an excessive intrusion of money into politics. This is why we agree to it that there exists a strong case for legislation to provide for financing of political parties to enable them to play the role expected of them and simultaneously to provide for the control of parties financed in order to prevent unethical or even criminal practices.

As the public image of parties is being increasingly flawed by the tarnish of corruption, showing the vulnerability of political class and in proven cases, the extreme length certain political leaders will go in their bid to achieve or cling to power.

Madam Speaker, the PMSD is clearly a party which has been in favour of a law to regulate the financing of political parties. The Ministerial Committee on Electoral Reforms

chaired by the then Deputy Prime Minister, hon. Xavier-Luc Duval in 2015, had made genuine and very valuable recommendations on the control of funding of political parties and electoral campaigns. This has been amply elaborated, explicitly inside and outside the House, be it in terms of bringing more accountability and transparency in the funding of political parties. Provisions which were brought to Cabinet in 2016 and which were totally approved at that time and now being surprisingly seen as bone without flesh as implied on the other side, it is to our utter disappointment, Madam Speaker, that the fundamental recommendations on State funding, anonymous donations, overseas funding have not been retained, leaving room for cosmetic changes that make this very Bill irrelevant, scanty to the cause we are standing here today in this august Assembly.

Madam Speaker, this Bill which they are trying to get voted *de façon précipitée* has just not been debated enough outside Parliament to get a stamp of credibility on anonymous donations. In order to give protection to small donors who could face harassment if the political sympathies became known, the committee agreed that any donation received from an anonymous source should be allowed, but limited to a maximum of Rs50,000 per donation. It was also deemed unadvisable to limit the number of anonymous donations to a political party. Being given that each individual donation will be of a relatively small value, it is thought unlikely that there will be much abuse of this provision. This proposal has been squarely ignored. It is to dry the funding of some parties or is it simply to force voters to declare which party they are supporting?

Madam Speaker, this is a clear violation of the democratic process, whereby a person’s political opinion and vote has to follow the scared principle of secrecy. As for overseas funding, the committee recommended that donations from foreign sources should be prohibited as in the case of in around 36% of countries worldwide with the exception of donation from individuals up to a specified amount of Rs1 m. per donation, per year. This proposed Bill is giving the blanket possibility to non-resident citizens to make donations to political parties. This is clearly a blatant loophole being left in the law to allow any foreign citizen, any resident citizen, and any local or foreign company to use a non-resident citizen for political financing in Mauritius.

Madam Speaker, a well thought Political Financing Bill should have addressed in very clear terms and showed the way to promoting a sound, dynamic and lively democracy and eliminate the risks of corruption and influence peddling.

Unfortunately, in this Bill, in its present form, we seem to see the same pattern persists despite the electoral promises for remedial changes and doing things differently. The renewed pledges for the safeguarding of public interest, transparency, meritocracy and competence are still giving way to the old habits of anointing cronies, relatives, political sponsors, and agents and so on.

The fundamental overriding question remains, how will the new provisions of the proposed legislation promote the public interest, Madam Speaker? With the Government having dropped the idea of political financing by the State, what is proposed instead is the continuation and, indeed, the consolidation of private sector financing of political parties. The more so, given that the Bill does not prescribe any limit to the donations of the private sector, coupled with what is to allow to non-resident citizens to anonymously make donations to political parties which defeats the whole purpose of this Bill.

Madam Speaker, the Bill, in fact, also reflects the reluctance of this Government to take positions that are at odds with the interest of their large donors. In its present form, this Bill is far from changing what we intend to change, that is, a perception of who benefits from Government action, and who is harmed and who is ignored as a result of political financing.

Madam Speaker, unfortunately, the proposed Bill seems to go counter to the desirable objective of reducing the influence of big money in the making of policies and decisions. It definitely needs to be debated in much more depth and details before any final decision is taken, since in its present form it will only allow the prevailing arrangements to be perpetuated.

On a final note, Madam Speaker, we are also very concerned about the role of the Electoral Supervisory Commission would be called upon to play. It would be endowed with big powers and resources to supervise, verify, investigate, and if necessary, recommend legal proceedings against offending political parties.

Madam Speaker, we are here in a situation whereby we are assuming that the Electoral Supervisory Commission is an independent body, an institution which will act without fear or favour. But with the recent nominations whereby possibly close members may have made their entry in the Electoral Supervisory Commission, this independence may simply no longer be there. Without the trust being present, such powers may be very dangerous to be left in the hands of the Electoral Supervisory Commission alone.

Madam Speaker, we are here managing the future. What we would do today would be a legacy for our future generations. On this side of the House, we are of those who would like to live a striving democracy for the future generations, and not one that will be hostage to the power of big money. As the famous saying in Hindi says, *"jaldi mein hai garbari"*, meaning haste makes waste.

Our plight, therefore, Madam Speaker, is that this flash Bill cannot be accepted as it is and that the Government seriously takes into consideration the recommendations made on this side of the House.

Thank you, Madam Speaker.

Madam Speaker: Hon. Prime Minister!

(6.54 p.m.)

The Prime Minister: Madam Speaker, let me, first of all, thank all the hon. Members from both sides of the House who have taken the floor and contributed to the debate with regard to those, what I call, two landmark Bills.

Madam Speaker, as I stated in my Second Reading speech on Tuesday last, these two Bills seek to instil a higher degree of integrity in political financing, enhance our overall governance framework and strengthen our democracy.

I must say, Madam Speaker, that I am very much disappointed at the tenure of the arguments that have been put forward by the Members of the Opposition. They clearly, I must say, could not resist the temptation of playing petty politics and riding their hobby-horse of demagogy.

In fact, to me, they have no arguments. What we have heard from the other side since Tuesday were only excuses, and I must say, lame excuses, which show the bad faith for not voting for this Bill. Anyway, Members from this side of the House have given a number of reasons and, I must say, a fit rebuttal of the arguments that have been put forward by the Opposition. But, nevertheless, I would also like to respond to a few points which have been raised by Members from the other side, in order to set the record straight and to dispel any remaining doubt or confusion that they may have created in the minds of people.

Et, Madame la présidente, surtout le fait que, comme prétexte, ils sont tous venus dire, le MMM, le PMSD et le Parti travailliste, que, comme si nous présentons un projet de loi, que nous, nous avons l'intention expressément pour que cette loi ne soit pas votée.

Maintenant c'est à nous ! Nous présentons une loi, nous passons notre temps à travailler sur cette loi. Comme l'honorable Ramful a dit, il s'est offusqué pourquoi on a pris deux ans, alors que lui, son parti, le Parti travailliste, était au pouvoir pendant presque dix ans, 2005-2014, et n'est même pas venu – je ne dirai pas un projet de loi – de l'avant avec un bout de papier de la loi. Mais il s'offusque pourquoi on a pris deux ans.

(Interruptions)

J'aurais voulu moi aussi présenter ce projet de loi bien avant, mais le fait est que - je ne vais pas entrer dans les details - nous avons travaillé, et nous sommes venus de l'avant avec ce projet de loi, *with all the seriousness I must say.*

(Interruptions)

Okay, you know, we can argue; we will say, they will say. It will be for the people to judge at the end of the day. As I say, we have heard most of the Members on the other side proposing that the Bills be referred to a Select Committee. Madam Speaker, I must say, as rightly pointed by hon. Rutnah on Tuesday last, Members of the Opposition - in particular he has given a long list of Members from the MMM – have, over the last four years, been regularly inquiring through Parliamentary Questions as to when the Bill on Political Financing would be introduced into the National Assembly, and also from the Labour Party. I do not understand the argument of hon. Ramful: "All this time; when is it going to be introduced in the Parliament? Now, why is it being introduced?" Well, he says a few months before election, we still have time for General Elections. But anyway, let us take it, even if it is a few months before.

As I said before, Madam Speaker, neither the MMM nor the PMSD have spoken about ever referring this matter to a Select Committee. In fact, for them, it was never a question of referring the matter to a Select Committee. It is only now that we hear that this should be referred to a Select Committee. Well, with the difference of the MMM, I have looked carefully, and I have collected all the public statements that have been made. The MMM is saying: "No, let's do it after the General Elections". Well, at least, this is something which I would comment much on it but as compared to the other Opposition, where clearly it is better that the MMM says do not do it now, do it after the General Election. I think there is, at least... I do not agree with that, but, at least, they are more consistent in the stand that they have taken.

But, Madam Speaker, on our side, we consider that this option cannot be envisaged. It will not work. We all know it will not work. I think it is the surest way of sending the Bills to the back burner.

Madam Speaker, as the House is aware, Government did undertake wide consultations on these proposals on political financing and I must also say that if the Opposition was serious, what has prevented the Opposition from making counterproposals. We have not received any single representation from any party from the Opposition in the National Assembly or any Member also, any independent Member. And, therefore, we do not see this rationale of referring this Bill now to a Select Committee. And, in any case, Madam Speaker, I mean, this has been amply demonstrated by my colleagues on this side. I shall not say we are not sure that we are able to secure a consensus. I shall say that we are bound not to have a consensus. As it is, after having listened to all the arguments, we are bound not to have any consensus. As has rightly been pointed out, we have differences on the fundamental issues, not on issues that we can compromise on, that we can discuss and let us say come together, no. Fundamental issues, Madam Speaker! Let me give a few examples! The MMM and the Labour Party are very much against the proposed new ceilings of expenditure, while, at least, the PMSD is in favour. Just to remind the House that the ceilings of Rs1 m. per party candidate and Rs1 m. per party per constituency had, in fact, been proposed by the Ministerial Committee, chaired by hon. Xavier Duval, and to which we agree.

The Leader of the MMM had opined that the proposed sanction for breach of this law, namely the fine of up to Rs1 m. is too harsh, whereas the PMSD is recommending harsher sanctions such as –

- loss of seat;
- ineligibility for election, and even
- imprisonment.

On another issue, the PMSD considers the proposal to have all donations channelled through the treasurer of a party to be somehow a good idea, from what I gather, whereas the MMM finds it too constraining and unworkable.

The MMM is against the disclosure of the identity of donors, while hon. Mohamed is advocating full disclosure of the names of donors. And then, Madam Speaker, I think the fundamental difference that we have and that we listen to again today is State funding. Now, I have explained, and I shall come to that later on also, State funding. But can anybody be

serious that we shall refer the matter to a Select Committee and on this issue alone that we are going to say that we are against State funding as it stands now for the time being and Members of the Opposition will say, and I note also, well, hon. Ganoo he was initially staunchly against State funding. I have seen that in a Press Conference that you held. When we publicised the proposal initially, we had included State funding and I can recall very well hon. Ganoo was against, and he said it is not good, we should remove State funding. But in a short span of time, his position has evolved. From what I have seen, he said that his stand on public funding has evolved, and now he is in favour.

(Interruptions)

This is what I see.

(Interruptions)

Sorry. Well, mixed, but still you have evolved from no State funding at all, to some, let's say some State funding. Anyway! But the point that I want to make, Madam Speaker, is let the people judge who is bent on defeating this Bill in the House. Because if we want to be serious, we shall then have to refer the matter to a Select Committee? This is our stand. This is going to be their stand. Where are we going to meet? How are we going to meet? As I say, it is such a fundamental difference, and then you say that, and I heard that from hon. Baboo who said that, now we tend to listen to people in other cases. Well, of course, there are decisions to be taken. In certain cases, yes! We shall go along with what is public opinion. Maybe in other cases, if we are strongly convinced that it should be like that, we shall take that stand, we shall go to the people, and we shall explain to the people. But in this case, we are convinced – I will agree with hon. Fowdar, a great majority of people are totally against public funding.

Now, that is why I say a Select Committee will not be able to resolve those differences over such important aspects of political finance regulations and try to find a common ground. What will happen, Madam Speaker, I think, at least, as I say the proposal of the MMM, do it after the next General Election. Let whoever is going to be in Government will take the initiative and we shall see. But we have taken the right decision. We are coming with this Bill, it will be voted, we will see. Each one will assume his own responsibility, first of all, as a Member of Parliament and then, of course, as a member of a party.

The hon. Leader of the Opposition has expressed concern over Clause 6 (3) of the Bill which according to him gives an unfettered discretion to the Electoral Supervisory

Commission in the registration of political parties for the purpose of this Bill and I see hon. Uteem has also raised the same issue. Madam Speaker, Clause 6 (3), in fact, provides that –

> "The Electoral Supervisory Commission may, after considering all the particulars of an application and any other necessary and relevant factors, register the political party."

The Leader of the Opposition considers that the word 'may' in this Clause, should be replaced by the word 'shall'.

Madam Speaker, I am advised by the Attorney General's Office that it is implicit in the exercise of the discretion of the Electoral Supervisory Commission under Clause 6 (3) that there is an obligation on the Commission to act reasonably, fairly and judiciously and not to act arbitrarily or in a discriminatory manner.

Madam Speaker, the word 'may' is being used here because the Commission will have the discretion to reject an application if a political party does not meet the requirements of the law. Because then, if we have the word 'shall', the political party comes before the Electoral Supervisory Commission and lays down a document, but it is short of some other documents. What will the Electoral Supervisory Commission do? It is a 'shall'. It has no other choice than to register. That cannot be, Madam Speaker. So, as I say, if the political party meets all the requirements, then, the Commission will have no other option than to register that political party. And, at any rate, if a political party is aggrieved by the decision of the Commission not to register it, that Party may seek redress before the Supreme Court.

I must also point out to the hon. Leader of the Opposition that the same word 'may' has been used in paragraph 2(1) of the First Schedule to the Constitution, which empowers the Electoral Supervisory Commission to register political parties for the purpose of a General Election. Let me read the relevant paragraph so that we do understand what we are talking about. And I quote –

> "Every political party in Mauritius, being a lawful association, may, within 14 days before the day appointed for the nomination of candidates for election at any general election of Members of the Assembly be registered as a party for the purposes of that general election by the Electoral Supervisory Commission."

Therefore, Madam Speaker, this issue raised by the Leader of the Opposition about the possibility of the ESC using the powers being conferred upon it under Clause 6(3) of the Bill

to refuse registration of a party and thereby preventing it from receiving donations, is really to me a non-issue.

Madam Speaker, hon. Uteem stated that the Bill makes no provision for a time limit within which the Supreme Court should determine an appeal of a party aggrieved by a decision of the ESC.

Let me point out that, in regard to any question by the registration of a party or party alliance, Regulation 9(4) of the National Assembly Elections Regulations 2014 provides that any party or party alliance aggrieved by a decision of the Commission may, within 24 hours of the service of a notice, appeal to the Supreme Court against that decision. The same Regulation 9 further provides that the Supreme Court shall hear and determine any such appeal not later than two days before Nomination day. I should have thought that hon. Uteem would probably know about this because, after all, not only the Supreme Court has a duty to hear within that delay, but there is no appeal against the decision of the Supreme Court. Do you know why there is no appeal, because when an election is going to be held, there cannot be any time that is given for any appeal because otherwise that will defeat the purpose. That is why we have such provisions in our law. Madam Speaker, a similar provision, of course, will be made by way of regulation, to cater for any such appeal against the decision of the ESC to refuse registration of a party under a Political Financing Act.

Madam Speaker, I noted that the Leader of the Opposition and the Leaders of the MMM and *Le Mouvement Patriotique* have again argued, - as I say, against State funding, but *Le Mouvement Patriotique* partly - underlining that it did form part of the Government's initial proposals and that it is a current practice in many countries. Madam Speaker, we do not deny that public funding is a common practice in many countries, although the form varies considerably from one country to another. However, as I explained on Tuesday last, it was clear to us, from the feedback we received during the consultation process that, in general, people of this country are very much against the idea of using public funds to finance political activities, a fact that was acknowledged by even hon. Shakeel Mohamed.

I must say that I was very much surprised to also hear the Leader of the MMM, on Tuesday last, saying that we should not pay attention to opinions expressed in the media or in the public. Well, on this side of the House, we do not agree with this, as we have to give due consideration to, and not disregard the opinions expressed by the people.

Madam Speaker, I would like to take the argument of hon. Uteem who equally spoke in favour of public funding, arguing that it helps to level the playing field. As I have explained in my Second Reading speech on Tuesday last, it can happen that far from levelling the playing field, public funding may well exacerbate the disparity between major political parties and emerging ones, the reason being that a qualifying threshold will necessarily have to be imposed for the allocation of public funding, and that it is unlikely that smaller parties will be able to attain that threshold.

Hon. Uteem mentioned the Leung Shing Report, which had recommended public funding. However, hon. Uteem did not mention that the report also emphasised that it is an erroneous notion that public funding of political parties can level the playing field. And let me quote the relevant observation from that report, and I quote –

> "The limitative application of the Fund may result in two outcomes which we deem would do injustice to the whole electoral process. Firstly, the strict application of the funding mechanism recommended by the Sachs Report would mean that essentially major political parties would benefit from the Fund, thus denying emerging political parties the opportunity for development. This may lead to a 'natural selection' process taking place in the political arena and resulting in the ossification of older political parties which have been in power for a long time. In other words, there will be little or no possibility of turnover of political parties sitting in the National Assembly as a result of this. The reader will certainly appreciate how vital the ease of turnover of political parties in power is in a dynamic democracy."

Madam Speaker, I would also like to quote another argument against public funding, which was mentioned in the Leung Shing report, and which hon. Uteem, again, I must say, has conveniently avoided to mention, and I quote –

> "A second argument against State funding is that the level playing field that it initially purports to create, can disappear with the passage of time as the older parties having been 'fed' on State funds for years will have acquired a sound organisational structure while emerging parties will find it difficult to keep up with that trend. This is especially true in a system where the level of State funding is dependent on the proportion of votes received at previous elections."

Therefore, Madam Speaker, the assertion that public funding can level the playing field may also well be a fallacy.

Madam Speaker, at international level, studies carried out by International Institute of Democracy and Electoral Assistance have revealed a worrying trend in European countries which have introduced State funding since long. In fact, it has been observed that political parties in these countries have become extremely dependent on State funding, which has reached an average of two-thirds of their total income, and in some countries above 80 per cent. Such over-dependence on State funding may lead to political parties slowly getting disconnected with the grassroots.

Madam Speaker, another important aspect related to State funding is the conditions that the State may impose for the grant of such funds and the extent to which the State can influence, or interfere in, the internal organization and management of political parties through public funding. To what extent can the State dictate or interfere in the internal operations of a political party on issues like, internal democracy at party level, gender balance on managing committee, diversity and inclusiveness, training and capacity building, policy development, amongst others.

Madam Speaker, when advocates of public funding claim that this is a common practice in many countries, they often fail to highlight the fact that there are great variations in the way such funds are allowed to be utilised by the recipients. Studies carried out in 2012 by International IDEA revealed that 42% of countries having State funding do impose certain limitations on its use. In some countries, the funds are to be used only for campaign purposes, while in others they may be used for ongoing non-electoral party activities as well. In other countries, the funds are to be used only for fostering international relations, civic education or for research purposes.

Madam Speaker, these are, in fact, very important questions which we need to carefully reflect upon, before envisaging the introduction of public funding.

Let me take a few other issues raised by hon. Bérenger. First, regarding his statement that the proposed revised ceilings of election expenditure are grossly exaggerated.

Madam Speaker, on this issue, I would like to remind the House that, in the Report of the Select Committee on the funding of political parties, the Leung Shing Report, submitted in October 2004, the Committee had recommended that the spending limit be set uniformly at Rs1 m. per candidate. That recommendation was based, in fact, on an exercise, carried out by the then Central Statistics Office, which had shown that the estimated mean election expenditure of a candidate in the year 2000 was Rs633,700 and the expected mean

expenditure in 2005 would have been around Rs1 m. In 2005, already Rs1 m.! That figure of Rs1 m. if adjusted for inflation, would today stand at around Rs1.8 m. Therefore, Madam Speaker, clearly, the new ceilings, which are presently being proposed in the Political Financing Bill, are very realistic. I must say they are fair and reasonable. May I also remind the House that the present ceiling of Rs250,000 per candidate was set as far back as 1989, that is, 30 years ago. And you would imagine that we do not vote the Bill, let us say irrespective of their legality, of what could be implemented or not. We are making a joke. The people who are watching us, Rs250,000 per candidate! Let us not be hypocritical about it. For one, I think, we all know how much candidate do spend. And what we are telling the people today? We are telling the people that we will continue with Rs250,000 per candidate. This is what we are telling people.

Madam Speaker, let me respond here to a point raised by hon. Uteem and hon. Mohamed, who both insinuated that the party in power will be able to circumvent the restriction on the spending limits imposed for campaign periods. Campaign period, Madam Speaker, has been defined as the period between the issue of writs and the proclamation of results. The new expenditure ceiling being imposed on parties and candidates are in relation to a campaign period. Hon. Uteem has argued that the party in power, knowing well in advance the date of issue of the writs, may very well incur election-related expenditure before the issue of the writs and such expenditure outside the campaign period will, according to him, remain unaccounted for.

Madam Speaker, for the purpose of accounting, the election period will inevitably have to be defined, that is, a cut-off date will have to be set for the accounting of election expenditure and this is presently the case with the Representation of the People Act. But what hon. Uteem does not seem to realize, or chose not to mention at least, is that, with the proposed new law, parties will also have to submit their statements of accounts on an annual basis. Therefore, any expenditure incurred in an election year before the issue of writs, will inevitably be reflected in the annual statement of accounts which will have to be submitted to the Electoral Supervisory Commission and which will eventually be made public. But this argument, Madam Speaker, of the hon. Member, how is it today? In what situation are we? There will come a time when the Prime Minister will decide on the date of election. What prevents me from having our campaign started even much before that, having expenditure depending on, of course, what kind of campaign we want to conduct? There is no difference. But there is a difference. The difference is that in the future, if we have this floor, at least the

Electoral Supervisory Commission will be able to have a look at your statement of account and will see whether, just before the issue of the writ, what this party has been spending, how much money has it been spending and will be able, of course, to, at least, have some light on how this party has been behaving. Therefore, Madam Speaker, I again failed to understand that kind of argument.

We have also heard hon. Bérenger, arguing that the proposed sanctions for breach of this law are too harsh. The practical experience from around the world indicates that political finance regulations need to be combined with appropriate, effective and enforceable sanctions, if they are to have any desired impact. The sanction for violation of the rules should be such that it can dissuade political actors from misbehaving.

I must say that, while deciding on the appropriate form of sanctions, we have, in fact, drawn inspiration from foreign jurisdictions, and we have accordingly opted for fines, as compared to other forms of severe criminal penalties. Fines are indeed the most common form of sanction, used in many parts of the world. It is simple and relatively easy to enforce. And, at any rate, Madame Speaker, if we vote it, we have the fines; it does not prevent anyone in the future from amending the law. If we see, let us say, that it is not effective, we can always improve. And any such law would have to be amended in the future, would have to be improved in the light of the experience that we gather and the way all the different elections that would be conducted, and in the light of that, we would obviously have to adjust.

The Bill also provides that breaches of its provisions shall be sanctioned by fines, but not of one million rupees as hon. Bérenger has stated. It will be up to one million rupees and while imposing a fine, the courts will surely take into account several factors such as the amount involved in the violation; the detrimental effect of the violation, whether it is a repeat offence and whether the accused had refused to abide by earlier warnings and directives and so on.

Now, Madam Speaker, it is also noteworthy that the ESC is being empowered to issue directives and warnings in order to ensure compliance with the law. In fact, experience in other countries has shown that warnings and compliance notices are potentially useful and effective sanctioning tools. The ESC will very likely use these soft punishments in the first instance in order, of course, to secure compliance with the law and not start straightaway to

prosecute and impose fine *à gauche et à droite* as stated by hon. Bérenger. So, this argument also, Madam Speaker, to me, is untenable.

I would also like to add here that these new powers and functions being entrusted to the ESC will undoubtedly create a new set of challenges for the Commission as the oversight body, but there is no reason to believe that the enforcement and other problems will be insurmountable contrary to what hon. Mohamed was to make us believe. Of course, the ESC will have to be provided with all the necessary resources to enable it to deliver on this new mandate.

Madam Speaker, let me now come to the claim of hon. Bérenger for the comments made by the Electoral Supervisory Commission and the Electoral Commissioner to be disclosed. As I stated in my speech on Tuesday last, the Electoral Supervisory Commission and the Electoral Commissioner have both been consulted as is required, of course, under section 41(3) of the Constitution. Their views and comments have been duly considered. However, in my view, it would not be appropriate to disclose the views of the Electoral Supervisory Commission and the Electoral Commissioner as they would become the subject of debate and all sorts of unwarranted comments in this House. I think, Madam Speaker, it is speaking for me to again remind the House of the stand of hon. Bérenger on my observations during the debates on the Constitution (Declaration of Community) (Temporary Provisions) (Amendment) Bill of 2014. In fact, then, I was trying to explain how the choice of best losers would have already been predetermined by the Electoral Supervisory Commission with the formula that was being proposed in the Bill when hon. Bérenger took a point of Order questioning whether it was in order for me to make those statements concerning an independent institution like the Electoral Supervisory Commission since they were not there to defend themselves. So, why is it now that he is claiming today that the comments of the ESC and the Electoral Commissioner should be disclosed.

So, Madam Speaker, for the reasons I have explained earlier, I do not propose to disclose the comments of the ESC and the Electoral Commissioner and provoke a debate in this House. I also wish to place on record here, Madam Speaker, and I have heard it again today from the PMSD, my utter disappointment and resentment at the unwarranted and repeated attacks made against the Electoral Supervisory Commission and the Electoral Boundaries Commission.

Madam Speaker, I think my colleague, hon. Deputy Prime Minister, has spoken on this issue and I did not want to take this issue again, but since I heard hon. Baboo, I think it is a systematic attack. It is repeated, and I also heard some other Members, especially of the Labour Party who have been criticising – not the same kind of attacks, I must say, but criticising in a different form, saying that there is a perception. I heard hon. Ramful say there is a perception. But, of course, we should know who created the perception. Anyway, let me say one thing. I say that, particularly, for the Labour Party. Madam Speaker, who does not know the relationship between the Electoral Commissioner and hon. Shakeel Mohamed, but has anyone ever heard anybody from the MSM or the ML before saying anything about the blood relationship between the Electoral Commissioner and hon. Shakeel Mohamed, who is a politician; who has been in politics, or who has been a Minister in Government before? On the contrary, Madam Speaker, we have always, and we will always praise the impartiality, the independence of the Electoral Commissioner, Mr Irfan Rahman. I say that, it is a good opportunity for me to say that today Mr Irfan Rahman, the Electoral Commissioner, has been acting – in fact, he has given credibility to the Electoral Commission and never have we said anything about that. We know also - and it is good for me to say it – Mr Oograssen Devpal Cowreea, who is a member of this Commission, who is an Attorney. Who does not know that he is the brother-in-law of Mr Faugoo? Mr Faugoo has been a Minister in Government. Have we - any member of the MSM and I speak for ML also – ever said there is a – not even that we did not criticise, that we say that there is a perception that information is being given to Mr Faugoo even though we have been opposing the Labour Party? Never. We trust this person also. Let me seize this opportunity to say that we have nothing against him. Mrs Narghis Bundhun who is also the sister of somebody who has been in the MMM, have we ever said anything even in terms of perception? Never. Now, the PMSD says: well, I will have to repeat it because you know they have been criticising and mentioning the name of one person who I totally agree with what the Deputy Prime Minister has been saying about the credibility, the competence of that Attorney at law. But Mr Désiré Basset has been my Counsel not in one case – we are talking about Medpoint, in so many cases appearing for me. I have never heard the PMSD saying why is it that Desire Basset is a member of the Electoral Supervisory Commission, but for Mrs Ragavoodoo, she has been appearing for me as an Attorney, well, this is unacceptable…

(Interruptions)

And not related to me also and, I believe, not to any Member of the Government, no one. Honestly, I say this to the PMSD. This is like a mudslinging exercise, Madam Speaker, which is very dangerous, very dangerous because this is the institution that has, in fact, made and contributed a lot to making Mauritius a renowned democratic country whereby elections are held regularly and no one contests the results of the election, well except for one exception, as usual. You know the Labour Party has been contesting and saying that the elections were rigged at one time when they were heavily defeated, but, at least, he learned his lesson, and he has not repeated it again. But, therefore, we have to be careful, Madam Speaker, that we do not just criticise such an institution which is a pillar of the fabric of our democratic set-up here in the Republic. Unfortunately, I spent some time because it is very important. To me, it is something that is crucial and that I do not agree at all with the stand of the PMSD.

Madam Speaker, it has also been stated that through this new law, now the MSM and the ML will have a *mainmise* on other political parties. This is absolutely incorrect. The law will apply equally to all parties, including parties presently in power and will be monitored as I say by ESC, which is an independent institution, which is a totally credible institution and the question of *mainmise* of any party over others simply does not arise. I must say it is a figment of the imagination of some people. *Je dirai c'est un peu de n'importe quoi.*

Madam Speaker, hon. Bérenger also criticised that, under the new law, parties are being burdened with the requirement to keep and submit to the ESC receipts for election expenses at the time of filing their election returns. Now, let me point out that the requirement to submit vouchers for election expenditure is already there, it is already in the law, existing today. What are we doing? We are only increasing the ceiling. Let us see. Section 56(2) of the Representation of People Act presently provides as follows, and I quote –

> "Every return made under this section shall contain a full statement, under the appropriate head specified in the return, of all expenditure incurred in connection with the election by or on behalf of the candidate, and shall be supported by vouchers for all payments in excess of 30 rupees."

This is the law today, we are living with that and the provision has been in our law since when? 1948. It has never been revised. So, with this amendment, we are only revising upward the minimum expenditure to be supported by vouchers, as I say, from Rs30 to, I would call, a more realistic figure of Rs5,000.

Madam Speaker, the proposed arrangement whereby all donations will have to be channelled through a treasurer of a party again has been questioned by the MMM on the ground that it will be too constraining on the party and hence it might be unworkable.

Madam Speaker, we have to bear in mind that the ultimate objective of this new law is to inject transparency and accountability, political finance and eliminate corrupt practices. The requirement to have all donations channelled through the treasurer will obviously allow an effective accounting and reporting of such donations. Any attempt to loosen this rule will compromise the attainment of the objective of this legislation. The argument that this arrangement is too constraining on the parties is very weak indeed. Nowadays, the transfer of money or settlement of claims does not pose any particular challenge, the more so that the Bill provides that any monetary donation by a company shall be made by cheque or electronic means, in fact, better because then it is traceable.

I also heard the Leader of the Opposition and other Members of the Opposition saying that there were no consultations on these Bills prior to their introduction in the National Assembly. Let me again remind the House that the Government proposals on political financing had been released as far back as November 2018. The proposals have also been sent to all leaders of political parties represented in this House and also to independent Members. As I have said earlier, we have not received any single counter-proposal from any of those parties or even an independent Member.

On the other hand, Madam Speaker, let me say. Hon. Ramful was saying: ‘well, have we received representations? We have received a number of representations from other stakeholders and I must say some of them have made constructive counter-proposals which we have duly examined, and we have taken on board. This is precisely the reason why the Bill is a bit different from the initial proposals of Government which were made public in November last. This is precisely why we have also taken some time because we have been open to public consultation and Government has always been open to dialogue, but we are open to dialogue if people want to dialogue with us. We cannot dialogue and there is no response.

Madam Speaker, it has also been insinuated by a few Members that the identity of donors will be made public. Now, let me clarify that this will not be the case. I repeat again, this will not be the case. The political financing oversight mechanism that we are proposing in those Bills has been customized to suit our local context, and it is noteworthy that

anonymous donation will be prohibited. In the case of authorised donation, the names of donors will have to be recorded by the treasurer and the oversight body, that is, the Electoral Supervisory Commission will have access to such records, and it is also empowered to investigate in suspicious cases. However, the names of donors will not be made public. Our concern is that, Madam Speaker, if the identity of the donors – I am talking not only of big donors, especially the small donors – was disclosed, there is a risk that they would be harassed as their political sympathisers would have become known, especially in a small country like ours. This method discourages sympathisers and supporters of a political party from making donations and participating in the political life of the country.

I would also like to clarify here a point raised by hon. Bérenger. A company making a donation will be required to indicate in its financial statement only the amount so donated, and not the name of the party or independent candidate receiving the donation.

Madam Speaker, in regard to anonymous donations, as I indicated earlier, we are, for obvious reasons, imposing an outright ban on such donations. The report of the ministerial committee chaired by hon. Duval had, in fact, recommended that anonymous donations up to Rs50,000 could be allowed and he has, of course, reiterated this in his intervention on Tuesday last, but we note in his report, he has also recommended that donations from foreign sources should be prohibited. Madam Speaker, he failed to explain to the House on Tuesday last as to how a ban on foreign donations can be enforced if anonymous donations are allowed. We believe that if anonymous donations are authorised, this would constitute, in fact, a loophole which could be used by some people to circumvent the law. I say this for two reasons, one of which is so obvious. If we have an anonymous donation of Rs50,000, do you know what will happen? You will have hundreds of anonymous donations of Rs50,000. How are you going to control that? I am saying hundred, some parties will have probably two hundred, three hundred, four hundred.

Secondly, on the one hand, we say we ban donations from foreign donors and, on the other hand, we say we can allow anonymous donation of Rs50,000. How are you going to control whether it is coming from a foreign source? You cannot. That is why there is a contradiction and that is why we have decided; we say we are going to ban, we cannot allow any anonymous donation.

Let me now come to the issue of incumbency advantage mentioned by hon. Dr. Boolell, who criticised the alleged lack of provisions in the Bills to deal with abuse of State resources.

Madam Speaker, I would like to point out that we did examine this issue, and we are satisfied that monitoring and counteracting the abuse of State resources in election campaigns are adequately dealt with in part V of the Representation of the People Act which deals with such offences as bribery, treating and so on, and the matter has also been addressed in the Code of Conduct for Elections which is issued by the Electoral Supervisory Commission.

Madam Speaker, I would like to briefly go over a few remarks that were made in the course of the debates. First, is the statement made by the Leader of the Opposition to the effect that the reports submitted by the Ministerial Committee which he had chaired had recommended that political donations made in expectation of political or financial advantage should be banned, but this has not been taken on board by the Government.

Let me say that we did also examine this issue in-depth, but we decided not to put in the recommendation as this issue is adequately dealt with under the Prevention of Corruption Act which creates the offences of bribery by public officials and bribery of public officials under Sections 4 and 5. The Leader of the Opposition had also, in his report, recommended that loss of seat, ineligibility for election and imprisonment should be prescribed as forms of sanction for violation of the provisions of this Act. This recommendation has also not been retained by Government as it is considered that such sanctions are too harsh and would constitute a violation of the democratic spirit of our Constitution. We have instead opted, as I said, for fines for the reasons I have explained.

Madam Speaker, in regard to Clause 25 of the Bill which is empowering the President to make regulations, the Leader of the Opposition has argued that this power has not been defined and hon. Uteem, on his part, stated that this Clause contravenes Section 64 of the Constitution and he was also joined in that argument by hon. Mohamed.

Let me say, Madam Speaker, that the Representation of the People Act already empowers the President to make regulations. In fact, Section 85(1)(g) provides that the President may make regulations for the purposes of the Act generally and the Leader of the Opposition, very conveniently, avoided mentioning this in his speech on Tuesday last.

In regard to the averment of hon. Uteem to the effect that Clause 25 of the Bill contravenes Section 64 of the Constitution, as I stated earlier, Madam Speaker, Section 85 of

the Representation of the People Act already empowers the President to make regulations for the purposes of this Act.

In this respect, Madam Speaker, may I remind the hon. Member of the following basic proposition of law and our jurisprudence on that matter? And for that matter, I am thankful to the Attorney General. The Constitution is the supreme law of the land, and any law which is inconsistent with the Constitution is void to the extent of its inconsistency. In the present case, the impugn provision of the Political Financing Bill must be read subject to Section 64(1) of the Constitution and it is clear that the President, when making regulations, will be doing so, in accordance with the advice of Cabinet or of a Minister acting under the general authority of the Cabinet. These views find support in the case of Dayal against the President of the Republic 1998, Mauritius Reports IV. The argument of unconstitutionality raised by hon. Uteem and hon. Mohamed is, therefore, not tenable.

By the way, there are many other legislations where the President has been empowered to make regulations, for example, the Rodrigues Regional Assembly Act, Section 71A (b) thereof provides that, and I quote –

> "The President may make such regulations as he thinks fit for the purposes of this Act."

There are other legislations giving such powers to the President, I shall not mention them, there are a series of them.

Now, Madam Speaker, in any case, according to Section 122 of the Constitution and Section 22 of the Interpretation and General Clauses Act, all subsidiary enactments should be laid before the National Assembly and they are subject to the control of Parliament which may revoke or disallow the subsidiary legislation.

Madam Speaker, the hon. Leader of the Opposition spoke about a possible drafting error in Section 9 of the Bill which, according to him, says that it is only the treasurer who is allowed to collect funds for the party and then he added that, according to Section 53 of the Representation of the People Act, donations are only to be paid to a candidate or to his electoral agent. Therefore, the Leader of the Opposition requested that any possible omission or contradiction on this issue be rectified.

Let me say that the hon. Leader of the Opposition has misread both Clause 9 of the Bill and Section 53 of the Representation of the People Act. In fact, I am informed that Clause 9 of the Bill provides for prohibited donations only whereas Section 53 of the

Representation of the People Act provides for expenditure incurred by candidates. In any case, the Bill provides for the channelling of all donations to a party through its treasurer, whereas Section 53 of the Act provides for the expenditure incurred by candidates through their respective agents. So, Section 53 of the Act does not deal at all with donations. Therefore, there is no omission or contradiction.

Madam Speaker, in regard to membership fee which has been excluded from the definition of donation, I must point out that this is in line with international practice contrary to the averment made by certain Members, and let me quote from the Interpretation Section of the South African Political Party Funding Act of 2018, and I quote –

'**donation**' —

(b) does not include —

(i) a membership fee of the political party or any levy imposed by the party on its elected representatives;(…)'

And I heard something which is, I must say, hilarious, Madam Speaker. I think today I heard it from somebody. I think hon. Ramful said that. He said that well in order to circumvent the law you can have a Member or Members contributing, let us say, Rs1 m. per Member to the party and that would be outside the purview of any supervision. Totally wrong, he has got it totally wrong. That means he will not, of course, be subject to declaration, but, in the financial statement of the party, you will have on one side...

(Interruptions)

Have a look at the form, at the document he will see. On one side, he will have to state all the contributions, donations and so on which, according to the law, have to be declared. He will have to say also those membership fees...

(Interruptions)

Not the identity, but members...

In the event that members are contributing Rs1 m. per member or Rs2 m. per member…

(Interruptions)

Well, we all know what will happen. I mean the logical thing is that, of course, there will an inquiry - how is it that members are contributing millions of rupees when their salary is only

a few thousand rupees. I mean this is so obvious, that is why I say it is hilarious, Madam Speaker, to say such thing.

Now, in regard to free airtime on radios, again that has been mentioned, I must say that the Code of Advertising Practice, prepared by the IBA, does address the issue of political advertising, both during election and non-election period. And guidance on this matter is also provided in the Code of Conduct, which is issued by the ESC prior to all elections.

But at any rate, Madam Speaker, we have a problem and we must be realistic about it. How are you going to control? You are talking about airtime, when we know the private radios will invite representative of a political party to come for a debate, if not for a debate, even for just explaining the philosophy or any of the measures that have been taken by a party, how are you going to treat that? Is it going to be free airtime? That is free airtime because you are not paying for it? And how are you going to see into it, especially when regularly, Members of Government will obviously be requested to come for a debate? And on the other side, you will have what? Of course, a Member of the Opposition, hopefully! But then, there are few parties in the Opposition represented in the National Assembly and probably they will call one, they can call a few Members of the Opposition in one case, but normally, generally, we know it is one Member from the Opposition. How are you going to control that? Are we going to have a law that is, in fact, going to be on paper and which we are not going to be able to control? That is why we have discussed lengthily about this in Government and we do not want to put something which is only theoretical, which appears only on paper.

Madam Speaker, let me take here a point raised by hon. Uteem. He stated that the definition of donation in kind is too restrictive and that it does not take into account several important items of election expenditure, such as foodstuff, transport, public address systems and so on. Madam Speaker, again, we have thoroughly examined this issue regarding which items of expenditure should be included in the definition of donation in kind. We have again chosen to be guided in this by the principle that rules that are difficult to enforce may be worse than no rules at all. One can easily imagine the enforcement challenges that the ESC and other enforcement authorities would have to face in case the list of donation in kind is enlarged to include all kinds of donation, without exception.

Madam Speaker, the House will recall that when the Government’s initial proposals on political financing were made public in November last, they did not include donation in

kind. However, the matter was re-examined. Now, this is a case which is different. We had public financing, we removed public financing. We did not have donation in kind, we listened to the people, there were representations, we have included donations in kind. As I say, the matter was re-examined and it was considered that the non-regulation of donations in kind might, in fact, constitute a major loophole in the law and might prevent its objective from being fully attained. And taking into account the local context, Government was of the considered view that an attempt to control all donations in kind would not only be unwarranted but would also pose considerable enforcement challenges. Consequently, it was decided to limit the coverage to the items mentioned in clause 2 of the Bill.

Madam Speaker, the Leader of the Opposition also questioned the proposed arrangement under Clause 26 of the Bill, whereby the treasurers of all political parties, constituting an alliance, will have to sign their common election return. His question is, and I quote –

> "How can a treasurer of one party be required to certify the expenditure of another party?"

Madam Speaker, I wish to point out that for the purpose of an election, an alliance of parties is regarded as a single party, pursuant to paragraph 2(1) of the First Schedule of the Constitution. Since the ceilings of election expenditure are applicable to parties only, as it is today, a party alliance, being regarded as a single party, has to submit a single return of election expenditure made jointly by the respective treasurer of each party constituting the party alliance.

Madam Speaker, in regard to the question raised by hon. Bérenger, relating to the fate of the existing political headquarters, let me point out that the proposed amendment speaks of restriction on temporary political headquarters, which are normally set up in all constituencies during election campaign periods. This will not, in any way, affect permanent headquarters of a political party.

Hon. Uteem has stated that the sanction provided for in Clause 10(2) of the Political Financing Bill is too mild. Clause 10(2) in fact provides that any person who accepts a donation which he knows originates from the proceeds of a crime shall commit an offence and be liable to fine not exceeding Rs1 m.

Madam Speaker, as I mentioned earlier, the Leader of the MMM, on his part stated that the fines being imposed are too harsh and now we hear from hon. Uteem saying that they are too mild.

At any rate, any suspicious donation will become the subject of further inquiry by the relevant investigatory body and any tainted money may be confiscated and may also entail penal consequences.

Madam Speaker, in regard to the comment of hon. Uteem on clause 8(2) of the Bill, which, according to him, is in contradiction with section 50(3) (b) of the Representation of the People Act, let me bring the following clarifications.

Clause 8(2) of the Bill provides that no donation shall be made to an individual Member of a party other than to the treasurer of the party, whereas, section 50(3)(b) of the Representation of the People Act which falls under the heading 'Contracts and Payment of Expenses' deals with expenses to be incurred by a candidate or his election agent.

Section 50(3)(b) does not allow a candidate or his agent to receive 'donation' within the meaning of the Political Financing Bill. This section, in fact, deals only with expenses as reflected in the title.

At any rate, I wish to draw the attention of hon. Uteem that it is the candidate who will incur election expenses and not the treasurer of the party, and it is the candidate who will eventually have to file his election return.

Madam Speaker, hon. Uteem also claimed that access to the register of donations should only be granted upon a Judge's Order being obtained.

Well, Madam Speaker, as matters stand, the ESC will have access to all the records of the party, including the register of donations. It must be recalled that the objective of this Bill is to instil transparency and accountability in political finance. Now, if the oversight body or any investigatory body will now be required to go and seek and obtain an order from the Court each time it has to get access to the register of donations, as hon. Uteem is suggesting, then we are compromising the ability of the proposed law to attain the set objectives of transparency and accountability. That is why there is the provision for the ESC to have access to the books and accounts of a party, as and when it deems necessary.

And then, either we believe in the credibility, in the independence of the ESC or not. If we have to go and seek an order from the Court, how long will it take by the time you

make an application, by the time the matter is heard, and on top of that you can have an appeal? You can have two General Elections in the meantime, they will still be asking for an order.

Madam Speaker, political parties are an essential element of our democracy. They play a crucial role whether in Government or in the Opposition. But of course, they need adequate funding. This is a fact, this is reality, if they have to play their role as effectively as possible. Our aim is not to undermine - as has been said - anyone or any party in any way. On the contrary, through these Bills, we are ensuring that they obtain their funds in ways which are free of suspicions of favours or improper influence.

What the public wishes to be reassured of is that political donations are not self-serving. We have, for too long, been witnessing this unhealthy public suspicion about the motivation of both donors and recipients. That suspicion reached its climax after the high-profile case, which was unveiled following the 2014 General Elections.

This debate, I must say, it has generally been going on well even though we have differences. When I looked at the speech of hon. Shakeel Mohamed – unfortunately, he is not here, but I would have liked him to be here for me to say certain things. I have been looking at his speech – enfin, *je dois dire certaines insanités qu'il a prononcées dans ce discours.* But one thing he said, and it is good he said that; *il a parlé de* money that was found in a safe, and it was clearly being said to be political contributions belonging to a party. Well, we all know who he is talking about. He is talking about the Leader of the Labour Party.

Now, Madam Speaker, he is talking about all this, and talking about contribution, it is as if – well, I forget about the other party that talked. Let me talk about my party. We have been receiving political contributions. Yes, for years and years, we have been receiving political contributions. The Labour Party has it not received any political contribution? It is the poorest party? You know why it is the poorest party, Madam Speaker, because the Leader has diverted all the funds! This is what has happened.

(Interruptions)

Why is it that coffers - why is it that we see…

(Interruptions)

Yes! In the safe! In the safe!

(Interruptions)

I am not.

(Interruptions)

Is it a point of order? Is it?

Madam Speaker: Hon. Dr. Boolell! Please, sit down!

(Interruptions)

The Prime Minister: Madam Speaker, …

(Interruptions)

Madam Speaker: Order!

The Prime Minister: Madam Speaker, let me quote what a senior counsel, Mr Yousuf Mohamed, has said when he was appearing for that Leader. He said –

"Mo pa kapav fer mirak! »

How is he going to do miracle when so much money has been found and, till today. It has not been able to be explained. Hon. Shakeel Mohamed is saying it is political contribution, Madam Speaker. Political contribution! This is why people lose trust in politicians. They do not have an account in the bank? Why? Do the Labour Party fear …

(Interruptions)

Madam Speaker: Hon. Rutnah, the hon. Prime Minister does not need any answers.

The Prime Minister: They fear that people can rob their money in the bank? I think it is safe in this country to be able to put your money in the bank. I can tell you, contribution that we get has been put and it is in our bank account. You can check and it has all been spent in full transparency. But why is it that people cannot explain how much money, and not only rupees, Madam Speaker - my God! You received donations…

(Interruptions)

Never in my life – I am a Leader of a party, I can say, never in my life have I seen somebody receiving political contribution in dollars coming straight from a foreign bank…

(Interruptions)

I do not want to say more. Some of them have the cheek to speak about Sun Trust. Let me say a word about Sun Trust. You know, we are honest. Sir Anerood Jugnauth has been honest

in having received contribution and having built a Headquarters for the party. I have been reading in the papers, some are getting senile also. What to do? I can understand.

(Interruptions)

Madam Speaker: Hon. Soodhun!

The Prime Minister: I mean, if you are honest - leaders of the main political parties, have not you received political contribution, financing for so many years? What has happened to the fund? People should ask the question. We have done it in transparency; we have put up a building for the party. It will be there, it is for the party. It is not for Sir Anerood, it is not for Pravind Jugnauth and it will remain for the party. But, look at Guy Rozemont Square!

(Interruptions)

Okay! I think people will judge, Madam Speaker. People have seen and they know the difference.

Now, experience, Madam Speaker, in other countries, which have wrestled with the same problems, suggests that there is no ready-made solution that will eliminate all difficulties. We have to make one to measure, by balancing different considerations. And this is precisely what we have done, Madam Speaker.

Our proposals are based on principles, but do not ignore practicalities. They are based both on an understanding of the particular context and challenges in our country and international trends in political finance regulations. Our proposals constitute a package that will ensure a greater degree of integrity. They are proportionate to the weaknesses we want to address in the *status quo.* And what is important is that it will not discourage or inhibit democratic engagement and popular participation in the political life of the country. But it will surely prevent money from illicit sources from infiltrating into, and corroding the political process.

Madam Speaker, for sure, money is necessary for a democracy to function well. Yet, it also poses serious challenges and threats to the political process. Therefore, money in politics must be monitored and controlled. The challenge for the Government was to strike the right balance between limiting its negative effects while also encouraging the consolidation of democracy through healthy competition.

We were very much alive to the fact that any effort to control money in politics must be based on the understanding of the particular context and challenges in our country. The rules have to be country specific. Experts also advise to avoid moving from an unregulated to a highly regulated system. It would have been unwise for us to come up with a heavy Bill, seeking to regulate every single aspect of political finance and which may eventually be difficult to enforce. As I said earlier, rules that cannot be enforced may be worse than having no rules at all. This is the reason why we have opted for a soft start with a simple, yet effective, regulatory system.

Madam Speaker, the need for legislation in this area was long overdue. Its absence has for too long left the doors open for corruption and corrupt practices. Moreover, the total anonymity of private funders creates much controversy and constitutes a threat to the integrity of our democracy. It was about time to inject the much-needed transparency and accountability in political financing in Mauritius. The scandals that unveiled after the 2014 General Elections were indeed very clear and visible indications of the need, more than ever before, to regulate the financing of political parties. Hence, Government's response through these two Bills.

Admittedly, there might be some teething problems at the inception of the new arrangements before they settle down. But there is no legal framework on political financing that is perfect, that is watertight and foolproof. As I stated earlier, we have to start somewhere and see how it works over time. Any issue arising or loophole identified eventually will have to be addressed as we go along. Besides, the nature of political finance is such that, for a law to be useful and relevant, it has to be reviewed regularly to adapt to changing circumstances, and no law on political finance can be expected to be effective forever.

(Interruptions)

It seems I heard a leakage somewhere.

Madam Speaker, but let me say one thing to the population, and especially to Members of the Opposition. I know what will happen. I know it is not going to be voted, o.k. So, following what Members are deciding in this House, we are going to continue with the same system where there is no transparency, where Members will be receiving donations, where coffers, will probably continue to be built. And you know, it is very sad, I must say. It would be very sad that we are not, at least – just to take what somebody has said from this side of the House, I say that especially to the MMM, because, I know, they have been

fighting for years and years for a law regulating political financing. I thought that *qui peut plus, peut moins*, but in this case it seems that it is not applicable, it does not work. It is very sad.

So, let me conclude, and I would quote from the Handbook of Political Finance, published in 2014, by the International Institute for Democracy and Electoral Assistance. And I quote –

> "For parties to win voters' trust and support, they need to be transparent and accountable in relation to their finances. If parties fail to meet citizens' demand for clean politics, voters will continually question their integrity and become apathetic and disillusioned with the democratic process."

Madam Speaker, the people of this country are watching us. They are expecting the political class to make the decisions for which they have been elected. They will never forgive any inconsistency on the part of the Opposition or any attempt by the Opposition to obstruct these Bills or to thwart such a laudable initiative which has as its objective to sanitize political financing and enhance public trust in the political process. The control of political financing has been on the agenda for almost two decades now, but nobody dared to walk the talk.

This Government has fulfilled its promise. I now make a solemn appeal to the Opposition to rise above narrow and petty political considerations, and look at the broader interest of the Nation. Anyone who wants to see our democracy flourish will support these Bills.

Those who vote against will become party to a denial of democracy. If these do not get through, it will really be, as I say, '*une occasion ratée'*, and a sad day for our fight against undue influence and corruption in the political process. At least, Government has done its part, and I can do no more now than to ask the Opposition to assume its responsibilities.

Thank you.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

The following Bills were considered and agreed to –

(a) The Constitution (Amendment) Bill (No. XIII of 2019).

(b) The Political Financing Bill (No. XIV of 2019).

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

Third Reading

On motion made and seconded, the Constitution (Amendment) Bill (No. XIII of 2019) was read a third time.

The Prime Minister: Madam Speaker, I move for a division of votes.

Madam Speaker: I allow the division of votes.

(Division Bells were rung)

On question put, the House divided.

AYES

1. Hon. K. Teeluckdharry
2. Hon. R. Tarolah
3. Hon. S. Soodhun
4. Hon. S. Rughoobur
5. Hon. J. B. Leopold
6. Dr. the hon. Z. H. I. Joomaye
7. Hon, Mrs R. Jadoo-Jaunbocus
8. Hon. S. Fowdar
9. Hon. J. R. Dayal
10. Hon. G. Oree
11. Dr. the hon. R. Sorefan
12. Hon. J. N. A. Aliphon

13. Hon. Mrs Monty

14. Hon. J. F. François

15. Hon. T. Benydin

16. Hon. Mrs D. Boygah

17. Hon. R. Rampertab

18. Hon. S. Ramkaun

19. Hon. S. Rutnah

20. Hon. A. B. Jahangeer

21. Hon. M. Hurreeram

22. Hon. J. Lesjongard

23. Hon. D. Sesungkur

24. Hon. M. C. E. Boissézon

25. Hon. P. Jhugroo

26. Hon. S. Callichurn

27. Hon. P. Koonjoo

28. Hon. A. Wong Yen Cheong

29. Hon. S. Bholah

30. Hon. J. C. S. Toussaint

31. Hon. M. Gobin

32. Hon. A. K. Gungah

33. Hon. M. Seeruttun

34. Hon. M. J. N. E. Sinatambou

35. Hon. P. Roopun

36. Dr. the hon. A. Husnoo

37. Hon. A. Gayan

38. Hon. Mrs L. D. Dookun-Luchoomun

39. Hon. N. Bodha

40. Hon. Y. Sawmynaden

41. Hon. Mrs F. Jeewa-Daureeawoo

42. Rt. Hon. Sir A. Jugnauth

43. Hon. I. Collendavelloo

44. Hon. Prime Minister

NOES

1. Hon. R. Uteem

2. Hon. Ms M. Sewocksingh

3. Hon. D. Ramful

4. Hon. J. P. F. Quirin

5. Hon. M. Osman Mahomed

6. Hon. J. C. Lepoigneur

7. Hon. E. S. Jhuboo

8. Hon. J. H. T. Henry

9. Hon. A. Ganoo

10. Hon. Adrien Duval

11. Dr. the hon. A. Boolell

12. Hon. R. Bhagwan

13. Hon. P. R. Bérenger

14. Hon. J. Barbier

15. Hon. V. Baloomoody

16. Hon. P. Armance

17. Hon. S. M. A. Ameer Meea

18. Hon. S. Abbas Mamode

19. Hon. S. Baboo

20. Hon. Xavier Luc Duval

ABSTENTION

1. Mrs M. D. Selvon

ABSENT

1. Hon. K. Ramano
2. Hon. Mrs M. A. M. J. Perraud
3. Hon. Shakeel Mohamed

Madam Speaker: Hon. Members, the results of the Division are as follows -

Ayes: 44 **Noes**: 20 **Abstention:** 1 **Absences:** 3

Hon. Members, I have to inform the House that the Constitution (Amendment) Bill (No. XIII of 2019) has, on final voting, obtained 44 votes, that is, has not been supported by a three-quarter majority as required by Section 47 (2) (b) of the Constitution. I declare that the Bill has not been read a third time and passed.

On motion made and seconded, the Political Financing Bill (No. XIV of 2019) was read a third time.

The Prime Minister: Madam Speaker, I move for a division of votes.

Madam Speaker: Clerk, please proceed with the Division!

(Division Bells were rung)

On question put, the House divided.

AYES

1. Hon. K. Teeluckdharry
2. Hon. R. Tarolah
3. Hon. S. Soodhun
4. Hon. S. Rughoobur
5. Hon. J. B. Leopold
6. Dr. the hon. Z. H. I. Joomaye

7. Hon, Mrs R. Jadoo-Jaunbocus
8. Hon. S. Fowdar
9. Hon. J. R. Dayal
10. Hon. G. Oree
11. Dr. the hon. R. Sorefan
12. Hon. J. N. A. Aliphon
13. Hon. Mrs Monty
14. Hon. J. F. François
15. Hon. T. Benydin
16. Hon. Mrs D. Boygah
17. Hon. R. Rampertab
18. Hon. S. Ramkaun
19. Hon. S. Rutnah
20. Hon. A. B. Jahangeer
21. Hon. M. Hurreeram
22. Hon. J. Lesjongard
23. Hon. D. Sesungkur
24. Hon. M. C. E. Boissézon
25. Hon. P. Jhugroo
26. Hon. S. Callichurn
27. Hon. P. Koonjoo
28. Hon. A. Wong Yen Cheong
29. Hon. S. Bholah
30. Hon. J. C. S. Toussaint
31. Hon. M. Gobin
32. Hon. A. K. Gungah

33. Hon. M. Seeruttun

34. Hon. M. J. N. E. Sinatambou

35. Hon. P. Roopun

36. Dr. the hon. A. Husnoo

37. Hon. A. Gayan

38. Hon. Mrs L. D. Dookun-Luchoomun

39. Hon. N. Bodha

40. Hon. Y. Sawmynaden

41. Hon. Mrs F. Jeewa-Daureeawoo

42. Rt. Hon. Sir A. Jugnauth

43. Hon. I. Collendavelloo

44. Hon. Prime Minister

NOES

1. Hon. R. Uteem
2. Hon. Ms M. Sewocksingh
3. Hon. D. Ramful
4. Hon. J. P. F. Quirin
5. Hon. M. Osman Mahomed
6. Hon. J. C. Lepoigneur
7. Hon. E. S. Jhuboo
8. Hon. J. H. T. Henry
9. Hon. A. Ganoo
10. Hon. Adrien Duval
11. Dr. the hon. A. Boolell
12. Hon. R. Bhagwan
13. Hon. P. R. Bérenger

14. Hon. J. Barbier
15. Hon. V. Baloomoody
16. Hon. P. Armance
17. Hon. S. M. A. Ameer Meea
18. Hon. S. Abbas Mamode
19. Hon. S. Baboo
20. Hon. Xavier Luc Duval

ABSTENTION

1. Mrs M. D. Selvon

ABSENT

1. Hon. K. Ramano
2. Hon. Mrs M. A. M. J. Perraud
3. Hon. Shakeel Mohamed

Madam Speaker: Hon. Members, the results of the Division are as follows:

Ayes: 44 **Noes:** 20 **Abstention:** 1 **Absences:** 3

Hon. Members, I have to inform the House that the Political Financing Bill (No. XIV of 2019) has, on final voting, obtained 44 votes, that is, has not been supported by a three-quarter majority as required by Section 47(2)(b) and Section 47(5)(a) of the Constitution. I declare that the Bill has not been read the third time and passed.

At 8.43 p.m., the sitting was suspended.

On resuming at 10.28 p.m. with Madam Speaker in the Chair.

Second Reading

THE FINANCE (MISCELLANEOUS PROVISIONS) BILL

(No. XVI of 2019)

&

THE BUSINESS FACILITATION (MISCELLANEOUS PROVISIONS) BILL

(No. XVII of 2019)

Order for Second Reading read.

The Prime Minister: Madam Speaker, I move that the Finance (Miscellaneous Provisions) Bill No. Sixteen (XVI) of 2019 and the Business Facilitation (Miscellaneous Provisions) Bill No. Seventeen (XVII) of 2019 be read a second time.

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

Madam Speaker, I will start with the Finance (Miscellaneous Provisions) Bill.

A significant number of measures and policies have been announced that require changes to a wide spectrum of legislations. These reflect the wide and deep reach of the Budget in terms of measures, policies and reforms, covering the three objectives of our development – inclusive economic growth, social progress and equity and the preservation and enhancement of our environment.

The Bill, therefore, brings amendments to55 enactments.

I will highlight the salient features of the Bill, starting with some of the main amendments to the Bank of Mauritius Act in sections 6, 25, and 33 to -

(i) empower the Bank of Mauritius (BOM) to promote the development of the foreign exchange and derivatives markets;

(ii) provide that the Equal Opportunities Act will not apply to the BOM with respect to appointment of consultants, and

(iii) require the BOM to publish its report on monetary policy at least twice a year instead of at least once a year.

The Bank of Mauritius Act is also amended in section 46 to, provide, *inter alia*, –

(i) greater clarity on the governance, process of reserves management, investment objectives and actual investment of the foreign exchange reserves;

(ii) for the Board of the Bank of Mauritius to determine the composition of the official foreign reserves of Mauritius with the aim of achieving their security, liquidity and return, and

(iii) allow the Bank of Mauritius to appoint external parties to manage the official foreign exchange reserves on its behalf.

In section 47, the Act is amended to provide that funds out of the Special Reserve Fund, may be used, only and strictly, in the following order of priority –

(i) Firstly, for the purpose of increasing the amount paid as capital of the Bank in accordance with section 10(4);

(ii) Secondly, by the Bank, in exceptional circumstances and with the approval of the Board for monetary policy purposes, and

(iii) Thirdly, for repayment of central government external debt obligations, provided that this is not likely to adversely affect the efficient discharge by the Bank of its functions under this Act.

The Bill also makes changes to the Banking Act as follows -

At Clause 3 to -

(a) allow the Bank of Mauritius to consider applications for a banking licence from a subsidiary of a bank incorporated abroad;

(b) empower the Bank of Mauritius to suspend a banking licence;

(c) require directors to inform the Bank of Mauritius of any matter which comes to their knowledge which is against the Companies Act, including AML/CFT matters;

(d) provide for every financial institution to put in place policies and procedures requiring their employees to disclose any interest in relation to any matter which they may have with the financial institution and not take part in any deliberation or decision-making process;

(e) provide for the protection of whistle-blowers;

(f) provide that any obligation which is required to be fulfilled at a financial institution and which falls due on a Saturday will be deemed to fall due on the following working day, and

(g) allow a financial institution to disclose information relating to risk-management functions as may be approved by the Bank of Mauritius.

Clause 4 amends the Beach Authority Act to provide for the definition of "Beach Enforcement Officer" and to empower a Beach Enforcement Officer to serve notice to littering offenders on public beaches.

Clause 5 amends the Civil Service Family Protection Scheme Act to, among others -

(a) review the definition of annual salary for it to cater for members of the National Assembly aged more than 65 years and clarify the definition of Basic Unreduced Pension for Members of the National Assembly, and

(b) clarify that contribution to the Civil Service Family Protection Scheme is applicable to members of the National Assembly who have also served prior to 01 July 2008 and not only those who were in post as at 30 June 2008.

Clause 6 provides in the Clinical Trials Act for -

(i) registration of contract research organisations with the Clinical Research Regulatory Council, and

(ii) an application for a trial licence in respect of a medical device to be made in accordance with guidelines prepared and approved by the Clinical Research Regulatory Council.

Clause 7 brings revision to the Companies Act to -

(i) require the board of a public company to consist of at least one-woman director, and

(ii) provide that a private company to have more than 25 shareholders and not more than 50 shareholders.

Clause 8 will allow officers of the Competition Commission of Mauritius to be under the Public Officers Protection Act.

Clause 9 relates to changes in the Construction Industry Development Board Act to –

(a) increase the minimum value of construction works requiring a person to be registered with the CIDB from Rs500,000 to Rs1 m., and

(b) review the grade ceilings for value of contract that a contractor is allowed to undertake.

To address the technical compliance deficiencies, in line with the recommendations of ESAAMLG, Clauses 10, 42 and 55 modify the Convention for Suppression of the Financing

of Terrorism Act, the Prevention of Terrorism Act and the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019 respectively.

Clause 11 allows the National Co-operative College to award diplomas on its own or in collaboration with other educational institutions.

Clauses 12 and 15 bring changes to the Courts (Civil Procedure) Act and the Deposit of Powers of Attorney Act, respectively, to facilitate global business operations in filing legal documents. In addition, the fine is being increased from Rs500 to Rs10,000 for contravention and conviction under the Deposit of Powers of Attorney Act.

I now come to the changes relating to the Customs Act and the Customs Tariff Act.

Clauses 13 and 14 amend the Customs Act and Customs Tariff Act, respectively to improve Customs procedures and processes with a view to improving delivery of services. Under the Customs Act, the power of MRA to enforce Customs laws will no longer be restricted to Customs area, but will be extended to cover any area in the airport, port or Freeport zone. Clause 14 empowers MRA to recover duties and taxes where there has been a breach of Customs conditions attached to Customs and excise duty exemptions granted under laws not covered by Customs laws. However, an aggrieved taxpayer will be given a right of appeal against the assessment raised by MRA. It also implements the budget measure relating to exemption of Customs duty granted on the import of a van/ bus to be used for conveying school children.

Clause 16 provides, in the Economic Development Board Act, for the promotion and development of a sports cluster, including the establishment of a Sports Economic Commission.

Clause 17 amends the Excise Act to streamline, amongst others, the licensing procedures to obtain or transfer an excise licence for the manufacture, wholesale or retail sale of excisable goods. In addition, importers and manufacturers will be given the opportunity to put digital markings on alcohol and tobacco products as an alternative to affixing excise stamps. It also implements the budget measure regarding the financial incentives granted on waste tyres and used PET bottles and the reduction in the renewable period for taxi owners to benefit from a duty-free car from 5 to 4 years.

Clause 18 repeals a provision in Section 34 of the Finance (Miscellaneous Provisions) Act 2017 relating to registration of tax agents.

Clause 19 repeals a provision in Section 23 of the Finance (Miscellaneous Provisions) Act 2018 relating to the removal of the requirement of a Preliminary Environmental Report for parcelling of agricultural land in the Environment Protection Act and reinstate the previous provisions.

As it was decided not to proclaim the date of coming into operation of these two provisions, they are now being repealed.

Clause 20 amends the Financial Reporting Act to –

(a) provide for a representative of the Ministry responsible for the subject of Financial Services to be a member of the Financial Reporting Council, and

(b) require every licensed auditor to comply with relevant regulations issued by the Financial Intelligence Unit.

Clause 21 brings changes to the Financial Services Act to –

(a) reinforce the powers of the FSC to carry out investigations and take measures to suppress financial crime;

(b) cater for whistle blowing;

(c) allow the Chief Executive to issue directions with immediate effect to prevent any prejudice to be caused to the clients of the licensee;

(d) enable the FSC to appoint an administrator where it considers that the conditions of a licence are no longer met;

(e) improve the process relating to the operations of the Enforcement Committee and the Financial Services Review Panel;

(f) provide for transfer of Rs100 m. from the Financial Services Fund to the Consolidated Fund for onward contribution to the National Research and Innovation Fund;

(g) align the substance requirements of Global Business Companies with the Income Tax Act;

(h) remit any balance in the General Reserve Fund in excess of Rs100 m. as at 01 July 2018 to the Consolidated Fund;

(i) provide for the setting up of a Single-Window System at the FSC to allow submission of regulatory, company formation and occupation permits

documents at a single location for financial services and global business applications, and

(j) allow the FSC to regulate crowdfunding, Fintech Service Provider and Robotic and AI Enabled Advisory Services and provide administration of e-commerce as one of the services of global headquarters administration.

Clause 22 allows a Freeport operator engaged in manufacturing activities to convert itself as a private Freeport developer in order to build, develop and manage its own infrastructure provided that it carries out the same manufacturing activity.

Madam Speaker, I shall now highlight some of the main proposed amendments to the Gambling Regulatory Authority Act to better regulate gambling activities and forcefully address the issues of money laundering, illegal betting and problem gambling.

Clause 23 amends the Act to provide for the following -

First, bookmakers will not be allowed to conduct fixed-odds betting on local races outside the racecourse with a view to combating money laundering in the gambling sector and also to bringing compliance with AML/CFT and ESAAMLG guidelines. Off-course fixed odds betting in cash on local race is one of the targeted areas in the fight against money laundering, illegal betting and problem gambling. With the current cash betting at the counter of such bookmakers there is no control on the source of funds which are not traceable and thus suspicious transactions cannot be detected. This has been highlighted by the Commission of Inquiry on Drugs which emphasised on the necessity to address the problem of money laundering in the gambling industry. Moreover, cash betting as opposed to account-based betting does not impose self-restraint over the punter/gambler and there is no control over betting by minors.

Second, empower an inspector under this Act to conduct an inspection or investigation on the premises of licensed operators as well as any person licensed by those operators to reinforce the powers of GRA inspectors.

Third, for the GRA to seek from the Court authorisation to obtain from the telecommunication operators information regarding phones and phone records in relation to jockeys, trainers, horse owners and any other persons to assist the Authority in its enquiries on suspected malpractices.

Fourth, enable a GRA inspector to –

- place bets during the course of an investigation in order to obtain evidence as is the case for officials in other regulatory bodies such as customs and ADSU, and
- inspect the premises of any person, other than a licensee, suspected of carrying out a gambling activity to curb illegal gambling.

Fifth, empower the MRA to request records for taxation purposes within specified timeframe in the notice.

Sixth, require a licensee to record the name and Identity Card Number of a punter receiving winnings above Rs50,000.

Seventh, include a local pool promoter in the list of gambling operators to be linked to the Central Electronic Monitoring System.

And eighth, introduce a fine not exceeding Rs500,000 for non-remittance of unclaimed prizes or other winnings to the National Solidarity Fund by a licensee within the specified time frame.

Clause 24 amends the Good Governance and Integrity Reporting Act to provide for more stringent actions to detect and confiscate Unexplained Wealth, with greater collaboration of the Police Force and other public sector agencies.

Clause 25 provides for an employer whose employees earn salary not exceeding Rs10,000 per month during the period 01 July 2019 to 30 June 2020, to pay 0.5 per cent of training levy instead of 1 per cent.

Clause 26 brings the following main changes to the Income Tax Act -

(i) increase the income exemption thresholds by amounts ranging from Rs5,000 to Rs45,000;

(ii) extend the 10% income tax rate to an employee who earns, in the first month of the income year, a basic salary inclusive of compensation not exceeding Rs50,000 provided his annual net income in that income year does not exceed Rs700,000;

(iii) exempt lump sum income received by way of commutation of pension or death gratuity from the solidarity levy;

(iv) extend the scope of the solidarity levy to cover an individual's share of income in a *société* or succession;

(v) give an option to a small enterprise engaged in specified activities to pay one per cent of its gross income as final income tax;

(vi) tax at 3 percent profits derived by a manufacturing company in the Freeport from the sale of goods on the local market, provided the company meets prescribed substance criteria;

(vii) exempt from Corporate tax and CSR a collective investment scheme authorised by the Financial Services Commission (FSC) as a REIT;

(viii) grant tax holidays to companies as mentioned in the Budget Speech and the Annex;

(ix) tax interest income received by an individual from Peer-to-Peer lending at the rate of 3 per cent, after deduction of any bad debt and fees payable;

(x) allow an individual to deduct, from his taxable income, the cost of a charger for an electric car whilst a company may deduct twice the cost of a charger from its corporate tax computation;

(xi) allow carry forward of accumulated tax losses on the takeover of a company facing financial difficulty provided conditions relating to safeguard of employment and other conditions imposed are met;

(xii) allow hotels to deduct 150 per cent of the expenditure incurred on cleaning, renovation and embellishment works in the public realm, from their taxable income;

(xiii) review the rule regarding determination of tax residency for companies, and

(xiv) set new rules on Controlled Foreign Companies (CFC) to reinforce the anti-abuse mechanisms of the Income Tax Act.

Clause 27 amends the Independent Broadcasting Authority Act in Section 19 to –

(i) increase the percentage of shares owned by a foreign national to 49.9 per cent with a view to attracting more foreign investment in telecommunication and media sector while providing better services and choices to the Mauritian customers, and

(ii) allow the Mauritius Broadcasting Corporation to hold more than one licence

for it to provide public radio and television broadcasting services.

Section 23 is a consequential amendment to section 19 and it prevents a shareholder of a licensee to dispose its shares without the permission of the IBA.

Clause 28 empowers a Judge in Chambers to make an order, upon an application made by the Independent Commission Against Corruption (ICAC), to authorise a public operator or any of its employees or agents, to intercept or withhold a message or disclose to the ICAC a message or any information relating to a message.

Clause 29 provides, in the Land (Duties and Taxes) Act, as follows –

(a) to exempt from land duties and taxes, any transfer of immovable property between a statutory body, a Government-owned company or a wholly owned subsidiary of the latter company;

(b) to exempt from land duties and taxes the transfer of a residential unit from the National Housing Development Company Ltd to the National Empowerment Foundation and from the latter to a person listed on the Social Register of Mauritius;

(c) for extending the Arrears Payment Scheme for another year, and

(d) several amendments are being made to provide for improvement in tax administration.

Clauses 30 and 31 provide a common definition of beneficial owner in the Limited Liability Partnerships Act and Limited Partnerships Act respectively in line with the requirements of OECD.

The Local Government Act makes provision for the levy of local rate instead of general rate once a cadastral database of all immovable properties situated in the rating area of a municipal council is compiled.

Clause 32 amends the Local Government Act to transfer the responsibility for compiling and maintaining the cadastral database from the Chief Executive of a Municipal Council to the Valuation Department.

Furthermore, a valuation officer will have the same power to enter, survey and value any property in a municipal council for the purposes of compiling the cadastral database. The

officer will also have the power to request the occupier, owner or lessee of that property to make a return for information relating to its value.

Clause 33 amends the Mauritius Revenue Authority Act to provide for the following –

(a) with a view to expediting resolution of disputes and recover revenue, the scope of the Alternative Tax Dispute Resolution and Expeditious Dispute Resolution Tax Schemes will be enlarged to cover tax assessments raised in connection with the Environment Protection Fee and duties and taxes under Customs Laws, and

(b) a person will have the right to make a representation at the Assessment Review Committee if he is not agreeable to a claim made by the MRA for payment of duties and taxes on an exempted good due to a breach of conditions attached to the exemption.

Clause 34 clarifies, in the Mauritius Standards Bureau Act, that the provisions of section 21A on Electronic Conformity Report repealed in Finance Act 2018, shall apply to any application made prior to the repeal of that section.

Clauses 35 and 36 amend the National Pensions Act and the National Savings Fund Act, respectively to give a –

(a) household employer; or

(b) member of the National Assembly who employs a constituency clerk or a driver, or both and who is or are paid out of public funds, the option to either pay the NPF/NSF contribution on a monthly basis or continue to pay NPF/NSF contribution at the end of the year but submit quarterly statements to the MRA.

Clause 37 brings changes to the National Solidarity Fund Act to require the Board of the National Solidarity Fund to remit such amount of surplus funds at such times into the Consolidated Fund as requested and determined by the Minister responsible for the subject of Finance.

Clause 38 provides, in the Newspapers and Periodicals Act, for publications to be made through electronic means as well.

Clause 39 amends the Non-Citizens (Property Restriction) Act to empower the Prime Minister to give his covering approval to a non-citizen who has acquired shares in a company holding immovable property after the acquisition has been effected.

The covering approval is subject to the Prime Minister being satisfied of the credentials of the non-citizen and that the omission to seek prior authorisation for the acquisition of shares was due to a mistake or oversight.

Clause 40 brings changes to the Ombudsperson for Financial Services Act to -

(a) ease procedures and provide for any person to lodge a complaint in writing with the Ombudsperson in the case of a non-receipt of a decision from the Financial Institution within 10 days from the date of the written representation instead of 3 months, and

(b) allow any person aggrieved by the decision of the Ombudsperson to apply to the Supreme Court for a judicial review of the decision or award within 21 days.

Clause 41 provides, in the Pensions Act, for the transfer of portable benefits to any personal pension scheme and for an actuarial review of the Defined Contribution Pension Scheme by an Actuary at intervals not exceeding 5 years.

Clause 50 amends the Statutory Bodies Pension Funds Act to harmonise the provisions of pensionable service across the public sector and for an actuarial review to be carried out at intervals not exceeding 5 years.

The Sugar Industry Pension Fund Act is also being amended at Clause 52 to align with the rules established by the FSC, the Private Pension Scheme Rules 2015 and in the Financial Reporting Act.

Clause 43 amends the Reforms Institutions Act to provide that, a person who has been convicted for a murder or an offence for serious assaults on persons causing disabilities in cases of domestic violence will not be eligible for remission or release on parole.

Clause 44 makes provision, in the Registration Duty Act, as follows –

(a) a first-time buyer who is acquiring bare residential land will be exempted on the first Rs2.5 m. of land value instead of Rs2 m. currently provided the acreage does not exceed 20 perches;

(b) the upper limit of Rs4 m. of the value of an existing house or apartment which a first-time buyer can purchase free of registration duty is being raised to Rs5 m.;

(c) no registration duty will be payable on the registration of a secured housing loan contracted by a Mauritian if the loan amount does not exceed Rs2.5 m., instead of the current limit of Rs2 m.;

(d) transfer of a movable property between spouses will be registered free;

(e) an administrative fee is being introduced following the repeal of the Stamp Duty Act, and

(f) several amendments are being made to provide for improvement in tax administration.

The Road Traffic Act is amended at Clause 45 to provide for the following –

(a) deed or declaration of a vehicle, already registered in Rodrigues, will be automatically renewed free of charge when the vehicle is brought to and used in Mauritius;

(b) a bee-keeper having a minimum of 20 beehives will pay a concessionary road tax of Rs4,000, and

(c) a holder of a Public Service (Contract Bus) Licence will pay road tax of Rs2,000 per annum instead of Rs3,000 on a van/bus with up to 15 seats used for conveying school children.

Clause 46 brings the following changes to the Securities Act –

(a) extend the definition of securities to cover green bonds;

(b) allow for an investigation to be conducted under Section 44A of the Financial Services Act relating to Special Investigations, and

(c) allow the FSC to issue specific guidelines on property funds and real estate trusts for the development of Mauritius as a fund administration and fund management jurisdiction.

In the context of ease of doing business, Clause 47 repeals the Stamp Duty Act. Consequently, the stamp duty is being replaced by an administrative fee under the Registration Duty Act and by way of adjustments to the fees charged under the Transcription and Mortgage Act.

Clause 48 makes provision under the State Lands Act for reducing the annual rent payable for implementing a private health institution or Ayurvedic wellness centre project on

State lands and in cases of takeover of a manufacturing company in receivership, administration or liquidation whose premises are situated on State land.

Clause 49 amends the Statutory Bodies (Accounts and Audit) Act to provide, amongst others, that at least one woman is appointed as member of the Board of a Statutory Body.

Clause 51 amends the Sugar Industry Efficiency Act to allow a person to convert, from agricultural use, one hectare of land free of land conversion tax for every Rs5.5 m. of expenditure incurred on road infrastructure in connection with a smart city project. This facility will only apply if the promoter bears the cost which would otherwise be payable by Government under a cost sharing scheme approved by Cabinet.

Clause 53 brings changes to the Sugar Insurance Fund Act to –

(a) cater for the payment of a one-off financial assistance to a planter or *métayer* for the crop year beginning on 01 June 2017 and ending on 31 May 2018 amounting to a sum of Rs1,250 per tonne of sugar accrued or part thereof;

(b) allow for the payment of an additional one-off financial assistance for the crop year beginning on 01 June 2017 and ending on 31 May 2018, amounting to one third of Rs257 per tonne of sugarcane or part thereof to a planter or *métayer* having total sugar accrued not exceeding 60 tonnes, and

(c) Implement some of the recommendations of the Fact- Finding Committee on SIFB.

Clause 54 amends the Transcription and Mortgage Act to, *inter alia*, allow the publication of information on transfers of immovable property registered at the Registrar-General's Department on its website. The names of the parties will not be published.

Clause 56 relates to changes in the VAT Act to implement the following budget measures –

(i) zero rating of VAT on cooking gas, bread and transport of passengers by light-rail;

(ii) exemption of VAT on services provided by Peer to Peer (P2P) operators, printed and publicity materials used by airlines, subscription fees of prescribed professional bodies and construction of marinas;

(iii) refund of VAT under the VAT Refund Scheme on additional equipment used by planters and breeders, on accommodation costs incurred by foreign attendees participating in business meetings, conferences and weddings provided that the number of foreign attendees exceeds 100 and they stay for a minimum of 3 nights;

(iv) the new eligibility criteria for VAT refund on the construction of a residential building or purchase of an apartment by an individual;

(v) increasing the rate of the levy for banks having operating income exceeding Rs1.2 billion in an accounting year from 4% to 4.5% of operating income, and

(vi) Exempting income derived by banks from Global Business Companies from the levy imposed under the Value Added Tax Act.

Amendments are also brought to certain sections of the VAT Act to clarify, plug loopholes and harmonise certain provisions with other revenue laws.

Madam Speaker, I now come to the Business Facilitation (Miscellaneous Provisions) Bill 2019. The legislative changes being proposed aim mostly at continuing our impressive progress on the Ease of Doing Business Survey of the World Bank which in turn should give a boost to local and foreign private investment and help our country attain its economic growth and development objectives.

The changes are focused on encouraging greater private investment in public sector projects and to encourage private public partnerships in implementing development projects.

The Bill, therefore, amends 28 enactments with a view to addressing legal impediments to doing business whilst making provisions for an increased use of information technology for application and determination of permits and licences.

Thus, Clause 2 amends the Build Operate Transfer Projects Act to -

(a) provide for the definitions of “request for proposals” and “value for money”;

(b) allow the BOT Projects Unit to assist a contracting authority in structuring a project to ensure value for money and preparing request for proposals documentations;

(c) review the functions of a Contracting Authority in relation to a BOT project;

(d) remove the requirement of submitting a feasibility report to the BOT Projects

Unit and give more flexibility in the content of the report for structuring BOT Projects, and

(e) shorten the process for simple BOT projects.

In the same vein, the Public-Private Partnership Act is being revised at Clause 28 to -

(a) clarify that the BOT Projects Unit will also deal with PPP projects;

(b) allow the BOT Projects Unit to assist contracting authorities to structure their projects and provide assistance in preparing Request For Proposals documents;

(c) simplify description of the responsibilities of a contracting authority;

(d) provide more flexibility in the content of the report for structuring PPP Projects;

(e) simplify the definition of PPP procurement by a contracting authority, and

(f) remove pre-selection of bidders and approval of CPB for request of proposals.

Clause 3 stipulates in the Building Control Act that applications for Building and Land Use Permits for buildings having a floor area exceeding 150 square metres are to be made through the National Electronic Licensing System (NELS).

Clause 4 allows for the Registrar of Civil Status to extend the spectrum of information that it can share through its electronic system with any other public-sector agency.

Clause 5 amends the Companies Act to -

(a) provide that any dividend declared by the board shall be paid within a maximum period of 12 months provided that the company satisfies the solvency test;

(b) require companies to disclose in their respective Annual Reports the total remuneration and benefits paid to each director individually, and

(c) allow disqualification of a director upon a successful claim by shareholders.

Clauses 6 and 8 amend, respectively the Consumer Protection (Price and Supplies Control) Act and the Dangerous Chemicals Control Act to expedite the process of import and export permits.

Clause 7 amends the Customs Act to -

(a) set up a Coordinated Border Management unit at Customs, comprising the various Ministries and agencies responsible for the administration of import and export permits;

(b) empower the Mauritius Revenue Authority to collect fees relating to import and export permits on behalf of relevant Government Agencies, and

(c) introduce a timeframe of 5 working days after the time the vessel is berthed for the importer to submit the bill of entry.

The Economic Development Board Act is being amended at Clause 9 to -

(a) review downwards the eligibility criteria for retired non-citizens from USD 2,500 to USD 1,500 per month;

(b) allow an investor registered with an incubator accredited with the new Mauritius Research and Innovation Council to be eligible to apply for an occupation permit without any investment requirement, and

(c) extend the Occupation Permit eligibility to foreign students having obtained at least an undergraduate degree from Mauritius in some scarcity areas. In the same vein the Immigration Act is amended at Clause 14.

Clause 10 amends the Electronic Transactions Act to allow any public sector agency to share information with an institution which can be another public sector agency, or a private sector institution listed in the Schedule of the same Act, through the InfoHighway.

Clause 11 brings changes to the Environment Protection Act to set timeframes -

(a) of 7 days, for the Preliminary Environmental Report (PER) Committee to submit its recommendations to the Minister, and

(b) of 5 days, for the Minister of Environment to approve, reject or request for the submission of an application for an Environment Impact Assessment licence.

Clauses 12 and 13 amend, respectively the Films Act and the Fisheries and Marine Resources Act to expedite the process of import and export permits.

Clause 15 amends the Inflammable Liquids and Substances Act to eliminate the requirement for a Certificate of Registration issued by the Mauritius Fire and Rescue Services as these will be covered under Fire Certification.

Clause 16 gives powers to the Information and Communication Technologies Authority (ICTA) to publish guidelines and to grant authorisations or clearances.

Clause 17 relates to the Insolvency Act. It brings more clarity to insolvency procedures by providing, *inter alia*, that -

(a) a body corporate shall not be appointed or act as a liquidator;

(b) the remuneration of the liquidator shall be prescribed;

(c) an administrator shall call for separate meetings for each class of creditors. Each class shall vote separately and each class of creditors shall be given equal treatment;

(d) an administrator shall ascertain during the watershed meeting that dissenting creditors will not be worse off than if the company had been liquidated;

(e) reciprocity in dealing with insolvencies with jurisdictions that have trading or financial connections with Mauritius is repealed;

(f) an appeal made against any order or judgment of the Court shall not operate as a stay of execution or of proceedings under the order or judgment appealed from unless so ordered by the Court, and

(g) regulations will be made to establish the hierarchy of payments in case of receivership.

Clause 18 amends the Local Government Act to, among others -

(a) require applications for Building and Land Use Permits (BLUP) for buildings having a floor area exceeding 150 square metres to be made on the National Electronic Licensing System (NELS);

(b) extend the suspension of trade fees of up to Rs5,000 for another period of 3 years;

(c) make the Corporate and Business Registration Department (CBRD) operate as one-stop-shop by collecting trade fees on behalf of Local Authorities, and

(d) to empower the Ministry of Local Government and Outer Islands to set the relevant Trade Fees with a view to harmonising trade fees across all local authorities.

Clause 19 provides in the Mauritius Fire and Rescue Service Act for -

(a) setting timelines for the different steps in the determination of Fire Certificate applications, and

(b) ensuring fire safety in the workplace which were previously under the Occupational Safety and Health Act.

Clause 20 amends the Mauritius Qualifications Authority Act to -

(a) eliminate the requirement to register managers, programme officers and trainers as necessary guidelines will be issued by the MQA;

(b) empower the Director to grant final approval for the registration of a training institution and accreditation of courses, and

(c) eliminate the requirement for approval for Non-Award courses.

Clause 21 brings changes to the Mauritius Revenue Authority Act as a consequence to the amendments to revenue laws.

Clause 22 amends the National Agricultural Products Regulatory Office Act to expedite the process of import and export permits and allow the export of all tea products.

Clause 23 amends the Non-Citizens (Employment Restriction) Act to set timeframes for processing of work permit applications.

Clause 24 shifts the requirements for fire safety in the workplace to the Mauritius Fire and Rescue Service Act.

Clauses 25 and 26 amend, respectively the Pharmacy Act and the Plant Protection Act to expedite the process of import and export permits.

Clause 27 amends the Ports Act to promote the use of electronic means for applications, approvals and clearances and payments.

Clause 29 brings changes to the Radiation Safety and Nuclear Security Act 2018 for expediting the process of import and export permits.

Madam Speaker, I am confident that with these wide-ranging amendments proposed in the two Bills, the development policies of Government will be supported by a strong and comprehensive legal framework. I am sure that as we are at the threshold of the high-income country status, this will definitely help us to make the final step to realising our vision as a

nation.

With these concluding words, I commend the two Bills to the House.

The Deputy Prime Minister rose and seconded.

Madam Speaker: I'll now ask the Deputy Speaker to take the Chair.

At this stage, the Deputy Speaker took the Chair.

The Deputy Speaker: Hon. Leader of the Opposition!

(11.24 p.m.)

The Leader of the Opposition (Mr X. L. Duval): Mr Deputy Speaker, Sir, I have several comments to make on mainly the Finance (Miscellaneous Provisions) Bill, but one or two also concerning the Business Facilitation (Miscellaneous Provisions) Bill and, each time, I will quote the clause of the various Bills that I am dealing with.

Of course, I am going to start with clause 2 of the Finance (Miscellaneous Provisions) Bill dealing with the now infamous provision to raid the coffers of the Bank of Mauritius. What I will say, Mr Deputy Speaker, Sir, is that *la vérité finit toujours par triompher*. And when we see the amendment that is being proposed tonight, we see clearly what is in the intention of Government and, with your permission, I will just quickly go through this. This is what is being proposed, Mr Deputy Speaker, Sir, as the new section 47, subsection (5) –

> "Funds out of the Special Reserve Fund may be used, only and strictly, in the following order of priority" –

As it is presently, before this change.

> "(a) for the purpose of increasing the amount paid as capital of the Bank in accordance with section 10(4);
>
> (b) by the Bank, in exceptional circumstances and with the approval of the Board –
>
> (i) for monetary policy purposes;"

This is now the present. And the new thing, of course, is –

> "(ii)for repayment of central government external debt obligations, provided that this is not likely to adversely affect the efficient discharge by the Bank of its functions under this Act."

Now, we saw, all through, since the Budget Speech, a deplorable attempt by Government - I will not take any names. I will just say by Government - to confuse the issue, to fudge the issue, to make this House and the population believe that we are not really raiding the funds or the assets or the bank account of the Bank of Mauritius, we are using some Foreign Exchange Fund. This Foreign Exchange Fund will be the Fund being used and we have even been quoted words from the IMF, dealing with the Foreign Exchange Reserves, whereas, Mr Deputy Speaker, Sir, we see clearly, now, in this Bill proposed tonight, that it is not the Foreign Exchange Reserves that the Minister of Finance is raiding. It is the Special Reserve Fund. Nothing more, nothing less. And that is why I am saying that it is deplorable that we have been quoted words from the IMF, etc., relating to the Foreign Exchange Reserve, whereas I, in the PNQ that I raised some time ago, quoted the IMF relating to the use of unrealised profits by Seychelles and, at that time, I think it was in 2008, the IMF had managed to stop Seychelles using unrealised profits as dividends, payments to Central Government. So, that is what it was all about, but there was, as I mentioned, this attempt to confuse everything. So, what we are saying, Mr Deputy Speaker, Sir?

Before I take that point, let me just say that the other attempt to confuse the House was the reference that the hon. Prime Minister made to what had happened in 2011 when, supposedly, Rs1 billion was taken out of the Special Reserve Fund. But, as has been made clear subsequently, that Rs1 billion transfer out of the Special Reserve Fund was in strict accordance with section 47(5)(a) of the then Act, which permitted the money to be used to capitalise the Bank. This is the opposite of depleting the assets. What happened was the share capital of the Bank of Mauritius was increased by Rs1 billion from a transfer from the Special Reserve Fund and, of course, what is important is that the bank account of the Bank of Mauritius, the net assets of the Bank of Mauritius remained unchanged.

Now, what will happen in this case is that we have seen in the budget papers that Rs18 billion is expected to come out of the coffers of the Bank of Mauritius, transferred to the bank account of the Government of Mauritius, and used to repay our foreign debt. This is what is being proposed and, Mr Deputy Speaker, Sir, there are conditions that are being put in this clause 47 for this to happen. Firstly, the Act itself says that it should be exceptional circumstances in which the Board of the Bank of Mauritius may decide to help Government by transferring this amount of money from a Special Reserve Fund to the Government of Mauritius - exceptional circumstances.

It is an admittance by the Prime Minister and Minister of Finance that there are exceptional circumstances, at the moment, as he is expecting Rs18 billion from the Bank of Mauritius. So, firstly, exceptional circumstances - to everybody else, the Government. It can only mean one thing, that public debt has shot up to unacceptable amounts, that the public debt of Mauritius has increased so much that the Bank of Mauritius is invited to consider this to be an exceptional circumstance in which this transfer from the Special Reserve Fund should be allowed.

The second thing which is also clear, Mr Deputy Speaker, Sir, is that whatever transfer is being made should not adversely affect the operations of the Bank of Mauritius, which is the efficient discharge in section 47(5)(b)(ii) - the new section.

Now, we know that the Bank of Mauritius uses the Special Reserve Fund to pay for its monetary policy. What is monetary policy? It is, in fact, as was explained fully last time, to protect the value of the rupee - that is monetary policy - and, secondly, to mop up excess liquidity. That is also monetary policy. Now, what the Board of the Bank of Mauritius will have to decide is what amount of money it can pay to Government, what depletion of its reserves it can allow without it affecting its work, its operations insofar as monetary policy is concerned. It will have to decide that. Obviously, Mr Deputy Speaker, Sir, if you look at the last accounts of the Bank of Mauritius, you will see that there are Rs13 billion in the Special Reserve Fund, but I would like to emphasize is the very high cost that is sometimes incurred every year to pay for monetary policy activities of the Bank. And here, Mr Deputy Speaker, Sir, I would like to take you back to the year 2017. In fact, you will see that, in the year 2017, we ended up with a Special Reserve Fund of only, I will say, Rs14 billion whereas, at the start of the year - so, we are talking about 01 July 2016 - we had Rs20 billion in that same Special Reserve Fund. So, in that one year, the Bank of Mauritius utilised anyway Rs6 billion. The Special Reserve Fund fell by Rs6 billion in the one year. Part of it was utilisation for monetary policy and part of it, Mr Deputy Speaker, Sir, what it was, was the fall in the value of the foreign exchange assets of the Bank of Mauritius. Why I am saying this is to emphasize once again that the Special Reserve Fund is, in fact, consisted of two things: one, realised profits; profits that have been made and accounted for. I mean, you bought something, you sold something, you made a profit, that is in there, and also valuation profits. Valuation profits, that is, the assets are still with the Bank of Mauritius at the end of the year, but, in a movement of currency, it has gone up or it has gone down. What goes up can come down and, as I mentioned, Mr Deputy Speaker, Sir, between 2016 and 2017, there were Rs6

billion lost in the Special Reserve Fund. Now, the question is this. What will the Board of Directors of the Bank of Mauritius decide as to the amount, of the balance that is required in the Special Reserve Fund in order to maintain the liquidity and the solvency, basically, of the bank of Mauritius? What is the amount that is required? If in the one year, 2016 to 2017, it lost Rs6 billion out of that Special Reserve Fund, then, of course, if I was in their shoes, I would decide that, in fact, the balance of Rs13 billion or Rs14 billion that I have now in the Special Reserve Fund is the exact amount that I would need. It represents only two years of possible losses, two years of possible depletion of that Fund. So, I do not understand. I hope that the Prime Minister will explain, in his summing-up, where that Rs18 billion comes from, that he is expecting from the Bank of Mauritius. We have only the last accounts, the 2018 accounts of the Bank of Mauritius to look at. If those accounts say - as they say - some Rs13 billion or Rs14 billion in the Special Reserve Fund, I don't expect it could have risen that much to 2019. We don't have the figure. I don't think even the Prime Minister will have the figure, unless we have to reduce that by the amounts that are required by the Bank anyway to finance its operations. As I mentioned, Rs6 billion was used in the one year. So, I would like to understand where this money is expected to come from and, of course, we will make this appeal to the Board of the Bank of Mauritius. Because what are we talking about here? It is the fact that these Rs18 billion transfer that is expected from the funds of the Bank of Mauritius to the bank account of the Government of Mauritius will deplete the bank account of the Bank of Mauritius and it will deplete the net assets of the Bank of Mauritius. The Opposition has all along, in the Press, and so many economists, etc., ex-Governors - only one ex-Governor has, I think, misunderstood - have clearly said that this will put in jeopardy the operations of the Bank of Mauritius. So, there is a huge responsibility that lies on the shoulders of the Directors of the Bank of Mauritius, as has been set out in this new section 47, that they should determine that there are exceptional circumstances, that they should also see that nothing adversely affects the operations of the Bank of Mauritius. And my contention is that if the figures that we have are up to date, then not a single cent ought to be transferred from the Special Reserve Fund, from the bank account of the Bank of Mauritius to the bank account of Central Government because all of it, in fact, on a prudent basis, is required for monetary policy activities of the Bank of Mauritius, and it would be totally irresponsible to do otherwise. In fact, this raises the question also, Mr Deputy Speaker, Sir. The Board of the Bank of Mauritius is accountable to whom? In many countries now - and, in fact, this whole episode, in my view, will determine how the Mauritian public, how us, in this House, that is, in the Opposition, will view the Board of Directors of the Bank of

Mauritius, will assess their work. And, Mr Deputy Speaker, Sir, I think we will come to a point where we will say that, like in so many countries, the Bank of Mauritius ought to be fully accountable to Parliament. We know that in the UK, the Bank of England is accountable to Parliament and is regularly reviewed by what is called a Treasury Select Committee of the House of Commons. We don't have that here. Here, the Board of Directors of the Bank of Mauritius will take whatever decision they will take and, effectively, they will be accountable to no one, and this is not acceptable, not when we are giving additional powers like this to the Board of Directors of the Bank of Mauritius.

So, my plea is for the Directors of the Bank of Mauritius not to act upon this power that they have, and, secondly, if they do, I think, there will be a strong call in this country for the Board to become accountable to this House, as it happens - I looked at a recent report, a survey of 50 countries - in 85% of these countries, where the Central Bank was accountable to Parliament, at least, by yearly review. So, this is the first point, Mr Deputy Speaker, Sir.

Now, on the same issue of paying for public debt by raiding the funds of various institutions, we see that in clause 21 of the Finance Bill, this time it relates to the Financial Services Commission. We are, in fact, taking Rs100 m. from what is called the Financial Services Fund. The Financial Services Fund is an important fund at the FSC and it is used basically for educating consumers with regard to financial services products. We have seen in this country, the amount of Ponzi that we have had, all the issues that we have had with various Ponzi Schemes. The issue was, basically, that we had a population which was not very conversant with financial services. So, it is taking this money out, Rs100 m. is being taken out from the Financial Services Fund. I looked at the last accounts of the Financial Services Commission, what I am surprised at, Mr Deputy Speaker, Sir, is that only the accounts up to 30 June 2017 are available and have been published and, in fact, I think, it is laid in this House. What a bad example for the Financial Services Commission! Itself is a regulator; itself is in charge of requiring so many global business companies to file the accounts on time, for the Financial Services Commission itself, for its accounts to be laid with several months of delay. I think, Mr Deputy Speaker, Sir, that is a bad example for the Financial Services Commission. I do not know whose fault it is. I cannot say whether it is the Financial Services Commission that has not completed the accounts or it is somehow that the Minister has not laid it on the Table of the House, but it is, in fact, a bad example.

Obviously, another amount that is being raided from the Financial Services Commission is the General Reserve Fund. Since its inception up to now, the minimum

balance in the General Reserve Fund had to be by law Rs400 m. Now, that is being changed in the same clause 21, from Rs400 m. to Rs100 m. Why does the General Reserve Fund exist? It is to enable the Financial Services Commission to be independent, to be able to do its activities independently. Now, if you look at why it needs so much money, in the last, I have said, 2017 accounts that it had, the expenses of the Financial Services Commission in that one year was Rs800 m. Obviously, it obtained revenue, more than Rs800 m., but it had Rs800 m. expenses. And the point was to leave such a balance there so that if anything should happen, it has that money, and that is being reduced dramatically, Mr Deputy Speaker, Sir.

A last point on the issue of raiding funds of Statutory Bodies. There is this clause 49 now, that, I think, is also deplorable, Mr Deputy Speaker, Sir. It empowers now the Minister of Finance of the day to decide in the place of all the Statutory Bodies, whether it is CEB, whether it is CWA, whether it is, I presume, Mauritius Ports Authority; it will decide in the place of these Statutory Bodies what dividends they will be paying to Central Government.

Now, let us take a limited company. A limited company has shareholders and directors. Obviously, the shareholders are looking for dividends. In this case, the shareholder is the Government and the Government is represented always by the Minister of Finance. But for a company, it is not for the shareholders to decide what dividend is being paid because the shareholders will want as much dividend as possible and the company may go bankrupt. So, the Companies Act says always it is up to the directors, members of the Board who decide what is the dividend that is going to be paid. Here, this section 49 reverses that role. It is very new, it reverses the role. It is now for the shareholder, in this case it is the Ministry of Finance, that decides on the quantum of the dividends that are going to be paid. Now, we know that it is up to the Board, the administration of these companies to decide how much money they need, what are their investment requirements, what they will do, and this is being reversed and I am quite surprised at this. I do not know whether the Minister of Finance has had issues persuading his colleagues in charge of various Statutory Bodies to pay over surplus funds, in which case this is why we referred at, for instance, the CEB, etc., there were issues. I do not know whether that is the case, but it seems that the Minister of Finance is no longer going to ask his colleagues: 'Please, can you get your Statutory Bodies to pay over so much to the Exchequer every year?' Now, he is going to decide by himself, and I think, that is wrong because it is the responsibility of each Board of each of the Statutory Bodies to decide what are their financial requirements because ultimately if they become insolvent or they are unable to invest, it will be their responsibility.

Mr Deputy Speaker, Sir, I am going to come now to clause 7, which deals with the Companies Act, which makes a change which I am not quite sure why particularly this clause has been worded in this way. Clause 7, Mr Deputy Speaker, Sir, amends section 91 of the Companies Act. It is a very funny clause because it says that from now on, it is going to be the directors, the last directors of each company, if the company has gone bankrupt, to keep for seven years records as to the beneficial owners. Now, the information of beneficial owners is not normally available to directors of companies; it is not normally available. This is information which is kept by the company secretary. Each company has a company secretary and the company secretary will have all the information. I would have understood, if it required the last company secretary to keep, for seven years, records as to the beneficial owners of the shares of each company. It does not do that. It requires the directors. Now, there may be one or two directors, there may be 10 or 20 directors. Now, does each director have to keep these records? You will have executive directors and non-executive directors. Are both types of directors also supposed to ask the company secretary, 'Can I have a copy of the record? I am going to keep it in my house because the company has closed for seven years.' So, this, Mr Deputy Speaker, Sir, may not sound like much but, in practice, I think, it is quite a weird way of requiring records to be maintained. As I mentioned, in my view, it should be the company's last company secretary; where a company has gone bankrupt or has closed, it is for the last company secretary to maintain this sort of documentation for seven years.

Mr Deputy Speaker, Sir, I am going to come now to clause 16, the Economic Development Act and the famous Côte d'Or Stadium. Now, Côte d'Or Stadium was announced in November 2016. So, it was, I think, opened officially - not fully, but officially - on Friday or something like that. Now, this is Côte d'Or Stadium, *un éléphant blanc*, we would say. Now, Côte d'Or Stadium, we are told, is not for the Indian Ocean Games; it is to be used to make of Mauritius a sports hub. Now, the Government - November 2016, 2017, 2018, and now we are in 2019. So many years have gone by.

The point was raised here in a PNQ as to what activities have already been scheduled, for what activities has the Côte d'Or Stadium been reserved, international activities in the future years, in the future months. And the Minister who answered at that time was unable to give not one single activity. Now, it is after so long, almost three years later, that there is an amendment being made to the functions of the Economic Development Board in clause 16.

Mr Deputy Speaker, Sir, in clause 16, the objects of the Sports Economic Commission of the EDB will now be to promote Mauritius as an international centre for the hosting of international multi-disciplinary sports events. Don't you think it is a bit late? All this has been constructed, and it is only now that we think how we are going to promote it? We have raised the issue here, in the House, that if you want to maintain the stadium properly, it will cost you 5% of the construction cost. 5% of the construction cost is Rs230 m. annually, nearly Rs20 m. a month! Adding to that, the cost of electricity, the cost of water, the staff, etc., it is a huge amount of money.

Now, I hope that the hon. Prime Minister will tell us, when he sums up, that, in fact, this just enables the EDD to promote, but that over the coming months, the Mauritius Multi-Sports Infrastructure Limited has already got reservations for that stadium. Otherwise, the taxpayers will say what a huge waste of money! We have built a sports hub at the cost of Rs4.6 billion, it is only now, after it has been inaugurated, that some institution is given the power to market this stadium and, obviously, it is now, presumably, that we will find some result as to the sports hub. So, we hope to get some clarification as to what the famous sports hub has been reserved for or whether it is now, so many years after it was first launched, that we thought of the necessity of starting to market it and bring the money to pay for the very heavy running cost of that stadium.

Mr Deputy Speaker, Sir, I have some more points. This one is the Business Facilitation Bill, clause 9, which reviews downwards the amount of money that a foreign pensioner coming to live in Mauritius has to bring to Mauritius every year. Before that, for the last 10 years or so, he had to bring in 2,500 US Dollars every month to justify staying in Mauritius. That is not being increased. You would expect, after 13 years, I think, that money would be increased to 3,000 US Dollars and 4,000 US Dollars or something. No! It is being reduced! Instead of paying 2,500 US Dollars per pensioner, which is a reasonable amount, now every pensioner coming to live in Mauritius will have to bring only 1,500 US Dollars, which is Rs60,000 or something, every month, to live in Mauritius.

Now, you know, we are downgrading our destination, we are downgrading our jurisdiction. Now, why do we not put it at 500 US Dollars? Let's say everybody come. There is a limit! I mean, it was put there to maintain a certain level for Mauritius, same as if you wanted to buy an IRS, it had to be more than Rs500,000 at the time. Keep 5,000 US Dollars; keep the level up. Now, it's going down. I understand that many friends are doing so many of these retirement homes, but my plea is to keep the standard high to maintain the

reputation and the standard of our destination. Same as we don't want to go into 3-star hotels or 2-star hotels, we don't want to go into a mass retirement destination; we want to keep it as a quality retirement destination. I can see no reason why the 2,500 US Dollars, which had to be brought in every month by a pensioner, should be reduced substantially by 1,000 US Dollars to 1,500 US Dollars. On the other hand, Mr Deputy Speaker, Sir, I think it should be increased to 3,000 US Dollars or so.

Now, I want to talk about clause 39 of the Finance Bill, which deals with the Non-Citizens (Property Restriction) Act. The Non-Citizens (Property Restriction) Act is a very old Act; it goes back to 1975, and it seeks to protect our country, a small country in terms of geography, from foreigners coming to buy the whole place up. So, it provides that if you want to buy freehold property and long leasehold properties, you have to go to the Prime Minister and the Prime Minister personally signs a letter, saying you are allowed to go ahead with this purchase.

Now, the whole point of the Non-Citizens (Property Restriction) Act, as it stands, is that that permission should be asked before you buy the property, not after. If you don't ask for that permission, the law says that, automatically, that property goes to the curator of vacant estates. That is the very harsh penalty that you will pay, up to now, for ignoring the Non-Citizens (Property Restriction) Act. A very harsh penalty! You ask for permission from the Prime Minister, he signs and sends it to you, you buy your property, and it is okay. You don't do that, you ignore that requirement, and your property is not yours, in fact. Your property belongs to a curator of vacant estates, and he will sell it à *la barre* and gets money for the estate; you have lost your property. Now, that is being changed dramatically. It is a very sharp change in the law that is being proposed in clause 39 of the Finance Bill.

Now, it says, in fact, 'Well, if you have forgotten to do it, if you are in good faith, just make an application to the Prime Minister and he will put you right, don't worry about it. So long as you were in good faith, you explained things, fine! It was an oversight - that's the word that is used - it was a mistake, okay, we will regularise it.

This is a very sharp, major change from the principle of the Non-Citizens (Property Restriction) Act. And what is more, from the penalty of losing completely your property, what is now the penalty for oversight or for just laziness or for carelessness, for not respecting that law? What is provided for, as you would say, as a penalty? Do you have to pay 10% of the price, 20%, 30% as a penalty? No! Zero! There is no mention of any penalty.

From a 100% seizure of your property, you now come, you write to the Prime Minister and say, 'I am sorry, it was an oversight', and you absolutely get away scot-free.

Mr Deputy Speaker, Sir, in my view, this is going to encourage disrespect of the law, encourage the law not to be abided by, because for the first time since 1975, you are going to be allowed, if you don't follow the law, you can actually correct the situation in the future and get away without even paying a single rupee as penalty.

Mr Deputy Speaker, Sir, before I end, I would like to talk quickly about Global Business, in fact, clause 26 of the Income Tax Act. Last year, Mr Deputy Speaker, Sir, the Global Business Sector complained bitterly that the changes made then, in the Finance Act of last year, was affecting their business because there was a new provision that was inserted in the law, which said that if companies that required to be tax resident in Mauritius needed to show that their place of effective management were, in fact, in Mauritius.

Now, this was POEM, Place of Effective Management, and operators of the Global Business Sector complained bitterly about that. Now, why is it important to be tax resident in Mauritius for these companies? It is because if you want to access the double taxation agreements that Mauritius has signed with so many countries, but especially with India, if you want to access that double taxation agreement, you need to be tax resident in Mauritius, and any uncertainty there affects the attractiveness of Mauritius as an offshore jurisdiction. They complained about that and we saw, during the whole year, how Mauritius has been affected particularly with India. I am not saying it is all because of this. I am saying that this contributed to the uncertainty relating to the post DTA changes that were effected by this Government. So, one year has gone by, the operators had wanted the Government to change back from POEM, which is Place of Effective Management, to what is now being done in clause 26, which is tax residents will be based on where you are centrally managed. They wanted that to be done and, for some reason, the Government waited one year, and that one year I am saying, Mr Deputy Speaker, Sir, affected our offshore sector, affected people who wanted to invest in India, out of Mauritius.

And now we saw that Singapore has succeeded in post DTA, the new DTA. Singapore has succeeded, Mauritius has not succeeded, and partly, as I mentioned, because of the lateness in making this particular change to the tax residents qualification of Mauritius. There may be other; there are, obviously, other reasons also. But I am just saying that it is regrettable that it has taken so long to do so.

Mr Deputy Speaker, Sir, I will just end on last two things. I note that the maximum limit for a foreigner to invest in an audio-visual business has now been changed from 20% to 49.9%. I presume because we have not been able to find many Mauritians interested in investing quite large amounts of money in a private television network. So be it, Mr Deputy Speaker, Sir, but, in my view, we are also opening our audio-visual sector to the possibility of foreign interference.

Now, we have seen even in USA how in the elections, etc., you have had foreign powers trying to influence via internet, etc. I do not know whether, in fact, it is worthwhile to take this risk of increasing so substantially the foreign capital in a potential local TV company, so much that it would, in my view, put at risk the way that this nation operates and the possibility of foreign interference in everything, including our elections. We have had the Prime Minister just now saying in the Political Financing Bill that he does not want, there should no money, etc., from foreign entities in Mauritius. OK, but this is another way that you can influence. Not just money! Probably, you can influence much more by having a TV channel here operating. So, I think this is in contradiction with what the Political Financing Bill had tried to portray a few moments ago when it was debated in the House.

Finally, Mr Deputy Speaker, Sir, I see that the Sugar Industry Fund Board is being transferred from the Ministry of Finance to the Ministry of Agro-Industry. I think that is not correct. The Sugar Insurance Fund Board, as the name implies, may deal with sugar, but it is an insurance company. It is not an agricultural company; it is an insurance company. An insurance company, to my mind, should be under the Ministry of Finance and not, perhaps because the Minister of Finance is busy or whatever, transferred to another Ministry. We have seen that there have been huge issues with the Sugar Industry Fund Board. These issues, to my mind, have not been adequately resolved by the Ministry of Agro-Industry and I, therefore, deplore the fact that this is confirming that the Sugar Industry Fund Board has been transferred from Finance, which would, maybe, have understood better the issues which the Sugar Industry Fund Board are facing, to the Ministry of Agro-Industry, which probably knows about sugar but does not know much about insurance.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Gungah!

(00.06 a.m.)

The Minister of Industry, Commerce and Consumer Protection (Mr A. Gungah): Mr Deputy Speaker, Sir, I will focus my intervention on the Business Facilitation (Miscellaneous Provisions) Bill 2019. Allow me at the very outset to congratulate the hon. Prime Minister and Minister of Finance and Economic Development for the introduction of the Business Facilitation Bill 2019.

In fact, it is the second time during our mandate that we are debating on the issue of ease of doing business. And this clearly shows the commitment of the Prime Minister and of the Government to simplify cumbersome procedures, eliminate unnecessary ones and reduce time in business processes, thus facilitating the task of operators, be it the business community, small entrepreneurs, individual enterprises or start-ups.

Mr Deputy Speaker, Sir, one month ago, we were debating on the Appropriation Bill 2019-2020. Bold measures have been announced and some are already being implemented. And today we are debating on the Business Facilitation Bill which is another step to make Mauritius a brighter nation.

Ease of doing Business is not only to facilitate the running of existing enterprises or the setting up of new ones or the issue of permits and licences but it also contributes in our engagement to reduce poverty. Sustained economic growth and social inclusion are indispensable to fight poverty and outcome inequality. To achieve these objectives, it is necessary to improve the investment climate and foster the spirit of entrepreneurship as well as strong and meaningful business activity. The reduction of inequality and the elimination of poverty cannot be achieved solely through welfare-oriented social policies. We have to generate productive and quality employment for our youths, and Government alone cannot do this. And that is why, Mr Deputy Speaker, Sir, that today's Bill is very important for our economy.

We have made a first step in 2017 and now we are going further in streamlining processes and procedures. These are means of boosting growth and our capacity to generate higher quality and better paying jobs. In a more and more globalised world where national economies are getting more integrated with their trading partners, a significant amount of business process simplification and re-engineering and the recourse to information technology adoption have become vital. The application of key international standards, rationalisation of trade legislation and a significant collaborative effort between the public sector and the private sector are also essential.

Le monde du commerce et des affaires n'est plus celui des années 1990 et 2000. Il y a eu une évolution rapide dans le domaine du commerce, des affaires et dans le secteur financier. Notre petite ile Maurice s'est adaptée à ces changements et c'est une raison de notre bon placement par les instances internationales notamment notre première place en Afrique et vingtième dans le monde selon le *ranking* du 'Ease of Doing Business' de la banque mondiale et aussi notre première place dans le classement du Mo Ibrahim Index.

Mr Deputy Speaker, let me remind the House that improving the business and investment climate has been at the core of our agenda since we assume office in 2014. Indeed, we have been constantly amending several legislations and replacing inappropriate ones to wither away from stiffening bureaucracy associated with cumbersome administrative procedures to ultimately attract more productive investment. In this context, the setting up of the Economic Development Board reflects the growing importance this Government lays on business facilitation as a key component for economic growth.

Mr Deputy Speaker, Sir, let me emphasize that, on the industrial front, the Business Facilitation Act has been a catalyst in attracting foreign direct investment and is stimulating our local entrepreneurs to expand and invest in manufacturing base activities. Unlike in the old days, investors are now more comfortable while taking decisions to embark on business ventures as they know that the State is committed to provide a hassle-free business environment.

I wish to inform the House that we are reaping the dividends of our endless efforts and farsighted vision of making Mauritius a preferred business destination. During the past four years, the manufacturing sector has attracted foreign direct investment of more than four billion rupees in a wide range of activities such as automobile spare parts, pharmaceutical products, optical fibre, technical textiles, PET reforms, GPS components, assembly of TV sets, optical glasses, flexible packaging and metal recycling. Similarly, total investment in the manufacturing sector in terms of industrial space and plant and machinery climbs to Rs4.5 billion in 2018.

Mr Deputy Speaker, Sir, throughout its mandate, this Government has shown that it has not remained complacent by resting on its laurels. Indeed, we have been dynamic and proactive in formulating new policies and strategies for higher economic growth. Already in 2017, we replaced the existing Business Facilitation Act to make it more tuned to the reality

of the day. Now, we are going the extra mile by further refining it to remove other unnecessary obstacles to economic development.

We are also empowering our public officers to exercise their roles as professionals by revolving upon them the responsibility to execute certain tasks, which until now was confined only to the Heads of Ministries and Departments. For example, this Bill provides for amendment to the Consumer Protection (Price and Supplies Control) Act whereby the Permanent Secretary of the Commerce Division may designate any public officer to be an authorised officer to process and approve applications for issue of certain permits, licences and clearances.

This delegation of powers is a sign of recognition that will fully interest our people in the Civil Service, but above all, what is important is that we are eliminating unwarranted steps so that our business operators can evolve in a fast track environment.

Mr Deputy Speaker, Sir, I will now comment on the Mauritius Trade Link which is an electronic platform linking agencies and is a valuable and indispensable tool improving significantly the trading business sector. The platform links the different Ministries, Departments and regulatory Bodies as well as traders of the business community. It has simplified considerably submission of applications, processing, approval and issue of import and export permits. It also enables operators to track progress of the status of their applications and enhances our trade efficiency across national borders through the reduction of processing time and associated costs burden while, at the same time, safeguarding legitimate regulatory objectives.

Intrinsically, traders will not be required to pay physical visits to the various regulatory locations as all processes will be effected online electronically. Our country ranks top most in the trade facilitation indices in Africa and among the highest ones across the world. In the same context, my Ministry has implemented a re-engineering process through the elimination of non-tariff barriers by reviewing the list of controlled items. In so doing, during the course of the past year, not less than eight items have been delisted on the list of controlled goods whereby import permits are no longer required for these items.

Mr Deputy Speaker, Sir, let me now come to the cross-border management system, which regroups several ministries and departments. This is also another important milestone. The Mauritius Standards Bureau, in collaboration with the Customs Office has established a

mechanism for the control of products at the border through the verification of conformity assessment certificates.

On the basis of documentary evidence provided by the importers, the Mauritius Standard Bureau issues a compliance report to the relevant authority which authorises the release of consignments of controlled products. Such practice, which is in line with international best practices, reduces significantly the dwelling time of consignments at the customs and eventually, the cost of demurrage charges.

Currently, 33 products are controlled through the verification of conformity assessment certificates. Other regulated products such as toys and plastic pipes and fittings will shortly be controlled through this process. Several regulatory bodies are contemplating to establish such regulatory mechanism and leverage upon the expertise and experience of the Mauritius Standards Bureau to control exported products. For instance, the MSB is collaborating with the Mauritius Renewable Energy Authority to provide assistance for the verification of certificates of conformity for renewable energy products to determine the compliance with relevant standards and their release from the customs.

The Government has also taken bold steps to set up a standardisation environment which acts as a business ecosystem and enabler. Most of the standards adopted by the Mauritius Standards Bureau are based on international standards and regional standards which are business labellers. The regulatory bodies are also encouraged to refer to these standards, an essential requirements in the legislative instruments to facilitate business.

Mr Deputy Speaker, Sir, one of the prime roles of the Commerce Division is to control the price of some essential commodities for the welfare of consumers and this is done through the mechanism of maximum retail price, the maximum mark up and the maximum recommended retail price.

In this connection, importers have to submit to the Ministry the costings of the products that they import for sale on the local market as well as supporting documents like the Bill of Lading. Based on these costings, the price fixing unit calculates the price at which the goods should be sold on the market or the maximum mark-up as appropriate in compliance with the regulations in force. Until end of May 2017, importers were submitting their costings in hard copy and the prices and mark-ups were calculated, verified and approved manually, following which same were despatched by post to the importers. However, with the objective of facilitating business, My Ministry decided to computerise the

price fixing unit, and since June 2017, the price fixing information system is operational. The system enables importers to submit their costing on line and the process of calculation and approval of prices is being done electronically. Moreover, recommended prices are being issued to importers on line. The time taken for the process has gone down from one week to a few hours, or a maximum of two days. Importers have expressed satisfaction about the new system and officers involved in their process now have a modern tool to perform their job.

Mr Deputy Speaker, Sir, I shall conclude by referring to the recent establishment of an E-licensing platform to simplify and automate business procedures through paperless transactions. As from now, investors will no longer have to go through a painful, costly and time consuming process, having to knock at several doors to obtain necessary approvals for starting and expanding their businesses. This is a landmark achievement that places us at par with many industrialised countries, such as Hong Kong, Singapore and South Korea, which are among the top ten in the World Bank Ease of doing business Index. All these achievements testify that we have successfully revived business confidence in the country. I am convinced that we are moving ahead for greater economic prosperity and this new Business Facilitation Bill will further accelerate the gross momentum already activated in various sectors of the economy.

Thank you, Mr Deputy Speaker.

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, following a point of order raised by the then Leader of the Opposition, hon. Bérenger, to the effect that there were issues in the Finance Bill that had nothing to do with the Ministry of Finance, the then Speaker, on 21 July 2009, gave the following ruling, and I quote –

> "(..) the Finance (Miscellaneous Provisions) Bill should not contain provisions intended to make permanent changes in existing laws unless they are essentially connected with national finance, or, are consequential upon, or incidental to the taxation proposals and may also include provisions that are sufficiently closely related to those matters within the spirit and scope of the Bill as defined in the long title."

Unfortunately, Mr Deputy Speaker, Sir, despite this ruling, this year also, yet, again, the Finance Bill seeks to amend legislation, which has absolutely nothing to do with national finance, nor are they consequential upon or incidental to taxation proposal. Just to name a

few: the proposed amendment to the Clinical Trials Act, the Courts Civil Procedure Act, the Deposit of Powers of Attorney Act, the Reform Institutions Act. Amendments to these Acts, Mr Deputy Speaker, Sir, no doubt, deserve to be in stand-alone Bills. So, instead, Mr Deputy Speaker, Sir, we are having to debate two Bills, the Finance (Miscellaneous Provisions) Bill, which seeks to amend no less than 55 Acts of Parliament, and the Business Facilitation (Miscellaneous Provisions) Bill, which on its part seeks to amend only 28 Acts.

Although we are grateful that detailed Explanatory Notes on the main provisions of those two Bills have been circulated to us on Friday last, nonetheless, Mr Deputy Speaker, Sir, I am sure that hon. Members would agree with me that we would probably have a more meaningful and fruitful debate, if we were given more time to read, analyse and ponder upon the provisions of those 80 plus Acts of Parliament that are being amended today.

Mr Deputy Speaker, Sir, turning to the Finance (Miscellaneous Provisions) Bill, the first Act being amended is the Bank of Mauritius Act. We have had lengthy debate in this House, during Budget time, about the soundness of the decision of the Government to use the Special Reserve Fund of the Bank of Mauritius to reimburse Government external debt obligation. I don't propose, Mr Deputy Speaker, to repeat them, save perhaps to highlight that, except for one former Governor General of the Central Bank, *l'exception qui confirme la règle*, all economists, all former Governors of the Central Bank have criticised the decision of the Government.

Section 47 of the Bank of Mauritius Act is being amended to allow the Special Reserve Fund, with the consent of the Board, to be used for repayment of Central Government external debt, provided that this is not likely to adversely affect the efficient discharge by the Bank of its function under this Act.

But, Mr Deputy Speaker, Sir, we have all, during tage, looked at the Government Estimates, and we have seen that, in the Estimates, Government is already making provision for repayment of external debt of an amount of Rs15.65 billion for the financial year 2019-2020. Now, in his speech, the hon. Prime Minister referred to Rs18 billion, but in the Estimates it is Rs15.6 billion. So, whether Rs18 billion or Rs15.6 billion, the decision has already been taken. It is already in the financial estimates. So, does anyone really believe that the Board of the Central Bank can now go against the decision of Central Government to use that Special Reserve Fund? The Board is already before *un fait accompli*, Mr Deputy Speaker, Sir.

The other proposed amendments which trouble us is the amendment to section 25 of the Act, which deals with the appointment by the Central Bank of consultants and other suitably qualified persons. It is proposed that - as it is today - the Bank may appoint on such terms as the Board may determine, any consultant or other persons suitably qualified to provide services to the Bank. It is proposed that the provisions of the Equal Opportunities Act should not apply to the appointment of these consultants and other service providers. Why? Why are we to condone discrimination in appointment of consultants? Why should a person who legitimately feels that he or she has been discriminated against on the basis of age, cast, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation, be deprived of his or her right to refer the matter to the Equal Opportunities Commission? So, I hope that, during his summing-up, the hon. Prime Minister will explain to us why the Central Bank has decided that the Equal Opportunities Act will not apply when it comes to recruiting a consultant.

Turning to the Banking Act, section 11 is being amended to allow the Central Bank to suspend the banking licence of a bank. As the law currently stands, Mr Deputy Speaker, Sir, the Central Bank could only revoke the licence of a bank. So, this is a welcomed provision, because when you suspend the licence of the bank, the bank is given time to remedy any deficiencies which the Central Bank may have notified to it.

But one can only wonder, Mr Deputy Speaker, Sir, what would have happened if we had voted this law before the Central Bank decided to revoke the banking licence of Bramer Bank? What would have happened if the Central Bank had only suspended the banking licence of the Bramer Bank? We would certainly, Mr Deputy Speaker, Sir, not be in the mess that we are now in with the Government having had to inject billions of rupees of taxpayers' money in MauBank and in the National Property Fund to repay the holders of Super Cash Back Gold and Bramer Asset Management.

The other interesting amendment to the Banking Act is in section 18, which imposes an obligation on a Director of a bank to report to the Central Bank any breach of banking law, any breach of guidelines issued by the Central Bank, any fault that has been committed by the bank.

Mr Deputy Speaker, Sir, we like, in Mauritius and outside of Mauritius, to brag about how well regulated our financial sector, our banking sector is, but the truth, unfortunately, is that in recent years, we have seen banks going down and banks breaching guidelines issued

by the Central Bank with impunity and without any sanction. We have had the Mauritius Commercial Bank, the largest bank of this country fined Rs1.8 m. for allowing its services to be used for money laundering purposes. This was in relation to the Rs886 m. fraud to the prejudice of the National Pension Fund. The Court found serious shortcomings in the internal control system of the Mauritius Commercial Bank. Yet, there was no sanction whatsoever against any Director of the Mauritius Commercial Bank. The Directors, at that point, were not even required to inform the Central Bank of any malpractices.

More recently, we have seen the State Bank of Mauritius - SBM (Mauritius) - having to make provision for impaired loan in excess of Rs3 billion; loans advanced in complete disregard to the established guidelines and procedures issued by the Central Bank. Again, no sanction whatsoever against any Director.

In a Press Conference held in April of this year, the Chairman of SBM Holdings, Mr Li Kwong Wing, even called for civil and criminal sanctions to be taken against those responsible for the doubtful debts of SBM (Mauritius). His call ended up in deaf ears. Now, the irony is that all these Directors are still in place, still enjoying their fat salary package, which runs in the millions of rupees. So, it is important, Mr Deputy Speaker, Sir, that Directors of banks should start shouldering their responsibilities, but it is even more important that the Central Bank shoulders its responsibilities and sanctions banks and Directors and senior officers of banks who have breached provisions of the Banking Act or guidance notes issued by the Central Bank.

Mr Deputy Speaker, Sir, intervening on the Bill, the hon. Prime Minister mentioned that there is a series of legislation that are being amended to implement the recommendations of the Financial Action Task Force and the Eastern and Southern Africa Anti-Money Laundering Group, commonly known as ESAAMLG. There are, for example, Convention for the Suppression of the Financing of Terrorism Act, Prevention of Terrorism Act, the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act.

Last year also, we were asked to amend a series of legislation, precisely to implement recommendations of ESAAMLG and, this year also, we are being asked, again, to amend a series of laws. So, we keep on being asked, every year, to amend laws on a piecemeal basis. In April of this year, the hon. Minister for Financial Services made a statement to the august Assembly and, when he made this statement, he gave the impression that Mauritius was compliant with most, if not all, of the FATF recommendations. In fact, there was a full-page

advert published in newspaper, self-congratulating advert, to the effect that we have been successfully upgraded by ESAAMLG. Yes, we have, but the truth of the matter, Mr Deputy Speaker, Sir, is that, as at to date, we are still not fully compliant with most of the FATF recommendations. Most of them! According to the follow-up report of ESAAMLG published a few months ago, in April, out of the 40 FATF recommendations, do you know how many recommendations we are fully compliant with? Out of the 40, Mauritius is fully compliant with only 10, only 25%. Out of the 40 recommendations, Mauritius is not compliant with 7 of them, around 20%, and the rest, either Mauritius is largely compliant or partially compliant. So, there is really no need to be complacent. Unfortunately, Mr Deputy Speaker, Sir, even with the proposed amendments that we are voting today, we will still not be able to address all the compliance deficiencies.

The Financial Intelligence and Anti-Money Laundering Act (FIAMLA) provides in section 19(a) for the setting up of a National Committee for AML/CFT, which has statutory responsibility for policymaking, advisory and coordination function. Unfortunately, Mr Deputy Speaker, Sir, according to my information, this National Committee is not operational and, as a result, we have rightly been criticised by ESAAMLG for not having any formal AML/CFT strategy in place at the national level to meet the money laundering and terrorist financing risk. And in the absence of such national strategy, Mr Deputy Speaker, Sir, we will have to come back to this Assembly year in year out to make again piecemeal amendments to legislations.

Next, the amendments to be brought to the Financial Services Act. During the debate on the Budget, everybody was focusing on Government using Special Reserve Fund of the Bank of Mauritius to repay its debt obligation. Very few of us, including myself, paid any attention to the decision of the Government to expropriate millions of rupees from the Financial Services Fund. The Financial Services Fund, Mr Deputy Speaker, Sir, is a special fund set up under section 68 of the Financial Services Act, and every year, a sum equivalent to 2% of the excess income of the expenditure of the FSC is paid from the General Fund of the FSC into that Financial Services Fund. And what this Fund is used for is to promote the education of consumers of financial services and to meet expenses of the Review Panel. The FSC has other money in the General Fund that is used for payment to the Consolidated Fund, but there is a special fund, this Financial Services Fund that is used only to educate consumers of financial services, and now the Act is being amended to allow for the transfer of the sum of Rs100 m. from this Fund. So, money that was supposed to be used to educate

consumers for financial services is being expropriated to fund Government expenditure. This is simply not acceptable, Mr Deputy Speaker, Sir.

There have been so many scams and Ponzi Schemes in recent years. We have had Whitedot, Sunkai, Je T'Aime, Westminster Financial Services, to name but a few. Hundreds of people have lost lots of money because they were gullible enough to believe in the high return that was being promised to them. Not all of us, Mr Deputy Speaker, Sir, are financially literate; not all of us can understand the risk involved in investing in financial products; not all of us can distinguish between a scam and a good investment opportunity. This is why it is utterly important to educate consumers of financial products, but instead of doing this, the Government is expropriating Rs100 m. of the Fund to meet its expenditure.

But that's not all, Mr Deputy Speaker, Sir. Pursuant to section 82(a) of the Financial Services Act, the FSC also has an obligation to set up a General Reserve Fund and, every year, 5% of its excess income of expenditure is transferred to that General Reserve Fund. There is also an obligation as at to date to keep that General Reserve Fund to a maximum of Rs400 m. So, any amount in excess of Rs400 m. can be sent to the Consolidated Fund.

Now it is proposed that, instead of FSC keeping Rs400 m. as security, as safety net in case it has to meet its obligations in the future, the Government is going to clean sweep Rs300 m. out of it. So, only Rs100 m. will have to be kept into the Financial Services Commission. This is simply putting unacceptable pressure on the operation budget of the FSC. Now that the FSC has had to pay Rs100 m. from this Special Finances Fund and from the General Reserve Fund, now that they don't have money, what do they do? Effective as from 01 July, they have increased all the licence fees of the financial service providers.

So, Mr Deputy Speaker, Sir, at a time where the global business sector is going through uncertain time, with the full effect of the renegotiated Double Taxation Avoidance treaty with India starting to be felt, at a time where the global business sector is under attack by the European Union because of perceived harmful tax practices, at a time where the business sector is being attacked by the FSDF for the weakness in its compliance regime, at a time where the global business sector was looking for measures from this Government to boost the sector, what does this Government do? It increases the licences of all service providers to fill in Government coffers. So, it is making Mauritius less competitive, more costly than our competitors in financial services.

Mr Deputy Speaker, Sir, I will now turn to an amendment to the Gambling Regulatory Authority Act. I am certainly not an expert in gambling, Mr Deputy Speaker, Sir, but, as a lawyer, I am aware of a case that was decided earlier this year. The case was Stevebook Ltd versus the Gambling Regulatory Authority. Now, what happened in this case is that Stevebook Ltd had a bookmaker licence to accept betting on local horse races from premises outside Champ de Mars. The GRA decided to revoke its licence; decided that, henceforth, Stevebook Ltd and other bookmakers would not be able to operate outside of Champ de Mars. So, Stevebook Ltd applied for judicial review to the Supreme Court and the Supreme Court quashed the decision of the Gambling Regulatory Authority as being, and I quote – 'irregular, irrational and unreasonable'. Today, we, very rational people, representatives of this nation, are being asked to change the law to give effect to what has been described as irregular, irrational and unreasonable by a Court in Mauritius. Why? Why are we amending the law to prevent fixed odds betting on local races outside the Champ de Mars? In the Explanatory Note to the proposed amendment to the GRA Act, at page 23, paragraph (f), the reason given for such a decision is to combat money laundering in the gambling sector and also to bring in compliance with AML, FATF and ESAAMLG guidelines. The hon. Prime Minister again, in his Second Reading speech, refers also – the rationale is to combat money laundering and to implement ESAAMLG.

Mr Deputy Speaker, Sir, I have read the Mutual Evaluation Report of ESAAMLG on Mauritius and also its additional report that it published this year. No place in that report, did I read anywhere that it recommends that the bookmakers should all be based in Champ de Mars. Nowhere, in that report, does it recommend that GRA should not licence bookmakers outside Champ de Mars to bet on local horses. If anything, Mr Deputy Speaker, Sir, and I am certainly no expert in the matter. I am not a gambler, but, as a matter of simple logic, if we prevent horse betting outside Champ de Mars, isn't that more likely than not to increase illegal betting? If a punter lives far away from Port Louis, in one of the villages, and does not want to travel all the way to Champ de Mars, he is more likely to turn to illegal betting. Now, if a punter does not want people to know that he is a punter, surely, the last place he would want to be seen is precisely Champ de Mars.

The argument that off-course betting encourages money laundering simply does not hold water, because before the GRA gives a licence to a bookmaker, the GRA will go and ensure that this bookmaker has all the process in place to ensure that the funds that are being used are not proceeds of crime. Otherwise, the bookmaker, himself, would be guilty of

money laundering offence. So, GRA is not going to licence a bookmaker outside the Champ de Mars unless GRA is comfortable that that bookmaker will not allow his services to be used for money laundering. The GRA can do spot inspections to find out what goes on with these bookmakers.

More importantly, Mr Deputy Speaker, Sir, if the rationale really was to combat money laundering, how can the hon. Prime Minister explain that the GRA licences more than 700 betting outlets outside of Champ de Mars? So, outside of Champ de Mars, you can go and you can place a bet on horseracing in Dubai, in England, that is fine. No one prevents you from doing it. Outside of Champ de Mars, you can go to any betting outlet and decide to bet on soccer match – Liverpool, Manchester, whatever. No money laundering, you can use your fund, you can use whatever you want, no question asked. But when it comes on betting on local horserace, no, no, that is money laundering. 700 licences, betting outlets; only eight bookmakers licensed outside of Champ de Mars, and this law is preventing those poor eight bookmakers from operating. Why? This is the question we have to ask ourselves.

Well, Mr Deputy Speaker, Sir, I asked around because I am not an expert. And do you know what the answer was? The answer was, if the measure is implemented, the only way for someone to place a bet on local horse race outside Champ de Mars would be through SMS Pariaz. You can stay home; you don't have to show yourself in Champ de Mars and, from your home, you place a bet, using a SMS on your cell phone. The only bookmaker who provides these services today is SMS Pariaz. So, today, we are being asked to vote a law which is irregular, irrational and unreasonable, tailor-made for one individual, for one company. This is simply not acceptable, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, the amendment is being brought also to the Good Governance and Integrity Reporting Act. In the annex to the Budget Speech, at page 59, at paragraphs (d) and (e), mention is made that the Act will be amended to, and I quote -

> "(d) make any property acquired or been in the possession or under the custody or control of a person before 1st January 2016 will fall under the purview of the Act;"

The Act will be amended to provide for unexplained wealth of more than Rs2.5 m. to be under the purview of the Act. So, the Explanatory Note tells us that we are going to amend this Act so that the agency will be able to investigate on unexplained wealth acquired prior to 2016 and unexplained wealth of an extent of Rs2.5 m. As at today, the agency can only

enquire on unexplained wealth if it is above Rs10 m. and if it is within 7 years before the commencement of the Act.

Mr Deputy Speaker, Sir, today, when we look at the Finance Bill, we are not amending this section 6. So, what has happened between the date of the Budget Speech and the date the Bill was circulated? Having spoken to the agency, I know, as a matter of fact, that was a request of the agency. They specifically required to be given the power to investigate unexplained wealth of Rs2.5 m. because there were not enough people who had unexplained wealth of Rs10 m. But I do not know what has happened in between, why the hon. Prime Minister has changed his mind. Has there been any lobby exerted on him? So, I look forward to his explanation in his summing-up.

Very quickly, Mr Deputy Speaker, Sir. As every year, there are a few lucky beneficiaries of the largesse of this Government, so the Income Tax Act is being amended to provide tax holidays to a few lucky winners; the one on top the chart is no doubt the enterprise that will develop marinas. So, no income tax for eight years and no VAT on construction of marinas; persons operating peer-to-peer lending platform, again, no income tax for five years, no VAT on services, and any interest derived from using this platform is taxed at a preferential rate of 3%.

State Land Act is being amended. Why is it having retrospective effect? Which company does the Government seek to benefit by passing this amendment? State Land Act is being amended so that the amount of rent paid on the State land is being reduced by 75% in certain cases. So, again, I hope that the hon. Prime Minister will explain the rationale for being so generous with State land.

And finally, for the Sugar Industry Efficiency Act, again, one hectare of land will be exempt from Land Conversion Tax for every Rs5.5 m. of expenditure incurred on road infrastructure in connection with Smart City project. So, the hon. Prime Minister, again, I hope, will care to inform us, roughly, how much *manque à gagner* in terms of Land Conversion Tax this generous measure will represent.

Mr Deputy Speaker, Sir, very quickly, a remark on the Business Facilitation (Miscellaneous Provisions) Bill. We are, of course, generally in favour of all the proposed amendments which aim at facilitating business in Mauritius. We welcome the amendment to the Companies Act, which requires remuneration of each Director to be published separately instead of being lumped in one item. We have had the chance, even in this House, to ask

information about directors' fees, and the information we receive usually is 'a lump sum', instead of telling us how much the Chairperson gets, how much the Director gets, how much he gets for sitting on committees.

But the one amendment that I would like to discuss is the proposed amendment to the Insolvency Act. In fact, there are several amendments being brought to the Insolvency Act. The first one is an amendment to section 111 of the Insolvency Act. That amendment concerns the fees payable to a liquidator in the absence of any agreement between the liquidator and the creditors. For the time being, the liquidator can be paid up to 15% of the gross realisation proceeds of disposal of assets. With this amendment, the liquidator would be paid a maximum amount, as may be prescribed. So, we know we are changing the law, but we do not know what will be the prescribed amount, whether it will still be 15%, whether it will be more than 15%, less than 15%. So, I would be grateful for some clarification by the hon. Prime Minister. And also, why are we only regulating fees payable to the liquidator. Why aren't we also regulating fees payable to the receiver? Because very often, the receiver, for example, where you have a fixed and floating charge over all the assets of the company, even before the company is in liquidation, the receiver would be selling substantially all of the assets. I think there is a case for regulating the amount of money, the amount of fees which the receiver can receive.

The next provision that is being amended is section 204 to provide that 'persons entitled to be paid out of the property of a company in receivership shall be in such rank of priority as may be prescribed'. So, at the moment, there is hierarchy. Whenever the company goes into receivership, there is set criteria, what we call a waterfall, ranking of all creditors, each creditor being ranked according to a specified ranking in the Act.

So, what we are proposing to do is to remove reference to this ranking, and the ranking of the creditors would be 'as may be prescribed'. So, again, we are very eager to know what would be the ranking of the creditors, especially we want to know what would be the rank of employees when it comes to unpaid salaries, what would be the rank of the employees when it comes to unpaid severance allowance. We hope that, by regulation, the employees would be given priority over banks and other creditors.

We also welcome the repeal of section 366, which was long overdue. I am glad that it came because I, personally, had the chance to talk to the Registrar of Companies about this.

The Insolvency Act, Mr Deputy Speaker, was voted in 2009, 10 years ago. There is one section of this Act, Part VI, which has still not been proclaimed. That section of the Act relates to cross-border insolvency, which is very relevant to Mauritius because we have a global business sector. So, very often, you may have a situation where a global business company has shareholders outside of Mauritius and those shareholders have gone in receivership. So, at the moment, Mauritius, we don't recognise foreign insolvency proceedings; we do not recognise any order given by a foreign country as far as insolvency is concerned and, as a result, we cannot give effect to the model law on cross- border insolvency adopted by the United Nations Commission on International Trade Law as far back as 1907. What this effectively means, Mr Deputy Speaker, Sir, is that if, today, there is anyone outside of Mauritius who receives an insolvency order from a foreign State, he has to come to Mauritius, apply through the Court for an exequatur procedure to make this order enforceable, which is very long and time consuming and certainly not business-friendly. And the reason why we were not able to give effect to the section on cross-border insolvency is because, under section 366, the Minister had to be satisfied that there was sufficient reciprocity in dealings with insolvency jurisdiction that we have trading or financial connection.

In other words, we could not proclaim the law unless and until the Prime Minister and Minister of Finance was satisfied that there is reciprocity between us and other countries. So, by deleting this provision, we will now be able, hopefully, to proclaim this section.

But why are we amending only section 366? We have also another section, section 368(2), and this is not being amended. And that section 368(2) also requires for the Minister to be satisfied that Mauritius and the foreign country are parties to an agreement for the mutual recognition of insolvency proceedings before the Minister can make regulations. So, it serves absolutely no purpose, Mr Deputy Speaker, Sir, to proclaim this section if we don't amend section 368(2), which will still require the Minister of Finance to be satisfied that there is reciprocity between Mauritius and another country before the Minister can, by regulation, specify the insolvency proceeding that it will recognise. So, I would urge the hon. Prime Minister to also amend section 368(2).

Finally, Mr Deputy Speaker, Sir, a new section 403A is being inserted in the Insolvency Act. It is proposed to insert this provision to clarify that an appeal against an order or judgment delivered by a Judge in Chambers or by the Bankruptcy Division, by the Commercial Court, shall not operate as a stay of execution of that order or judgment, except

where the appellate Court grants such a stay of execution. So, for example, if you petition to have a company put in liquidation and the Judge gives you an order to put the company into liquidation, if you appeal against this order, it does not automatically act as a stay of execution of the winding-up insolvency order.

Now, we don't have any problem that there is no automatic stay of proceedings whenever there is an appeal, but what we have an issue with, Mr Deputy Speaker, Sir, is who can grant a stay of execution. As currently worded, it is the appellate Court which will be able to do so. So, if you are appealing from a decision of a Judge in Chambers to the Supreme Court, it is not the Judge in Chambers, but it is the Supreme Court who will have the right to decide to stay the proceeding. And in my humble opinion, Mr Deputy Speaker, Sir, this is both impracticable and improper. Impracticable, because it will inevitably take weeks, if not months, before an appellate Court will grant the stay order and, by that time, it may be too late. Improper, because in order to grant a stay of execution, the appellate Court will inevitably have to look at the merits of the order or the decision of the lower Court. So, in our opinion, Mr Deputy Speaker, Sir, it is better if it is the Judge or the Bankruptcy Division or the Commercial Court which delivers the order or judgment which is the subject matter of the appeal, if it is the Judge or the trial Court who decides whether or not to stay his or her decision pending the appeal; and this is currently the case. For example, if there is an appeal from the District Court to the Supreme Court or if there is an appeal from the Intermediate Court to the Supreme Court, it is not the Supreme Court that stays the execution of the order, it is the District Court or the Intermediate Court. So, these were the remarks that I wanted to put on these two Bills.

Thank you.

The Deputy Speaker: Hon. Sesungkur!

(01.05 a.m.)

The Minister of Financial Services and Good Governance (Mr D. Sesungkur): Thank you, Mr Deputy Speaker, Sir.

I would like to thank the hon. Member for his remarks. I do not intend to dwell too long on this Bill as the Prime Minister has already made quite exhaustive comments on the different Clauses.

Mr Deputy Speaker, Sir, the object of the Bill is to provide for the implementation of the measures announced in the Budget Speech 2019-2020. Since December 2014, we have

been formulating and implementing policies to ward off the morosity and the erosion of confidence in the economy when we took the helm of the country, and the result is there. In 2014, the Business Confidence Index was below the base line. It was, in fact, 79 points. Today, it is 128 points; the confidence level has increased.

The plan of this Government included sectorial policies to boost up growth in different sectors such as Construction, Tourism, Industry and Financial Services. We all remember the uncertainty which besetted the Global Business Sector before we came in Government and prior to the renegotiation of the DTA with India, and added to that, the various pressures exerted on our global business by the OECD and the ESAAMLG. We are satisfied that the efforts that we have deployed, in terms of the reforms of the tax regime, the AML/CFT Framework and the envisioning of the future of our Financial Service Sector through the blueprint have been widely acclaimed by the international institutions. Today, we have been successful by the hard work to bring back confidence and provide greater comfort to international investors.

Now, before I move to the provisions relating to the Financial Services Sector, I would like to take up a few points raised by the previous orators, the one which concerns the criticisms made by hon. Uteem concerning the ESAAMLG, where he considers that we are lagging behind in terms of compliance. Yes, there are 40 recommendations, but there are some recommendations which we consider as big recommendations, like the one concerning the KYC, the one concerning the financial system, and on this we have scored really well, we have applied for a re-rating and we got a rating of largely compliant of fully compliant on 11 of the recommendations. We have applied for a second round of re-rating and we are optimistic that we will be successful in improving this situation even more.

Now, hon. Uteem has been a Member of this Assembly for many, many years. He should be aware that these recommendations were supposed to be implemented as far back as 2012, and he has to appreciate at least that we have not only avoided the catastrophe of being on a black list, but, in fact, what we have been doing of the past two years, we have been taking bold measures to improve the overall framework to ensure that Mauritius has a good reputation vis-à-vis the ESAAMLG and the FATF. And the National Risk Assessment Committee is a recommendation of the ESAAMLG whereby this Committee will be responsible for making overall National Risk Assessment.

Now with regard to the contention that Rs100 m. has been transferred from the FSF. Yes, true it is that the FSF is responsible for a major aspect of the development of the financial services sector, but this transfer does not prevent us from attaining this objective because we have a robust programme for educating the public and this programme is ongoing on TV, on the social media and there are various workshops which are being organised locally, regionally and we are confident that we do not have any financial problems at this stage and the programme is well on.

As regards the points made by the hon. Leader of the Opposition regarding the amendment to the Banking Act, precisely the provisions which the amendments made to the Bank of Mauritius Act regarding the Forex reserves, my opinion on this is that we are not talking about distribution of the reserves, rather than we are talking about how to manage effectively the excess Forex reserves. This is precisely what is being proposed. The Board shall determine the investment policy regarding the management of the official Forex reserve of Mauritius. And everywhere in the world, over 50 countries have been using this mechanism to soundly manage their excess reserve. We all know that, on one side, we have Forex reserve which actually represents 11 months of imports cover. We have Forex reserve on one side, and on the other side, we have debts which are denominated in foreign currency. So, on those debts, the Prime Minister has said it in this House that we are in fact paying around Rs400 m. in terms of interest, which is, I think, not a wise decision to at the same time generating meagre return on the excess Forex reserve and on the other side to waste so much of money on the high interest that we are paying on the foreign debt. So, I think the aim here is to provide a mechanism for the future so that the excess Forex reserve is used in an effective and efficient manner. This is precisely why I think it is clear-cut in the amendments which are being proposed, and which read as follows that –

> "Funds out of the Special Reserve Fund may be used, only and strictly, in the following order of priority –
>
> (…)
>
> (b) by the Bank, in exceptional circumstances and with the approval of the Board –
>
> (…)
>
> (ii) for repayment of central government external debt obligations, provided that this is not likely to adversely affect the efficient

discharge by the Bank of its functions under this Act."

So, there is a clear mechanism which has been provided in the amendments so as not to make any kind of wrong decision or misuse of those funds.

As regards the other points raised like, for instance, the filling of the audited financial statements of FSC and where the Leader of the Opposition also mentioned he agrees that at last we are amending the Income Tax Act to address the issue, I think this is okay.

I will now move, Mr Deputy Speaker, Sir, to the amendments made to the Finance (Miscellaneous Provisions) Bill 2019 for my sector. The amendments will be highlighted in the following order –

(i) amendments pertaining to the AML/CFT and financial crime;

(ii) amendments for the development of the business ecosystem of the financial sector, and

(iii) amendments pertaining to the governance structure of the financial sector.

With regard to the amendment pertaining to the AML/CFT and financial crime, firstly, we shall strengthen the regulatory framework to fight fraud, corruption and financial crimes by amending the Convention for Suppression of the Financing of Terrorism Act. The risk of unscrupulous businessmen defrauding the system is always there. This is why stepping up our regulatory efforts is important to protect and enhance our jurisdiction.

The amendment to the Convention of the Suppression of the Financing of Terrorism Act will ensure that Mauritius criminalises terrorism financing as an offence in line with the International Convention for the Suppression of the Financing of Terrorism.

Mr Deputy Speaker, Sir, secondly, the Prevention of Terrorism Act has been amended to extend the designation of prescribed organisations to association of two or more persons. This will also send a strong signal to the global financial services industry that the Mauritius International Financial Centre is combatting improper practices and financial crime.

This measure will help increase investors' confidence in our financial services sector and attract clean investors to our jurisdiction while acting as a deterrent for bad actors to enter the jurisdiction. The Prevention of Terrorism Act has been amended to eliminate the duplication of process to designate individuals and persons who meet listing criteria under the POTA and the UN Financial Prohibition Arms and Travel Ban Sanctions Act 2019.

Therefore, instead of limiting designation to prescribe organisations, it has now been reviewed such that an offence committed by two or more persons who associate for purpose of perpetrating acts of terrorism will also be punishable under the POTA.

Thirdly, the United Nations Financial Prohibition Arms and Travel Ban Sanctions Act 2019, the United Nations Sanctions Act 2019 have been amended to extend the definition of terrorism financing to ensure that definition which is provided in the Convention for the Suppression of the Financing of Terrorism is encompassed.

Fourthly, the Financial Services Act has been amended to extend the definition of officers to include Money Laundering Reporting Officers and Compliance Officers. Given the increasing risks of money laundering to which we are confronted to as an international centre of excellence, it is important that the regulator have a visibility on the persons who are employed as MLRO and Compliance Officers to ensure that they have the required skills and standards.

Consequently, the term officer has been broadened to include money laundering reporting officers and compliance officers. In view of the important MLROs function of the compliance officers and the MLROs, it is important that these designated officers are subject to the approval process of the FSC in terms of fitness and propriety, competence standards, etc. Amendment relevant to the development of the business ecosystem of the financial sector, the single window system is being introduced to facilitate conduct of business in the sector. A single window system will be set up at the FSC to allow for submission of documents for financial services and global business applications. The rationale for a single window system is to create quick, simple and user-friendly processes to serve prospective investors, both individuals and institutions in the non-banking financial services and global business sectors. This measure will improve the position of Mauritius in the ease of doing business index since application regarding banking financial services and global businesses made through this system will be handled from start to finish by the FSC instead of multiple public sector agencies as it is currently, namely –

- the FSC;
- EDB, and
- the Registrar of Companies.

The Financial Services Act is being amended to include a new type of licence for the robotics and the AI enabled financial advisory services. In line with Governments objective

for Mauritius to become a Regional Fintech Hub, this proposal will promote innovation and encourage start-ups in the space of robotic advisory services. With a rapid growth of Fintech, this new regulatory regime will improve the product offering of the Mauritius IFC. The FSC will also be introducing a new licence for Fintech service providers.

Furthermore, in consultation with the United Nations Office on Drugs and Crime and the EDB, the FSC will introduce the concept of self-regulatory organisation for Fintech activities. These Fintech firms would operate with funding from the UN under a public/private financing model and would be developing Fintech solutions in a number of fields of relevance to the United Nations on Drug Rehabilitation Office on Drugs and Crime.

The Financial Services Act is being amended to introduce a regulatory framework for crowdfunding in Mauritius. This is in line with the 10-year Master Plan for the SME sector.

Furthermore, the Income Tax Act has been amended to include the Real Estate Investment Trust. The amendment to the Income Tax Act through new rules and an attractive tax regime will undoubtedly contribute in the promotion of the development of Real Estate Investment Trust in Mauritius. This will position Mauritius as a hub for the setting up of administration and management of Private Equity and Property Funds Real Estate Investment Trust. The new framework coupled with appropriate taxation regime will boost the setting up of Real Estate Investment Trust in Mauritius. The Income Tax Act has been amended to implement the controlled foreign company rule.

Following the review of the Code of Conduct group of the EU, the Government of Mauritius has taken the commitment to address any harmful feature in our tax regime and, amongst others, to include anti-abusive mechanisms in our legislation. In this context, the controlled foreign company rule has been implemented to ensure that appropriate anti-abuse provisions are provided for.

The Securities Act has been amended to include green bonds in the definition of securities. During the budget, it was announced that a framework for green finance in line with the Marrakech pledge, a continental coalition of African capital market regulators and exchanges which are committed to foster green financing on the continent will be put into place. With green finance gaining increasing momentum in the global financial services industry, the creation of this framework is aimed at increasing the product offering of the jurisdiction and attract green investors to establish their business in Mauritius. This

amendment was mandatory to ensure that green bonds are recognised as securities under our local legislation.

Mr Deputy Speaker, Sir, there are a few other amendments under the Companies Act to ensure fair gender balance. The Competition Act has been amended to extend the definition of public officials to commissioners, executive directors and staff of the commission. The Financial Reporting Act has been amended to include a representative of the Ministry of Financial Services.

Furthermore, the Financial Services Act has been amended to include whistleblowing provisions. The Securities Act has limited provision for protection of whistle-blowers. The protection provided is limited to breaches of Securities Act and provides protection against prejudice in course of employment only or where report is required under laws.

Similarly, section 40 of the Private Pension Schemes Act provides that professionals and officers of a Private Pension Scheme have an obligation to report any fraud to the FSC. Failure to report may lead to criminal offence. Thus, whistleblowing provision similar to Securities Act to be applicable to breaches of any relevant Acts. Protection to be extended to any civil and criminal action in addition to employment disciplinary action in case reporting is made in good faith.

Mr Deputy Speaker, Sir, the Good Governance and Integrity Reporting Act has been amended. The amendments brought to this Act is to ensure that unexplained wealth even though held indirectly can be accounted for. Furthermore, the scope for information sharing has been enlarged to include local authority, public sector agency and statutory body. Any cases of unexplained, suspicious wealth should be mandatorily reported to the Integrity Reporting Services Agency and this includes the Commissioner of Police. The objectives of the amendments are to ensure that the mechanism to apply for the unexplained wealth order has clear processes and any illegal hindrance is removed to facilitate the process for the agency.

Mr Deputy Speaker, Sir, before I resume my seat, I would like to say a few words on the proposed agreement that we intend to reach with the Gujarat International Finance Tec-City. In spite of the expiry of the grandfathering period for the benefits under the DTA with India in April 2019, the Government has come up with adequate measures to maintain our attractiveness on the Indian market. The Financial Services Commission has already initiated the actions to enter into an agreement with the Gujarat International Finance Tec-City to

recognise Mauritian licence funds and management companies as qualified to operate in the Gujarat jurisdiction. This important measure, which will go a long way in positioning and raising the profile as attractiveness of the Mauritius IFC on the global market place. In effect, this measure will significantly enhance access and broaden the distribution network of funds licensed in Mauritius in the Gujarat International Finance Tec-City without the need for these Mauritian domicile & funds to undergo extensive licensing requirements in the gift city and vice versa. The same benefit will be harvested by funds-related licensed service providers, including management companies set up in Mauritius, allowing them to open a representative office in other jurisdictions part of the mutual recognition arrangements. This agreement with gift city will undeniably be a definite turning point for the Mauritius IFC in attracting business-seeking access to Indian market. The feel good factor is back. In parallel, our Africa strategy is yielding its fruits as per a recent report from the United Nations Conference on Trade and Development World Investment Report 2019.

The report highlights the important role played by regional hubs like Mauritius in intra-regional investment flow. FDI stock from India, Malaysia, Singapore, South Africa and Thailand to Small Island Developing States is almost all concentrated in Mauritius as a gateway to the other African markets. Mauritius is the third largest destination accounting for 16% of the United States FDI stock in SIDS.

Similarly, we have left no stone unturned in our fight against money laundering and combatting financial terrorism. The adoption of policies must be followed by implementation and our efforts to meet the international standards on combatting money laundering, and terrorism financing is ongoing. We are now awaiting the outcome of our second application for technical compliance, which is currently under consideration by the ESAAMLG experts. To support this application, the House will recall the recent enactment of two new legislations, the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019 and the Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Act 2019.

Mr Deputy Speaker, Sir, I think we have made a long way over the past four and a half years and the results have proven for themselves that we have improved considerably the economic landscape and as far as the financial services sector is concerned, I am confident that we have more glorious days ahead.

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

(1.32 a.m.)

The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah): Mr Deputy Speaker, Sir, tonight we are debating on the Finance (Miscellaneous Provisions) Bill 2019, which is intended to be the legal framework for the implementation of the measures enunciated in the Budget 2019/2020. The present Bill aims at amending some 54 Acts.

Successive budgets of this Government have set the ball rolling for progress and this budget is charged with brimming hope and desire for a brighter Mauritius.

On many programmes and initiatives, we have worked on unprecedented scale. Today I am grateful for the opportunity given to me to flag some clauses of the Finance Bill.

Clause 4: Beach Authority Act - Mr Deputy Speaker, Sir, it is believed that cleanliness is next to godliness. Keeping our surroundings clean should be a way of life. In this spirit, the campaign "*Moris Nou Zoli Pei*" was held across the country last weekend. "*L'exemple vient d'en haut.*" It is not a vague statement as the hon. Prime Minister also participated in the activities of the campaign. The aim of such a campaign is to create awareness amongst the population about the necessity to stop polluting. This initiative has brought together all quarters of the population on the same platform to work together towards the same goal.

Our beaches are the bridge between our world and the ocean. Beaches are fragile environments. We must be attentive to how we treat these stretches of land. It is necessary to keep our beaches clean if we hope to keep our oceans clean. It has been observed that many people tend to litter around and to throw away their wastes on beaches. In order to curb such behaviour, clause 4 of the Finance (Miscellaneous Provisions) Bill 2019 proposes to amend the Beach Authority Act to provide for beach enforcement officers. These officers will be given the powers to serve notices to offenders and, therefore, curb littering.

Clause 11: Cooperatives Act - Mr Deputy Speaker, Sir, I will now elaborate on the amendment to be brought to the Cooperatives Act. The cooperative sector in Mauritius is celebrating its 106 years of existence. As the decades go by, numerous challenges have emerged. It was important to, first of all, upgrade the knowledge and skills of our existing co-operators and second, to sensitise unemployed women and youth to choose the cooperative model as a means for social inclusion.

In this context, my Ministry decided to set up the National Cooperative College to endow the sector with a new and modern college to cater for the training and educational

needs to over one hundred thousand members that it encompasses. I must extend my gratitude to the Prime Minister who believed in this project and allocated a sum of nearly Rs19 m. for the infrastructure works for the setting up of this college at Terre Rouge. In fact, the inauguration of the National Cooperative College was performed by the Prime Minister himself in August last year.

Since its opening in August 2018, the National Cooperative College has been offering one award certificate course and 22 non-award courses in vocational training and 10 capacity building programme courses. 3126 unemployed women and 406 cooperatives have been trained.

After the proposed amendment of the Cooperative Act 2016, the National Cooperative College will be able to introduce the Diploma in Cooperative Business Management tentatively in November this year for interested cooperators who are holders of a Certificate in Cooperative Management.

Clause 20: Financial Reporting Act - Mr Deputy Speaker, Sir, a strong financial sector is a sign of healthy economy. Efficient financial markets require an infrastructure of laws, conventions and regulation. Most of all, an efficient financial system requires confidence. Confidence can be fostered by appropriate regulation of institutions and markets to ensure users of financial services that they will receive fair treatment.

The challenge is to foster a static and dynamically efficient financial system while maintaining sufficient regulatory oversight to promote confidence in the safety and soundness of the financial system.

So, whenever a weakness has been noted, the Government should immediately step in. The amendment to be brought to the Financial Reporting Act is now filling a void which existed. Henceforth, the Ministry of Financial Services will be able to delegate its representative to take part on the proceedings of the Council.

At the same time, the second amendment to the Financial Reporting Act relates more to a compliance issue. Every licensed auditor will be expected to abide by regulations issued by the Financial Intelligence Unit.

Clause 26: Income Tax Act - Mr Deputy Speaker, Sir, I will now come to the amendments proposed to the Income Tax Act. Clause 26 (e) – Peer to Peer Lending - Peer to Peer Lending (P2P) refers to the practice of lending funds to individuals or businesses via online services which, through their algorithms and search engines, match lenders and

prospective borrowers. In this format, the peer-to-peer intermediaries will usually provide the following services -

(i) an online platform where lenders can be matched with borrowers, who have the opportunity to describe their borrowing requirements, project details and reasons for raising funds;

(ii) verification of borrower identity, bank account details, employment and income, and

(iii) processing of payments from borrowers and forwarding these to lenders who invested in the loan.

Mr Deputy Speaker, Sir, P2P lending offers several benefits relative to traditional lending practices. First, P2P is generally a cheaper alternative form of lending, as the format allows lenders to forego several overheads which traditional banks would otherwise incur. As such, the end result is a much better interest rate charged by the lender to the borrower. Furthermore, the process of lending and borrowing is less time-consuming as the relevant documents, checks and reporting are performed within a much reduced timeframe.

P2P lending allows lenders to understand the product in which they are investing. In order to facilitate the process, borrowers are required to provide information regarding their company and/or their product, with relevant description of their products, processes and the use of the funding. This creates a more transparent framework for all users.

Let us look at some countries which have adopted this form of lending. In the UK, for instance, the first peer-to-peer lending company, Zopa, dates back to 2005. A decade later, that is, in 2015, the UK peer to peer lenders collectively lent out over £3 billion to consumers and businesses.

Similarly, in India, P2P lending, which is regulated by the Reserve Bank of India, is helping a huge section of borrowers. PaisaDukan, a P2P lending start-up has recently unveiled its first physical branch in Madhubani, Bihar. It is seeking to promote the culture and awareness of regulated lending in rural India, in an attempt to curb exploitation through informal lenders who charge exorbitant interest rates.

Mr Deputy Speaker, Sir, I am of the view that P2P lending will positively disrupt the traditional financing framework that currently exists, especially for SMEs. Indeed, since P2P

lending will allow for greater access to finance, at a cheaper cost and under reduced time, SMEs will stand to benefit, especially those which are at very early stages.

Let me remind you that the 10-Year Master Plan for the SME Sector in Mauritius recommends the easing of access to finance for SMEs, amongst which the broadening of financing options is recommended. The incoming P2P lending perfectly ascribes to this aspiration, which should relieve those who concurrently are looking at the other SME schemes available, while also helping to contribute towards a fairer and more equal entrepreneurial ecosystem.

To this end, I welcome measure 26(e) (i) whereby Peer-to-Peer Lending interest income which is received by an individual will only be taxed at the rate of 3 per cent. This will indeed drive current and forthcoming P2P operators to scale their operations and increase their reach to a higher number of targeted individuals, though guided by Financial Services (Peer-to-Peer Lending) Rules 2017.

Furthermore, lenders will be able to deduct bad debt and fees from the taxable interest income, which therefore consolidates the lending framework, making it more encouraging for lenders to go forward with such activities.

Clause 26 (h) – Presumptive income tax system for small enterprises. Mr Deputy Speaker, Sir, the adoption of a presumptive income tax system for small enterprises is another important step in this Government's bid to encourage the contribution of SMEs in the economy.

The presumptive income tax system proposed is one where an enterprise which derives gross income of no more than Rs10 m. and which is engaged in specific activities, namely agriculture, manufacturing, wholesale and retail sale of goods, will be allowed to either pay (i) a flat 1 per cent of their gross income or (ii) file their normal income tax return.

Mr Deputy Speaker, Sir, this gives the flexibility to these small enterprises to presume their impending tax returns for the financial year while simplifying the overall process of remaining compliant to the tax authorities.

Furthermore, by giving the discretion to the small enterprise of applying either of the tax return methods, the aim of Government clearly is one where guidance is being offered to those who would normally be burdened or simply seek to avoid paying their income taxes, given their relatively low turnover.

In the same vein, Mr Deputy Speaker, Sir, the introduction of presumptions on the income tax levied on the turnover of small enterprises will target those who are currently operating in the informal sector, who would not be keeping the necessary detailed records and, therefore, would spare the local tax authorities from bearing the costs of conventional verification and assessment procedures.

This would tilt the balance of tax fairness among those firms which are operating in the formal sector and which are adding value across different sectors.

Mr Deputy Speaker, Sir, the proposed income tax system for small firms with a gross turnover of less than Rs10 m. also makes provision for those firms which are also earning income from ancillary sources, as long as such ancillary income does not amount to more than Rs400,000.

Therefore, greater compliance without the administrative burden of tax auditing is possible through this presumptive income tax method for small enterprises falling within the specified threshold and targeted sectors. I believe, with the collaboration of the competent tax authority, the process of tax filing at the presumed 1 per cent of gross income will be rapidly implemented and through the flexibility to choose the income tax filing method, more small enterprises will seek to transit from the informal sector.

Clause 26 (j) – Income Tax Holidays, Mr Deputy Speaker, Sir, this Government has spared no effort in creating and modernising the economic pillars of Mauritius. In the wake of the adoption of rapidly changing technologies, consumer needs and demands, e-commerce has emerged as a real game changer for the avid shopper, whereby products can be bought and sold within minutes and hassle-free following a few clicks, for example. eBay, Amazon, Alibaba, Air BnB. You name it! These have changed the experience of the end consumers.

The need of the hour, therefore, is to adapt to these changing times by setting up the right ecosystem for the stakeholders, while giving the right incentives to promote the creation, maintenance and adoption of these emerging sectors.

It is with this view that the creation of e-commerce platforms is being assisted through a 5-year tax holiday, provided that the company is incorporated in Mauritius before 30 June 2025. The idea is to breed the next generation of online service providers and users, while encouraging the use of technology to ease business processes, widen marketing channels, deepen product awareness while driving efficiency to benefit the society at large.

In addition, Madam Speaker, intellectual property is of utmost importance to SMEs. Very often, the essence of the small enterprise remains its logo, patent or copyright which will support its operations and growth within a market. It is hence imperative that SMEs invest in research and development and innovate in their products, processes and approaches.

As a member of the World Intellectual Property Organisation (WIPO) and a signatory to the Paris Convention for the Protection of Industrial Property, the Universal Copyright Convention and the Berne Convention, intellectual property is deemed to be a significant economic asset in Mauritius, especially in the wake of moving towards a knowledge-based economy. As such, it is imperative that the right conditions are set in order to promote the creation and use of such intellectual property. To this end, Government has proposed an 8-year tax holiday to a company which derives income from intellectual property assets developed in Mauritius after 10 June 2019.

This should however not come at the expense of pre-defined substantial activities in compliance with BEPS Action 5 Report laid down in the regulations. This will help to drive the quality of inventions – products, processes and approaches – amongst SMEs while contributing more actively to increase the breadth of products and services available for the end consumer.

Also, in its quest to diversify the economy and its potential revenue streams, the development of marinas is also being encouraged through an 8-year tax holiday for the company carrying out such development. This will potentially attract a new category of tourists, in search of experiences which differ from that of the traditional ones.

Clause 26 (L) - Other amendments to the Income Tax Act, further amendments have been proposed, Mr Deputy Speaker, Sir, pertaining to other important aspects. Amongst others, a notable one is the tax deductions made to hotels for all expenditure incurred on cleaning, renovation and embellishment works in the public realm, to the extent of 150 per cent of such costs. Not only will this encourage hotels to spend in keeping their surroundings clean and embellished, but it will also help promote the image of Mauritius as a clean destination for tourists. This will be a win-win situation for both operators and the tourists.

MRA Act – Clause 33, Mr Deputy Speaker, Sir, clause 33 allows for the amendment of the Mauritius Revenue Authority Act to include (i) Voluntary Disclosure of Income Scheme – SMEs and (ii) Arrears Payment Scheme – SMEs. The Voluntary Disclosure of Income Scheme – SMEs – will allow SMEs, that is, those enterprises whose turnover does

not exceed Rs50 m. to regularise their tax compliance situation with the MRA, that is, even out any undeclared or under-declared taxable income with the tax authority, free from penalty and interest.

The idea, Mr Deputy Speaker, Sir, is not to oppress but rather to educate and inculcate a sense of discipline and honesty amongst SMEs. This is being brought forward with a view of helping more SMEs to choose the formal sector where they will benefit from better visibility accreditation help and assistance and broader growth opportunities.

Coupled to the above, the arrears payment scheme will allow SMEs to clean their records with respect to tax in arrears, free from penalty and interest before 31 March 2020. Again, this measure is being taken to help SMEs to be transparent in their operations while being compliant with the MRA. Moreover, in the case of an agreed taxpayer, more leniency will be shown in terms of time even to file his statement of case and other relevant documents to the Assessment Review Committee. The latter will nonetheless proceed with the hearing of the appellant should the Chairperson or Vice-Chairperson of the ARC be satisfied with the reasons provided for failure to submit such required statement of case.

Mr Deputy Speaker, Sir, this shows that this Government is willing to be more flexible against the aggrieved taxpayers in order to work for the best possible way to resolve the situation.

Clause 45 – Road Traffic Act, Mr Deputy Speaker, Sir, Government firmly believes in consolidating our existing economic sectors. However, we are also seeking ways and elaborating strategies for the emergence of new sectors. One such sector that we wish to promote is beekeeping – bees, their products are not only well-known and have wide consumer preference, but provide sustainable livelihoods to many small scale farmers.

According to the food and agricultural organisation, for small-scale farmers, one of the major impediments to market access is lack of transport and adequate transport infrastructure. The Budget 2019/20 addresses this issue of transport. It makes provision for the exemption of duty on the purchase of single or double space cabin vehicles to registered beekeepers holding a minimum of 20 beehives. Moreover, concessionary road tax of Rs4,000 will be applicable for them. In this respect, the Finance Bill indicates that the Road Tax Act will be amended accordingly.

Mr Deputy Speaker, Sir, with a clear vision set before us and with a mandate given by our people, we are determined to take Mauritius to that height that it deserves. I strongly

believe that with the clearheaded leadership of the hon. Prime Minister, we can achieve our goal. The hearts of our nation are filled with hope, trust and aspiration just as the Budget 2019/20 title – embracing a brighter future together as a nation. We should join our forces to make it happen.

Thank you, Mr Deputy Speaker, Sir.

(1.53 a.m.)

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Mr Deputy Speaker, Sir, I don't know whether my heart is full of hope at this early hour of the morning, but I can safely say that at this early hour of the morning, I am sure brevity is the soul of wit.

Now, on the other hand, since there are many devils in the two miscellaneous Bills, I have no choice but to prolong the agony of our Friends on the other side.

Let me come, Mr Deputy Speaker, Sir, to the less controversial amendments to different clauses in the Business Facilitation (Miscellaneous Provisions) Bill. I am going to refer to clause 9(c) - Economic Development Board. Now, this amendment to clause 9 has been canvassed by the Leader of the Opposition. I also put the question, and I expect the hon. Prime Minister to tell us who is the ultimate beneficiary in respect of this amendment which is being brought to the Economic Development Board. If it is part and parcel of the process of democratisation, at least, let us know. I agree that not all projects should be allocated to red seekers, but, on the other hand, I would like to know also whether the object is to encourage high-net-worth retiree or simply to make room for somebody who is a reliable entrepreneur. I mean, the hon. Prime Minister will have to apprise us because it does not look good at reviewing downwards the eligibility criteria for retired non-citizens.

Now, let me come to another measure, which is in the Business Facilitation (Miscellaneous Provisions) Bill, clause 28. Now, I would like to know whether construction of social income housing units would be entrusted to private public partnerships. The measure was announced. There was no provision for the financing of the project, although it has been spelt out that there will be disbursement from Saudi Fund but, at least, we have to be apprised and informed accordingly because as matters stand, I don't think that Government has the necessary funding for construction of low-cost housing units.

Mr Deputy Speaker, Sir, in his opening remark, hon. Uteem reminded us what was a thumb rule, and we took it for granted – we have done so for so long – that there should be no surreptitious introduction of amendments to the main Act when the measure has not been

announced in the Budget. Otherwise, contrary to what it used to be, we will go along with the measures spelt out in the Finance (Miscellaneous Provisions) Bill.

I will refer to three specific clauses, Mr Deputy Speaker, Sir. Let me refer to clause 23 of the Gambling Regulatory Authority, which has been described as a gross ridiculous activity, no less than the Chief Justice, when the former Attorney General and the Attorney at law, who is also a member of the Electoral Supervisory Commission, appeared on behalf of the GRA, after the SLO officer withdrew from the case which was before the Supreme Court where GRA was the respondent. The latter refused to comply with the ruling given by two Judges of the Supreme Court. The decision of the GRA, as contained in the letter of 24.10.2018 is quashed as being irregular, irrational and unreasonable, and the Judges say 'with costs'. Now, when all has failed, the Prime Minister and Minister of Finance is amending section 23(h) of the GRA to deny off-course bookmakers their legitimate and legal rights. Now, the question that begs an answer is: Can the legislature intervene to reverse a judicial decision? Years ago, there was a similar case, where the legislature wanted to intervene to reverse a decision of the Supreme Court and the Government was censored by the Chief Justice, then Justice Rault. The legislature cannot pass a law to reverse a case in judicial process. Of course, the case of Mabhu versus the State is relevant and is a fundamental disposition of our Constitution that there should be separation of powers between legislative, executive and judiciary. The legislative part, we were told, was a usurpation of judicial powers and must be struck down. So, I appeal to the hon. Prime Minister to tread cautiously and to err on the principle of caution. I have mentioned the case of Mabhu versus the State. And if we recall, the then Prime Minister, Sir Seewoosagur Ramgoolam, wanted to reverse the decision of the Court, and the remarks made by the Chief Justice were very pertinent. So, I appeal to the hon. Prime Minister to revisit the decision taken. Now, we know the reason as to why this amendment is being brought, and it has been forcefully spelt out by hon. Uteem.

Now, what is the object? It is to hit hard at the bookmakers, at the eight bookmakers. What are the reasons given? Why is it that we want to unduly penalise those bookmakers? The reasons provided are very flimsy, Mr Deputy Speaker, Sir. Let me look at page 26. What are we being told? That these bookmakers will not be allowed to conduct fixed odds betting on local races outside the racecourse, with a view to combatting money laundering in the gambling sector and also to bringing compliance with anti-money laundering and ESAAMLG guidelines. I mean, this is ridiculous, when we know very well that we are

dealing with eight bookmakers, we know what their activities are. Besides, the Gambling Regulatory Authority allows an inspector to place bets during the course of an investigation in order to obtain evidence, as in the case for officials in other regulatory bodies such as customs.

(Interruptions)

Yes, it was closed - good measure. It is ridiculous, and we all know the reason as to why this amendment is being brought. Now, I do not have to highlight who will be the ultimate beneficiary. When you do so, the risk is to fall. Either there will be an increase in the number of clandestine bookmakers or else lock, stock and barrel will be a gold mine for one specific person. We know who is the owner of SMS Pariaz, Book System, BetOnline, PMU Maurice, the foreign horseracing. We also know that he is the owner of 645 outlets, and the licence fee per outlet is Rs190 per annum whereas off-course fixed odds bookmakers pay an annual fee of Rs3 m. per outlet and they also contribute a levy of Rs16 m. to the Mauritius Turf Club.

Now, I do not want to be provocative, but it has been spelt out this amendment is tailor-made to favour a specific entrepreneur and who is also at odds with the MTC and has refused to pay the dues of MTC. So, the amendment described by the Chief Justice as gross ridiculous activity is a double barrel shotgun. One, it will slowly asphyxiate the Mauritius Turf Club and, two, it will kill all other competitors. It is a blatant case of monopoly, and I find it odd that the Competition Commission has remained silent despite a ruling given by the Supreme Court that the decision of the Gambling Regulatory Authority, as contained in the letter of 24.10.2018, is being irregular, irrational and unreasonable.

Now, when we look at clause 23, which amends the definition of foreign pool promoter to carry out pool betting activities for sporting and other events taking place outside Mauritius, to ensure the person is duly authorised in the relevant foreign country, Mr Deputy Speaker, Sir, this amendment is certainly not as innocent as it looks. What are we being told also is that there is provision also for betting machines to be placed in hotels and, again, it is one and the same company which has the comparative advantage to lease these betting machines.

And what was the undertaking given by Government to the nation? That they will put an end to the *nation zougadère.* In fact, it is this regime which has chosen to turn this country into a *nation zougadère*, but, again, for the time being, you have to live with the *nation zougadère*, but there is no need to give special treatment to one company at the expense of

others. If the purpose is to bring bookmakers on-course, by all means, don't discriminate, what is the good for the goose is equally good for the gander.

Now, the other provisions of the proposed amendments in respect of the GRA are certainly not ridiculous, and I hope there will be enforcement of the provision to limit access to casinos and to gaming parlours of those who are 18 years old and above - and I hope that the provision will be enforced.

Now, the regime gives us the impression that it is really hard up and is amending section 82 of the Financial Services Commission for any balance in the General Reserve Fund in excess of Rs100 m. to the Consolidated Fund, notwithstanding the one-off contribution of Rs100 m., and to reduce public debt as a percentage of GDP to meet the threshold of 60% by July 2021. But, of course, the big question that begs an answer is how to reduce the debt of Rs18 billion. Now, notwithstanding section 47 of the Bank of Mauritius Act, the other amendments of the Act are fair and square. I have in mind the submission of documents produced by computer and legal proceedings subject to provisions specified, voluntary disclosure of income subject to tax of 15% without any penalty. This is in the spirit of tax amnesty.

Mr Deputy Speaker, Sir, there is a grave concern. We know what are the objects of the Bank of Mauritius, that under strict limits, the Bank of Mauritius can be a prime buyer of Government securities and lender of last resort. Now, I would have thought that there would have been no departure from this undertaking, as prescribed in the provisions of the Bank of Mauritius. We know that the object is to ensure that there is price and financial stability and that we raid in our expenditure to make sure that also inflation is under control.

Now, what is worrisome is the indifference of the members of the Board of the Bank of Mauritius. It is not because they are appointed by the Prime Minister that they should be servile or submissive. I expect them, of course, to be familiar with the intricacies of monetary policy and technical assistance relating to the use of the Special Reserve Fund.

Earlier, the Leader of the Opposition mentioned that there are Rs14 billion in the Special Reserve Fund and we know under what circumstances these funds can be used, and if ever they are going to be used, it is under strict conditions. So, my appeal to the Prime Minister is that we have to put our best endeavour to protect the credibility of the Bank. Otherwise, sending the wrong signals to the international community will go contrary to all the measures that are announced to facilitate business. No investor will come if we don't have

a separate monetary and fiscal policy. Government cannot be seen to usurp the independence or the rights of the Central Bank. The independence of the Central Bank is relevant and is important for financial and price stability. Of course, we know that over the years, since the 2008 global financial crisis, the role of the Central Bank has been widened to encompass, again, the pursuit of financial stability because there is the fear that if we do not widen the circle, there may be the risk of systemic bank failure. In the past, the Central Bank not only acted as lenders of last resort, but has made it easy for injection of liquidity into the financial system.

Mr Deputy Speaker, Sir, even when lending has to be made, it has to be made under specific conditions. Now, from what we read and in respect of advice tendered to us by economists, we are told that most countries limit credit overdrafts and advances to around 10% to 20% of Government revenue.

So, Mr Deputy Speaker, Sir, the Bank of Mauritius can make some advances, but it has to be short-term finance to the Government, and the amount of these advances together with some of the holdings of Government securities should be subject to a ceiling of 10% of Government revenue. So, we cannot be seen to tamper with the Special Reserve Fund. And I said earlier, if there is some disbursement to be made, it has to be made for specific purposes, that is, to increase the paid capital and it is used for monetary policy purposes in rare and exceptional circumstances, and this decision has to be taken with the approval of the Board.

So, Mr Deputy Speaker, Sir, my appeal to the Prime Minister is it is never too late to reverse a decision. It is true that, in order of priority, having access to a Special Reserve Fund for fiscal policy, that has been its last priority, but, still, it undermines the independence of the Central Bank, and if you want to promote orderly and balanced economic development, we should not, under any circumstances, undermine the independence of the Central Bank.

Mr Deputy Speaker, Sir, let me comment on clause 53 of the Bill, and I am going to refer to the Sugar Insurance Fund Act and the responsibilities which are now going to be conferred to the Minister of Agro-Industry and Food Security. The first question that comes to mind, whether there has been an actuarial review conducted to assess the viability of the Sugar Insurance Fund Board, and I am glad that, in section 10, on account of good governance, the Chairman of the Board will not be the Chairman of the Investment Committee, as has been the practice, and I am not going to remind ourselves the trauma and

difficulties that the Sugar Insurance Fund Board went through in respect of mismanagement and sale of properties.

Now, there is another issue which has to be resolved. As for this crop year, we know where the fund will come to support the planters, but as for the next crop year, nothing is said. So, the measure taken to support the cane growers is a one-off measure, but, of course, they need to have security in respect of revenue and they have to be told whether the same support will be extended to them.

The other issue that I would like to raise is the compensation that has to be paid to planters with respect to proper assessment of total insurable sugar. Nothing is said. So, I expect that the Prime Minister, when he sums up, will certainly give more comfort to the planters by way of explanation.

Mr Deputy Speaker, Sir, I have been brief and I have kept my word in the light of the early hours of the morning, but let me make an appeal to the Prime Minister. With respect to the GRA and the independence of the Central Bank, Government should not be seen to interfere or to tamper. There are rights and obligations irrespective who the promoter is, but I think there should be equality of resources and all should be treated equally. Before the law, we are equal. I see no reason why there should be differential treatment for a specific promoter. I think it's highly controversial, and I hope the matters will be addressed in a forceful and meaningful manner, and I expect the Prime Minister to take measures necessary to redress a situation which is unbecoming.

Thank you very much.

The Deputy Speaker: Hon. Prime Minister!

(2.16 a.m.)

The Prime Minister: Mr Deputy Speaker, Sir, let me thank all the Members of this House who have contributed to the Debates on the Finance (Miscellaneous Provisions) Bill 2019 and the Business Facilitation (Miscellaneous Provisions) Bill 2019. Together, the two Bills have made some 83 legislative amendments.

The legislative changes brought about in the Finance (Miscellaneous Provisions) Bill will, first, provide for the implementation of the fiscal policies of Government as announced in the Budget in particular to ensure that our tax policies and systems are conductive to higher private investment, wealth, job creation, while, at the same time, improving the purchasing

power of families especially at the lower rungs of the income ladder; second, help to implement our policies and strategies to foster innovation and AI technologies, give a spur to the development of the traditional pillars while pursuing economic diversification.

To this end, the Bill cements Mauritius position and repute as a jurisdiction that is fully compliant with AML/CFT and ESAAMLG guidelines and ensures that our banking system and financial services remain robust, stable and capable of better harnessing the potential of FinTech and consolidate the industry so that it remains a key driver of economic growth and development. The role and functions of the Bank of Mauritius are also being strengthened, and I will come to that later.

Third, promote the outward looking thrust of our economic strategy, especially as we expand our economic space through the Africa Strategy and open up new opportunities for our entrepreneurs and our youth;

Fourth, provide for the implementation of policies to adapt our labour force to the new needs of the economy, and fifth, reinforce the legal framework for gambling activities with the principal aim of addressing the issues of money laundering, illegal betting and problem gambling.

The Finance Bill also addresses a number of other issues to promote structural economic reforms and create the appropriate legal framework to speed up economic growth, social progress and environmentally sustainable development.

The Business Facilitation (Miscellaneous Provisions) Bill 2019 is complementary to the Finance Bill in terms of objectives, as it is also focused on promoting economic growth and development by creating a more investment friendly legal framework. The Bill should help our country to make further strides towards the goal of being among the top countries in the world in terms of ease of doing business.

During the debates on the two Bills, Mr Deputy Speaker, Sir, a few issues have been highlighted by hon. Members. Let me address those issues. Well, we have heard the same argument with regard to the special reserve fund, although I must say that there is, I noted, a difference in the speech of the Leader of the Opposition. Since the beginning, Mr Deputy Speaker, Sir, we have been saying that the Foreign Reserves will be used to repay the foreign debt obligations of Government. Instead of debiting the account of Government, funds from the Special Reserve Fund, which represents accumulated, undistributed profits, will be used, and I am happy that, at last, the Leader of the Opposition agreed that the balance in the

Special Reserve Fund includes realised and valuation gains. Because we can all recall during the Private Notice Question that he asked with regard to the use of the Special Reserve Fund, he was maintaining all along that it was paper profit and that it was not realised and, therefore, we could not use it, it is just there and as if there was no real money to repay for the debt that we have already earmarked for us to do so. I do not want to go back again into the answers that I have given where I have shown to the House that even when he was Minister of Finance, there was already a transfer that was approved by him as Minister of Finance in order to capitalise the Bank of Mauritius. And to do that, there was no paper profit at that time, there was physical movement of funds to the Accountant General's Fund. And then, it was used again to capitalise the Bank of Mauritius. So, I am happy to hear, today, that the stand of the Leader of the Opposition has changed slightly. But he is still criticising, of course, like other Members that why are we using this, and making all sorts of criticisms which I do not propose to go into detail but to say that the Bank of Mauritius is and will, of course, remain independent. There is a Board. One hon. Member has said to hon. Uteem, why is it that we have in the Estimates we have budgeted, we have earmarked such an amount? That does not mean to say that that amount is already agreed and that they will give us that amount. It is a matter for us to make a request and it will be for the Board to decide, obviously, and then we will see. But the hon. Leader of the Opposition should at least... because I heard the Opposition saying that everybody, except for one past Governor, is against. I do not know about this everybody, what is this everybody. Some claim to be economists; there are real economists, yes, but I have heard some of them. I am not an economist myself, but I have also gathered the opinion and the advice not only of local economists, but also of international economists. I do not think they share the same opinion as those economists whom the opposition are mentioning. The PMSD should, at least, be true to themselves and honest, because, here, we have a former Governor, Mr Dan Maraye. And I need not repeat again that he was very close, - at least, was - I do not know whether he still is, but was very close to you.

(Interruptions)

His son has been your candidate, he was campaigning together with you at that time and he was most probably advising you on financial matters, on banking matters. And Mr Deputy Speaker Sir, not only he made an intervention on the radio, recently after all these debates have been going on, he maintained that it is a good measure in the interest of the country. Now, I am no friend of Dan Maraye. I have not seen him, I have not spoken to him for years,

I do not know. But you should, at least, be honest to say that he has at least given this opinion, whereas another Governor who has been saying a lot of things, but I shall not again make any comment with regard to him.

Mr Deputy Speaker, Sir, there is one thing that the Opposition do not talk about. They say: "Yes, why are you taking money and reimbursing debt, Rs18 Billion?" But who has brought the debt level to such a record level? Why do not you talk about 2014 when we took over as a Government? And I had deposited this document, I believe, during my summing-up for the Budget.

Let me highlight one thing which I did not say probably. If you look at this document, it is a compilation of all the loans that have been taken and 97.8% by the Labour Government. 97.8% of the Rs18 Billion!

(Interruptions)

I come to what I consider to be…

(Interruptions)

The Deputy Speaker: Order, please!

The Prime Minister: Mr Deputy Speaker, Sir, what I consider to be a crime, *un crime qu'ils ont fait, et l'ancien ministre des Finances, Rama Sithanen,* in one day, can you imagine, probably in the morning they borrowed USD 13,600,000 and, in the afternoon, the same day, they borrowed - in Euros - nearly EUR 10 million. And to do what? To do what? You know what it is?

(Interruptions)

The Deputy Speaker: Order!

The Prime Minister: Budget support loan! Do we know how this money has been used? Yes, we know! There was this - how do you call it, stimulus package which was distributed *à gauche à droite.* I refer the House to what I said in the Budget Speech. Most of the money has been lost, has been wasted. At least, I would acknowledge if that money had been used in upgrading the infrastructure in the country, in doing, let us say, an investment that would bring revenue for the country, but none of that. None of that! Now, we have to deal with it, we have to deal with the situation. We have to manage that situation and we have to see to it that we reduce the level of debt to such a percentage that is acceptable and sustainable for the country, acceptable also for international institutions. So, I do not think I

need to go in-depth again on that issue and I said this is a challenge to us, to this Government. Yes, we are going to repay, we are going to save every year Rs400 m. We will make it a point that this Special Reserve Fund - and we are not talking about the official reserves, we are talking about the Special Reserve Fund - keeps on growing and growing. This is our challenge.

Now, another issue that was raised was why we are amending the Non-Citizens Property Restriction Act? Because the Leader of the Opposition says he is shocked, this is the first time that we are doing it. Well, I must say, the reason is because - we are not going to condone people who will try to circumvent the law, and there have been cases, and there can also be cases where a situation is such that they end up in a legal limbo and, you know, we are stuck and nothing can happen and, in fact, the situation will keep on deteriorating. That is why we are amending this law and, of course, since it will be my responsibility, it will be my duty to see to it that it is used judiciously and not to allow people to circumvent the law and to come here and just to bypass the Prime Minister's Office, and then later on to come to Prime Minister's Office, and to say, look, we are in an illegal situation, and now legalise this situation. You can rest assured about that.

With regard to the accounts, again, that was raised by the Leader of the Opposition, the Minister of Financial Services will have to table the accounts of the Financial Services Commission for the year ending 30 June 2018. I am informed that the accounts are nearly already finalised and, therefore, this will be done.

Now, Côte d'Or, well, I am sad, Mr Deputy Speaker, Sir. I am sad to hear the remarks of the Leader of the Opposition that Côte d'Or, another *éléphant blanc,* and that we have, as if, wasted so much money…

(Interruptions)

Pena vision, yes! I agree there is no vision for sports for the elite. Do we realise that we do not have a sport complex of international standard in this country, a swimming pool, a gymnasium ? *Comment on va homologuer les records si on n'a pas des infrastructures qui sont aux normes de la FIFA, de l'*International Athletics Association ? This is why we are looking far ahead; the Leader of the Opposition is saying, well, we should have a plan. It is not 100% ready, but I would say, ready at least to welcome the Indian Ocean Island Games in terms of the swimming competition and for judo, I believe.

(Interruptions)

Yes, for the time being. But I can tell you, hon. Abbas Mamode, that the football stadium is ready, but it is up to the COJI to decide, it is not for us, not Government. It is for the COJI to decide whether or not they would wish to use that stadium for any football match. It is ready, it can be used; we were there for the inauguration. But, Mr Deputy Speaker, Sir, I have not seen anywhere, well, in countries which I know are reputable in the world where you have already a Sports Complex and that contracts have been already signed where they are going to be used like every month; this does not happen. And then, why is it that when we already have those infrastructural sporting set-ups that all these have not been used in the past, like renting and this and that? It takes time, but, at least, I should recognise the fact that we have now set up a Football Academy and where we have, for the time being, the best European football club, whose coaches will be visiting us regularly in order to train our youths and train our trainers also. This is already there. Can you imagine? This complex is ready and the agreement has already been signed. So, at least give us some merit for that. But in time to come we shall see whether this is going to be *un éléphant blanc.* This is another personal challenge. I am already working and in contact with some organisations. We will see to it that we can attract them to come to Mauritius and, of course, to use those facilities.

Another issue that was raised is that the director of each company to keep records during seven years. In practice, it is weird where companies go bankrupt. Of course, the last director should keep the report. Now, the company no longer exists as it has ceased business. The onus is, therefore, put on the last directors of the defunct company.

Now, the requirement for income of retirees, yes, is decreasing from USD 2,500 to USD 1,500. But, hon. Dr. Boolell has queried who is the privileged one. There is no one in particular who is privileged. It is for the promotion of the Silver Economy and the development of retirement homes and this is what we want, we want to attract more people to come here. Can you imagine for retirees, at this age when they come, they will be spending their money and we want more people to come and spend their money and even give a boost to the economy, and Mauritius, Mr Deputy Speaker, Sir, has, I would say, very attractive features. It is a safe country, it is a stable country. It is upgrading its infrastructure. It is a nice destination. People are welcoming and, therefore, there is room to further develop that sector.

The SIFB, well, that is a question of policy. We have already taken the decision which has been implemented to transfer the SIFB to the portfolio of my colleague, the Minister of Agro-Industry, and this amendment, in fact, follows from that measure. The hon. Uteem says, well, we did not have time to study these two Bills. We made it a point, Mr Deputy Speaker,

Sir, to circulate those Bills, I think on Tuesday last so that we have, at least, one week in order to study and to come up and to be able to comment on these Bills. Now, I can understand you are complaining because we work hard. Can you imagine, we are working, we are sitting how many times till very late, not at night, in the morning. But this is how we work in this Government; we are far, far from 2014, Mr Deputy Speaker, Sir.

(Interruptions)

When for 9 months, *en complicité avec le MMM et le Parti Travailliste, ils avaient fermé le Parlement.* But now, I can understand, they are complaining because we are working too hard. And it is not finished yet, it is not over, there are so many Bills coming. So, be prepared! I say be prepared, we will have to work till, I believe, quite late also because we already have the Workers Rights' Bill. We have two Bills. We have the IP still standing, I am sorry to say.

(Interruptions)

Well, next time probably, and then we shall have the railways coming; three Bills. I also have a few Bills. I am trying not to go too fast then, but it seems that there will be no holiday, it looks like.

Hon. Uteem mentioned also that there are certain things that probably should not have been included in this Bill. Let me remind him of the Standing Order, Article 52(b), a Finance Bill may, in addition to the measures relating to taxation and national finance, announced in a Budget Speech, contain provisions relating to the other measures announced therein and provide for matters connected, consequential or incidental to those measures. I have said it, and we have put it that the Annex is an integral part of the Budget and that all those measures that have been announced in the Annex form part of the Budget. And I am happy that you have not taken a point of order, you have made a comment, but this is perfectly in order.

Now, you said also that the FSC fees, at this time, should not have increased. I am informed that not all FSC fees have been increased. There has been no change in the processing fees of newly issued activities. I do not know more than that, but this is what I have been told.

Now, with regard to the Equal Opportunities Act, well, the Bank of Mauritius needs specialised skills, which, at times, are not available locally and such skills are being provided by the World Bank, the IMF and Foreign Central Banks, such as Reserve Bank of India. I

hope Members will appreciate that services from such international institutions cannot be subject to the Equal Opportunities Act.

With Regard to rental of State lands, there is a promoter setting up a private health institution on State land who will benefit from a 75% reduction in annual rent for the first ten years of the lease. In fact, there are people who are very keen on investing in those private health institutions, but I would wish to remind the hon. Member that the former Government had granted a nominal rent of Rs100 per annum for the ex-Apollo Bramwell Hospital for 20 years – 20 years, Rs100! – and then, well, there was nothing. It was not even subject to any comment. That was okay, that was acceptable. But we are reducing the rent, but not to Rs100, it is going to be much more than that. It is, in fact, an incentive for those who are keen on investing.

Now, the other case is a company taking over an ailing manufacturing company whose premises are situated on State land or acquiring its assets, they will benefit from a 50% reduction in annual rent for the first ten years of the lease if the acquirer is required to pay an increase rental under a fresh lease agreement and provided conditions relating to safeguard of employment are met. This is a case - and I can mention it – concerning the Laiterie de Curepipe, which was going to close down, then somebody has taken over, but, of course, we need to give an incentive, we need to support that entrepreneur and this is what we are doing this and this is why…

(Interruptions)

And saving jobs! This is not stimulus package. We have not borrowed…

(Interruptions)

Mr Deputy Speaker, Sir, this is very different from stimulus package. We have not borrowed any money to give. We are giving an incentive.

(Interruptions)

The Deputy Speaker: Order, please!

The Prime Minister: I think there was an issue about the National Committee on AML/CFT. I am informed that the main committee has met on three occasions, and its core group comprising different stakeholders has met on five occasions since January 2019. This is something very technical for which I also requested information; the repeal of section 3.6.8 subsection 2. I am told that there is no need, as it does not deal with reciprocity. And then,

another technical matter, section 403, who decides on Stay of Execution. I am told that debtors have been abusing the system by appealing against the order. Now, it is for the Court to decide on any Stay of Execution.

With regard to the hierarchy in respect of payment in case of insolvency, hon. Uteem had raised the issue through a PQ. The technical, I have said before, but let me repeat again: a technical committee under the chairperson of the Director of Insolvency is working on this issue and, of course, any decision will have to be taken by Government and, if ever, there is need to apply any measure it will be made by way of regulations. Well, to that, hon. Sesungkur has already replied.

Another important issue, we talked about the GRA. Mr Deputy Speaker, Sir, first of all, yes, there has been a case before the Supreme Court. You have mentioned the case; you have mentioned the finding of the Court. The GRA were advised and they thought that it was proper for them to go that way, that is, one condition of the licence was such that they thought that they could change the condition and that, therefore, the ultimate objective was, of course, to ban betting. Now, they were taken to Court, they lost the case.

Hon. Dr. Boolell is saying that now they have lost the case and that now we have to be careful. We have to be careful, yes, but does that mean that when they have lost the case, we just sit down and we do not do anything, we just say: okay, we have lost the case and that is it. Well, if we have to amend the law, we amend the law. And as I have stated, in my Second Reading speech, off-course, fixed odd betting in cash on local races is one of the targeted areas in the fight against money laundering, illegal betting and problem gambling.

With the current cash betting at the counter of such bookmakers, there is no control on the source of funds which are not traceable and thus suspicious transactions cannot be detected. I have not heard anyone from the Opposition saying that the Commission of Inquiry on Drugs has laid emphasis on this and has highlighted the problem of money laundering in the gambling industry. And, therefore, we are acting. Now, why is it that nobody says - we have heard before - there is this report of the Commission of Inquiry, recommendations, you are not implementing. This one we are implementing, this one we are addressing, they do not see this one, they mentioned what, ESAAMLG, but even hon. Uteem is wrong. I ask him to go and read again the ESAAMLG Report. ESAAMLG mentions cash betting as a major risk for money laundering activities and the House will probably be surprised to learn that most of the illegal betting takes place within the circle of licensed

bookmakers itself, especially bookmakers conducting fixed odd betting on local races outside the racecourse. Therefore, we have an obligation and, as a Government, I say we are taking courageous action and that is what we are doing. We are not stopping there. Mr Deputy Speaker, Sir, we are going forward, all betting in cash, exceeding a certain amount that will be prescribed, will be banned.

The GRA, I am informed, has appointed a Consultant to work on the framework and possible amendments to the GRA Act will be required to smoothly implement account-based player card betting in Mauritius and other decisions will follow therefore.

It is completely false to come and say that banning the activities of off-course bookmakers conducting fixed odds betting on local races outside the racecourse is intended to protect or favour the activities of one particular operator. In fact, from information and figures provided to me by the Mauritius Revenue Authority during the seven weeks of the 2019 racing season, when these bookmarkers were not operating, punters switched to the totalisators and remote communication operators, namely Automatic Systems Ltd., Supertote, Global Sports Ltd, Tote Lepep and SMS Pariaz Ltd. And also the on-course bookmakers. And compared to the corresponding period of the 2018 racing season, the collective gross takes of the totalisators increased by Rs34.6 m. For SMS Pariaz Ltd, gross takes increased by Rs23.6 m. and taxes payable by these companies increased from Rs32.4 m. to Rs38.2 m. The gross takes of on-course bookmakers rose by Rs54 m. So, therefore, the facts and figures I have just mentioned indicate that the punters had a choice and they were at no time forced to bet with only one operator as has been alleged. They also proved wrong those who assert that because of the measure, the Mauritius Turf Club and the Government are getting drastically less revenue, but what I heard from hon. Uteem, let me say, whom are you defending? You are defending those people whom we know, I have said and I have given figures and I have said that they have caused a problem.

(Interruptions)

Yes, judgment of Supreme Court. The judgment said that the way it was done was not correct. That is what the Supreme Court said. But we have a problem, we have to address the problem and you also made allegations, you said that we are protecting this and that. Well, I can ask the question. Let me say whose mafia guy business was approved by the gambling regulator in 2002 and who was Minister of Finance then. We all know him, he is the notorious, he is very well-known and I do not want to say more now, but let us see. So, I

don't want to dwell further on this issue but we have to put order in this sector. And I know the criticisms that have been levelled against the GRA saying that somebody is being protected, but I have said that GRA has to act boldly, courageously and I know when you put order, when you start to act against those who are involved in not only money laundering but drug-trafficking, we look at some of the findings of the Commission of Inquiry, then we will see. That is why they are not happy and, in fact, they are the ones who make the more noise and level a lot of criticisms against us.

Mr Deputy Speaker, Sir, therefore I believe that I have been addressing, in fact, most of the issues. So, let me, before concluding, thank my Colleague, the Attorney General, the State Law Office, the staff of the Ministry of Finance and Economic Development who have been working, I must say, really long hours and under pressure also, I know. I do not normally address the officers, but I must say that the officers of the State Law Office have been excellent. All the time, we have been having very lengthy meetings till late. So, I am very, very grateful to them, and I would like also to thank the staff of the Economic Development Board for their valuable inputs into the preparation of those Bills.

To conclude, I would like to add that for yet another year, we are doing what is necessary to take our economy, the society and the country to greater heights of development. The Budget we have presented and the Bills in front of the House today speak of the commitment of Government to pursue our transformative journey to a high-income country. A feat, I must say, that is so near an achievement for all our citizens and that will be a proud legacy for future generations.

Thank you.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

The following Bills were considered and agreed to –

(a) The Finance (Miscellaneous Provisions) Bill (No. XVI of 2019)

(b) The Business Facilitation (Miscellaneous Provisions) Bill (No. XVII of 2019)

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

Third Reading

On motion made and seconded, the following Bills were read the third time and passed -

(a) The Finance (Miscellaneous Provisions) Bill (No. XVI of 2019)

(b) The Business Facilitation (Miscellaneous Provisions) Bill (No. XVII of 2019)

PUBLIC BILL

Second Reading

THE INDUSTRIAL PROPERTY BILL

(NO. XV OF 2019)

The Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade (Mr N. Bodha) gave notice of his intention not to move the Second Reading of the Industrial Property Bill (No. XV of 2019).

The Deputy Speaker: Since the hon. Minister does not propose to move for the Second Reading, this will be taken at a later stage.

MOTION

HON. GAYAN - POINT OF ORDER - MOTION OF NO CONFIDENCE IN GOVERNMENT

The Deputy Speaker: Hon. Members, in the absence of hon. Shakeel Mohamed, the motion standing in his name lapses, in accordance with the provisions of Standing Order 31(1).

The Minister of Tourism (Mr A. Gayan): On a point of order, Mr Deputy Speaker, Sir. The motion which you have just mentioned, standing in the name of the hon. First Member for Port Louis Maritime and Port Louis East to the effect that 'This Assembly has no confidence in Government,' was made under Standing Order 29(2), and I read –

> "(2) A motion of no confidence in the Government, if any, shall be debated as early as possible but not later than one month after notice thereof has been received and once only in any session."

In fact, the Deputy Speaker has mentioned the lapse of this motion and I wish to quote Standing Order 31(1), which reads as follows –

> "A motion of which notice has been given shall lapse if not moved at the proper time unless the Assembly directs that it shall be moved at some other time, (…)"

It is not disputed that the mover of the motion is not present. So, the motion was not moved at the proper time, and it is now in order for you, Mr Deputy Speaker, Sir, to ask the Assembly whether there is a direction that it shall be moved at some other time, and it is our point that it should not be moved at some other time because a motion of no confidence can be moved only once in a session.

The Attorney General, Minister of Justice, Human Rights and Institutional Reforms (Mr M. Gobin): Mr Deputy Speaker, Sir, I rise to second the motion of the hon. Minister of Tourism for reasons which he has already explained.

The Deputy Speaker: I refer to the said section, that is, section 31(1), where it is stated that -

> "(1) A motion of which notice has been given shall lapse if not moved at the proper time - which is the present case - unless the Assembly directs that it shall be moved at some other time and any motion which by these Orders is required to be seconded and is not so seconded, shall lapse."
>
> "(2) A Member who has a motion standing in his or her name may authorize in writing some other Member to move that motion in his or her stead:
>
> Provided that a motion standing in the name of a Minister may be moved by another Minister."

In such a case, since the mover of this motion is absent and I have given the ruling as per provision, that is, Standing Order 31, that this motion lapses for today, I believe that the mover cannot come to this House with a similar motion in the future.

Mr Gayan: Mr Deputy Speaker, Sir, I understand the nature of the ruling that you have made. But since the point I made was that a motion of no confidence can only be moved once in the course of one session, then, not only the mover of this motion but any other Member of the House cannot move a motion of no confidence.

The Deputy Speaker: Yes, I have taken note of what you have stated, hon. Minister. I will check what you have put forward and come back to the House and give my ruling.

MATTER OF PRIVILEGE

HON. S. RUTNAH – *"L'EXPRESS"* ARTICLE – 06 JULY 2019

The Deputy Speaker: Hon. Members, I wish to inform the House that the hon. Deputy Chief Government Whip, hon. Rutnah, has, on 09 July 2019, given notice in writing to raise a privilege complaint against an Editorial in the daily *'L'Express'*, published on Saturday 06 July 2019 and entitled, *'Manger à tous les râteliers'*, under the signature of Mr Nad Sivaramen, and requesting to consider whether the said publication constitutes an offence under Section 6 of the National Assembly (Privileges, Immunities and Powers) Act.

The matter has been referred to me by Madam Speaker. I have perused the said Editorial and I take the view that part of the contents thereof, I quote –

> « *D'autant qu'elle ne s'était pas sentie gênée de présider les travaux parlementaires alors que l'opposition questionnait les conditions autour du poste de sa fille à Landscope, où Gérard Sanspeur a décidé de lui rendre la vie difficile.»*

may amount to an accusation of partiality against the Speaker in the discharge of her duties and further reflect on her character.

I consider that an offence may have been committed under Section 6(1)(s) of the National Assembly (Privileges, Immunities and Powers) Act.

'L'EXPRESS' ARTICLE – 06 JULY 2019

Mr Rutnah: Mr Deputy Speaker, Sir, in the light of your ruling, and by virtue of Standing Order, Section 74(4) of the Standing Orders and Rules of the National Assembly, I beg leave to move that the Editorial in the daily 'L'Express', published on Saturday 06 July 2019, and entitled *'Manger à tous les râteliers'*, under the signature of Mr Nad Sivaramen with regard to part thereof, I quote –

> « *D'autant qu'elle ne s'était pas sentie gênée de présider les travaux parlementaires alors que l'opposition questionnait les conditions autour du poste de sa fille à Landscope, où Gérard Sanspeur a décidé de lui rendre la vie difficile.»*

be referred to the Director of Public Prosecutions for appropriation action.

Mr Deputy Speaker, Sir, with your permission, I am tabling a copy of the edition of the daily *L'Express*, published on Saturday 06 July 2019.

Mr Hurreeram rose and seconded.

The motion was, on question put, agreed to.

ADJOURNMENT

The Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 30 July 2019 at 11.30 a.m.

Mr Hurreeram rose and seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

MATTER RAISED

MIE - PROMOTION & RECRUITMENT EXERCISE

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Deputy Speaker, Sir, I would like to address the issue concerning the unhealthy recruitment and promotion exercise at the MIE.

Mr Deputy Speaker, you remember when we were discussing the amendment to the MIE Act, whereby we were upgrading the MIE into an institution to award degrees, I questioned the status of MIE with regard to its capacity and whether there has been an audit at the MIE and the hon. Minister rightly, in the reply, informed us that there was an audit being carried out by the TEC and, in fact, there has been a report of the third cycle quality audit of the MIE in October 2018, and the TEC recommended that the MIE ensures that further transparency, clarity, and quick feedback are provided for all the HR courses, etc. In fact, the report makes 28 recommendations to the MIE, but today we are concerned only with regard to transparency when it comes to recruitment and promotion.

Recently, the MIE has conducted interviews for the post of lecturers in curriculum studies assessment and evaluation, Design and Technology, Educational Psychology, Education Studies with Pedagogy, Economics, English, Science with Biology, Science with Chemistry, visual arts and, at least, one lecturer was recruited in each subject. The recruitment was done in such a way that qualified lecturers - in fact, I have an example of somebody who holds a Ph.D. with many years of teaching and research at tertiary level and holder of a double post-doctoral fellowship in world renowned universities. He was not selected, and you know who was selected, a young lady Ms K., very close to the Minister.

(Interruptions)

This is my information.

(Interruptions)

You will reply...

(Interruptions)

A young lady who lives at La Caverne and...

(Interruptions)

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, on a point of order.

The Deputy Speaker: Yes, what is the point of order?

Mrs Dookun-Luchoomun: I will ask the hon. Member not to impute motives and not to say anything that is not true because I do not even know who he is referring to. So, I would ask him to take back his words, and I have got nothing to do with the recruitment process. There is an Appointment Committee for that.

The Deputy Speaker: Hon. Member, if this is not the case, I would request you to remove what you have said and hon. Minister, you will have the floor later, you can also reply.

Mr Baloomoody: According to my information, I do not know, she is...

(Interruptions)

Do you want me to mention the name?

(Interruptions)

You want me to mention how close...

The Deputy Speaker: You cannot argue, you have to...

(Interruptions)

Can you take your seat, hon. Baloomoody?

First of all, hon. Baloomoody, you are a season politician, you should not address the Minister, you should address the Chair. She has made a point, it is for you now to withdraw what you have said if this is not the case.

(Interruptions)

Mr Baloomoody: *Eta bouffon, ale do kuyon*.

(Interruptions)

The Deputy Speaker: Order, please!

Mr Baloomoody: That selected person does not even possess pedagogical qualification and does not hold the requirement qualification, experience to contribute to the three mandates set by the MIE.

What is surprising in this case, in fact, the case is before the Court and ECO, but when you look, at the Equal Opportunities Commission – the case is in front of the Equal Opportunities Commission, it is before the Supreme Court, but let me look at the statement of case of the MIE, when it comes to promotion as per the Scheme of Service it is not based on qualification but according to the Scheme of Service.

So, qualification is not a criterion, seniority is not a criterion for promotion, the sum allowance was made as marks were allocated for experience. So, at the MIE, qualification and seniority is not a criterion according to that statement of case which has been produced at the Equal Opportunities Commission.

Now, the members of the Select Committee themselves, they are not qualified...

Mr Sinatambou: On a point of order.

The Deputy Speaker: Yes, we have a point of order, please!

Mr Sinatambou: I do have a lot of respect for the hon. Member, but on a point of order, if a matter is before a tribunal or a Court, it ought not to be taken before this House.

(Interruptions)

The Deputy Speaker: Can I react, it's my duty to react to his point of order. If this is the case, I don't know whether if this is the case, if this is the case then you cannot comment any further on that case hon. Baloomoody.

Mr Baloomoody: It is before a commission, not before a tribunal, it's not a Court of Law.

(Interruptions)

May I carry on?

The Deputy Speaker: Yes, you can carry on, but I have stated it earlier, if this is the case, that is if that case you have mentioned...

Mr Baloomoody: No, I have already referred to that document, I'll move on.

The Deputy Speaker: Okay, please!

Mr Baloomoody: Because of time limit, there are so many things happening at the MIE. Unfortunately, I don't have time to list but I'll list only the important now. This one probably the hon. Minister is aware of.

There is one person, who is the Advisor of the Minister, I am sure she knows her Advisor.

The Deputy Speaker: Address the Chair!

Mr Baloomoody: He has no qualification, Mr A. A., he joined the MIE as a Lecturer in 2003 and 2011, and three years later, he got four years Leave without Pay to serve as Advisor to the hon. Minister of Education. The same person applied for the post of Senior Lecturer in November last year and was selected for the post, no qualification, no experience, very close again, now Advisor to the Minister and he has been promoted, whereas Academic Staff with higher qualification, and one blatant case is one lecturer with more than 18 years of experience who has been called for interview on four occasions but was not appointed. There are actually, first time in the history of the MIE under this Government, 12 cases before Court challenging promotion and appointment.

So, there is another case as well, but I do not want to go into details. It involves another young lady again who has been promoted. We have at the MIE – at the University of Mauritius we have one Registrar, at the UTM we have one Registrar, at the MIE which has not upgraded itself into a degree institution, yet we have six Assistant Registrars, whereas at the university, you have only one.

So, Mr Deputy Speaker, Sir, it is clear that a complete audit, an independent audit again has to be carried out at the MIE, before I say again, before it graduates to a degree institution, otherwise we will do exactly what the previous Government did with degrees which will have no value whatsoever for the students.

Thank you.

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): Mr Deputy Speaker, Sir, I would like to inform the House that the MIE has a workforce of 303, which includes 103 academics and 200 supporting staffs on a full time basis.

I am informed that recruitment and promotion based on the number of funded positions is carried out at the MIE on a regular basis. In the course of 2018/2019, the MIE has recruited 21 new staffs and 43 staff members were promoted. Appointment and promotion of other 15 grades are in progress. It involves 52 positions which include 14 new appointments and 36 promotions. In addition, action will be initiated for the filling of six funded positions following the budget for the financial year 2019/2020.

Now, Mr Deputy Speaker, Sir, I would like to draw the attention of the House that the appointment at the MIE is done through the Appointment's Committee and the Minister has nothing to do with that. I do not know which Ms K., hon. Baloomoody was referring to and I would like to state again that this has nothing to do with me, and next, talking about the Advisor Mr A. A., Mr A. A. was recruited by the Appointment Committee. What happened is that he was in a reserve list and following the retirement of a particular officer, a Senior Lecturer, his name came up because it was already approved by the Board of the MIE and this has nothing unusual and Mr A. A. is fully qualified as far as I know.

Thank you, Mr Deputy Speaker, Sir.

At 3.28 a.m., the Assembly was, on its rising, adjourned to Tuesday 30 July 2019 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

PLAINE MAGNIEN - RESIDENCE BALANCE – CHILDREN'S PLAYGROUND

(No. B/628) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Residence Balance, in Plaine Magnien, he will state if consideration will be given for the construction by the National Development Unit of a children playground thereat.

Reply: Since no appropriate space is available within the village to construct a children's playground at Residence Balance in Plaine Magnien, hon. Mrs Boygah, the Parliamentary Private Secretary of the region and hon. Hurreeram have had consultations with the Minister of Housing and Lands, and they have been able to identify a plot of land in Morcellement VRS, adjoining Residence Balance, that may be made available for implementation of the project.

Appropriate action will be initiated for the vesting of the land in the Ministry of Local Government and Outer Islands for implementing the project.

BANK OF MAURITIUS - FIRST & SECOND DEPUTY GOVERNOR

(No. B/629) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the First and Second Deputy Governor of the Bank of Mauritius, he will, for the benefit of the House, obtain from the Bank of Mauritius, in each case, information as to the –

(a) qualifications and experience held;

(b) total pay packet and fringe benefits drawn, and

(c) overseas missions attended since appointment to date, indicating the –

(i) countries visited;

(ii) air fare costs, and

(iii) amount of per diem received.

Reply: The Bank of Mauritius is an autonomous and independent body governed by the provisions of the Bank of Mauritius Act.

Section 26 of the Act prohibits, among others, any Director or Officer of the Bank to directly or indirectly disclose to any other person, information relating to the affairs of the Bank.

Information requested in parts (a) and (c) (i) of the question is available in the Annual Report and on the Website of the Bank of Mauritius and is, hence, of public knowledge.

CONSTITUENCY NO. 17 – DRAIN PROJECTS

(No. B/630) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Constituency No. 17, Curepipe and Midlands, he will state the locations where drains have been constructed by the National Development Unit since June 2018 to date, giving the list of locations where same will be constructed.

Reply: With regard to the locations of drain projects being implemented by the National Development Unit in Constituency No. 17, a list thereof is being placed in the Library of the National Assembly containing those –

(i) completed since June 2018 to date;

(ii) under construction;

(iii) at design stage, and

(iv) being considered for implementation.

NON-CITIZENS - TERRORIST ORGANISATION - LINK

(No. B/640) Mr A. Duval (First Member for Curepipe & Midlands) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to terrorist organisations, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of non-citizens, being spouses of citizens of Mauritius, flagged as belonging to or having links therewith since January 2015 to date, indicating the number of –

(a) cases prosecuted, and

(b) convictions secured.

Reply (The Prime Minister): The Commissioner of Police has informed that since January 2015 to date, no case of non-citizens, being spouses of citizens of Mauritius, having been flagged as belonging to or having links with terrorist organisation, has been reported to the Police. The question of prosecutions and successful convictions, therefore, does not arise.

CONSTITUENCY NO. 1 - CEMETERIES – MAINTENANCE & UPGRADING

(No. B/661) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the cemeteries located in Constituency No. 1, she will, for the benefit of the House, obtain from the Municipal City Council of Port Louis, information as to if consideration will be given for the maintenance and upgrading thereof.

Reply: I am informed by the Municipal City Council of Port Louis that -

(i) as regards Pailles Cemetery, a general cleaning and maintenance exercise was effected in April 2019. Upgrading works at the cost of Rs2 m., funded by the National Development Unit, were completed on 21 June 2019 at the Pailles traditional crematorium;

(ii) at the Bain des Dames Cemetery, the construction of a Janaza platform has been completed in March 2019. A project for the construction of “Maayat

Khanaa" (funeral house) at the cost of Rs3,680,000 is under way. The site has been handed over to the contractor on 08 July 2019 and the works are expected to be completed in January 2020;

(iii) Insofar as Les Salines Western Cemetery is concerned, the upgrading and maintenance works are being carried out in collaboration with the *"Sauvegarde de Cimetière de l'Ouest,"* a non-profit organisation with whom a Memorandum of Understanding has been signed on 02 June 2019, and

(iv) as regards Les Salines Cremation ground, it is not in operation since end of April 2019 as the gas incinerator is very old and is out of order. Action has been initiated accordingly for the acquisition of an incinerator to replace the old one.

FASHION & DESIGN INSTITUTE – BOARD – COMPOSITION

(No. B/662) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the Fashion and Design Institute, he will, for the benefit of the House, obtain therefrom, information as to the composition of the Board thereof, indicating the remuneration drawn in each case.

Reply: The Board of the Fashion and Design Institute had been reconstituted in January 2019 for period 2019 to 2021 with Mr Mohammed Salim Ferhat Joomun, the then Permanent Secretary of my Ministry, Industry Division, as Chairperson of the Board.

The other members are –

- Mr B. R. Domun, Principal Analyst (Industry), Industry Division;
- Mr V. Bhurosah, Assistant Director, Ministry of Education and Human Resources, Tertiary Education and Scientific Research;
- Mrs L. Rajmun-Joosery, Director, MEXA, and
- Five members were appointed in line with Subsection (8) (1) (e) of the Fashion and Design Act 2008, namely –
    - Ms H. Ramroop;
    - Ms F. Sreeneebus;
    - Mr D. Appigadu;
    - Mrs Y. Sookraz, and
    - Mr S. Bhagoban.

The Chairperson of the Fashion and Design Board is drawing a monthly allowance of Rs24,000 and a travelling allowance of Rs8,000. The other members of the Board are paid a monthly fee of Rs8,000.

STATE TRADING CORPORATION - DIRECTOR

(No. B/663) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the post of Director, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to the name, qualifications and experience of the incumbent thereof, indicating the present pay packet thereof, including the fringe benefits drawn.

Reply: The State Trading Corporation (STC) is headed by a General Manager, namely Mr Rajanah Dhaliah. He holds a first degree in Mechanical Engineering and an MBA from the University of Mauritius. Mr Dhaliah is a Registered Professional Engineer with the Mauritius Council of Registered Professional Engineers.

Mr Dhaliah was employed by Shell Mauritius Ltd from June 1990 to June 2011 in various positions such as Sales Engineer, LPG Coordinator and Retail and Lubricants Manager. From July 2011 to June 2015, he was Manager for Commercial Businesses at VIVO Energy Mauritius Ltd.

He was appointed as General Manager of the STC, on contract, for a period of three years with effect from 01 July 2015. The contract was renewed for a further three years with effect from 01 July 2018.

Mr Dhaliah presently draws a monthly salary of Rs325,000, comprising Rs110,000 as per PRB 2016 and Rs215,000 as Duty Allowance. He also draws an allowance of Rs3,000 for communication facilities and Rs20,000 as entertainment allowance. The other elements of his pay packet and fringe benefits, i.e. Driver's Allowance, Motor Car Allowance, Diesel Allowance, End of Year Bonus, Gratuity, Leaves and Passage Benefits are as per PRB 2016.

SUBMARINE FIBRE OPTIC CABLES PROJECT – COST & OPERATION

(No. B/664) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Technology, Communication and Innovation whether, in regard to the new Submarine Fibre Optic Cables Project, he will state the –

(a) cost and the names of the stakeholders;

(b) expected date of coming into operation, and

(c) expected cost of operation thereof.

Reply: Mauritius is currently connected to two international submarine fibre optic cables, namely the South Africa Far East (SAFE) and the Lower Indian Ocean Network (LION/LION2) Cables.

The country will soon be connected by two more private-sector submarine cable projects, namely the Indian Ocean Xchange (IOX) and ME1ting poT Indianoceanic Submarine System (METISS) Cables.

The IOX cable, which is a project of IOX Ltd, will link Mauritius and Rodrigues to East London, South Africa and Puducherry, India. Mauritius Telecom is an anchor tenant in this cable project.

The METISS is a planned submarine cable linking Mauritius to Reunion Island, Madagascar and South Africa. The project was initiated by the Indian Ocean Commission in 2015 and its objective is to meet connectivity requirement of the Member States and facilitate inter-island connectivity. The METISS Construction and Maintenance Agreement (C&MA) was signed on 13 December 2017 by the six parties that form part of the METISS consortium: Canal+ Telecom, Société Réunionnaise du Radiotéléphone (SRR), Reunicable (Zeop) of Reunion Island, CEB FiberNET and Emtel Ltd of Mauritius and Telecom Malagasy (Telma) of Madagascar.

With regard to part (b) of the question, both cables are expected to come into operation by July 2020.

As for part (c) of the question, as the projects are private ventures, information related to costs of installation and operation are not communicated by the concerned firms for commercial reasons.

CONSTITUENCY NO. 17 - FOOTBALL GROUNDS - RENOVATION & MAINTENANCE

(No. B/665) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the football grounds located in Constituency No. 17, Curepipe and Midlands, she will, for the benefit of the House, obtain from the Municipal Council of Curepipe, information as to where matters stand as to the renovation and maintenance thereof.

Reply: I am informed by the Municipal Council of Curepipe that –

(i) the Robinson football ground is in good condition and upgrading works were carried out in year 2018. A contract for the repairs of the lighting facilities has been awarded in July 2019 and works are expected to be completed by September 2019;

(ii) the Wooton football ground is in poor condition and requires upgrading. As such, turfing, levelling and fencing works are planned for implementation during the financial year 2019/2020, subject to availability of funds;

(iii) the Malherbes football ground requires upgrading. The covering of the podium and fencing works are in progress. These works are expected to be completed by end of November 2019. A contract has been awarded for the repair of the lighting facilities in July 2019 and same are expected to be completed by September 2019;

(iv) the Engrais Cathan football ground requires upgrading and turfing, levelling and fencing works are being carried out by the National Development Unit. These works are expected to be completed by end of July 2019. A contract was awarded for lighting of football ground in May 2019 and the works are expected to be completed by end of September 2019;

(v) the football ground at Avenue Lees (Sir Winston Churchill Stadium) is in good condition. The construction of a cloakroom is in progress and works are expected to be completed by the end of August 2019. A contract for lighting of the football ground was awarded in July 2019 and works are expected to be completed by September 2019;

(vi) Les Casernes football ground is in good condition. However, the contract for the repair of the lighting facilities was awarded in July 2019 and works are expected to be completed by September 2019, and

(vii) the football ground at Residence Atlee is in poor condition. Turfing, levelling and fencing works will be considered for implementation during the financial year 2019/2020, subject to availability of funds. However, the lighting system is in good condition.

CONSTITUENCY NO. 17 - LAW & ORDER

(No. B/666) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in

regard to Constituency No. 17, Curepipe and Midlands, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the measures presently in place to ensure the maintenance of law and order thereat, especially, measures against the risks of larceny, indicating if consideration will be given for additional Police patrols to be effected in the risk-prone regions.

Reply: Constituency No. 17 Curepipe/Midlands is policed by Eau Coulee, Curepipe, Midlands Police Stations (Central Division) and Dubreuil Police Station (Eastern Division).

I am informed by the Commissioner of Police that several measures are taken to ensure the maintenance of law and order and to combat larceny.

At Force Level, all important cases including crimes which occurred during the past 24 hours are analysed on a daily basis by a team headed by the Deputy Commissioner of Police (Operations) at the Police Headquarters.

In addition, the Commissioner of Police also conducts Strategic Tasking & Coordination Group meetings with Divisional Commanders and Branch Officers on a monthly basis and during such meetings, emerging policing issues, including crime prevention strategies are discussed. Short, medium and long-term measures are formulated for the prevention and deterrence of crimes both on mainland and outer islands of Mauritius.

Moreover, an alert code system has been put in place on the Police Facebook to trace out stolen vehicles.

At Division Level, the Police have taken proactive measures for the prevention and detection of crimes. Some of the new measures are as follows –

(i) Targeted crack down operations are carried out by local Police jointly with other adjuncts of the Force such as ERS, SSU, GIPM, ADSU, CID, Helicopter Squadron, NCG Commando and Police Dogs in all Police Divisions. One such operation is the ‘Knock and Roar’. The aim of the operation is to keep habitual criminals frequently engaged in unlawful activities, which include larcenies, under control and strict supervision with a view of ensuring safer neighbourhood;

(ii) The Police have launched a new operation named “Sudden Fall”. In Constituency No. 17, the Sudden Fall Operations were carried out with a view to disrupt illicit

activities of ill-intentioned person causing disturbance to law abiding citizens, on the following dates –

- 19 June 2019;
- 22 June 2019;
- 26 June 2019, and
- 01 July 2019.

During these operations, Police patrolled the regions and 33 persons were arrested as follows –

(a) 18 persons for larceny;

(b) 8 persons for Drug cases, and

(c) 7 warrantees;

(iii) Directed preventive mobile patrols are effected by Stations, CID, ERS, SSU, Bike Patrol personnel and other units in Central Divisions;

(iv) Police have strengthened their relationships with representatives of the community through Community Policing Forums and door-to-door policing where they are sharing information on suspicious activities occurring in their neighbourhood. The setting up of Neighbourhood Watch Schemes and sensitisation of residents on home security, make people more conscious on safety and also encourage reporting of suspicious characters and activities. Since the beginning of this year some 1,700 persons have been sensitised in Constituency No. 17;

(v) Police are making extensive use of modern technology, namely CCTV and drones to prevent and detect offences, and

(vi) Road Blocks and Vehicle Check Points are being carried out daily at odd hours where suspicious persons and drivers of vehicles are being questioned and systematically checked.

As regards risk-prone areas in Constituency No. 17, Police have reengineered its concept of '*Hot Spot Policing'* and '*Sector-based Policing*' so as to improve Police visibility and proximity thereat. The outcome thereof is tangible as more and more whistle blowers are tipping off the Police with respect to illegal activities through the Police Hotline 148 and Police Facebook account.

CONSTITUENCY NO. 17 – BUS SHELTERS – CONSTRUCTION

(No. B/667) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to Constituency No. 17, Curepipe and Midlands, he will state the number of bus shelters earmarked for construction thereat.

(Reply not available)

CÔTE D'OR - INTERNATIONAL FOOTBALL ACADEMY

(No. B/668) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the proposed setting up of an International Football Academy at Côte d'Or, he will –

(a) state the reasons why the Mauritius Multi Sports Infrastructure Ltd (MMSI) has been entrusted with the implementation thereof, and

(b) for the benefit of the House, obtain from MMSI Ltd, information as to -

(i) if the agreement with the Liverpool Football Club and Athletics Grounds Ltd, UK, has been signed and, if so, table copy thereof;

(ii) the coming into force thereof;

(iii) the terms and conditions thereof, and

(iv) the annual amount of funds to be invested therein.

(Withdrawn)

INDIAN OCEAN ISLAND GAMES 2019 - TICKETS

(No. B/669) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the forthcoming Indian Ocean Island Games 2019, he will state the company which has obtained the contract for the issuing of tickets therefor, indicating the –

(a) terms and conditions thereof;

(b) number of tickets put on sale discipline-wise, and

(c) measures taken to avoid the resale of tickets in the black market.

Reply: OTAYO agency was awarded the contract for the printing and sale of tickets for the IOIG 2019 under the supervision of the Marketing and Finance Commission of the Organising Committee of the Games to the tune of Rs2,650,558.

A total number of 54,435 tickets were put on sale for all sports disciplines.

INDIAN OCEAN ISLAND GAMES 2019 – AT**HLETES – ANTI-DOPING PRODUCTS**

(No. B/670) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the forthcoming Indian Ocean Island Games 2019, he will state if an awareness campaign has been carried out amongst Mauritian athletes regarding the risks of doping and the products concerned therewith, indicating if the local competent authorities have carried out tests on the said athletes and, if so, give the list of those having been tested, and, if not, why not.

Reply: An intensive and up to date educational campaign was carried out with every federation involved in the Indian Ocean Islands Games 2019.

Doctors and Health Care Practitioners working for the Games were also educated on anti-doping related matters.

INDIAN OCEAN ISLAND GAMES 2019 - SALE OF TICKETS - MECHANISM

(No. B/671) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Minister of Youth and Sports whether, in regard to the sale of tickets for the forthcoming Indian Ocean Island Games 2019, he will, for the benefit of the House, obtain from the *Commission des Jeux des Iles*, information as to the mechanism used therefor.

Reply: The services of OTAYO Agency were enlisted for the sale of tickets.

NATIONAL HERITAGE - PRINTED DOCUMENTS - PRESERVATION

(No. B/672) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Minister of Arts and Culture whether, in regard to the printed documents classified as national heritage, he will, for the benefit of the House, obtain from the National Library Archives, the measures taken for the preservation thereof.

Reply: I am informed that for the purpose of preserving our national records –

(i) the National Archives Department has set up a Conservation Unit since 2001, to cater for archival materials, which are subject to deterioration or which require repairs and restoration, and

(ii) the National Library has, in line with one of its statutory objectives, taken several measures for the preservation and conservation of its printed documents classified as national heritage.

I am further informed that –

(i) the records are kept in appropriate protective packaging and enclosures to protect them from light, heat and dust;

(ii) pest control is carried out on a monthly basis;

(iii) regular cleaning, dusting and disinfecting of the repository areas are undertaken;

(iv) restoration works on damaged documents, such as hard-cover binding, laminating, dusting-off, stitching and sewing of broken documents are carried out through the Binding Sections, and

(v) documents are also freezed using a special chest freezer to eradicate micro-organisms like insects, termites, silverfish.

In addition, both the National Library and the National Archives Department have already embarked on the digitisation of their documents.

BASIC RETIREMENT PENSION - OTHER PENSIONS - ALLOWANCES

(No. B/673) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Basic Retirement Pension and other pensions and allowances, he

will state if consideration will be given for the payment thereof to be made on the same day on which civil servants obtain their pay.

Reply: The payment of the Basic Retirement Pension and other pensions namely the Widow's Basic Pension, the Invalid's Basic Pension and the Orphan's pension as well as allowances such as the Carer's Allowance and the Child Allowance are paid to their respective beneficiaries much before the day on which civil servants obtain their pay. Indeed, those payments are credited into the bank account of their respective beneficiaries on the first working day of a particular month for that very same month.

On the one hand, the payment of pensions for a particular month is effected upfront on the first working day of the month for those who have opted to be paid through banks.

On the other hand, the payment of salaries for public officers for a particular month is effected two clear days at the end of that particular month.

For example for the month of July 2019, the payment of pensions and allowances has been credited to all bank accounts of beneficiaries on 01 July 2019 whereas civil servants will receive their pay for the month of July on 29 July 2019.