



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

THURSDAY 18 JULY 2024

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PRINCIPAL OFFICERS AND OFFICIALS

Mr Speaker	Hon. Adrien Charles Duval
Deputy Speaker	Hon. Mohammad Zahid Nazurally
Deputy Chairperson of Committees	Hon. Ashley Ittoo
Clerk of the National Assembly	Ramchurn, Ms Urmeelah Devi
Adviser	Dowlutta, Mr Ram Ranjit, CSK
Deputy Clerk	Gopall, Mr Navin
Clerk Assistant	Seetul, Ms Darshinee
Clerk Assistant	Naika-Cahaneea, Mrs Prishnee
Clerk Assistant	Tayelamay, Mr Niteshen
Adviser, Hansard	Allet, Mrs Marie-Hélène Caroline
Assistant Hansard Editor	Hurdoss, Miss Doushika
Parliamentary Librarian and Information Officer	Jeewoonarain, Ms Prittydevi
Acting Serjeant-at-Arms	Seegobin, Mr Somduth

MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 21 of 2024

Sitting of Thursday 18 July 2024

The Assembly met in the Assembly House, Port Louis, at 4.00 p.m.

The National Anthem was played

(The Mace is brought into the House by the Serjeant-at-Arms and is laid under the Table).

The National Anthem is played.

MR SPEAKER - ELECTION

The Clerk: Hon. Members, pursuant to section 32 of the Constitution and Standing Order 7 of the Standing Orders and Rules of the National Assembly, the Assembly will now proceed with the election of the Speaker.

I, therefore, invite two hon. Members to move and to second the election of a Member present in this Assembly or otherwise to be elected to the Office of the Speaker and to take the Chair of the Assembly.

The Prime Minister: Madam Clerk, in accordance with the provisions of Section 32 of the Constitution and Standing Order 7 of the Standing Orders and Rules of the National Assembly, I move that Mr Adrien Charles Duval be elected Speaker of the National Assembly.

Madam Clerk, in line with the tradition in this House, I wish to say a few words on Mr Adrien Duval, whom I am proposing for election as Speaker of the House.

Mr Adrien Duval holds an LLB from the University of Kent, United Kingdom. He followed the Bar Professional Training Course at the College of Law, London. He was called both to the Bar of England & Wales and to the Bar of Mauritius in 2014 and is a member of Gray's Inn.

Mr Adrien Duval will have 10 years standing at the Mauritian Bar this year, having practised in both civil and criminal law as a litigator.

Mr Adrien Duval contested the 2014 General Elections in Constituency No. 17 - Curepipe and Midlands and was returned First Member for the said Constituency to serve the National Assembly.

On 22 December 2014, Mr Adrien Duval was elected by the Assembly to serve as Deputy Speaker and held this Office until 19 December 2016. During his tenure as Deputy Speaker, he held the post of Chairperson of the House Committee, member of the Standing Orders Committee and member of the Committee of Selection.

At the General Assembly of the Inter-Parliamentary Union (IPU) held in Lusaka, Zambia from 19 to 23 March 2016, Mr Adrien Duval was elected by the Governing Council to serve as the representative of the Africa Group, representing 48 Member States of the African continent, on the Committee to Promote Respect for International Humanitarian Law of the IPU, on a four-year term, with effect from April 2016.

His abilities and qualities, during his tenure of office as Deputy Speaker at the National Assembly, have been recognised by all the hon. Members from both sides of the House. In view of his professional background and experience as Deputy Speaker, I have no doubt that Mr Adrien Duval will serve the House with the same dedication and distinction.

With these words, I move that Mr Adrien Charles Duval be elected Speaker of the National Assembly.

The Deputy Prime Minister seconded.

The Clerk: As there is no other proposal, I declare Mr Adrien Charles Duval, present in the House, elected as Speaker, and invite him to come to the upper step to take the Oath and sign the Roll of Membership, in the first instance, and then to take the Chair.

(The House having called hon. Mr Adrien Charles Duval to the Chair, he proceeds to the upper step of the Chair.)

Mr Adrien Charles Duval then made and subscribed before the Assembly the Oath of Allegiance prescribed in the Third Schedule of the Constitution and signed the Roll of Membership.

Mr Speaker *(Standing on the upper step):*

Hon. Members, in accordance with custom, I vouch to submit myself to the will of the House.

I am grateful for the confidence the House has placed in me, and in particular, the hon. Prime Minister, Leader of the House for the kind words he said to my address.

I have had the privilege of serving the House as the youngest Deputy Speaker from December 2014 to December 2016. My experience in such capacity has been enriching. But

whatever may have been the circumstances, I have always done my best to rise above and chaired proceedings in serenity.

I am particularly honoured that today I am being entrusted with the highest responsibilities of the Legislature.

Hon. Members, the Speaker is the symbol of the authority of Parliament...

(At this stage, Members of the Opposition from the Labour Party, the MMM & Les Nouveaux Démocrates entered the Chamber, without taking their seats and standing in the left aisle when facing the Speaker's Chair, persistently and willfully obstructed the business of the Assembly and shouting insults to the address of the Chair)

Mr Speaker: I shall reserve my speech to a later occasion.

(Applause)

(Mr Speaker then takes the Chair)

(The Mace which was, up to that time, under the Table, is placed upon the Table by the Serjeant-at-Arms)

(Interruptions)

Mr Speaker: I will suspend the Sitting...

(Interruptions)

Mr Speaker: ...until such time to be named! Thank you.

At 4.19 p.m., the Sitting was suspended.

On resuming at 4.30 p.m. with Mr Speaker in the Chair.

Mr Speaker: Hon. Members, I will read my speech anew.

In accordance with custom, I vouch to submit myself to the will of the House.

I am grateful for the confidence the House has placed in me, and in particular, the hon. Prime Minister and Leader of the House for the kind words said to my address.

I have had the privilege of serving the House as the youngest Deputy Speaker from December 2014 to December 2016. My experience in such capacity has been enriching. But whatever may have been the circumstances, I have always done my best to rise above and chaired the proceedings in serenity.

I am particularly honoured that today I am being entrusted with the highest responsibilities of the Legislature.

Hon. Members, the Speaker is the symbol of the authority of Parliament, and custodian of our parliamentary rights and guardian of our parliamentary liberties. I pray that together we preserve the dignity of the House and the respect that it commands.

I aspire that my tenure as Speaker of the House will contribute in strengthening our Parliamentary democracy and I pledge to uphold the decorum and dignity of the House in strict application of the Standing Orders at all times.

Before I take the Chair – well, I have now taken the Chair – I wish to extend my gratitude to the Clerk and to all the Officers of the House for their endearing work.

I thank you.

(Applause)

PAPERS LAID

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

A. Prime Minister's Office

Ministry of Defence, Home Affairs and External Communications
Ministry for Rodrigues, Outer Islands and Territorial Integrity

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

- (i) The Finance (Miscellaneous Provisions) Bill (No. X of 2024); and
- (ii) The Maurice Stratégie Board Bill (No. XI of 2024).

B. Ministry of Energy and Public Utilities

The Annual Report and Report of the Director of Audit on the Financial Statements of the Central Water Authority for the year ended 30 June 2021.

C. Attorney General

Ministry of Foreign Affairs, Regional Integration and International Trade

- (a) The Annual Report and Report of the Director of Audit on the Financial Statements of the Law Reform Commission for the year ended 30 June 2023.
- (b) The Financial Statements and Report of the Director of Audit on the Financial Statements of the Curatelle Fund for the year ended 30 June 2023. (In Original)

MOTION

SUSPENSION OF S.O. 10(2)

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

The Deputy Prime Minister seconded.

Question put and agreed to.

PUBLIC BILLS

First Reading

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

- (a) *The Finance (Miscellaneous Provisions) Bill (No. X of 2024)*
- (b) *The Maurice Stratégie Board Bill (No. XI of 2024)*

Second Reading

**THE ANTI-MONEY LAUNDERING AND COMBATTING THE FINANCING OF
TERRORISM AND PROLIFERATION (MISCELLANEOUS PROVISIONS) BILL (NO.
IX OF 2024)**

Order for Second Reading read.

Mr Speaker: Hon. Bholah!

(4.34 p.m.)

The Minister of Financial Services and Good Governance (Mr S. Bholah): Mr Speaker, Sir, I move that the Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Bill 2024 be read a second time.

Mr Speaker, Sir, I seize this opportunity at the start of my speech to congratulate you upon your election as Speaker of the National Assembly.

Mr Speaker, Sir, in my intervention on the Budget Speech in this august Assembly on 10 June 2024, I informed the House that an Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (AML/CFT/CPF) Bill was being drafted.

Today, I am pleased to introduce this Bill, which aims to amend various enactments with a view to meeting international standards of the Financial Action Task Force (FATF) on anti-money laundering and combatting the financing of terrorism and proliferation, and to provide for matters related thereto. This Bill is not just a technical exercise but a vital step towards ensuring that our framework remains resilient and up-to-date.

Mr Speaker, Sir, before delving into the clauses of this Bill, the House will acknowledge the remarkable progress achieved by this Government to enhance our AML/CFT/CPF framework, propelling Mauritius into the echelons of top-tier jurisdictions, rated as ‘Compliant’ or ‘Largely Compliant’ with all 40 FATF Recommendations. This achievement is a testament of our commitment to safeguarding our financial system as well as ensuring that Mauritius remains a trusted International Financial Centre.

Despite this significant milestone, we must acknowledge that the landscape of AML/CFT/CPF is ever-evolving. The challenges we face today are different from those of yesterday, and new risks emerge constantly with sophisticated methods employed by criminals.

This Bill adopts forward-looking measures to anticipate and prepare us for these challenges. As such, this Bill not only reinforces Mauritius’ position for the forthcoming mutual evaluation but also demonstrates the sustained high-level political commitment that this Government made to the FATF and ESAAMLG.

In addition, by fostering a robust regulatory environment, we create a supportive atmosphere for business and innovation, ultimately benefiting our citizens and the wider economy.

Mr Speaker, Sir, now, allow me to elaborate on the approach adopted in the development of this piece of legislation.

- Firstly, adopting a whole of government approach, all competent authorities involved in AML/CFT/CPF submitted their proposals for legislative amendments to address any gaps in their legislative framework and to increase operational effectiveness.
- Secondly, a legal team was set up at the level of my Ministry to analyse the proposed legislative amendments. The team is chaired by a representative from the Attorney General's Office and includes members from the Financial Services Commission and the Bank of Mauritius, who collaborated with my Ministry to assess the implications of these amendments on existing legislation and evaluate their alignment with FATF Recommendations. In line with Government's policy to develop effective mitigating measures grounded on an up-to-date understanding of risks across the financial services sector, the Legal Team has also considered legislative proposals to address any legislative gaps identified during the national risk assessment exercise.
- Thirdly, consultation was held with all the relevant competent authorities to ensure that the Bill addresses their requirements. This involved dialogues and collaborative sessions with key stakeholders, including law enforcement agencies, financial sector supervisors, regulatory bodies, and the Financial Intelligence Unit. These consultations were critical in identifying practical challenges and gathering valuable insights to fine-tune the legislative provisions.

Mr Speaker, Sir, the Bill, which I am presenting today, will amend 16 legislations, and the main legal amendments focus on the following –

- (i) Enhancing the powers of AML/CFT Supervisors;
- (ii) Broadening factors to be considered when imposing administrative sanctions;
- (iii) Strengthening the CFT Regulatory Framework of Non-Profit Organisations;
- (iv) Improving the Beneficial Ownership Framework, and

- (v) Enhancing international cooperation for prompt and constructive exchange of information in line with international standards.

In short, the Bill provides a comprehensive legislative framework to ensure continuous compliance with international standards and best practices.

Mr Speaker, Sir, I will, now, elaborate on the key features of the Bill. Firstly, the amendments under Clause 2 of the Bank of Mauritius Act aim to strengthen compliance with criterion 40.16 of the FATF Methodology, enhancing confidentiality safeguards for any dissemination of information, exchanged or use of that information for supervisory or non-supervisory purposes, unless there is a legal obligation to disclose or report the information exchanged.

In addition, amendments in section 50 of the Bank of Mauritius Act will broaden the factors considered for administrative penalties and introduce new sanctions for non-compliance, aiming to strengthen the regulatory oversight of financial institutions.

Proliferation financing will also be included alongside money laundering, terrorism financing and financial crime offences, as grounds for collecting disclosing or providing access to account information on the Central Accounts Registry.

Mr Speaker, Sir, moving to the next legislation being amended, that is, the Banking Act, revisions to the Interpretation section will ensure that proliferation financing is captured together with terrorism financing and that the term “examination” captures examination and monitoring exercises conducted on a regular basis, on ad-hoc basis, and on the premises of a financial institution as well as remotely or off-site.

The supervisory power of the Bank of Mauritius under section 45 of the Banking Act has been extended to provide that it may require financial institutions to submit such reports on remedial actions taken following an examination or where other information at its disposal shows that the financial institution or its directors or officers have engaged or are about to engage in unsafe or unsound practices.

Section 64A will be amended to enhance the supervisory powers of the Bank of Mauritius on financial institutions operating in a group set-up, in line with the new FATF Methodology.

A new section, namely Section 64E, on cooperation and exchange of information with domestic and foreign counterparts, will be added to enhance international cooperation by enabling the prompt and constructive exchange of comprehensive supervisory information with domestic and foreign counterparts for AML/CFT/CPF purposes, while safeguarding confidentiality and proper use of exchanged information.

Financial institutions will be mandated to document their risk assessments in writing, keep them up-to-date, and submit same promptly to the Bank of Mauritius upon request.

Mr Speaker, Sir, under Clause 4, the Companies Act will be amended to, amongst others, enhance compliance with criterion 8.4(b) of the FATF Methodology which relates to the application of effective, proportionate and dissuasive sanctions for violations by Companies Limited by Guarantee. In addition, Companies will be obliged to submit additional evidence to ensure the identity of the beneficial owners.

The amendments under Clause 5 provides for the Courts Act to be amended to broaden the scope of witness testimony via approved live video or television link systems in all criminal proceedings. It will further facilitate the admissibility of out-of-court statements when the person is unavailable, under conditions ensuring fairness and judicial oversight.

Mr Speaker, Sir, Clause 6 proposes the repeal of section 166(9)(g)(i) of the Financial Crimes Commission Act to maintain the existing arrangement, that is, the Financial Intelligence Unit will continue to be the AML/CFT/CPF supervisor for individual legal professionals and law firms.

In Clause 7 of the Financial Intelligence and Anti-Money Laundering Act (FIAMLA), various amendments are being proposed. These include –

- Broadening the scope of the Minister's and the Ministry's responsibilities to include combating proliferation financing;

- Providing clarity on a timeline for reporting suspicious transactions to the FIU, emphasising prompt reporting after the suspicion arises. The time limit of not later than 5 working days for reporting suspicious transactions is also being maintained;
- Extending the functions of the Core Group on AML/CFT/CPF to oversee and coordinate matters pertaining to the OECD Convention on Combating Bribery and formulate policies on capacity building to combat financial crimes;
- Allowing the Minister to establish necessary committees for effective administration and implementation of FIAMLA, and
- Enhancing the powers of regulatory bodies in relation to the conduct of inspections.

Mr Speaker, Sir, under Clause 8, the Financial Services Act (FSA) will be amended to further broaden the supervisory intervention tools of the Financial Services Commission (FSC) to conduct inspections both at the location of the licensee's business and remotely. Furthermore, to maintain a dynamic risk-based approach to the supervision of its financial institutions, the FSA will be amended to require the financial institutions to furnish a range of information in relation to its business activities and mitigating controls in place. This will allow for an effective identification and assessment of ML/TF risks resulting in an intensive and risk-based supervision targeting the high-risk financial institutions. Section 44(8)(c) of the FSA will be amended to impose penalties on individuals who fail to attend summons by an investigator.

Mr Speaker, Sir, the amendments under Clause 9, in respect of the Foundations Act, will impose, amongst others, further obligations to submit additional information on beneficial owners or ultimate beneficial owners upon the registration of a foundation.

In the Gambling Regulatory Authority Act, Clause 10 aligns record-keeping obligations with those in FIAMLA, extending the retention period from five years to seven years. It will also require a Money Laundering Reporting Officer (MLRO), a Deputy Money Laundering Reporting Officer and a Compliance Officer to be a natural person.

Mr Speaker, Sir, the amendments under Clauses 11 and 12 concern the Limited Liability Partnerships Act and Limited Partnerships Act respectively. These clauses will align the definition of Beneficial Ownership Register with that of the Companies Act and with the FATF

Recommendations. They will also impose further obligations to submit additional information on beneficial owners at the time of partnership registration. Partnerships will be required, as it is the case for other legal persons, to designate one natural person resident in Mauritius to provide basic information to competent authorities.

Mr Speaker, Sir, the remaining five clauses will consist of amending –

- First, the Mauritius Revenue Authority Act to enhance the exchange of information with the Financial Intelligence Unit;
- Second, the Mutual Assistance in Criminal and Related Matters Act to ensure compliance with criterion 37.6 of the FATF Methodology, which emphasises effective collaboration and dual criminality principles;
- Third, the National Payment Systems Act to enhance the powers of the Bank of Mauritius to take such actions and impose such remedial measures as may be warranted in case of infringement pursuant to the relevant section of the Bank of Mauritius Act;
- Fourth, the Notaries Act to require every notary to hold at least two professional accounts: one for the notarial office and another for clients' funds, ensuring segregation from personal and professional monies, and
- Lastly, the Virtual Asset and Initial Token Offering Services Act to harmonise the FSC's approach to supervising its licensees, allowing the latter to request off-site access to information from virtual asset service providers.

Mr Speaker, Sir, this Bill is another testimony of Government's unflinching commitment to sustain the integrity of the financial ecosystem and to establish a resilient framework that can withstand the complexities and dynamism of rapidly evolving global financial transactions.

The enactment of this Bill will further bring about significant advancements in our national regulatory and supervisory mechanism. By enhancing our compliance standards and the scope of oversight, we will better equip our institutions to detect, prevent and respond to financial crimes

effectively. This is not merely a legislative exercise, but a crucial step towards securing our nation's financial future and protecting the interest of all stakeholders.

Mr Speaker, Sir, it is also imperative to acknowledge the broader socio- economic implications of this Bill. A robust AML/CFT/CPF framework contributes to a stable and secure financial environment which is essential for attracting foreign investment and fostering economic growth.

Mr Speaker, Sir, let me conclude my intervention by reiterating that this Bill represents a significant step in our journey towards excellence in financial regulation and oversight. It is a comprehensive and forward thinking piece of legislation that not only addresses current challenges, but also anticipates future risk. Recognising this critical importance, I urge Members of this Assembly to support this Bill.

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

The Deputy Prime Minister seconded.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Bill (No. IX of 2024) was considered and agreed to.

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

Third Reading

On motion made and seconded, the Anti-Money Laundering and Combatting the Financing of Terrorism and Proliferation (Miscellaneous Provisions) Bill (No. IX of 2024) was read a third time and passed.

ADJOURNMENT

The Prime Minister: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 23 July 2024 at 11.30 a.m.

The Deputy Prime Minister seconded.

Question put and agreed to.

Mr Speaker: The House stands adjourned!

At 4.55 p.m., the Assembly was, on its rising, adjourned to Tuesday 23 July 2024 at 11.30 a.m.