No. 22 of 2019

REPUBLIC OF MAURITIUS

SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

TUESDAY 09 JULY 2019

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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 22 of 2019

Sitting of 09 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. Office of the President

The 45th Annual Report of the Ombudsman for the period January-December 2018. (In Original)

B. Prime Minister's Office

Certificate of Urgency in respect of the Industrial Property Bill 2019 (No. XV of 2019). (In Original)

C. Minister Mentor's Office, Ministry of Defence and Ministry for Rodrigues

Rodrigues Regional Assembly (Banning of Disposable Plastic Food Items) Regulations 2019. (Government Notice (Rodrigues Regional Assembly) No. 1 of 2019)

D. Ministry of Health and Quality of Life

(a) The Dental Council (Medical Institutions) (Amendment No. 4) Regulations 2019. (Government Notice No. 114 of 2019)

(b) The Food (Amendment) Regulations 2019. (Government Notice No. 115 of 2019)

E. Ministry of Industry, Commerce and Consumer Protection

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) Regulations 2019. (Government Notice No. 116 of 2019)

ORAL ANSWERS TO QUESTIONS

CANNABIDIOL, CANNABIS & CANNABIS RESIN - PRESCRIPTION - MEDICAL PRACTITIONERS

The Leader of the Opposition (Mr X. L. Duval) *(by Private Notice)* asked the Minister of Health and Quality of Life whether, in the light of the recent assessment and findings of the 41st Expert Committee on Drug Dependence of the World Health Organization, he will state if consideration will now be given for -

(a) Cannabidiol to be removed from the purview of the Dangerous Drugs Act, and

(b) medicines containing cannabis and cannabis resin to be authorized for use in Mauritius on prescription by medical practitioners.

Dr. Husnoo: Madam Speaker, Cannabis is defined as a flowering top or separated resin of the cannabis sativa plant. Cannabis contains about 400 chemicals, including 121 reported phyto-canabinoids with the most prominent of these compounds being delta 9 – Tetra hydro cannabinol (THC) and cannabidiol. However, Tetra hydro cannabinol is the principal intoxicant constituent of cannabis.

It is to be noted that cannabidiol is the non-intoxicating compound of cannabis compared to Tetra hydro cannabinol, which gives the euphoric feeling when consumed.

Early this year, the WHO's recommendation was delivered to the United Nations as part of its report of the 41st Expert Committee on Drug Dependence: Cannabis and Cannabis related substances.

Furthermore, the report cited the potential of Cannabis to cause adverse side effects, such as impairment of motor-control and cognitive functions. These effects were attributed to the presence of delta – 9 – Tetra hydro cannabinol, that is, THC, in cannabis and cannabis derived products.

Most of the adverse effects associated with cannabis result from chronic use. Regular cannabis use is associated with increased risks of mental health disorders such as anxiety, depression and psychotic illness.

Madam Speaker, Cannabis and Cannabis resin are currently under Schedule I of the Dangerous Drugs Act 2000. Cannabidiol is a component of cannabis.

On 24 January 2019, the WHO released the final outcome of its scientific assessments of cannabis sativa-based products and substances, following the reviews undertaken at the WHO's Expert Committee on Drug Dependence 39th, 40th and 41st Sittings.

The final adoption of these recommendations by the UN Commission on Narcotic Drugs (CND) is expected for March 2020 during the 63rd Session.

With regard to parts (a) and (b) of the question, my Ministry is presently not considering the removal of cannabis and cannabis resin from the Dangerous Drugs Act 2000 until a further study is made on the implications of the drug and its …

Mr X. L. Duval: Madam Speaker, on a point of order. The question does not relate to removing of cannabis and cannabis resin from the Dangerous Drugs Act; it relates to cannabidiol being removed from the Dangerous Drugs Act. Otherwise, it will create confusion. The question is not as I asked.

Madam Speaker: The question is in two parts. In the first part, you have asked about cannabidiol to be removed from the purview of the Dangerous Drugs Act and the second one relates to cannabis and cannabis resin. Now, the hon. Minister is a medical practitioner and he knows better whether those two are related or not.

Dr. Husnoo: I think you will agree, Madam Speaker, in both questions (a) and question (b), we are talking about cannabidiol and part (b) about cannabis and cannabis resin. That's what I am talking about.

So, I will just start again if you do not mind.

With regard to parts (a) and (b) of the question, my Ministry is presently not considering the removal of cannabis and cannabis resin from the Dangerous Drugs Act 2000 until a further study is made on the implications of the drug and its components. A policy decision will be taken in light of the recommendation, taking into consideration the specificity of our country. My Ministry will set up a high-level committee after the adoption of the UN Commission on Narcotics in March 2020 to consider recommendation.

Mr X. L. Duval: Thank you, Madam Speaker. We are talking about use of cannabidiol for medical purposes. The Expert Committee on Drug Dependence recommends strongly, clearly that cannabidiol no longer be treated as a dangerous drug. Can I ask the hon. Minister what is now the official position of Mauritius, pending the meeting of March, concerning cannabidiol?

Dr. Husnoo: As I have just mentioned, we are waiting for March 2020. Once the United Nations decides in what direction we are going to go, then I am going to set up a committee to study in which direction, what we are going to do regarding cannabidiol.

Mr X. L. Duval: Madam Speaker, the Expert Committee on Drug Dependence of the WHO consists of world-renowned experts - 11 of them. All of them are medical practitioners or pharmacists. They have recommended clearly that cannabidiol should be removed. Now, it is going to be the Ministerial Committee, in March, which will decide - 53 countries. Politicians will decide. So, I am asking the Government here in Mauritius to tell me what is the political position of Mauritius regarding the expert decision, the expert recommendation?

Dr. Husnoo: I have just answered, Madam Speaker. I am going to wait for the United Nations and then I am going to set up a committee, not by politicians, by experts in the field to decide in which direction to go.

Mr X. L. Duval: Madam Speaker, the hon. Minister, I am sure, is aware that the Food and Drug Administration, a hugely respected organisation in America, has now authorised, approved Epidiolex to be used in epilepsy cases where thousands of children, in Mauritius also, 15,000 people suffer from epilepsy. Now, FDA in USA has authorised cannabidiol in Epidiolex to be used. Does that not influence the Government here that the same should be done?

Dr. Husnoo: Again, I agree…

(Interruptions)

What I was going to say is that, as far as treatment of epilepsy is concerned, the treatment of epilepsy is not for all types of epilepsy, as you mentioned 15,000 people have epilepsy in Mauritius. Cannabidiol is not indicated for these 15,000 people. It is indicated in one particular type of epilepsy, the Gastaut-Lennox type of epilepsy. In one type, very rare, but in only one type of epilepsy, and for the time being, if we have - it is a new drug - old drug which has been used all this time, we are still using that. This drug would be a second line drug. Cannabidiol is not a first line drug; it is going to be a second line or even a third line drug of this type of epilepsy. That is what I have said. We are treating this kind of patients with a first time drug and if the recommendation comes later, we will go in that direction.

Mr X. L. Duval: Madam Speaker, whether it is one child or 15,000 children, it is the same thing. Now, FDA in the USA has approved that drug. That is recognised worldwide

now. 47 countries, Madam Speaker, have approved the use of cannabis and cannabidiol for medical purposes. Why is the Government dragging its feet and not considering the thousands of people who are suffering in Mauritius at the moment?

Dr. Husnoo: I have just repeated. We do not have thousands of people who need this drug in Mauritius. I have just repeated it again, I am going to repeat it; we do not have thousands of people who need this drug in Mauritius. And now, let me tell the hon. Leader of the Opposition that we may have 47, but we have a lot of countries which have not started the use of cannabidiol as well. So, that is what we are doing.

Mr X. L. Duval: All the major countries, all the leading countries, including 30 States in America, UK and France are doing so. Madam Speaker, I would like to ask the hon. Minister whether, as a doctor, he is aware also that cannabidiol is a treatment for people suffering from nausea and vomiting and all sorts of ill effects, side effects of chemotherapy, and there are thousands of people in Mauritius following chemotherapy treatment. Why is not this allowed for these people?

Dr. Husnoo: Again, we have been using a lot of medicines to treat nausea and vomiting for people who are getting chemotherapy. We have been using it for a long time at the Cancer Centre, and they are working. If tomorrow it is approved, naturally, I am going to use it. But, again, I am waiting for the Expert Group to decide on that. If I decide, you will tell me I am deciding personally. I better wait for the Expert Group to decide and then I am going to do it.

Mr X. L. Duval: Madam Speaker, the Expert Group has already given this. I will table a copy. It is the ministerial group that has not yet. The Expert Group has already and the hon. Minister quoted himself, at the beginning of the year, that the Expert Group on drug dependence has already given its okay for that; this recommendation. This is why the whole question is that. There is already a recommendation. I will table it if the hon. Minister likes. There is already a recommendation and a letter was sent in January 2019 to all countries with the recommendation. The recommendation is here.

(Interruptions)

Dr. Husnoo: It is a Ministerial Committee, but it has not been approved by the WHO as such, number 1, and we are waiting for the UN to adopt it and then we are going to study it and, if need be, we are going to do it in Mauritius. The hon. Leader of the Opposition is

trying to pretend. Sorry, the word is not pretend. Excuse me, it is not pretend, but the hon. Leader of the Opposition is trying to imply that we are not treating these patients. This is wrong, this is not right. We are giving the patients the treatment; there are alternate treatments and we are giving the treatment. So, to pretend, I mean to imply that we are not treating the patients, I think that is wrong.

Mr X. L. Duval: Madam Speaker, it is time for me to come up with a letter here from a well-known athlete, Mr Rummun. He has given me the permission to use his name. He suffers from cancer. He is an ex-high level athlete suffering from cancer. He does not have a lot of money. He has to periodically travel to South Africa to get decent treatment for his cancer because there is also evidence, as is practised in South Africa, that cannabis this time, not cannabidiol, cannabis and cannabis resin, etc., help to treat and cure even cancer. Now, what is the hon. Minister going to say to Mr Rummun? That he should wait in a year's time and maybe even die before then?

Dr. Husnoo: Again, Madam Speaker, I would like to say that the hon. Leader of the Opposition just quoted FDA. FDA does not recommend the use of cannabis in the treatment of cancer.

Mr X. L. Duval: Madam Speaker, the hon. Minister is mixing everything. FDA recommends, yet he does not recommend. FDA does not recommend, he does not recommend at the same time. Do not run away from the question. The question is 47 countries…

Dr. Husnoo: Madam Speaker, I think…

Mr X. L. Duval: The hon. Minister will have a chance in a minute, hon. Minister. Keep cool! 47 countries in the world - leading countries; Australia, UK, America, everywhere - are authorising medical cannabis in part also for cancer treatment. This is the question, and there are people here, thousands of people suffering from chemotherapy treatment ill effects and suffering from cancer, and there is evidence that cannabis and cannabis resin can be used under medical certification, through prescription by a doctor, to cure or to treat their illness. This is the question. Why is it not authorised in Mauritius?

Dr. Husnoo: Madam Speaker, I think the hon. Leader of Opposition is getting confused about cannabidiol and cannabis. Earlier, he just said that cannabidiol was recommended by FDA. I agreed and said we are going to study it and, if need be, we are going to…

(Interruptions)

Cannabidiol. I will repeat myself. Cannabis is not recommended as a treatment for cancer by the FDA. I repeat myself.

Mr X. L. Duval: I did not say that.

Dr. Husnoo: He said it…

Mr X. L. Duval: I said that...

Dr. Husnoo: He said it.

Mr X. L. Duval: ...you are using FDA as an excuse. When it says no, you say no, when it says yes, you also says no. That is what I said…

Dr. Husnoo: No, the hon. Leader of the Opposition is confused.

Mr X. L. Duval: ...and the hon. Minister should understand a question when it comes to him. Madam Speaker, I am going to ask this question. We agree that cocaine is a bad drug if abused. We agree that opium is a bad drug if abused, but both of these are authorised in Mauritius for medical use in medicine. Why cocaine and opium, for me, I am a layman, sound worse than cannabis, can be authorised for medical use, 47 countries in the world, leading countries, authorise cannabis for medical use and, in Mauritius, we are acting like we are back in the 1900s and refusing to see the truth and the medical evidence where it is.

Dr. Husnoo: I have not said we are refusing, Madam Speaker. I said okay, the Expert Committee of WHO has recommended it and we are waiting. Once it is approved by the United Nations, we are going to see to it. We are going to have a group which is going to meet and then, if need be, we are going to apply it. If need be, we are going to give the permission for it to be prescribed in Mauritius, but we cannot rush. This is just a recommendation. Please, this is just a recommendation. So, we should not get confused about it.

Mr X. L. Duval: Madam Speaker, I would like to hear what the hon. Minister has to say to the thousands of people suffering from epilepsy, and we are talking about Epidiol or whatever, and for persons suffering from cancer who have, according to him, to wait a year, a year and a half, two years before it gets authorised in Mauritius. What has the hon. Minister got to say to them? Be patient? Wait? Die in the meantime? What is he going to say?

Dr. Husnoo: Madam Speaker, I think the hon. Leader of Opposition is quite confused about the whole issue. I have repeated myself. I have just answered it. I am repeating it again. Cannabidiol, okay, can be used in some diseases.

(Interruptions)

Madam Speaker: Wait hon. Leader of the Opposition. Allow the hon. Minister to reply.

Dr. Husnoo: I have said it can be used and I am waiting for it to be confirmed. Then, I am going to. But, I repeat it again, from what the hon. Leader of Opposition has said, cannabis is not recommended by the FDA. There is a difference between cannabidiol and cannabis, which the hon. Leader of the Opposition is not making the difference.

Mr X. L. Duval: I understood this before I came to the House. It is the hon. Minister who is pretending not to understand the question….

Dr. Husnoo: But the hon. Leader of the Opposition was saying Mr Rummun is using cannabis.

Mr X. L. Duval: I am going to give the hon. Minister the list of countries, not FDA, which are approving…

(Interruptions)

Does the hon. Minister think he knows more than them? He knows more that Australia, UK, USA, New Zealand, Canada, Portugal, South Africa, Austria, Germany? These people have had a thought for people suffering from cancer and other diseases and have authorised cannabis and cannabis resin for medical use. I am saying to the hon. Minister that these 47 countries have shown the way and have jumped the gun, have not waited for FDA approval, have not waited for WHO approval and have given priority to the people suffering from illnesses in their country. This is the question. Do not wait for FDA; do not wait for WHO; go with the 47 leading countries in the world which have already authorised cannabis and cannabis resin for use. Is that question clear?

Dr. Husnoo: Madam Speaker, I am surprised to hear the hon. Leader of the Opposition who just now cited the FDA. FDA is doing this! Just now, he tried...

(Interruptions)

No, just now he told me FDA said we have to use cannabidiol. What I tell you now, cannabidiol ...

(Interruptions)

Madam Speaker: Order! Order!

Dr. Husnoo: ...the FDA does not recommend the use of cannabis in treatment of cancer. WHO does not recommend the use of cannabis in the treatment of cancer. Why should I go with other countries? Why should I follow other countries when the FDA…

(Interruptions)

He just mentioned FDA. I have told the hon. Leader of the Opposition that FDA does not recommend it. He just mentioned about WHO. WHO does not recommend the use of cannabis in treatment of cancer. Now, he tells me to follow 47 countries…

(Interruptions)

Madam Speaker: Order! Order, please!

Mr X. L. Duval: Madam Speaker, we need to have elections soon to get rid of all these people from Government. I cannot understand it. Simple question and he is not answering. I will put is simply for the hon. Minister. He qualified in the UK? Yes? The United Kingdom, which includes Scotland, authorises the use of medical cannabis. Does the hon. Minister understand? So, had he qualified now, there, he would have been treating people with medical cannabis. This is the question. UK, why don't we follow - forget all the other 46 countries - the lead from the leading countries of this world? Why are we always in the last slot following the countries that are least developed and least forward looking in terms of medicine?

Dr. Husnoo: I am surprised that the hon. Leader of the Opposition considers the World Health Organisation the least country. I am surprised to hear that. I mean, for our drug therapy, we follow the WHO recommendation, in Mauritius. Even France, for that matter, I have been told, has set up a committee…

(Interruptions)

- they do not use it - to see whether they are going to use it or not as medicinal. I am talking about cannabidiol, not cannabis again.

Mr X. L. Duval: Madam Speaker, section 7 of the Dangerous Drugs Act allows the hon. Minister to give permission for research. I am sure he is aware of it. I would like to ask the hon. Minister - we are now a Research and Innovation Centre, apparently, in Mauritius - how many permits has he given as Minister for research into cannabis and cannabidiol in Mauritius?

Dr. Husnoo: As far as I know, I have not received any request for research in cannabidiol. So, we have not sent anything.

Mr X. L. Duval: Now that the hon. Minister knows that 47 countries have authorised, France is doing research, is he now going...

(Interruptions)

This is a serious question. You are not suffering from epilepsy hon. Minister, maybe you will not care, but many thousands of people are.

(Interruptions)

And let me tell you now. Do not take it as a joke!

(Interruptions)

Madam Speaker: Order, please!

Mr X. L. Duval: Do not take it as a joke!

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Order! Hon. Sinatambou, order!

(Interruptions)

Mr X. L. Duval: The hon. Minister is laughing!

Madam Speaker: The hon. Leader of the Opposition has the floor, allow him to ask his question!

Mr X. L. Duval: Do not laugh at it! Minister Sinatambou, do not laugh at it! Shame on you!

Madam Speaker, I am going to ask the hon. Minister of Health whether, now that there is Rs100 m. or more in the Research Fund, he will not now, today, this week, ask the University of Mauritius, ask whoever it is, to start doing research in Mauritius on the cannabis plant that we have, on the effects of cannabis in Mauritius and whether this would not be a priority of Government, given the number of people who are sick in this country.

Dr. Husnoo: Madam Speaker, the hon. Leader of the Opposition, again, is trying to be emotional about this. He is trying to raise the emotion of the population outside - like he was saying there are thousands of people who were suffering from epilepsy and are not getting the treatment. Again, this is a lie. Maybe, it is not true, I should say it. It is not true. There are not thousands of people in Mauritius who need that medication. I say again that it is a rare form of epilepsy and we have the first time treatment we are using.

Now, as far as research is concerned, a lot of countries are doing it. Do you think Mauritius is such a big country to do large scale research? No!

(Interruptions)

Madam Speaker: Please!

Dr. Husnoo: No, I mean, let us be fair. Is Mauritius such a big country to do research like that, or should I depend on the FDA, which has a bigger population and with large-scale research?

Madam Speaker: Hon. Leader of the Opposition, you have seven minutes to go.

Mr X. L. Duval: FDA has given approval for cannabidiol for epilepsy. So, can we take it that, today, this afternoon, you will do the necessary to follow FDA, at least in that one?

Madam Speaker, I am going to ask the hon. Minister - this is an important question. I am happy people have stopped laughing now. This is an important question. We are turning sick people into criminals. Sick people consider it as a human right to get the medicine that they need and, with the prohibition that Government is putting on these drugs, which 50 countries have taken out of their legislation, this is turning sick people into criminals.

So, my plea to the Government here is, if it wants to follow FDA, follow FDA today and authorise Epidiolex. You want to wait for WHO in a year’s time? It is too late. So, I am going to ask the hon. Minister whether he will not do the necessary this afternoon to, at least,

do the minimum to stop turning sick people into criminals in this country by using medicines that they are not authorised to use.

Dr. Husnoo: Madam Speaker, there we go again. The hon. Leader of the Opposition is trying to be emotional to say that the Government does not care about the patients and he is the only one who cares about the patients.

(Interruptions)

No, *nu pa pe sove nanye lor la*! Listen! You have asked your question, listen, please! Do you know what I mean? I have said we are going to set up a committee. Once I get it in 2020, I am going to set up the committee and we are going to give that. If the committee decides we have to give it...

(Interruptions)

Madam Speaker: Hon. Adrien Duval, allow the hon. Minister to give his reply.

Dr. Husnoo: *Twa ki to pe fer twa?* Because that is when the committee is going to meet, in March 2020, if the hon. Member does not know!

Madam Speaker: Hon. Mrs Selvon!

Mrs Selvon: Thanks, Madam Speaker, for giving me the floor. We, on this side of the House, do not laugh about patients because medical cannabis...

(Interruptions)

Madam Speaker: Do not make statements; we do not have much time. Ask your question!

Mrs Selvon: Yes, Madam Speaker, I am putting my question. L'honorable ministre assumera-t-il la responsabilité en cas de mort d'un des touristes auxquels la police...

(Interruptions)

Ki ayo?

Madam Speaker: Hon. Mrs Selvon!

(Interruptions)

Hon. Mrs Selvon, ask your question! You are wasting the time of the House!

Mrs Selvon: We are talking about patients! We are talking about something which concerns sick people!

Madam Speaker: Hon. Mrs Selvon!

(Interruptions)

Hon. Mrs Selvon, this is the third time I am calling you to attention. I have given you the floor; you ask your question. You do not have to engage in a dialogue with any of the Members on the other side.

Mrs Selvon: L'honorable ministre assumera-t-il la responsabilité en cas de mort d'un des touristes à qui la police arrache, à l'aéroport, leurs médicaments à base de cannabis, prescrits aux États-Unis, prescrits au Canada, en Australie, en Hollande ou par le NHS en Angleterre, où une telle saisie a failli causer la mort d'un enfant de 13 ans, Billy Caldwell ? Le Home Office a dû s'excuser et lui rendre…

(Interruptions)

Madam Speaker: Hon. Mrs Selvon! Hon. Mrs Selvon, please resume your seat! Question Time is not a pretext for debate. Right? You ask your question, the hon. Minister will reply.

Mrs Selvon: It is the question, Madam Speaker!

Dr. Husnoo: Madam Speaker, *ankor pe fer la politik lor maler dimounn*. I have read about it. *Ankor parey!* I have read about the case, it was on BBC a few days ago - last week. I know the problem, but I have said this is one type of epilepsy. There are different types of medicines. If we can treat the child with a different type of medicine, we will do it.

Madam Speaker: Hon. Shakeel Mohamed, please be brief!

Mr Mohamed: Thank you, Madam Speaker. I am just limiting myself to the issue of cannabidiol. Last year, there was a programme...

Madam Speaker: Can you be brief with your question, please?

Mr Mohamed: I will be very brief. Last year, there was a programme which was aired about a young lady who was suffering from *myélite transverse*, *maladie de Raynaud* and *lupus* and who has come out into the open and said that this is the only way she can survive. So, what does the hon. Minister propose in light of this issue, even one patient? What does he propose pertaining to this one patient in terms of a solution?

Dr. Husnoo: When we agree to put a drug on the list, the drug has to go through a lot of clinical trials. I cannot decide and tomorrow say that 'Drug A', I feel better with it, the

Government has to legalise it. We cannot do that because that is how drug is put on the market. You have different trials before you put a drug on the market. Now, if there is one case, I am not going to say anything about that particular patient, but I have to go according to what trial has been done and then we decide if the trial is working across the board, treating most of the people, they are getting the result, naturally, we will consider it, but I cannot go on one anecdotal evidence and then I prescribe it.

(Interruptions)

No, that is medicine. Clinical trial is like that. Clinical trial in medicine, you do not go according to one clinical evidence. You go according to a large trial and then you see if it works, then you recommend it. If it does not work, you don't recommend it.

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

Mr X. L. Duval: Madam Speaker, 47 countries have authorised medical cannabis for use. The hon. Minister appears to put a lot of faith in the Food and Drug Administration of the USA. He has said that at least 20 times during this half an hour.

I am going to ask the hon. Minister whether he will not authorise drugs approved by the FDA for use in the USA and, therefore, around the world, such as Epidiolex here in Mauritius to treat, even if it is one, ten or a hundred or a thousand epilepsy children in Mauritius. This is a straightforward question, you have quoted FDA 20 times, FDA has approved. Is the hon. Minister here going to amend the law?

Dr. Husnoo: Madam Speaker, I did not talk about FDA. The hon. Leader of the Opposition talked about the FDA first.

(Interruptions)

No, he mentioned FDA first! Not ha, ha, ha like that! No, don't give that kind of...

As far as the patient is concerned, again, it is not for me to prescribe. It is not because I am a doctor that I have to prescribe the drug tomorrow. There is a committee, a Therapeutic Committee. If the Therapeutic Committee comes tomorrow, or when the Therapeutic Committee decides, I would abide by their decision. It is not because I am a paediatrician or I am a doctor that I have to prescribe the drug myself. So, it depends on the Therapeutic Committee.

Madam Speaker: Time is over!

Hon. Members, the Table has been advised that PQ B/574, in regard to the Double Avoidance Taxation Agreements and PQ B/584, in regard to the Recovered Assets Fund, will be replied by the hon. Prime Minister, time permitting.

Hon. Osman Mahomed!

PUBLIC SECTOR DEBT - GDP - RATIO

(No. B/562) 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 public sector debt as a ratio of Gross Domestic Product, he will state the measures being taken to stop the increasing trend thereof.

The Prime Minister: Madam Speaker, this Government is firmly committed to bringing the public sector debt to GDP ratio down to 60 per cent by end of June 2021, if not earlier.

Our strategy to bring down public sector debt to a more sustainable level is multi-pronged and is spelt out in the 2019-2020 Budget Speech and in the Budget Estimates document.

Madam Speaker, our first strategy is to boost economic growth and expand our GDP at a faster pace leading to a reduction in the debt ratio. For the past three years, the GDP growth rates have been higher at 3.8% compared to a low of 3.4% in 2013. For 2019, Statistics Mauritius has forecasted a GDP growth rate of 3.9%.

To sustain our growth momentum, we are providing the necessary support to our productive sectors to overcome the challenges that they are currently facing and seize the opportunities ahead.

In the sugar sector, planters will be paid Rs25,000 per tonne of sugar for the first 60 tonnes of sugar accruing to them. This is more than double the price they would otherwise have obtained.

In the manufacturing sector, we are extending the ‘Support for Trade Promotion and Marketing Scheme’ for another year to improve competitiveness of our exporters. Moreover, the Economic Development Board will set up small industrial and business zones across the island.

As regards the tourism sector, the MTPA will redynamise the Shanghai and Kenya routes and reinforce the visibility of the Mauritius destination in traditional markets. A Passenger Cruise Terminal Building is being built to promote cruise tourism. We are also making significant investments to diversify and improve the tourism product.

As for the financial services sector, we are now fully compliant with the standards of the OECD on transparency and exchange of information for tax purposes. We have also made tremendous progress towards complying with the FATF recommendations on AML/CFT. Our financial services sector is now attracting more and more investors in Fintech. We are further diversifying the product base of our international financial centre.

Madam Speaker, our second strategy is to keep the budget deficit at a low and sustainable level. In fact, the budget deficit will stay around the 3 per cent benchmark. On the revenue side, we are ensuring buoyancy in revenue collection. In this regard, we introduced the solidarity levy on high-income earners in Financial Year 2017/18. In addition, we are extending for another year the Voluntary Disclosure of Income Scheme and the Arrears Payment Scheme. With respect to tax administration, the MRA is harnessing the advancement in technology to facilitate and enhance compliance behaviour amongst the taxpayers' community.

As regards expenditure, our objective is to do more with less and improve the quality of spending by containing recurrent expenditure. We are, therefore, making every effort to eliminate wastage and unproductive expenditure. To this end, a Committee has been set up under the Ministry of Justice, Human Rights and Institutional Reforms to examine the Reports of the Director of Audit and propose measures to address the weaknesses and shortcomings mentioned therein. In addition, the budget for mission expenses has been significantly reduced from Rs160 m. last year to Rs120 m. this financial year.

Moreover, our limited resources are being used judiciously by right prioritising of investment projects. To reduce the burden of debt on Government, we are also encouraging greater private sector participation in public sector infrastructure and other projects.

Madam Speaker, our third strategy is to restructure our public enterprises so that they are less dependent on the budget. Following a financial restructuring exercise, the DBM Ltd has been able to turn around its financial situation and is now operating on sound financial footing. Similarly, following the merger of the different institutions into Landscope (Mauritius) Ltd, the operational cost has been reduced by 24 per cent.

Our fourth strategy is the early repayment of expensive external debt. It may be noted that some 97.8 per cent of the Rs18 billion foreign debt that we are prepaying were borrowed by the former Government. With the prepayment of the foreign debt, we will save the country some Rs400 m. of interest payments yearly.

Madam Speaker, we aim to achieve total adherence to the golden rule in public finance, that is, borrowing only to finance investment expenditure. This will ensure the sustainability of public finance and bring public sector debt below 60 per cent of GDP in the years to come.

Madam Speaker: Hon. Osman Mahomed, do you have any supplementary question?

Mr Osman Mahomed: Yes, I do, thank you. At paragraph 92 of the Government Programme, it is stated that Government will ensure that public sector debt as a ratio of GDP is on a declining trend in order to achieve the statutory requirement of 50% by 2018. Today, we are in excess of 65%. So, this promise has not been fulfilled. Since the hon. Prime Minister mentioned about the Budget Estimates, about a provision of Rs22.5 billion of consolidated adjustment, a first time ever item in the Estimates this year, starting with Rs4 billion this year, Rs6 billion next year, Rs8 billion the year after and Rs4.5 billion, can I ask him what is this…

Madam Speaker: One question at a time!

Mr Osman Mahomed: What is this consolidated adjustment all about?

The Prime Minister: The hon. Member is making a great issue out of the fact that debt as a percentage of GDP has increased, but he must also look at what the Labour Party has achieved in terms of increasing public sector debt. At one time, it was around 52.7% and it came to 60.6% in December 2014 - maybe he is not aware. Such an increase! *Ils ont laissé, Madame la présidente, R 237.7 milliards de dettes.* This is what we inherited.

(Interruptions)

Madam Speaker: Hon. Jhugroo!

The Prime Minister: And now, they have the cheek to say that it has increased. Because they think, the Labour Party, that when we came to power, the only thing that we would be doing was to reimburse that debt and not invest in capital projects. Is this what the hon. Member is saying? We, as a responsible Government, Madam Speaker, we have been working hard in order to invest, to upgrade our infrastructure so that in the future, the growth

of this country will keep on increasing as it has been increasing. But I must say that the public sector debt as a percentage of GDP, yes, has reached 65% and it is forecast, with all the measures that I have mentioned, that we are taking and also with reimbursing their public debt, the debt that they have taken, that the estimate by June 2020 is that it will come down to as low as 61.6%. So, this is why, Madam Speaker, I say those who start to criticise, I mean, others can criticise, yes, but especially those from the Labour Party, I think they must themselves look at their performance, first of all, before they start to point fingers in terms of public sector debt.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you. Our debt has been increasing by 20 to Rs22 billion every year since 2015. Can I refer the hon. Prime Minister again to the Budget Estimates? Projects under Public Entities -

- Metro Express Ltd - Rs7.4 billion;
- National Housing Development Company Ltd - Rs631 m., and
- Mauritius Multi-Sports Ltd - Rs2 billion.

Can the hon. Prime Minister confirm to the House whether, since these have not been disbursed yet, these figures will not add another 2% to 3% to our already soaring national debt 65% level?

The Prime Minister: Madam Speaker, the technicians have been working and taking all into account, whether it is a line of credit, whether it is a loan that has been taken in those cases the hon. Member mentioned. I think this is also unprecedented, hon. Member, that in the case of the Metro Express, we have got half of the money as grant, free from the Government of India.

With regard to the Multi-Sports Complex at Côte d'Or, we have had a grant from the Government of China, and whatever money is going to be drawn with regard to the line of credit is taken into consideration. That is why I say it is projected that we shall end up with a figure of 61.6% in terms of the public sector debt. I have earlier stated in the House that, with the reimbursement of these, I am talking especially about those foreign debts that have been taken, I have no doubt that not only we are going to make an economy in terms of the interests that we are paying regularly, Rs400 m., but we shall also stand to gain in terms, should there be currency fluctuation and especially when the rupee loses in terms of its value, then we have to fork out more money to reimburse the capital amount. So, you can imagine

that what we are doing is, in fact, the right thing to do so that we make maximum use of the revenue that we have.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. On page 196 of the Budget Speech, the hon. Prime Minister mentioned that, and I quote –

> "We will also dispose of certain non-strategic assets to reduce the level of government debt."

May I know from the hon. Prime Minister what are these non-strategic assets that his Government is planning to dispose of?

The Prime Minister: Well, we shall decide in the course what are the assets, but I can already mention - and it is known to everybody - that, for example, we want to put MauBank on very strong and good financial footing so that it is also attractive for the private sector because eventually, I think that - this is this Government's view - we shall obviously not be running a bank but we shall eventually dispose of that bank. So, there is also the NIC. I mean, there are other institutions, there are other assets that we intend to sell because they basically are, I believe, not for Government to run.

The other one is the casinos. We all know that in the past, the former Government had already started a process to sell the casinos, but, obviously, we shall again - when you want to sell an asset, it must be worth, it must have value so that Government also gains in terms of revenue. That is why all these assets have to be put on a good footing, make them attractive and also interesting for the private sector to invest in.

Madam Speaker: Next question, hon. Rutnah!

CONSTITUENCY NO. 7 – DRAIN PROJECTS

(No. B/563) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to Constituency No. 7, Piton and Rivière du Rempart, he will state the number of drain works carried out in the flood prone areas thereat, region-wise, since January 2015 to date, indicating the total cost thereof.

The Prime Minister: Madam Speaker, in order to address the flooding problem in Constituency No. 7, Government has carried out the following works since January 2015 to date –

(1) 113 drain projects have been completed in 16 regions for a total amount of Rs185 m.;

(2) 12 drain projects are under construction in 7 regions for a total amount of about Rs189 m., and

(3) the design of 38 drain projects in 13 regions is in progress. These projects are estimated to cost about Rs1 billion.

I am tabling the number of projects being implemented region-wise along with the total cost thereof in Constituency No. 7.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Madam Speaker, can the hon. Prime Minister state whether, insofar as projects in progress, among these projects are included Cottage, Piton and Mapou?

The Prime Minister: For Piton, there are ongoing projects at the moment. Two projects for a total value of Rs1,050,000 and for Cottage, there are four projects ongoing for a total amount of Rs153,252,075. For Mapou, there is one project for a sum of Rs15,945,049, and there are also other projects for which consultancy contract has been awarded. For example, I see Cottage, two projects for a sum of Rs545 m., for Piton, two projects for a sum of Rs81 m. and for Mapou, there are already those ongoing projects.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Can the hon. Prime Minister state, insofar as projects that have already been completed and the ongoing projects, whether all these projects have been compliant with time and there is no cost overrun?

The Prime Minister: Well, this is difficult for me to know with regard to each project. If the hon. Member has a specific project, obviously, I shall be able to find out.

Madam Speaker: Next question, hon. Uteem!

EUROPEAN UNION – CODE OF CONDUCT GROUP

(No. B/564) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and

National Development Unit, Minister of Finance and Economic Development whether, in regard to the commitment taken with the Code of Conduct Group of the European Union to correct the identified deficiencies in the taxation regime by 31 December 2019, he will state the measures taken in relation thereto.

The Prime Minister: Madam Speaker, as part of the Base Erosion and Profit Shifting (BEPS) project, there has been a new round of efforts to further combat tax avoidance and harmful tax practices. These efforts are being led by the OECD, as mandated by the G20. As such, the OECD, through its Forum on Harmful Tax Practices, has been conducting the assessments of preferential tax regimes of more than 120 jurisdictions up to now, including Mauritius.

On the other hand, the European Union, through its Code of Conduct Group on Business Taxation, has also embarked on a similar assessment exercise to fight tax avoidance and harmful tax practices, as part of its initiative to establish a common list of non-cooperative tax jurisdictions.

In that connection, nine of our tax regimes have been assessed by both the OECD Forum on Harmful Tax Practices and the EU Code of Conduct Group. Subsequent to the assessments, those regimes which were found to have potentially harmful features were reformed, with appropriate legislative amendments implemented through the Finance Act 2018. These reforms included the following –

(i) abolition of the Deemed Foreign Tax Credit regime and introduction of a new partial exemption system;

(ii) introduction of a separate tax regime for banks;

(iii) abolition of the Category 2 Global Business regime;

(iv) removal of the ring-fencing aspects identified in certain regimes, and

(v) clarification of the applicable rules on economic substance.

Following these reforms and further reviews, the OECD Forum on Harmful Tax Practices is now satisfied that Mauritius no longer has harmful features in its tax regimes.

On the other hand, the Code of Conduct Group of the EU, which has certain differences, in terms of scope of coverage of its assessments and criteria used in the exercise, holds the view that there were still some deficiencies in two of our tax regimes, namely the Freeport regime and the partial exemption system, which Mauritius ought to address.

Madam Speaker, in line with our policy to be well-regulated and cooperative with international institutions like the OECD and the EU, and given the reputational damage that a blacklisting could cause to our International Financial Centre, Government has, without hesitation, committed to address the deficiencies that have been identified by the EU in our regimes.

To that effect, the Technical Working Group that has been set up, under the chairmanship of the Deputy Solicitor General, has worked out the required legislative amendments to address those deficiencies, in consultation with relevant stakeholders. The proposed amendments have also been discussed and agreed with the EU. The next step in the process is for us to incorporate the amendments into our laws, which will be done through the 2019 Finance Bill.

Madam Speaker, the changes that we are bringing to our tax regimes will not only address the deficiencies identified by the Code of Conduct Group of the EU, but will also consolidate our standing as a cooperative, well-regulated, transparent and compliant jurisdiction. Government will continue to work in close collaboration with the OECD and the EU to ensure that Mauritius remains a jurisdiction of substance and complies, at all times, with international standards and best practices.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. At page 19 of the Budget Speech 2019, the hon. Prime Minister stated, and I quote –

"We do not have any harmful feature in our tax regimes."

So, how can the hon. Prime Minister reconcile this statement given only a few weeks ago to the letter dated 01 February 2019 from the Code of Conduct Group referring to the partial exemption system which stated, and I quote –

"The overall assessment is that this regime is harmful."

The Prime Minister: Madam Speaker, when I said that we do not have any harmful feature, it is to the effect that we are not on any Black List so far with regard to the ranking that the EU has. But I have said in my answer that there are two issues which have to be addressed and we have been engaging fully with the EU on those two issues, and there have been representations that have been made by us when we have consulted the stakeholders here and those discussions, I must say, have been fruitful. The hon. Member will, I hope, by

this afternoon, receive the Finance Bill that will be debated before this House, and we are making and we are proposing certain amendments to our legislation in order to be fully compliant with the standards that have been set by the EU. So, the work is being done and it is our duty to see to it that Mauritius is compliant with international standards. I must say that when we discussed - maybe it is good for the House to know, because I have met personally Commissioner Moscovici initially when that issue of the listing was going to be carried out by the EU - we were made to understand that OECD would be carrying on this exercise and, therefore, we fully engaged with OECD. The hon. Member will recall that we brought in a number of amendments that were taken on board by the Finance Bill of 2018. But I must say - and I say this honestly - at the last minute, our attention was drawn to two issues that were still not to the satisfaction of the EU, for the reasons that they have stated. That was already too late for us, then, to come up with appropriate amendment to the legislation and we were given time till the end of this year to see to it that we do rectify, and that is what we are doing.

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: Last year, when the hon. Prime Minister introduced the partial exemption system, he also said that this was to meet whatever criticism the European Union had. So, may I know from the hon. Prime Minister - now that we are changing the law yet again - whether there is any written document, any confirmation from the European Union that what we are proposing now is acceptable to them?

The Prime Minister: Obviously, there is no written communication from the EU. But, Madam Speaker, we have this technical working group which I have met with the EU. We have discussed, we have set this technical working group, they have been engaging fully with the EU. I am informed that we have come to a satisfactory conclusion. That is why we are moving. Again, I say that we shall debate the Finance Bill in the House and you will see that we have included certain amendments. I must say that I have been informed that those amendments are considered to be satisfactory to the EU. So, this is where we are now. So, at the end of the day, we shall see whether the EU will remove us from the Grey List and put us on the White List. But, let me say, the hon. Member knows perfectly well that the EU's system is somewhat different from the OECD, in that they will keep on assessing all countries every year. So, by next year, we do not know exactly what other standards they will be proclaiming.

I must say this is a bit unfortunate - and I say this in all honesty that it is unfortunate - because the hon. Member, especially, will know that the industry is very weary of how things can change again in the future, because we need certainty, especially in a sector where we want to attract more and more people to do business here.

And then, the other issue that has to be highlighted is the fact that the EU will come up with their list. I think the hon. Member knows very well that they are also now coming with their own list. I do not know which is which, and which list will really prevail. The understanding was that the EU will come with a list so that their members will not have to come up with their own list as it was done before. But we have seen Holland; they have now publicised their list, they have blacklisted a number of countries, and I am informed that other countries also are coming up with their own list. So, this is where we are.

Madam Speaker: Hon. Bhagwan, next question!

LANDSCOPE (MAURITIUS) LTD – LAND LEASE

(No. B/565) 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 Landscope (Mauritius) Ltd., he will, for the benefit of the House, obtain therefrom, information as to the extent of land vested thereunder and extent thereof leased since the merger of the State Land Development Company Ltd. therewith, indicating the –

(a) beneficiaries and extent of land in each case;

(b) date of application and of approval;

(c) details of development projects to be implemented, and

(d) rent payable.

The Prime Minister: Madam Speaker, a total of some 2,848.6 *arpents* of freehold land is owned by Landscope (Mauritius) Ltd.

I am informed that since the merger, in December 2016, to date, Landscope (Mauritius) Ltd has leased a total of 46.33 *arpents* of land to 19 lessees for industrial purposes. The company has also leased 47.83 *arpents* of land to 10 lessees for agricultural purposes and 12.7 *arpents* of land to three lessees for other purposes.

With regard to parts (a) to (d) of the question, I am tabling information in respect of each lease.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: I have one supplementary question, Madam Speaker. Recently, there has been some *polémique* concerning a letter of Expression of Interest which has been launched by Landscope concerning projects within the land of Landscope. Can the hon. Prime Minister inform the House where matters stand concerning this project, Expression of Interest inviting individuals, firms or companies to develop?

The Prime Minister: Well, the question is about lands which have been leased. So, I found out about how much land and I have given the answer. But, of course, I know that there are lands at Côte d'Or and there is a project again for how best to utilise those lands. But as far as I know, no land has been leased to those promoters, as I have also read in the newspaper, just like the hon. Member. So, if the hon. Member comes with a specific question with regard to that, obviously, I shall give the information, but I can say to the House that, so far, no land has been leased or sold to any company.

Mr Bhagwan: One last question, Madam Speaker. Concerning the land which was earmarked for the Heritage City Project, it falls within the jurisdiction of Landscope. Can the hon. Prime Minister inform the House whether there is another specific project which has been earmarked by Government on that land which was earmarked for the Heritage City Project?

The Prime Minister: I speak from memory, Madam Speaker. I do not recall that there is any specific project so far there, at that site, where it was earmarked for the ex-Heritage City. We are talking about land which is higher up, not the downstream one but higher up. But, of course, it will be for Landscope also to see whether there is any development that they would wish to see. Of course, they will have to discuss with Government also so that we agree on what kind of development would be realised there.

Madam Speaker: I will allow you the next question, but be brief in your supplementary, please!

MAURITIUS DUTY FREE PARADISE CO. LTD - LEGAL ADVISORS & ATTORNEYS/SOLICITORS

(No. B/566) 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 Mauritius Duty Free Paradise Co. Ltd., he will, for the benefit of the House, obtain therefrom, a list of the legal advisors and attorneys/solicitors whose services have been retained thereat since January 2015 to date, indicating the respective terms and conditions of the retention of services.

The Prime Minister: Madam Speaker, I refer the hon. Member to the reply I made to Parliamentary Question B/174 on 11 April 2017 wherein I stated that the Mauritius Duty Free Paradise Co. Ltd, as a company, is governed by the Companies Act and by its constitution.

By virtue of its constitution and its governing structure comprising a Board of Directors and an executive management, the Company has its own degree of autonomy. It would, therefore, not be in order to provide such details, including the services of legal advisors and attorneys/solicitors retained by the Company, as requested by the hon. Member.

Madam Speaker: Time is over! Hon. Members, the Table has been advised that PQ B/592 in regard to marital rape will be replied by the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare. PQ B/593 in regard to the common causes of detention of young offenders will be replied by the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues. PQ B/612 in regard to the Clear Ocean Hotel and Resorts Project at St Felix will be replied by the hon. Minister of Housing and Lands. PQ B/615 in regard to the acquisition of outboard engines by Fishermen Co-operative Societies will be replied by the hon. Minister of Business, Enterprise and Cooperatives. PQ B/577 has been withdrawn.

Hon. Rughoobur!

WETLAND BILL - INTRODUCTION

(No. B/572) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Agro-Industry and Food Security whether, in regard to the proposed introduction of a Wetland Bill in the House, he will state where matters stand.

Mr Seeruttun: Madam Speaker, in reply to Parliamentary Question B/560 on 10 July 2018, I informed the House that under the UNDP/Global Environment Facility funded project namely, "Mainstreaming Biodiversity in the Management of the Coastal Zone of the

Republic of Mauritius“, a Consultant was being recruited by the UNDP to review the first draft Wetland Bill which had been worked out by the National Ramsar Committee.

Under this Project, the UNDP has awarded a contract to Mr. Peter Wulf, an Environmental Legal Consultant. The contract started in November 2018 and will last till October 2019.

The Consultant has already carried out a first mission in Mauritius in April 2019. I met him personally during his visit and emphasised on the need to complete the assignment at the earliest.

Madam Speaker, the Consultant has had several working sessions with Government departments and other stakeholders following which a gap analysis report has been prepared. The gap analysis has shown a number of legal issues that should be addressed in addition to institutional and enforcement issues.

I am informed that further consultations will be scheduled with a view to addressing these issues.

As per the agreed work plan, the Consultant will submit his version of the Wetland Bill as well as associated Regulations by October of this year.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. The hon. Minister mentioned legal issues. Can he elaborate further on these legal issues that the Consultant is facing?

Mr Seeruttun: Well, Madam Speaker, according to the report that was submitted following that gap analysis, the legal issues that arose include, among others, the definition of ‘development’ to start with. Because in the Environmental Protection Act of 2002, it was not clearly defined what ‘development’ means, what activity would be included within a development project. With regard to wetland itself, the definition of wetland has not been cleared out in that Act and also with regard to the definition of the wise use of wetlands. So these are certain issues that arose and need to be clarified so that the Bill that is going to come forward will, at least, address those problems.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. One of the major issues that we have been having with these wetlands is the problem of the survey, the appropriate survey that had

to be undertaken. May I know from the hon. Minister whether this has been undertaken and what is the status to date on these surveys?

Mr Seeruttun: Well, Madam Speaker, there was a survey that was carried out in 2008-2009. It was a funded project, if I can recall, by the UNDP, itself, and at that time, it was found that there were about 863 wetlands around the island. But, down the line, it was found that not all the wetlands were enlisted under that survey. And that is why, at the moment, there is a survey which is being carried out in line with the Wetland Bill that is going to be drafted. So, we are going to have a full exercise that is going to take on-board all those wetlands that are found in Mauritius.

Mr Rughoobur: Yes, thank you, Madam Speaker. Last question, there was for sure a constitutional problem in relation to private lands, when we are talking of wetlands. May the hon. Minister probably enlighten the House as to whether the Consultant is looking into this issue as well and how do they intend to proceed?

Mr Seeruttun: Yes, Madam Speaker, in fact, the hon. Member is quite right to say that. That was one of the issues that arose when we were drafting the Wetlands Bill with regard to the management of wetlands that are found on private lands, that are owned by private individuals, and in this exercise that is being carried out by the Consultant, we are looking at how we can go around to see to it that it does not become a constitutional issue. So, this is, as I said, one area where also the Consultant is going to look into so that we can address the problem.

Madam Speaker: Next question, hon. Rughoobur!

MAURITIUS & RODRIGUES - FOOD SECURITY - PROMOTION

(No. B/573) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Agro-Industry and Food Security whether, in regard to food security, he will state the initiatives undertaken for the promotion thereof over the past three years, indicating the corresponding increase in the production of agricultural products in mainland Mauritius and Rodrigues.

Mr Seeruttun: Madam Speaker, as indicated in my reply to Parliamentary Question B/368 of 03 May 2016, several initiatives have been undertaken by my Ministry to promote food security in our country. In this respect, a panoply of support, including trainings are provided to our planters and breeders through the different schemes operated by my Ministry,

the FAREI, Small Farmers Welfare Fund and AMB with the view to promoting and boosting our local agricultural production. These include –

(a) increase in grant for sheltered farming from Rs250,000 to Rs400,000 to promote the shift from open field to protected farming;

(b) facilities for land mechanisation, procurement of seeds as well as VAT exemption on the purchase of agricultural equipment and tools;

(c) promotion of agro forestry as a new farming system. A farm to that effect has already been set up at Petit Sable;

(d) establishment of bee reserve zones around the island to promote pollination and increase our food crop production;

(e) Research and Development Programmes to ensure that farmers have access to high yielding crop varieties;

(f) setting up of Fruit Fly Rearing facility to the rearing of sterile flies to combat harmful flies;

(g) development of a wide range of value-added products and agro processing to minimise post-harvest losses and food wastage, and

(h) recently a software application named 'Mokaro' has been developed to provide planters with real time information for better planning of their plantation to avoid gluts and food losses.

Madam Speaker, regarding the livestock sector, my Ministry has initiated the following measures over the last three years to boost up production –

- setting up of a goat/sheep production farm at Belle Mare by FAREI;
- setting up the heifer farm at Melrose and the sheep reproduction farm at Salazie;
- setting up of a Turkey Quarantine Unit at Plaine Magnien and promotion of turkey rearing at commercial level;
- cash incentives are given to breeders for the rearing of heifers up to lactating stage and purchase of imported breeding animal, equipment and renovation/construction of farm buildings and fodder production, and
- promotion of quail farming for commercial purposes.

Madam Speaker, I must say that these measures are contributing to consolidate our food security level. Indeed, an increase has been noted in our food crop production from 2015 to 2018. This figure which stood at 102,006 tons is estimated to be 118,607 tons for 2018.

As for Rodrigues, I am informed that the food crop production which was 2,679 tons in 2015 reached 3,102 tons in 2017. With the setting up of the 100 farms, as announced in the Budget Speech 2019-2020, we are expecting a further increase in the production of some selected crops which are usually imported.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Madam Speaker, thank you. I think the case is for only one item, the potatoes. May I know from hon. Minister lately, during the last, maybe one, two or three years, what has been the trend? Whether there has been an increase, whether it has stagnated, what has been the trend?

Mr Seeruttun: Madam Speaker, I must say that for the potato production, we have seen an increase in the trend and if I compare to the production level in 2015, it was about 16,500 tons that we produced and we are expecting for this year 2019 that the production level is going to be 20,500 tons of potatoes that we are going to produce locally.

Mr Rughoobur: There was also this decision for the construction of a new wholesale market and it was expected to be operational soon. May I know from the hon. Minister, what is the status, today?

Mr Seeruttun: Well, the new wholesale market is going to be located at Wooton. It's already underway and the construction started late last year and is going to be completed as per the contract in December of this year.

Madam Speaker: Hon. Ms Seewocksingh!

Ms Seewocksingh: Thank you, Madam Speaker. We all know that climate change is a big challenge for planters. Can the hon. Minister inform the House what is being done at the level of his Ministry to sustain the production of agricultural products concerning food security?

Mr Seeruttun: Well, we all know that climate change is something which has very big impact on the production of agricultural products, and that is why we have been promoting the use of sheltered farms to, at least, adapt to this new situation, to, at least, mitigate the impact of climate change. As I mentioned in my reply, we have increased the grant from Rs250,000 to Rs400,000 to allow beneficiaries of that grant to embark in this new agricultural practice and also, I have just mentioned, in the budget that was presented by the

hon. Prime Minister, the setting up of 100 farms to, again, go in line in that direction to face the impact of climate change.

Madam Speaker: New question, hon. Osman Mahomed!

EX-BAI CO. (MAURITIUS) LTD – ASSETS

(No. B/575) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Financial Services and Good Governance whether, in regard to the companies of the former BAI, he will, for the benefit of the House, obtain and table the list of all the assets thereof which have not been disposed of as at to date, indicating the reasons therefor.

Mr Sesungkur: Madam Speaker, as the hon. Member is aware, following the collapse of the ex-BAI Group in April 2015, the Insurance Act was amended with a view to protecting the interests of insurance policyholders, particularly, providing for the appointment of a Special Administrator to be responsible for the transfer of the undertaking of the insurer and any of its related companies to such insurer and any of its related companies as may be approved.

The Special Administrator was also mandated to recover the assets of the ex-BAI Co. (Mauritius) Ltd. and its related entities for the purposes of repaying the Super Cash Back Gold policyholders and the Bramer Asset Management Ltd investors.

Madam Speaker, I am informed that as from July 2017, following a petition from the Special Administrator for the winding up of the various companies of the ex-BAI Group, the Supreme Court appointed Mr Georges Elie Chung Ming Kan as Liquidator. I am further advised that the liquidation exercise is still ongoing.

Madam Speaker, the question pertains to the assets which are subject to liquidation orders and they are all private companies of the ex-BAI Group. I am advised by the Attorney General's Office that it will not be legally in order to disclose the information asked for.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you. Can I ask the hon. Minister what precautions is he taking so that we don't get what we have had before and I here caught himself in an interview he gave, Sunday Times of 15 July 2018, whereby he said –

« Un incompétent comme Bhadain ne peut pas venir me donner des leçons, lui qui avait berné les investisseurs de Super Cash Back Gold *et du* Bramer Assets

Management. *Il avait même liquidé pour dipin diber les actifs de Britam qui valaient des milliards de roupies. »*

Bhadain is Bhadain, we are talking about Government. What is Government doing, so that Government does not repeat the mistake that Government has done before as stated by the Minister himself?

Mr Sesungkur: Madam Speaker, I think I have already answered. I will go by the legal advice obtained from the SLO.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: At paragraph 196 of the Budget, it is stated that Government will dispose of certain non-strategic assets so as to pay public debts. Are the assets of the ex-BAI Group which have been expropriated by the Government, deem these non-strategic assets that are going to be sold and what are the processes that are going to be followed for this?

Mr Sesungkur: Madam Speaker, I think the word 'expropriated' may not be appropriate because there has been a whole process where, I think, I have mentioned on several occasions that there were certain actions taken by the Government to protect the policyholders, the investors, the employees and all the stakeholders who were concerned by the ex-BAI Group. So, I have replied on several occasions in this House that we are taking all necessary action to generate maximum value from the assets so that we are able to meet the obligations and liabilities of the Group.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Can I ask the hon. Minister whether we can have an estimate of the *reliqua* of assets that are left to be sold, an estimate at least?

Mr Sesungkur: Madam Speaker, I think last week or two weeks ago, I gave this information to the House – put to a question on the NPFL.

Madam Speaker: Next question, hon. Osman Mahomed!

ISLAMIC CULTURAL CENTRE – LARCENY

(No. B/576) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Arts and Culture whether, in regard to the Islamic Cultural Centre, he will, for the benefit of the House, obtain therefrom, information as to if,

on or about 21 or 22 March 2019, it was the subject of an offence of larceny and, if so, give details thereof.

Mr Roopun: Madam Speaker, I am informed by the Islamic Cultural Centre Trust Fund that –

(i) in the night of Thursday 21 to Friday 22 March 2019, the ICC was victim of a case of larceny by breaking, at its office in Port Louis;

(ii) it appears that the intruders got access through a window located at the rear of the building and forced opened two offices on the first floor, which were under lock and key.

The matter was reported to the Plaine Verte Police Station in the morning of Friday 22 March.

Police Officers immediately called at the ICC for a preliminary assessment and, followed on the same day, by teams from the Central Investigation Department and the Scene of Crime Office.

As per the report submitted by the ICC, items reported missing were –

(i) a sum of Rs10,600/-;

(ii) two external hard discs of the ICC containing backup information such as correspondences issued by the ICC and basic book-keeping records, duplicates of which exist at the ICC;

(iii) two laptops belonging to the Officers of the National Audit Office who were conducting the annual audit exercise at the ICC;

(iv) one SBM Cheque Book;

(v) one MauBank Cheque Book;

(vi) one SBM Deposit form booklet which was unused, and

(vii) a pair of ‘chappals’.

I am informed by the Police Department that the case is still being enquired into and no suspect has so far been arrested.

At the time of the incident, the security of the ICC premises was entrusted to a private security service provider and as per the contract, one security guard was on duty during the night of 21 to 22 March 2019.

Following the said incident, the ICC has taken a series of remedial measures namely –

(i) the two banks were instructed to 'stop payment' on the stolen cheques;

(ii) doors and windows of the ICC building have been consolidated through the installation of additional locks, and

(iii) arrangements are being made for the installation of CCTV cameras on the premises of the ICC and procurement procedures are ongoing.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you. Can I ask the hon. Minister who actually made the declaration to the Police? Is it officers of the ICC or the officer of the National Audit Office whose laptops were stolen?

Mr Roopun: Initially, it was made by an officer of the ICC, and, of course, subsequently statements are being taken from whoever is concerned.

Mr Osman Mahomed: Can I refer the hon. Minister to an article which appeared in 'L'Express' of this morning *en amont* of my question –

« Vol au Centre Culturel Islamique : Une complicité interne soupçonnée. »

I think the officer has expressed himself. He said -

« Je soupçonne fortement une complicité interne au sujet de ce vol."

Can I ask the hon. Minister whether he has probed into this possibility because the previous report of the Internal Control Office of the ICC was damning and now during the National Audit's Office doing its exercise, the laptops disappeared?

Mr Roopun: Madam Speaker, I don't know who prompted this article today itself, but, in any event, I don't think it's proper for us to deal with such issues by Press articles, but I trust that the Police will do their level best to find out what happened and take remedial action.

COURTS MAURITIUS LTD & IFRAMAC LTD – ASSETS

(No. B/577) Mr J. C. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Financial Services and Good Governance whether, in regard to Courts Mauritius Ltd. and Iframac Ltd., he will state if his Ministry has initiated inquiries into whether the assets thereof have been sold under their real value.

(Withdrawn)

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

At 1.02 p.m., the sitting was suspended.

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

Madam Speaker: Hon. Lepoigneur!

MEDI-CLINIC - COROMANDEL

(No. B/578) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Quality of Life whether, in regard to the proposed construction of a Medi-clinic in Coromandel, as announced in the Budget Speeches 2015-2016, 2016-2017 and 2017-2018, he will state where matters stand.

Dr. Husnoo: Madam Speaker, I wish to inform the House that my Ministry has initiated action for the implementation of the Coromandel Medi-clinic project as announced.

Following consultations with the Ministry of Housing and Lands and the Municipal Council of Beau Bassin-Rose Hill, a plot of land of the extent of 2,567m^2 was identified for the construction of the Medi-clinic at Coromandel. Subsequently after the receipt of the site location plan and survey plan from the Ministry of Housing and Lands in December 2016, the Ministry of Public Infrastructure and Land Transport was requested to carry out a survey plan and work out the preliminary design which was submitted to my Ministry in May 2017.

Thereafter, all clearance was sought from the relevant authorities including the Building Plan Committee. Meanwhile following a policy decision, my Ministry decided to entrust the implementation of the Medi-clinic for Coromandel and Bel-Air to Hospital Services Consultancy Corporation (India) Limited as an agreement was entered into for the construction of two other Medi-clinics at Stanley and Quartier Militaire.

HSCC Limited was therefore requested to prepare the technical drawing and the tender document accordingly. The tender for the construction work has been launched on the

13 June 2019 and the closing date for submission of bid is 24 July 2019. It is expected that the construction work will start by end of September subject to completion of all bidding processes. The intended completion period is 15 calendar months from the date of start of work.

Madam Speaker, the implementation of an infrastructural project is a long and complex exercise involving consultation with different stakeholders and appropriate procedures have to be followed for its implementation.

Madam Speaker: Hon. Lepoigneur!

Mr Lepoigneur: Has the tender already been allocated?

Dr. Husnoo: The tender for construction has been launched on 13 June and the closing date is on the 24 July.

Mr Lepoigneur: May we know which site has been identified for the project?

Dr. Husnoo: It is on Beljamine Avenue, I think, somewhere there.

Madam Speaker: Next question, hon. Lepoigneur!

ROSE HILL URBAN TERMINAL - ATRIUM BUILDING

(No. B/579) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Atrium Building in Rose-Hill, he will state if same will form part of the Rose Hill Urban Terminal and be renovated or will be pulled down.

Mr Bodha: Madam Speaker, I wish to inform the House that the Rose Hill Urban Terminal Project at Place Margeot is being spearheaded by the Municipal Council of Beau Bassin/Rose-Hill.

I am informed by the Council that the Rose Hill Urban Terminal Project will be implemented on an extent of 16,627m^2. The Atrium Building being a private property does not fall within the realm of this project. However, I am informed that the Council had, in fact, made a proposal to integrate the building in this project.

In view of the substantial costs and implications for the different owners and tenants - we have many owners and different tenants - the Atrium could not be included in the project.

I am further informed by the Council that the evaluation exercise for the project has been finalised.

Madam Speaker: Yes, hon. Bhagwan!

Mr Bhagwan: Can I ask the hon. Minister whether, as Minister of Public Infrastructure and responsible for the implementation of the Metro Express, he has visited the site and seen the present state of that Atrium Building, how would it compare with the modern infrastructure he is now undertaking?

Mr Bodha: It is deplorable and terrible. The problem is that you have so many tenants and so many owners that like in the case of many derelict buildings we do not know what to do. I think that there was a request which was made to the Minister of Housing and Lands to see whether we cannot have a list of owners and maybe talk to them so that they are part of the project because we have a terminal on this side and the Atrium on the other side.

Mr Bhagwan: Another supplementary, Madam Speaker. Can I ask the hon. Minster whether he has asked his technicians of the Ministry of Public Infrastructure to visit and have an examination of the state of the building which is a danger not only to the people going there, to those taking the buses and those who would take the Metro in the forthcoming months and whether Government/his Ministry is not contemplating to use the last legislation which we have passed and is parented by him with respect to derelict buildings?

Mr Bodha: I think that we did an investigation some time back. Maybe time has come to do another investigation because then we can have recourse to a Pulling Down Order.

Madam Speaker: Hon. Lepoigneur, next question!

VISUALLY HANDICAPPED PERSONS SPORTS FEDERATION - MR R. M. - DUBAI & SWITZERLAND SPORTS EVENTS

(No. B/580) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to Mr R. M., he will, for the benefit of the House, obtain from the Visually Handicapped Persons Sports Federation, information as to the reasons why he has been unable to participate in the sports events held in Dubai and Switzerland for which he had been selected.

Mr Toussaint: Madam Speaker, I am informed by the Visually Handicapped Persons Sports Federation that Mr R.M could not participate in the sports event held in February

2019, in Dubai, as he was unable to obtain his international licence in time to confirm his participation, an international licence is a mandatory requirement for such game. He has made an application for an international licence before the Dubai game but by the time his application was processed and approved, the deadline for registration for the game had expired.

Madam Speaker, as regards the competition in Switzerland, the game was scheduled in May 2019 and did not form part of the calendar of events of the federation. Since Mr R.M could not participate in these two major international events, and in order to provide international exposure to Mr R.M for his development, he was selected by his federation to participate in the Para Athletics IPC Grand Prix in Italy, from 04 June to 13 June 2019.

Madam Speaker: Hon. Lepoigneur!

Mr Lepoigneur: Est-ce que le ministre est au courant que M. R. M est victime d'un conflit entre la fédération et son entraîneur et c'est pour cette raison que sa licence a été bloquée? Au fait, la licence a déjà été faite au niveau international mais ne lui ai pas délivrée pour qu'il ne puisse pas participer à cette compétition à Dubaï et en Suisse?

Mr Toussaint: Madame la présidente, ce sont des facteurs internes à la fédération et je ne peux pas m'immiscer dans le roulement de la fédération.

Mr Lepoigneur: Déjà là, il a été victime d'un deuxième truc. Il a été évincé de la sélection pour la CJSOI, toujours par rapport aux mêmes conflits et on la fait passer trois *trials* en mai, le dernier c'était le 25 mai 2019. Malgré la réussite sur ces trois *trials*, il n'a pas été pris en sélection au détriment de quelqu'un qui est beaucoup plus faible que lui.

Mr Toussaint: Encore une fois, Madame la présidente, c'est la fédération, mais toutefois je le rappelle et je continue de le rappeler que nous avons au sein du ministère, le *Ombudsperson*, et il y a aussi le *Tribunal* où n'importe quel athlète ou personne se sentant lésé peut aller vers ces instances.

Mr Lepoigneur: Effectivement, en parlant de *Ombudsperson*, l'affaire a été déjà référée au *Ombudsperson, …*

Madam Speaker: Hon. Lepoigneur, is it with regard to the events in Dubai and Switzerland?

Mr Lepoigneur: Oui, Madame la présidente. Et par rapport à ça, la fédération n'était pas présent le jour de ça, est-ce qu'il y a eu un rapport de *Ombudsperson* concernant ce comité.

Mr Toussaint: Madame la présidente, je ne suis pas en possession d'aucun rapport par rapport à ce case *from the Ombudsperson*.

Mr Lepoigneur: Je suppose qu'il n'y a pas eu de rapport et l'affaire a été entendue en Cour ce matin et on ne sait pas les retombées. Mais la fédération d'athlétisme lui-même qui contrôle les autres fédérations d'athlétismes, qui représentait l'athlète en question était en faveur qu'on lui donne sa chance aux jeux des îles.

Madam Speaker: Hon. Lepoigneur, you should ask your question. Please do not make statement; especially it has to come from the main question.

Mr Lepoigneur: Juste une explication sur la question, Madame la présidente. Voilà, est-ce que le ministère est au courant de cette pratique que lui-même a été pour que l'athlète soit sélectionné par rapport à sa performance au niveau de la présélection?

Mr Toussaint: Donc, encore une fois, Madame la présidente, ce sont les affaires internes de la fédération incluant aussi la fédération d'athlétisme. Et puis, bien sûr par rapport à ce qui se passe en Cour, je ne suis pas supposé de faire aucun commentaire dessus.

Madam Speaker: Next question, hon. Rutnah!

CID & ADSU OFFICES - CCTV CAMERAS

(No. B/581) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Central Investigation Division and the Anti Drug and Smuggling Unit offices, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if consideration will be given for the installation of CCTV Surveillance Camera Systems thereat?

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that the CCID office was fitted with CCTV cameras since 07 January 2016. CCTV cameras have also been installed and commissioned on 31 May 2018 in 74 Police Stations, 4 Police posts as well as ADSU Headquarters.

However, as at date, there are no CCTV cameras installed at CID and ADSU offices located at Police Stations. A survey is being carried out and the installation of CCTV cameras

will be undertaken in due course. In the meantime, all Divisional Headquarters are already equipped with a Digital Interview Room where recording of statements from accused parties in high profile cases are conducted.

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

POLICE & CRIMINAL JUSTICE BILL - INTRODUCTION

(No. B/582) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the proposed introduction of a Criminal Justice Bill in the House, he will state where matters stand?

Mr Gobin: Madam Speaker, I presume that the hon. Member is referring to the Police and Criminal Justice Bill as opposed to the Criminal Justice Bill. In my reply to PQ B/964 of the sitting of 30 October, last year, I referred extensively to my earlier reply to PQ B/601 of the sitting of 24 October 2017, where I informed the House of the progress made in relation to the drafting of the Police and Criminal Evidence Bill. The House will recall that I had informed that the Bill was renamed the Police and Criminal Justice Bill to better reflect its contents and the emphasis it puts on better guaranteeing the rights of citizens under the Constitution. The Bill is itself accompanied by several Codes of Practice setting out in detail the parameters for Police powers of search and seizure, powers of arrest and the conduct of interviews in places of detention.

Madam Speaker, I have to inform the House that further extensive consultations have been held with the Office of the Director of Public Prosecutions as well as with the Commissioner of Police.

I have also to inform the House that my Office has received further representations from the Office of the Director of Public Prosecutions in March of this year and, therefore, these representations are currently being considered with a view to their inclusion in the Bill.

Madam Speaker, Government is envisaging the introduction of the said Bill in the House during this session.

Mr Rutnah: Can the hon. Minister state whether in drafting this legislation, although it is taking some time as a result of various representations, consideration is being given to the development that took place in the United Kingdom insofar as the Police and Criminal

Evidence Act is concerned so as to ensure that all the gaps are closed insofar as this legislation is concerned before coming into the Parliament and enforced in the country?

Mr Gobin: Yes, Madam Speaker, I also wish to recall that in the drafting of this Bill, we had enlisted services of the Commonwealth Secretariat Expert in the person of Sir Geoffrey Rivlin QC, although his consultancy has ended, but he was fully involved in the drafting of legislation.

Mr Baloomoody: Can I ask the hon. Attorney General whether he will have one of the draft Bill circulated so that the opinion of the Bar Council as well can have an input?

Mr Gobin: This has already been done, in fact. It was circulated to the Mauritius Bar Association, but I will look into the question of whether a fresh circulation should be done or not.

Madam Speaker: Hon. Uteem!

BAI CO. (MTIUS) LTD – ALLEGED FINANCIAL FRAUD - POLICYHOLDERS

(No. B/583) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the alleged Ponzi or Ponzi-like Scheme operated by the former BAI Co. (Mtius) Ltd., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of –

(a) Arrests effected;

(b) Prosecutions lodged, and

(c) Convictions secured in connection therewith as at to date.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that an enquiry has been instituted by the Central CID into an alleged case of massive financial fraud involving several billions of rupees perpetrated to the prejudice of the policyholders and clients of the former BAI Co. (Mtius) Ltd.

Madam Speaker, regarding part (a) of the question, I am informed by the Commissioner of Police that 14 persons were arrested during the course of enquiry and were released on bail.

With regard to parts (b) and (c) of the question, the DPP advised no further action against the 14 persons.

Mr Uteem: The Rt. hon. Minister Mentor mentioned that the DPP advised no further action from the people who have been arrested. So, may I take it from the Rt. hon. Minister Mentor that, in fact, there was not any Ponzi or Ponzo-like Scheme?

Sir Anerood Jugnauth: Well, the Police enquired and when the enquiry was over, the files were submitted to the DPP and after considering, the DPP found that no further action should be taken.

Mr Uteem: Out of the 14 persons who have been arrested, is the Rt. hon. Minister Mentor aware if there are any employees of the financial services Commission being given that all these products were licenced by the Financial Services Commission?

Sir Anerood Jugnauth: No, I don't have the names.

PHARMACIES - INSPECTIONS - 2014-JULY 2019

(No. B/585) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Health and Quality of Life whether, in regard to pharmacies, he will, for the benefit of the House, obtain from the Pharmacy Board, for each of the years 2014, 2015, 2016, 2017 and 2018 and since January 2019 to date, information as to the number of inspections carried out on the premises thereof, indicating the number of –

(a) arrests effected;

(b) prosecutions lodged;

(c) convictions secured in connection with offences under the Pharmacy Act, and

(d) licenses thereof which have been –

(i) suspended, or

(ii) cancelled.

Dr. Husnoo: Madam Speaker, the required information is being compiled and will be tabled in due course.

Mr Uteem: Has the hon. Minister taken cognizance of the report of the Commission of Inquiry on Drug Trafficking which was extremely critical about the lack of effective, and I quote –

"(...) effective inspection of the retail pharmacies, the more so that there is no special unit to carry out that function."

Has the hon. Minister taken cognition of the comments of the Commission of Inquiry?

Dr. Husnoo: Yes, Madam Speaker, since then we have set up a unit to look after, to investigate the retail pharmacies.

Mr Uteem: Has also consideration been given to the recommendation made by the Commission of Inquiry that an independent inspectorate be set up?

Dr. Husnoo: I am going to be fair, we have not set up an independent inspectorate, but we have had a team of senior pharmacists to go around the island to investigate and to check on these pharmacies.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: In his report, and I quote the report –

"Psychotropic substances (…) are sold over the counter", especially, certain syrups.

(Interruptions)

It is mentioned there. And he says here, if you go around certain centres like Jan Palach, in Curepipe, in Victoria, you can see the empty bottle there. Can I know from the hon. Minister what action has been taken with regard to that specific syrup, whether now it is being controlled?

Dr. Husnoo: It is not controlled drugs, but we have reinforced our investigation and our team is going around, I know the problem, I am aware of the problem, that's why we have reorganised this team.

Mr Uteem: Here, the hon. Minister has mentioned about the creation of this Special Unit, Enforcement Unit. May we know from the hon. Minister how many new inspectors have been recruited to carry out the inspection?

Dr. Husnoo: They are mainly senior pharmacists. We have taken quite a number of pharmacists, in the budget last year, I can't remember exactly, but quite a fairly large team has been set up to go around the island, especially to those pharmacies that we suspect are doing this kind of job. We are going to inspect these pharmacies. So, the work is being done.

Madam Speaker: Next question, hon. Jahangeer!

GOVERNMENT PROJECTS - MECHANICAL, ELECTRICAL & PLUMBING WORKS

(No. B/586) 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 contracts awarded for Government projects, he will state if consideration will be given for the separation of Civil Works from Mechanical, Engineering and Plumbing Works.

Mr Bodha: Madam Speaker, I presume that the hon. Member meant Mechanical, Electrical and Plumbing Works instead of Mechanical, Engineering and Plumbing Works.

Contracts for Government building works incorporate the works for all competencies, that is, architecture, civil, structural, electrical and mechanical engineering, plumping, telecommunication, etc., in a single bid document.

In fact, the standard bidding document for average size projects up to Rs400 m. issued by the Procurement Policy Office provides for all works to be executed by one main contractor who may involve his subcontractors.

Madam Speaker, I am informed that it would not be practical to separate civil works from mechanical, electrical and plumping works for the following reasons –

(i) this would imply separate procurement exercises for each category of works and would disrupt the smooth implementation of the projects. The whole project itself could be jeopardised if ever anyone of the procurement exercise is not successful or is delayed;

(ii) separating the works into different categories would also imply the simultaneous involvement of several contractors in the same project, thus causing problems of coordination and monitoring;

(iii) the simultaneous involvement of different contractors would also call the problem of liability in terms of site ownership, delays in the different components of the project and the synchronisation of its implementation.

Madam Speaker, the present system whereby all components of a building project, that is, the builder’s works, mechanical, electrical and plumbing works are incorporating in a single contract has proved to be an efficient and effective way of implementing

infrastructural projects. Hence, it is not envisaged to separate the civil works from the other works.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. Is the hon. Minister aware that by giving one main contractor the contract for construction of any building, the main contractor always has one particular contractor to go with him and then he is not opening the chance for the SMEs to compete, to walk into the contract, into the project?

Mr Bodha: I can understand this, but the problem is the accountability. Somebody has to be accountable for the quality of works and for no time overrun and cost overrun. So, when you have a one main contractor, at least, that main contractor is responsible. I understand also some of the issues raised by my hon. colleague. Often it happens that the main contractor has already been paid by the client, but he does not pay the subcontractor, that\s why we are going to come with a new legislation. We are working, in fact, with Attorney General's Office to see to it that we can have some sort of arbitration so that when the main contractor has been paid, the subcontractors haven't been paid which still has a solution to be able for them to be paid.

Madam Speaker: Hon. Jahangeer, next question!

INTERNET OF THINGS – LEGISLATION

(No. B/587) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Technology, Communication and Innovation whether, in regard to Internet of Things, he will state if consideration will be given for proposed legislation to be introduced in relation thereto.

Mr Sawmynaden: Madam Speaker, Internet of Things (IoT) is a network of interconnected devices also referred to IThings, embedded with sensors, software, network connectivity and necessary electronics that enables the collection and exchange of data. Such IoT devices are being deployed in various applications like monitoring of water level at the Bagatelle Dam.

I wish to inform the House that the adoption of the Internet of Things is already on the agenda of my Ministry. The Internet of Things, indeed, requires a specific legislation to cater for, *inter alia*, cyber security, data protection, spectrum management, interoperability and quality of service issues. The appropriate legislation of Internet of Things, particularly with

regard to cyber security is a global challenge at the time when more systems are operating within cloud based infrastructure and more devices and data move online, hence posing security concern ranging beyond the software level to the end point for embedded devices. Many countries, for example, Australia, United Kingdom and the United States of America are still at discussion stage regarding the introduction of the appropriate legislation pertaining to the Internet of Things.

Madam Speaker, I am informed that the European Telecommunication Standardisation Institute has recently, in February 2019, released the cyber security for consumer Internet of Things, technical specifications to establish a security baseline for internet connected consumer products.

My Ministry will continue to monitor development globally in the area of Internet of Things generally and most specifically in the field of cyber security. Eventually, my Ministry will come up with the required amendments to existing legislation, if any, or in a new legislation in line with international norms.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. This question I have asked three years ago when the previous Minister of Technology, Communication and Innovation informed that it would be implemented. But, may I know from the hon. Minister what is the time frame it will implement? Because this is an urgency now.

Mr Sawmynaden: As I mentioned, the European Telecommunication Standardisation Institute has recently, in February 2019, released the cyber security for consumer Internet of Things. So, we are monitoring the development globally in that area and then, from there we will move on.

Madam Speaker: Next question, hon. Adrien Duval!

MITD - RESTRUCTURING

(No. B/588) Mr A. Duval (First Member for Curepipe & Midlands) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Mauritius Institute of Training and Development, she will, for the benefit of the House, obtain therefrom, information as to where matters stand as to the implementation of a new organization structure and new schemes of service for the

employees thereof following the merger of the Technical School of Management Trust Fund with the Industrial and Vocational Training Board.

Mrs Dookun-Luchoomun: Madam Speaker, I am informed that following the merger of the Technical School of Management Trust Fund and the Industrial and Vocational Training Board, the MITD has engaged in a restructuring exercise entailing the elaboration of new organisation structure. This exercise has been untaken and pursued in consultation with the trade unions of the MITD and a new organisation structure has been approved by the MITD Board for implementation.

The restructuring exercise involves 3 main elements –

(i) the elaboration of the organigram for the MITD which has been finalised in consultation with unions and presented on 02 February 2018;

(ii) the prescription of Schemes of Service falling under the MITD's organisation structure, to date 67 Schemes of Service out of 78 have been finalised and approved by the MITD Board;

(iii) regularisation of staff employed on temporary, contract and on month-to-month basis.

The MITD has approved that 95 employees of the MITD be put on permanent and pensionable establishment. Letters of appointment on permanent and pensionable establishment were issued to the employees in June 2019.

Following Budget allocation in the present financial year, the recruitment process will be pursued in respect of funded vacancies. Recruitment exercise is on for other posts, that is, Assistant Manager, Procurement, Logistic, MSO and IT Technician.

The MITD has been asked to pursue the implementation of the new organisation structure at an accelerated pace in close partnership with the unions and this in compliance with approved terms and conditions and in line with the procedures in force.

Mr A. Duval: Madam Speaker, may I ask, the MITD was merged in 2009, why is the delay of 10 years in implementing the new Scheme of Service, which should have been done since 10 years, and why is it that only the Director is the only post that has been filled in a substantive capacity while there are 500 staffs?

Mrs Dookun-Luchoomun: Madam Speaker, I have just mentioned that it is true that the merger was done in 2009. Nothing had been done since then. As we came into power, we

started working and we have impressed on the MITD Board to get things moving. We have just put on pensionable post, 95 employees and other posts are in the process of being filled.

Mr A. Duval: Madam Speaker, may I ask how many employees are now filling in on a temporary basis, actingship in the duties in their respective posts, how many staffs are out of these 500?

Mrs Dookun-Luchoomun: Madam Speaker, I do not have the exact number but I know that, for example, there is a Deputy Director's post which is on actingship but all these posts are being filled. As I have just said in my answer, we have impressed upon the MITD Board to ensure that there is a quick pace of implementation of the organisation structure.

Mr A. Duval: Madam Speaker, according to the MITD Act, Section 28 (3) says that following the merger the employee should not be worsened off with regard to their duties. Yet, they have been filling in higher duties. For 10 years, they have not been given a salary compensation, a revision as they should have been and now the new posting are being done externally rather than internally, advertisements.

Will the Minister, *c'est la moindre des choses,* give now internally advertisements to all these people who have been filling in for 10 years, give them priority, if they fill the minimum requirement, and then go for external advertisements?

Mrs Dookun-Luchoomun: Madam Speaker, we have just mentioned the delay that we have had in implementing the whole process because there were discussions with the unions and we have waited until they are all agreeable to whatever propositions are being made. But one thing we have to be clear about is that actingship does not give a person the right over the others. But we are not saying that when the posts are open to others, that they cannot apply and if they are found to be better, they will obviously be recruited. I will impress upon the MITD to make sure that everyone gets the opportunity to apply for these posts and to be treated fairly.

Mr A. Duval: Madam Speaker, what we do not understand is that 83 staff members were taken on the first intake note basis. Cabinet gave its approval while they did not, for most of them, meet the minimum requirement. Yet for the rest of the staff who have been doing under actingship, now we are being told that they should apply together with the rest of Mauritius, who is going to apply, isn't it not just fair to apply the same principle for everyone?

Mrs Dookun-Luchoomun: Let me explain that these are two different issues. The people that have been put on pensionable posts have been working over there for over 12 years in certain cases on a contract basis, on a month-to-month basis, and the MITD Board found it fair to ensure that they get some stability and to have this security of tenure. But then, for the others who have been on actingship, they will get their fair chance of applying for the post and obviously, if they are found to be among the best, they would be recruited. And I have asked the MITD Board to ensure fairness in all procedures.

Madam Speaker: Next question, hon. Adrien Duval!

MITD – TECHNICAL ASSISTANTS & IT TECHNICIANS

(No. B/589) Mr A. Duval (First Member for Curepipe & Midlands) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the posts of Technical Assistants and IT Technicians at the Mauritius Institute of Training and Development, she will, for the benefit of the House, obtain from the MITD, information as to, in each case, the –

(a) terms and conditions of employment thereof;

(b) number of employees in the said grades, and

(c) scheme of service thereof.

Mrs Dookun-Luchoomun: Madam Speaker, with regard to part (a) of the question, I am informed that the terms and conditions of employment for the post of Technical Assistant IT on the establishment of the MITD are as follows –

- Cambridge School Certificate;
- A certificate in Information Technology or Computer Studies from a recognised institution, and
- A certificate in PC troubleshooting from a recognised institution and at least two years practical experience in computer operations.

Madam Speaker, as for the post of IT Technician, it is a new post and the terms and conditions for this post are as follows –

- a diploma in Information Technology or Computer Science or Computer Engineering from a recognised institution or equivalent qualifications acceptable to the Board, and

- at least two years of practical experience in repairs and maintenance of computers.

The salary scales for the two posts are as per the provision of PRB and are reflected in the Schemes of Service.

In regard to part (b) of the question, I am informed that there are seven Technical Assistants employed on the permanent and pensionable establishment of the MITD and one new post of Technician ICT which has been created.

With regard to part (c) of the question, I am tabling the Schemes of Service for the two posts.

Mr A. Duval: Madam Speaker, in the PRB 2013, the post of Technician ICT was created, yet up to this day these seven have been filling in the duties of the Technical Assistants. The Technical Assistants have been filling in the duties of Technicians ICT. The question is, Madam Speaker, given that there are 24 centres in Mauritius and Rodrigues and over 850 computers, why is it that these Technical Assistants are doing the duties of Technicians, a higher post, but are being paid the salary of Assistants?

Mrs Dookun-Luchoomun: Madam Speaker, it is for the Board to see whether there should be any allocation provided. But I will still convey to the Board the proposition being made. But then, we have to be careful. Any adjustment or allocations given has to be within the parameters of the legislation and the MITD Board.

Mr A. Duval: Madam Speaker, can the Minister tell us whether with regard to the proposed new Scheme of Service for the Technical Assistants, whether it is not true that part of the duties of the Technicians have been included in their duties and is that therefore not a breach of that Section 28 (3) of the MITD Act which I said, that they should not be worsened off with regard to their postings?

Mrs Dookun-Luchoomun: Madam Speaker, the creation of a new post has nothing to do with the post that they are occupying. If there is a new post created, they will have the opportunity to apply for it and by no means it is in a way trying to give them a less favourable position. They can, they may or may not apply for the new post created.

Mr A. Duval: Madam Speaker, if I may, a last question. let me just ask this then, with regard to the new funded position of Technician ICT, will she consider now the eligibility of the Assistant Technicians, even if on paper they do not have the minimum requirement in

terms of degree but will she at least give them consideration for that new post given that for 10 years they have been doing the job without any pay revision and given that they have obviously the experience now?

Mrs Dookun-Luchoomun: Madam Speaker, I have got with me the Scheme of Service for Technician ICT and I am looking at the qualifications required. It requires a diploma, as I have just mentioned, it does not talk of a degree.

Mr A. Duval: Will the hon. Minister take into consideration their eligibility?

Mrs Dookun-Luchoomun: But they already are eligible.

Madam Speaker: Next question!

SCHOLARSHIP TO LEARNERS WITH DISABILITIES SCHEME

(No. B/590) Mr A. Duval (First Member for Curepipe & Midlands) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Scholarship to Learners with Disabilities Scheme, she will state the –

(a) eligibility criteria to benefit thereunder, and

(b) terms and conditions attached thereto.

Mrs Dookun-Luchoomun: Madam Speaker, in 2016, driven by concern for equity, Government came up with a new scholarship scheme for learners with disabilities to encourage them to pursue their studies in high education institutions locally. Five scholarships are advertised annually for courses at undergraduate level, professional level or in the TVET sector.

Madam Speaker, there is a set of established criteria to be met by the applicant to be eligible for this scholarship. The applicant –

- should be a person with disability and should provide evidence thereto;
- should be a holder of the Higher School Certificate;
- should not be more than 30 years of age;
- should have secured a seat in a recognise local TEI or training institution or be in the first year of study, and
- should not be a beneficiary of any other education grant or scholarship.

Madam Speaker, with regard to part (b) of the question, the terms and condition attached to the scholarship are the scholarship scheme covers tuition fees as well as the monthly stipend of Rs5,000 for Mauritian learners and Rs8,000 for Rodriguan students. It also includes the cost of airfare and ship travel for Rodriguan students once for each academic year. The scholarship covers 4 years of study and the beneficiaries should submit evidence of having being promoted to the next level of the course to benefit from the scholarship and obviously save for the first disbursement.

Madam Speaker, may I inform the House that, since the setting up of the scheme, 11 learners with disabilities have benefited thereunder. Furthermore, for the intake 2019-2020, a communiqué has already being launched on May 24th with the closing date of 30 August 2019.

Mr A. Duval: Madam Speaker, why is it that the disabilities scholarship scheme only caters for study at the national level, not overseas, while the universities - not even the University of Mauritius – are not adequately equipped for example with regard to the equipment for blind students, for braille textbooks, computers. They are not adequately equipped with regard to the audio equipment; they don't even have, for example, it's technical, but, I am told, a book share virtual library. Therefore, Madam Speaker, the question is: if we do not have the adequate access and equipment, why are we refusing to send those disabled students overseas?

Mrs Dookun-Luchoomun: Madam Speaker, let me start by saying it's a question of policy. Secondly, I must inform the House that we already have a number of Mauritian students with visual impairment, blind students, studying at the University of Mauritius and some have already completed their studies at the University of Mauritius. So, it is not true to say that the University of Mauritius is not properly equipped to cater for our students.

Mr A. Duval: Madam Speaker, may I ask why have we not categorised with regard to the scholarship in terms of disability; as it is done in other countries like India, categorised the special disabilities. The level is the same for everyone, one fit for all, yet someone suffering from autism, for example, will never have the mental capacity as someone who is blind or is in a wheelchair. In other countries, the standard is to have different categories and, therefore, different levels of assessments. Why is it not done here, is it not unfair and discriminatory?

Mrs Dookun-Luchoomun: First of all, Madam Speaker, let me inform the House that autism has a wide range of stages. Now, first of all, you get have autistic students that are extremely bright. So, it is wrong to say so. Now the way we propose a scholarship, anyone can apply. Anyone can apply and provided they show evidence of their impairment, they are given their chance - we have obviously five scholarships.

Secondly, we have to state that all the other scholarships offered by the Government of Mauritius or by any other friendly country are opened to all students, it's not restricted to one category of students. It's open to all and any student with or without impairment can apply and will be treated at par with others; so, will be treated equally. I must say that scholarships offered at the level of the country are open to all students and obviously different scholarships have got different criteria.

Mr A. Duval: Madam Speaker, the idea was overseas. Given that you cannot assess the same person in a wheelchair whose head is mentally fine with someone whose is suffering from a mental handicap, the assessment cannot be the same, this is the model. Madam Speaker, the question with regard to the scholarship scheme is academic. Why not open it now to excellence in art and in music for example because Madam Speaker, remember the case of Jane Constance, while we know that we have so many artists – Stevie Wonder and all of them who have excelled in that field and here in Mauritius we do not recognise that kind of field.

Mrs Dookun-Luchoomun: Madam Speaker, when we offer scholarships, especially for those students with disability, it is open for any field of study. Now, it is important for me to stress on certain things here, taking the case of Jane Constance - we all show a lot of admiration for Jane Constance and she is planning to go for studies, unfortunately not in the music sector but she is planning to study law. So, we certainly want to help but then they have to apply.

Mr A. Duval: Madam Speaker, let me ask the last question.

Madam Speaker: Next question, hon. Adrien Duval!

IOIG 2019 - MAURITIAN ATHLETES - CERTIFICATE OF CHARACTER

(No. B/591) Mr A. Duval (First Member for Curepipe & Midlands) asked the Minister of Youth and Sports whether, in regard to the Indian Ocean Island Games 2019, he will, for the benefit of the House, obtain from the *Comité d'Organisation des Jeux des Iles*,

information as to if a Certificate of Character will be requested from the Mauritian athletes prior to the participation thereof therein.

Mr Toussaint: Madam Speaker, I am informed that the submission of a Certificate of Character is not a criterion for participation in the forthcoming Indian Ocean Island Games for an athlete to validate his participation for the games, he/she should be a licensee of his/her Federation and, most importantly, has an excellent record in terms of his/her past performance and upholds a high standard of self-discipline.

Mr A. Duval: Madam Speaker, the question is: why is it that for the competition you do not ask for a Certificate of Character, yet when you have to give them their due in terms of their pension, then you ask for a Certificate of Character; how does the hon. Minister reconcile that?

Mr Toussaint: Madame la présidente, pour commencer la question ne fait pas mention de *retired athlete allowance* qu'on donne mais toutefois je peux répondre à cette question de l'honorable membre. Pendant que l'athlète est licencié, il y a tout un *screening* qui est fait par sa fédération et n'importe quel souci que l'athlète pourrait causer passe devant un comité disciplinaire par sa fédération. Le *State Recognition Allowance Scheme, which is not a pension it is an allowance,* veut comme critère c'est que *the athlete must be a Mauritian citizen, have won Gold, Silver or Bronze in Olympic and so on, average 35 years of age and should no longer be participating in local or international competitions.* Ce qui veut dire arriver à cet âge, 35 ans, si l'athlète décide de bénéficier de ce *scheme,* l'athlète ne doit plus participer. Donc l'athlète n'est plus licencié pas sa fédération. Donc nous, l'État, nous avons besoin de prendre toutes les précautions nécessaires pour savoir si la personne n'a pas de problème. Aussi non seulement ils reçoivent une somme d'argent mais les *retired athletes* sont aussi appelés à devenir des *sports ambassadors*. Tout comme là, par rapport aux jeux des îles, il y a toute une série d'anciens athlètes qui font la tournée dans toutes les écoles, dans tous les collèges, qui rencontrent des jeunes tous les jours. Donc nous avons besoin d'avoir des personnes correctes pour faire cela.

Mr A. Duval: Madam Speaker, we all remember the case of, for example, Stephan Buckland who won more than 200 medals internationally and has, by principle, refused to furnish his Certificate of Character because the merit of the award is on the merit that he has achieved in the sports and not if he has done a mistake in his past. The question, Madam Speaker,..

Madam Speaker: You are deviating from the main question, I am sorry.

Mr A. Duval: The question is, Madam Speaker, whether it is not true that he has not been able to apply for the allowance payment because he knows full well that nobody would have participated otherwise? This policy of asking for Certificate of Character which has nothing to do with the sport itself is nonsensical Madam, is it not true?

Mr Toussaint: Je n'ai pas trop bien compris la question, Madame la présidente.

Madam Speaker: Next question, hon. Perraud!

PROTECTION FROM DOMESTIC VIOLENCE (AMENDMENT) ACT 2016 - MARITAL RAPE

(No. B/592) Mrs A. Perraud (First Member for Port Louis North & Montagne Longue) asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to marital rape, he will state if he is aware that different views are expressed as to whether same is covered under the provisions of the Protection from Domestic Violence Act and, if so, indicate if consideration will be given for this issue to be addressed.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, I wish to inform the House that the Protection from Domestic Violence (Amendment) Act 2016 was passed in the National Assembly on 14 June 2016 and proclaimed on 01 September 2016 in order to reinforce the legislative framework for the protection of victims of domestic violence.

However, no express provision was made in the said amendment to address marital rape. I wish to further inform the House that no representations have been made to my Ministry on the issue of marital rape.

Mrs Perraud: Thank you, Madam Speaker. I put a Parliamentary Question on 27 November of last year, PQ B/1142 it was on the same subject, marital rape and the Minister did replied that, I quote –

> "Cases of marital rape may, therefore, be dealt with under Section 3(a) (d) of the Protection from Domestic Violence (Amendment) Act 2016."

Meantime, there were two reports, the report of the CEDAW and also the Law Reform Commission. Those two reports recommend that marital rape be redefined and also be criminalised.

This is why I put the question to the Attorney General because the report of the Law Reform Commission was submitted to the Attorney General on April this year. So, may I ask the Minister whether she has considered those two reports and if she will come with amendments to the legislation so that marital rape is well redefined and also criminalised as recommended by those two important reports?

Mrs Jeewa-Daureeawoo: Madam Speaker, with regard to the CEDAW Committee, as I have said, we are analysing all the recommendations that have been made. But I wish to remind the hon. Member that the issue of marital rape was raised in the CEDAW Committee, not only in the report of 2018, but also in the report of 2011. So, the hon. Member was at that particular Ministry in 2015-2016. I think, Madam Speaker, it is good also to mention that a PNQ was put to the hon. Member by the then Leader of the Opposition, hon. Bérenger, on that particular issue and the hon. Member mentioned that, if I may quote –

> "My Ministry is in consultation with the Attorney General's Office to bring about the required amendments to the legislation. The proposed amendments include, among others, rape to include marital rape."

Then, when the hon. Member, who was then Minister, came with amendment to the Protection from Domestic Violence Act in 2016, this issue was not raised. If I may say, hon. Baloomoody and hon. Ganoo, at that particular time when they intervened, they raised that issue. And they even said that the hon. Member who was then a Minister missed an opportunity and this was not addressed at all.

As I have said we are examining the recommendations and we will come with amendments if need be.

Mrs Perraud: Madam Speaker, I have a question. I would like to ask the Minister why is she missing the same opportunity twice? Because she is there for two years after I left, and she has done nothing regarding marital rape. May I also ask the Minister while she already knows about those two reports, she is not coming forward with the legislation?

Mrs Jeewa-Daureeawoo: Madam Speaker, I have not said that I have missed an opportunity. I have said that we are working on the recommendations. I am not saying that we will come with amendments, but I am in consultations with the Attorney General and

other officers of my Ministry. If need be, we will come with the amendment. I am not missing any opportunity, we are working. I am doing my work. We are working on this particular issue, and if need be, we will bring the necessary amendments.

Mrs Perraud: Can I ask the hon. Minister to explain to the House what she means by 'if need be'?

(Interruptions)

YOUNG OFFENDERS - DETENTION

(No. B/593) Mr J. Leopold (Second Member for Rodrigues) asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the young offenders, he will, for the benefit of the House, obtain information as to the common causes of detention thereof, indicating the number of institutions available in the Republic of Mauritius therefor and if secured training facilities are available thereat.

The Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues (Sir Anerood Jugnauth): Madam Speaker, with your permission I shall reply to this question as the detention of young offenders falls under my responsibility.

Under the Juvenile Offenders Act, a 'young person' is defined as a person who has attained the age of 14 and is under the age of 18.

Young offenders are not sent to prison. The institution to which they are sent depends on the seriousness of the offence they have committed. There are specialised institutions in Mauritius to detain young offenders. These are the Correctional Youth Centre, the Rehabilitation Youth Centre and the Probation Home or Hostel.

Under section 15(2) of the Reform Institutions Act 'where the Court is satisfied that it is expedient for the reformation of a minor that he should undergo training in a Correctional Youth Centre or a Rehabilitation Youth Centre, it may direct that the minor be sent to that institution as appropriate'. In this respect, the correctional and Rehabilitation Youth Centres cater for youngsters under the age of 18, who are the subject of a Committal Order from the Court.

Institutions run by the Probation and Aftercare Service are the Probation Home for Girls at Closel, Phoenix and the Probation Hostel for Boys at Les Casernes, Curepipe. These are semi-open residential institutions, with a family-like setting, catering for boys and girls

under the age of 18 with anti-social behaviour. The minors are referred to these institutions by the Court through a Probation Order or a Committal Order.

Madam Speaker, I am informed that the common causes of detention for young offenders are –

(a) Conviction for criminal offences, mainly larceny cases, and

(b) Child beyond parental control. These include defiance of parental authority, for instance, absconding from home, consumption of cigarettes, alcohol and drugs; defiance of school authority, which involves truancy from school; precocious sexual activities, and aggressive behaviour.

Madam Speaker, on the issue of whether secured training facilities are available at these institutions, I am informed that –

(a) The Correctional Youth Centre lays emphasis on educational and vocational training, and this includes numeracy and literacy courses, music courses, training in tailoring, basic electrical installation course offered by MIDT and vegetable production.

(b) The rehabilitation Youth Centre empowers youngsters through vocational training on Flower Arrangement, Food Processing, Pastry Making, Beauty Care, Hairdressing, Gardening and Electrical and Mechanical courses. Youngsters who have reached the age of 16 are enrolled for hotel job courses through the Beachcomber Academy. As at present, two boys and three girls are on job placement at Victoria and Paradis Hotels.

(c) The Probation Aftercare Service sends residents to schools, either mainstream or prevocational.

In all these institutions, there are extra-curricular activities such as scouting values, basic courses in painting, sensitisation programmes on juvenile delinquency and substance abuse, outdoor educational tours and recreational days.

In Rodrigues, there is one Rehabilitation Youth Centre at Baie-aux-Huîtres. The training facilities provided thereat include literacy, numeracy, music classes, and yoga classes.

Madam Speaker: Hon. Leopold!

Mr Leopold: Thank you for the answer. With the increasing trend of youth offenders, I just want to ask the Rt. hon. Minister Mentor whether it is not an indication for the setting up of a Youth Justice System in the Republic of Mauritius.

Sir Anerood Jugnauth: A what?

Madam Speaker: Youth Justice System.

Sir Anerood Jugnauth: Youth club?

Madam Speaker: Youth Justice System!

Sir Anerood Jugnauth: Youth Justice System! Well, we will have to create another section of the Judiciary. We will look into this.

Mr Baloomoody: The Rt. hon. Minister Mentor has mentioned a list of centres with regard to youth offenders in Mauritius and only one in Rodrigues. Can I know how are the young boys and girls treated in Rodrigues? The youth offenders, how are the male and the female treated there?

Sir Anerood Jugnauth: Well, I have just said in the last paragraph of the answer which I have given, what exists in Rodrigues and what is being done there. Well, anything more will have to consider and see what can be done.

Madam Speaker: Next question, hon. Leopold!

HIV PRE-EXPOSURE PROPHYLAXIS – AVAILABILITY

(No. B/594) Mr J. Leopold (Second Member for Rodrigues) asked the Minister of Health and Quality of Life whether, in regard to HIV Pre-Exposure Prophylaxis, he will state the policy of his Ministry in enhancing the availability thereof in the Republic of Mauritius.

Dr. Husnoo: Madam Speaker, HIV Pre-Exposure Prophylaxis, that is, PrEP, is a powerful HIV prevention tool whereby people who do not have HIV, but who are at high risk of getting it are offered a combination of HIV medication.

Pre-Exposure Prophylaxis is recommended for individuals who are exposed to HIV through high-risk behaviours or for those who are in an ongoing sexual relationship with a partner living with the HIV. Pre-Exposure Prophylaxis, when taken consistently, reduces the risk of HIV transmission by more than 90%.

In this connection, a protocol for Pre-Exposure Prophylaxis has been worked out and is being implemented since October 2018. Pre-Exposure Prophylaxis has been integrated in

the HIV service offered in the day-care centres for the immuno-suppressed across the island and the service is being upscaled now.

Madam Speaker, moreover, my Ministry has devised an information, education and communication strategy which is aimed at sensitising the community at large on the use of Pre-Exposure Prophylaxis as an important prevention tool. This involves mass media campaign on TV, radio channel, dissimilation of posters, booklets and pamphlets to population and making use of scroll message on TV.

Healthcare providers, the workforce identify section of the population and NGOs are also being targeted through the conduct of workshop and effective collaborative mechanism with a view to reinforce our information education and communication strategy with the ultimate objective of reaching those people in need of Pre-Exposure Prophylaxis. The same strategy is being replicated in Rodrigues and the service providers there have been made aware of the new protocol.

I have been informed that the stock of HIV medication, including that for Pre-Exposure Prophylaxis has been replenished in Rodrigues. Pre-Exposure Prophylaxis is now available to all those who need. In addition, during the month of September, my Ministry will be organising workshop for healthcare providers and the community of Rodrigues on the importance of Pre-Exposure Prophylaxis to curb the spread of HIV there.

Madam Speaker: Hon. Abbas Mamode!

MINISTRY OF HEALTH & QUALITY OF LIFE - CONSULTANTS & CONSULTANTS-IN-CHARGE

(No. B/595) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the post of Medical Superintendents, Specialists/Senior Specialists, Specialists known as Consultants and Consultants-in-Charge in his Ministry, he will give the lists thereof, indicating in each case the –

(a) posting;

(b) field of specialization;

(c) qualifications held, including sub-speciality and the name of University attended;

(d) date of appointment in respective post, and

(e) number of vacancies in respect of specialty field, since when and when same will be filled.

Dr. Husnoo: Madam Speaker, the required information is being compiled and will be tabled in due course.

Mr Abbas Mamode: Is the hon. Minister aware that I put a similar question, a similar PQ last year, namely B/469 and B/90, and the reply was that the information are being compiled? More than one year has elapsed until now, no information has been tabled whereas a similar PQ put to hon. Anil Gayan on 06 December 2016, B/1124, and the reply was circulated immediately.

Madam Speaker: You do not have any reply?

You have another supplementary question on this one?

Mr Abbas Mamode: Est-ce que le ministre peut confirmer le nombre de néphrologues en service dans différents centres de santé publique?

(Interruptions)

As a matter of fact, there is only five.

(Interruptions)

There is only five.

Madam Speaker: You are asking the question and you are providing the reply.

Mr Abbas Mamode: My question is: what are the measures the Ministry has taken to fill the other vacancies?

Dr. Husnoo: Sorry, I am a bit lost. Which vacancy are we talking about?

Madam Speaker: Yes, you have another supplementary question?

Mr Abbas Mamode: Being given that we have more and more diabetes patients year after year, and you know this *néphrologue* is the one who treats *les reins,* and being given that we have only five and that they are the only ones who look after patients in the five regional hospitals, doesn't the hon. Minister seem it necessary to recruit internationally, being given that we are limited in number, we are short in number in Mauritius, to do international advertisement to recruit more?

Dr. Husnoo: Madam Speaker, I know there was a shortage of *néphrologues* and we have been recruiting *néphrologues* last year. And just to put it in perspective, we have five *néphrologues* and as far as patients with dialysis are concerned, we have 1,350 something. So, on average we have one doctor for about less 250 patients. So, I do not think it is bad. Thank you.

Madam Speaker: Next question, hon. Abbas Mamode!

DR A. G. JEETOO HOSPITAL - PARKING SLOTS

(No. B/596) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the Dr A. G. Jeetoo Hospital, he will state the number of parking slots available thereat for the medical practitioners, the other staff and the public, indicating if consideration will be given for the provision of additional parking facilities thereat.

Dr. Husnoo: Madam Speaker, I am informed that there are 276 parking slots available at Dr. Jeetoo Hospital as follows –

- 138 in the basement of the hospital;
- 114 in the yard, and
- an additional 24 parking space at Beaugeard Street.

The 138 parking slots in the basement are reserved for staff of the hospital only and have been allocated to the Consultants, the Specialists, the Head of Unit and the Medical and Health Officers.

As the hon. Member is aware, there is a lack of parking space facilities, not only in Jeetoo Hospital, but in all the regions of Port Louis. This is a problem which dates years back and which keeps growing with the increasing number of vehicles entering the city daily. Parking facilities are being provided to the public in accordance with the parking space available in the yard and in the vicinity of Dr. Jeetoo Hospital. All appropriate measures are being taken at the hospital level to alleviate the inconvenience faced by all those attending the hospital by their own means of transport.

Madam Speaker: Yes, hon. Abbas Mamode!

Mr Abbas Mamode: We are aware that around Port Louis we do have an acute problem of parking. But being given that we are talking about hospital, is the hon. Minister aware that members of the public face difficulties in finding a parking within the hospital

premises when they convey their relative to the hospital, especially in emergency cases? What has been done to facilitate patients coming to hospital or people accompanying patients in emergency cases?

Dr. Husnoo: I have been told, Madam Speaker, that the patients who come, they will be allowed two hours parking. So, in emergencies, if they come, they will be allowed two hours parking in the hospital precinct.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Since the parking issue, Madam Speaker, is such a serious one, can the hon. Minister consider compulsory acquisition of land in order to make it public parking for patients that keep on growing anyway? So, just to see ahead compulsory acquisition and have parking created.

Dr. Husnoo: I think it is a good idea. We will look into it, Madam Speaker.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Can I ask the hon. Minister whether parking is allocated to staff by name basis or by designation basis? Because if a person is allocated a parking and he works for eight hours, that parking slot will remain unutilised for16 hours whereas the same parking could be allocated for the person who is replacing him.

Dr. Husnoo: I can't exactly answer this question, whether it is on a name basis or what, but I think it is common sense, if the parking is free, the guy who is in charge for the parking, the security office is going to allow somebody to park there.

Madam Speaker: Next question, hon. Abbas Mamode!

DR. A. G. JEETOO HOSPITAL – LIGHTING

(No. B/597) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the Dr. A. G. Jeetoo Hospital, he will state if he is aware that there is no lighting at the entrance, alighting bay, parking area/taxi stand thereat and along the Volcy Pougnet Street and, if so, indicate if consideration will be given for the taking of adequate remedial measures in relation thereto.

Dr. Husnoo: Madam Speaker, I'm informed that the lighting at the main entrance of the Accident and Emergency Department were burnt out and have been repaired since 02

June 2019. The 16 wall lamps at the entrance have also been serviced. In addition, the 2 existing flood lights as well as the 8 recessed floor lights have been replaced and moreover, Madam Speaker, 2 additional spot led lamps have been provided. At as date, I'm informed that all the lightings at the entrance of Dr. A. G. Jeetoo Hospital are in good working condition.

As regards to lighting in the driveway and the taxi stand along Volcy Pougnet Street, the same fall under the purview of the Municipal Council of Port Louis. I have been told the Municipal Council is taking care of that.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: There is no lighting along the front façade, Madam Speaker, of the hospital along Volcy Pougnet Street, if the Ministry of Health and the Municipality could look into it. Has there been any communication between the Ministry of Health and the Minister of Local Government to see that some street lights could be installed on the façade? It can easily be installed.

Dr. Husnoo: No, I think, as far as I know, the Municipality of Port Louis had a site visit, I think, only last week to sort out about the street lighting.

Madam Speaker: Next question, hon. Abbas Mamode!

OSCAR GRANDCOURT & MAULANA RASHID NAWAB STREETS - PORT LOUIS - WASTEWATER OVERFLOW

(No. B/598) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Oscar Grandcourt and Maulana Rashid Nawab Streets, in Port Louis, he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to if urgent consideration will be given for the taking of remedial measures in relation to the waste water overflows thereat.

The Deputy Prime Minister: Madam Speaker, I am informed by the Wastewater Management Authority (WMA) that following complaints concerning wastewater overflow along Oscar Grandcourt and Maulana Rashid Nawab Streets, Port Louis, it carried out a site investigation on 06 June 2019. It noted that there was an obstruction in the sewer line.

WMA teams took remedial measures by raising a manhole at Route des Pamplemousses and eliminating the sewer obstruction by deploying its Jetting Unit on 18

June 2019. There have not been any further complaints since then. I am informed by the WMA that its team carried out another site visit on 04 July 2019 and confirmed that there was no wastewater overflow.

Madam Speaker: Next question, hon. Dr. Boolell!

ALTEO ENERGY LTD – NEW POWER PLANT

(No. B/599) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Agro-Industry and Food Security whether, in regard to the ongoing negotiations with Alteo Ltd., he will state if he proposes to intervene with the negotiating team to ensure that the small sugarcane planters obtain their fair share for bagasse as well as for trash energy in the deal.

Mr Seeruttun: Madam Speaker**,** I am informed that the Power Purchase Agreement between the Central Electricity Board (CEB) and Alteo Energy Ltd expired in December 2018. The construction of a new power plant is contemplated to replace the existing one. Meanwhile, negotiations took place with Alteo Energy Ltd and the contract has been extended for the period 2019 to 2021.

Regarding the new power plant, a Steering Committee has been set up at the level of the Ministry of Energy and Public Utilities and my Ministry and the Mauritius Cane Industry Authority are represented to ensure that the interests of sugarcane planters are safeguarded.

I am informed that, as at date, negotiations are still ongoing.

Madam Speaker, I wish to highlight that there is consensus that bagasse has an economic value and, bagasse energy has to be appropriately remunerated. Similarly, trash energy has to be remunerated on the same principle. Adequate remuneration for bagasse and cane trash will certainly help to increase the total revenue derived from cane and its by-products so as to sustain the industry.

The new power plant at Alteo, with an increased efficiency, will help to better remunerate planters for their cane biomass. Therefore, during the ongoing negotiations with Alteo Energy Ltd, for the new power plant, Government will ensure that small planters reap a fair share from both their bagasse and cane trash.

I am informed that under the extended Power Purchase Agreement with Alteo Ltd, small planters will receive Rs1,000 per tonne of cane trash equivalent to Rs1.00/kWh and this will add up to their total revenue.

Furthermore, Government has introduced a new budget measure this year to develop a National Biomass Framework for the use of sugarcane biomass, including cane trash, for electricity generation. The framework will address the price component to remunerate sugarcane planters for bagasse and trash energy.

Dr. Boolell: Will the Minister be kind enough to inform the House as to whether planters are fully apprised of the on-going negotiation with respect to a deal that eventually will be concluded with Alteo on biomass?

Mr Seeruttun: Well, Madam Speaker, at this level, the negotiation is between mainly CEB and the power plant producer, Alteo. So, the question about divulging the commercial negotiation, I don't think at this point in time, we can divulge the information that is going on between the two parties.

Dr. Boolell: Can I impress upon the Minister that since planters is a major partner with respect to supply of bagasse to the IPP, at least, that they be kept informed of the outcome of negotiation?

Mr Seeruttun: Yes, Madam Speaker, like I said myself on several occasions that we, at the level of Government, we are making sure that planters be remunerated in a very fair way and that is why in the Terms of Reference when we asked the World Bank to conduct a study of the sugarcane industry, we have included that they also look at the energy production and how best the price of bagasse be evaluated, be assessed so that planters be remunerated in the fairest way possible.

Madam Speaker: Yes, hon. Shakeel Mohamed!

Mr Mohamed: Thank you, Madam Speaker. If I understand the hon. Minister correctly, is he saying that negotiations are taking place between the Central Electricity Board and Alteo and it would also include the price of bagasse and trash energy but planters are kept outside the negotiation altogether but it would be decided outside their ears and their presence?

Mr Seeruttun: Madam Speaker, what I'm saying is that the negotiation between Alteo and CEB is with regard to at what price they are going to buy the energy from Alteo. That's what the negotiation is all about but with regard to the bagasse which is supplied by the planters to Alteo, that is why we, the Ministry of Agro-Industry, is party to that negotiation to ensure that the bagasse is fairly remunerated.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: In the light of grievances expressed by planters, may I impress upon the Minister to see to it that planters are present in the negotiations, in fact, to do away with information which is spread by some rumour-mongers. It's a good thing to have planters on board.

Mr Seeruttun: Again, what I have just mentioned, Madam Speaker, that the Ministry of Agro-Industry is there to ensure that the interest of the planters are safeguarded in ensuring that the best price is derived in concluding that agreement.

Madam Speaker: Next question, hon. Dr. Boolell!

QUATRE BORNES/PALMA - SEWERAGE HOUSE CONNECTION WORKS

(No. B/600) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the contract for sewerage house connection works in Quatre Bornes, Bassin and Palma, he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to why same was rescinded in 2015, indicating how and when the said works will be resumed and completed and the inconveniences being caused in many places by the unfinished works be put to an end.

The Deputy Prime Minister: Madam Speaker, the Plaines Wilhems Sewerage Project was to be implemented in three lots. The hon. Member is referring to Lot 1A, which in the initial contract covered the regions of Stanley, Palma, Hugnin, Bassin, Trefles and Victoria.

The concept, design and tender documents for the entire Plaines Wilhems Sewerage Project, developed by the Consultant Montgomery Watson in 2003, consisted only of a general site survey without detailed topographical survey study and without house surveys.

On 19 October 2009, with the approval of the Central Procurement Board, Wastewater Management Authority awarded the contract for Lot 1A to the Joint Venture Thymian Holdings Gbr/Sotravic Ltée for Rs2,842,498,362.59 including VAT, that is, about Rs2.85 billion. Works, which included 102 km of street sewer, 13,000 house connections and replacement of 50 km old CWA pipes, were expected to be completed in May 2014.

In 2011, the Contractor claimed that there was an increase in the length of pipes from 102 km to 142 km.

On 20 July 2012, without obtaining financial clearance, the Board of the Wastewater Management Authority approved an increase in price from Rs2.85 billion to Rs3.9 billion, almost Rs4 billion, I will give the exact figures. From the figure I just quoted Rs2,842,498,362.59 to Rs3,940,326,977. And the extension of the contractual date was given from 31 May 2014 to 10 November 2017. And in August 2012, the WMA made a request for additional funds.

In his 2012 report, the Director of Audit noted that –

"Project cost will increase by some Rs864 m. Had detailed house to house survey and detailed topographical survey done prior to inviting tenders for the project, it could have the following effects -

- With a well-defined scope of works, competitive prices could have been obtained from several potential bidders for each aspect of the works.
- Moreover, in this project, the surveys were carried out by the Contractor after the award of contract. Thus the Contractor carried out survey of works to be done by himself."

That was from the Director of Audit. The Ministry of Finance and Economic Development stated that, in view of the fact that Wastewater Management Authority projects are experiencing significant cost overruns, the parent Ministry, that is, my Ministry, should carry out an overall project design, implementation and management - and I quote from the Minister of Finance of the time - to understand why the initial project targets have not been met and why house connections have been done where there are no street sewers. House connections were therefore being made to none existing street sewers.

Despite these observations, on 04 November 2014, the Wastewater Management Authority instructed the Consultant to issue the Variation Order for November 2014 for the net amount of Rs3,920,360,438.42, exclusive of Value Added Tax. The cost overrun represented 40% of the original contract value, which was not in compliance with the Public Procurement Act.

(Interruptions)

Madam Speaker: Order!

The Deputy Prime Minister: At the end of the project, only 6,800 houses instead of 13,000 had been connected to the public sewer.

It is not surprising therefore, that in the report of the Public Accounts Committee of 2018, signed by hon. Mrs Perraud...

(Interruptions)

Madam Speaker: Order, please.

The Deputy Prime Minister: …the Committee noted with concern the cost increase in this project. It remarked that the officers of the Wastewater Management Authority concurred with the PAC that, I quote –

> "the scope of the bid was open to abuse as the value of the works was based on a design that had to be prepared and finalised by the contractor after the award of the contract."

The PAC, signed by hon. Mrs Perraud, very reasonably concluded that –

> "there was gross negligence both at the level of the parent Ministry and at that of the WMA in assessing the scope and value of the works prior to inviting bids for the project."

This increase in alleged cost, I must stress, occurred before this present Government took office and at a time when the PMSD and the Labour Party were in charge of the Authority.

In March 2015, after taking note of the observations of the Director of Audit, Government recommended to Wastewater Management Authority that the contract be closed with the completion of works initiated on the northern part of the areas, with an increase of Rs285,120,386.40 representing a variation of 10% of the original contract price.

With regard to the second part of the question, I am informed by the WMA that it is considering the implementation of sewer works in regions of La Source...

(Interruptions)

Madam Speaker: Order, please!

The Deputy Prime Minister: …Palma, Route Bassin, Western Boundary, Seeneevassen, Mgr Leen, Rotin, Pusspass Avenue in phases. It is presently carrying out surveys at Route Bassin, Ramdanee Lane and Jackson Avenue.

(Interruptions)

Madam Speaker: Order.

(Interruptions)

Order please! Yes, hon. Dr. Boolell!

(Interruptions)

Madam Speaker: Order!

Dr. Boolell: Madam Speaker, I am glad that the Deputy Prime Minister is so good at raking a lot of muck and I hope some does not spread upon him.

(Interruptions)

Madam Speaker: Please!

Dr. Boolell: May I invite him under those circumstances to start an inquiry but, in the meantime, there is a lot of inconvenience being caused to the inhabitants of Palma, Quatre Bornes and Bassin. This is the concern. The hon. Deputy Prime Minister is leaving people with a lot of inconveniences. There is overflow of wastewater and instead of addressing the problem; he is trying to play party politics. He should set up an inquiry if he is a man of good intentions.

Madam Speaker: Hon. Boolell, we have understood your question. Yes?

The Deputy Prime Minister: I am the first to agree that a great degree of inconvenience has been caused by the *gabegie* of the Labour Party-PMSD Government. What they are doing now, it will take more time but we will not fleece...

(Interruptions)

Madam Speaker: Hon. Dr. Boolell, please!

The Deputy Prime Minister: We will not fleece public money in the manner that we have...

(Interruptions)

Madam Speaker: Order please!

The Deputy Prime Minister: What is happening is that…

(Interruptions)

Madam Speaker: Can we have some order in the House, please? What is being debated is some serious matter. Do not make it become trivial.

The Deputy Prime Minister: Madam Speaker, heckling may be the profession of some of the hon. Members, but I am only giving the facts and the figures, and I have been quoting from reports of learned people, the Director of Audit, the Public Accounts Committee and the Ministry of Finance. There is no need to be upset. You were not responsible for wastewater, unless you participated in that …

(Interruptions)

To be serious, Madam Speaker, what is being done? Instead of spending huge amounts on a vast project, the Wastewater Management Authority is doing small connections, house to house, and it is developing very well without costs overruns or time overruns, and the work is being done satisfactorily. I agree that there is a consequence to that. It is the delay in completing the works. I fully agree with this, but we need to continue on that score.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Madam Speaker, I have got a wider concern than hon. Dr. Boolell on this question and it is a wider public interest question and we should not be laughing it off just like this in this House.

Madam Speaker: Ask your question!

Mr Rutnah: The question is, Madam Speaker, given that there has been an increase of over 50% in the procurement process and we know that under the Public Procurement Act, if it is more than 35%, it has to be put for retendering. Can I ask, in the circumstances of this particular matter, whether the Minister is prepared now to initiate appropriate actions and an inquiry be put forthwith so that we can know whether the taxpayers' money has been fleeced in this matter?

The Deputy Prime Minister: Well, we know that the taxpayers' money has been fleeced. The hon. Member is joining with the hon. Fourth Member for Quatre Bornes, asking for an inquiry. But mind you, if I may, Madam Speaker, the reports which I have quoted talk of gross negligence. They did not talk of any fraud. The hon. Member said spreading mud and all that, but before we just cast aspersions and accuse people of fraud, we have got to be careful. There has been, for the moment, gross negligence. If *prima facie* evidence of fraud were to surface, of course, that would have been a different matter.

Madam Speaker: Next question, hon. Baloomoody!

NINE YEAR CONTINUOUS BASIC EDUCATION - TECHNOLOGY STUDIES

(No. B/601) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, following the decision to render the Design and Technology and Food and Textiles Studies subjects compulsory from Grade 7 to 9, she will state, as at to date –

(a) the number of secondary schools equipped with fully-furnished workshops and laboratories;

(b) if adequately qualified educators are available for the teaching of the said subjects, and

(c) the number of private secondary schools providing the said subjects.

Mrs Dookun-Luchoomun: Madam Speaker, in line with the curriculum reforms being undertaken under the Nine Year Continuous Basic Education, a new umbrella subject namely, Technology Studies is being taught. It comprises two main strands namely: Design and Technology and Food and Textile Studies.

Technology Studies has been introduced in Grade 7 as from 2018 and according to the new National Curriculum Framework, specialised facilities are required for the teaching of Technology Studies in Grades 8 and 9 but does not necessitate full-fledged workshops since many of the practical lessons can be carried out in a normal arranged classroom. The teaching of practice-related topics for Design and Technology requires a Design Studio for Grade 7 and a Junior Design Technology Lab for grades 8 and 9. Existing rooms have been converted to provide the basic amenities and facilities to teach both components.

With regard to part (a) of the question, I am informed that all State and grant aided secondary schools are offering Technology Studies in Grade 7 since 2018. The essential facilities for teaching of Design & Technology and Food & Textiles are available in all State and grant-aided Private Secondary Schools.

In State Secondary Schools, provision has been made for additional specialist rooms, that is, Girls schools to be provided with facilities for teaching of Design and Technology and Boys schools to be provided with such facilities for teaching of Food and Textiles.

In the regional State Secondary schools, 21 have already been provided with the full facilities. A sum of Rs39 m. has been earmarked in the budget of this financial year for the construction of specialist rooms in the remaining schools.

In many grant-aided Private Secondary Schools, workshops and laboratories for Design & Technology and Home Economics already existed prior to 2018. Such schools are not required to set up new facilities. Schools have been notified of the requirements for the teaching of Technology Studies worked out by MIE since 2017.

I am advised that as at date, out of 87 grant-aided Private Secondary Schools, 84 already have workshops for the teaching of Design & Technology and 85 for the teaching of Food & Textiles Studies. One of these schools is due to close down next year.

In those schools not having the specialist rooms for these subjects, temporary arrangements have been made for the teaching of Technology Studies at Grades 7 and 8.

Madam Speaker, as regards part (b) of the question, I am informed that secondary schools have adequately qualified educators for the teaching of Technology Studies. As for the State Secondary Schools, there are 63 Educators in post for Food Studies, 36 for Dress & Textiles and 93 for Design & Technology. A further cohort of 10 Educators is expected to be recruited by the PSC shortly. The Private Secondary Schools are staffed with adequately qualified teachers who are holders of degrees or diplomas for teaching of these subjects at Grades 7 to 9.

As for part (c) of the question, I am informed that all regional Private Secondary schools are offering the subjects.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: We are talking about Private Secondary Schools and State Secondary Schools. We know that the State Secondary Schools are gender specific. So, the boys schools do not have the facilities for food and textiles. So, can I know from the hon. Minister how many of the State Secondary Schools are fully equipped? Because as from Friday, students and even educators are asked to bring their own consumables like eggs, flour, baking powder, plywood to school when they have to do these designs.

Mrs Dookun-Luchoomun: Madam Speaker, I have just answered that 21 of these schools have full-fledged facilities. Now, when we carry out classes for home science, etc.,

even previously, we do ask students to bring in some of the commodities that they will require.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Can I ask the hon. Minister exactly, she mentioned 21 schools, out of how many State Secondary Schools?

Mrs Dookun-Luchoomun: Madam Speaker, let me go back to the answer that I have just given. In the State Secondary Schools, 21 have been provided with full facilities and a sum of Rs39 m. has been earmarked in this budget year for the remaining schools. So, 21 out of around 63.

Mr Baloomoody: Only one-third of the schools. 21 out of 63 she said.

Mrs Dookun-Luchoomun: Madam Speaker, we are talking here about full-fledged laboratory for workshops. The other schools all have workshops and arrangements to carry out the classes. I must say that in Grades 7 and 8, we do not need full-fledged labs but workshops have been *aménagés* for that.

Mr Baloomoody: I have one question with regard to the extended programme for students. How many years will they have to do to complete those two subjects?

Mrs Dookun-Luchoomun: Madam Speaker, although the question is not related, I will give the answer. The extended programme, as the term itself explains, goes over 4 years. So, they will have to complete the curriculum which is normally in the regular stream completed in 3 years, over 4 years.

Madam Speaker: Next question, hon. Bhagwan!

STATE LAND – LEASE – JANUARY 2015-JULY 2019

(No. B/602) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Housing and Lands whether, in regard to State land leased since January 2015 to date, he will give the list thereof, indicating the –

(a) date of application and of approval thereof;

(b) purpose and duration thereof;

(c) rent payable therefor, and

(d) names and addresses of the applicants.

Mr Jhugroo: Madam Speaker, information with respect to parts (b), (c) and (d) for period January 2016 to February 2019 is available on the website of my Ministry. Information regarding date of application and date of approval which is not available on the website, is being complied and will be tabled.

For the year 2015 and from March 2019 to date, information for parts (a), (b) and (c) is being complied and will be tabled.

Madam Speaker, with respect to part (d) of the question, in compliance with the Data Protection Act 2018, it will not be in order henceforth, to provide the names and addresses of the applicants.

Madam Speaker: Hon. Bhagwan!

PETROL SERVICE STATIONS – APPLICATIONS

(No. B/603) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Petrol Stations, he will, for the benefit of the House, obtain from the National Transport Authority, information as to the number of applications received and approved for the operation thereof since January 2015 to date, indicating in each case, the –

(a) location;

(b) name of operator;

(c) name of land owner;

(d) name of *gérant*, and

(e) date of coming into operation thereof.

Mr Bodha: Madam Speaker, I am informed by the National Transport Authority that 61 applications for Petrol Service Stations have been received since January 2015 to date, out of which 28 have been approved.

With your permission, I am tabling the details of these applications.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Can I ask the hon. Minister whether there is an approved mapping of how many Petrol Stations are allowed region-wise, has there been any study on that?

Mr Bodha: Currently, the National Transport Authority is working on a mapping of the existing Petrol Stations and Petrol Stations which can be approved in the years to come.

Madam Speaker: Hon. Quirin!

INTERCONTINENTAL SLAVERY MUSEUM – CONCEPT COMMITTEE

(No. B/604) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Arts and Culture whether, in regard to the Concept Committee set up to look into the implementation of the Intercontinental Slavery Museum, he will state the –

(a) composition, and

(b) terms of reference thereof.

Mr Roopun: Madam Speaker, Government had, on 17 May 2019, approved the setting up of a Concept Committee for the Intercontinental Slavery Museum, under the Chair of Mr Jean Maxy Simonet, Secretary for Public Service.

The Concept Committee would, *inter alia*, be responsible to work out the historical content and concept of the Museum, the displays to be contained therein and the use of the indoor and outdoor spaces thereat.

Madam Speaker, with your permission, I am tabling information with regard to parts (a) and (b) of the question.

Madam Speaker: Hon. Quirin!

Mr Quirin: Merci, Madame la présidente. Peut-on savoir si le docteur Jimmy Harmon - vu que je n'ai pas pris connaissance encore de la composition du comité - qui est un des responsables du comité diocésain 1er février, est-ce que ce monsieur aussi fait partie de ce comité, vu qu'il a milité pendant longtemps pour la réalisation, la concrétisation de ce projet? Peut-on savoir s'il fait partie de ce comité? Si tel n'est pas le cas, peut-on aussi savoir pourquoi?

Mr Roopun: Madam Speaker, I see the name of one, Mr Jimmy Chourimootoo.

(Interruptions)

No, but I don't…

(Interruptions)

Please! But I don't see the name of Mr Jimmy Harmon on the list.

Mr Quirin: Madame la présidente, pourquoi ce monsieur qui est très actif et qui a milité, comme je l'ai dit précédemment, pour la réalisation de ce projet, peut-on savoir pourquoi le ministère des Arts et de la culture n'a pas cru bon d'inclure le nom de ce monsieur pour participer aux travaux de ce *Concept Committee*?

Mr Roopun: Madam Speaker, we have a Concept Committee containing the names of various individuals, academics, researchers, officials from the Ministry and a long list of 24 members. And we had various suggestions coming from various quarters and ultimately, we had to make a choice, and we have a list of 24 persons who will be working on this Concept Committee. And, of course, the Concept Committee has the possibility also to co-opt, as and when needed, other members of the public who may be of help and also to consult other stakeholders, if need be.

Madam Speaker: Yes, hon. Armance!

Mr Armance: Thank you, Madam Speaker. I would like to know from the hon. Minister what has been the criteria for selection of the members of the Concept Committee? Unfortunately, I have not seen the list yet, but I would like to know how we choose the members to sit on this Concept Committee.

Mr Roopun: May I just for the sake of clarity, list out the names of the members –

- the Chairperson is Mr Simonet, Secretary for Public Service;
- there is a Senior Adviser of the PMO, Ms Chaumière;
- one representative from the Ministry of Finance, Mr Trilock;
- A representative of the Ministry of Public Infrastructure and Lead Architect, Mr Ramjit;
- Mr Beesham Dwarka, from the Ministry of Tourism who is a Tourism Planner;
- the Permanent Secretary of my Ministry;
- the Principle Culture Officer of my Ministry;

Among others, we have got –

- a representative from the Aapravasi Ghat Trust Fund;
- the acting Director of Nelson Mandela Centre for African Culture;

- a representative from the National Heritage Fund;
- a representative from the Le Morne Heritage Trust Fund;
- the Director of the National History Museum;
- Dr. Vijaya Teelock;
- Ms Stéphanie Tamby;
- Dr. Jacques Jonathan Ravat;
- Mr Joël Edouard;
- Ms Sophie Le Chartier;
- Père Alain Romaine;
- Mrs Marjorie Carpooran;
- Mr Jimmy Chourimootoo;
- Ms Marjorie Barbe Munien, and
- Dr. Chaya Hurnath, among others, Madam Speaker.

INTERNATIONAL FOOTBALL ACADEMY - CÔTE D'OR

(No. B/608) 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. 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 expected starting date 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/609) 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.

(Withdrawn)

INDIAN OCEAN ISLAND GAMES 2019 - MAURITIAN ATHLETES – DOPING TESTS

(No. B/610) 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.

(Withdrawn)

Madam Speaker: The Table has been advised that the following PQs have been withdrawn: B/608, B/609, B/610. 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 Seeruttun rose and seconded.

Question put and agreed to.

Madam Speaker: Hon. Thierry Henry, I am drawing your attention that when I am addressing the House, you cannot utter words from a sitting position. And next time you do it, then I will have to take sanction against you.

(4.20 p.m.)

STATEMENT BY MINISTER

CITE VALLIJEE & LA TOURELLE - CHILDREN'S PLAYGROUNDS

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 wish to make the following statement.

In my reply to PQ B/545, at the sitting of Tuesday last, I stated that the Cité Vallijee Children's Playground is operational and in good state. Following the remarks made by the hon. First Member for Grand River North West & Port Louis West, to the effect that the information I provided to the House was totally incorrect, on the same day, I requested the Municipal Council of Port Louis to effect a site visit at the Cité Vallijee Children's Playground and report accordingly.

I am informed that on the same day, that is, 02 July 2019, an officer of the Municipal Council of Port Louis effected a site visit at the Cité Vallijee Children's Playground. The officer has reported that the playground is operational and in good condition. He has also produced some pictures which were taken at around 17.33 hours on the day he effected the site visit.

Moreover, Madam Speaker, one of my advisers also effected a site visit at the said playground on the same day, that is, 02 July 2019, to ascertain the state thereof. He has confirmed that the playground is operational and in good state. Some more pictures were taken at around 18:50 hours by the said adviser.

Madam Speaker, I am tabling the pictures taken at the site of the Cité Vallijee Children's Playground with regard to both site visits.

Madam Speaker, in regard to La Tourelle Children's Playground, I stated that it was handed over to the National Development Unit, and this information is confirmed. I am also informed that it is not operational. So, I am tabling the pictures.

PUBLIC BILLS

First Reading

On motion made and seconded, the Industrial Property Bill (No. XV of 2019) was read a first time.

(4.23 p.m.)

Second Reading

THE CONSTITUTION (AMENDMENT) BILL

(NO. XIII OF 2019)

AND

THE POLITICAL FINANCING BILL

(NO. XIV OF 2019)

Order for Second Reading read.

The Prime Minister: Madam Speaker, I move that the Constitution (Amendment) Bill (No. XIII of 2019) and Political Financing Bill (No. XIV of 2019) be read together a second time, as they relate to the same subject matter.

Madam Speaker, it is with a deep sense of satisfaction that I rise today in this august Assembly to present these two historic Bills. The presentation of these two Bills marks an important step forward in safeguarding and enhancing the health and intrinsic quality and values of our democracy and increasing public confidence in our democratic system.

These Bills reflect and vindicate our determination to bring about the much-needed and long-awaited transparency and accountability in political financing in Mauritius. They are an eloquent testimony of the meaningful change we promised to the nation in 2014. Through these Bills, we are not only fulfilling yet another of our electoral promises, but we are also fostering a better society by enhancing the integrity of our democracy.

Madam Speaker, the need to regulate political financing was long overdue. As a matter of fact, this issue has been on the political agenda for many years now. The House will recall that the issue was included in the terms of reference of the Sachs Commission, which did make recommendations on this matter in 2002. The Commission had even proposed a draft Bill. Subsequently, a Select Committee, under the chair of Mr Emmanuel Leung Shing, QC, was set up in April 2002, to examine and elaborate further on the recommendations of the Sachs Commission and make additional proposals on the subject of funding of political parties.

The Select Committee submitted its report in October 2004. But, for some reason, the recommendations of the Committee were not implemented.

After 2005, the question of regulating political financing, having low priority, if at all, was indeed put on the back burner as it did not appear in any of the subsequent Government Programmes.

But as far as we are concerned, we reckoned that the absence of an appropriate regulatory regime for political financing was an important gap in our anti-corruption framework. This is the reason why, in our electoral manifesto of 2014, we pledged to introduce a Financing of Political Parties Bill.

And on assuming governmental office following the overwhelming mandate from the people in December 2014, our pledge was faithfully reflected in the Government Programme 2015-2019, which provides as follows, and I quote -

> "Government will eradicate fraud, corruption, malpractices and irregularities in all aspects of public life and restore our national values. To this end, (…) a Financing of Political Parties Act will be enacted."

Madam Speaker, the House will recall that, with a view to fulfilling our promises on Electoral Reform, Government had, in December 2015, set up a Ministerial Committee on Electoral Reform to make appropriate recommendations on several important aspects of our electoral system. This issue of financing of political parties was included in the terms of reference of the Ministerial Committee.

Through our replies to several Parliamentary Questions on this subject, both my predecessor and myself, we have all along been providing information on the workings of the Ministerial Committee. I recall our replies were met with scepticism by certain Members on the other side on the House. One of them even accused Government of using delaying tactics and questioned our political will to come forward with this legislation.

The House will recall that the Ministerial Committee on Electoral Reform, which was previously chaired by hon. Xavier Duval, then Deputy Prime Minister, had submitted its report on the Financing of Political Parties in April 2016. He even made a statement in the House in that regard on 05 April 2016.

Madam Speaker, the report on the Financing of Political Parties was indeed submitted by hon. Duval in April 2016. However, the Report was so scanty and lacking in important details that the Attorney General's Office was unable to prepare a Bill in the absence of further particulars and policy directives. The Attorney General's Office consequently raised

a series of questions and issues which had to be addressed before they could even start preparing the Bill. Those issues included the following -

(i) the scope of the additional powers which had to be given to the Electoral Supervisory Commission;

(ii) the transparency and disclosure rules that would apply to private funding;

(iii) the applicability to political donations of the provisions of the Prevention of Corruption Act and the Financial Intelligence and Anti-Money Laundering Act had to be clearly set out;

(iv) consultation with the Rodrigues Regional Assembly on the proposed new expenditure thresholds in relation to the Rodrigues Regional Assembly Elections, and1

(v) absence of indication about the type of sanctions that would apply in cases of breach of the law.

Madam Speaker, all these issues had not been addressed by the then Deputy Prime Minister in his Report.

Following his departure from Government, the newly constituted Ministerial Committee, under the chair of Minister Mentor, re-examined all these issues and made appropriate recommendations. The recommendations of the Ministerial Committee were approved by Government on 30 November 2018. As part of a consultation process, the recommendations were made public on that same day and were also sent to all political parties and independent Members represented in the National Assembly. The proposals were equally posted on the website of my Office. The general public was invited to make suggestions and comments by 14 January 2019.

Madam Speaker, the release of the Government's proposals gave rise to debates and discussions in the Media, involving persons from, *inter alia*, the civil society and the political sphere.

Following this consultation exercise, Government's initial proposals on Political Financing were reviewed in the light of the comments and suggestions made. I shall come to these changes later on when I come to the different Clauses of the Bill.

However, I would like to expatiate here upon the issue of public funding, which was part of the Government's initial proposals. I must say that the element of public funding was initially recommended by the Ministerial Committee chaired by hon. Duval. We do

acknowledge the fact that public funding of political parties is a common practice in many democracies, where the State does provide some form of direct financial support to political parties and candidates, under certain conditions.

Madam Speaker, there are arguments for and against public funding. One of the main arguments in favour of public funding is that it helps to create a level playing field between political parties to the extent that it enables parties to run their basic activities more effectively. However, one can very well argue that this may not necessarily be the case. On the contrary, public funding may well also exacerbate the disparity between major political parties and emerging parties, given that a threshold will inevitably have to be imposed in order to qualify for public funding and only major parties are likely to attain that threshold.

Apart from the fact that public funding may ultimately favour larger parties, there are several other arguments against public funding.

Madam Speaker, we have carefully re-examined this element of public funding, specially, in the light of unfavourable comments made in the course of the public consultation process.

And, as stated in the Explanatory Memorandum, the object of the Political Financing Bill is to introduce greater accountability and transparency in the finances of political parties. The aim is to prevent undue influence of money in politics, promote good governance and break the vicious cycle of corruption.

We consider that, in the Mauritian context, the objectives of greater transparency and accountability in political finance can be achieved without necessarily introducing the element of public funding. We have consequently excluded this aspect from our initial proposals.

Madam Speaker, through these Bills, we are also fulfilling one of our important international and regional obligations in relation to political financing, namely, under the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption.

As a matter of fact, the UNCAC, which Mauritius signed in 2003 and ratified in 2004, provides as follows, in Article 7(3) of the Convention and I quote –

> "Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with

the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."

Moreover, Article 10 of the African Union Convention on Preventing and Combating Corruption, which we signed in 2003, but ratified only in 2018, enjoins State Parties to, inter-alia, I quote –

"adopt legislative and other measures to:

(a) proscribe the use of funds acquired through illegal and corrupt practices to finance political parties; and

(b) incorporate the principle of transparency into funding of political parties."

Madam Speaker, I wish to point out that these Conventions do not impose any obligation on state parties to introduce state funding of political parties or candidates.

Madam Speaker, while framing the proposals embodied in the Political Financing Bill, we have drawn inspirations from best practices in both established and transitional democracies, taking into account our own local context and realities. There is, in fact, no universally agreed system of regulating political finance. Each country has to craft its own model that suits its local context. We consider that the proposals embodied in these Bills are appropriate for our local context.

Madam Speaker, let me now highlight the salient features of the two Bills.

I shall first take the Constitution (Amendment) Bill, which, in fact, is a very short Bill.

Section 41(1) of the Constitution presently provides that the Electoral Supervisory Commission shall have general responsibility for, and shall supervise, the registration of electors for the election of members of the Assembly and the conduct of elections of such members and the Commission shall have such powers and other functions relating to such registration and such elections as may be prescribed.

Therefore, the other powers and functions to be prescribed should be related only to the registration of electors and the election of members of the Assembly.

Given that controlling political financing is, strictly speaking, not a function that is directly related to registration of electors or election of members of the Assembly, the Attorney-General's Office has advised that section 41 of the Constitution be amended so as to allow the monitoring of political financing to be included in the mandate of both the Electoral Supervisory Commission and the Electoral Commissioner.

Clause 2 of the Constitution (Amendment) Bill accordingly seeks to amend subsections (1) and (2) of section 41 of the Constitution to provide additional powers and functions to the Electoral Supervisory Commission and the Electoral Commissioner relating to political financing.

Madam Speaker, let me now come to the Political Financing Bill.

This Bill provides for accountability and transparency with regard to the financing of political parties, independent members of the National Assembly and independent candidates with a view to preventing undue influence and corruption.

Clause 3 of the Bill provides that the ESC shall have such functions and powers as may be necessary for the purposes of this Act and those functions and powers shall be discharged and exercised by the Electoral Commissioner under the supervision of the ESC.

And Clause 4 empowers the Electoral Supervisory Commission to inspect, verify, review and investigate into the financial affairs, including the Register of donations, of registered political parties, independent members and independent candidates. Clause 4 also empowers the ESC to issue directives or warnings in case of non-compliance with this Act.

Madam Speaker, the ESC has been designated as the oversight body for the monitoring of political financing as it is an independent body enjoying an excellent reputation, and is the most appropriate and relevant institution to ensure an effective and credible control on the financing of political parties, independent members of the National Assembly and independent candidates. Internationally also, the electoral management bodies are, by far, the most common institutions responsible for political finance oversight.

Clause 5 provides for every political party to be registered with the ESC and Clause 6 lays down the application procedures and the particulars to be provided to the ESC for registration purposes.

Part IV of the Bill provides for the framework for political financing and it is to be noted that "Donation" and "donation in kind" are defined as follows, and I quote -

““donation” includes a donation in kind but, in relation to a registered political party, does not include a membership fee of the party or any fee imposed by the party on its members;

“donation in kind”, on the other hand, means any of the following sponsorships provided to a registered political party, an independent member or an independent candidate –

(i) publicity in the media and on billboards;

(ii) elections paraphernalia, such as banners, flags, buntings or posters;

(iii) campaign promotion shirts, t-shirts, polo shirts and caps;

(iv) advertising materials such as sample ballot papers, pamphlets or stationery.””

However, donation in kind does not include services rendered personally by a volunteer or free air-time for political broadcast.

Madam Speaker, Clause 8 provides that a donation shall be made only to –

(a) a registered political party, through its treasurer, and not to an individual member of a party;

(b) an independent member; or

(c) an independent candidate.

Clause 9 of the Bill prohibits the acceptance of any donation from the following sources, whether directly or indirectly –

(a) an anonymous person;
(b) a State-owned enterprise;
(c) a statutory corporation;
(d) a religious body;
(e) a non-governmental organisation which is in receipt of any subsidy or grant from Government;
(f) any CSR Fund set up under section 50L of the Income Tax Act;
(g) a non-citizen;
(h) a foreign Government or foreign entity; or
(i) Such other bodies as may be prescribed.

I wish to point out that the prohibition of donations from these sources is very much in line with international practice. It is to be noted that donation from non-resident citizens will be allowed.

Madam Speaker, I wish to point out that no limit has been imposed on the amount of donation in cash, given that we have removed the element of public funding. Moreover, there is a ceiling on expenditure that is now being imposed on political parties. There was no such limitation previously.

According to a study carried out by the International Institute of Democracy and Electoral Assistance, in many countries there is no limit imposed on donation as they consider such donations to be a form of free speech, which should not be subjected to any restriction, apart from banning donations from undesirable sources.

Clause 10 prohibits a political party, an independent member or an independent candidate to accept a donation which they know or ought to know originates from the proceeds of a crime and enjoins them to report the matter to the relevant investigatory body. A similar reporting obligation has been imposed on the Electoral Supervisory Commission.

Clause 11 provides that no company shall make any political donation unless there is a board resolution authorising it to do so. A company which makes such a donation should disclose in its financial statement the amount of the donation made. It should be noted that the company will not be required to disclose the name or names of the party or parties to which donations have been made.

Moreover, any monetary donation by a company should be made by cheque or electronic means. It is to be noted that the term “company” in this Act includes any *société* or other corporate entity.

Clause 12 enjoins every registered political party, independent member or independent candidate to keep a register of donations which shall contain –

(a) the monetary donations received, whether in cash, by cheque or electronic means;

(b) the amount, nature and the monetary value of the donation in kind received;

(c) the date the donations were received;

(d) the names and addresses of donors, and

(e) Such other particulars as may be prescribed.

Clause 13 imposes a limit on donation in kind that may be received by a party or a candidate. Such donation shall not exceed the threshold of 50 per cent of the total allowable expenditure of a party or candidate under the Representation of the People Act.

Clause 14 of the Bill requires the treasurer of a registered political party and an independent candidate to submit to the Electoral Supervisory Commission, along with their returns of election expenditure to be made under the Representation of the People Act, a report indicating the amount, nature and monetary value of any donation in kind received during a campaign period. In case of a party alliance, the report shall be submitted jointly by the respective treasurer of each party constituting the alliance.

Clause 16 imposes a duty on the treasurer of every political party to keep the necessary accounting records of the party that would –

(a) contain, *inter alia*, entries showing all donations received and payments made and a record of the assets and liabilities of the party, and

(b) enable him to prepare the statement of accounts of the Party, in compliance with the Act.

Clause 17 requires the treasurer of every registered political party to prepare a statement of accounts for each financial year which shall be duly audited. Where the party's gross income or expenditure exceeds Rs1 m., the accounts should be audited by a qualified auditor.

The treasurer will also have a duty to submit the audited statement of accounts of the party to the Electoral Supervisory Commission not later than 60 days after the end of every financial year.

The Electoral Supervisory Commission will make these statements of accounts available for consultation by the public.

Clause 19 provides that the Electoral Supervisory Commission shall prepare and submit to the National Assembly a report regarding the statement of accounts

of every registered political party not later than 120 days after the end of every financial year.

Clause 20 of the Bill provides that the obligations under part (vi) of the Bill on political parties to maintain accounting records and submit statement of accounts shall equally be applicable to an independent member.

Clause 21 of the Bill empowers the Electoral Supervisory Commission to issue written directives or warnings where it has reasonable grounds to believe that a person has contravened or is likely to contravene the Act.

Clause 23 provides that any person who hinders or prevents the Electoral Supervisory Commission from exercising its powers under the Act shall commit an offence.

Clause 24 provides that where an offence is committed by a political party, the person who was the treasurer of the party, or where there is no treasurer, every person who, at the time of the commission of the offence, was concerned in the management of the party, shall also commit the like offence, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

Clause 25 empowers the President to make regulations, after consultation with the Electoral Supervisory Commission and the Electoral Commissioner.

Clause 26 of the Bill provides for the following consequential amendments to the Representation of the People Act –

(a) in section 51(1), to provide for an increase in the ceilings of election expenses to a more realistic level.

Madam Speaker, It is pertinent for me to remind here the observations made by the Sachs Commission with respect to the present expenditure ceilings, which reads as follows, and I quote –

> "It is common knowledge that these ceilings on expenditure are observed only in their breach. Gross violations take place and false returns of expenses showing all expenditure within these ceilings are filed with impunity, everybody fully conscious of the fact that these returns do not reflect the true picture. Besides, expenditure by the political parties on behalf of the candidates in their constituencies and expenditure by friends, associates, etc., of the candidates is not covered within the prescribed ceilings. This is a big loophole in the Law and in fact makes a mockery of the whole issue of placing ceilings on expenses. We feel that the presently prescribed ceilings on expenditure are totally unrealistic. The ceilings would therefore need upward revision to a reasonable and realistic level so as to match the cost of election."

Madam Speaker, we are consequently revising the ceilings for election expenses which will now be as follows –

(i) at a National Assembly election –

(A) in respect of a party or party alliance, a ceiling of 1 million rupees per constituency is being prescribed. It is to be noted that so far there was no ceiling prescribed on the expenditure of parties;

(B) in respect of a candidate who is not the only candidate belonging to a party at the election in the constituency, the ceiling is being increased from 150,000 rupees to 1 million rupees per candidate;

(C) in respect of a candidate who does not belong to any party, or in case there is no other candidate belonging to the same party at the election in a constituency, the ceiling is being increased from 250,000 rupees to 1.5 million rupees per candidate;

(ii) at a Municipal City Council or Municipal Town Council election, the ceiling is being increased from 50,000 rupees to 300,000 rupees per candidate;

(iii) the Village Council election, the ceiling is being increased from 50,000 rupees to 200,000 rupees per candidate;

(iv) at a local region election or an Island region election in Rodrigues, the ceiling is being increased from 100,000 rupees to 200,000 rupees per candidate.

Madam Speaker, the other proposed amendments to the Representation of the People Act are as follows –

(b) the limit of expenses to be incurred by a candidate, as provided in section 53 of the Representation of the People Act, is being increased as follows –

(i) expenditure for the candidate's personal living expenses is being increased from 25,000 rupees to 150,000 rupees, and

(ii) petty expenditure is being increased from 2,500 rupees to 25,000 rupees;

(c) in section 56, the minimum expenditure to be supported by vouchers is being increased from 30 rupees to 5,000 rupees;

(d) a new section 56A is being inserted to provide for parties or party alliances to submit returns of election expenses to the Electoral Commissioner within 60 days after the proclamation of the results of an election. It is to be noted that at present only candidates are required to submit such election returns, given that expenditure limits are only applicable to candidates;

(e) the fines prescribed in part (V) of the Representation of the People Act for various election offences are being increased from 1000/2000 rupees to 50,000 rupees;

(f) a new section 72(B) is being inserted to provide for temporary political headquarters and campaign quarters, commonly known as "baz". There shall be not more than one political headquarter per constituency, ward, village or local region and not more than one temporary political campaign quarter, "baz" per registration area. The ESC is also being empowered to issue directives and warnings to ensure compliance with the provisions regarding such temporary political headquarters and campaign quarters.

Madam Speaker, I wish to emphasise that appropriate provisions have been made for the sanctioning of any breach of the respective clauses of the legislation by fines. Appropriate, effective and enforceable sanctions are indeed necessary to have the desired impact. We have opted for fines as compared to other forms of sanctions. Fines are indeed the most common form of sanctions used in many parts of the world. It is simple and relatively easy to enforce.

Warnings and compliance notices are equally useful and effective sanctioning tools. The ESC is accordingly being empowered, under Clause 21, to issue directives and warnings in order to ensure compliance with the Law.

Madam Speaker, in line with the provisions of section 41(3) of the Constitution, the Electoral Supervisory Commission and the Electoral Commissioner have been consulted on the two Bills and due consideration has been given to their comments and suggestions.

Madam Speaker, the absence of legislation regulating political finance in Mauritius is indeed unhealthy for our democracy. The current situation is characterised by a high degree of mistrust. There is therefore a dire and pressing need to fill this vacuum and thereby improve public confidence in the integrity of political financing in Mauritius. We believe that

the proposals embodied in these two Bills constitute a feasible, reasonable and practical way of addressing the issues in question in regard to political financing in Mauritius.

The adoption of these measures will be an important and decisive step forward in safeguarding the health of political parties and will at the same time promote sound, dynamic and lively democracy, while eliminating the risks of undue influence and corruption.

It is therefore important that we have cross-party support over an initiative with such lofty objectives. We should not look at it only in terms of party political advantage. We all share a common interest in building public confidence in the integrity of our democratic system. I would therefore urge all Members to set aside their ego and petty excuses and allow higher ideals to prevail, in the broader interest of the nation.

Madam Speaker, we have put in a lot of efforts, time and resources in the preparation of these two Bills. We have also answered numerous Parliamentary Questions on this subject, coming from members of the Opposition, who gave the impression that they were very anxious to see the early introduction of these Bills. It is now time for the Opposition to walk the talk and show to the nation what they stand for.

We do not have a framework yet for political financing oversight in Mauritius. We have to introduce one. The absence of an oversight mechanism constitutes an important gap in our governance framework and makes the current situation unsustainable. It erodes trust in political parties and in democracy and is in serious need of reform. The framework we are proposing in these two Bills may not be the perfect one. But we need to start somewhere. In any case, there is no single best practice in this area, available off the shelf. Each country has to grow its own system to fit its particular context and this is exactly what we have done through these two Bills.

Madam Speaker, however, since the first Bill will entail an amendment to the Constitution which requires a three quarter majority of the House, I shall propose, at the appropriate time, that the two Bills before the House today be put to vote separately. I believe this way of proceeding will facilitate the debate.

To conclude, I would like to quote Mr Kofi Annan who, in his capacity as Chair of the Global Commission on Elections Democracy and Security, stated the following in a publication of the International Institute of Democracy and Electoral Assistance, and I quote –

"Poorly regulated political finance can diminish political equality, provide opportunities for organised crime to purchase political influence, and undermine public confidence in elections. Indeed, a failure to regulate political finance threatens to hollow out democracy and rob it of its unique strength."

Madam Speaker, with these insightful words from Mr Kofi Annan, I commend these two Bills to the House.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo) rose and seconded.

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

At 5.06 p.m., the sitting was suspended.

On resuming at 5.44 p.m. with the Deputy Speaker in the Chair.

The Leader of the Opposition (Mr X. L. Duval): Mr Deputy Speaker, Sir, as the then Deputy Prime Minister, I had the duty to chair an important Committee on Electoral Reform. The Committee had very wide-ranging powers; it looked at Rodrigues, Local Government, female representation and so on and so forth and, of course, this issue of political financing.

The Committee was set up in mid-December 2018. Despite the end of the year, etc., we completed our first report which was, as I seem to remember, on political financing by the end of March and it was then approved by Cabinet. I think it was on 01 April 2016. So, not even four months after.

I regret the comments of the hon. Prime Minister saying that the report was scanty, etc. I do not want to get into details, but suffice to say that although the hon. Prime Minister was not in Government at that time, the Committee comprised, apart from the hon. Prime Minister, all the senior Members of Government, 2 QCs - hon. Collendavelloo and hon. Gayan - and then, hon. Mrs Leela Devi Dookun-Luchoomun and the now Vice-Prime Minister, hon. Fazila Daureeawoo, etc., etc. So, really, it was a big and important Committee and consensus was reached. The report was approved, the report was sent to Cabinet, Cabinet did not find it scanty, Cabinet approved it immediately and it was sent to the State Law Office in April 2016.

I left Government in December 2016. Never, at any time, despite recurring reminders, did the then Attorney General tell me that the State Law Office needed any clarification or anything. So, it was done like this. It stayed at the State Law Office till I left Government in 2016. So, it is not the time now for recriminations. We were all in the Committee; we were all happy with the report; it was approved by Cabinet, and then full stop. Obviously, I can understand why the hon. Prime Minister is saying this, because it has taken three and a half years to come before this House and to come today for consideration by the House. Three and a half years, Mr Deputy Speaker, Sir, that is, 39 months. 39 months to produce a Bill of some pages, 20 pages, which, I must say, reflects the spirit of what the then Committee wanted; accountability, transparency. It reflects that spirit; there is no doubt about that. It goes on the same line. 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. Why it took 39 months? Perhaps we can get a better explanation than the scanty explanation that the hon. Prime Minister has given, which really does not hold water. And to come to seek consensus in the House and start by criticising the Opposition, okay, let us see how it goes.

Mr Deputy Speaker, Sir, what are the main changes to the proposed present Bill? Firstly, State financing has disappeared. I think, probably now, that it will be too late to explain to the population the importance of State financing. *Nous avons raté notre chance, on a raté le coche* because *la démocratie, M. le président, a un coût.* It is expensive democracy and we will see why, in this own legislation, Government admits that democracy is expensive. It is not a free good. It is not free. It is the best thing that we have in Mauritius, democracy, and it has a cost. And the majority of democracies - I think, it is nearly 70% when we had looked at it in the Committee - nearly 70% of democracies accept that State financing is a good thing, it is a necessary thing to ensure that corruption is limited, to ensure that democracy works and to ensure that we have, as far as possible, fair and free elections. The great majority of democracies accept this. Because, Mr Deputy Speaker, Sir, just look at this, and the population will be shocked by it. Let us just look at the sort of cost that this Bill actually presupposes so far as an election is concerned. If you make the calculation, Mr Deputy Speaker, Sir, you will see that for a party that fields 62 candidates, including Rodrigues, you have a limit, you are authorised to spend up to Rs83 m., that is, for the General Elections. Rs83 m. per party or per alliance that will take part in the election, fielding every candidate possible.

For Municipal Elections, we are talking about another Rs36 m., and that will come after the General Elections, we know that. And then, Mr Deputy Speaker, Sir, you will be surprised, Village Council Elections! Say you had one party which wanted to field candidates in every village in Mauritius. Do you know how much it would be authorised to spend? Rs234 m. Look at the sort of sums we are talking about. Even the Rs36 m., which is the lowest sum, is a huge amount of money to raise. Rs80 m. upwards for a General Election? That is a huge amount of money to raise! And it is now going to be raised directly by the treasurer of the party, not by candidates individually. That will no longer be allowed. Good thing or bad thing, we will see in a moment. But each party will raise Rs83 m. From where? From where are we going to get Rs83 m.? Legally? How is that going to happen? This is the question that the population needs to ask itself, and this is the reason why State financing - and we had in mind, if my memory serves me well, a sum of Rs150 m. that the State would have put aside every five years. We just gave Rs52 m. to CMT to export. We can afford Rs150 m. every five years for democracy. And this is why I regret that it is not in the Bill. I accept that it is late now to explain this to the population, but it is not the fault of the Opposition that the Bill has come *à la veille des élections générales.* It is not our fault, it is not our doing, and that is to be laid strictly at the door of Government. So, we are talking about, Mr Deputy Speaker, Sir, per alliance, per party fielding Rs83 m. So, you have 3, 4 parties coming up in the General Elections, imagine how much money is going to be wielded, Mr Deputy Speaker, Sir. It is quite mind-blowing in the absence of State funding. This is the first thing, Mr Deputy Speaker, Sir.

The second thing that I cannot see in the Bill is this provision that there should be no political donation, whether in kind or in cash, in return for an expected favour or in return for an expected advantage, financial or political. You can see even in the UK, people getting knighted, etc., in return for having financed the party. So, that was also included in the paper, in our deliberations of the Committee. Why we cannot see any shape or form in the final Bill, perhaps the hon. Prime Minister will come and tell us whether it is covered somewhere else or whether, in fact, it is an omission, deliberate or otherwise; why it is not there whereas it was there in the original report of the Committee on the Electoral Reform, Mr Deputy Speaker, Sir.

Political donations should not be allowed in return for future favours, appointments, jobs, juicy and profitable contracts. That was and ought, in my view, to be clearly set out in the political financing. Because that is the crux of the matter. Why would someone give you

Rs80 m. to do the election? Why? Because he likes the look of your face? This is why the temptation is there and the temptation must be gotten rid of.

Mr Deputy Speaker, Sir, then there was - a less important one, but nevertheless - the issue of anonymous donations. The Committee thought, at the time, that anonymous donations of less than Rs50,000 need not be reported, it would cause embarrassment to people who, after all, have, in the scheme of things - you can see the millions that are going around - are actually not very, very important. They are just, in fact, really nominal amounts given to political parties and ought to be able to remain anonymous.

And the last main difference which I am going to take - there are others - is the fact concerning the sentences, the penalties for infringement of the law. Now, all that we have at the moment are financial penalties. Okay, you have taken Rs10 m., Rs20 m., Rs100 m. in excess, you pay Rs1 m. fine, and that's it. Whereas in the original Committee, the idea of having ineligibility to be elected again, if you are already elected or elected in the next election, would be a sentence as well as imprisonment. Those two things together, with financial penalty, would have had a far greater binding impact on the law and would have put real teeth in the legislation, Mr Deputy Speaker, Sir.

Nevertheless, let us see the Bill that is presented today. It has been done in a bit of a cavalier method, I must say. Here is the Bill, look at it, and we hope that - I think hon. Boissézon said somewhere that we should have anonymous voting because we have to agree on everything, whereas Government has not agreed with itself. The original Committee was changed in a way and now we have a change of mind, the Government has changed its mind from the original Committee. We are not allowed! Although we are going to be affected by this Bill directly - democracy is going to be affected - we are not allowed to put any input in this Bill. We just have to accept it or I don't know what else. So, Mr Deputy Speaker, I regret the cavalier attitude of Government. Should there have been a round table? Should there have been a formal Committee? And I would propose, at the end of my speech, somewhere, to move this process forward if, as I understand it, there will not be a majority to vote for the change in the Constitution today.

Now, let us think back. Why on earth did the Constitution asked for a 75% majority to change the Constitution? Why? Why was that? Had they gone crazy, fathers of our nation to do that or was there a reason? The reason is that the creators of the Constitution wanted there to be consensus for changes of the Constitution. Wide-ranging support for changes of

the Constitution! How do you get wide-ranging support when you just throw a Bill at the House and say, “vote if you want, don’t vote if you don’t want”. There has been insufficient effort on the part of Government to try and reach consensus and we, for one, in the PMSD, having myself sat on that Committee, we are willing to, in a formal structure, not in a private meeting structure, consider changes rapidly that need to be made to this Bill for it to have its 75% majority in the House, because I think also it would be regrettable that this does not occur and it keeps being postponed, Mr Deputy Speaker, Sir.

So, we need cross-party support, and cross-party support does not come like that. Cross-party support comes after an effort is made at understanding what are the priorities, what are the concerns, what are the suggestions of other parties. That is the definition of cross-party support. Cross-party support does not come like that quickly. It comes with an effort, and we can only regret there has been no effort and this has led some people to say that Government really doesn’t want it to be approved, because there has been no effort, at least, so far as the PMSD is concerned, to call maybe a Committee, a Select Committee, something to study and to come quickly with amendments. The original White Paper that was published by Government, if I can call it a White Paper, some months ago, is totally different from the law that has been proposed today.

Mr Deputy Speaker, Sir, so, what are our problems? First problem is the Electoral Supervisory Commission. I have made no bones about that. It’s no secret what I think of the Electoral Supervisory Commission. In my mind - maybe I am stupid - the Electoral Supervisory Commission should be fiercely independent because that is the basis of our democracy in this country. This Electoral Supervisory Commission is our pride and joy. It is the jewel in the crown. The Electoral Commission is highly respected around the world, and rightly so. But what have we seen with the Electoral Supervisory Commission? What I have lived - I have lived it as Leader of the Opposition. I have lived it. I am not happy with the trend. I am not saying it was perfect in the past. No! There were issues in the past, and this is why I will say what I proposed at the time. There were issues in the past, Mr Deputy Speaker, Sir. Now, what happened? *Un beau jour*, sometime, I don’t remember when, I received a letter. This is a consultation by the way. The President, whoever, seeks consultation, sends the Leader of the Opposition a letter - I presume it was the same before that - and you reply, and you don’t know what happens ever again. This time, we replied, we obviously objected to Mrs Sona-Oree being appointed. Why? Because she was politically conflicted. She had even stood on a political platform, wearing the orange vest, and suddenly

she was being now propelled, or whatever the word is, to the Electoral Supervisory Commission to supervise the electoral system in Mauritius. Here we have a political agent being now posted at the Electoral Supervisory Commission. Thank God, there was such an outcry in the population, in the Press, etc., that Mrs Sona-Oree gave up and did not pursue, or she was removed - whatever happened; her candidature was removed.

But then, before we had time to say *ouf*, now we come with another one; one Mrs Ragavoodoo, same Mrs Ragavoodoo who is on the Board of Air Mauritius and God knows! I have taken care of Air Mauritius long enough to know that you don't get appointed on the Board of Air Mauritius lightly. It is again the jewel in the crown, if I can say so, of appointments where, after a few years, you get free air tickets, etc. I mean it is a good appointment, and Mrs Ragavoodoo is on there. I won't go into the family connections; I will use some restraint. But we do not accept that Mrs Ragavoodoo is the fiercely independent person at all to be on the Electoral Supervisory Commission. I received a letter again from the acting President. This time I wrote to him, I objected. I phoned, I said, "Can I come and see you? I think I ought to talk to you about this". I went to see him; I explained to him why the Opposition is against the appointment of a politically conflicted person on the Electoral Supervisory Commission. That she is on the Board of Air Mauritius or whatever, it is okay! It is not perfect, but we are not going to fight about it. But that she is appointed on the Electoral Supervisory Commission is, in a democracy, unacceptable. I explained it to him and I told him also my view that if the problem is that there have been others who were related in one way or conflicted with other political parties, I would be happy to have all of this changed and to have a new Electoral Supervisory Commission, completely independent of any political party. I was not going to play party politics. We do not have anyone close to the PMSD, ever, on the Electoral Supervisory Commission. But, as I said, we were willing, I spoke to the President then and said "look, if that is the problem, let's..." Now, where the President got these two names, we can only suppose. But I told him that we can actually have a new or take out the members political parties objected to, because they are there to supervise elections. And, of course, he listened to me and he completely ignored me. He completely ignored me and Mrs Ragavoodoo was elected. The same Mrs Ragavoodoo, who is on the same ESC, which is no longer independent, is going to be given additional powers tonight. Then, what will happen? In a few months' time, let's say there is another vacancy at the Electoral Supervisory Commission; someone comes to the end of his term; someone has a misadventure; someone resigns. What will happen? Are we going to come again, the

President is going to send, whoever is the Leader of the Opposition at the time, a letter, and then we are going to have this and that and the other political agent appointed there? And these are the people who will come and supervise and be given additional powers? I think not, Mr Deputy Speaker, Sir.

This is why our first objection is the current method composition - not all of them - of the ESC and the method of appointment. Now, the Electoral Commissioner is appointed by the Judicial and Legal Service Commission. We can see that. My humble suggestion is that the Electoral Supervisory Commission also should be appointed, let us say, by the Judicial and Legal Service Commission because, as I mentioned, nobody has any criticism against the Electoral Commission.

So, Mr Deputy Speaker, Sir, there is a real problem. I hope people understand. I hope I have made myself clear that what should be fierce independent is no longer, and the trend is even worse.

(Interruptions)

The Deputy Speaker: Can I, please? I think hon. Members have been warned before that they should either switch off or put their telephone on silent mode. Please do so in order not to interrupt the speech of the hon. Leader of the Opposition. Thank you.

Mr X. L. Duval: Thank you, Mr Deputy Speaker, Sir. So, the trend is dangerous for this country and, certainly, do not count on the PMSD to give additional powers to the present Electoral Supervisory Commission. Do not count on the PMSD for that. Should there be a willingness to change, certainly we will go along with that change. Mr Deputy Speaker, Sir, again, I say, Government accepts the consequences of having had conflicted, not independent persons on the Electoral Supervisory Commission.

But, Mr Deputy Speaker, Sir, there are other issues. I believe that this Bill is so important that it must leave no room for supposition, no room for approximation and everything must be absolutely clear, no subjectiveness, no ambiguity, no vague powers. This is why I am going to raise the issue of two sections of this Bill; section 6 (1) (f) and section 6 (3). Why do I do this, Mr Deputy Speaker, Sir? We have all read in International Press issues arising in the region, mostly Africa, South America, etc., where Presidents, parties are not allowed to take part in the elections. They are not allowed to register themselves as candidates for usually some subterfuge; he was not born here, this and that, and many other reasons are evoked to prevent the democratic process from working properly.

This is why there are sections in this Bill which, I think, are objectionable because they are vague. They would not be objectionable if they were precise. So, I think, this is not a complicated issue. Let us take section 6 (1) (f). If you want to register as a political party, you have to give name, symbol, official address and all that. Nobody has any issue. But, then it says at 6 (1) (f) –

"such other information or document as the Commission may determine."

Why? It is vague! They can ask you your marriage certificate. What more can they ask you? It should be absolutely clear what information is required. It is not for us to vote a law that is vague. And the same thing will apply to section 6 (3), if you turn the page.

"(3) The Commission may, after considering all the particulars (...) register the political party (...)."

'May', Mr Deputy Speaker, Sir, not 'shall'. I object to this 'may'.

I think, firstly, the application must be clear-cut, what you must submit, in the law itself and, once you have done that to the satisfaction of the Commission, the Commission 'shall', not 'may'. I think that is vagueness, subjectiveness and ambiguity, which is not acceptable. As I mentioned, we do not know what will the ESC be made up of in the years to come. So, it is important that there should not be any temptation on the ESC to put undue pressure or even to debar political parties from registration, in which case, for one thing, they would not be able to accept funds and then, I presume also, not be able to register themselves for the election and participate in the election. No vague powers, Mr Deputy Speaker, Sir.

Same also for section 9 (1) of the Bill, which says that you will not take money from this, that or the other, which we all agree with. You do not take money from CSR, etc., and such other bodies as may be prescribed. You can imagine someone being a bit nasty, a bit mischievous and starting to prescribe other bodies that have not been thought of and that they are suddenly seen as financing some political parties.

So, I think, again, this may not be, Mr Deputy Speaker, Sir, issues which are as wide-ranging as the Electoral Supervisory Commission. Nevertheless, in practice, this can cause a lot of problems for parties, Mr Deputy Speaker, Sir. I will go also to section 25 of the Bill where, this time, the President may make such regulations as he thinks fit for the purposes of this Act. As he thinks fit!

If you look at section 85 of the Representation of the People Act, Mr Deputy Speaker, Sir, there the President may also issue regulations, but it is clear what type of regulations. There are seven instances of regulations that he can issue, he can make, like prescribing the forms to be used, prescribing the fees, the period for registration, etc. So, we cannot give, again, to the same President or another one a blank cheque to make any regulation that he might think fit for the purpose of this Bill, Mr Deputy Speaker, Sir.

What about the financial aspects? We talked about anonymous donations, we think it should be included, small amount up to Rs50,000, but it has not been. Mr Deputy Speaker, Sir, what about membership fee? Is not that a loophole? Membership fees are not accounted for as donations. But I can have a simple member's fee, I can have a silver member, I can have a gold member, I can have a platinum member, still a membership fee. A platinum member can Rs5 m., it can be Rs15 m., a life member. Who knows? So, it is not appropriate, it is too big a loophole to accept. You cannot have the simple words 'membership fee'. It is open to manipulation because you can have all types of members, and this can go to any amount without it being counted as a donation.

Another one which I think is astounding, Mr Deputy Speaker, Sir, is the question of airtime. Now, if your donations in kind are strictly controlled, even a banner that you have, you would put outside the market or something, that is controlled. You have to account for the banner, you have to account for billboard, you have to account for everything, but you do not have to account for free airtime. You have to account for the banner, vote this, vote that, but not free air time. If you are donated banners, I mean, you have to account for it. If you are given free airtime all day long, your radio will give you airtime, that is not a donation. When we know that we have two new radio stations...

(Interruptions)

...plus the MBC, but the MBC is controlled during the campaign, I think. These two radio stations are coming up, they have just been licensed. Lucky people! There is a case in Court and all that. Lucky guys, we all know their political affiliation, and this is glaring inclusion in the law that free airtime is not going to be counted as a donation. That is not acceptable, Mr Deputy Speaker, Sir.

Now, there is the report, I understand, that the Electoral Supervisory Commission will be making to Parliament. That's all it says. The ESC will make a report to Parliament. I think, again, to avoid ambiguity, we need to know what is going to be in the report, what issues,

what are the subject matters that the ESC will include in its report to Parliament, Mr Deputy Speaker, Sir.

Now, there is one thing I need to raise. I do not know whether it is a drafting error, but section 9 of this Bill says that it is only the treasurer who is allowed to collect funds for the party. I have got no issue with that particular bit of the law. But if you look at section 53 (b) of the Representation of People Act, there it says the donations are only to be paid to candidate or to his electoral agent. So, I would be grateful if - maybe there has been an omission, maybe I have misunderstood, but it is apparent to me that there is a contradiction in the law as far as that is concerned.

Mr Deputy Speaker, Sir, as far as disclosure is concerned by companies in their financial statements, that is, section 11 (c) of the Bill, now that section does say clearly the amount of donations made to a registered political party. It is in the singular. The hon. Prime Minister said, in fact, that the donations will be amalgamated completely and published in the financial statements as one figure: donations to political parties. So, I wonder whether the way that it has been drafted, that is, donations made to a political party, whether it does not require, as I can read the law here, individually - the hon. Deputy Prime Minister says no, fair enough! - require a separate disclosure.

Mr Deputy Speaker, Sir, section 14(2) requires report of donations received by a party alliance to be signed by the treasurer of each political party. How can that be? How is a political party going to know how much the other political party has received? This is completely unworkable. Each political party has its own structure, has its own method of managing its accounts, its funds, etc., and these guys meet for the purpose of an election. No access is provided, either political party, into the funds of the political party. So, requiring a treasurer of one political party to certify the accounts of the other political party that happens in an alliance, or political parties, I think, is unworkable and ought to be removed from the legislation.

What should be done is that each political party must be responsible to make its own report, whether it is in alliance or not. That will make sure that, at least, it has a chance of being accurate, because otherwise there is no way we can assume that the report provided is going to be in any way accurate. And I would not like to be the treasurer who actually signs the report of another political party sent to the Electoral Supervisory Commission. So, Mr

Deputy Speaker, Sir, on the issue of ambiguity, I think we raised that issue. There is also section 6(f) which I think I mentioned, but I am being given this paper. I think I mentioned it.

Mr Deputy Speaker, Sir, as I mentioned, I was in the Chair of the Committee. The essence, the idea, the philosophy is still here. We have issues. They are not that major issues if you think about it. They are not sort of mind-blowing issues. We are asking for a proper supervisory body that is fiercely independent and then, there are other housekeeping issues that I thought of. My colleagues, on this side of the House, will raise other issues which, I am sure, are as important.

So, what am I asking for from now on? We are asked to vote this Bill, I think, at 05:00 a.m. in the morning. Is that serious? Is that how Government wants to proceed with an amendment to the Constitution? I think not, Mr Deputy Speaker, Sir. The population will not accept that we treat our Constitution in this way.

What I am saying, we have some points here, which are genuine points; others will have other points. Similarly, as Government took three and a half years to come to this House, we should be given a chance in a Select Committee, we can put a timeline to the Select Committee, we can give it a date, we can appoint it immediately.

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, I have no problem with that, and come up, say in two weeks' time, with amendments to this law, which will honour our country, which will honour our democracy and which will ensure, Mr Deputy Speaker, Sir, that we do away with covert, under the table political financing, and we have put more transparency and accountability in something that is up to the present completely unaccountable and completely opaque.

That is my contribution, Mr Deputy Speaker, Sir, to the debate.

Thank you.

The Deputy Speaker: Hon. Gayan!

(6:20 p.m.)

The Minister of Tourism (Mr A. Gayan): M. le président, les deux projets de loi que nous sommes en train de débattre représentent une occasion splendide, pour que tous les partis représentés à cette auguste Assemblée viennent ensemble pour assainir le financement des partis politiques et le financement de la politique, tout court.

M. le président, comme l'a dit l'honorable Leader de l'Opposition, une démocratie sous-entend l'existence des partis politiques ou les candidats. Et c'est reconnu que tous les partis politiques ont besoin de ressources pour faire leurs activités politiques et surtout, quand il y a les élections générales, il faut qu'on dépense. J'aimerais aussi dire que ce n'est pas en 2019 que nous sommes en train de débattre de cette question. Cela a été soulevé depuis des années et des années.

Quand le gouvernement MSM-MMM a été formé en 2000, il y a eu la Commission Sachs qui a eu la tâche de rédiger un projet de loi sur le financement des partis politiques. La Commission Sachs a effectivement préparé un projet de loi sur le financement des partis politiques. Mais comme c'est dit dans le rapport du *Select Committee* qui est venu après, la Commission Sachs a préparé un projet de loi sans qu'il y ait eu un débat politique sur la nature de quel financement pour les partis politiques. Et c'est ce qui s'est passé, la Commission Sachs est partie. Il y a eu ce rapport qui a été mentionné par l'honorable Premier ministre, le rapport Leung Shing sur le *Select Committee* et, naturellement, les élections sont arrivées en 2005, il n'y a pas eu de suite à ce qui s'est passé.

Mais, ce que j'aimerais dire, M. le président, c'est que depuis 2000, il y a eu ce débat constant dans l'opinion publique pour qu'il y ait une réglementation pour le financement des partis politiques. Et je dois aussi dire que l'opinion publique est convaincue, à tort, à mon avis, que tous les partis politiques sont corrompus, il y a de l'argent sale en politique, tous les politiciens sont devenus riches à cause des financements occultes et opaques en ce qui concerne la politique. Et c'est pour cette raison qu'il est important qu'on fasse adopter une loi qui réglemente d'une façon transparente le financement des partis politiques. Comme l'a dit l'honorable leader de l'opposition, j'ai été membre de ce comité ministériel qui a été formé après les élections de 2014 avec un mandat très large et on a fait le travail qu'on a fait et aujourd'hui, nous sommes en présence d'un projet de loi, the *Political Financing Bill* avec un amendement connexe de la Constitution.

Madame la présidente, ce qu'on cherche ce n'est pas l'idéal, ce n'est pas la perfection et nous ne sommes pas le seul pays au monde qui est en train de voir comment est-ce qu'on peut réglementer le financement des partis politiques parce que tout le monde veut un système politique qui est propre, qui est transparent et aussi un système qui répond aux attentes de la population.

Mr Deputy Speaker, Sir, the Political Financing Bill is being read together with the Constitution (Amendment) Bill. The Constitution (Amendment) Bill is simply to give additional powers to the Electoral Supervisory Commission, and in the view of Government that is the only body that can really supervise the proper conduct of elections. In fact, its name itself is Electoral Supervisory Commission. It is there to supervise elections. I personally believe that it already has the powers under the Constitution to do a lot more than it actually does, but this Bill is conferring even more powers on the Electoral Supervisory Commission to ensure that there is accountability and transparency with regard to the financing of political parties.

Mr Deputy Speaker, Sir, the hon. Leader of the Opposition has mentioned State funding of political parties. In fact, it was an issue that was considered and when the White Paper, if you call it that, was put on the website, there were consultations, and it appeared to the Government that there was unanimous opposition to State funding of political parties. It was not only the trade unions, but it was generally accepted that the State should not get involved in the financing of political parties. Not all countries have State funding. I was looking at a report. In European countries, it is widely practised; 86% of European countries have direct State funding; 71% in Africa; 63% in America and 58% in Asia. It is assumed that if you have State funding, then there is a level playing field and that all the political parties will be operating on that level playing field and there would also not be any influence peddling, there would be no corruption, there would be no financing in the expectation of a reward for contracts or whatever. This is the rationale behind State funding. But what has happened in fact? There is no guarantee, Mr Deputy Speaker, Sir, that public finance will, in fact, eliminate all those risks that we are talking about. And, in fact, there is no guarantee that there will be fewer expenses other than the State funding for elections.

Experience has shown that in countries like Italy, Israel and Finland, there has been no significant drop in expenses as a result of State funding. The only countries that have been able to do that are two, Germany and Japan, and we all know, Mr Deputy Speaker, Sir, that in the United States, despite rules about limitations on finances, that is the country where the sky is the limit with regard to political financing.

So, we may agree or disagree with State financing of political parties, but the Government has decided not to proceed along that route, and we believe that this is the beginning, and we must, at least, give the opportunity to the Mauritian electorate to understand the reasons why we are proceeding in the way we are.

Mr Deputy Speaker, Sir, the hon. Leader of the Opposition has raised certain issues and I would like to address them. I have spoken about this State financing, and he has played politics with the amount involved. The Bill provides for a ceiling of Rs1 m per candidate if you are in a party and Rs1 m. per constituency for the party. So, making a total of 60 candidates in Mauritius of Rs80 m. Now, there is no expectation that every party will have Rs80 m. That is the ceiling. Most of the candidates will probably have less, but we need to have a limit and this is also something that we need to look at because the ceiling is very important. The public needs to have confidence in the system that we are putting in place, and the confidence is that any party alliance or party that goes to the elections will not exceed that limit of expenditure. And if somebody does, then, of course, there will be sanctions.

The other important thing in the Bill is that everything will be disclosed. Any donation, whether it is by a corporation or whatever, will have to be disclosed and there will be audits. I will come to that later on. I believe that the fear expressed by the hon. Leader of the Opposition that there will be political donations for unexpected future favour for appointments, well, Mauritius will always be Mauritius. We are 1.4 million people, almost everybody knows everybody, the moment you appoint someone, people will say that you have appointed that person because you know that person. This is something that we live with every day, but we should not *faire un procès d'intention* at somebody who gives a donation to any political party.

The other point raised by the hon. Leader of the Opposition was with regard to anonymous donations. In fact, in the Ministerial Committee, we discussed that, and we said that maybe anonymous donations of up to Rs50,000 would be acceptable. We have, in Government, decided not to proceed along that route. There may be reasons for, reasons against, but there is always a risk, Mr Deputy Speaker, Sir, just like the silver or platinum membership of the PMSD giving millions of rupees to become a member. You can have a thousand people giving Rs50,000.

(Interruptions)

No, you have said much of a platinum membership.

(Interruptions)

The Deputy Speaker: No crosstalking, please!

Mr Gayan: I am saying that the hon. Leader of the Opposition mentioned membership of political parties that you can have different kinds of gold membership or platinum membership and this is something that can happen …

(Interruptions)

The Deputy Speaker: I have said no crosstalking, please!

Mr Gayan: …in any political party.

(Interruptions)

That's what I said. I said the hon. Leader of the Opposition mentioned that a party can have a platinum membership, involving millions of rupees for the membership. It is on record.

(Interruptions)

The Deputy Speaker: Please, can you sit down, hon. Minister? Hon. Mrs Perraud, if you want to take the floor, it is either through a point of order or you make a speech, you don't interrupt the speech of the hon. Minister. Thank you.

Mr Gayan: Thank you, Mr Deputy Speaker, Sir. The hon. Leader of the Opposition spoke about the cavalier attitude of Government in presenting this Bill. People can have their own views about what we are doing. But it has been a promise of our campaign in 2014. We promised to bring a law on electoral reform, we did. We promised to bring a law on the Declaration of Assets; we did, and now we are coming with a Bill on political financing. This is again a promise with the electorate and we are honouring that promise. It is not something just…

(Interruptions)

The Deputy Speaker: No comments from a sitting position, please!

Mr Gayan: … to be cavalier with – it is not being cavalier, we are being honest in respect of promises made to the electorate and this is exactly what we are doing. We are going to put the Opposition to the test whether they really want to clean the system, whether they want to have an accountable and transparent system, or whether they want to continue as before.

In the course of the debate, I am sure there will other things that will come out, but, in view of the very sober attitude of the hon. Leader of the Opposition, I will also refrain from getting into confrontational attitudes/oppositions.

Mr Deputy Speaker, Sir, remarks were made by the hon. Leader of the Opposition about the membership of the Electorate Supervisory Commission. I make an abstraction of people who happen to be there. I look at the institution. All the people belonging to an institution like the ESC operate within the law. We still have the rule of law in this country. If somebody, who is a member of an institution like the ESC which has powers under the Constitution and in the law, acts outside the law, there will be sanctions and sanctions will be taken. I do not believe that anybody who is sitting as a member of the Electorate Supervisory Commission goes there simply to violate or to frustrate the intention of the legislature. So, I believe that we have to be careful in this House in not throwing mud at institutions. Institutions are there, they are going to outlive us, this is why we need to have respect for this institution, this Parliament and I believe that it is gratuitous on the part of any Member here to cast aspersions on what a member of an institution does.

Mr Deputy Speaker, Sir, I wish to say that there has been a lot said about political financing and financing of political parties. Now the Bill that we have today is one which has historic significance because since 2000 when we were serious about bringing a law, today is the first time when we are in presence of a law. The hon. Leader of the Opposition mentioned the report that he had made. Of course, the report was made but a Bill that comes to this House, must have not only the bones but also the flesh and the Bill that we have today has the bones and the flesh. We may not be in full agreement with whatever we are putting in this Bill, but let me say that there can be no perfect Bill, and, in fact, we have shown in this Bill, the political will that we have in Government to clean up the political financing of parties.

Mr Deputy Speaker, Sir, the Bill speaks about the role of the Electoral Supervisory Commission, I have already talked about that, but what is important is the registration of political parties. As at present, there is no mechanism to control how much a political has or what it gets, who gives what and in what conditions. But this will change it, and it will change it for the better because, at least, there will be transparency and accountability and this what the Bill purports to do, to provide accountability and transparency with regard to the financing of political parties with a view to preventing undue influence and corruption.

Mr Deputy Speaker, Sir, it is too easy for the members of the public or for the media to attack politicians as being corrupt, as indulging in illegal or illicit activities. Now, this will give us a certificate of good governance with regard to elections and everything else. People talk too many things in Mauritius and they do so with impunity because we don’t have any benchmark, this will be the benchmark. And I hope that, on this historic occasion, everybody

in the House will rise to the occasion and will give his or her vote so that this becomes the law before we go into the elections soon.

What we are trying to do in this law, we are saying there are certain kinds of donations that will be allowed, certain kinds of donations what will not be allowed. What are the kinds of donations that we say will not be allowed –

(a) donations from anonymous persons because of the risk that somebody can get together a thousand people and give anonymous donations that will defeat the purpose of this law;

(b) State-owned enterprises - no one can quarrel with that.

(c) statutory corporations - no one can quarrel with that.

(d) a religious body - again no one can quarrel with that.

(e) a non-citizen, CSR Fund, NGOs that receive a grant from Government, a foreign Government or foreign entity. Can anybody quarrel with that?

And I am very happy that we do have this because, in other countries, Mr Deputy Speaker, Sir - look at what's happening in the United States these days? There is an inquiry on whether Russia helped Donald Trump to become President of the United States. There are inquires, there was even the Mueller Inquiry, so that the possibility of foreign Government or foreign entities getting involved in local elections is a real one.

And even today, in France there is an inquiry on former President Sarkozy, on whether he obtained donations from the Libyan Government in those days. So, the risk is there. I am not saying that it is true, I'm just saying that these are things which are happening in the world, and we should be aware of that. There may be Governments with a particular agenda, they want to promote a particular party, and they come and give lots of funds, and they destroy the sovereignty of the State. We need as a State to maintain our independence in international relations, to maintain our *marge de manoeuvre, but* if we become indebted to any foreign Government or foreign entity, then we are destroying the very fabric of our democracy. This is why this particular provision is so important, not only will no foreign Government, but also no foreign entity, be in a position to give any donations to any Government or to any political party.

Now, the hon. Leader of the Opposition found fault with Section 9 (1) –

"(i) such other bodies as may be prescribed."

But, this is common practice. We cannot foresee what's going to happen. There must be given the latitude in any law that if something happens in the future, we can, without having to come to Parliament, do whatever has to be done by prescribing the other bodies that need to be prohibited from making donations.

So, I do not think that there is anything sinister about this, but if we want to play politics, of course, we can play politics with this. But, in terms of the integrity of this particular Bill, I do not see anything reprehensible about this.

Mr Deputy Speaker, Sir, Clause 10 speaks of suspicious donations. We have just enacted the Declaration of Assets Act, and we have spoken a lot about all the sources of assets that can be tainted. We have to make sure that people or corporations that make donations give clean money, this is why this Clause 10 and I quote, it reads as follows -

> "(10) A registered political party, an independent member or an independent candidate shall not 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."

Not only is this Bill prohibiting such a donation, but if it were to happen, then there is an obligation on the party or the candidate to report it to the appropriate regulatory body. I think this is also very important in order to make sure that we have a clean system for financing of political parties.

Mr Deputy Speaker, Sir, clause 11 speaks about donations by company. Now, this has been one of the major concerns expressed by lots of people about what companies give to political parties, what are they expecting in return, are they giving it in order to get a contract? And the hon. Deputy Prime Minister knows in 2014, we had just formed the ML and there was a company that sent us a cheque. We discussed, the DPM and I, about whether we should accept it, and we said no, we returned the cheque. So, it does not mean that simply because you get a donation that you have to accept it. I think we must exercise independent judgment on whether that donation is acceptable or not. And this is why clause 11 is so important also, because you need to have a Board resolution authorising the donation. The company must disclose in its financial statement the amount that it has donated, and any monetary donation by a company will have to be made by cheque or electronic means.

Now, the question has arisen as to why there is no limit etc., but this is also a question that has arisen in India. In India as well, there has been quite a number of concerns expressed about donations to political parties. And, in fact, in India as well they have a law that attempts to clean the electoral system and, of course, they have different systems, but it is true also that in India the Electoral Commission has powers that are given to it in order to monitor some aspects of the financing of political parties. I am sure, Mr Deputy Speaker, Sir, you will recall that in India as well the Electoral Commission is very powerful. Mrs Indira Gandhi had her election annulled because she had made use of a helicopter which she had no right to use. So, these are things that we need to bear in mind because we are trying to have a system that will, at least, instil confidence in the public.

This is why, Mr Deputy Speaker, Sir, there are provisions in clause 13 about limit on donations in kind and the report of donations during the campaign period. All these are procedures and mechanisms that have been put into place to ensure that the amount of money that is given to a party or to a candidate is recorded somewhere. The treasurer will have a very important role to play in the accounts of the company, or even for the candidate. Disclosure is so important. So whatever can be said about the no ceiling on donations etc, the mechanism of disclosure, the audit, the supervisory functions of the Electoral Supervisory Commission, the investigatory powers of the Commission, all these are tools to ensure that the system is one that performs.

Mr Deputy Speaker, Sir, the Commission has been criticised by the hon. Leader of the Opposition, but the Commission is an institution and the Commission will have to act within the law. The Commission is given the power in clause 21 to issue directives and give warnings in writing and there is a necessity on the person who receives the directive to comply with the directive because it is a directive and there is no way that a party or a candidate will not comply with the directive. So, it is empowering the Commission to do the work that you expect it to do. In clause 23, if somebody hinders or prevents the Commission from exercising his powers, then there will be an offence committed both by the individual and also by the party.

Mr Deputy Speaker, Sir, the hon. Leader of the Opposition said a few things about clause 25 – Regulations, and he mentioned that the power given to the President is too wide because the President may make, and I quote –

"May make such regulations as he thinks fit for the purposes of this Act". Whatever regulations he makes will be for the purposes of this Act. It cannot go outside and not only that, subclause (2) of clause 25 says –

> "Any regulations made under subsection (1) - that is, by the President - shall be made after consultation with the Commission and the Electoral Commissioner."

So there are safeguards already built in that particular clause. And as far as I remember, I did not have time to check whether the power given to the President under the Representation of the People Act is a power that he can exercise any time or it is a power that he can only exercise after Parliament has been dissolved. It is only when Parliament has been dissolved, as far as I recollect, that he can make regulations for the purpose of the election. It is not something that is overarching, or it is not a general power. So, I do not think that this also is something that we should worry too much about.

Mr Deputy Speaker, Sir, the Prime Minister has given a lengthy explanation of the amount that we are talking about because we all know that when we go, after the elections, and solemnly an affidavit or swear an affidavit that we have not exceeded the amount, well, we do that because the law says that we have to do it. But we all know that it is not a realistic amount that we talk about. So, this is why there are all sorts of subterfuges, others take care of some expenses so that we do not swear a false affidavit. So, now we have to be realistic, and I believe that we have to make this amount the amount that we can legally spend and this is a realistic level.

Mr Deputy Speaker, Sir, but the most important thing according to me in this Bill is a provision about "*baz*". We all know, everybody here knows, how much we suffered as a result of "*baz*" during the campaign. At the last elections, and in fact the "*baz*" - many young people refrained from entering politics because of "*baz*", because they know the trauma they have to go through and everybody here has campaigned, we know, when you are in a constituency, you have "*baz*". At 10 o'clock at night when you are in a meeting, your phone rings, you have to go to one "*baz*" because there is a problem there and when you go there, they are closing, *baz p fermer* because of all sorts of things. They did not have their *munitions* or some other candidates have gone before you, and it goes on like this. Now, that is not a free and fair election. We want to have free and fair elections, we want to modernise the elections and the system of "*baz*" has to disappear.

I am sure hon. Baboo also agrees with what I am saying. We have all suffered from this. I remember once I was a candidate in No. 12, at midnight, at Ville Noire, I got a call *"baz p fermer"*. And there we were in Trois Boutiques. So, we rushed to Ville Noire, and they started blackmailing me. If they do not get that, then they are closing the *baz.* So, this sort of *vire baz* and all has to stop, and this is why I think this particular provision, Mr Deputy Speaker, Sir, is what is going to help all candidates in the next elections, and I am sure that, on this one, at least, we can have unanimity.

Mr Deputy Speaker, Sir, we all know that democratic institutions need to survive. There can be no democracy without political parties, and political parties need to have money. Where do we get the money is what this law is talking about. How we use the money is also what this Bill is talking about. This is why this Bill, Mr Deputy Speaker, Sir, is something that is required in order to promote transparency in the conduct of elections, in order to eliminate the risk of corruption, in order to eliminate sources of tainted money because everything will have to be disclosed, everything will be accounted for. This, as the hon. Prime Minister has said, may not be the best legal framework, but at least it is a beginning. We can start building on that, and we need to do it for the integrity of the democratic system which we love so much in this country, and I would like to congratulate the hon. Prime Minister for bringing these two Bills into the House.

Thank you.

The Deputy Speaker: Hon. Bérenger!

Mr P. Bérenger (Third Member for Stanley & Rose Hill): *Mr Deputy Speaker, Sir,* le MMM pour sa part est contre le *Political Financing Bill* dans sa forme actuelle, et le MMM ne votera pas pour l'amendement constitutionnel qui vise à mettre en pratique le *Political Financing Bill* sur lequel nous ne sommes pas d'accord. Nous ne voterons pas l'amendement constitutionnel et nous souhaitons que les autres partis de l'opposition fassent de même.

I think the first point which needs to be made, and which the hon. Leader of the Opposition made before me, is how different the Bill that is before the House is from what was proposed only six months ago. Six months ago, Government circulated a paper, November 2018, with precise proposals. And now, on a few fundamental points, what is being proposed six months later is the opposite, is completely different. *C'est pas sérieux.*

There are two main points, as far as I am concerned. One is the need for some public financing of political parties, some State funding. That was in the November 2018 proposals. We call it White Paper or orange paper, whatever. This was provided for, and it has been like that since Sachs. And more and more, there is some State funding in all genuine democracies. These changes - supposedly, just because there were negative comments from the public at that time. But our role is not just to follow what we hear on radios and so on, and I believe things have changed a lot recently. We believe that it was right to provide for some State financing, and it is wrong to have done away with that. Because let us be frank about it. Without some State financing, what is the alternative? What is the result? That private firms influence elections, even more than now. Is that progress? Is that democratic progress? No.

Therefore, our fundamental disagreement is on that. But, at the same time, we cannot agree that on the one hand, no State financing, but a maximum expenditure of Rs80 m. - I leave Rodrigues out of it for the time being - per Party. We do not agree. We feel that this maximum amount - I agree that it is a maximum - is much too high. That is why I appeal to the population, to everybody, and as I said, I believe that, these days, public opinion is changing on that. More and more, people realise that there need to be some State funding because the alternative is leaving political parties in the hands of private firms completely. We should not fool people; contributions from our Members of Parliament, contribution from our members of different political parties. That does not travel very far. That is the main difference between what was proposed six months ago and what is being proposed now, that we disagree with.

The second point is in the proposals of six months ago. On three or four occasions, it was said that the names of individuals, private firms contributing will not be in the public domain. I take two examples. The treasurer of each political party should prepare a statement of accounts, at page 2 of the November 2018 document/proposal, and it is said that the statement would not indicate the names of donors. And later on, the document comes back onto that. It says –

> "Registered political parties will be required to submit their annual audited accounts to the Electoral Supervisory Commission within a period of two months after the end of each financial year or from the date of poll in an election year. Such accounts will indicate, *inter alia*, the total amount received as donation from private companies and the total amount received from individuals."

And it was provided for again.

> "However, these accounts would not include the names of individual donors and will be made available for consultation to the public by the ESC".

So, it was provided for that the names of individual firms would not be in the public domain. These are the two big differences between what was proposed only six months ago and what is proposed today. I think that there is a *tentative de mainmise dangereuse* through those proposals, if not today, tomorrow, the day after tomorrow.

I think the dual purpose is, on the one hand, *une mainmise sur le fonctionnement des partis politiques* and, secondly, *de faire peur.* I heard somebody say, "Mauritius is a small place, everybody knows everybody". Yes, the purpose is also *de faire peur aux firmes privées.* So, what is the threat?

The threat is that political parties found themselves *dans une tenaille, une véritable tenaille anti-démocratique*. On the one hand, no public funding at all; on the other frighten to the maximum private firms because their name will be known. I quoted the 2018 proposals which specifically said that the names of individual firms will not be in the public domain, but now what is proposed, I'll take just one example, Register of donations. In the Bill that is before us –

> "Register of donations
>
> (1) Every registered political party, independent member or independent candidate shall, for the purposes of this Act, keep a register to be known as the Register of donations.
>
> (2) The register of donations shall contain –
>
> (a) the monetary donations received, whether in cash, by cheque or by electronic means – (a), (b), (c),
>
> (d) the names and addresses of donors."

So, this is changing completely and the dangers, I said, is that political parties will find themselves *dans une véritable tenaille anti-démocratique* on the one hand no public financing at all; on the other hand, frighten private firms to the maximum. This is very, very dangerous for today, for tomorrow and for the day after. Of course, there must be a way for transparency to prevail when dirty money is around. But they would talk of dirty money that goes into elections from drug traffickers or some bookmakers or corruption. This is not provided for, and I don't pretend to have answers to everything. This is why finally I agree

fully with a Select Committee being set up. There need to be provided in the law a way that going through Judges in Chambers, through the Judiciary when there is a *prima facie* case, that there is dirty money either corruption or certain bookmakers or, as I said, drug traffickers, there must be in the law for transparency's sake, but not the way this is being proposed to frighten people, Mr Deputy Speaker, Sir.

These two things worry me a lot. *Tentative de mainmise sur le fonctionnement.* If not today, tomorrow, the day after tomorrow *une tentative de mainmise sur le fonctionnement des partis politiques.* And secondly, *faire peur*. And there is a third objection as far as we are concerned. What is being proposed is unworkable. So, we will have the treasurer. If that law is voted, who will accept to be the treasurer? When you look for everything. The treasurer sneezes too loudly one million, fine, left right and centre one million here, one million there, all over the place one million standard. We know that there is another standard fifteen million. That's another matter. But, here, one million all over the place, fine. Secondly, that poor treasurer is supposed to keep vouchers for the whole of the electoral campaign supposedly, vouchers for every expenditure occurred across Mauritius. For an expenditure of more than Rs5,000! *Mais enfin, non,* honestly! The poor treasurer is the only one who can collect contributions. We stand as candidates. If somebody in the constituency where you are standing, ordinary people want to contribute. Only the treasurer for the whole of Mauritius can accept any donation, but, on the other hand, he must keep vouchers for every expenditure across Mauritius for the whole of the electoral campaign and submit to the Electoral Commissioner after the elections. How can this work? The wording *baz,* we all agree, what is proposed as far as we are concerned. But regional headquarters, no regional headquarters, no headquarters until the electoral campaign starts, but what is going to happen to the existing - we, let's say in Rose Hill, we have a regional headquarters which we use nearly every day for genuine political activities. Now, the law says that no regional headquarters will be allowed until the campaign is officially open. I could go on and on like that to show that what is being proposed is unworkable, unacceptable to us for other reasons which I have just explained, but it is also unworkable, Mr Deputy Speaker, Sir.

Having said all this, let me make it clear that when I say the *mainmise sur les partis politiques*, today, tomorrow or the day after tomorrow, I am not targeting at all the present Electoral Commission or the present Electoral Commissioner. Not at all! But we legislate not just for today, we legislate for tomorrow, the day after tomorrow. But I want to make it clear, I think, the Electoral Commission and the Electoral Commissioner have, until now, done a great job. It is not without reason that across the Commonwealth, in our region, people

seek the assistance of our Electoral Commissioner. We have reason to be proud, but things are changing or could change. That is why not only we are not targeting; my comments are not targeting the present Electoral Commissioner or the present Electoral Commission. On the contrary, as we know, the Constitution, the supreme law of the country provides at Section 41 Functions of Electoral Supervisory Commission and Electoral Commissioner. It provides that whenever a piece of legislation is going to come to the House, it must be submitted for comments to the Electoral Commission and the Electoral Commissioner and the Constitution spells out that it must be submitted for their consideration and comments in due time to give them time to offer. I have made the request, and I think it would help all of us to make public those comments. And especially, I would like to know, I don't think that this final version that we are examining got the green light from the Electoral Commission and the Electoral Commissioner in its final form, *dans sa forme finale qui est devant nous*. I honestly don't think so, and I think it would be very helpful to make public the comments made by the Electoral Commission and the Electoral Commissioner. Be helpful for us and for the future also, Mr Deputy Speaker, Sir. But at the same time that I praise the present Electoral Commission and the Electoral Commissioner, but certain things have happened that need to worry us. We should be very, very careful, or rather the Ag. President should be very, very careful because this is one – I believe that the Electoral Commission and the Electoral Commissioner, with due respect to the Judiciary, but finally the most important institutions in Mauritius are the Electoral Commission and the Electoral Commissioner. Everything else flows from that. If we lose that battle to preserve the Electoral Commission and the Electoral Commissioner, we can lose everything, including the Judiciary *s'il y a fraude électorale*. Countries after countries are blowing up, have been blowing up all over the place, and not just in Africa, all over the place. Once a population loses faith in the Electoral Commission, in the Electoral Commissioner, that is the beginning of the end and we see that even these days. We are very lucky in a way, very, very lucky because I think we are the only country in the Commonwealth. I have tried to find out whether there is any other country, but I think we are the only country in the Commonwealth which has an Electoral Commission appointed by the President of the Republic - professionals, independent people and an Electoral Commissioner appointed by the Judicial and Legal Service Commission. If somebody knows of any other country which has both these things, please let me know. I have looked all over the place, it is a jewel, and the present acting President and any President, acting or not, it is one of the biggest responsibilities. When people say that the President of the Republic does not have much power, no! That power which I am mentioning,

the power to appoint Members of the Electoral Commission, goes to the heart of democracy, of our whole democratic set-up. Therefore, I think we should be very, very careful. I am not challenging the professionalism of somebody who has been appointed. That is not the point, it's like we say justice must be done and must be seen to be done. It is just as important in the case of the Electoral Commission. I have appealed to the acting President, what has happened has happened. We still have a very strong independent Electoral Commission; we still have a very strong independent Electoral Commissioner appointed by the Judicial and Legal Service Commission. That is the jewel in our democratic crown that we must, by all means, preserve intact. So, I repeat, for my part I am not targeting; for our part we are not targeting the present Commission, but the recent trend is worrying. It must stop there and the President of the Republic, if he has the occasion to exercise that prerogative very important, should be very, very, very careful in appointing members of the Electoral Supervisory Commission.

Mr Deputy Speaker, Sir, I have a feeling *que nous allons vivre une répétition de ce qui s'est passé dans le cas de la réforme électorale.* Supposedly, the Government *avait essayé de nous convaincre, dans l'opposition, de voter en faveur de ce qu'ils ont proposé, ce que le gouvernement a proposé comme réforme électorale.* But what was proposed is as if it was designed so that the required three-quarters majority would not be obtained. The *galimatias,* I have no other words, the *galimatias électorale propose - une dose de proportionelle introduite et ensuite un galimatias* that was proposed only in Mauritius. We had a *dose de proportionnelle* to correct the First Past the Post System. After we have corrected the First Past the Post System, then we have a *galimatias* to correct the correction, to bring us back to square one. That is why genuinely I think the Government wanted the attempt that the electoral reform to fail. The government proposed things that they knew would not be accepted by the Opposition. *Et j'ai l'impression que nous allons vivre un deuxième épisode de ce qui s'est passé dans le cas de la réforme électorale* because how to explain. The hon. Leader of the Opposition was right to point out, if you want consensus, there is a way of going about it. The Government knew that a three-quarter majority was required and no consultation at all, just bringing the Bill like that. So, I hope I am wrong, but I do not think I am wrong that, as in the case *de la réforme électorale,* the intention was not to get the three-quarter majority and then to go outside and say: "It is because of the Opposition. We tried electoral reform, we tried control of the financing of political parties". What was proposed *en termes de réforme électorale* was unacceptable. As far as we are concerned,

what is proposed in the Political Financing Bill, *dans sa forme actuelle, dans sa forme qui est devant nous,* to us is unacceptable Mr Deputy Speaker, Sir.

All this having been said, let me repeat, the MMM in 2000-2005 we were together with the MSM, and we did great things; getting that gentleman from South Africa to come and advise us was something fantastic. We have always been in favour of a good piece of legislation in relation to *les dépenses et les revenues des partis politiques.* We have always been in favour of that. We nearly made it in 2000-2005. Those who want to know why we failed, in both cases, *et réforme électorale et* financing of political parties, and it is still with us. So, we are all in favour but not this piece of legislation, not what is being proposed *dans sa forme finale.* And I believe yes, except that clearly elections are not that far away. Otherwise, we go along with the idea of having a Select Committee that can work in a few months - a few weeks would be a tall order, but in a few months, even weeks, a good Select Committee to look at all this. We have been trying since 2000-2005. So there is no magic, *baguette magique* if the Government really wants to have a consensus, to have a three-quarter majority. Because I repeat, *le MMM est contre le* Political Financing Bill *dans sa forme finale, dans sa forme actuelle, dans la forme que cela a pris dans le* Bill, and we will not vote for an amendment of the Constitution whose purpose is to implement this Bill that we are against. But if the Government wants to show that it is serious, yes, let's have a Select Committee which can work as rapidly as possible and do a good piece of work. All that we are discussing goes to the heart of our democratic set-up. *Que ce soit la reforme électorale, que ce soit le contrôle des dépenses et des revenues des partis politiques,* this goes to the heart of our democracy, and we must take time to do what is required and not rush to that kind of legislation.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Roopun!

The Minister of Arts and Culture (Mr P. Roopun): Monsieur le président, merci de me permettre de joindre ma voix à ce débat. Je me réjouis qu'après plusieurs années de débats essentiellement hors de cette Chambre, nous avons enfin un projet de loi sur le financement des partis politiques devant cette auguste Assemblée. On a beaucoup parlé, peut-être trop même, c'est maintenant le temps à l'action.

Je ne sais pas exactement depuis quand ce sujet fait partie de notre agenda politique, mais autant que j'ai pu retracer, le financement des partis politiques figurait dans le

programme gouvernemental de l'alliance Parti travailliste/MMM, déjà en décembre 1995. Malheureusement, comme le disait le Premier ministre, ceci est resté lettre morte : aucune démarche sérieuse n'avait été entreprise de 1995 à 2000 par le Parti travailliste. De 2000 à 2005, comme l'ont souligné plusieurs orateurs, sous le gouvernement MMM/MSM, on a eu le rapport Sachs, suivi d'un *Select Committee.* De 2005 à 2014, le Parti travailliste au pouvoir, le gouvernement d'alors avait d'autres priorités et relayait le financement des partis politiques aux oubliettes. Mais je dois dire que pour les élections générales de 2014, comme l'a souligné le Premier ministre dans le manifeste électoral de l'alliance *Lepep*, on mentionnait que, je vais lire –

> « Nous introduirons une nouvelle législation le *Financing of Political Parties Act* afin de promouvoir l'ouverture et la transparence dans le monde politique.»

D'autre part, dans le manifeste électoral MMM/Parti Travailliste, on mentionne aussi, en sus de la deuxième République et tout le reste, l'introduction d'une loi cadre pour régir le financement des partis politiques. Ceci pour démontrer qu'il y a quand même quasi-unanimité qu'on doit mettre de l'ordre et légiférer en ce qui concerne le financement des partis politiques et que le *statu quo* n'est pas une option. C'est pour cette raison que depuis 2015, ce gouvernement, comme vous savez, a mis sur place un comité ministériel. Il y a eu des consultations, il y a eu certes différents versions comme disait le *Leader* de l'opposition tout à l'heure. On a rendu public les recommandations du gouvernement et à la lumière de ces réactions, on est venu avec ce *Bill* au Parlement.

Et c'est bon, quand même de savoir, ce qu'on peut lire dans le programme gouvernemental de l'alliance Parti travailliste/MMM déjà en décembre 1995. C'est bon qu'on se rende compte que déjà en 95, l'alliance Parti travailliste/MMM disait que cette alliance a toujours soutenu que l'exigence démocratique passait par la transparence du financement des partis politiques et que le gouvernement rouge et mauve proposera, entre autres, je cite-

> « L'obligation à tout parti politique de présenter chaque année une déclaration complète de ses revenus et dépenses. Interdiction de toute donation provenant de l'étranger et l'imposition d'un plafond pour des donations locales qui seront par ailleurs incluses dans la déclaration annuelle.»

On mentionne aussi le renforcement du contrôle des dépenses par *l'Electoral Supervisory Commission*, déjà en 95. Et juste pour démontrer que c'est pour cette raison que j'ai dit qu'on a suffisamment parlé et maintenant c'est le temps à l'action.

Et je ne crois pas qu'il va falloir que j'élabore en long et en large sur les mille et une raisons pourquoi on doit réglementer les dépenses liées à la tenue des élections. On peut parler de la bonne gouvernance, élections justes et équitables mais finalement ce qu'on voudrait faire c'est de consolider notre démocratie. Et ce présent projet de loi, M. le président, représente en fait une grande avancée dans ce processus, comme d'ailleurs, d'autres promesses de l'alliance *Lepep*, comme la retransmission des travaux de l'Assemblée Nationale en directe. Je vais mentionner aussi l'amendement du *Declaration of Assets Act* avec un *active monitoring* des déclarations, comme l'a si bien expliqué récemment l'Attorney General et on a mentionné aussi l'*electoral reform*. On connait qu'est-ce qui est arrivé avec l'*electoral reform*. Mais ce que j'ai remarqué c'est que sur le *State financing* il y a quand même les Membres de l'opposition qui ont parlé, l'honorable Bérenger et aussi le *Leader* de l'opposition, qu'ils voudraient bien qu'il y ait une partie de *State funding*. Mais je vous pose la question : Est-ce qu'on doit impérativement lier le *State funding* avec règlementer le *private funding ?* Parce que finalement si c'est peut être mieux que pour avoir un *level playing field*, il y ait un élément de *public funding*, cela n'inclut pas des règlements pour venir donner plus de transparence à ce que nous avons déjà. Nous savons tous qu'il y a une limite sur ce que les candidats peuvent dépenser mais par contre, comme le disait le rapport Sachs, pas de limite sur ce que les partis peuvent débourser pendant les périodes des élections. C'est justement ça, entre autres, qu'on voudrait légiférer et contrôler.

L'honorable Bérenger parlait de Rs80 m. qui est trop. Mais il y a d'autres qui prétendaient que Rs220 m. venait des donations politiques. Peu importe, mais pour moi, les dépenses en ce qui concerne les élections étaient un trou sans fond, mais au moins on a quand même aujourd'hui un fond et on sait aussi quels sont les paramètres qu'on va mettre. On a quand même une idée, un maximum de Rs80 m. Le leader de l'opposition parlait, je crois lui aussi dans une interview il disait qu'il est d'accord avec Rs1 m. par candidat et que c'est quelque chose de raisonnable. Si c'était trop dérisoire, personne n'allait respecter. Naturellement, si c'est trop cela allait causer un débalancement. Mais il y a quand même ce chiffre d'un million par candidat et je dois dire que même dans le rapport, le *Select Committee* en 2004 de l'honorable Leung Shing, on mentionnait déjà le chiffre d'un million par candidat. Juste pour vous dire ce n'est pas quelque chose qui est venu comme ça.

Et d'autre part, en ce qui concerne le *public funding*, c'est vrai on était venu avec cette idée et l'intention c'était *to ventilate* et de voir la réaction. Mais on a eu la réaction. Même s'il y a quand même le gouvernement et les membres de l'opposition, les partis de

l'Opposition sont en faveur d'un financement de l'Etat, on ne peut pas ignorer la voix du peuple. Il y a un sentiment fort dans la population qu'on ne devrait pas venir avec un *public funding* à ce stade. C'est comme ça, on doit l'accepter et essayer de voir comment faire avec.

Mais, ce que je ne comprends pas, à supposer qu'on avait le *public funding*, comment aller être la déclaration des différents partis. En ce qui concerne ce qu'on allait recevoir des firmes privées, est-ce ça allait rester dans l'opacité complète ? Je ne crois pas. On devait, pour la transparence, dans les comptes du parti, indiquer la somme qu'on a reçue ; autrement, cela n'aurait aucune utilité.

C'est pourquoi, tout en écoutant l'honorable Bérenger qui disait que *private sectors are going to frightened*, je ne crois pas que si on a d'autre moyen - quand même le Premier ministre a bien expliqué qu'on ne voudrait pas que les noms soient connus en public – mais, c'est sûr, si on garde les livres pour qu'on puisse avoir un peu de transparence, pour que cela serve à quelque chose, dans le registre, on doit mentionner, au cas contraire, cela ne vaut pas la peine.

Mais il parlait aussi d'argent sale, *suspicious*, de *gambling* et tout le reste. Mais je crois que sous la section 10 du *Bill*, il y a quand même la provision qui est faite pour les *suspicious donations.* C'est là une obligation qu'incombe aux partis politiques de vérifier, et c'est une obligation légale. D'autre part, comme disait l'honorable Gayan, ce n'est pas dit qu'on doit accepter tout ce qu'on nous offre. Il y a discernement de la part des partis politiques et pour qu'on puisse voir si vraiment, on peut accepter.

En ce qui concerne le fait que les *vouchers* de R 5,000 rend l'exercice *unworkable*, peut-être qu'on aurait pu avoir des suggestions, qu'est que l'honorable membre propose et qu'est qui devait être le montant. D'autre part, quand j'écoutais l'honorable Xavier Duval, il a repris encore une fois le *State financing*. Je crois que le Premier ministre lui-même a expliqué quelles sont les raisons, pourquoi on n'est pas venu avec cela.

En ce qui concerne l'*anonymous donation*, ça aussi, on sait qu'il peut causer pas mal d'abus. Je peux donner R 500,000 en dix occasions, cela ne vaut pas la peine. Alors, nous savons tous que quand il y a des règlements, il y a toujours des gens qui vont essayer de contourner tout ça. Mais d'autre part, à part ces deux points, je crois que l'honorable Duval est plutôt contre la forme, mais pas le fond de ce que nous proposons. Il a dit très bien qu'il n'est pas contre la philosophie et qu'il voudrait quand même qu'il y ait un *Select Committee*.

L'honorable Bérenger aussi est allé dans la même direction, mais je ne sais pas, je me pose la question. Il y a eu les recommandations qui ont été circulées en décembre. Peut-être le Premier ministre pourra nous dire dans le *summing-up*. Est-ce qu'on a eu des représentations des partis politiques de l'opposition ? Je ne sais pas. Pourquoi je dis ça, c'est qu'en faisant les recherches, quand j'ai regardé le rapport de Leung Shing, il y a deux choses que je dois quand même dire. Il semblerait aussi que quand Leung Shing avait fait son *Select Committee*, il y avait seulement le MSM qui est venu de l'avant.

Alors, the *Select Committee* has also invited political parties to submit memoranda on the subject of political funding. Unfortunately, the MSM is the only political party which responded.

Enfin, l'honorable Bérenger disait tout à l'heure qu'il y a des raisons, que, moi-même, je ne connais pas. Mais il y a quand même ça. Et d'autre part, c'est bon que je fasse référence aussi, en ce qui concerne le *public funding* de ce qui disait l'honorable Leung Shing. Alors, à la page 11, en ce qui concerne le *public funding*, alors je vais citer – *"After carrying out a balancing exercise your Committee is of the opinion that the creation of a political activities, public financing fund might not be the most appropriate step towards reshaping the structure of political financing in Mauritius."*

C'était quand même en 2004. Mais je dois rappeler que quand il y a eu le rapport, la Commission Sachs, les attributions de Sachs Report, ce n'était pas de voir si on devait avoir un *public funding*.

Sachs Report était mis devant un fait accompli. On demandait à Albie Sachs de *drafter* un *Bill* pour permettre le *public funding of political parties.* Et c'est peut-être pour cette raison que, comme disait l'honorable Anil Gayan, est-ce qu'il y a eu vraiment des débats, si on devait accepter quand même un *public funding.* Parce que, comme je disais, il y a quand même cette réticence de la part de la population, et c'est quand même juste, en tant que gouvernement, qu'on puisse aussi prendre connaissance de ça, et agir en conséquence.

Je suis quand même très heureux, M. le président, que finalement on corrige des lacunes. En ce qui concerne les partis politiques, nous savons tous que légalement, constitutionnellement, l'enregistrement des partis politiques est fait sous le *First Schedule* de la Constitution. Seulement pour une raison, c'est de permettre par la suite d'allocation des *Best Losers*, et c'est la seule raison. Si vous prenez par l'exemple le cas de Duval contre PMSD, ce n'était pas nécessaire qu'il y ait quand même une entité légale. Et là, on vient

corriger cette lacune pour formaliser l'existence de partis politiques. C'est quand même très bien qu'on le fait, *because you know, we don't realise the importance of political parties. What is their role in a democratic society where they create, they reflect on major decisions affecting the economic and social life of the whole country*.

C'est une plateforme pour permettre à nous tous, ici, de servir le pays. Il y a des débats. Moi-même, j'ai eu l'occasion de servir cette Chambre et ce pays, c'est à travers un parti politique. C'est important qu'on puisse rendre hommage à tous les partis politiques. Et là, je me pose la question : qu'est-ce que chacun parmi nous, individuellement, vaut politiquement sans ce parti politique ? Et là, quand même, on va règlementer ; il y a aussi le côté de la transparence en ce qui concerne les comptes, mais quand même, on donne vie à une institution très importante dans notre système politique et c'est bon de les saluer.

Il y a quelque chose dont j'aimerais parler, c'est *the donation to political parties only and not to candidates*. C'est vrai que peut-être, comme disait, je crois l'honorable Bérenger, très souvent, il nous arrive d'avoir des contacts personnels, un parent ou un ami qui nous aidait. Mais il fallait revoir cela. On a des cas où il y a eu des coffres et des valises qui sont remplis, est-ce que là ce n'est l'expropriation, comme disait l'honorable Mohamed ? C'est de l'expropriation. Mais qui mérite mieux les donations - si vous épousez l'idéal du parti, la philosophie du parti et que vous voulez quand même montrer votre appartenance aux idées. Parce que dites-vous bien, si X, Y ou Z reçoit des donations, c'est parce qu'il est candidat et surtout candidat d'un parti politique. On me dit que dans les années 60 peut-être, il y a eu un candidat indépendant qui a été élu, Robert Rey. Je ne me rappelle pas pour quelle élection, mais c'est dans notre système électoral, c'est notre système politique. Le candidat peut-être a les qualités, mais c'est surtout ce ticket qu'on a qui a toute sa raison d'être. Mais on sait, en ce qui concerne les tickets, ce qui se passe quelquefois à la dernière minute. Enfin, ça, c'est pour la petite histoire, passons-en. Pourquoi j'ai pris ce point, c'est parce que j'ai lu un article que je vais citer maintenant -

> *"Towards the Personification of Political Financing in Italy Private Donation to Candidates and Parties."*

Et là, il parle *of personalisation of politics at the detriment of collective identities.* Il y a une tendance de croire plus dans les candidats *at the expense of ideas and programme.* Il y a cette *personalisation* qui peut se faire et ce *personalisation,* dites-vous bien, apporte ce que dit cet

article, *the spectacularisation of politics.* La politique devient un spectacle. Et là, il va plus loin pour dire –

> *"There is increasing attention to the personal traits and professional skills of candidates in political communication."*

Et que l'idéologie n'a pas vraiment sa place et que *donation depends on* une certaine *convergence of the voters' personalities and the donors.* Donc, les candidats qui ont des mêmes caractéristiques, qui vont avoir avec des donneurs semblables et que –

> "(…) *the external donors might also try to gain the favour of candidates to gain access to the political arena and create a kind of bond between donors…."*

(Interruptions)

The Deputy Speaker: Hon. Minister, please!

Mr Uteem: May I ask the hon. Minister to cite the source, who said that, in what newspaper or when? He is just citing extracts and we don't know who said that.

The Deputy Speaker: Please, Minister! Are you quoting from an article?

Mr Roopun: I stated that I quoted from an article: Contemporary Italian Politics towards the Personification of Political Financing in Italy; Private Donation to Candidates and Parties. Of course, I can give my hon. friend a copy.

(Interruptions)

The Deputy Speaker: Order, please!

Mr Roopun: Elected politicians are sometimes more accountable to their *financiers* than to their electoral constituencies. Just to say that perhaps it is a good thing that what is happening in this Bill. We are trying to re-engineer everything and try to give due importance to the party instead of the individual.

Mr Deputy Speaker, Sir, I heard hon. Bérenger speaking and I must say that I am a bit perplexed. I will just quote a few Press articles. On 30 August 2018, I read from "lemauricien.mu", -

> *« Le MMM a débuté une série de congrès (…) Hier, mercredi 29 août (…) le leader du parti, Paul Bérenger, et les dirigeants étaient dans la circonscription No. 4 (…).*

Le leader des mauves a aussi fustigé le Premier ministre, Pravind Jugnauth, en ce qui concerne une loi sur le financement des partis politique (…). »

Et il dit aussi –

« (…) ou marké garder pas pou ena la loi lors financement politique. »

Il avait son opinion, mais on a quand même prouvé le contraire. Le 01 décembre 2018, quand on avait rendu publique nos recommandations, je lis une réaction –

« **Paul Bérenger (MMM) :** « C'est du blablabla. Je reviendrai sur la question en conférence de presse samedi. »

Alors là, pas grand-chose. Extrait d'une conférence de presse qui nous dit que, si le financement des partis politiques, qu'il a rappelé, a toujours été favorable, et que c'est le cas dans les grandes démocraties de référence, mais il déplore que le montant de la somme n'ait pas été mentionné dans le document. Alors là, je présume qu'il parle du financement des partis de l'État. Effectivement, on n'avait pas mentionné, mais quand même, je prends note. Et le 27 décembre, il disait déjà au Domaine Anna – où je crois qu'il y avait une réception pour les membres du MMM –

« (…) le leader des mauves estime que le vote du projet de loi devrait se tenir après les législatives, qu'il prévoit pour l'année prochaine »

Ça, c'était en décembre 2018. Et maintenant, ce que j'ai pu comprendre, il voudrait bien avoir un *Select Committee.* Le 29 juin, c'est-à-dire, au moment où on est venu avec le *Bill* –

«Il n'est pas souhaitable que tout le financement des partis politiques provienne du secteur privé. »

On sait déjà son point de vue.

« Car les formations politiques finissent par leur être quelque peu redevable »

« Le Leader du MMM prévient toutefois que l'appui du MMM n'est pas acquis et dépendra de 'l'attitude' de la majorité. »

Ça, c'était le 29 juin. Le 05 juillet, là, changement de ton -

« Le MMM est contre le *Political Financing Bill* dans sa forme actuelle et ne votera pas l'amendement de la Constitution pour mettre cette loi en pratique. »

Alors –

> « (…) le projet de loi que propose le gouvernement est qu'il 'prend en tenaille' les partis politiques. D'une part, contrairement à l'ébauche présentée en novembre 2018, le financement par l'État a été abandonné. D'autre part, il estime que le financement des entreprises sera rendu public. C'est une tentative de mainmise dangereuse sur les partis politiques. Le but est de faire peur aux contributeurs éventuels. »

Et il reprend naturellement, que c'est difficile « de trouver un trésorier » et que c'est mieux qu'on puisse avoir « un consensus au préalable. » Juste pour vous dire qu'il y a quand même un peu de saute d'humeur, mais quand même, là, dans cette Chambre, on est fixé et on sait effectivement quel est le point de vue de l'honorable Bérenger. Juste pour dire que, nous, de ce côté de la Chambre, *Mr Deputy Speaker, Sir*, on est quand même heureux qu'on vient avec le *Political Financing Bill* qui fait partie d'un arsenal de législation, qui vient confirmer la volonté du gouvernement d'assainir la situation politique, économique et financière du pays. Ce projet de loi vise à mettre fin à une iniquité politique. C'est vrai qu'aucun pays n'a à lui seul la solution parfaite, mais la volonté politique y est, et de même qu'il y a un consensus général pour soumettre chaque parti politique à des obligations de transparence. Nous tous, j'espère que nous voulons qu'il y ait plus d'ordre dans les finances des partis politiques et que nous tous, nous avons à gagner, et le pays à gagner pour plus de transparence. C'est pourquoi je crois qu'on devait quand même aller dans une bonne direction et comme disait toujours l'honorable Bérenger, 'qui peut le plus peut le moins'.

Mr Deputy Speaker, Sir, it is a step in the right direction. Even if you can't come with a public funding, at least, you are regulating the private funding, and I hope that we can have consensus here. It is in any event something which I believe is going to enhance our democracy and I just hope that *le bon sens va prévaloir*.

Merci beaucoup.

(7.56 p.m.)

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Thank you very much, Mr Deputy Speaker, Sir. I intend to be brief because most of the points have been canvassed forcefully by the hon. Leader of the Opposition and the leader of the MMM.

We, on this side of the House, Members of the Labour Party act in unison with our friends on the Opposition bench to state outright, and rightly so, that the Bill has to be referred to a Select Committee of Experts. The matter is too serious to be treated trivially or

to reduce this Bill to political party level. There should be, in fact, cross-party agreement over this issue and there should be no *politique partisane*.

Let me remind all our friends that when it comes to funding of political parties, I don't know of anyone who is dead against, but the problem with this Government is that it does not commend respect and, unfortunately, whatever it does, even if there is an intention of goodwill, unfortunately, there is no honesty of purpose, and I am speaking from past practices. Had the Government been serious in respect of this important issue, there should have been cross-party dialogue and nothing stops the Leader of the House, the Prime Minister, to invite Members of the Opposition to have serious discussion over an issue which is at the very crux of our democracy, and it cannot be treated lightly. It is true that the proposals in respect of funding of political parties were or probably are still on the website of the Prime Minister's Office, but I would have expected wide discussion at the bar of public opinion. It does one thing of posting proposals on the website, but it is a different ball game entirely together when the matters are discussed forcefully in every nook and corner of this country, because it concerns every citizen, the rights and obligation of citizens and of the State. The right to vote is fundamental, enshrined in our Constitution, and instead of inviting debate, of inviting wide discussion, these proposals have remained on the website. Why is it fundamental to have wide discussion over an issue which is at the very heart of our democracy? First, there is a call for parity of esteem; there is a call to bring all political parties to a level playing field. There is no such thing as a small political party or a mainstream political party, and I totally agree that there is a reason for public funding of political parties.

Mr Deputy Speaker, Sir, I would recall what a seasoned politician said in a book which he wrote, entitled: 'The love of my Country'. The book was written, of course, by Sir Satcam Bolell. The total prohibition of private funding will, at least, help to remove the influence of sponsors' bankrolled electoral expenses of political parties. The largest contribution to political parties dates back to 1963. Before that date, as far as I remember, each candidate had to bear all the expenses alone. A few friends would put a few cars at the disposal of candidates to ferry electors to the voting centres, agents were all volunteers; they derived satisfaction from the victory of a candidate. Those were the days of ideological warfare, of freedom fighting, and I grant you that the political landscape has changed and the organisation of a turbocharge campaign is the product of money politics. Why is there an inherent fear? The reason is simple, because Parties in Government, they have a comparative

advantage. They have a war chest which has been swelled to a level beyond the wildest dream.

(Interruptions)

The Deputy Speaker: Order, please!

Dr. Boolell: Mr Deputy Speaker, what I am saying is the naked truth. And I am making a plea for parity of esteem to bring all political parties at a level playing field. This is why I say there is ground for funding of political parties from the State. The reason is simple, some may argue what are the benchmarks, what are the thresholds, and I see no reason why money cannot be disbursed to support what I call emerging political parties, well before the election, to enable them to meet the administrative cost, and it can be done. So, instead, what are we going to say, well, the benchmark has been established, certain thresholds have to be reached and in so doing you are consolidating the role of certain political parties, and worse, those political parties now want to have a *mainmise*, a strong hold upon other political parties for the reasons that they have a huge war chest, and what is true for the Labour Party should be equally true for any other political party.

(Interruptions)

I don't want to condescend to the level of some of our friends. The debate was sober until the friend who spoke before me, hon. Roopun, unfortunately, tried to make this issue a *politique partisane*.

The Deputy Speaker: But keep the debate sober!

Dr. Boolell: That's what I am saying, that's what I will do. In fact, I have a mouthful of arguments over, you know, *politique partisane,* but I will have a culture of restraint and exercise this restraint.

Now, what are the concerns expressed? One, the Office of the Electoral Commissioner, the backbone of monitoring the process, of ensuring proper supervision, what are we saying, - and it has been canvassed very forcefully - that it has to be fiercely independent, hence, the reason as to why the Electoral Commissioner – as has been stated by hon. Paul Bérenger - is appointed by the Judicial Legal Service Commission, and he has explained very clearly what are the powers conferred upon the President in respect of the appointment of members also of the Commission. But, you know, in Mauritius, it is true that we live in a small country, but perception and reality, Mr Deputy Speaker, Sir, cannot be the

mirror image of each other. And I recall when Mr Joy Beeharry was chosen to be Chairperson of the IBA. Mr Joy Beeharry was close to the Labour Party. The Labour Party in Government decided to put his name forward to be appointed as Chairman of the IBA. And following a meeting which the Prime Minister had with the then President, what was decided? That Mr Joy Beeharry, because of his closeness to the Labour Party, should not be appointed Chairman of the IBA, and the then Prime Minister complied.

(Interruptions)

So, what are we saying? The Leader of the Opposition solicited an appointment with the Acting President to discuss a matter which is highly relevant to make sure that perception and reality is not the mirror image of each other - basically to put relevant question with respect to a person who was appointed to be a member of the Electoral Supervisory Commission.

Since 2015, this Government has embarked upon political vendetta, there have been political misdemeanours. And, as I have said, there is now a climate of uncertainty and fear, and Government is trying to obtain some political mileage and is introducing this Bill almost on the 11th hour before Parliament is dissolved. And when you look at the Bill, we don't know even what is the definition of a State-Owned Enterprise. It is yet to be clearly defined. And you and I, Mr Deputy Speaker, Sir, know very well the role played by State Bodies or Bodies where Government is the major shareholders, the role played by Mauritius Telecom to wage an intensive campaign in favour of this Government. So, where is the honesty of purpose? That's why, we, on this side of the House, we say that this Bill should be referred to a Select Committee of Experts for issues that have been raised and have been canvassed forcefully.

Mr Deputy Speaker, let me make it quite clear that the agenda of this Government is a hidden agenda.

(Interruptions)

It's a hidden agenda! You know, I have been in politics since many years and I know what is occult and what is crystal clear. And when you gaze in the crystal ball of our fiends sitting on the Government bench, it stands to reason that they want to obtain political mileage. And what are they going to say outside, that we have tried to usher a legislation on funding of political parties, but undermined by Members of the Opposition! But, out there, Mr Deputy Speaker, the people know that they are making a mockery of Parliamentary democracy, and this is what they are doing. Now, you want to talk of funding of political parties? I don't

intend to wear my boogies because I don't intend to hit anybody on the shin, but if you want to talk of funding of political parties, I invite all political parties to disclose all the funds that they have…

(Interruptions)

… all the funds that they have. I invite all of them – the MMM has no fear to do it. PMSD has no fear to do it. The Labour Party has been stripped naked. I invite people on the other side, Members of the alliance party, to disclose their banks accounts. I am not talking of faked accounts, the accounts where money has been staked and stashed. And I know they will never do it. So, don't think that you have comparative advantage! You will never do it, because you are scared stiff…

(Interruptions)

Mr Deputy Speaker, Sir, they are scared stiff. I am talking through you, Mr Deputy Speaker, to make sure that the message gets to them loud and clear. They are scared stiff to do it. And I am not going to compute the vast resources that Members of the alliance party have…

(Interruptions)

Do you want me to tell you? Do you want me to tell you? The public will tell you…

(Interruptions)

…and you will be lynched. If I have to compute…

The Deputy Speaker: Can you take your seat, hon. Dr. Boolell. Hon. Dr. Boolell, you have been making a nice speech from the beginning, don't get into provocation now, please.

Dr. Boolell: If I have to compute the money that have been picked from the pockets of the taxpayers, and I have in mind all the '*triangage légal*' that they embarked upon when they were in Government, and they still do. They have to refer to Special Purpose Vehicles being used to swell their war chest. So, let me have a culture of restraint and I will come back to the essence of this Bill, because hon. Roopun has been very provocative. I don't intend to condescend to his level. What I have said is the naked truth, and the naked truth hurts, Mr Deputy Speaker.

Mr Deputy Speaker, Sir, we know that right from the outset when you are talking of openness, disclosure, freedom of information, when it comes to access to information, free airtime, do you realise that they don't have free airtime on MBC, they have all the time in the world on the MBC. They manipulate, they manage, and you tell me this is fairness. Now, there is provision in the legislation for free airtime. Do you know the controversy over the issuance of licences to two radio stations? The case is before the Court. 'waza'! There would be a lot of 'waza' carried out by our friends on the opposite side. And I can understand, they won't be able to face the electorate, so they will have to seek refuge in radio stations. This is a fact, Mr Deputy Speaker, Sir. So, they need shelter, they have to take refuge behind a window panel; there, they will have the freedom, freedom at large to say whatever they want, whatever they think they can say. But, Mr Deputy Speaker, Sir, this Bill is a mockery of Parliamentary democracy. It is not because you have the sheer number that you can get away. For far too long, you have got away. The meltdown has started, and the countdown has started, and people are not going to be duped, they have seen it once, they have seen it twice, there is no forgiveness now. The day of reckoning has come, Mr Deputy Speaker, Sir. When we talk of disclosure, it's easy to talk of disclosure when you walk with your hands in your pockets. And I have been told that they have so much money that they need a wheelbarrow to carry all the money that they have.

(Interruptions)

They need a wheelbarrow to carry all the money that they have.

The Deputy Speaker: Order, please! Order!

Dr. Boolell: This is disclosure! And what are they trying to do? Now, there is a threshold of Rs80 m.

(Interruptions)

The Deputy Speaker: Order!

Dr. Boolell: My friends, I know what I am talking about! This is ground reality! What I am saying is ground reality, I have seen leaders pulling their drawers and asking potential candidates to take as much as they want to finance an electoral campaign!

(Interruptions)

I know! I have seen! Don't provoke me to drop names! Don't provoke me! We were together in 1987, and we were together when we fought the by-election in La Caverne, Phoenix, and I know what I am saying. So, let me…

(Interruptions)

The Deputy Speaker: Order, please!

Dr. Boolell: Mr Deputy Speaker, Sir, a threshold of Rs80 m. has been set and some of us are arguing that it is too much money, but the cost of election has gone up. I grant you, you are right on this. The landscape is different. And mind you, the days of people volunteering to work, you can count on the hands of the number of people who are going to volunteer to work for you. And when you say, ah, we are going to lessen the cost of electioneering, but you know the number of clandestine *bases* which are going to be opened, because they know. Our friends on the other side, they have Money Galore, and for them – and you know very well that money politics is at the heart of our friends sitting on the other side of the bench, Mr Deputy Speaker. And now, they are scared. I talked of inherent fear. Our friends from the private sector are now scared stiff. Do invite them for a do if you are in the opposition. They shy away; they stay as far as possible from you, for fear of being taken to task. And I tell you, most of our friends all do, so have social gathering – they are scared.

So, what are we saying? Now, there is a call for disclosure of names and addresses to be forwarded to the Electoral Supervisory Commission. And there is some justification to put a basic question: how independent is the Electoral Supervisory Commission. I am sure it is, but you never know when there is a mole in the Electoral Supervisory Commission. Do you know what the outcome could be? Do you think they will allow other mainstream political parties, which are strong contenders, who can floor them, do you think they will allow those parties to have respite? So, this Bill is a joke, and they will obtain no political mileage where there is no honesty of purpose. The dice is cast, their days are numbered. Whatever they do, there is no lifeline to save them.

Mr Deputy Speaker, Sir, let me make it quite clear. They have been able to scare everybody, they have acted like scarecrow. Businessmen would be scared to make a donation to parties other than to our friends who are in Government, and they will see to it that the donations are made well before Parliament is dissolved, because they know once Parliament is dissolved, the end is nigh, and it's a fact. So, Mr Deputy Speaker, Sir, when we

stated that for good reasons and measure, there should be a halfway home that the Bill should be referred to a Select Committee of Experts, there is ample justification.

As of now, Mr Deputy Speaker, Sir, we have a moral obligation prior to election, if there is a political will, one, to refer this, as I said, to the Select Committee, and two, to address other issues which are relevant. Some people have even asked as to whether we should give serious thoughts to compulsory voting. This is an issue also that has to be taken on board. And what has happened, Government, unfortunately, was caught with its pant down, over alleged expression of anger by the members of the public. But hon. Bérenger is right, when you are in office and power, you are here to govern, so if you are afraid, it means that you are simply in office and not in power. And since you are simply in office and not in power, for Christ's sake, go, and go away!

Thank you very much.

(8.22 p.m.)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Mr Deputy Speaker, Sir, those who are afraid are not in power. Those who are the coward sit today on the other side, because they don't believe in accountability…

(Interruptions)

The Deputy Speaker: Yes, I heard, but let me give my ruling, please.

(Interruptions)

Hon. Rutnah, I would make an appeal to you. You are a good orator, but try not to be provocative in what you are saying. Please!

Mr Rutnah: It's because the word 'afraid' was used, Mr Deputy Speaker, Sir.

(Interruptions)

The Deputy Speaker: No, he will now have to withdraw that …

Mr Rutnah: Mr Deputy Speaker, Sir, but on a point of order, I would like hon. Bérenger to withdraw the word '*imbécile'*.

(Interruptions)

On a point of order, I would like hon. Bérenger to withdraw the word *'imbécile'*.

(Interruptions)

So, if he refuses…

(Interruptions)

The Deputy Speaker: Hon. Bérenger, did you utter the word?

Mr Rutnah: I will invite the Chair to listen to the recording and then we will see, but, in any event, those who are afraid today…

The Deputy Speaker: Please, sit down! I will listen later and then come back to the House. Since we started debates on these two pieces of legislation, orators have been moderate and good temper. Let us continue in that direction.

Mr Rutnah: Thank you for your assistance, Mr Deputy Speaker, Sir.

And I start again: those who are afraid are not sitting on this side of the House; those who are pretentious are not sitting on this side of the House. Those who mean business sit on this side of the House.

(Interruptions)

The Deputy Speaker: Order, please! I said order, please!

(Interruptions)

Order!

Mr Rutnah: And you see, they don't even understand the word 'business'. When you are in Government…..

(Interruptions)

The Deputy Speaker: Now, you are provoking the orator.

Yes, please!

Mr Rutnah: We believe in the business of Government, - good Government – a Government that believes in accountability, a Government that believes in transparency, a Government that believes that the Bill we are proposing today…

(Interruptions)

The Deputy Speaker: Order, please!

Mr Rutnah: ...is going to bring more democracy in this country. On this side of the House, we are not parrot fashion. We are not parrot fashion simply asking questions about the Political Financing Bill.

Mr Deputy Speaker, Sir, because I see the attitude of hon. Bérenger towards me, let me say something. Since my tender age I have lived elections. I have lived elections when the MMM has lost and lost, and won, but *cassure!* Let me tell you something, I still remember those days when to raise funds for the MMM, people in my Constituency, members of my family used to sell the newspaper *Le Militant* to raise funds. My relatives used to sell *pistaches* in public meetings to raise funds for the MMM. I still remember pre-1982, the resources that the Labour Party then were using against the MMM. I was still young, but I still remember. I also know how, in 1987, the MMM lost election and I still remember 2010. You know, although I was living in London, I used to travel and come to help for the election, because we think this time we are going to win. In 2010, we had to rush to different areas of my Constituency in the middle of the night. Why? Because people *pe devir baz,* because the opponents were proposing more money than the MMM and the candidate for the MMM party. The MMM has always been at the forefront of proposing an electoral reform, a Political Financing Bill. Today, the opportunity has come in this Assembly, but look at their attitude, let alone the PMSD, - I will come to the PMSD later on - let alone the Labour Party. When you hear a Member of the Labour Party talking about wheelbarrow, about Money Galore, money politics, and then, you look today at the attitude of the MMM on electoral reform, then it stinks, and this is an attempt by the MMM today against real Parliamentary democracy.

Mr Deputy Speaker, Sir, the issue about political financing is a very difficult issue. It's not only me saying this, others have said it. I can also quote my good friend hon. Dr. Boolell's friend, Rama Sithanen, who says, according to his calculation –

> "It was going to be a 60-0 in December 2014."

He wrote an article, which I will quote so that hon. Dr. Boolell can remember –

> "No perfect system of financing of political parties exists. The laws and regulations must fit our context and circumstances."

Listen! I don't agree with a lot of things that this man says, especially his calculations but, at least, on this, I have to agree with him that no perfect system of financing of political parties exists. The laws and regulations must fit our context and circumstances.

Now, go on the streets out there, meet a *marchand pistaches*, meet a *marchand dholl puri*, meet a *marchand gato piment*, meet a taxi driver, meet a bus driver, meet a bus conductor, meet a *fonctionnaire*, meet the messenger, meet the general worker, probably his son/ daughter is either a doctor or a lawyer or an accountant! Go and meet them, ask them if they agree that taxpayers pay for politicians to do their campaigns! Go and ask them and you will get the answer straight! Today, we have an Opposition that has cut itself off completely with the realities of what is out there, what people think about political funding. That is why you hear this kind of debate here, today, about political financing, and then, you hear the criticisms that are levelled and the comments that are levelled against the Electoral Commissioner or members of the Electoral Commission, then, you wonder whether you are listening to a debate about the Electoral Commission or members of the Electoral Commissioner or whether it is really a debate about political financing. Today, we are not changing. Today, the Prime Minister is proposing a Constitutional amendment - which I support fully - and he is also presenting a Bill in this House. But when you hear the kinds of critics that are levelled, it makes you believe that they really don't know what they are doing. Time and time again this has been their strategy. I will give you examples. When we are constructing the Metro Express, what is the criticism about Metro Express, that it is causing lots of inconvenience to the citizens, it is causing lots of noises around. These are the criticisms that we get: noises, inconvenience and traffic. That's why we should not have done Metro Express. When the Deputy Prime Minister is trying to do all the work of the CWA, changing all the water pipes across the island, what is the critic that we get? 'Oh, you should have done it tomorrow because you promised it'. They don't realise that since 100 years pipes have not been changed and it's in a gutter and that we are trying to sort it out, we are trying best, but what is the criticism – it's causing a lot of inconvenience, traffic, people are not happy, lots of dust, lots of noise, people can't drive, causing accident'. This is the criticism that we get with this Opposition.

When the hon. Prime Minister brought the Bill on Constitution (Electoral Reform) (Amendment) Bill, they were not able to even criticise. Earlier on, I heard hon. Bérenger talking and making comments about the Constitution (Amendment) Bill that there was – we propose a dose of representation and then the rest to correct the correction and the *galimatias*. We have always been serious about electoral reform, about political financing and we will always be serious. Now let's look a little bit at what the Opposition stands for today. On the last occasion, what did I say, if you would remember? I said we are facing today first time

and I can say today that first time we are facing in our political history an Opposition that I said last week a ‘Humpty Dumpty Opposition.’ Humpty Dumpty Opposition, they sat on the wall and they fell and they have broken into pieces even the king’s horses and the king’s men can’t mend them. They can’t be assembled. Why? Because, in fact, they don’t have honesty of purpose. Hon. Dr. Boolell told us we do not have honesty of purpose.

Look at this; let the people watch, since 2015, 10 questions on the Political Financing Bill. Let people hear. On the 01 of September, hon. Ramano is not here, he asked a question – whether, in regard to the financing of political parties, Government is considering introducing legislation in relation thereto and, if so, indicate the expected date of introduction thereof. And the Prime Minister replied and said we are coming with it and that there will be a Ministerial Committee that is going to be set up. Then, what did we have? On the 05 July 2016, again, hon. Ramano asked the same question and again the Prime Minister gave a firm commitment. Why? Honesty of purpose? Because this was something that we promised to the electorate in our...

(Interruptions)

I want to hear it from there, because the PMSD was there at that time. We promised it in our manifesto, in our Government Programme what we are going to introduce it – honesty of purpose.

Then, on the 22 of November 2016, again hon. Ramano asked the question, then together with the question of hon. Ramano, there were Parliamentary Questions B/958 and B/959 from two other Members of the Opposition and the Prime Minister replied and gave an undertaking again.

Then, on a fourth occasion, on 31 October 2017, we have question number B/633 from the Second Member for Port Louis Maritime and Port Louis East which was replied as well. Then we go on. On that day, when the hon. Member, Second Member for Port Louis Maritime and Port Louis East asked the question, do you know how many times the Prime Minister was interrupted when he was answering, made comments and the kind of comments, these are all recorded here on Hansard. He was interrupted at least 22 times. Then on the 24 of October 2017, hon. Ramano again asked the question. Again, he got the answer. On the 11 April 2017, this time hon. Fowdar asked the question and let me remind what the Prime Minister said amongst other things –

> "In this context, a Ministerial Committee was set up in January 2016 to examine the different aspects of our electoral system and make appropriate recommendations for reform. The issue of financing of political parties is included in the Terms of Reference of the Ministerial Committee."

This is honesty of purpose.

Now, a seventh time, the Prime Minister replied, this time a question from hon. Bhagwan, parliamentary question number B/61. Again the Prime Minister gave an undertaking that we are still considering, preparing, drafting and we will come sooner rather than later, but, at a later stage, in order to reply to hon. Dr. Boolell, I will come back to the question that hon. Bhagwan asked because the question that hon. Dr. Boolell was asking he replied himself in that question insofar as an issue he has raised today - so I come back in a minute.

Then, an eighth time, again, hon. Kavy Ramano asked the question on Financing of Political Parties Bill and Bills in relation to other issues being looked into by the Ministerial Committee set up in relation thereto, indicating if consideration will be given for the draft Bill to be circulated to the public prior to the introduction in the Assembly. Again the hon. Prime Minister replied.

Then we had, on the 24 of July 2018, a question from hon. Dr. Boolell, B/674 again in relation to finalisation of the Financing of Political Parties Bill, indicating if same will be circulated prior to the introduction thereof and then the Prime Minister replied that he is considering bringing the Bill forward and hon. Dr. Boolell asked a few more questions. I don't want to get involved into the question, because the purpose for which I am doing this exercise is to show how many questions the Opposition asked, save the question asked by hon. Fowdar.

So, the tenth question, asked again by the Second Member for Port Louis Maritime and Port Louis East, and then the Prime Minister gave his undertaking in October 2018.

So, nine questions from the Opposition. Today, what is their qualm about the Bill that is being presented? Firstly, there is no State funding and the hon. Leader of the Opposition, apart from no funding from the State, what he says is his qualm. He does not agree with Clause 6(1)(f), Clause 6 (3) and Section 25.

Now, let's look at the issue raised by the hon. Leader of the Opposition. Let's look at Clause 6(1)(f), what does it say? Clause 6 is in relation to application for registration as political party, and Clause 6(1) (f) states that -

"(1) An application to be registered as a political party shall be made in such form as may be prescribed and shall contain the following particulars.

(f) such other information or document as the Commission may determine."

The criticism is that this provision is too vague. But let us look at the recommendation of the Sachs Report. Everybody knows I have not gone through the history. It was on the agenda of the Government in 1995 to ponder upon financing of political parties, then in 2002 there was the appointment of the Sachs Committee and the Sachs Report came out in 2002. And then, in 2002 again the appointment of the Leung Shing Commission and then in April 2016, we had the Ministerial Committee, which was chaired by hon. Xavier Duval, and then we had in the interim so many other questions, other PQs that were answered in the House.

Now, let us look at the Sachs Report, the draft that Sachs made in relation to registration of political parties. At section 3(6) of his draft -

(Interruptions)

The Deputy Speaker: No talking please!

Mr Rutnah: Section 3 Subsection 6, he says the –

"The Commission may call for such other particulars as it deems fit from the Association or Body"

And then he goes on –

"After considering all the particulars aforesaid in its possession and any other necessary and relevant factors, and after giving the representatives of the association or body reasonable opportunity of being heard, the Commission shall decide whether to register the association or body as a political party for the purposes of this part."

Now, what difference is there from what is being said in this Bill, which hon. Xavier Luc Duval does not agree, and what I have read, the recommendation from Sachs? What is the difference? The only difference is the use of words, the phraseology, but the intention, the purpose is the same. And today, we are being criticised. The PMSD does not want to vote this because of one subsection and because they want political funding from the State, from the

taxpayers' money. And then, they do not agree, because of section 25, they will not vote. Don't you see that this is a pretext? Let us look at section 25. What does it say? Section 25 deals with regulations. And who makes the regulations?

> "(1) The President may make such regulations as he thinks fit for the purposes of this Act."

And I endorse the reply given by my very learned and hon. Friend, Anil Gayan. He has already replied to this. The regulation that is going to be given should be within the four corners of the Act. It cannot go outside the Act. So, for these main three reasons, the PMSD, the main Opposition party is not going to vote for the Constitutional amendment and is not going to vote for the Political Financing Bill. And this is what they want people to believe, that because of two subsections and section 25 and the critics that they have levelled over the Electoral Commissioner, they are not going to vote for it. Pretentious pretexts, there is dishonesty of purpose and simply because they do not believe in real democracy. What they believe in is taking money from taxpayers to fund their campaign and get elected and enjoy all the immunities and the privileges and come here either as an elected Member or as a best loser. *Politique de démagogie!* That is what they are interested in.

Now, hon. Dr. Boolell, let me reply to him. He said, amongst other things, that there is no definition of 'State-owned Enterprise' in the Bill. There is no definition! No, it is defined. Let me take you, hon. Dr. Boolell, to the right section. In this Bill, there is a section called the Interpretation Section. In the Interpretation Section, we have got the definition at page 3 just before part II. The last line before part II which deal with the Electoral Supervisory Commission and Electoral Commissioner, reads as follows –

> ""State-owned enterprise" has the same meaning as in the Declaration of Assets Act 2018."

And when did we vote the Declaration of Assets Act 2018? Only last week! He says it has not come, the Declaration of Assets Act. If we look at the Government gazette, the Declaration of Assets Act has already been gazetted. It is here, all you have to do is to refer to the definition, the same definition as in the Declaration of Assets Act. Why is that the same definition? So that there is going to be consistency, so that there is going to be no loophole for political parties to use. And then, although I have referred to the questions that were put and I said earlier on that I would come back to the question put by hon. Bhgawan. Listen to what hon. Dr. Boolell asked. I have noticed in this House when certain Opposition Members

have to ask supplementary questions, they make a statement to make belief and then they come with a question. And look at what hon. Dr. Boolell asked in reply to what the Prime Minister said; especially when hon. Bhagwan asked a question, it is relation to question B/61 on 03 April 2018 –

> "**Dr. Boolell:** Madam Speaker, it is clear that Government does not have the political will and is unnecessarily delaying the process, and I hope Government weigh the consequences very carefully, because the consequences are intended and unintended, and I have in mind the case lodged by Rezistans ek Alternativ before the Privy Council and if the ruling..."

And then Madam Speaker stopped him because he is making a political statement rather than asking question, and then he goes on –

> "**Dr Boolell:** Yes, this is the question. If the ruling goes in favour of Rezistans ek Alternativ, we know what the consequences would be in respect of..."

He again refused to ask the question. And eventually he asked a question which was not a question at all. But my dear friend! When you read this, they say, the Labour Party because now Labour Party has got two spokespersons in the House. It is the Labour party's position that the Government would not have brought it, the Prime Minister would not have brought it. And you speak about purpose, honesty, intention of purpose! It is here today and why are you not voting it? Are you not voting it because there are no provisions that if we find pristine condition dollars in a safe somewhere, then we should not take action? But there is one thing, I am glad I raised this point. Just now, it has come to my mind, I have read this Bill, I have seen that foreigners cannot donate but Mauritians who live in foreign jurisdictions can donate. But we have not said in what currency. Perhaps the hon. Prime Minister should consider whether we will allow donations in foreign currency or in Mauritian currency because if we allow donations in foreign currency, then *coffre-fort* type cases might find a loophole. At the moment they are struggling to find a loophole about the dollars, let alone the *conprimés,* that is donation in kind. So we have to think about what kind of currency donations have to be made.

Now…

(Interruptions)

Square, square. No, no.

The Deputy Speaker: Order, please!

Mr Rutnah: I am glad he spoke about the wheelbarrow. You know what, Mr Deputy Speaker, Sir, he speaks about the wheelbarrow, but he doesn't realise that to take out the safes from the ex-Prime Minister's property, we had to bring cranes from the SMF.

(Interruptions)

On the issue of funding raised by the hon. Leader of the Opposition and on his report, on his proposals - sources of funding. And I am glad the hon. Prime Minister used the word 'scanty' and he was upset about the word used by the hon. Prime Minister to describe the report as scanty. He says donation from religious group, parastatal bodies and other enterprises where the State has a shareholding would be prohibited - that's very well, very good - and then, he says nothing about other bodies. What I am glad about today, the hon. Prime Minister and those who have drafted this legislation, they have also included anonymous persons, statutory corporation and most importantly, any CSR Fund set up under section 50 (L) of the Income Tax Act and a Non-Governmental Organisation which is in receipt of any subsidy or grant from the Government. And this, in fact, is a stepping stone towards abuse by certain political parties of funds that they collect on behalf of Non-Governmental Organisation and CSR funding. Hon. Bhagwan knows what I am talking about. Hon. Bhagwan and I, we sometime do have some conversation very civilly because I have known him from a very tender age and we have discussed certain matters over this issue.

(Interruptions)

Koz kozer. No, but we share a good friendship with...

(Interruptions)

Now, let me come back on another aspect of this State funding business. You see, Mr Deputy Speaker, Sir, when the then Government set up the Select Committee on Funding of Political Parties, the then hon. Emmanuel Leung Shing considered it and in October 2004, he wrote his report. In that report, he considered, the pros and cons of State funding. And guess what? At page 14, he dedicated only two paragraphs of the argument in favour, and for the sake of record, I know, according to standing orders, I am not supposed to read extensively. But because we are dealing with such a serious issue, I will ask the indulgence of the Chair to allow me to refer to this part of pros and cons. Argument in favour, he wrote – "the main argument in favour in State funding is that such a form of funding will purify the political

process as it will discourage political parties from relying on large donors in order to raise funds".

A second argument in favour of State funding is that "it creates a level playing field as between political parties initially, at least, as it will enable political parties to run their basic activities more fully and effectively." So, only two paragraphs.

Now, let's look at what he goes on to say about the argument against political funding, about State funding for political parties. At page 15, he dedicated five paragraphs and he said - "the most objectionable result of State funding is that the taxpayer will find himself financing political parties and causes which he does not necessarily support".

Second is that - "the level playing field that it initially purports to create can disappear with the passage of time as the older parties having be 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 election."

And this paragraph replies the argument raised by hon. Dr. Boolell and it also counteracts the second paragraph of the argument in favour in the same report.

The third reason, the third argument, running alongside the previous one would be that "a system of funding, of state funding which is not properly regulated may lead to an over proliferation of political parties."

Fourth argument is "The State might eventually capture political parties, meaning that a political party may end up eventually representing the interest of the State which is funding its operations as opposed to representing the interest of the people who have elected it.

And the fifth argument which might be considered very relevant, especially, within the Mauritian context is the impact and strain that State funding might place on national budget.

We prefer in our national budget to make provision to reimburse the loans contracted by the former Labour Party and PMSD Government, but not to make allowances for State parties, political funding because we believe in real political democracy, we believe in real parliamentary democracy.

Mr Deputy Speaker, Sir, I am very disappointed today with the stand of the MMM. I am very disappointed because the MMM was one of the first parties together with hon. Alan

Ganoo with the MMM advocating for a Political Financing Bill. They were the first. But on what do they disagree? Like the PMSD, the MMM disagrees on the fact that the State is not funding and I have spoken about the criticism, about the State funding. What else do they disagree? According to hon. Bérenger, private firms are going to influence the election. But private firms since time immemorial, in political history, in international political history, be it in the United States, in England, in France, in Germany, in India, in China, in any country of the world, private firms have been donating political parties.

In Mauritius, as well, the MMM received donation from the BAI. The cheque was on the wall, everywhere, published on social media. But if MMM would have come to power, would they have been influenced by BAI? There is no obligation on no firm, according to this law, to donate. But if you donate, there has to be proper disclosure, there has to be proper accounting, there has to be transparency, there has to be accountability. And then you donate, but if you donate in order to get or obtain facilities by way of undue influence, then sorry, you keep your money. Like hon. Gayan said earlier on, I remember this episode. We just formed our party. Someone sent a cheque. I will not say which company. We deemed it inappropriate to cash that cheque and I'm glad hon. Gayan raised this and reminded it to me as well that we did refuse that money. And let me tell you one thing, why today it is costing so much money for a candidate to stand for election, why? Why it has to cost so much? It should not! Otherwise many people who sit on this side of the House, whose parents have never been into politics, who have got no political affiliation, who come from very modest background, would not be able to, let alone join politics, but dream about politics. And I can tell you in 2004, when I was standing as candidate, when people came and offered me money for my campaign, I refused. Why? Because I never wanted my hands to be tied by people and then later on they will come and blackmail me to say: do this for me, do that for me. I had my own resources, and I used my own resources and today I can walk, *comme on dit, la tête haute*, but who has brought this culture of *'baz'*, it's the Labour Party, it's the PMSD. They together! You brought this and then what happened? People in the *'baz'*, they will tell you: if you don't give me such amount of money; if you don't give me this amount of ammunition - and you know what ammunition means, hon. Gayan has been economical with words, ammunition means alcoholic drinks, ammunition means all sorts of tobacco, etc.,

(Interruptions)

Yes, vouchers. So, what is this? If you are honest - and this is the difference, in 2014, on one side, there was the test of honesty, on the other side there was the test of dishonesty. On one

side there was the test of reason and the other side there was the test of unreasonableness, and the people didn't look for money, even though some candidates lost suitcases of money in Constituency Number 9 and almost got a heart attack. It didn't prevent the people of Mauritius to change that regime. It didn't prevent the people of Mauritius in the cities despite the fact that someone who sits in this House now was distributing macaroni, but, Mr Deputy Speaker, Sir,...

(Interruptions)

The Deputy Speaker: Order, please!

Mr Rutnah: … in life, especially in political life, I am fed up of listening out there, people saying: '*tou sa ban politiciens la pareil*.' I am fed up. People are saying: '*tou politicien voler*', people are saying: '*tou politicien zot vine riche kan zot eli*.' This is what people are saying out there. Why? Because it is true; it is a fact. When you look at political history in Mauritius, certain people coming out of nowhere made a fortune, secondary school teachers...

(Interruptions)

The Deputy Speaker: Hon. Barbier, would you refrain from making such comments, please, especially from a sitting position.

Mr Rutnah: Even people who were unemployed previously who joined politics have enriched themselves, but, unfortunately, there were investigations and these are the kinds of people who today think that people like me should not come into politics, and I'm telling you what, the fact that...

(Interruptions)

Let me tell you what they think: why the son of a bus conductor should become a lawyer and then represent people in our National Assembly. Lots of them think like this. They think hon. Gayan should not be here; they think hon. Jhugroo should not be here; they think hon. Koonjoo should not be there. There are lots of people who think like this, I am telling you.

(Interruptions)

And this is what is hurting some today.

But the fact that I'm here today; I am always defending the cause of righteousness. The Prime Minister is absolutely right in his engagement that he has taken on behalf of the

people of Mauritius to bring politics clean. Our politics was dirty, completely dirty, especially when you look...

(Interruptions)

You want me to talk about Sun Trust?

(Interruptions)

No, it's good...

(Interruptions)

No, it's okay.

(Interruptions)

No.

(Interruptions)

Hon. Barbier, I'm glad so that the people of Mauritius can hear today. I'm glad that hon. Barbier has jugged my memory about Sun Trust. Let me tell you about Sun Trust and the Rt. hon. Minister Mentor has said it, the money that was obtained in donation...

(Interruptions)

The Deputy Speaker: Please, sit down! Hon. Barbier, I have warned you before, if you want to say something, it's either through a point of order or you make a speech. Don't make any comments from a sitting position. This is what happens when you make a comment from a sitting position.

Mr Rutnah: The Sun Trust, the Rt. hon. Minister Mentor has, on various occasions, explained that the money that was donated then in cheques and that money was used to build Sun Trust and that can be verified!

(Interruptions)

Now, the...

(Interruptions)

The Deputy Speaker: I am on my feet, please. I want silence in the House and allow the hon. Member to complete his speech.

(Interruptions)

Mr Rutnah: I'm grateful - and hon. Baloomoody is making comment from a sitting position for me to go and ask my leader. I'm not going to ask my leader, but if hon. Baloomoody has got the *culot*, go and say it outside!

(Interruptions)

Go! Go and say it outside!

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Order!

(Interruptions)

Order!

(Interruptions)

Order, please!

(Interruptions)

I am on my feet.

(Interruptions)

I am not going to sit down.

(Interruptions)

Please! Order!

(Interruptions)

Order!

(Interruptions)

Order, please!

(Interruptions)

Order, please!

(Interruptions)

Order!

(Interruptions)

I say order, please!

(Interruptions)

Hon. Members, this is the image that you want to project to our nation? Please be aware that for these two important pieces of legislation, we have the whole population watching us at this time. Please! Could I appeal to you to behave until hon. Rutnah ends his speech? Thank you.

Mr Rutnah: Mr Deputy Speaker, Sir, I really enjoy it when it hurts the Opposition. It's extraordinary and the people are watching. This is what's extraordinary about debates in this House, and it's extraordinary when you tell the truth, and the truth hurts.

The Deputy Speaker: Now, you have to complete your speech.

Mr Rutnah: Let me tell you another episode of truth about hon. Barbier. When the MMM was asking questions about Political Parties Financing Bill, hon. Barbier was together with the MMM then. When the MMM started to advocate about political financing, he was in the MMM and today hon. Barbier has chosen not to put his name here to speak and to say the reason why if he is opposing or if he is not opposing and if he is opposing why not because then he would have known the plain truth about the hypocrisy that some people who sits on the other side of the House, the level at which they can stoop down to simply criticise for the sake of criticism.

(Interruptions)

The Deputy Speaker: Hon. Barbier, please!

Mr Rutnah: Let me now conclude. In conclusion, Mr Deputy Speaker, Sir, the Opposition have today again missed an opportunity. They have missed an opportunity to set the record right. They have missed an opportunity to advocate real parliamentary democracy. They have missed an opportunity to actually revive the political spectrum, the political arena of our country to purify the political arena in the country. What they believe in, they believe in traditional politics. The old styled politics. They don't want to come out of the politics of the sixties, seventies and the eighties. Please, time has moved on, we have to move on so that we can tomorrow reflect the reality of what our society is. Political funding from the Government, from the taxpayers, a big no. Thank you, Prime Minister, for bringing this Bill and thank you for proposing this amendment of the Constitution.

The Deputy Speaker: Hon. Members, I suspend the sitting for one and a half hours.

At 9.18 p.m., the sitting was suspended.

On resuming at 10.55 p.m. with Madam Speaker in the Chair.

Mr A. Ganoo (First Member for Savanne & Black River): Madam Speaker, we are examining a Bill today which has been the subject matter of debates for many long years. The regulation of the financing of political parties is a big stride forward because all over the world we have witnessed and some of us have even lived the negative impact of money on politics and governance. The need to regulate and the duty for disclosure in an opaque political environment to avert the threats to democratic politics is widely accepted today. Like other countries, we should not allow poorly regulated political finance to oppress, to purchase political influence and consequently deprive democracy of its unique strength. True it is that the funding of campaigns and the survival of political parties constitute an important role for democracy. But uncontrolled money in politics, Madam Speaker, means that money can buy greater influence and the citizenry can be marginalised from the political process. Therefore, unregulated finances in politics result in an uneven political playing field. Why should wealth, why should money be allowed to threaten political equality? Why should those who wield economic power hold under their sway the political actors of a country, be they complacent or not? This is why we must all support a level playing field to foster equal participation and the equal representation of our citizens in the democratic process.

A Bill to regulate political financing in our Republic was long overdue, Madam Speaker. For years, this proposal has been on the political agenda. Several attempts have been made in the past but of no avail. Either the political will was lacking or there was a deficit of comprehension with regard to the need for better control of political financing, or they were simply those who were bent to operate behind closed doors and perpetuating, continuing to indulge in shadowy practices.

Madam Speaker, as we just heard earlier on, the last serious attempt was when the then MSM-MMM Government tasked the Sachs Commission to come up with proposals to curtail the influence of money in politics, *inter alia*, and this led subsequently, as we know, to the setting up of the Select Committee, and that was 15 years ago, Madam Speaker. This is why this Bill today represents for sure *une grande avancée* because it proposes open and transparent funding and helps in some way to level the playing field. However, Madam Speaker, it is a matter of regret that no serious attempt has been made by Government to seek

a consensus around such an important milestone in the evolution of our democratic life. And this has seriously undermined the legitimacy of some of the proposals made in this Bill to revamp the functioning of political parties in a more ethical manner.

For us, Madam Speaker, in the Mouvement Patriotique, since day 1, we have been asking Government to open up a dialogue with the different political forces in this country because just like in the case of the electoral reform, consensus is essential for devising a legislation on this issue. This is why I personally requested in and outside the House by way of supplementary questions or outside the House in our press conference, the setting up of a Select Committee to examine the whole issue and this to enable the different political parties to reach a consensus on the matter.

Madam Speaker, I have with me a copy of a PQ dated 15 September 2015 put by hon. Ramano, I think, which was referred to, perhaps, by the Speaker before me. I came in with a supplementary question, the question was, of course, about considering introducing legislation in relation to the financing of political parties, and my supplementary was as follows –

> "(…)Doesn't the Rt. hon. Prime Minister think that this is a fit case where a Select Committee should be set up with a definite time frame, presided by the Attorney General or some other Minister, to allow all the political parties in the House or outside this House to come and depone? This is a subject which interests all political parties, of course, the society at large, but a Select Committee with a definite time frame under the chairmanship of a Minister should be set up to hear evidence about what type of law do we need for the financing of political parties and is best suited for Mauritius."

And the Prime Minister then, 15 September 2015, who was most probably Sir Anerood Jugnauth, replied –

> "Well, we will take this into consideration and, if need be, we will have recourse to this."

So, Madam Speaker, the point that the need for a sustained exchange of ideas and dialogues to successfully design a legal framework for preventing undue influence and supporting better policies on this issue is obvious because of the sheer complexity of the matter and the multiple related issues.

Unfortunately, Madam Speaker, Government left default and abstained from treading the path of consultation and dialogue. Here was an opportunity for Government to rally the political class and to restore the trust and confidence of the public in a political class which has been suffering from an ailing credibility gap, Madam Speaker.

I say that, I stress the question of consultation dialogue and the setting up of a Select Committee, because if I have to compare with what took place in the UK, Madam Speaker, before or in the aftermath of introducing a law concerning political financing, the Committee of Standards in Public Life in the UK which comprises no less than 10 seasoned personalities, seasoned politicians, jurists and others with long-standing experience, Madam Speaker. This Committee of 10 persons was tasked to review issues in relation to the funding of political parties and to make recommendations as to any changes in the present arrangement. The Committee came up with a report called 'Political Party Finance' in November 2011. And before finalising this report, a large number of organisations, individuals contributed to the inquiry. The Committee benefited greatly from the assistance of experts of international repute, from the corporation of political parties, from the meeting with party leaders, local activists, focus groups and international experts. And it is such a Committee which reported on the financing of political parties in the UK, Madam Speaker.

I am just elaborating on the procedure adopted before coming up with a law on political financing in the UK to regret the fact that we have missed an opportunity in Mauritius. Most probably, it is the proper procedure in terms of dialogue and consultation or even if a Select Committee had examined the whole issue, most probably, we would have reached a consensus today, Madam Speaker, if the proper scene had been set.

As I said, I am sure most of us do not have a quarrel with the majority of the clauses in this Bill, with its overall philosophy. We cannot deny that the underlining principles of this Bill are to favour transparency, to favour accountability, to prevent money donated to political parties being misused. We agree with the registration of political parties, the powers of the ESC to supervise, verify, investigate, and recommend legal actions against offending political parties. Who can quarrel with the obligation for political parties to submit their audited accounts and their sources of funding, the amounts thereof, Madam Speaker? Who can quarrel with the accrued role of the ESC? This is a logical link in the whole process for the need to oversee and do the required monitoring. Who can disagree with the mechanism for restricting and controlling expenditure and ensuring disclosure, Madam Speaker? But, as I said, the devil is in a few details, Madam Speaker. This is where *le bât blesse*.

Madam Speaker, when we are today talking of political funding, when the issue of political funding is under scrutiny, what are we debating about? We are debating the role of political parties, which is vital to our democracy, the functioning of political parties in any country, in our country. I think somebody said it before me, the political parties in a democracy which provide the policies, the programme, the right political leaders, among which the electorate will have to make their choice, political parties initiate the political debates. They give the choice to the people. They offer to the people those who will run Government and those who will man the Opposition. This is what constitutes the pillar of our democratic fabric. Fortunately or unfortunately, political parties constitute the bedrock of this set up, Madam Speaker. Therefore, the need for robust political parties able to steward the right policies, the need for a stronger Opposition to counter, to scrutinize these proposals is vital, is a matter of public interest. This is where the funding element comes in. All parties have to raise funds in order to fulfil their missions and discharge their functions. As we know, we have been told just now that different countries adopt different models of political funding, private funding, State funding or a mixed model where public and private funding cohabit together.

I would not repeat what has been said before me. During the last decades, in Europe, for example, most political parties have survived or prospered on private funding and this, on a small number of relatively large donations from individuals or corporates. This is the problem with private funding, Madam Speaker. This dependency, has led to the perception, in all countries, that favours will be asked and favours will be given. Hence, so much public cynicism towards political parties; and this is the problem with private donation, Madam Speaker.

We must agree that there is this degree of public suspicion in the public about the motivations of these private donors, and also suspicion towards the political parties receiving those donations. The fact that major parties depend on the backing of corporates and rich individuals, is to put it mildly, Madam Speaker, unhealthy, creates unwarranted but genuine suspicion. This is the first point I wish to make on this Bill before the House today. I strongly think, Madam Speaker, that a cap, a threshold should have been imposed on the donations given to a political party by any corporate, any organisation or any individual. Unfortunately, in our law, no limit is imposed on the amount which a corporate, which a trust, which a *société*, which any organisation or a rich individual can give. What does that mean, Madam Speaker? That a corporate can donate Rs50 m., Rs60 m. or Rs100 m. to party 'X' since no

limit is imposed. I think sincerely that a threshold should have been imposed on donations from corporate bodies and private individuals who can afford to make that type of donation. We should have added in our law, in our Bill, for example, that no corporate should be allowed to donate more than 10% of the total allowable expenditure, and total allowable expenditure is already in our Bills somewhere. Therefore, we should have imposed the threshold that any private sector, corporate cannot dish out to party 'X', 'Y', or 'Z' any amount of money which they can afford to give, Madam Speaker.

In the UK, this is the case. The law has imposed a cap, a limit, as far as I remember of 10,000 pound sterling, on private donation. The purpose of this proposed amendment, that is, imposed a limit, Madam Speaker, is to limit the influence of vested interest in the financing of political parties, to ensure the independence of political parties and candidates from special interest. I am not inventing the wheel, Madam Speaker. We have all referred earlier on to the report of the Select Committee of October 2004 on the funding of political parties, presided by the then Attorney General, Mr Leung Shing. There was this draft legislation in this Bill and if we go through the Bill which is annexed to the report, we will see, Madam Speaker, that in the Select Committee Report, in clause 15 of this Bill –

> "A company may, in any year, donate to the fund, a sum which shall not exceed 5% of its declared profit in its previous financial year."

So, there is a limit which has been imposed, Madam Speaker. The reason is clear; the focus is on limiting the influence that any private donor may have on a political party or candidate, or on the political process as a whole.

Madam Speaker, the aim of this proposal is not to replace private funding entirely, but to remove large donators. If we want to take big money out of politics, the only way to do this is to impose a cap on donations and this, Madam Speaker, is to avert the corroding perception of corruption. This is what I wanted to say as a first suggestion of the first point, Madam Speaker.

I will also come to the issues in the Bill, make some few more points, Madam Speaker. In Clause 8 (2) of the Bill, it is this question of the treasurer only, I quote –

> "(2) No person shall make a donation to an individual member of a registered political party, other than to the treasurer of the party."

I agree with the hon. Leader of the MMM, that this clause should be revisited to provide that, not only the treasurer of the party should be allowed to receive donations. And the hon. leader

of the Opposition rightly reminded us that in the Representation of the People Act, Section 51 or 52, it is mentioned that it is a candidate who receives and makes the expenditure. I think we should amend this clause, Madam Speaker, so that any official candidate contending the elections may be allowed to receive donations on the condition that there is no misuse of the donation and that the necessary declaration is made to the treasurer of the party by the candidate.

The Prime Minister earlier on in his speech referred to the law which should be adapted, crafted to the specificities of a country. Rightly, Madam Speaker, a law must be drafted based on the culture on, on the precedent, on the practices inherent to a society to which it will apply. I opine that this amendment would be more practical since many private individuals and supporters of a party, based in different constituencies, might be willing to donate funds to a candidate, to a party during a campaign. So, it will mean that he will have to look for the treasurer who is miles, kilometres away, if the headquarters of this party is in a different region of the island. It is not practical, Madam Speaker. We know what an electoral campaign means, and it would have been so practical that a candidate receives the money and makes the entry himself to the treasurer and all this, of course, is monitored.

Now, as regards Section 9 - Prohibited donations, Madam Speaker, I won't again repeat what has been said before me. I don't want to read the Clause, that is, a candidate shall not accept any donation from State-owned enterprise, statutory corporation, religious body, a non-citizen and so on. I am just selecting a few of these bodies, but I want to make a point, Madam Speaker. I think to be a permissible donor, all companies, whether publicly or privately owned, should be able to demonstrate that they are trading, that they are carrying on business in the country and that they are earning sufficient income, here, to fund any donations. What I mean by that, Madam Speaker, a donor company should be obliged to disclose its ultimate ownership to the party receiving the donation and provide that also to the Commission. The reason for this is to ensure that foreign donors cannot divert and channel the donations through subsidiaries as a way to *contourner* the ban on foreign donations. So, we must be very wary, we must take all the precautionary measures, Madam Speaker, so that any company must disclose its ultimate ownership, so that there is no way of diverting and channelling donations through subsidiary companies and this will be going around the ban on foreign donations.

The other point I wish to make, Madam Speaker, I think the point has been made before me, but I will say it differently. The Bill, before the House today, as we know, allows

only private donations for the funding of political parties, but I think we should allow private individuals or even corporates which have made donations of a relatively modest figure - the hon. Prime Minister can decide upon the figure, Rs50,000, Rs25,000 - individuals, people, companies, who have made these modest donations should be forced to disclose their name, their identity, Madam Speaker. Because, to my mind, these donations should be treated as anonymous donations, and although included in the donor registration, the name of the donor should be disclosed. So, the law should not impose the obligation of disclosing the name, if I can call it, 'small donors'.

And in the UK, again, only donations above a certain level have to be on the public record and disclosed, Madam Speaker. Because, again, we are in Mauritius, anybody, any friend in the constituency, any shopkeeper around the corner who is very sympathetic to any party X, Y or Z can say: 'Look, I am giving you Rs15,000 because I like your party and so on'. So, it means even for the sum of Rs10,000 or Rs5,000, the identity of this small man will be disclosed, and perhaps he might not be agreeable to that. And this is not large donors, this is not big money, as I was saying, at the beginning of my speech, as I was arguing at the beginning of my speech. I think, Madam Speaker, as in the UK, only donations above a certain level and that level can be decided by the Prime Minister and the Government have to be disclosed.

Madam Speaker, the other point I wish to make also when we are discussing on political financing, on the control of the finances of a political party, is the question of the curb on spending. Why do political parties need to raise money? They do so because they spend the money, but the less they spend, Madam Speaker, the less they need to raise the money. And in this Bill, funnily enough, and we all know why, the expenditure limits are being raised, Rs1 m. now per candidate. It was Rs250,000 *avant*, plus another Rs1 m. for the constituency. In case we are talking of a party or party alliance fielding three candidates, it means Rs4 m. per constituency. This is what we are doing today; this is what Government is proposing to the Assembly today. We are raising the limits of expenditure, meaning that the cost of organising elections would now officially cost more and organisation of election campaigns would be more expensive, but, Madam Speaker, let us call a spade a spade and let us do some soul-searching exercise, we, politicians, parliamentarians. Is it not the duty of political parties to reduce their spending? In fact, when we think about it, parties spend a lot which, in fact, tantamounts to a complete waste of money, Madam Speaker, no value for money. A lot of expenditure is wasted and tantamounts really to the misuse of money.

Political parties must eliminate many of the unnecessary expenses as perhaps all these practices that although rooted, I agree, granted, all these practices rooted in our political traditions and *moeurs* which have pervaded our system for long; shouldn't we, all of us, political parties, revisit these practices? In fact, again in the report of the Select Committee presided by Mr Leung Shing, this issue was commented upon, Madam Speaker, whether we should not refrain from many of the practices that we have adopted for long. Therefore, the less we spend, the less political parties have to raise money.

Finally, Madam Speaker, I will come to a last issue. I made mention just now of this report of the Select Committee and the draft Bill which was called Funding of Political Parties Act, Madam Speaker and in this Bill, as we will remember and, in fact, this was what Government borrowed from, I presume, and the proposal was mentioned in the document which was made public in December last year. There was the proposal of setting up a Political Activities Public Financing Bill and this is to be found in clauses 13 and 14 of the draft annexed to the report of the Select Committee wherein it is mentioned 'there is established for the purposes of this Act a Political Activities Public Financing Fund which shall be a body corporate. The Fund shall be managed and administered by the Commission.' And in clause 14, we can see what are the objects of the Fund. This Fund is credited with all monies appropriated to the Fund by Parliament, contributions and donations made to the Fund from individuals and companies, residents in Mauritius or abroad and interest and so on. So, this was a Fund which was being fuelled by public money, monies appropriated by Parliament and also contributions and donations made to the Fund and this was a mixed model therefore., This was what was proposed in the report of the Select Committee and the Bill annexed to the report and taken up again in the position paper circulated by Government at the beginning of this year and as somebody said before me, in the Bill today, it is a different proposal that is being made.

Now, Madam Speaker, because as we know, the Bill before us does not propose any type of State funding. I have, myself, personally, Madam Speaker, in the past, expressed my disagreement with the use of State funding for the financing of political parties. I did so, Madam Speaker, in view of the level of economic development, the priorities in terms of infrastructure, the need to consolidate our Welfare State, to eradicate absolute poverty and so on.

I would have preferred, of course, if we had a Select Committee, to have asked the Select Committee to come up with a proposal in the draft Bill of 2004, that is, a mixed model,

Madam Speaker, that is State funding and private funding cohabiting together in this Fund from which all the political parties could have been funded. But, Madam Speaker, but I agree that State resources can be used to improve the integrity of the electoral process by allocating funds to promote a specific expenditure, and I am coming to that specific expenditure, Madam Speaker, because this is mentioned also in the Bill and I will come to that proposal in a few minutes.

Madam Speaker, in a study conducted by you and women, it is indicated that over 80% of women identified access to funding as one of the biggest challenges to entering the political sphere. In other countries, earmarking practices are being used to focus on gender barriers by distributing public funding to enforce electoral quotas and promote the nomination of female candidates, that is, incentive structures are proposed to provide additional funding if the parties meet the prescribed criteria, and they have to face penalties and their public funding is reduced if the parties fail to fulfil the criteria. Therefore, some countries have implemented incentive structures to provide additional funding to promote women representation if a given quota for women candidates is met. In France, in Portugal, in Ireland, a penalty is implemented in the form of losing a share of public funding in the case of non-compliance when the difference between the number of male and female candidates in the different parties is not respected.

Again, I am not reinventing the wheel, Madam Speaker. As I just mentioned, the House should know that since 2002, in the report of the Select Committee on the funding of political parties, in the Bill that was annexed, the concept of funding political parties in respect of the number of women representatives elected in the National Assembly was provided for, Madam Speaker. According to the provisions in this Bill, a certain sum of money was to be allocated proportionally to the relation of the number of women representative of a party had elected in the National Assembly.

2002, Madam Speaker, that was indeed a visionary step, a farsighted measure. I think we should be ashamed of ourselves, Madam Speaker. 17 years later, we are still battling, wrestling to amend the Constitution once for all regardless of what happens to the electoral reform to provide for a better gender quota to better secure gender representation in Parliament. All this, of course, had we had a Select Committee, I would have proposed that to that Select Committee. But I am now concluding, Madam Speaker, by saying this major reform, today, forms part of the need of our republic to bring in a new culture of probity and integrity among *la classe politique*. This reform requires us to put the interest of good

governance and democracy as a whole before our narrow party interest, Madam Speaker. Most of the provisions of the Bill are unimpeachable. But the devil, as I said, rests in a few of the proposals, Madam Speaker, which other Members of the Opposition and me, we have to make certain comments, and I think with some *bonne volonté*, good faith, the difference between Government and Opposition can be ironed out. This is why, Madam Speaker, I plead to the hon. Minister, just as hon. Boolell and hon. Duval have done for the setting up of a Select Committee with a time frame of 2 weeks, 3 weeks. This can be done in the Terms of Reference of that Select Committee. I think that we can refer the Bill to a Select Committee and if we have the political will, we can, I am sure, reach a consensus, Madam Speaker. I am sure the Bill will become a better piece of legislation which will, as I say, help Mauritius to enter into a better ethical environment, and we will once again, Madam Speaker, as we did in the case of the Declaration of Assets Bill, contribute better to *la moralisation de la vie publique à Maurice, j'ai dit.*

Merci, Madame la présidente.

Madam Speaker: Hon. Rughoobur!

Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or): Thank you Madam Speaker.

Madam Speaker, indeed this is a historical Bill and let me, to start with, congratulate the hon. Prime Minister and the Government for coming forward with this Bill which was actually a promise of *l'Alliance Lepep* to the population.

Madam Speaker, I have listened carefully to the around six points raised by hon. Ganoo who just intervened before me and Madam Speaker, in my second part of my intervention, I'll come to a few interesting issues raised by him. Madam Speaker, I believe that, at this stage, the issue that has been raised by the Members of the Opposition, though they are important but I consider that there is nothing that can prevent them from voting the Bill as it is and, of course, later on, we can come with amendments to the legislation and try to see how we can *peaufiner la loi sur* the Political Financing Bill.

Let me tell you, Madam Speaker, there is a reason why I'm saying this and I'll come to this in the second part of my intervention, but what are the criticisms that have been levelled against this Bill - that there is a lack of consultation. Hon. Members have been stating, Madam Speaker, that this Bill has been the website of the Prime Minister's Office. What are the criticisms that have been levelled against this Bill? There is okay no provision

for funding by the Government or Government bodies. There intrusion, interference - the second criticism - in the day-to-day affairs of political parties. Another criticism relates to the role of treasurer, excessive powers like excessive penalties.

Another criticism levelled against the Bill, disclosure to public of names of donors, I was surprised, Madam Speaker. We are talking of transparency, good governance and disclosure to public of names of donors is being criticised. I better don't comment on what has been said on *baz* and headquarters. I don't want to comment on limit on expenditure of constituency and candidate, Madam Speaker, because I believe that there is *beaucoup d'hypocrisie*. Everybody knows the way expenditure, the level of expenditure in elections year in, year out. *Il y a beaucoup d'hypocrisie*, Madam Speaker. That is why I'm saying I'm being extremely upset with some people from whom I expected much more on this Bill, Madam Speaker. We could have voted this Bill and then later we come with amendments. I'll come to what we have in countries like Malta, I'll take one example. Why do I take the example of Malta, Madam Speaker? Because MSM/MMM voted and when they voted this legislation, Rodrigues Regional Assembly, they'll go to big countries like Australia, anywhere else; they went to Trinidad and Tobago. This is from where they got inspired and came up with the legislation and this is how we have the Rodrigues Regional Assembly today. Of course, it was not the perfect one, we had to do some modifications and this is where we are today, Madam Speaker.

Madam Speaker, let me come to something that I came across a couple of days back while I was reading Dr. Abdul Kalam. You know, as a young scientist, he was given the responsibility to build a hovercraft and that was his first assignment as a team leader. He was very excited and passionate about it. Of course, he had a team of scientists with him and they worked tirelessly. He had a budget to complete that hovercraft. He had a time frame and, of course, they expected a work of quality. Madam Speaker, he worked tirelessly for the time that he had and he was within deadline, he completed the assignment for the design of that hovercraft within deadline and within the budget that was expected from his team. When the Minister, in charge of the oversight of the project, had a look of what was being done; he was extremely happy but an incident happened unfortunately, Madam Speaker. Just by the time the work was to be handed over, there was a change in Minister, the Minister who was responsible for oversight of the project. Do you know, Madam Speaker, what happened? The Minister said that he's going to shelve the project. Now, imagine how upset Dr. Abdul Kalam was? But Madam Speaker, even if he was upset, you know what he said and we know what is

his legacy today, what he has left as legacy to the young generation, to this generation and the generation to come. He said, Madam Speaker, that even if he was upset that he couldn't go forward with the project that he wanted to implement, he was satisfied that he fulfilled his responsibility to the best of his ability. With this Bill, this is what our Prime Minister and this Government is doing today, Madam Speaker. This is what we are doing. We made a promise to the population in 2014 that we will come with a Bill on the financing of political parties. We are, Madam Speaker, walking the talk and we are bringing this legislation. Madam Speaker, the population will know how to make the difference. The population knows that we are fulfilling the responsibility to the best of our ability and we are, Madam Speaker, walking the talk and fulfilling our promise.

Now, let me come to the second part of what I wanted to, Madam Speaker. I wanted to come to the strength of this Bill. Madam Speaker, I was talking about the legislation, the jurisdiction from where we were inspired to work on that Rodrigues Regional Assembly Bill. Madam Speaker, while I was doing some research work, I came across this Bill which was enacted in 01 January 2016 in Malta.

Madam Speaker, while I was looking at this Bill - I will come to it in a few minutes - let me first of all, before commenting on this, come to the first strength of this Bill. It enables, Madam Speaker, to consolidate the structure of the different parties, make them more vibrant and enables a better definition of responsibilities.

Let us have a look, Madam Speaker, at the state of our political parties in Mauritius today. I listened carefully to hon. Ganoo. He said somewhere, something like, we need to review our practices, and he is right when he said that we have review our practices, *des pratiques archaïques.* What we are looking at in this Bill, we are saying that we are exaggerating, that there will be interference. By whom? By the Government! On the one hand, we are saying that we have all the respect for the ESC, Electoral Supervisory Commission and, on the other hand, we are saying that with this Bill we are intervening in the internal affairs of the political parties. This is something that I do not understand, Madam Speaker, because it is for the ESC to have an oversight on the day to day functioning of the parties. It is not for the Government. It is not the Government, unless we are saying that the Prime Minister from his office is going to ask the ESC with a remote control what they have to do, go and inspect all political parties, go and see how you can dig information as to what is happening. Are we saying this, Madam Speaker? Are we saying this?

Madam Speaker, let me tell you, this law in Malta is almost similar to what we have in front of this House today. I can ask every hon. Member to go and have a look at this Act. They voted this Act in January 2016, and let me tell you, Madam Speaker, the Economist Intelligence Unit defined this Malta as a full democracy and is ranked in the Corruption Index, it is much higher, fortunately for them, than Mauritius, but then, Madam Speaker, only to tell you that this is a country which is a democratic one which has voted a Bill on financing of political parties in January 2016.

Madam Speaker, when you look at the clauses on the oversight in the Bill, the oversight that they have on political parties, and this done by the commission, Madam Speaker, in parts one and two, the Act goes as far as talking about Members' rights. The Electoral Commission in Malta has an oversight on Members' rights of political parties and Political party discipline. I do not see all this in this Bill. It is lighter than what we have here.

Third, description of officials of political parties, they go on to talk about principles of transparency in those political parties. And further on, in that same Bill, Madam Speaker, when we are talking about transparency of those political parties, this is an extract of that Act –

> "Political parties which are found by the Commission to have infringed any of the provision of this Act shall be subject to sanction -
>
> > (a) by mere exposure and adverse comment being made public, or (b) by the infliction of administrative fines."

This is what we have in this Bill, Madam Speaker, which is today an Act in Malta. And when you go to this Act, Madam Speaker, there is no much difference between what we are proposing.

Let me come to the second strength of this Bill. First strength, Madam Speaker, is this oversight. It is going to help the political parties to get structured, consolidate their structures and be more transparent. This is what this Bill is doing, Madam Speaker. We have to look at the other side of the coin.

Madam Speaker, before coming to the second strength, this Bill also talks about treasurers, the role of the treasurer in a political party. It is in this Bill. It talks about what the important role of a treasurer of a political party is. I have heard many Members on the other side of the House talking about the role of treasurer, talking about the responsibility of a treasurer. It is like the responsibility of an Accountant in an organisation, in a company,

Madam Speaker. It is like the role of somebody in charge of finances in a corporative, in an NGO. This is what we are talking about.

Madam Speaker, I am really upset. I can tell you, I am really upset. Madam Speaker, second...

(Interruptions)

Oui, oui mo p rod ticket, korek. So young!

Second, Madam Speaker, is better transparency in the funding of political parties. Today, we should agree in this House that there is a complete blackout in the funding of political parties. Complete blackout! That is the reason why we are coming with this legislation. This is going to bring better control and better transparency. This is what we are doing, Madam Speaker. Let me tell you, I agree. I think one of the point raised by hon. Ganoo, he was talking about we need to have a cap. There, in Malta, it is almost 500 euros. 500 euros is the cap, above which you have to declare the names and addresses of companies. Maybe this, we can look at it at a later stage. At this stage, Madam Speaker, such a historic Bill, we are not, because of these issues, going to say that we have to go and sit again for months and months and then come up to the Assembly, and then come up with another Bill or another proposal.

Madam Speaker, I was talking about the second strength of the Bill, that is, better transparency in the funding of political parties. Madam Speaker, when we are talking of oversight, there is, in the Bill, a duty on the political party to make full disclosure of his income and expenditure on an annual basis and such information will be available for the public to inspect as is the case. This is as well, public disclosure. Why? I ask the question: what is the problem for a political party to disclose the name of companies who are contributing, Madam Speaker? As I said earlier, for the sake of transparency and good governance, we have to do it, but at the same time those companies, Madam Speaker, will have an obligation also to disclose this information under the Companies Act. They will have this obligation to disclose and there also you will have much more transparency, because often when you have a look at the financial statements of companies, when you go to the notes, you never have any mention about their contribution to political parties. We do not have to be hypocrites, go and have a look at the annual accounts of all the companies. You will never see a single note where there are details going to tell you that such and such

amount was used for contribution to any political party. Now, with this Bill, Madam Speaker, of course, all this will come and there will be better transparency.

Now, Madam Speaker, the third issue is what will this Bill bring, Madam Speaker? We will restrict *le blanchiment d'argent*, and financing of political parties and candidates from proceeds obtained from illegal means. This also is important, Madam Speaker. This is the third strength.

The fourth issue, of course, there will be better accountability, Madam Speaker, and this is one of the main objectives of this Bill. One of the main objective is transparency, second is accountability. Accountability on the part of political parties to the ESC, it is high time. It is high time, Madam Speaker, on the part of political parties to ESC. But, as I mentioned earlier, accountability on the part of corporate entities who are involved in the financing of political parties, this accountability as well we need and finally, by the ESC, we are talking of an ESC being accountable to the public, to the country, Madam Speaker. Now, the ESC can only be accountable if you give them ammunition to do their work properly, if you give them powers to do the work properly, then only, they can be accountable to the public. And finally, the strength that I wanted to mention with the Bill, Madam Speaker, is the issue of enforcement. We cannot have enforcement. I have heard some hon. Members saying Rs1 m. here, Rs1 m. there as fine. But how are you going to proceed, Madam Speaker, if you have a legislation, *s'il y a une infraction à la loi*, do you leave it as it is, you do not take any action, you do not have any mechanism in place in order to penalise those, *là où il y a infraction?* We need to have a sort of a mechanism; this is what we have in this Act.

Before concluding, Madam Speaker, let me come to a very important point that has been the subject of debate in this House, it is the issue of public funding. Madam Speaker, that was an issue in Malta as well before this Bill was enacted in January 2016. And you know what they did, Madam Speaker? Let me tell you what they did. There, public funding is not allowed because they also got the same problem that we got in Mauritius, Madam Speaker. We have to listen to the members of the public as well. So, you know what they did, Madam Speaker? In Malta - let me read an extract - a very interesting extract - from this Act, a final point –

> In Malta, "the Act does not allow any donations from any public corporations or any parastatal body company or entity in which the State has a controlling interest."

But in the Act, just see what it goes on to say, Madam Speaker –

"Provided that political parties shall be permitted to receive services from State sources only under a special law which shall regulate (…)"

And that is the problem, Madam Speaker. Today, you cannot do so in one week, two weeks or one month - how are you going to do it? In 2016, this was voted, this Bill enacted. Until now, they have not been able to regulate the following –

"(i) assistance in kind (such as air-time, access to means of communication and related matters);

(ii) the proportions on the basis of which such assistance is to be provided to different political parties, and

(iii) the timing of the assistance given before elections, after elections, during Parliament election, the Local Council election period and the general election period."

Madam Speaker, the request that I make to my hon. friends on the other side of the House, let us vote for this Bill because we have to face the population in the next election. Of course, if you are in Government, later on, you can make amendments, but don't come and tell that you didn't have the opportunity or you were not given the opportunity. This is wrong.

Madam Speaker, as a concluding note, let me say that it has been a pleasure to intervene on this very important and historical Bill. I would like to thank the hon. Prime Minister, and the Members of the Government who have worked tirelessly on this Bill. I hope that the population *sera très reconnaissante pour ce qu'on a fait avec ce Bill,* Madam Speaker.

Merci.

Madam Speaker: Hon. Adrien Duval!

(11.57 p.m.)

Mr A. Duval (First Member for Curepipe & Midlands): Thank you, Madam Speaker. Madam Speaker, let me first reply to Members on the Government side.

Madam Speaker, there has been a rhetoric approach by Members of Government, and already we can see them trying to make the Opposition the scapegoat. We will come to the way in which they have brought the Bill. Let me ask this question. Government pretends - the hon. Rughoobur has just done it, and the hon. Roopun has done it, the hon. Gayan has done it

- that it is so serious about this legislation today. Madam Speaker, it pretends that this Constitutional amendment will be passed tonight. This is the pretention of Government, very seriously today. But, Madam Speaker, if that is the case, why is it that the hon. Teeluckdharry and the hon. Dr. Joomaye did not come to Parliament today? Why is it, Madam Speaker, since we need…

(Interruptions)

Apparently, we are voting this legislation tonight and they need 51 votes. How could they allow two Members not to come to Parliament? This is contrary to all the practice that has ever been done in the Assembly. Contrary! If really it wanted to pass it, surely it would have compelled its own MPs to be present today. We all know that when there is a Constitutional amendment, especially when Government wants to pass a Constitutional amendment, *que l'équipe doit être au complet, sans aucune exception.* It is not the case today, Madam Speaker, and it shows *que c'est une farce!* They know full well, and they knew full well, that this Bill would never pass. In fact, I am not too sure they are so keen on passing it themselves, Madam Speaker.

(Interruptions)

Exactly! But we can see how there is already an attempt to make the Opposition the scapegoat for the failure of this Government to pass the Political Financing Bill.

Madam Speaker, the interveners on this side has made it clear before, how when it was presented in November 2018, the proposal of Government, the so-called 'White Paper', how it was completely substantially different in regard to certain important aspects of the Bill. State funding of political parties, for example, Madam Speaker, and it has come to this House, 7-8 months after, and there has been no consultation. While we are voting for a Constitutional amendment, there does not seem to be the willingness of Government to find a consensus while we are going to vote on the future of the institution that is called Parliament. We do not deem it fit to find consensus.

When the Leader of the Opposition has made a legitimate and reasonable demand that the Bill be postponed, it was supported by all Members of the Opposition. There is, today, in this House, on the Opposition side, Opposition speaking in one voice today, and it is rare. And yet, there is this consensus of the Opposition that we need to discuss this in detail, Madam Speaker. There are certain apprehensions from this side of the House. There are

certain apprehensions - if you have read, Madam Speaker, the interesting articles. There was one by Mr N. of the Civil Society…

(Interruptions)

…comments from parties outside of Parliament. Nobody will be able to express his views and bring his propositions because Government is stubborn in presenting this Bill for Third Reading tonight, shall we say in the morning. And this, Madam Speaker, has been said by the Leader of the Opposition, by the leader of the MMM, by hon. Ganoo as well as by hon. Dr. Boolell. It is not the way about doing things.

Madam Speaker, when you look at the financing that will be now allowed in terms of expenses in this Bill with regard to the General Elections, Rs83 m. for a political party if it includes Rodrigues, which in the case of PMSD it does; another Rs36 m. for the Municipal Elections, and as the Leader of the Opposition rightly pointed out, in case of Village Council Elections, Rs234 m.

The total, Madam Speaker, is Rs350 m. that may be spent in the next two years. As we know, there will be the General Elections, there will be the Village Council elections and there will be the Municipal Elections by 2021. And, Madam Speaker, Rs350 m. nearly by one party! Rs350 m. that we are, Madam Speaker, expecting a party to raise on itself from the private sector, from donations which the State will not fund. And the point has been made earlier about State financing, I don't need to repeat it, although I do believe, Madam Speaker, and it is a principle that democracy has a cost, State financing is all about combating corruption and undue influence.

Madam Speaker, if you imagine, so we would be allowed under this legislation to spend up to Rs350 m. in the next two years if we take part in all three elections by one single party. It begs the question, Madam Speaker, when you raise that sort of capital from the private sector, at what cost, and we all know the undue influence that exists from taking donations from the private sector and the expectations that come with it. The expectations of getting contracts, employment, a piece of land, a road; all sorts of expectations come about this, Madam Speaker. And this is, I believe, the main source of corruption in this country and what we are doing here, Madam Speaker, is not dealing appropriately, and we will come to the loopholes that exist with the law. But it is allowing this perversion of the political class to continue through undue influence, through corrupt practices, through taking donations, tying the hands of the political class and having them to meet expectations.

So, Madam Speaker, political financing by the State is all about having a healthy democracy. It is a principle, a strong democracy, it requires a healthy political life where political parties need healthy funding to fulfil their functions and we are denying in this legislation, removing out that whole aspect, Madam Speaker, which I think, is a mistake.

I'll take the points that were raised before me, Madam Speaker. Even on Government side, that no system is perfect, that no system can be a one fit for all, that every country is different, but I also take the point of hon. Gayan when it comes to political undue influence that Mauritius is Mauritius, that we have 1.4 million people, we are a small country, and you can never be properly ruled out, but, Madam Speaker, this is exactly the point. We are a small country, we know each other. There are already so many reasons, Madam Speaker, to protect someone close to us, already so many reasons for political patronage. Be it in recruitment, be it in all the aspects of political life and governance, and denying the State funding of political parties is a mistake, and it is not helping in combating corruption.

Madam Speaker, let's get to the loopholes, firstly, that there are in this Bill. If you turn, Madam Speaker, to the definition that is being given to donations, donation in kind which includes a donation in kind but which in respect of a political party, does not include a membership fee or any fee imposed by the party on its Members and when you couple that definition with the requirement for a company to disclose in its financial statements donations it makes to political parties, and when you understand the point that no legitimate genuine company will want now to associate themselves with a particular political party because of the risk of reprisals, because of the risk to its reputation as well and that this loophole perhaps is intentionally left in the definition of donation by excluding membership fees.

In other countries, Madam Speaker, membership fees, in some countries, are capped. Here, it is unlimited. It is undefined. There is no limit. And as the Leader of the Opposition has explained, it is so easy now for someone without a company, without having now to give money from its account and to, therefore, disclose it, what stops that Director from him becoming a Member of the party and from that party now to creating different classes of membership schemes like has been told before gold membership, let's say Rs1 m. donation fee, platinum which hon. Gayan knows so well, platinum, Rs5 m. membership and, therefore, Madam Speaker, this would not have to be disclosed *sous le prétexte que c'est un nouveau membre et que ce soit* un membership fee, there would be no disclosure. So, we can see there is a loophole; there is a problem, Madam Speaker.

Now, can that Member pay for five years in advance? Can I pay my membership to cater for the five years or ten years? So, if I pay Rs5 m. per year, for the next ten years, I give you Rs50 m., there you go, you don't have to disclose it. So, these are loopholes that should be addressed, Madam Speaker. And although the intention of the legislation is good, again there are some loopholes that I think have been left here by carelessness or by drafting or by a rush even if we took three and a half years to bring this legislation.

The other loophole, Madam Speaker, when you go to the definition of benefits in kind, you look at what is meant by it. The section itself, in the definition, it does not provide a definition *per se*, how do you define benefit in kind. It sets out four types of benefits in kind limitatively, it says, the first class it's –

(i) publicity in the media and on billboards;

That's one.

(ii) elections paraphernalia, such as banners, flags, posters.

(iii) campaign promotion shirts, polos and caps, and

(iv) advertising materials, such as sample ballot papers or stationery.

These are the four limited provisions set out for benefit in kind. When we know, Madam Speaker, that there are so many other benefits in kind that are given to political parties; catering, don't you have to cater for these 500 or 1,000 agents of yours in your constituency, every night? Transport, Madam Speaker, we all know how much transport costs, especially on election day, in the millions, and then you have, Madam Speaker, cars themselves. What stops a company or a donor now to give a car as a donation, Madam Speaker? Microwaves were given. *Tempos!*

(Interruptions)

The list is long.

But the point is that, Madam Speaker, instead of having given limited provisions with examples, we should have given a definition, Madam Speaker. We should have given a definition and I will come to a definition that I propose but, Madam Speaker, what it completely misses out on and that is the most important and perhaps something new to the debate, is with regard to social media. It doesn't at all cater for social media, Madam Speaker.

(Interruptions)

When you know you 800,000 members on Facebook in Mauritius, when you know also that Facebook in all the democracies of the world now has been a game changer in terms of campaigning, when you know the influence that YouTube and all the social media platforms have, and you completely leave out all the kinds of helps and donations that a political party may get - for example, Madam Speaker, Facebook promotions are not done for free, millions of rupees are invested in a political campaign by a party. We remember *Viré Mam*. *Viré Mam* didn't get 800,000 views or how many views by just posting it on Facebook, it has to be promoted. Any post or video today which attempts to reach the maximum audience is boosted, Madam Speaker, by way of Facebook credits, and these Facebook credits cost dollars. So, millions of rupees will probably be invested by any political party in the next elections. And the point is what? The point is you haven't set out, in donation in kind, any contribution that might be made...

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Order, please!

(Interruptions)

Order!

Mr A. Duval: So, Madam Speaker...

(Interruptions)

Madam Speaker: Order, please!

Mr A. Duval: Madam Speaker, therefore social media is the new way of doing politics. If you ask me whether I rather get a million rupees in banners, T-shirts and posters, or be given Rs1 m. by a donor in terms of Facebook credit to promote my campaign, anybody would go for the Facebook credit because of the audience. So, this will be the new field of campaigning, not so much on the physical field, and it has been left out completely. What stops today in this legislation from a donor in giving millions of rupees through Facebook, through its campaign, from dedicating 50 or 100 staff on full time to a political party, it's not covered by the legislation, and therefore it needs to be addressed.

But, Madam Speaker, to cater for all of this, I think the definition should be given to benefit in kind, and to me, it could be something like benefit in kind, should be any property or other benefit gain without remuneration, including services, transfer of rights and certain benefits in favour of the party or other actions through which some benefit is given to a political party. That would encompass the whole of it, which is being left out today in this legislation. So, that is the point, Madam Speaker.

Now, when you go to the powers that we are giving to the Electoral Services Commission, Madam Speaker, the point has been made by all the opposition parties, and I just wish to reiterate the fact that the trend at the Electoral Services Commission in the appointments is the trend that is on a downward trend in terms of now appointing persons with a political past, who are members of institutions; it has already been made. There are members right now sitting on that Commission, and through the profession, have been working with people close to the Government.

So, therefore, the whole question of independence is now less and less certain with regard to the ESC. And what has Government answered, Madam Speaker? Hon. Gayan says we should not look at the composition of the Board, but we should look at the institution. That the institution is given certain duties, a mandate, and certain restrictions in its Act and, therefore, we should blindly trust that institution. But, Madam Speaker, what is the difference between the Electoral Supervisory Commission or, for example, the ICAC, in terms of the nominations and security of tenure? Yet, why it is that for the ICAC, the Judiciary itself does not trust it with the declaration of the assets of the Judiciary officers, because there is this perception, Madam Speaker, that ICAC is tainted with political influence, that it is affiliated with Government...

The Prime Minister: Madam Speaker, on a point of order. I have stated, and I think the Chief Justice has also stated, nowhere has the Judiciary said that they do not trust the ICAC. They have said that there could be a case of conflict if ever ICAC had to be the depository. So, I would request the hon. Member to be very careful not to impute certain things which have not been stated by the Judiciary.

Madam Speaker: Take note of this point of personal explanation.

Mr A. Duval: Madam Speaker, I am not imputing. Madam Speaker, what I am saying is there is the perception. Right! There is the perception and this is what we are hearing. So, Madam Speaker, this is the point.

You cannot, today, *d'un revers de la main*, just discard all the contention of the opposition with regard to now the Electoral Supervisory Commission and the Electoral Boundaries Commission which consists of the same Board members when there are legitimate calls here, for a more independent institution. And I think, had Government replied, come with our request to guarantee in the future nominations a total degree of independence, we would have had no quarrel with the rest of this Bill, Madam Speaker. But that is the whole point which the public needs to understand, is that we are voting today, whether or not to give additional powers to the Electoral Supervisory Commission, why no ageing powers, Madam Speaker. The power first of all to register a political party, where under the Act, if you look, on the subparagraph (e) of section 6, it has the discretion to ask for further documents. If you go to subparagraph (3), it may, after considering all the particulars of the application and other necessary and relevant factors, register the political party; it may do so. But, it has the discretion to ask for documents which are not listed here. It has discretion to look at other factors - which factors we don't know - on whether or not to register a political party and, therefore, we are giving it a lot of powers, we are giving it a discretion to act, we are giving it a power to make a report on the finances of the parties, we are giving in the power to give directions to political parties, to give warnings to political parties, to take sanctions with all the penalties that we are imposing under this Act. And, therefore, Madam Speaker, this is the question for us, if you want a Political Financing Bill, there is two-way of going about it.

First of all, you respect the Opposition, you look for the consensus, you do the consultation that is needed, you do not rush through that Bill when you have been sitting on it for so long and expect the Opposition to vote on this legislation at four o'clock in the morning - tonight.

Secondly, Madam Speaker, if you are going to give such powers to the Electoral Supervisory Commission, then you guarantee that the appointments in the future will be independent of political interference and political affiliation. And Government will not move on these two demands, Madam Speaker, and that is a shame, because we could have had a consensus. There could have been right here, right now, a favourable vote for this piece of legislation. But, Madam Speaker, I think that it is too easy to put the onus on the Opposition now and to use it then as the excuse, as the scapegoat, and this Bill will fail as it is going tonight.

Madam Speaker, I wanted also to raise another point with regard to the donations. There is no mention absolutely of loans, Madam Speaker. We know that in France, the former Prime Minister - I have it here, somewhere - had to resign.

(Interruptions)

Well, who lost the elections, and then tragically after, committed suicide because of this. There was a scandal with regard to a loan, an interest-free loan given to him by a donor, and that made a huge scandal; that was given to him as Prime Minister, not to his party. And you remember, very recently, the German President who had to resign, again in a loan scandal. So, loans, Madam Speaker, have to be catered in into this legislation.

Now that political parties will be registered, now that they will have a proper bank account, financial statement, they too will be able to take loans, now that they will have a stream of revenues; they too will have to account for loans. It is too easy otherwise, Madam Speaker, to give a loan, like so many sometimes are given by some Government institutions that are then written off. And, therefore, how do you account for it? Does it count in donation? It is not a donation, it is a loan. It comes in your revenue as a loan, but it also is accounted for new expenditure because you have to repay that loan and, therefore, whether Government could clarify if loans form part of this legislation. And given what has happened in France and in Germany, we can foresee it happening here also, and we should cater for it. So, Madam Speaker, that was, for me, some of the loopholes that had not been taken up.

To conclude, Madam Speaker, let me just say that the perception, not just in Mauritius, but in most countries of the world, is that the political class and political parties are the most corrupted because they are bolt out by the private sector, by those who have money and those who will, tomorrow, once the party they have supported is in power, report the benefits.

And if we wanted, Madam Speaker, to repair that reputation, the reputation of the political class in Mauritius, to give more confidence in the political class, in the political system, the first thing we ought to have done is to have the consensus of not just all the political parties here, in this House, but all the political parties outside - the proper political parties taking parts in elections also to give their views. And once we have that consensus, once we have had the discussions, once we have had an open platform, a mix platform, then, whatever legislation would come to this Assembly, would have much more legitimacy, Madam Speaker. And, therefore, it is not too late. I have said, if Government persists on its

plan to move this legislation up till 04:00 or 05:00 this morning for the vote, it will fail, it will not get the support of the PMSD, it will not get the support of the MMM, it will not get the support of the Labour Party, of the MP, and I do not think of the independent MPs. But if it throws a bone to the Opposition, at least once, and sets up that Select Committee, limits it in time if it so wishes, gives a clear mandate, a clear timeline, postpones the vote, gives it 3-4 weeks, then, Madam Speaker, something great might come of it. But let us not be the scapegoat, again, like the Electoral Reform. For example, the representation of women, which we all agree here, and will not be taken separately and have not been taken separately and has not passed in this House, because it was put together in a basket of all sorts of other amendments to our electoral system. That was unacceptable. Let us not repeat that same mistake. When I say us, it is Government. Let Government not repeat the same mistake. There is a legitimate cause to vote this Bill, there have been legitimate and reasonable concerns and proposals made from the Opposition. And this Bill can pass, but now, the ball is in the camp of Government. And I hope it will act as a responsible and committed one, to once and for all, deal with corruption and the opaque political financing in this country.

Thank you.

Madam Speaker: Hon. Rampertab!

(00:31 a.m.)

Mr Rampertab: Madam Speaker, I move for the adjournment of the debate.

Mr Hurreeram rose and seconded.

Question put and agreed to.

Debate adjourned accordingly

ADJOURNMENT

The Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Friday 12 July at 3.00 p.m.

Mr Roopun rose and seconded.

Question put and agreed to.

Madam Speaker: The House stands adjourned. Hon. Uteem!

MATTERS RAISED

(00.32 a.m.)

MGR. LEEN STREET - OVERFLOW

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Thank you, Madam Speaker. I would like to raise a matter which concerns the hon. Vice-Prime Minister, in particular the Municipal Council of Port Louis. There is a building in Port Louis near Mgr. Leen Street. It used to house a pre-primary school run by the Municipal Council of Port Louis, and there are two public toilets. Now, there have been renovation works ongoing on that site and unfortunately the contractor, while making the renovation work, has damaged the pipes from the public toilets and this is causing overflow and bad smell and inconvenience to all the neighbours. So, I will urge the hon. Vice-Prime Minister to take up the matter with the Municipal Council of Port Louis to see that adequate remedial action be taken in that respect.

Thank you.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, I will address this issue urgently, by tomorrow.

NATIONAL SELECTION – BASKETBALL PLAYERS

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière): *Thank you, Madam Speaker.* Mon intervention va être adressée au ministre des Sports. Je me fais le porte-parole des basketteurs de notre sélection nationale qui sont venus me voir. Les basketteurs sont en colère et m'ont demandé à soulever cette question. Nous sommes à 10 jours de jeux des îles et ce que les sélectionnés qui sont allés à Serbie pour un stage de trois semaines, plusieurs joueurs ont été indiqués qu'ils allaient avoir leur salaire, et ils ont des problèmes avec leur fédération concernant leur salaire. Cela cause beaucoup de frustration et ils ont fait la demande avec leur fédération. Et voilà, ce que la fédération a dit – « Du côté de la fédération, nous avons fait le nécessaire avec le ministère et que les démarches ont été bloquées ».

Je demanderai au ministre de nous dire si le nécessaire a été fait, parce qu'il y a une grande frustration au niveau de ses basketteurs, et il y va de notre réputation à 10 jours de

l'ouverture des jeux et surtout, il y a une situation malsaine qui prévaut au niveau de cette fédération. Merci.

The Minister of Youth and Sports (Mr S. Toussaint): Madame la présidente, je vais voir, aujourd'hui - puisque nous sommes déjà demain - tous les détails, parce que je n'ai pas les informations nécessaires à l'heure actuelle. Donc, je vais voir tous les détails au niveau du ministère, qu'est-ce qui a été demandé et qu'elle est la solution qui va être proposée.

Madam Speaker: Hon. Baloomoody!

INDIAN OCEAN ISLAND GAMES - TICKETS

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Madam Speaker. My intervention concerns the Minister of Sports. With regard to the forthcoming *Jeux des Îles de l'océan Indien*, there is an outcry outside with regard to access to tickets, and those who want to buy are able to buy it at the price which has been recommended by the Minister. It would seem that the tickets were sold via the internet and this prevents quite a lot of people who do not have access to the internet to buy their tickets online and the tickets were sold within hours. Most of the tickets have been sold, and what is more important, parents are not having access where their son or daughter are participating in that important game. They are not given free tickets and those who want to buy now, cannot buy. We have cases in our constituencies where tickets are being sold on the black market. Rs1,000 a ticket for a semi-final. So, can I ask the hon. Minister to look into the matter?

(Interruptions)

La police, la police, la police, shut up! Know the reality outside; what is happening! *La police, la police, la police.*

(Interruptions)

Madam Speaker: Order, please!

Mr Baloomoody: Yes, there is a problem because the way the ticket has been allocated to only one company, I don't know why, to sell the ticket. In previous years, we had organised these games, in 2003, or when we were in Government and tickets were accessible at the *guichet*. Why is it that tickets are not accessible at the *guichet* now? It's only in internet or to that supplier. I don't know whether it was programmed or it was done purposely, but

there is a *complicité* inside for the supplier of the tickets where tickets are being sold at black market. So, I ask the hon. Minister if he can intervene to look into the matter.

The Minister of Youth and Sports (Mr S. Toussaint): Madame la présidente, c'est vrai qu'il y a un problème de billets, puisque dès que les billets ont été mis en vente, les billets ont été achetés par la plupart des Mauriciens. En ce qu'il s'agit de *black market*, dès que nous avons les renseignements nécessaires, je puis assurer l'honorable membre que la police fait le travail qu'il faut. Pas plus loin qu'aujourd'hui, j'ai été mis au courant d'une possibilité de *black market* dans le sud, la police a été alertée. Je ne donnerai pas plus de détails. Ils sont en train d'enquêter et ils vont prendre les sanctions nécessaires. Si, éventuellement, l'honorable membre a des renseignements beaucoup plus précis par rapport au *black market,* qu'il me les donne et je puis assurer que la police fera son travail.

(Interruptions)

Je ne pourrai pas répondre à ça, là, ce soir.

Madam Speaker: Hon. Jahangeer!

SOUILLAC - HOSPITAL (NEW) - PUBLIC PARKING

Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac): Thank you, Madam Speaker. At the new hospital of Souillac, there are 3,000 cataract extractions per year. So, with this success comes a problem which I would like to address hon. Dr. Anwar Husnoo, the Minster of Health and Quality of Life, if he will consider converting the old hospital premises temporarily into a public parking?

The Minister of Health and Quality of Life (Dr. A. Husnoo): The old…

(Interruptions)

I have to look at it and then we will see.

Madam Speaker: Hon. Tarolah!

PONT LARDIER WATER TREATMENT PLANT - CONSTRUCTION

Mr K. Tarolah (Third Member for Montagne Blanche & GRSE): Thank you, Madam Speaker. I am addressing an issue to the hon. Deputy Prime Minister, as per Budget Estimates on page 93, provisions have been made for the value of Rs425 m. for the construction of Pont Lardier Water Treatment Plant, a very long awaited project for the

whole eastern region. May I humbly request the hon. Deputy Prime Minister to have a close monitoring for a rapid implementation of the project? Thank you.

The Deputy Prime Minister: I thank the hon. Member for having given me advance notice of his intervention. I cannot give him the assurance that his case will be treated in priority to others. This, I do not do. I have to follow the correct procedure. Thank you.

Madam Speaker: Hon. Henry!

CONCERTS - ORGANISATION - PERMIT

Mr T. Henry (Forth Member Mahebourg & Plaine Magnien): Merci Madame la présidente. Ma requête concerne trois ministères, le ministère de l'Art et culture, le ministère de la Santé et le ministère de Local Government. En ce qu'il s'agit l'organisation des événements, on a entendu ces derniers temps pas mal d'événements être annulés, un à Phoenix, là, tout dernièrement, il y a eu JL Events de Gérard Louis qui voulait organiser un concert à Gros Cailloux en août. Son permis a été refusé pour raison de pollution sonore. Mais quelques semaines après, une autre compagnie qui est venue faire un autre concert au même endroit, ils ont obtenu leur permis. Et apparemment, il y a eu des interventions de certains ministres pour forcer la main du District Council pour donner ce permis. Donc, je ne comprends pas pourquoi deux poids, deux mesures. Un le mois d'août, il n'a pas le permis et un autre au mois de juin, lui, il y a le permis. Donc, quelque part, il faudra voir ça. Et on veut faire la promotion des artistes locaux, mais ils n'ont pas d'endroit adéquat pour *perform.* Donc, je demanderai au ministre des Arts et de la Culture, le ministre de la Santé et la vice-Première ministre de bien vouloir essayer de voir comment on peut faire un *one-stop-shop* pour ses organisateurs d'événements pour qu'ils puissent aller à un seul endroit, ne pas faire un parcours du combattant pour avoir leur permis, certains même ont leur permis la veille de l'événement et c'est un stress pas possible pour ces organisateurs-là. Donc, je demanderai si on peut faciliter la tâche de ses organisateurs, merci.

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, as per the law, the organisers need to have clearances from many stakeholders like the Police, the Ministry of Health and also the Local Authorities. So, I will have a meeting with all the Ministries and see to it how we can simply…

(Interruptions)

Sorry? Yes, how we can simplify matters. But I must also say that there is no interference of Ministries in this particular aspect.

(Interruptions)

Madam Speaker: Hon. Mrs Perraud is not there. Hon. Ms. Sewocksingh!

(Interruptions)

I'm sorry!

WOOTON ROUNDABOUT – TRAFFIC JAM

Ms M. Sewocksingh (Third Member for Curepipe & Midlands): I would like the raise an issue - and time to go home. I would like to raise an issue, concerning my constituency, to the Minister of Public Infrastructure.

Madam Speaker, very often, during peak hours, there is huge traffic jam at Wooton roundabout. So, people have no other way than to use shortcut through Toukour Lane and there again, the circulation is becoming very bad and it's a highly residential area. So, the inhabitants are complaining. They are asking if this matter can be raised and if the Minister can consider seeing if a road, a bypass or something can be done to alleviate this matter.

The Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade (Mr N. Bodha): We will certainly look into the matter. I will ask the TMRSU to pay a site visit there and then I will come back to my hon. colleague.

Madam Speaker: Hon. Armance!

(00.43 hrs)

CAMP CHAPELON, PAILLES - PLAYGROUND

Mr P. Armance (First Member for GRNW & Port Louis West): Thank you, Madam Speaker.

Ma requête ce soir s'adresse à la vice-Première ministre. C'est concernant les vestiaires abandonnés ou non complétés du terrain de foot de Camp Chapelon à Pailles. J'ai été là-bas dimanche. C'est désolant de voir qu'à l'intérieur du vestiaire, même au sol, il y a des seringues. Les drogués les utilisent tous les jours. Il y a des enfants qui utilisent le terrain de foot. Je demanderai à la ministre si elle peut sécuriser l'endroit parce que j'ai compris qu'il n'y a pas de fonds actuellement pour compléter le projet. C'est elle-même qui est venue

avec une réponse parlementaire dessus. Si toutefois, on peut nettoyer et retirer les seringues et puis sécuriser entre temps que les fonds seront disponibles.

Merci.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): I will look into it.

Madam Speaker: Hon. Lepoigneur!

(00.44 hrs)

COTE D'OR SPORTS COMPLEX - ATHLETES

Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) : Madame la présidente, ma requête s'adresse au ministre de la Jeunesse et des Sports concernant l'annonce qui a été faite en grande pompe sur la radio hier concernant la livraison de Côte-d'Or, la piscine et le Dojo, mais au fait jusqu'à l'heure que je vous parle, rien n'a été livré et même les nageurs et les judos cadres on ne va plus faire des tests alors qu'on avait annoncé à la radio hier que ça avait déjà été livré. Je veux savoir quand ça va être livré pour que les athlètes puissent se familiariser avant les jeux.

The Minister of Youth and Sports (Mr S. Toussaint): Madame la présidente, je crois que c'est une *PQ* cette affaire-là, mais je vais vérifier. Merci.

Madam Speaker: Hon. Abbas Mamode!

(00.45 hrs)

PELLEGRIN ROAD, PORT LOUIS – SEWERAGE PROBLEM

Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East): Thank you, Madam Chairperson.

My issue is addressed to the hon. Deputy Prime Minister and it concerns a region in my constituency, la Route Pellegrin. I will table the photograph. I know that needful has been done, but, unfortunately, it recurs again and again. So, please see with the sewerage authority if a survey can be done in the region.

Thank you.

The Deputy Prime Minister: I am a bit lucky tonight because again the hon. Member was extremely kind to give me advance notice of what he was about to say.

I have been able to contact one person although it was a bit late. He has confirmed what you say that the Wastewater Management Authority has been on site. Of course, they take the matter very seriously.

At 00.48 a.m., the Assembly was, on its rising, adjourned to Friday 12 July 2019 at 3.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

SBM BANK (MAURITIUS) LTD & SBM HOLDINGS LTD – DIRECTORS

(No. B/567) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the public officers appointed as Directors in the State Bank of Mauritius and the State Bank of Mauritius Holdings respectively, since 2015 to date, he will state the –

(a) name and qualifications thereof, indicating the experience and expertise in the banking sector held by the incumbents, and

(b) criteria used for the selection thereof, and

(c) remuneration drawn therefor.

Reply: With regard to part (a) of the question, the public officers appointed as Directors of the SBM Bank (Mauritius) Ltd are Messrs Nayen Koomar Ballah and Visvanaden Soondram. The public officers appointed as Directors of SBM Holdings Ltd are Messrs Vidianand Lutchmeeparsad and Medha Gunputh.

As regards other information requested, these are of public knowledge and are available in the Annual Reports of the respective banks.

BANK OF MAURITIUS - GOVERNOR - OVERSEAS MISSIONS

(No. B/568) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Governor of the Bank of Mauritius, he will, for the benefit of the House, obtain from the Bank of Mauritius, information as to the –

(a) qualifications held;

(b) total pay packet and fringe benefits drawn, and

(c) overseas missions attended since his appointment to date, indicating in each case the –

(i) country visited;

(ii) air fare cost, and

(iii) amount of *per diem* received.

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 of the Bank of Mauritius and is, hence, of public knowledge.

EDB – CHIEF EXECUTIVE OFFICER – OFFICIAL MISSIONS

(No. B/569) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) 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 Chief Executive Officer of the Economic Development Board, he will, for the benefit of the House, obtain from the Board, information as to the number of official missions effected by the incumbent since his appointment to date, indicating in each case the –

(a) expenditure incurred, and

(b) outcome thereof.

Reply: The Economic Development Board (EDB) has informed that Mr François Philippe Guibert was appointed Chief Executive Officer (CEO) of the EDB on 20 August 2018. Since his employment, the CEO has been active in trade development, export and investment promotion, country branding and business facilitation both at national and international levels.

In fact, on a number of occasions, the CEO formed part of high-level official missions to promote Mauritius as an international investment and business platform, given his wide experience and international exposure in business development.

The EDB has also informed that the CEO has effected 13 official missions abroad since he joined office.

In regard to part (a) of the question, information received is that the total expenditure incurred in relation to these missions amounts to Rs1,566,593.

In regard to part (b) of the question, the EDB has further informed that the missions attended by the CEO have attracted some 42 projects which are in the pipeline and estimated to bring around Rs28.80 billion of Foreign Direct Investment.

The information of the outcome on each mission is being placed in the Library of the National Assembly.

CHAGOSSIAN ASSOCIATION – REQUESTS FORMULATED

(No. B/570) Mrs D. Selvon (Second 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 he will state if he has taken cognizance of the requests formulated by some Chagossian associations through the international media to the effect that the Chagossians –

(a) be allowed to choose their own destiny as indigenous people of the islands and

(b) resettled by Mauritius obtain maximum self-government, and

(c) resettled in the Seychelles be offered a fair compensation to be negotiated by the United Kingdom and Mauritius inasmuch as they never received any and, if so, state the stand of Government in relation thereto.

Reply: Any such requests are not to official knowledge.

In its Advisory Opinion of 25 February 2019 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, the International Court of Justice recognised that at the time of its detachment from Mauritius, the Chagos Archipelago was clearly an integral part of Mauritius and that the detachment was not based on the free and genuine expression of the will of the people of Mauritius.

The Court concluded as follows –

Quote –

"as a result of the Chagos Archipelago's unlawful detachment and its incorporation into a new colony, known as the BIOT, the process of decolonization of Mauritius was not lawfully completed when Mauritius acceded to independence in 1968". Unquote

The Court pronounced that the United Kingdom's continued administration of the Chagos Archipelago constitutes a wrongful act entailing the international responsibility of that State and that the United Kingdom is under an obligation to bring an end to its administration of the Chagos Archipelago as rapidly as possible, thereby enabling Mauritius

to complete the decolonization of its territory in a manner consistent with the right of peoples to self-determination.

On 22 May 2019, the UN General Assembly adopted Resolution 73/295, in which it, *inter alia*, affirmed, in accordance with the Advisory Opinion of the International Court of Justice, that the Chagos Archipelago forms an integral part of the territory of Mauritius and demanded that the United Kingdom withdraws its colonial administration from the Chagos Archipelago unconditionally within a period of no more than six months.

It follows from the Advisory Opinion of the International Court of Justice and General Assembly Resolution 73/295 that under international law, Mauritius is the sole State lawfully entitled to exercise sovereignty and sovereign rights over the Chagos Archipelago and its maritime zones. Only Mauritius has, therefore, the lawful authority to determine issues relating to the Chagos Archipelago, including resettlement.

There have never been any indigenous people in the Chagos Archipelago. The former inhabitants of the Chagos Archipelago who were forcibly removed by the United Kingdom from the Archipelago in the wake of its illegal excision from the territory of Mauritius are fully-fledged Mauritian citizens and derive their status as citizens of Mauritius from the Constitution.

The long-standing struggle of Mauritius to complete its decolonization process and the right of Mauritian citizens, including those of Chagossian origin, to return to and resettle in the Chagos Archipelago are indissociable.

Government will continue to spare no efforts for the rapid completion of the decolonization of Mauritius. Once the decolonization of Mauritius is completed, Mauritian citizens of Chagossian origin who wish to resettle in the Chagos Archipelago will be able to do so in full respect of the rights to which they are entitled under Mauritian law.

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

With a view to enabling Mauritian citizens of Chagossian origin to continue exercising all their rights, including their right to vote, when they resettle in the Chagos Archipelago, a motion will be made in this House for the inclusion of the Chagos Archipelago, including Diego Garcia in such one of the constituencies of Mauritius as the Electoral Boundaries Commission may determine.

ROSE BELLE TECHNOPARK - RENTING

(No. B/571) Mr T. Henry (Forth Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Rose Belle Technopark, he will, for the benefit of the House, obtain from Landscope (Mauritius) Ltd., information as to where matters stand as to the proposed renting thereof.

Reply: Landscope (Mauritius) Ltd has informed that there is no Rose Belle Technopark. However, there is a Rose Belle Business Park which is being developed on a gross area of 60.3 *arpents* of land.

Landscope (Mauritius) Ltd has also informed that in February 2018, 1.11 *arpents* of land were leased to Nova Health Innovation Ltd for the manufacture and development of pharmaceutical products. On 01 February 2019, 4.13 *arpents* of land were leased to AEGLE Medical and Surgical Ltd for the setting up of a health institution, specialising in the prevention, diagnosis and treatment of cancer.

An area of 15.4 *arpents* of land remains to be allocated in the Park.

There is a high-tech building of 6 floors, that is, ground floor plus 5 floors which has been built on some 2 *arpents* of land in the Business Park by the former Business Park of Mauritius Ltd, which is now merged into Landscope (Mauritius) Ltd. As at date, 1,961 square metres of office space have been rented.

DOUBLE AVOIDANCE TAXATION AGREEMENTS

(No. B/574) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Financial Services and Good Governance whether, in regard to the Double Avoidance Taxation Agreements, he will state the number thereof, since January 2015 to date –

(a) having been abolished;

(b) having been signed, and

(c) awaiting signature.

Reply: With regard to part (a) of the question, since January 2015, only one Double Taxation Avoidance Agreement (DTAA) has been denounced, the Mauritius-Senegal DTAA. In fact, the Government of Senegal has, on 18 June 2019, conveyed to the Government of

Mauritius its decision to terminate the DTAA, with effect from 01 July 2019. In accordance with Article 29 of the DTAA, the agreement will continue to apply, in Senegal, up to 31 December 2019, and, in Mauritius, up to 30 June 2020.

Negotiations on a revised DTAA with Senegal is currently ongoing and following the notice of termination submitted by Senegal, the hon. Minister of Foreign Affairs has written to his counterpart for an early technical meeting to finalise the revised DTAA.

With regard to part (b) of the question, Mauritius has, since January 2015, signed six DTAAs with Morocco, Jersey, Ghana, Cabo Verde, Comoros and Kenya.

Concerning part (c) of the question, Mauritius has completed negotiations on four DTAAs with Gibraltar, Malawi, Gambia and Estonia and arrangements are being made for their signature.

FIU - RECOVERY ORDER – AMOUNT COLLECTED

(No. B/584) 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 Recovered Assets Fund, he will, for the benefit of the House, obtain from the Financial Intelligence Unit, information as to the –

(a) balance thereof, indicating the amount thereof derived from the enforcement of a –

(i) recovery order, and

(ii) confiscation order, and

(b) amount paid therefrom to –

(i) compensate victims who suffered losses as a result of an unlawful activity, and

(ii) satisfy a compensation order.

Reply (The Prime Minister): In regard to part (a) of the question, the balance as at 30 June 2019 for the recovery order stands at Rs10,104,442.64 and there is no amount collected for confiscation order as the related criminal cases are still pending at Court. This amount represents the balance after –

(i) Rs7,686,212.05 was transferred to the Consolidated Fund, in line with the requirements of the Finance and Audit Act, and

(ii) an amount of Rs1,079,133.98 representing bank charges and other expenses have been deducted.

In regard to part (b) of the question, no compensation has yet been paid to the victims as no such order has yet been issued by the Court.

It is only after a Court's decision in each case that the FIU would decide whether the criteria for compensation are satisfied. In the affirmative, the FIU then applies to the Court for a compensation order to be issued and payment is made in accordance with section 60 of the Asset Recovery Act.

DROIT DE DIFFUSION - PROPOSED FEES - INTRODUCTION

(No. B/605) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Arts and Culture whether, in regard to the *droit de diffusion* for the artists, he will state when consideration will be given for the introduction of the new proposed fees therefor.

Reply: Section 45 of the Copyright (Amendment) Act 2017 empowers the Mauritius Society of Authors (MASA) to administer the economic rights and equitable remuneration and negotiate, on behalf of its members in Mauritius, with users of a work on the conditions, and the fees and charges payable.

I am informed that tariffs were last updated in 2008.

The Board had, in November 2015, set up a Technical Committee to review the Copyright fees (Tariffs) of MASA.

In parallel, a High Powered Committee (HPC) comprising representatives of the Attorney General's Office (Chairperson), Anti-Piracy Unit, MASA and artists, was set up in January 2016 by the Ministry of Arts and Culture to review the Copyright Act 2014.

The HPC had held sixteen technical meetings since its setting up and a draft Amendment Act was proposed in October 2017.

After the coming into force of the Copyright (Amendment) Act 2017 and elections held on 22 April 2018, the MASA Board comprises seven elected representatives from the artist community.

I am informed that an *ad hoc* Tariff Committee had been set up by the Board to look into tariffs.

The Tariff Committee is chaired by an elected member of artists and includes two ex-officio members and three representatives of the artist community on the Board.

Six meetings were held since 18 September 2018 to work on the proposed new tariffs.

The Tariff Committee submitted its report to the Board. It was approved and sent to the Parent Ministry on 30 May 2019.

The proposed tariffs are being considered at my Ministry in consultation with other relevant Ministries.

MARE D'ALBERT & PLAINE MAGNIEN - WATER SUPPLY

(No. B/606) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to Mare d'Albert and Plaine Magnien, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the measures taken to alleviate the water supply problems thereat.

Reply: I am informed by the Central Water Authority that the region of Mare d'Albert/Plaine Magnien is obtaining water on a 24-hour basis. Prior to the current programme for the rehabilitation and upgrading of the CWA water distribution system, the pipelines in that region were very old, were prone to continuous water losses and were subject to frequent bursts in the network.

In pursuance of its renewal programme, the CWA awarded a contract in August 2017 for the replacement of about 4 kms of pipes from Mare d'Albert to Plaine Magnien for the cost of Rs88 m. New pipes have already been laid and the road resurfacing will be completed by next month. On 09 May 2019, these new pipes were connected to Rampe Le Moirt reservoir.

Under the contract, 22 lateral roads consisting of 336 households are to be connected. 12 lateral roads consisting of 109 households have already been connected. The rest will be connected before the end of August 2019. In the meantime, the remaining households are still connected to the old network.

This new pipeline will reduce the incidence of bursts, increase water pressure and also cater for future demand.

LE BOUCHON, CAMP CAROL & CARREAU ACCACIA - ANIMAL BREEDING

(No. B/607) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Agro-Industry and Food Security whether, in regard to the proposed setting up of animal breeding activities in Le Bouchon, Camp Carol and Carreau Accacia, he will state where matters stand.

Reply: There is no proposal by my Ministry to set up animal breeding activities at Le Bouchon, Camp Carol and Carreau Accacia.

ELECTRIC BIKES, ELECTRIC SCOOTERS & ASSISTED BICYCLES – ROAD TRAFFIC ACT AMENDMENTS

(No. B/611) Mr E. Jhuboo (Third Member for Savanne & Black River) asked Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to electric bikes, electric scooters and electric pedal assisted bicycles, he will state if consideration will be given for the advisability of proposing amendments to the Road Traffic Act with a view to regulating same.

(Reply not available)

ST FÉLIX - CLEAR OCEAN HOTEL AND RESORTS PROJECT - CLEARANCES AND PERMITS

(No. B/612) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Tourism whether, in regard to the Clear Ocean Hotel and Resorts Project at St Félix, he will state if, as at 30 June 2019, construction works have started, indicating if the company has secured all the required clearances and permits prior thereto and, if not, indicate the steps that will be taken in relation thereto.

Reply: With your permission, I shall reply to PQ B/612 pertaining to Clear Ocean Hotel & Resorts Ltd.

Following a site visit effected on 01 July 2019 by officers of my Ministry, it has been reported that no construction works have started.

With regard to clearances, I wish to inform the House that Planning clearance has not been issued by my Ministry.

I am informed by the District Council of Savanne that Clear Ocean Hotel & Resort Ltd has not applied for a Building and Land Use Permit.

Consultations are being held with the State Law Office to chart out the way forward.

SOCIAL HOUSING UNITS - CONSTRUCTION - SITES

(No. B/613) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Housing and Lands whether, in regard to the Project for the construction of social housing units in six-storey buildings, he will, for the benefit of the

House, obtain from the National Housing Development Company Ltd., information as to the proposed location thereof, indicating if a feasibility study thereof has been carried out.

Reply: Construction of high-rise buildings with a maximum of six floors for future housing projects has been announced at paragraph 250 of the 2019-2020 Budget Speech. I am informed that 16 sites for construction of the housing units have been identified as follows –

(i) Highlands;
(ii) La Caverne;
(iii) Dubreuil;
(iv) Palma;
(v) La Tour Koenig;
(vi) Piton;
(vii) La Clemence;
(viii) Bel Air;
(ix) Ernest Florent;
(x) Surinam;
(xi) Olivia;
(xii) Mare D'Albert;
(xiii) St Hilaire;
(xiv) Grand Bel Air;
(xv) Tyack, and
(xvi) Souillac.

The above list will, however, be finalised following feasibility studies to be carried out for each site and clearances obtained from the relevant authorities.

CONSTITUENCY NO. 1 – BUS SHELTERS – NUMBER CONSTRUCTED & COST OF PROJECT

(No. B/614) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the bus shelters, he will state the number thereof constructed island-wide since 2014 to date, indicating the total cost thereof and table the list of bus shelter projects earmarked for construction in Constituency No. 1, Grand River North West and Port Louis West in the current financial year.

(Reply not available)

FISHERMEN COOPERATIVE SOCIETIES - OUTBOARD ENGINES

(No. B/615) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the grants for the acquisition of outboard engines by Fishermen Co-operative Societies, as announced in the Budget Speech 2018-2019, he will state the number of grants given and number of outboard engines acquired, indicating the –

(a) names of the beneficiaries, and

(b) amount of funds disbursed.

Reply (Minister of Business, Enterprise and Cooperatives): Paragraph 75 of the Budget Speech 2018/2019 highlights that to fully tap the economic possibilities in our ocean: a grant of 60 per cent of the cost of acquisition of outboard engines and fishing nets, by fishermen cooperatives, up to a maximum of Rs60,000 would be introduced and all registered fishermen will be provided with a free ice box.

As regards the outboard engines, 11 fishermen cooperative societies have taken advantage of the scheme and my ministry has disbursed a sum of Rs256,616.

I am tabling the list of the 11 cooperative societies which have acquired the outboard engines together with the sum disbursed.

NCSR FOUNDATION - SPECIAL CALL FOR PROPOSALS ON EARLY CHILDHOOD CARE

(No. B/616) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Special call for proposal "Expanding Access to Early Childhood Care at Community Level", he will, for the benefit of the House, obtain from the National Corporate Social Responsibility Foundation, information as to the –

(a) number of proposals received;

(b) amount of funds earmarked, and

(c) Non-Governmental Organisations benefitting thereunder, indicating the –

(i) budget earmarked, and

(ii) projects approved.

Reply: With a view to enhance access of children from low-income families to early childhood care at the community level, the National Corporate Social Responsibility Foundation launched a Special Call for Proposals on Early Childhood Care on 18 April 2019.

As at the closing date, that is, on 10 May 2019, and in reply to part (a) of the question, I am informed that 22 proposals were received from 19 NGOs.

As regards parts (b) and (c) of the question, an amount of Rs68 m. was earmarked for this Special Call for Proposals and I am informed by the Foundation that no funds have been disbursed so far.

With regard to part (c) (i) and (ii) of the question, I am further informed by the Foundation that nine proposals have been retained and their technical and financial proposals are being reviewed. The nine NGOs have been requested to submit their revised documents and funds will be disbursed as soon as the revised documents are submitted, which is expected to be completed by the end of this month.

I wish to inform the House that the names of the NGOs, the approved projects and amount earmarked for each project will be published on the website of the Foundation.

CONSTITUENCY NO. 3 - POLICE - TOWED VEHICLES

(No. B/617) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to vehicles lying in abandoned state in streets and public parking areas in Constituency No. 3, Port Louis Maritime and Port Louis East, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

(a) number thereof towed away since April 2017 to date, and

(b) additional measures that will be taken in relation thereto.

Reply: As regards part (a) of the question, I am informed by the Commissioner of Police that to date, 28 vehicles have been towed by the Police in Constituency No. 3.

As at date, no vehicle is lying in an abandoned state in streets and public areas thereat.

Regarding part (b) of the question, the additional measures that have been initiated are as follows –

a) preventive patrol organised by ERS, Station personnel and other units policing the region, and

b) sensitisation by neighbourhood Officers, ERS and other units of the Force.

SAUDI ARABIA CONSULATE GENERAL/EMBASSY – PROPOSED OPENING UPDATE

(No. B/618) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the proposed opening of the Saudi Arabia Consulate General and/or Embassy in Mauritius, he will state where matters stand.

(Reply not available)

MINISTRIES/GOVERNMENT DEPARTMENTS - BUILDINGS & PREMISES - RENT

(No. B/619) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the buildings and premises rented by each Ministry and GovernmentDepartment, he will give a list thereof, indicating in each case the –

(a) location;

(b) name of owner;

(c) extent;

(d) monthly rental payable, and

(e) duration thereof.

Reply: My Ministry is among one of the various Ministries and Departments which issue clearances for rental of buildings and premises by all Ministries/Departments.

My Ministry issues the final clearance after the Technical Sections have ascertained that the building is structurally safe and sound and fit for rental purposes. However, the terms

and conditions of the contract for the rental, including the duration, are determined by each Ministry/Department whereas the amount of rental payable is assessed by the Government Valuer.

As my Ministry does not have updated information pertaining to the question, all Ministries/Departments have been requested to submit same to my Ministry.

The information has been compiled and is being placed in the Library of the National Assembly.

MOTOR VEHICLES – ONLINE REGISTRATION FACILITIES – PLACE OF REGISTRATION

(No. B/620) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to motor vehicles, he will, for the benefit of the House, obtain from the National Transport Authority, information as to if consideration will be given for the taking of measures to expedite the registration process thereof, including, by –

(a) merging the transactions required to be carried out at the Registrar General's Department and the National Transport Authority in a single place, and

(b) providing online registration/payment facilities.

(Reply not available)

UNIVERSAL SERVICE FUND - OPERATORS - OUTSTANDING CONTRIBUTION

(No. B/621) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Technology, Communication and Innovation whether, in regard to the Universal Service Fund, he will, for the benefit of the House, obtain therefrom, information as to the amount due from each company since 2015 to date, indicating the –

(a) amount recouped as at to date, and

(b) measures taken to recoup the outstanding amount.

Reply: Section 21(1) of the Information and Communication Technologies Act 2001 provides for the establishment of a Universal Service Fund (USF). As such, with the promulgation of the Information and Communication Technologies (Universal Service Fund) Regulations 2008, the USF was set up with a view to enabling public operators to contribute

to that Fund for democratising access to information through the use of the information and communication technologies.

Public operators holding an International Long Distance (ILD) Licence and/or a Public Land Mobile Network Licence (PLMN) are accordingly required to contribute to the Fund on a monthly basis as follows –

(i) 5 per cent of the gross revenue, which the public operator generates from the provision of international roaming service (inland roaming services) for that month;

(ii) 0.025 US Dollar on every minute of international calls which the public operator terminates in Mauritius in that month.

Since 2015, the total amount still due to the Fund (including surcharge) is Rs137,852,804.39 for period 2015-2018.

With regard to part (a) of the question, five operators have failed to settle their outstanding contribution.

With regard to part (b) of the question, I am informed that with a view to recovering the amount due, the ICT Authority issued written reminders to the concerned operators. However, as there was no positive response, the ICT Authority has initiated legal actions to recover the amounts due. Cases have already been lodged at the level of the Supreme Court.

AGUSTA WESTLAND VVIP CHOPPER DEAL SCAM - INQUIRY

(No. B/622) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Financial Services and Good Governance whether, in regard to the Agusta Westland VVIP chopper deal scam, he will, for the benefit of the House, obtain from the Financial Services Commission and from the Financial Intelligence Unit respectively, information as to where matters as to the inquiries initiated thereinto.

Reply: In his reply made to Parliamentary Question B/619 at the sitting of 28 June 2016 regarding the Agusta Westland VVIP chopper deal, the then Minister of Financial Services, Good Governance and Institutional Reforms informed the House that following Press articles in the Indian Press in February 2013 with respect to alleged bribery involving Indian nationals for the purchase of helicopters by the Indian Government, two companies holding Global Business Licences issued by the Financial Services Commission (FSC), were

allegedly involved in the matter. The FSC initiated a preliminary inquiry thereinto, in April 2013.

I am informed that ML Administrators Ltd (MLAL) was the management company responsible for the two GBCs and its Director and Money Laundering Reporting Officer (MLRO) was one Mr S.F.

The FSC had, on 26 May 2016, issued an interim direction to MLAL to remove Mr S.F. from his position of Director and MLRO, with immediate effect, pending the completion of an investigation into the Agusta Westland VVIP Chopper Deal. Mr S.F. subsequently resigned from his position on 27 May 2016. I am advised that the interim direction was subsequently confirmed on 08 June 2016.

I am also advised by the Commission that on 15 May 2018, Mr S.F. lodged a case to the Supreme Court, praying for the revocation of the interim direction and its removal from the website of the Commission. The hearing of that matter has been scheduled for 10 September 2019.

As regards the two concerned GBCs, I wish to highlight that one of them was removed from the Register of Companies on 28 March 2013 following an application for removal made under section 309(d) of the Companies Act 2001. Regarding the second one, on 07 May 2013, the Management company ceased to act as Secretary and returned the original Global Business Licence to the FSC. The company was removed from the Register of Companies on 09 October 2014.

I am further informed by the FSC that on 28 June 2016, the Commission initiated an investigation on MLAL and it is still ongoing.

Moreover, I am advised by the Financial Intelligence Unit (FIU) that with a view to avoiding leakage of information on the work carried out by its organisation on any specific subject, including possible criminal activities, the FIU is unable to disclose any such information in the public domain regarding the Agusta Westland VVIP chopper deal.