



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

WEDNESDAY 12 DECEMBER 2018

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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 39 of 2018

Sitting of Wednesday 12 December 2018

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

The National Anthem was played

(Madam Speaker in the Chair)

PAPER LAID

The Prime Minister: Madam Speaker, the Paper has been laid on the Table.

Ministry of Labour, Industrial Relations, Employment and Training

Report on the Proposed action by the Government of Mauritius on a Recommendation, on “Employment and Decent Work for Peace and Resilience Recommendations, 2017 (No. 205)”, adopted by the International Labour Conference at its 106th Session (June 2017).

MOTION

SUSPENSION OF S.O. 10(2)

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

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

PUBLIC BILLS

Third Reading

On motion made and seconded, the Supplementary Appropriation (2016-2017) Bill (No. XIV of 2018) was read the third time and passed

Second Reading

THE DECLARATION OF ASSETS BILL

(No. XXIII of 2018)

Order read for resuming adjourned debate on the Second Reading of the Declaration of Assets Bill (No. XXIII of 2018).

Mr S. Fowdar (Third Member for Grand’Baie & Poudre d’Or): Thank you, Madam Speaker.

We listened to many orators yesterday regarding this Bill which is to do with corruption. Madam Speaker, corruption is a subject matter which is being discussed almost everywhere, in all the countries. I have come back from the ACP Forum and corruption was

one of the items on the agenda. The African countries are very much worried that corruption is bringing down the economy. We know that. If you have corruption then it slows down the economy. There are inequalities and these slow down the development of the economy.

Here, I must say this Government has proved its sincerity, honesty towards the fight against corruption. Earlier during the mandate, we had this famous Good Governance And Integrity Reporting Bill which came into the House. It is a very, very strong institution to fight against corruption. Today, we have in front of the House this Bill, which is to do with the declaration of assets.

Madam Speaker, it all proves that the Prime Minister wants to eradicate corruption and I know it is going to be very difficult because corruption exists in all countries, developed, underdeveloped and developing countries, LDCs. Everywhere we have corruption. It is going to be a tough battle, but, at least, we have all the structures in place to fight against corruption. I must commend the Prime Minister to have come with this Bill in the House today although we have got a very strong Integrity Reporting Services Agency already in place.

I listened to most of the orators yesterday and hon. Etienne Sinatambou was mentioning that we have more than 150 countries out of 197 countries – that is true – where we have this declaration of assets. It is unanimous everywhere we have this declaration of assets which is now compulsory for public officers.

Madam Speaker, public officers are vulnerable and they are the point where corruption takes place. Of course, when we talk of corruption, it goes down, first of all, to ministers, to MPs and to the civil servants, senior officers. People always say ministers are cheats, MPs are cheats and Police Officers are cheats. We are all cheats, but this is not true. We have got very honest politicians, we have got very honest senior officers, but the point where the corruption takes place is where the senior officer is being given authority and he misuses this authority in return of a bribe or whatever money or any kind he receives. So, corruption takes place where the senior officers are given power. This is why, I think, this Bill includes the senior officers today where they have to declare their assets when they take office and also when they leave office or whenever they buy or sell assets. But, mind you, Madam Speaker, these people know that if they are going to declare their assets which are more than what they were before, there would be an inquiry and if they cannot explain the excess of their wealth, of their assets, then they are going to be in trouble.

So, if we, the Government, United Nations and World Bank are all *avant-gardistes*, we want to fight corruption, but beware the corruptors who want to escape from all those laws and institutions. I am sure they must be thinking of what they can do to still get drives but which cannot be discovered. So, as we are happy that we are bringing the law, they must also be happy that they are going to seek some other ways and means to still take money as bribes to do the work. There are going to be sophisticated corruptions and this will come.

It is going to take time for us to discover, but the corruptors and the corrupted people will look for other means to do corruption. We all know in Mauritius *homme de paille*, that you take bribes but you do not take it in your name. Who is this stupid to take bribes and put it in his bank account? Nobody will do that. Actually, they will put it in the name of some other people. The children also are subject to scrutiny, so they would not give it to their children, but they can put it in some other people's name.

But now with offshore management companies, with offshore accounts and with the coming of trusts, this can help the corruptors to differ the payment. They can do things now, but the payment will be differed in the future. They can put it in a trust, not in their name. They can even change the name of the beneficial owners. So, corruption is a very complex matter, the genius corruptors and the corrupted people are going to look at ways and means to still do their business, to still get enriched although it is going to be very difficult for us, Government, to get hold of these people. So, Madam Speaker, what I would suggest is we need to think of what sort of corruption is going to take place in the future and how we are going to combat corruption.

Now, the other thing that worries me, Madam Speaker is, I am very happy that we are having this Declaration of Assets Bill, but sincerely I have never heard of any case being detected by these people, declaration of assets or even the Integrity Reporting Agency. They need to publicise what they are doing because this is going to help to combat fraud and corruption. This is going to discourage people to commit fraud, to take bribes, to be corrupted or to corrupt.

So it is very important that whenever we have a case of corruption which is found by looking at the excess assets that we have, it must go public. The other thing also is - I have been fighting for that - the judicial system, the Judiciary. Where there is a fraud, it takes a lot of time, 10 years, 15 years to be able to see or find or come to a conclusion as to who has committed the fraud and whether they have committed the fraud. It takes a lot of time. In the

meantime, other frauds are committed, other corruptions take place. So, it is very important that the judicial system be revisited or be given special consideration where we have got cases of corruption and frauds so that they can take the matter as early as possible and that could be used as an example for other people not to go along and commit fraud or take bribes.

Madam Speaker, I remember recently there was in the Press an article coming from Wiki Leaks where it was mentioned that many Mauritians have got luxurious properties in Dubai and even their names were circulated. I don't know whether these will fall under the purview of institutions like the Reporting Integrity Agency and what has happened. Have we investigated? This is very important because whatever Wiki Leaks has produced as paper, maybe I am not saying that these people have committed fraud or they are corrupted people, but we need to know where they have got money to buy all these luxurious properties in Dubai and in other places as well, in Geneva, in Switzerland and in Hong Kong. We know many of our people have got money overseas. It is very difficult to detect and very difficult to investigate. I know it is very difficult because of the secrecy of the banks. It is not easy to know whether these people have got money and where did they get the money from. So corruption is going to be difficult to detect and it is very difficult to investigate when it comes to corruption where the money has gone abroad. I have seen the Bill talks about money abroad, they have to declare the money they have, but they will never, Madam Speaker. There is no corruptor or corrupted person who has money overseas and who is going to declare that in their declaration of assets. Of course, he will have investigation. So, we have got some problems on how to investigate and how to detect money which has been taken abroad.

This is what I had to say, Madam Speaker. I am not going to repeat what has already been said by the orators, particularly the Prime Minister who has elaborated fully the Bill. I wanted to just mention about these Wiki Leaks and whether these institutions would put in public the investigation and whether that is meant to discourage other people to commit fraud or to be involved in corruption.

I thank you, Madam Speaker.

Madam Speaker: Before passing on to the next orator, just for record purposes, hon. Fowdar, can I take it from you that you did not accuse directly Senior Officials of being

corrupt, but you said that this was the level where corruption takes place. Is that right, for record purposes?

Mr Fowdar: Of course, Madam Speaker, what I meant is the Senior Officers are vulnerable. This is the word I have used.

Madam Speaker: Good, thank you! Hon. Ganoo!

(11.47 a.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Madam Speaker, we are today being called upon to cast our votes for or against , in favour of a new Bill on the Declaration of Assets, whose objective is to provide for the declaration of assets by Parliamentarians and holders of important offices in the public sector.

In terms of legislation, the issue of declaration of assets in our country has known four milestones in the last decades, Madam Speaker. Firstly, in 1985, when for the first time a law on the declaration of assets was passed. This law was introduced by the Rt. hon. Sir Anerood Jugnauth, the then Prime Minister of the country. But those days were the heydays of the MMM. In fact, the MMM was the main political force of the Opposition and probably of this country in those days. True it is, in those days, the MMM was forcefully campaigning for the introduction of such a legislation. And with the power campaigning acumen that this Party had at that time, there is no doubt that he succeeded to convince the Government of the day to, finally, introduce such a law. And, in 1985, as I said, Sir Anerood Jugnauth, as Prime Minister came before this House and the House adopted this legislation. It was a first step in the right direction, Madam Speaker. But, this 1985 Act was a very restrictive piece of legislation. Principally, for two reasons, the scope of the law, the definition of assets, as we all know, was very, very restrictive. In fact, assets included only property, shares or vehicles. *Grosso modo*, this was the definition of assets in this Bill. And worse, the second reason for the restrictive nature of this piece of legislation was that it restricted disclosure also, because the law in 1985, did not impose any obligation on the Parliamentarians to disclose their assets, as rightly pointed out, I think, by the hon. Prime Minister when he made his speech.

The law did not impose the obligations, the burden on all of us to declare our assets, but gave the Parliamentarians the choice, the option of whether they wish to be declare their assets publicly or not, whether they were agreeable, they consented to have their assets declared publicly. Some Members of the House at that time took advantage of this provision and did not clear their assets publicly. I was listening to hon. Gayan. He said that the Leader

of the MMM, who was then the Leader of the Opposition, described that law as an eyewash. This was perhaps the reason of his comment. Then, in 1991, came the second milestone. The 1985 Act was repealed under the Prime Ministership of Sir Anerood Jugnauth and came the other and was voted the Second Declaration of Assets Act, this law was enacted. This enactment cleared the situation with regard to disclosure and brought, therefore, some improvement. It imposed the obligation on Member to declare their assets. Otherwise, it did not propose anything new with respect to the restrictive definition of assets, the definition of assets state the same in the law of 1985.

Then, this third milestone was in 2002 when the MSM/MMM Government was in power, the Prevention of Corruption Act (PoCA) was adopted by the House. Another issue now cropped up with regard to the declaration of assets, which issue was to have a considerable impact on the question of declaration of assets. What happened, Madam Speaker, section 88(2) of the Prevention of Corruption Act amended the Declaration of Assets Act and provided as follows, this is what is in the law –

“On receipt of a declaration under section 3 or 4, the Commission - meaning the ICAC - shall, in accordance with such directions as the Speaker may give, cause such declaration to be laid before the Assembly.”

This proviso of the law created hell, havoc, and I will explain how.

Therefore, in the 2002 Act, which the MSM/MMM Government passed, the Member of the National Assembly or the Rodrigues Regional Assembly, which had already come into existence by that time, had to deposit with the ICAC a declaration of his assets and those of his spouse, his minor children and grandchildren to the Commission and it would be the Commission and not the Clerk of the Assembly, as it was before, who would cause such a declaration to be laid before the National Assembly.

Now, since this amendment of the Declaration of Assets Act by the PoCA in 2002, I understand that the then Speaker did not deem it appropriate to issue any directions under section 5 of the PoCA Act. The new amended section 5 of the Act gave rise to a confusing situation and to different interpretations. Most of us can go back to the PQs put by the former Prime Minister at that time and we will be appraised of the state of confusion as answered in these PQs by the answers given by the Prime Minister at that time.

In a PQ, it was said that the Legal Advisor of ICAC interpretation was that the Commission should await the directions of the Speaker before causing the declaration to be

laid before the National Assembly and that the absence of such a direction from Mr Speaker, in an absence of such a direction, he could not cause such a declaration to be laid before the Assembly. To cut the story short, Madam Speaker, since the law was amended in 2002, ICAC never sent any Declaration of Assets which was deposited with them to Mr Speaker, due to the supposedly ambiguous provision which gave rise to different interpretations of the law. Therefore, what had to be done and which was never done, was the clarification of the law by bringing the necessary amendments, but, unfortunately, the state of the law was never clarified and the confusion stayed with us.

Then, the fourth milestone came the amendment of 2011. Regarding this amendment, the Prime Minister used the words ‘sneaked in’, but this amendment was, in fact, brought in by way of the Local Government Act of 2011. This Act contained many clauses - 200, I can’t remember - but at the end of this Bill - I can’t remember which section it was - this particular clause amended the Declaration of Assets Act and did away with the necessity of a Public Declaration of Assets. This clause in the Local Government Act, therefore, repealed the operative section in section 5 in our Declaration of Assets Act with regard to the publication of declaration of assets. Therefore, as we stand today, there is no need for MPs to publicly declare their assets. And this is why, as I said, the present piece of legislation is definitely a breakthrough, a major step in the right direction because I have personally followed this particular issue for a long time, Madam Speaker. I have myself raised several questions in the House in the past. Last time, I asked a supplementary question to the hon. Prime Minister, whether the assets will have to be declared publicly. I don’t know whether he did it deliberately because he knew what was going to be in the law, but he left the doubt as to whether the assets will have to be declared publicly or not.

Let us get one thing clear, you can declare your assets with the Clerk, with the Speaker, with ICAC and this declaration of assets can be shelved in a drawer somewhere. But there is a difference between that and having the declaration of assets which were made by way of an affidavit be rendered, be made public. This is the true difference, the major difference. And now, of course, it is a good thing that this law has come to clear the situation, to improve the situation and to render the declaration of MPs and other public officials public subject, of course, to certain exceptions to which I will come in a few minute.

I have followed this dossier. I have raised several questions on the issue together with other friends in the Opposition, an Opposition now, and an Opposition before when the Labour Government was in power. I must repeat, I have no quarrel with the Bill, it is *un*

grand pas en avant, it has clarified this hazy situation, it has plugged the different loopholes which apparently existed in our law. Things being clear now, this law will set the stage for a healthier situation with regard to the declaration of assets issue which, in fact, deals with transparency in public life.

My friend, hon. Fowdar started in the first line of his speech, saying that this is a law concerning corruption; he is right. Anti-corruption measures, transparency in public life, *la probité, l'intégrité, la transparence dans la vie publique* are all related to what we are speaking today, Madam Speaker. We are dealing, in fact, with the question of *intégrité de la vie publique*, ways to discourage corruption and the promotion of good governance. This law is now widespread, this philosophy of having elected representatives declaring their assets and accountable to their electorate, to their public, to their population is a widespread phenomenon. Somebody said it before me, I think it was hon. Duval. More than 100 countries now have such type of regime and the law has evolved in the past 40 years, Madam Speaker. The mentality also has evolved; different countries have different types of legislation.

There is no law in the UK, there is a Register of Assets where all the MPs have to come and declare their assets in this register which is available and accessible to everybody. I remember when I was in the UK at that time, because this register was set up in 1974 - those were the days when I was a student in UK - there was a British MP - the older among us will remember him - called Enoch Powell, he was a rightist guy, right to the extreme right, conservative and you could see that he was a conservative fellow by his look - and with his '*mimi*' just like hon. Rutnah usually wears. So, this man said, 'I will not comply with any necessity of declaring my assets. Do they think I am thief?' And he was, of course, a clean guy with an unimpeachable past, the typical orthodox conservative in those days, and he refused. He said, 'Do whatever you want, sanction me as you want, I will not, because why should I accept the doubt be cast upon me when I go and have to declare my assets, you think I have stolen my asset etc.' So, he refused. This was a different mentality. I think someone said it before me when we are asking MPs to declare their assets. True it is, we are not casting aspersion on politicians, but things have evolved now as they are. We owe this duty of accountability to our electorates, to those who have elected us, and I personally think there is absolutely no problem in having MPs declaring their assets.

Madam Speaker, to me, the most positive aspect of this legislation is that it gives a wider definition of assets which is more in keeping with the present day secretion. Assets, as

I just said, were strictly defined in the past legislation, it covered only movable property or any interest therein, shares or any interest in partnership, *société* or company and motor vehicles and boats. But the Bill before the House defines assets in a wider manner and we can see that there are no less than eight definitions of assets, Madam Speaker. The ambit, therefore, has been widen and so much the better.

By widening the definition of assets, Madam Speaker, by spreading its ambit, as I just said, by so doing, this law is reinforcing public confidence and public trust in the will of the political class to promote good governance and favour this culture of integrity which is badly needed in our country. This question of widening the definition of assets was raised a few times during Question Time in the past, Madam Speaker. Many of us asked the hon. Prime Minister, if I am not mistaken, the previous Prime Minister, the Rt. Minister Mentor or even the former Prime Minister, that it is time to revisit the definition of assets and to come with a new legislation. I personally raised this matter in a supplementary question in 2011. This is the gist of my question: the hon. Prime Minister just talked about the advisability of reviewing the law, the declaration of assets defines the word 'assets', but this dates back to 85, but now, with the passage of time, with the new financial situation, with evolution in financial matters, doesn't the Prime Minister think that we should review the definition of assets and widening it, so that it can include promissory notes, other derivatives, gold or other new instrument. I thanked the hon. Prime Minister and Government for having taken this definition on board and widening it, in fact, with the other definition that are to be seen in the law. These are my reservations, these are the points I would like to make. I would like to ask the hon. Prime Minister, whether we should not have included two other definitions which are included in other jurisdiction.

The first one, Madam Speaker, is the question of securities. Now, Should we not have included in the definition of assets, investment link products such as life insurance and other related products. Madam Speaker, as I said, the situation has evolved today, the definitions of assets should have included other investment products such as insurance policies or assets held directly by the public officer or his related parties or indirectly through structures, special purpose vehicles such as partnership, trust, international business companies outside the countries held by nominees. We have to define related parties. Related parties does not mean only blood relation, but also business links with somebody. I say that, Madam Speaker, because we have a Securities Act in our law and there is the Securities Act (No. XXII) of 2005 which defines securities, which means shares or stocks in the share capital of a

company, whether incorporated in Mauritius or elsewhere, debentures, debenture stock, loan stock, bonds, convertible bonds or other similar instruments, rights, warrants, options or interest in respect of securities mentioned in paragraphs (a) and (b); treasury bills, loan stock, bonds and other instrument creating or acknowledging indebtedness, shares in securities of/or rights to participate in a collective investment scheme, depository receipts or similar instruments, or options, futures, forwards and other derivatives whether on securities or commodities.

Any other transferrable securities, interests or assets as may be approved by the Commission, and any such other instrument that may be prescribed. It starts with (a), (b), (c), (d), (e), (f), (g), (h), (i), Madam Speaker. So, a wide definition! The word ‘securities’ is defined in the Securities Act. I wonder whether we should not have broadened although ‘securities’ is mentioned in the law, but define the word ‘securities’, Madam Speaker. Therefore, this is the first point I wanted to make with regard to the definition of the word ‘assets’.

A second point I would like to make; I think we should also have imposed the obligation on Parliamentarians in this House to declare their remuneration or the gratuities they receive from their professional activities when performed at the request of public bodies and statutory corporation or private companies funded by the State. I think there should be transparency also on that; Professionals, law practitioners or otherwise, who receive remuneration or gratuities when performing their professional activities after having, of course, made a contract or at the request of Government bodies I am saying, of course - not private firms or private companies - public bodies, statutory corporation or private companies funded by State, whatever remuneration or fees they receive, should have been declared in this Declaration of Assets.

I think it is the duty of elected representatives of this House to declare in the Declaration of Assets the fees they receive from these public bodies when their services have been retained by the latter. Another question I would like to ask the hon. Prime Minister is that why in this present liabilities have been removed? In the law of 1985, 1991, 2002; everywhere we can see - Madam Speaker, I have a copy of the Declaration of Assets Act now, the present one –

“Every Member of the National Assembly, the Rodrigues Regional Assembly (...) will deposit with the Commission, the Clerk of the Rodrigues Regional Assembly (...) a declaration of assets and liabilities in relation to himself.”

That was the case 1985, 1991 and 2002. I think somebody said before me that there is the general perception that *politiciens volers*. Yes, this is the perception. But then, if we purchase a property and we have borrowed the loan from a bank or financial institution, to show that how did the Parliamentarians purchase that property, this was the purpose I think of having the word 'liabilities' in the 3 previous legislations, which has been removed in this law. So, I think it should have clear, Madam Speaker.

The other thing I wanted to say...

Madam Speaker: Hon. Ganoo, I think what you are mentioning about the declaration of liabilities; it is in section 3 (2)...

Mr Ganoo: Section 4. But I am saying, Madam Speaker, that the application of the Act should, at the right of the beginning, have been made clear and not only when he makes the declaration. It is a drafting ...

(Interruptions)

So, Madam Speaker, the other point I wanted to make was with regard to Section 3 of the application of the act. It relates to the return concerning the fresh declaration. If we can have a look at that section fresh declaration, we see that in that clause, a category of public officials or whatever we call them, that is the Chief Executive of the Municipal Council, the City Council or the District Council are not placed in the same category as MPs and I think that section 6(a) should have included also section 3 (1) (f). Section 6 (a), Madam Speaker, talks about every person in sections 3(1)(a), (b), (c), (d) and then we omit (e), (f), we go to (g) (g) shall within 30 days inform ICAC in writing when he acquires or disposes of any freehold and so on. But section 3(e) and (f), persons under 3(e) and (f), they make a fresh declaration with ICAC every 5 years. What I am saying is I do not see why section 3 (f) Chief Executive of a Municipal City Council, Municipal Town Council or District Council, or every officer of such Council drawing salary why they should have been put in the same category of the Judicial Officer or any Senior Public Officer.

I think we should have displaced them from that category and lumped them with section 3 (a), (b), (c), which means that the Chief Executive of the Municipal City Council or District Council should have been made to inform ICAC within 30 days when he acquires or disposes of any property or motor vehicle.

There is another point I would like to make, Madam Speaker, regarding Section 7. Let us look at section 7 and the question was raised by the hon. Leader of the MMM, section 7(1)

—

“ICAC shall disclose to the public the declarations made by Members of the National Assembly (...)”.

How was this disclosure to be made, nothing is spelt out in the law.

I think, Madam Speaker, I have gone through the different legislation in other countries and I think I have found what is the answer to that question. The answer is that ICAC should publish in the gazette, probably, the declarations that are deposited with him and which ICAC is entitled to disclose publicly. So, this would be the right way and perhaps it should have been inserted in the law as it is the case in other countries, Madam Speaker. I have seen it in some other jurisdictions that the publication in the gazette once the declaration is deposited is the formula with which this declaration of assets is made public.

Madam Speaker, this is my last point regarding assets and I would like to ask the hon. Prime Minister if I have understood Section 7 - Disclosure of declaration correctly. Therefore, what I understand is that ICAC will not disclose to the public, money in any currency in local banks and foreign banks, any item of jewellery, precious stone or stone metal or watch exceeding Rs500,000 or cash in hand, and so on, not exceeding Rs1 m. ICAC will disclose everything else publicly. ICAC will disclose therefore all the other definitions of assets publicly; money, shares, freehold or leasehold property and so on, except for money in local banks and foreign banks, except for the jewellery exceeding Rs500,000, except cash in hand not exceeding Rs1 m.

Madam Speaker, I think this particular proviso, section 7(2) reading as follows –

“ICAC shall not, in relation to the person referred to in subsection (1), disclose to the public information pertaining to –

(a) money, in any currency, in local banks and foreign banks;”

I think there is a discrepancy between what we find in this provision and what is to be found in other provisions of the law. What does that mean? It means that if an elected representative or a public official, to which this law applies now, owns a property of Rs3 m., a small flat somewhere, therefore he will have to declare this property because it is defined as asset to the ICAC who will disclose to the public the declaration that this person owns such and such

property, not worth more than Rs4 m. or Rs5 m. and if another person of the same category be he a politician or an official, has in his local bank, Rs1 billion, it means that, in that case, he will be spared from declaring that money which he owns in local banks and foreign banks. As I said earlier, a declaration of assets is not casting an aspersion on somebody. It does not mean that that person must have stolen the assets that he possesses now, but to discriminate in terms of assets, that is, imposing the obligation on somebody who owns a small property, a small car, he has to declare that publicly whereas if he owns a big sum of money, in any currency in local banks, is spared from disclosing. ICAC is allowed not to disclose that for public information. I see that as a contradiction in that law and I would like hon. Prime Minister to explain why we have this particular provision in our law.

Madam Speaker, I said earlier that we are debating today not only the question of declaration of assets by parliamentarians and public officers. We are in a wider sense dealing with the question of integrity and probity in public life. This piece of legislation is only one tool in the endeavour to combat corruption. I think it is only one tool; it is only one way of combating corruption, of promoting the culture of integrity. I think we should also reflect, Madam Speaker, on the advisability and urgency in parallel of promulgating a code of ethics for Members of the National Assembly. We should reflect on the advisability of amending our Standing Orders for the setting up of a Commission of Ethics or a Parliamentary Commissioner of Ethics as obtained in other Westminster's jurisdiction. I think one tool is not enough. The present legislation is a good thing. I have said it a few times since the beginning of my speech, but, on its own, I think it should be accompanied by other measures, one being a code of ethics for Members of the National Assembly just in the case of public officers and officials, Madam Speaker.

In the case of public officers and officials, a special code of conduct of ethics should have been put in place. At one time, I know, there was a code of ethics for public officers in this country. I do not know whether it is still being used and whether it is still operative. I don't know. Of course, it has never been given effect of law as in other countries.

Madam Speaker, I would not like to take the time of the House, I have with me a law in Kenya where there is a law called Public Officer Ethics Act of 2003 which regulates the question of ethics of public officers by providing a code of conduct and ethics for public officers and requiring financial declaration from certain public officers and providing for connected purposes.

Last, but not least, Madam Speaker, I think we should have a code of conduct also for our advisers. Advisers are recruited and are paid from public funds. I think they are left to operate in a vacuum. I also think Government can reflect upon the necessity of drafting a code of conduct for advisers so that we can avoid problems which from time to time we hear with certain advisers, Madam Speaker.

What I mean to say, in arguing this question of code of conduct, Madam Speaker, is that it is imperative to declare one's assets. Certainly, it is positive measure, but we must also build up the proper setting, the climate to promote and improve the conditions for a better integrity culture among all politicians, public officials and also public officers.

Madam Speaker, having said that, I also wish to draw the attention of the hon. Prime Minister about a last issue which I want to raise. It is with regard to the question of credibility and effectiveness of the mechanism which we are putting in place with this piece of legislation. Some before me, on this side of the House, have denounced the credibility of the ICAC. They have clearly and unambiguously expressed their doubt with regard to ICAC as the right mechanism to monitor this whole question of the declaration of assets.

Madam Speaker, this is from the analysis that have made by experts in that matter. The question remains often as to the extent to which the disclosed information is an accurate representation of the wealth and the income of those declaring the assets. We are debating this issue, Madam Speaker, because we need the effective mechanism for the verification of the truthfulness of the statements which is vital to the whole credibility of this process. How much false information? How much unverifiable data will there be, Madam Speaker? How far will the monitoring and verification exercise be carried out? As I said, how productive will this mechanism take place?

Research has shown, Madam Speaker, that countries with a long tradition of official assets declaration - I mean MPs or public officials – have significantly lower corruption than countries which have recently adopted new laws. Studies have shown that the perception of corruption was lower in countries whose declaration laws forced Members of the Government to declare their assets and anticorruption bodies are given all the means to query and prosecute the offending official.

Research has also shown, Madam Speaker, that countries that verify regularly the official statements had significantly lower corruption than countries that did not verify the

declaration content and are happy just to accept the declaration made without any verification.

Finally, countries that allow public access to official assets declaration has significantly lower corruption. I think the reason for that is clear, Madam Speaker. Why do countries that allow wholesale public access to the assets of officials, of MPs, of Parliamentarians have significantly lower corruption? Because *l'exemple vient d'en haut*, and this is why, therefore, the corruption index is lower in these countries.

Therefore, Madam Speaker, effective monitoring and sanctions for non-compliance must be the order of the day if this law will gather credibility and *l'adhésion populaire* and there must be no flaws in verification, there must be sufficient supervision and there must be control with regard to the implementation of the declaration of assets. This is how our country can win in this credibility gap that we have with regard to the perception of corruption in our country. In fact, Madam Speaker, we all know that according to transparency international our index of corruption was 54 last year, it was 51 two years ago and in recent history, it has been to 33. So, the perception of corruption, I have the figures with me, has gone up recently and, therefore, this measure today, hopefully, will help to clear matters on that issue.

Madam Speaker, there is no doubt to me that during the next general elections the issue of corruption and ethics will be a major issue. This is why, I think, all the measures that have to be taken should be taken. We should stop with doubtful practices like setting up private companies shrouded in opacity and the like, Madam Speaker.

Let us take what is happening in this country. Government is talking of bringing in development, but at the same time we hear of the SIFB scandal. These are the corruption issues which are, as the French say, *plomber l'action de ce gouvernement, un pas devant, 10 pas derrière*. And in spite of the efforts made, we see, Madam Speaker, that to the people perhaps integrity is more important than development of our infrastructures.

This is my personal wish, Madam Speaker, that our anti-corruption laws must be reviewed periodically. The fight against corruption can be won in this country, Madam Speaker, failing which this Government will have to answer to the population in the next general election. I am done, thank you.

Madam Speaker: Hon. Rutnah!

(12.33 p.m.)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Madam Speaker. Madam Speaker, it was in 1887 that Lord Acton in England wrote to Bishop Mandell Creighton, and he said this in his letter -

“Power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men...”

He wrote and said this because he was the critic of the Roman Emperor who declared themselves God and equally a critic of Napoleon Bonaparte who declared himself Emperor and during those days corruption was - people in those days were trading with all sorts of things simply to get an extra portion of land or an extra portion of farm in order to enrich themselves. Hon. Ganoo wants effective sanction to be the order of the day and I can assure him that by virtue of this Bill effective sanction is the order of the day and will be the order of the day.

Madam Speaker, politics is all about integrity, is all about honesty, but true it is to say that like in many other countries, in Mauritius as well, there was a time when corruption was out of control prior to 1982. And that is why the campaign of the then MMM, led by Sir Anerood Jugnauth, was that they should tackle corruption. And post 1982, the campaign in Mauritius about a law in relation to declaration of assets and anti-corruption became intensified. It was in 1985 - I am not going to go in detail into the historical perspective because hon. Ganoo has dealt with the historical perspective quite ably - that the first declaration of assets law was passed in the House.

At the time, of course, there was critic about the law but it was a law in 1985 that suited its purpose and had its result because then politicians were aware that there is some degree of control and, in fact, it was more of a signal of deterrence. But I can say from experience that I have known politicians who yesterday were, for example, school teachers or secondary school teachers and after five years of being in office started to own properties worth multi-million rupees, businesses and lots of land all over the island. So, these kinds of politicians, in fact, gave politics the bad name that we hear today on the ground.

As I said, politics is about honesty, politics is about integrity. And if we don't have honesty, no integrity, please do not step into politics. I know many people even now and what is shocking is that young people tend to believe that embarking in politics is the easy way to become rich, because they have a perception that once you become a politician, you have been elected and you are in Parliament, you become a Minister or an MP, then it is an

opportunity to technically steal money. But that is wrong. There are a few who have done it, but they have not been caught, unfortunately or fortunately for them. Can anyone explain objectively, really objectively, how a man who has never worked in this life, never practised as a doctor, not even a practising Barrister in Mauritius, never practised law elsewhere in other jurisdiction, was found to have Rs220 m. in his house, including pristine US dollar? How?

(Interruptions)

Apparently, the dollars, I am told, were still warm. So, it is...

Madam Speaker: Hon. Rutnah, I will advise you not to go beyond the Bill and to make unwarranted comments, but to stick yourself to the essence of the Bill.

Mr Rutnah: I am ever so grateful, Madam Speaker. I am trying to put things into context, into perspective, because of a few bad men, of the kind described by Lord Acton, we all get a bad name. Now, I can say this, nowadays, very rarely, you will see people from low-income background, humble family background, coming into politics. Why? It is because a few who have got lots of money, who can juggle around money, are embarking into politics and, therefore, those with less able moneywise in background will not be able to join in. So, against this background now, let us look at what this Bill is all about. The Bill is sending a strong signal that if you acquire assets for which you can't explain, whether you are a politician, an elected MP or not, whether you are a Councillor, an executive person holding office in Local Council, you are bound to make a declaration. And the declaration of assets that we have today, reflects the reality of the kind of assets these days normally people possess.

True it is to say that in 1985, the kind of assets Mauritian used to hold were bank accounts, overdrafts, immovable properties and motor vehicles. But since 1985 to 1991 and then to now, the definition of asset has changed considerably. That's why we have got a number of products that have been listed in the definition of assets, including securities and I take issue with the argument raised by hon. Ganoo in relation to the definition of securities, because I think that securities is properly defined in the Security Act. And here, the securities include stocks, bonds, treasury bills or other units held in Mauritius or abroad. So, the definition of securities is well stipulated here and also this definition is complemented by the definition of securities in the Security Act. Hon. Ganoo, in dealing with the issue relating to securities, also stated that other linked product, for example, other investment like life

insurance and other products, but this is also covered if we look at the Bill. If we look at Interpretation section, clause 2(viii) states –

“(viii) assets held by a person for and on behalf of the declarant in the declarant’s capacity as ultimate beneficiary;”

So, even if you have an insurance policy, and you are the beneficiary of that insurance policy, whether a life insurance or otherwise, then, there is a duty to declare. So, I anticipate for the purpose of construing or the interpretation of this statute, I anticipate that insofar as securities are concerned and the points raised by hon. Ganoo in relation to insurance policies are covered by this provision.

Now, Madam Speaker, we have heard a lot of criticisms against ICAC. To criticise, it is very easy, to build up a perception about a particular institution is the order of the day with the Opposition, they make belief that ICAC is protecting the Government when they speak like that, they try to convey the message to the public out there that ICAC is not doing its job properly. But let me remind the Opposition whenever there has been a complaint to the ICAC against Members of this Government, ICAC has investigated Members of this Government. When I stand here, I see my *colistier*, hon. Lutchmeenaraidoo, he lost his portfolio of Ministry of Finance because of an allegation. And what was the allegation? That he was involved in a corrupt act, there were investigations after investigations on him, his reputation was tarnished and his reputation still rests tarnished, he was investigated. Eventually, what was the outcome? It was all a hoo-ha. Hon. Raj Dayal has been investigated...

(Interruptions)

No, I am just saying, it is not...

Madam Speaker: Better not mention!

(Interruptions)

Hon. Rutnah, the case, in fact, is in Court. You have mentioned it, but do not go deeply into the matter.

Mr Rutnah: What is wrong for me to say, it is in public domain? What is wrong for me....

(Interruptions)

Madam Speaker: Hon. Rutnah, I have given my ruling, I have told you that the case is in Court, don't go deeply into the matter. You have mentioned the case of hon. Dayal. What is in public domain is in public domain, but, please, don't make any statement which can have an impact on this case, please.

Mr Rutnah: I am not making any statement. No, I am not...

(Interruptions)

Mr Mohamed: On a point of order, Madam Speaker. Madam Speaker, it is not a question of giving way. On a point of order, ...

(Interruptions)

Madam Speaker: I have given my ruling on that matter. If it is another issue and it is not related to the case of hon. Dayal, then I would allow you the floor.

Mr Mohamed: Madam Speaker, it is related to a matter that you are, maybe, not aware and I am duty bound to inform you that hon. Rutnah is also the lawyer of hon. Dayal and, therefore, he is conflicted, he cannot come to use this august Assembly *pour faire sa plaidoirie pour son client. Qu'il le garde pour le faire dans une Cour de justice ! C'est tout.*

Madam Speaker: This comes back to what I have just said, hon. Mohamed. I have just given my ruling on this matter, being aware of all the facts of the case, I have asked hon. Rutnah not to go deep into this matter. He has mentioned that case, but not to go deeply into that matter.

Mr Rutnah: Madam Speaker, I know my duty as counsellor. I know my duty.

Madam Speaker: Hon. Rutnah, are you disputing or defying what I have just said?

Mr Rutnah: No!

Madam Speaker: Please! I having given my ruling and my ruling is final on this matter.

Mr Rutnah: Madam Speaker, there is nothing that prevents me just to mention it, I am not going deep into it. And I am not going to take lessons from someone who does not make the difference between a Unitary State and a Federal State, and who says that Parliament is not supreme, that only the Constitution is supreme. And I not going to take lessons from someone who keeps asking questions about BAI while being counsel for BAI.

(Interruptions)

Madam Speaker: Hon. Rutnah! Hon. Rutnah, having said this, my ruling is final and you will have to bow to the ruling I have given. You cannot contest or defy the authority of the Chair in this matter.

Mr Rutnah: I am not, Madam Speaker. Let me say it again, the ICAC has always investigated on Members of the Government whenever there have been complaints against Members of the Government.

Madam Speaker: This is another statement, which is correct.

Mr Rutnah: Yes. I was giving examples; I was not going into details. ICAC will always investigate; ICAC will also investigate on the opposition, but the problem with the Bill is that it is not retrospective to take account of what happened in this country since 2010 onwards, then we would have known how many people have enriched themselves whilst in Government. But, in any event, Madam Speaker, the Bill...

(Interruptions)

Madam Speaker: Hon. Shakeel Mohamed, please!

(Interruptions)

Hon. Shakeel Mohamed, from a sitting position, I will not allow you to interrupt the hon. Member.

Mr Rutnah: Madam Speaker, you will have noticed that whenever you are on your feet, I tend to respect the Chair, I sit, I don't argue with you.

(Interruptions)

Unlike you, hon. Duval! Because you are making...

(Interruptions)

Madam Speaker: No crosstalking!

Mr Rutnah: Hon. Duval from a sitting position is making comments, and he...

Madam Speaker: I will not allow him!

Mr Rutnah: Hon. Duval should know that when he was speaking, I was listening, I was not making comments, but they tend to make comments all the time...

(Interruptions)

Madam Speaker: Can we have some order on this side of the House also, and allow the hon. Member to proceed with his speech!

Mr Rutnah: Hon. Duval always makes comments. Hon. Shakeel Mohamed always makes comments from a sitting position when I am on my feet. When they are on their feet, I listen to them. I listen to them so that they contribute to the debate, so that the people of Mauritius can listen to what I have to say, but whenever I am on my feet, they don't have the decency even to extend the courtesy to listen. But, anyway, coming back to the Bill, Madam Speaker...

(Interruptions)

I don't subscribe to the criticisms that have been levelled against the ICAC. Let me tell the hon. Member who has criticised ICAC, who does not know whether Parliament is supreme or not, and does not even make the difference between a Unitary State and a Federal State, that ICAC is not a prosecuting authority. ICAC does not prosecute; ICAC investigate and sends its investigatory dossier, the file to the Director of Public Prosecutions. The Director of Public Prosecutions, by virtue of Section 72 of the Constitution, he decides whether to prosecute an offence under the ICAC or not. So, as a lawyer, he should have known that, but I agree that he is still learning.

Madam Speaker, now I am going to deal with the second critic of hon. Ganoo. Hon. Ganoo is a man who has always measured his criticisms, and I respect people who criticise within a certain parameter; and that constructive criticism, it is not politics *à l'outrance* that hon. Ganoo has done. Hon. Ganoo made a point that Parliamentarian ought to have declared or there should have been a provision in this Bill that parliamentarians, who are professionals, should declare their remuneration and gratuities for profession fees.

I think he is a bit confused insofar as what the Declaration of Assets Act is all about. Declaration of Assets Act on its own, as a single legislation, is not designed to deal with all corruption offences in the country, and that is not even the spirit of this Bill, and nowhere in the world declaration of assets deals with all corruption aspects of institutions and authorities. There is provision in our other laws, that those who work, have got professions and act for any institution where the Government or otherwise or work for private clients, they should declare their VAT, and their Income Tax. So, once that is done, then there is no need for declaration because you are declaring your VAT, you are declaring your return annually and if you fail to do so, you commit an offence under the MRA Act and you are likely to be

prosecuted for that. So, I don't think that hon. Ganoo's suggestion can be taken on board because there is already legislation. We do not want to make the present Bill sounds cumbersome or make it sound like this is the only Bill that is going to deal with acts of corruption. Hon. Ganoo also dealt with the issue of assets and liabilities. Madam Speaker, you tried to point out the definition of assets and liabilities and, perhaps for record, I should clear doubt that is in the mind of hon. Ganoo and that would suffice, I anticipate. Perhaps if I could take everybody to the definition sections, Section 2(a) where there are a number of definitions and, amongst others, there is the definition at page 4 of the word 'declaration'. The word –

“declaration” means a declaration of assets and liabilities referred to in section 4”

So, when you are declaring, you are declaring your assets and your liabilities. Now, Section 4 also says –

“Obligation to make declaration of assets and liabilities.”

The obligation is not only to declare your assets, but also to declare your liabilities and, if I may, for the sake of the record, read subsection (3) together with what follows -

“(c) after his seat becomes vacant pursuant to section 35 of the Constitution, section 19 of the Rodrigues Regional Assembly Act or section 40 of the Local Government Act, as the case may be,

make a declaration of his assets and liabilities with ICAC, including the assets and liabilities of his spouse and his minor children.”

So, what it is all about it is not only declaring your assets and liabilities, it is now extended to your assets and liabilities to your wife and your children but does not say mistress here. No, it does not. But I anticipate there would be holding assets on trusts for beneficiaries which also will be smoked out according to this Bill.

So, Madam Speaker, in relation to the point that hon. Ganoo also made about clause 6 – Fresh declaration, as to why in subsections (b), (e) and (f) in relation to fresh declaration regarding Judicial Officers and Executive Officers, why they have to declare on a 5-year basis not as with other categories. I anticipate, the explanation is very simple, Judicial Officers and Executive Officers, they are public servants. They are public servants, they hold their post permanently and they are not like us holding our position as parliamentarians for a period of 5 years and if the will of the population wants to us to come back, then they will

renew our mandate for a further period of 5 years. So, the explanation is simple that we, of course, we will have to do it according to what the law says now at subsection 6 (a) and for those who are in permanent employment, they would, of course, make it over every interval of 5 years.

Much has been said by the Leader of the MMM and also by hon. Ganoo about how the disclosure will take place. True it is that it is not expressly said in the fact that how disclosure will be made. But disclosure of assets and liabilities is something which belongs to the person. It is private and there should be some limit as to how it should be disclosed. I am for transparency, I am for honesty. But there are some people who might use information to abuse. Nowadays, we get a section of the Press that if you go and fill petrol at the petrol station, you get it for free. You go to Spar, you buy Rs500 worth of articles, you get it for free. You go to Intermart, you spend Rs1,000, you get it for free.

So, there is a danger out there that if information is available to people so easily, especially people who are likely to abuse the information because they believe that if you fill petrol in your car, people will get it for free, then that information will be available to abuse. There should be some mechanism and I am sure if tomorrow there is an investigation, let's say, for example, anyone in this House, I am sure there will be some mechanism put in place to ask for disclosure of the assets and liabilities of the Member who is the subject of the investigation.

But let me refer the House to a European Court of Human Rights judgement in 2005 in relation to the law of privacy and which deals with declaration of assets. It is in the case of *Wypych v. Poland*, a Police national. A case on which the judgment was delivered on the 25 October 2005, application No. 2428/05 –

“The European Court of Human Rights rejected the complaint of a local council member in Poland who refused to submit his asset declaration claiming that the obligation to disclose details concerning his financial situation and property for portfolio imposed by legislation was in breach of Article 8 of the European Convention of Human Rights.

The Court found that the requirement to submit the declaration and its online publication were indeed an interference with the right to privacy but that it was justified and the comprehensive scope of the information to be submitted was not found to be excessively burdensome.”

So, on one hand, the European Courts of Human Rights recognises that there is a problem, it concerns the right of privacy, but on the other hand, it says that it is not burdensome. So, there must be some degree of limitation so that those who tend to abuse will not abuse the information which is in public domain.

Madam Speaker, I see the time and I have to simply say something about conflict of interest. There is always, when you are in public domain, when you are exercising public duty that people have to be careful with any conflicts that may arise during the course of their tenure. That is why we have provisions in the Bill that is firstly going to deter anyone to get involved into any act that is likely to enrich him. So, any act, including those that might influence a contractor, for example, to give a contract is an act which is under surveillance in this Bill, if the Member, if the MP who is trying to do something untoward.

So it is not necessary in my opinion to burden this Bill with codes of ethic and with conflicts of interest because as the act has been formulated, as the Bill has been formulated, it is understood that acts of conflict of interest is taken into account. But in any event, the law on conflict of interest is defined very well in the Prevention of Corruption Act. So, this Bill on its own is not a Bill that deals with the whole area of corruption. There is the law on corruption under ICAC, there is the law in relation to unexplained wealth and now we have this law coming in relation to declaration of assets.

Madam Speaker, I would like to extend my gratitude to the hon. Prime Minister and all those who have contributed towards the drafting of this legislation because it is the first legislation in modern Mauritius that deals with modern assets and in a modern way to deter those who hold power to be careful and the words of Lord Acton will not reflect reality as of now once this Bill is gazetted.

Thank you, Madam Speaker.

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

At 1.10 p.m., the sitting was suspended.

On resuming at 2.43 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Jahangeer!

Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac): Madam Speaker, I do not like this Bill. I love it. I cherish it. Therefore, my sincere congratulation to the hon. Prime Minister for his courage and wisdom to come up with it and I will vote for it.

Madam Speaker, two events really deeply influenced my professional life in Mauritius. Most of you know that I came back in 1995 from Kuwait and I was sent to open a branch for the multinationals, I was working in Kuwait. Now, coming back, there were already two very powerful businessmen in Mauritius at that time who were the agents of that company I was working for. So, we scheduled a meeting for my employment in Melville Hotel and my newly boss from South Africa was going in between while the guys were having a drink in the beach club there. I was awaiting and then he came and told me: 'Bashir, you know, we have checked your CV. We have no problem with your track record, but the two gentlemen there have one issue with you. Are you ready to give?' I did not understand what it is, coming from Kuwait, a clean country. Then I think very fast, if I say no, I will lose my potential job. Then I told my boss, if you take the responsibility I do not have any problem. That was the first episode.

The second episode, one year I worked as a technical officer in that office. It was not registered. At that time, you could not register a multinational alone in Mauritius, there is the law. So, I was working as a technical officer in Mauritius.

During the one year, I was like a postman, getting the tenders from South Africa, put it in the box to CEB, to CWA, to Telecom everywhere. One year, nothing! Not a single order for a bolt. Then my boss called me and said: 'Bashir, we will wrap up. We will not leave you like this. We will bring you to South Africa and you will work there'. After a few days, a pseudo messiah came, walked in my office from one utility and said: 'Mr Jahangeer, can I sit with you for five minutes?' I said: 'Yes, please go ahead'. He said: 'You know, you have a very nice product, one of the best in the world, yet there is still something'. 'You know, we are a team in the utility. When we have tenders, there is something you have to cater for in your price'. That is! Then I understood the name of the game. Since then, I was longing for such law to come for this middle management because that was not there before for the declaration of assets.

Madam Speaker, the Declaration of Assets Bill, the Unexplained Wealth Bill, the Prevention of Corruption Act, they are all close together. This Bill, actually, the Declaration of Assets Bill, we cannot pretend that we will eradicate completely corruption. But what we can do, we can curb it. We can limit it. That is what the Bill is for. It can act as a deterrent. In some cases, when you have such law which has been proven by the World Bank, it encourages Foreign Direct Investment (FDI) and even it gives public confidence in the Government.

Madam Speaker, periodicity for assessment differs from country to country. Normally, the norm is from one to three years. The clause to which I would like to draw your attention is clause 2 for the list of persons who have to declare their assets. I would like to suggest to the hon. Prime Minister to include bid evaluators, which is not in that category of senior officials with a certain amount of salary. They are lesser; a little less I know them and this is very important because public procurement can bring down a Government. We have seen in the past, everywhere in the world, in Africa or in Europe, that it is public procurement which is the cause of the downfall of a Government. I will speak particularly of the Procurement Board. When they evaluate, they have two boards. One is the technical board. The Technical Board, they normally call engineers from MPA, CWA CEB, then they become member of that Board. These evaluators, this is the root of the problem. This is where the corruption starts. That Technical Committee! I have lived that. It is my experience that I am telling. They take photo of your competitors and their offer. Suppose, I am supporting company X, I go to him and say: 'Look, for company Y, this is their technical offer.' What company X, my company, will do? They will analyse the weakness where to query. When the time will come for a query, what kind of questions to ask to disqualify the others. This is how it is done. I am sure this is new for a lot of the hon. Members here, but I have lived with that for many, many years. I can tell you. Even there were some who were completing their tender form with pencil, why? If there are only three members and I have already talked to them, so, we will erase these figures and put new figures. This has happened in the past, but now with time, it has changed. We are still trying to improve the situation in public procurement and 40% of the World Bank financing in Africa goes to corruption. So, this is where we should concentrate and I really insist that the hon. Prime Minister will look into these Bid Evaluators and it is very important for them to declare their assets.

Madam Speaker, I have studied many cases in the past whether from public utility, public infrastructure or Ministry of Health, not only in Mauritius but also in other countries. It seems we have a similar pattern, a common denominator about how they operate, the *modus operandi*. I will take a fictional case so that all of you can understand how they get to the point and how these people become rich.

Suppose I am - I will take an example - the CEO of a parastatal body involving commercial transportation by submarine and I get a Commission if I purchase a new submarine. So, first step, I Google, I go on the Internet, I look for all manufacturers first and then, I choose one with a particular characteristic, a brand who has installed in some places,

who has run so many kms. And then, I show this one as my target. Next step, step 2, I contact the manufacturer, I take a trip to meet him and tell him: “Look, you give me 2 % and you pay me once you receive a down payment.” So, the matter is closed with the manufacturer. He is very happy. He will get an order in millions of dollars. Step 3, now what I do? I need a consultant, so, I go through the list in my Ministry or in my institution, I check the consultant who is mostly employed, who is most popular. Again, I contact him, I told him there is a job provided he inscribes in the tender document a, b, c, three points on the number of kms, on the terms of reference, on the turnover, his turnover for the last five years. This is very clear. He is very happy, the consultant is chosen and the tender is floated. Step 4, we have to encourage all the manufacturers of submarines to bid in order to look for open and fair play. Step 5, now as a CEO, I send two of my engineers in the Technical Committee to report back to me about what is going on. I have a prerogative as a CEO to choose who will sit in the Tender Committee, step 6...

(Interruptions)

Madam Speaker: Hon. Jahangeer, what you want to say is that you are happy that the Bill takes care of seniors also. I think you have had the latitude of explaining *en long et en large*. So, on this point, I think, we have understood what you wanted to say.

Mr Jahangeer: Okay. I will conclude by saying that I got the 2%. Now, what I will do with the Rs20 m.? How I will cash it? I cannot be like the telecom driver carrying a suitcase of foreign currency around in Dubai or whatever.

(Interruptions)

Yes! But I am smarter. What I will do? I will ask for a flat in Mumbai or in Shanghai where you cannot trace me. These are the loopholes or still the company where I am getting my Commission has several sites around the world. I go there, they pay me cash and I come back to Mauritius.

This is how things are going on right now.

(Interruptions)

Yes! That is why I say these people, especially the bid evaluator, we have to ask them to declare their assets. It is very important because this is where a whole Government can collapse. The corruption starts from there and it is very important that we monitor them.

Madam Speaker, my next comment is with regard to clause 2 of the Bill, the meaning of assets. I would like the hon. Prime Minister to consider the following to be added in the list. Paintings and artefacts nowadays the trend is not carrying money, this is old fashion! Swiss Bank will disclose. No, finish! Now I am smart. I have Bitcoin, this should be in the list. I have a painting of Vengroff or somebody else. Do you think MRA will make a difference between a Claude Monet or a Claude Money from China? He cannot. Unless, me, I know. I will go to London, and then I will evaluate and I will sell it. This is how it is.

Last year, I spent two weeks in Iran, four days with the Iranian to understand why the Iranian carpets are so expensive. I went to the village and stayed for four days. Madam Speaker, there are carpets one and a half meter wide which costs USD100, 000. So, when I come with this in my suitcase and I enter the custom. What do you have here? Two prayer mats or meditation mats! Oh, you are spiritual, please go ahead! That is what happened at the custom because he does not know. Now, the ICAC member also, in an organisation, we have to go with time, we have to go with technology. These are the new trends now. It is not like before, you pay me in an account. These days are gone now. Now, you have the money either in paintings, in artefacts, in carpets or in Bitcoin. You cannot control Bitcoin. I will plead the hon. Prime Minister to look into this area also if we want to really eliminate or curb corruption.

Madam Speaker, there was a saying about ICAC being a *bulldog sans dents*. Yes, but what we need is a creed of whistle-blowers. Without them, we cannot function. If somebody has so many apartments or accounts outside, we cannot know that unless there is a whistle-blower. We need to encourage these whistle-blowers to come forward and denounce when there is something wrong or embezzlement. They are the whistle-blowers. In USA, for example, whistle-blowers are rewarded. How? They get 4% on the penalty applied. Suppose they catch a company for corruption, the whistle-blower will get a percentage of the penalty applied and that will encourage them. And we have to do the same where we find that something is going wrong in any department, we need whistle-blowers.

Madam Speaker, in view of the importance of this Bill, I again thank the hon. Prime Minister for presenting the Bill to the House and I will definitely vote for it, thank you.

Madam Speaker: Hon. Boissézon!

(2.58 p.m.)

The Minister of Civil Service and Administrative Reforms (Mr E. Boissézon):

Madame la présidente, c'est avec beaucoup de plaisir que je note qu'il y a un consensus dans la Chambre concernant ce projet de loi, un projet de loi de responsabilité.

Un projet de loi qui amène tout un chacun à réfléchir sur sa participation au combat contre la corruption, un projet de loi d'intégrité. Ce projet de loi nous amène à réfléchir que nous devons être intègres et de prendre en considération tous nos actions vers un besoin de probité parce que trop souvent nous avons eu des cas où il y a eu une perception de corruption dans nos tâches.

J'ai noté de par les orateurs qui m'ont précédé que l'honorable Dr. Boolell a parlé de *credibility gap*. Il vient dire que, pour lui, aujourd'hui, nous sommes en retard et que dans le public, aujourd'hui, s'il y a cette perception de corruption, de manque d'intégrité, c'est parce que pas beaucoup de choses ont été faites dans le passé, et je retournerai là-dessus.

J'ai noté aussi que l'honorable Paul Bérenger a parlé qu'il était content, qu'il était ému de voir ce projet de loi parce qu'il a dit qu'il avait un *serious doubt* que ce projet de loi allait être débattu au Parlement. Il y quelques heures de cela, l'honorable Alan Ganoo a parlé, il n'a pas dit le mot, mais on a pu interpréter qu'il a parlé de rupture de 2011 et il a parlé d'une phrase qui a été *sneaked* dans un autre projet de loi. Et si vous regardez la définition du mot '*sneaked*' dans le dictionnaire, la traduction c'est 'faufilé'. Il y a eu une époque où on a fait, on a ajouté - même pas une phrase - quelques mots qui ont changé toute la destinée du projet de loi, de toute la loi sur la déclaration des avoirs concernant la fraude et la corruption.

Je retourne sur cette phrase de l'honorable Paul Bérenger, concernant deux mots '*serious doubt*'. Oui, je suis conscient que le MMM a eu beaucoup de doutes concernant l'application un jour d'un projet de loi sur la déclaration des avoirs, parce que c'est un parti - comme l'histoire nous raconte, comme l'a si bien dit l'honorable Alan Ganoo - qui a toujours lutté pour la déclaration des avoirs et ceux qui se posent la question, qui ont été dans l'Opposition depuis 2005 à 2014 et jusqu'à aujourd'hui, et ils se posent encore la question: qu'est-ce qui a été fait de 2005 à 2014 ? Et si nous retournons dans le Hansard, nous allons voir que systématiquement, tous les semestres, il y avait un député de l'Opposition qui posait une question sur la déclaration des avoirs. Bon, je n'irai pas aussi loin que 2005, mais peut-être nous irons jusqu'à 2011. Le 31 mai 2011, le Leader de l'Opposition d'alors, l'honorable Paul Bérenger, avait posé une question au Premier ministre pour lui demander: quand est-ce qu'il pense revoir tous les règlements concernant la déclaration des *assets and liabilities by*

Members of the National Assembly et que ses déclarations soient mises sur le *Table* de l'Assemblée ? Tout un débat s'ensuivit où le Leader de l'Opposition avait parlé de la section 5 du projet de loi *Declaration of Assets*, et il avait dit que la section 5 était claire. Il disait que la Commission devrait remettre les documents concernant les *declaration of assets* au Parlement et toute une discussion survint là-dessus quant à l'interprétation de ce projet de loi. Je ne vais pas vous dire toute la discussion, tous les points de dialogue, mais, à ce moment, le Premier ministre avait dit alors, et je *quote* –

“There is clearly confusion, different interpretations of the law and, clearly, we need to amend it. I think it would be a simple amendment; personally, I don't think it should be a difficult amendment. Maybe, we should say that ICAC should send the declaration of assets to the Clerk of the National Assembly, who should then perhaps lay it on the Table of the Assembly, upon such directions given by Mr Speaker. I think it should be a small amendment.”

Le 31 mai 2011 et comme dirait les français : Le canard est toujours vivant. Comme je vous ai dit l'Opposition avait systématiquement posé des questions sur une proposition de loi sur la déclaration des *assets*. Le 8 novembre, l'honorable Obeegadoo, vint avec la même question. Madame la présidente, qu'est-ce qu'il a eu comme réponse ? Sa réponse fut que c'est en préparation, alors le député Obeegadoo posa une question et dit que pour lui, d'après les renseignements qu'il avait, que le comité parlementaire sur l'ICAC avait déjà préparé un rapport depuis 2008 et que rien n'a été fait, et le Premier ministre d'alors avait répondu : *'I understand that there is a new committee which is working.'*

“I understand they want to have more comprehensive proposals for the amendments of PoCA (...)”

Cette fois-ci pour l'amendement de PoCA.

“(...) but not just on the Declaration, but other proposals. (...) I understand they are finishing that work.”

Et aujourd'hui, nous sommes avec toujours la même loi. L'Opposition ne s'arrêta pas là. Le 3 juillet 2012, l'honorable Rajesh Bhagwan revint avec la même question et il eut comme réponse qu'il devait savoir que l'Assemblée nationale avait été prorogée le 14 mars et qu'il y avait un nouveau comité et que ce comité avait à revoir tout l'exercice qu'avait été fait. Madame la présidente, rien n'a été fait ! On s'attendait qu'à la veille des élections, en 2014, que le gouvernement d'alors allait emmener quelque chose pour au moins avoir un outil à

présenter au public pendant la campagne et l'honorable Paul Béranger, Leader de l'Opposition qui eut l'occasion parce que pendant cette année, comme nous savons tous, nous n'avons eu que peut-être huit séances parlementaires et l'honorable Paul Béranger est revenu sur une *Private Notice Question* sur la question. Et, à ce moment, le Premier ministre d'alors est venu nous dire que, maintenant, tous les cas de fraude et de corruption, et tel un magicien qui sort une carte magique, il nous a parlé du *Serious Fraud Office*, un grand bureau, qui allait contrôler tous les cas de fraude et que tous les directeurs allaient se rapporter à ce grand bureau. C'était tellement bien présenté que le *leader* de l'opposition est entré dans le jeu et a même posé une question, à savoir si à la tête de ce *Serious Fraud Office* on aurait un étranger, et la réponse fut par l'affirmative. En décembre 2014, le projet de loi n'eut pas lieu, pas de *Serious Fraud Office*. Et à ce moment-là, je comprends l'attitude de l'honorable Paul Béranger quand il vient dire qu'il avait des doutes, *serious doubts about the presentation of such a Bill*.

Madame la présidente, je dois féliciter le Premier ministre et ministre des Finances pour avoir présenté ce projet de loi. Aujourd'hui, quand nous parlons dans cette Assemblée, il y a tellement de consensus qu'on a l'impression que c'est un projet de loi qui était facile à amener. Quand on regarde tous les points soulevés par les membres de l'opposition et les propositions soulevées de ce côté de la Chambre, nous voyons que le *backbone*, l'épine dorsale de ce projet de loi est irréfutable. Aussi, je pense que c'est un projet de loi qui va aller de l'avant.

Madame la présidente, pourquoi un tel engouement pour ce projet de loi pour la déclaration des patrimoines par les parlementaires et par les hauts officiels du ministère ? Tout à l'heure, l'honorable Ravi Rutnah a parlé de ce fameux coffre, et je crois qu'aujourd'hui tout un chacun a encore à l'esprit ce coffre rempli de billets de banque. Une petite anecdote, Madame la présidente, je n'étais pas là lorsqu'on parlait de cela aux informations. Aussi, quand je suis arrivé devant la télévision et que j'ai vu ce coffre rempli de billets de banque, avec des officiers de la CID tout autour, je croyais que c'était une présentation du film 'Le Parrain III' parce que...

Dr. Boolell: Madam Speaker, on a point of order. There is a case...

(Interruptions)

On a point of order, there is a case before the Court. Is it in order for the Minister to refer to the case?

Madam Speaker: The hon. Minister is not imputing any motive; he just mentioned the case without mentioning whatever, which is very different from what hon. Rutnah was doing this morning. The hon. Member would have observed that this morning I stopped hon. Rutnah. If there is ground for me to stop the hon. Minister, the hon. Member can rest assured that I will do so.

Mr Boissézon: Madame la présidente, oui, je parlais du film ‘Le Parrain III’, parce que nous regardons beaucoup la télévision française. Nous avons aussi ce fameux cas, celui du ministre Jérôme Cahuzac qui avait oublié qu’il avait des biens en Suisse et une compagnie aux Seychelles. Il a été condamné, et là, c’est un point important, parce qu’on peut se poser la question, mais pourquoi mettre les épouses ou les enfants sur la liste de ceux qui doivent déclarer leur patrimoine. Il faut savoir que Madame Cahuzac, elle aussi, avait oublié de mentionner plusieurs items de son patrimoine.

Autre point, Madame la présidente, pour moi l’engouement vers cette déclaration des avoirs vient aussi d’honnêtes gens. Il y a une philosophie à déclarer ses avoirs pour montrer à la population que nous sommes des personnes imbues d’honnêteté, nous travaillons comme de vrais patriotes pour le bien de la nation et que nous ne prenons pas avantage de notre position pour nous enrichir. Et c’est un point très important, parce qu’aujourd’hui, il a cette perception que le politicien est synonyme de voleur, de ‘*triangueur*’. Il nous faut aujourd’hui faire de sorte que la population ait confiance en ces représentants. Ce n’est pas possible de nos jours, quand nous écoutons la radio, la façon dont les gens parlent des politiciens, avec quelquefois, malheureusement, l’encouragement des medias, cela donne l’impression que le jour où vous dites que vous êtes un politicien, que vous êtes ministre ou député, c’est écrit sur votre front ‘corrupteur’, ‘voleur’. Je suis content que ce projet de loi soit sur la table de l’Assemblée aujourd’hui, Madame la présidente.

Je n’irais pas plus loin car beaucoup a déjà été dit sur ce projet de loi, mais j’aimerais soulever un point. Étant ministre de la Fonction Publique, je crois qu’il est de mon devoir de répondre à quelques questions. Plusieurs orateurs qui m’ont précédé ne comprennent pas pourquoi il y a deux genres de déclarants. Il y a deux façons de déclarer les avoirs et deux types de confidentialité concernant la déclaration des avoirs. Madame la présidente, nous avons un document de la Banque Mondiale, publié en 2009, et je crois que le Premier ministre en a fait référence dans son intervention, qui dit que –

“Granting public access to assets declaration information is another important dimension of Assets Declaration regimes that can enhance both their effectiveness and their credibility.”

C'est-à-dire, oui, c'est bon de faire une déclaration des avoirs mais nous devons aussi faire attention. Je cite –

“Many countries are struggling with whether and how to make assets declaration information accessible to the public;”

C'est un point très important. C'est facile de venir dire qu'il fallait faire ça, il faut faire ceci ou cela. Par exemple, je me rappelle qu'au début de 1985 on parlait - et là, je l'ai réentendu aujourd'hui - de publier les avoirs des députés et des conseillers sur le *Government Gazette*.

Mais nous savons tous que le *Government Gazette* n'est pas accessible à tout le monde. Et demain, ce sera à la portée de tout le monde, comment ces personnes-là vont utiliser ça alors que je crois qu'aujourd'hui si quelqu'un veut vraiment avoir des informations sur les députés ou des parlementaires, qu'il ait le courage d'aller au bureau de l'ICAC, de décliner son nom, décliner son identité et il aura le renseignement nécessaire et non prendre ses renseignements sur un journal, faire des tracts non-signés et mettre certaines personnes honnêtes en pâture ? Mais il parle aussi des *public officials* et il dit : 'Ok pour les politiciens. Ils ont cherché, ils ont voulu être politiciens, ils veulent se mettre en avant dans le public, ça va' Mais pour la Banque Mondiale, *the central issue at stake being whether or not public access to this information violates the privacy of public officials or causes a threat to their security*. Et ça, c'est important, la Banque Mondiale s'interroge encore si donner au public l'accès aux informations des *public officials*, si cela ne viole pas leur vies privées et *cause un threat to their security*.

Plus encore, l'OCDE aussi est d'accord et ne fait pas de compromis. L'OCDE est d'accord et direct. Il faut que les parlementaires, que les politiciens fassent leur déclaration de patrimoine. Mais concernant les officiers du gouvernement, de la fonction publique, il a ça à dire –

“Concerning the lower-level public official, the right degree of public disclosure should be determined on the basis of a careful weighing of various considerations such as domestic traditions, perception of corruption in a given country, possible safety concerns and other dangers.”

L'OCDE se rejoint à la Banque Mondiale pour demander au gouvernement de prendre beaucoup de précautions concernant les avoirs, la déclaration de patrimoine des officiers du gouvernement, de la fonction publique. Et moi, j'accepte cette condition que les officiers de la fonction publique d'un certain grade aient à faire leurs déclarations de patrimoine et qu'ils le remettent à l'ICAC, qui gardera ces documents confidentiellement et qu'ils ne seront à la portée du public, mais que l'ICAC, d'après la loi, a un devoir de remettre ces documents à certaines personnes qui sont inscrites dans la loi ?

Madame la présidente, j'ai parlé des employés de la fonction publique et j'ai entendu à un certain moment il y a certaines personnes qui parlent et vous avez soulevé le point que nous ne devons pas donner la perception que tous les officiers de la fonction publique sont des gens malhonnêtes. Ces officiers travaillent avec beaucoup de professionnalisme. Ces officiers sont conscients de leur devoir et nous, qui sommes à côté d'eux, nous savons qu'ils sont parties prenantes pour toute action allant dans la direction de la prévention de la corruption.

Étant à côté de ces officiers, je peux dire que la grande majorité, presque tous les officiers sont intègres, honnêtes et responsables, et qu'ils sont prêts à lutter pour s'assurer que nous ayons une fonction publique en laquelle nous pouvons faire confiance.

Je terminerai sur une note, à une interrogation de l'honorable Ganoo, qui se posait la question : après ce projet de loi, quoi ? Est-ce que nous aurons un projet de loi et fini, demain ce projet de loi sera sur les tablettes, des déclarations de patrimoine dans des tiroirs et à l'ICAC ? Moi, je crois, Madame la présidente, qu'il y a un autre travail. Nous avons tout un arsenal de loi pour protéger notre lutte contre la corruption, mais je peux vous dire que dans la fonction publique, nous suivons au grain toutes les données que nous pouvons avoir, tous les renseignements, nous travaillons d'arrachepied avec beaucoup d'organisations et à ce jour, dans le service public, je peux vous dire qu'on s'assure que dans chaque ministère, dans chaque département, que nous ayons des *Integrity Officers* qui sont responsables d'un *Anti-Corruption Committee* qui doivent se rencontrer régulièrement et qui ont un devoir d'envoyer, de remettre à mon ministère une copie des actions qu'ils prennent.

De temps en temps, chaque année, de façon annuelle, nous envoyons une circulaire à tous les ministères. En décembre de l'année dernière, il y a eu une circulaire qui a été envoyé et je peux vous dire que d'ici jusqu'à la fin de la semaine prochaine, une seconde circulaire sera envoyée. Nous avons dans le ministère un *Public Sector Anti-Corruption Framework*

Manual qui a été travaillé conjointement avec l'Union Européenne, qui décrit les devoirs de tous les officiers. Par exemple, je vous cite un cas. Nous avons des *policy statements* concernant *conflicts of interest*, des cadeaux, là nous sommes en décembre, il faudrait prévenir les officiers de faire très attention dans la réception de cadeaux et tout à l'heure l'honorable Jahangeer a parlé de *whistle blowers*. Nous avons dans la fonction publique un *policy statement* sur le *whistle blowing* et *ethical behaviours*. Et je peux vous dire qu'on s'assure que tous ces *policy statements* soient suivis à la lettre et aujourd'hui nous allons de l'avant avec un *Anti-Corruption Policy* pour chaque ministère. Chaque ministère a à préparer un *Anti-Corruption Policy* parce que pour nous, c'est vrai qu'on peut avoir tous l'arsenal légal nécessaire mais l'*awareness*, la conscientisation des personnes est très importante.

Madame la présidente, je ne serai pas plus long. Moi je crois en ce projet de loi. est un pas en avant dans notre lutte contre la corruption et je terminerai par une citation de Lord Goff of Chieveley -

"In a free society, there is a continuing public interest that the workings of Government should be opened to scrutiny and criticism."

Que la vérité ait le dessus sur la perception.

Merci.

Madam Speaker: Hon. Gobin!

(3.29 p.m.)

The Attorney General, Minister of Justice, Human Rights and Institutional Reforms (Mr M. Gobin): Thank you, Madam Speaker. Madam Speaker, I wish to canvass five issues on this Bill. The first point that I will canvass is about the sun. I will explain why. The second more specific to the Bill is about the scope of the declaration. The third point is the purpose of the declaration. The fourth point is the institution responsible for monitoring. The fifth point, I will end by a very simple word of advice to all those who are concerned by this Bill.

My first point is about the sun, Madam Speaker, not the symbol of my party, maybe also the symbol of my party, why not. It is good that the Prime Minister and Minister Mentor are here. *Je vais vous parler du soleil parce que* this law comes as a sunshine law. Sunshine law is an expression used by US lawyers. The US lawyers are so good at finding terms of art to explain particular legislation. What is a sunshine law? As the name suggests, it is a law

which brings more transparency, which sheds light in places where there is darkness. It is to bring to light things that were hidden, things that were under the carpet or things that were in coffers. This is a sunshine law. I have to talk about the sun and, of course, I have to talk about my party because my party has brought meaningful change - as my good friend, hon. Seeruttun, always says - through a number of sunshine laws. It is good to set the context and this is the context that we are bringing not only one Declaration of Assets Bill, but a number of legislation, to bring more transparency *pour l'assainissement de pas seulement de la vie politique, mais de la vie publique*.

This is the context. What have we done? A number of initiatives: the Rs2,000 banknote for example, enhanced due diligence for politically exposed persons where my colleague Minister Sesungrur made regulation in October of this year. All these are sunshine laws. The proposal for funding of political parties - sunshine law, although for political parties, it is only a proposal at this stage; it is in discussion, but it goes in the same direction. I am very pleased to note today in *Le Mauricien*, '*Le secteur privé dit oui pour le financement des partis politiques*.' So, this legislation will bring to light things that were hitherto hidden. How will this Bill achieve that?

This takes me to my second point. What is the change? We are achieving meaningful change. What is the change with the previous regime under the previous law, if ever we can call that a regime and what will be the new regime? The application of the Act, the scope is being extended, Madam Speaker. It is applicable, in my classification, to five categories. Perhaps those who will be most in the limelight will be ourselves, the MPs, the Ministers. So, we are giving the example by being top on the list. The second category will be those elected at the level of Local Authorities. The third category will be judicial officers from the level of District Magistrate and above. Fourth, officers from the rank of DPS and above, and fifth, it is very important, I will have to explain that more in detail; Chairpersons, CEOs and officers of statutory bodies. I will have to explain that because of the intervention of previous speakers. So, for MPs in this House or in the Regional Assembly, elected members if we can say, that does not require any further explanation, but I want to give an explanation, as I said, on the category of person concerned with statutory bodies. Why? Because much has been said by previous speakers that persons in some statutory bodies are not covered or that persons of a certain rank are not covered. That is not so. When we look at section 3(1)(g), it reads –

“(1) Subject to subsection (2), this Act shall apply to –

(g) every Chairperson and Chief Executive Officer of State-owned enterprises and statutory bodies, and every officer of such enterprises and statutory bodies drawing salary at the level of Deputy Permanent Secretary and above;”

There is nothing which is clearer. As to the question of what is the meaning of a statutory body? In section 3, statutory body means -

“(a) a body incorporated by an Act;”

There are so many statutory bodies incorporated under an Act in this country and they will all fall under this Declaration of Assets Act.

So, I have to put to rest all the qualms of my hon. Colleagues, including my colleague in my own constituency, hon. Jahangeer, i.e. all those who are in the Bid Evaluation are high ranking public officers, they will fall under this definition. Whether they are public officers or statutory bodies, they will fall under this provision. If any event, if ever they are not, their supervisor definitely will fall under this law because the Permanent Secretary will fall under this law. As the hon. Deputy Prime Minister stated yesterday, we do not want to flood the ICAC with so many declarations that it will not be able to do his job. I will come to what is the responsibility of the ICAC later. So, the scope is being extended, the rays of the sun will shine wider in statutory bodies as well, and it will shine in the face of many more officers not only MPs.

Now, why are we doing this? Hon. Gayan had explained yesterday. The mechanism of Declaration of Assets is not an all-encompassing mechanism which will create offences, create institutions, give investigatory powers and all in one. This is one block in a structure to fight corruption. When one takes the time to read the documentation of the UNODC, the World Bank, as hon. Boissézon mentioned, or the organisation of American States, of all the regional blocks, a Declaration of Assets Legislation is a preventive mechanism. It is one building block in a structure, and in this country we have built up a structure for anti-corruption. There are missing bits and pieces which this Government is plugging in and one of them being this declaration of assets. There was a previous missing link in the anti-corruption structure; it concerned unexplained wealth and the civil asset forfeiture. This was plugged in in 2015. So, the mechanism is there, the structure is there, the missing bits and pieces are being plugged in and this one is one of them, the declaration mechanism.

The third point I want to make. What is the purpose of making a declaration? What is the change we are achieving compared to the previous legislation? In the previous legislation, it was - and I stress on the word it was - a mere filing. We make a declaration, as so many of us have done here in this House, we put it in an envelope, send it to the institution, that is, the ICAC and it is filed, full stop. What happens with that? Almost nothing until the next declaration is made at the end of the mandate or, like me if halfway down the road you are appointed Minister, then you have to make a fresh declaration. Otherwise, nothing happens with the declaration of assets. It is just there - filed. What has changed? One thing which has changed, it is made available to the public. This was not the case before although I must say some tend to forget, a number of assets are already publicly available. If you go to the Registrar General or you go to the NTA, it is public. The Declaration of Assets legislation before was never public. Now, it is being made public.

Now, some concerns have been expressed as to how will that be made public? Well, there is no need for a legislation to go in that detail. We already have and let me compare it with the existing provisions in the Prevention of Corruption Act where under section 83, if I am not mistaken, the Director General has power in the public interest to give certain information out to the public. He decides whether it is in the public interest and he makes it available to the public. How does he do that? He puts it on the website of the ICAC, that is the number of cases I have pending before the Court, the number of convictions, what I have done yesterday and this is my budget. We leave it to the wisdom of the Institution. If there is a specific request from someone, fair enough! They will reply to that specific request, otherwise, they will make it available to the public. This is plain English.

Second change that we are achieving with this legislation is that there are two regimes which are contemplated by the documentation of international organisations on declaration of assets legislation. The first regime is a mere filing and it is used only and only if there is some kind of an investigation later on or if there is an offence for tardy declaration or failure to declare. This is the second change that we are achieving in this legislation concerning the purpose of the declaration and that is to be found in section 9 - Power to monitor assets and liabilities. I quote -

“Notwithstanding any other enactment, ICAC shall monitor the assets and liabilities of any declarant (...)”

For which purpose?

“(...) for the purpose of detecting and investigating corruption and money laundering offences or illicit enrichment.”

This is the meaningful change. It is not a mere filing to be put in a drawer like some have suggested. It is an active monitoring for the purpose of detecting and investigating corruption and money laundering. I can already feel some perspiration in some quarters. This is the meaningful change. In some parties, they keep talking; in some parties we walk the talk.

(Interruptions)

I was not pinpointing anybody. If hon. Dr. Boolell feels the cap fits and he chooses to wear it that is up to him. I have no issue with hon. Dr. Boolell. This takes me to the institution concerned. The institution concerned is the ICAC. Unfortunately, Madam Speaker, the point has been made about ICAC having lost credibility and it is purely and simply a mudslinging exercise which some hon. Members have chosen to embark upon in this House, an institution which has no say in this House. And the same hon. Members are quick to raise objections when it suits some other purpose to say the institution concerned has no say in this House, so don't bring that institution in the debate. But for ICAC, they are so happy to bring ICAC in the House when ICAC has no say.

No one is the mouthpiece of ICAC here. It is an independent institution. How will that institution defend itself? Yet, the mudslinging goes on. Section 40 of the Standing Orders - everybody has forgotten about it - there is a Parliamentary Committee and I have to say it, maybe two years back, when I was the Chairman of the Parliamentary Committee, we had reached a stage where my learned friend, hon. Baloomoody, was part of it together with, I think, hon. Bhagwan and there was a third one.

(Interruptions)

Yes, hon. Dr. Joomaye. We had reached a stage when my colleagues from the Parliamentary Committee, the Members of the MMM, were saying the same thing about ICAC had lost credibility. That was being said in the Press. I am not revealing anything that was discussed in the Committee. That was being said in the Press that they were going to come forward with a motion of no-confidence against the then Director General. That was said in the newspapers. Of course, 'Weekend', where else? And, of course, I called for a meeting as Chairman and I said: 'Okay, come in, my learned friend Baloomoody.' It was a very tense meeting with lots of questions, but professional I must say. At the end of the questioning, after hearing and specially after reading all the documentation that was put forward by the

then Director General, I remember very well I looked at hon. Baloomoody and asked him: “Are you coming forward?”

Mr Baloomoody: Madam Speaker, on a point of order. What happened in that Select Committee is supposed to be confidential.

Mr Gobin: I am not giving the details.

Mr Baloomoody: No, the hon. Minister is giving the details. He is saying documents were produced, that he looked at the documents. He cannot do so. The parliamentary Committee is...

(Interruptions)

Mr Gobin: The point is taken, Madam Speaker.

Madam Speaker: Hon. Gobin, please! You said that you have taken the point because you cannot divulge information of what happened in a committee.

Mr Gobin: Certainly. The point is taken once again. But what had happened, there was no motion of no-confidence made against the then Director at the end of the meeting. That I can say. He did not make it. I like it when he smiles to me. Madam Speaker, this is what had happened. Well, later on, what followed? They chose to leave the Parliamentary Committee. He had the opportunity to put questions to that institution, he chose to leave. Okay, fair enough! That is his choice. Well, perhaps one of the reasons because he was appointed by the then Leader of Opposition who is now no longer the Leader of Opposition.

But there is a new Leader of Opposition. The law provides that the Leader of Opposition designates four Members of the House to sit in the Parliamentary Committee. Until today, the only Member of the Opposition is hon. Mohamed. He has chosen to remain there. I understand that he continues to put questions in the Committee - I understand, because I am no longer there. But the other three seats for the Opposition to be designated by the Leader of Opposition, they are still empty. *La politique de la chaise vide pour ensuite venir ici jeter de la boue sur cette même institution ? Il faut être responsable.* We are all leaders in this country, we should set the example. If he has got something to say against that institution, he should go to the institution, he should exercise his statutory power. The law provides it. Stop that! This is a message I say, especially to my learned friend, Adrien Duval, who is very young at the Bar. There are institutions, he can do it there, not here. In that

Committee - this is why the Parliamentary Committee was set up - the institution has a voice. The Director General can explain, can reply to questions.

Speaking of institutions, the Opposition seems to, wants to shop for institution: 'We don't want ICAC, we want MRA.' It is a commonality of purpose between my learned friend, Adrien Duval, and hon. Dr. Boolell. They both prefer MRA. I wonder why. I have an idea in my mind, but I am going to say that privately, not here.

My final point, Madam Speaker, is a very tiny but important piece of advice to all those who are concerned by this legislation, including ourselves, is that, please, bear in mind that you have 90 days after the commencement of this Act to make your declaration.

Thank you very much, Madam Speaker.

Madam Speaker: Hon. Uteem!

(3.52 p.m.)

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Madam Speaker, after four days of intense debate on the Constitution (Amendment) Bill with passionate speeches from both sides of the House, I am glad there is unanimity for this Bill.

This is the sign of a healthy democracy, a perfect example that consensus can be reached on issues of national importance. Madam Speaker, there is consensus because this Bill is a marked improvement on the existing Declaration of Assets Act. Of course, there is room for improvement but, at least, it is a step in the right direction.

Madam Speaker, as the hon. Members have reminded the House before me, it is the third Declaration of Assets Bill that is being debated before this House. The first Declaration of Asset Bill was debated in 1985 and hon. Anil Gayan reminded us that when the Bill was debated, the then Leader of the Opposition, hon. Paul Bérenger, referred to it as a complete eyewash and so it was. It was a complete eyewash. Why? Because the declaration of assets was not public. MPs were required to file a declaration of their assets and liabilities to the Clerk of the Legislative Assembly; that is how it was called - not National Assembly - Legislative Assembly.

The declaration could not be disclosed without either the consent of that MP or if required under the law, but a copy could be disclosed to the Prime Minister and the Leader of the Opposition. So, under the 1985 Declaration of Assets Act, the general public did not have access to the declaration of assets and could not, therefore, ascertain, whether MPs, Members

of Parliament were using their office for unlawfully enriching themselves. The MMM, back in those days, and still today, wanted total transparency and moved an amendment at Committee Stage for the declaration of assets to be published in the Government Gazette, an amendment which, of course, was rejected by the Government, then led by Anerood Jugnauth.

The Declaration of Assets Bill in July 1991, Madam Speaker, by sheer coincidence was debated in 1991, exactly after this House had rejected the Constitution (Amendment) Bill in 1991. So, what a coincidence. *L'histoire se répète 27 ans plus tard*. This Declaration of Assets Bill of 1991 was also an improvement, we have to say on the 1985 Act, because we acquired disclosure of the assets and liabilities of not only the MPs, but also of their spouse, their minor children and grandchildren. But, more importantly, perhaps, Madam Speaker, the Clerk was required to cause the declaration of assets to be laid before the Assembly in accordance with such direction as the Speaker may give.

In 2002, the Prevention of Corruption Act was voted and there was a consequential amendment, the word 'Clerk' was replaced by 'ICAC' so that hon. Members had to file their declaration of assets not with the Clerk of the National Assembly, but with ICAC. But these declaration of assets were never tabled in the National Assembly. So, rightly, in May 2011, the then Leader of the Opposition, hon. Bérenger, asked a PNQ to the hon. Prime Minister, Dr. Ramgoolam, to ascertain why was ICAC not tabling all these declaration of assets and the Prime Minister stated, and I quote –

“(...) consultations, I believe, with Mr Speaker are ongoing regarding the modalities and the specific circumstances that would warrant the issue of a direction from the Speaker.”

Obviously, the Leader of the Opposition was not happy with such a vagueness and he cornered the Prime Minister and said –

“Will, therefore, urgent amendments be brought to clarify the situation?”

And what did the then hon. Prime Minister, Dr. Ramgoolam, replied –

“Yes, I agree.”

And he went on to say –

“I think it should be a small amendment.”

That was in May 2011, the Prime Minister then saying that he is going to bring a minor amendment to make sure that ICAC will cause declaration of assets to be tabled before this National Assembly. But what, in fact, happened?

(Interruptions)

Madam Speaker: I would request the hon. Member whose phone has rung to go outside and I would request all hon. Members to switch off their mobile phones.

Mr Uteem: So, Madam Speaker, I was saying how the hon. Prime Minister, Dr. Ramgoolam, gives a commitment that he will be bringing a short amendment to ensure that ICAC would deposit all the declaration of assets before the National Assembly, but instead what happened?

Barely, five months later, we were debating a very important Bill, the Local Government Bill of 2011, in December. It was, I remember, a very thick Bill, 342 pages and buried under these 342 pages at section 165, Declaration of Assets was amended to repeal that very section which required ICAC to cause the declaration of assets to be tabled before the National Assembly. That was a small amendment. But, from this date, Madam Speaker, since 2011, as hon. Boissézon rightly reminded us.

Several times Members from this side of the House have been asking, not only the then Prime Minister, but also the Rt. hon. Minister Mentor when he was Prime Minister and, more recently, the current Prime Minister, when are we going to have transparency and make the declaration of assets public. So, I am glad that today the Bill before this House requires ICAC to make the declaration of assets public, except for certain exceptions, like cash in hand, balance abroad and jewellery. But, at least, it is a big improvement. I am also very glad that my friends from the Labour Party have agreed to support that public declaration of assets, unlike the former Prime Minister who was having an issue with privacy, that if you disclose your assets it will affect your privacy, which is a point not taken in this Bill. Because here in this Bill, there is a difference between MPs who have to declare their assets and make it public, and civil servants who do not have to make it public, it is filed only with ICAC.

Madam Speaker, I will not dwell long on ICAC, but only to say that there is a real perception out there, not only in this House, that ICAC is not performing. We spend hundreds of millions of rupees every year, we vote for the recurrent expenditure of ICAC, but then, what are their *bilans*, what is the result, how many high profile corruption cases have been tried in Mauritius, and the corrupts been sentenced to imprisonment. They only catch small

fries, Madam Speaker, and these days they are the laughingstock, not only of Mauritians, but of people around the world. I am sure that in video gags they all have seen this video clip of ICAC chasing on a motorway lorries. The primary duty of ICAC...

(Interruptions)

Yes, on the street, the suspect of alleged drug trafficking. The DCP, not the lorry! But, it is not the role of ICAC to be like ‘*Les flics de Miami*’, chasing around in cars. Yes, I agree that one of their functions is combating money laundering, but their primary function remains fighting corruption. I said that I will not be long on ICAC, but just to refute hon. Rutnah when he said that ICAC makes an inquiry on everything relating to the Government, but then, let ICAC come and tell us what happened to the Fact-Finding Committee report on Ms V. S., who is, I understand an office bearer of his party, *Mouvement Libérateur*. Where is the inquiry, where is ICAC? Where is the ICAC inquiry on the serious allegation made by Mr R. Goolfee on hon. Showkutally Soodhun? I understand that there is not one, but several declarations that have been made. Whether ICAC is doing its job or not is a different matter, but by simply remaining quiet, on *nourrit cette impression qu’aujourd’hui on a une ICAC qui est totalement partisane*. This is why, on this side of the House, we have raised scepticism about ICAC, but we do not have a choice. At the moment, it is ICAC which is responsible for fighting corruption, and frankly, they are the ones who should be receiving and monitoring the declarations of assets.

Madam Speaker, let us move on to who should make the declaration. We welcome the fact that the list of declarants has been increased to include holders of not only elected office, but also certain civil servants and advisors. Section 4 of the Bill requires the declaration of assets to include spouses and minor children. Now, Madam Speaker, bearing in mind that the people that we are targeting, the top civil servants, the CEOs they are of a certain age, even when we look at hon. Members of this august Assembly, how many of us – well, I do - have minor children? So, it would have been more appropriate if we had gone back to the situation as it is today, which is when you make a declaration, you make a declaration for yourself, for your spouse, for you minor children but also for your grandchildren. Because then, it is too easy, any assets that you acquire, you do not put it in your name, you put it in the names of your grandchildren. And also with respect to spouses - that is in the law of 1991. What is required in the law is, if you transfer assets, not if you have been receiving bribe. Do you really think that people who are corrupt are stupid? Do really think that someone who is corrupt is going to put the assets in his name and then transfer it to his grandchildren? Of

course not, he will make sure that the money is transferred directly to his grandchildren, the more so if the grandchildren are not in Mauritius, so that there is no trace, no one can find out. That is so obvious! And if you have to declare the assets of your grandchildren who are minors, then, at least, it would be a deterrent for people to try to move assets or ask people, the corrupt, to put the assets in the name of the grandchildren.

The other amendment that could have been brought, Madam Speaker, is in the definition of spouse. We are an evolving society, we have to realise that not all elected Members, not all declarants believe in marriage. Some have, what is called in England, common law spouses. In Mauritius, we call them conjugal partners. I am not inventing it. I am not talking about mistresses, boyfriends or what not, I am talking about a term that is defined in the Prevention of Corruption Act, conjugal partner. So, someone who, *au vu et au su de tout le monde vit comme mari et femme*. I think that just limiting ourselves to spouse will, in fact, ignore a lot of paramour which may not come under this decision of spouse. It is a good thing that the new law covers Chairpersons and CEOs of State-owned enterprises and statutory bodies, but I think - hon. Duval said so - maybe we should extend that also to fully owned subsidiaries of these bodies. An example in mind is the subsidiaries of CEB because the law was amended to provide that the CEB subsidiaries fall outside the purview of the public Procurement Act. The intention is there; it is a good intention that we are covering public bodies, enterprises, maybe, that should include also fully owned subsidiaries of these enterprises. Hon. Jahangeer referred to people sitting on Bid Evaluation Committees. I agree with him, although the hon. Attorney General says that already most of these people will fall under this purview. I think that there is no harm in clarifying the law and, of course, Madam Speaker, I don't expect the hon. Prime Minister to come today with an exhaustive list of all the declarants. I am glad that under Section 3(1)(i) in the definition of declarants, of those people who have a right to make declaration, there is a catch hole provision, "such other persons as may be prescribed". So, the hon. Prime Minister has the power of regulation with regard to persons who have to file a declaration and I am sure that he will give due consideration to eventually enlarge the people who have to make a declaration as and when required.

The next point, Madam Speaker, is with regard to what assets need to be disclosed. Again a welcome step, the list of assets is more comprehensive than what is in the 1981 Act currently. In fact, Madam Speaker, when the first Declaration of Assets Bill was being debated in 1985, the MMM, through hon. Paul Bérenger, had moved for an amendment, that

the assets should also include fixed deposit accounts. But in those days the Government was opposed to that disclosure and this is what hon. Anerood Jugnauth, as it was then, said –

“It will really be a burden to impose upon anybody the obligation to reveal all his bank transactions, income and expenditure from day to day.”

Quite a lame excuse! But I am glad that the new Prime Minister is taking a more avant-gardist interpretation on what needs to be disclosed, and so in the definition of assets we need to disclose not only cash in hand, but also any cash in bank accounts in Mauritius and abroad.

(Interruptions)

Yes, in those days we only had fixed deposit. Yes, time has changed. But then, again, I will bounce on that. If time has changed, then why are we limitatively defining assets? It would have been much better if we had ‘cash all’ provision, just like we had for the declarant. You know who has to make a declaration, so, if the assets - there is a list of assets, it is limitatively set out in the Bill. There are 8 types of assets. So, we could have a 9th category ‘or such other assets as may be prescribed’ so that the hon. Prime Minister, if he feels there are new assets that need - because times are changing - to be included, we do not have to come back to Parliament and have a new debate, a new amendment. By way of regulations he can amend it, because it is clear today under section 13 of the Bill – Regulation -

“(1) The Prime Minister may, for the purposes of this Act, make such regulations as he thinks fit.

(2) Any regulations made under subsection (1) may provide for –

(a) extending the application of this Act to such other category of persons or officers (...).”

But not to such category of assets! So, I think this is something that even at Committee Stage the hon. Prime Minister may consider moving to give himself the power, the flexibility of changing the assets because as he has rightly mentioned, today we live in an era of technology, of digital assets. And it is always too easy to get round this Bill by investing in crypto currencies, in e-wallet, in digital assets, in BitCoins. It is not feasible; it is not possible to imagine an exhausting list of assets. So, that is why I would urge the Prime Minister to give some consideration to the possibility of coming up with this ‘or such other assets as may be prescribed’.

And short of this, if we really want to cover all assets, then, why not have a generic term ‘or such other asset the value of which exceeds a certain amount’. It can be Rs1 m., it

can be more than R1, less than Rs1 m. but at least all the assets if, for example, you have paintings. If I decide to buy a painting which is worth Rs1 m., Rs2 m., Rs10 m., I do not have to declare it in this. So, what I do is I want to be corrupt and I just have to ask someone, instead of giving me money, giving me shares, just give me a painting, just give me a work of art. So, too easy to get round this, Madam Speaker!

Madam Speaker, there is one provision and I think this is a very serious problem with this Bill, and that is section 5 (2) (a). Section 5 (2) (a) provides, and I quote –

“(2) A declarant shall, in relation to a declaration made under section 4 –

(a) not be required to specify the value of any asset included in the declaration, except where such asset consists of cash;”

Now, I can see the rationale for not requiring someone to go and carry out evaluation of his assets. Especially if it is asset which is not in the market or something he has inherited. So, I can understand that genuinely, in good faith, the people who drafted, will come up with this language, had in mind to avoid the inconvenience, disproportionate inconvenience that may be caused to the declarant. But the unintended, I hope it is unintended, what is the unintended consequence of this Bill, Madam Speaker? The unintended consequence is today I have 100 shares of the company. My company is worth Rs100,000. So, I file a declaration to say that I have 100 shares in company X or partnership X or trust, whatever. Then being corrupt I tell the person who is giving bribe, instead of giving it to me to put it in the bank account of my company.

So, after my 5 years in office, when I file my declaration, I am still to write 100 shares of company X, Y, Z. But the value of that company has changed from 100,000 to maybe a couple of millions of rupees. *Trop facile!* And the people, the public who is going to look at it will not see anything. Now, if that company is stupid enough to invest in immovable property, then I can understand you will go to the Conservator of Mortgages, to the Registrar of Companies and you will find out what property has been acquired. But I do not underestimate corrupt people. I am sure that they will never put any asset in a name of a company whose accounts are disclosed and can be inspected at the Registrar of Companies. If they are bent into beating the system and engaging in illicit enrichment, what will they do? They will go to a jurisdiction which provides opacity about the company. Just like in Mauritius, whenever a foreigner sets up a global business company, the books and records of that business company is confidential. No one, not even one of us here who goes to the

Registrar of Companies can know what are the assets, liabilities, accounts of a private global business company in Mauritius? But Mauritius is not unique. This system exists all over the world. we do not have to travel far. We just go to Seychelles, create a company in Seychelles... We know that ICAC or anyone cannot go to Seychelles and find what asset that company has. In this way, we are just bypassing, *trop facile* Madam Speaker. *Trop facile* to get round this problem! And I have given the example of companies. What about trusts? We do not have mention of trusts here. What about trusts? Trusts do not even have to file accounts. Even domestic trusts in Mauritius do not have to file accounts. They do not have to file accounts. I am telling you because I know how the system works. I know how this system is. As I said, it is very unintended consequences. But it is so easy, too easy to get round this declaration of assets, and you would not be committing any offence. No offence, no false declaration of assets because your asset is still 100 shares because the law no longer requires you to disclose the value.

What is the situation today? The situation today, under the existing Declaration of Assets Act of 1991 which is the same as under the Declaration of Assets of 1985, requires every MP to file a new declaration whenever there is an increase or decrease in the value of his assets of more than Rs100,000. It does not matter which asset. It does not matter whether you have bought a car, you have an immovable property or you have acquired another asset.

The filing of the declaration is not linked to the type of assets you acquire. It is linked to the value of the asset because this is how you know. If someone is unjustly, unlawfully enriching himself, but today, *trop facile*, Madam Speaker! *Trop facile*, you do not have to declare that there has been an increase in your net asset worth. I have pointed only one example. There are many examples of where you could probably beat the system. So, one way of avoiding that, Madam Speaker, is to make it a requirement for all elected members, whether it is Councillor or MP, to file a declaration of asset, whenever the value of his assets exceeds any threshold. It used to be Rs100,000, if we want to it Rs1 m., if we want to put it Rs5 m., we can put it whatever figure we want but at least have a figure so that whenever someone's assets have increased, he is bound to file a new declaration of assets. That is the only way I can think of where the ICAC will be able to monitor that the wealth is rising and falling.

Madam Speaker, I gave one example of how he can beat the system. The truth is we cannot today envisage all the situations where a declarant can bypass this Bill. I have myself not had time to think about this Bill. We were more concerned about the Constitution

(Amendment) Bill. It is only last night that I started thinking about the weaknesses of this Bill.

In my humble opinion, Madam Speaker, the only way you can really have a deterrent is when you make it an offence and you increase the penalty. So, I am glad that this Bill increases the fine from Rs50,000 to Rs1 m. and the term of imprisonment from 2 years to 5 years. It is a good start, but I think we should have gone further.

Madam Speaker, that is the last point. If we go back 1985 when the Bill was before the House, the MMM, through hon. Bérénger, moved for an amendment. In those days, we just had the Commission of Inquiry report of Mr Goburdhun. He did a Commission of Enquiry on Allegation of Fraud and Corruption. The hon. Prime Minister, Sir Anerood Jugnauth, had said that he will implement all the recommendations of Goburdhun's Commission of Inquiry. So, at the first opportunity, hon. Bérénger, then Leader of the Opposition move for an amendment. He said: 'Are you prepared to implement the recommendation the Goburdhun Commission?' This is at paragraph 9 of the report, one of the recommendations and I quote, it is from Hansard -

“ I recommend that legislation be passed to make any minister or public servant guilty of corruption, if he or any person on his behalf is in possession or has at any time during the period of his office been in possession of assets and property not commensurate with his known source of income unless he satisfies the Tribunal set up by the Prime Minister that he has acquired all his assets and all property through legitimate means.”

We are in 1985. We do not even have the Prevention of Corruption Act of 2002. We do not have ICAC. Here, you have this gentleman recommending that we make of illicit enrichment a criminal offence. Of course, the Government of the day rejected that proposal.

Hon. Prime Minister, hon. Gayan and other hon. Members referred to the United Nations Convention against Corruption. Hon. Members and hon. Ministers are aware that Article 20 of the United Nations Convention against Corruption provides, and I quote –

‘Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a

public official that he or she cannot reasonably explain in relation to his or her lawful income.’

Just like what Mr Goburdhun recommended back in 1985, so, is this United Nations Convention recommending to make illicit enrichment a criminal offence? It is not just the United Nations Convention against Corruption, the African Union Convention on Preventing and Combating Corruption also recommends to make illicit enrichment a criminal offence. Article 8 of that Convention which is entitled: ‘Illicit Enrichment’, and I quote –

“Subject to the provisions of their domestic law, State Parties undertake to adopt necessary measures to establish under their laws an offence of illicit enrichment.”

Earlier this year, Madam Speaker, I sent a PQ. The hon. Prime Minister was not here and it is the hon. Deputy Prime Minister who was then Ag. Prime Minister replied. So, my question was very specific: ‘Is Mauritius intending to incorporate this illicit enrichment as a criminal offence in our laws?’ So that was a PQ which I sent on 17 April 2018. Hon. Collendavelloo stated, and I quote -

“It is not, therefore, proposed to criminalise the act of illicit enrichment in our law, hence our reservation on Article 8.”

Why is it not proposed to criminalise? He said, and I quote -

“However, doubts have been expressed on the constitutionality of such an eventual proposal.”

Madam Speaker, let us say it loud and clear. Even if we need to amend the Constitution, the MMM will support an amendment of the Constitution which would make illicit enrichment a criminal offence because the declarants cannot simply get away with it. They cannot be left off the hook. The hon. Attorney General mentioned the Good Governance and Integrity Reporting Act. Yes, we have made it a civil case for confiscation of unexplained wealth. If you are too rich, you cannot explain where you got this wealth; the agency can apply to a Judge in Chambers for an order to confiscate this wealth, but this is just a civil remedy. You are just taking away the proceeds of the crime, but you are not sanctioning him. You are not fining him. You are not putting him in prison. So, this is why, Madam Speaker, I think that the time has come for us to take a step further and criminalise illicit enrichment.

Madam Speaker, intervening on the first Declaration of Assets Bill in 1985, hon. Cassam Uteem referred to a credibility gap that has to be bridged to restore the confidence of the public in politicians. In those days, the impression among the youth was that Ministers and the political class were *zouissaire* and *voleur*. Unfortunately, as hon. Boissézou rightly conceded, not much has changed. The youth of this country still have a very bad impression of politicians, not all politicians, but probably most politicians. Today we talked about money politics – *met fort gagne fort*. All too often, Madam Speaker, politicians forget that they are here to serve the people, to serve the nation, to serve the country, not to serve themselves.

C'est pourquoi, Madame la présidente, j'espère que ce projet de loi servira de mise en garde à tous ces politiciens et fonctionnaires qui seraient tentés d'abuser de leur position. Espérons que ce projet de loi, Madame la présidente, aidera à redonner ses lettres de noblesse à la classe politique de ce pays.

Merci.

Madam Speaker: Hon. Prime Minister!

(4.27 p.m.)

The Prime Minister: Madam Speaker, let me first of all thank all the hon. Members from both sides of the House who have taken the floor and have contributed to the debate on this very important Bill. I am glad also to note that there has been a general consensus in the House regarding this Bill, which makes my task of summing up quite easy.

As I explained, Madam Speaker, in my Second Reading speech yesterday, the main object of this Bill is to make better and more comprehensive provisions for the declaration of assets by public officials. Through this Bill, we are fulfilling the pledge that we have made to the nation in 2014 during the electoral campaign, in our electoral manifesto and also in the Government Programme 2015/2019 because we promised that we are going to introduce a new asset declaration system for MNAs and for high-ranking public officers.

Madam Speaker, I must say that this Bill is neither intended to make everybody a potential suspect nor to label any categories of public official as being corrupt. The ultimate aim of this Bill is to create a new framework for asset declaration, to enhance transparency and public trust in our institutions.

Madam Speaker, an asset declaration system is one of the tools, amongst others, to fight corruption. But the one we had so far, that is, the existing Declaration of Assets Act 1991, had become almost totally ineffective and, therefore, it required a radical overhaul.

This is precisely what this Bill purports to do.

We are reviewing and revamping all the core dimensions of our asset declaration system. We have extended the scope of the assets to be declared. We have widened the coverage, that is, the categories of officials who will be required to declare and file a declaration. We are proposing a new and more effective mechanism for the disclosure of the declarations. Moreover, sanctions for breaches of the law have been toughened.

Madam Speaker, Members from the other side of the House have raised a number of questions and issues in regard to some aspects of the Bill. For example, why we have not widened further the breadth of disclosure; why not enlarge the scope of assets to be declared; why should the ICAC be the depository, and more importantly, on the disclosure rules that we have proposed.

I must say that most, if not all, of the issues that have been raised by Members have already been addressed by Members on this side of the House, I must say, in a very explicit manner.

But nevertheless, I would like, on my part, Madam Speaker, to take a few points.

Let me take the issue of public disclosure, which, in fact, is a fundamental aspect of any asset declaration system. I noted that several Members from the other side of the House spoke about this issue, including hon. Adrien Duval and hon. Ganoo. Hon. Ganoo also questioned why certain assets of MNAs will not be made public.

Let me repeat this argument. Granting public access to asset declaration information is indeed an important dimension of an asset declaration regime. Of course, one can always argue over alternative options and cite examples from other countries. But I think that the mechanism that we have proposed here takes into account the local context. It is well balanced and it will help to achieve the objectives of the new law - and I say this - without jeopardizing the safety and security of the declarants.

We live in a small country here. I must say everyone practically knows each other in this country. Therefore, this balance is more than necessary in a small democratic country like Mauritius, in order to protect the privacy rights of the declarants.

Madam Speaker, I must say that there has always been this concern about safety and security. The question was raised, as has been pointed out by the intervener before me, in

1985, when the Declaration of Assets Act was introduced for the first time in Mauritius. And I must say, it is quite unusual, when I was reading Hansard, that the then Speaker of the National Assembly had expressed his concern saying that, and I quote - I will only quote part of it.

“There might be a problem whereby the enjoyment of the private rights of any Honourable Member from whichever side might be abused.”

Well, the then Prime Minister had also raised similar apprehensions, which, I must say, were quite genuine and understandable. And as I said, times have changed also - yes. Over the years, Madam Speaker, such concerns for safety, security and privacy - although times have changed - have not subsided also and are still very much present in our society. That is why we have moved, we have progressed, but we have progressed in a balanced way. And I must say, in some quarters, people are also very wary because of the kind of media coverage that we have today also, when I say times have changed.

There are so many things that have changed, because information is relayed now instantaneously. And where public figures and politically exposed persons are subjected, we have to be careful. I believe that we have progressed, and I am happy to note that hon. Uteem said that we have made good progress, if I understood him well. But then, again, we shall be living and we shall be seeing how this law operates and, in time to come, if there is any need - whenever we take stock of what has happened - to improve it. The law should not remain eternally like that and I am sure, then, when we take stock, when we learn the lessons and when we see the loopholes also, we shall obviously come forward to make amendments.

But, Madam Speaker, when we make such laws, as I say, we must take into account the particular context in which the law will be applied, including also the unintended consequences. The concern for risks to security and the right to privacy are very legitimate and have to be adequately addressed. Admittedly, a greater degree of accountability is expected from elected officials. However, there is no compelling reason for public officials; why is it for public officials, including elected officials, should not benefit also from the same protective provisions from our Constitution? That is why I disagree with hon. Duval and, I think, hon. Ganoo also made the point as to why is it that we have disclosure for everything, complete disclosure. Can you imagine, with regard to bank accounts, how much money you have, although you do not want to hide anything? That is why you have to declare, but not to disclose to make it a matter of public debate, and for people to have maybe very bad

intentions, people with crooked minds, let me say, who might be tempted to do illegal acts also.

It should also be brought out that neither the United Nations Convention against Corruption nor the African Union Convention on Preventing and Combating Corruption imposes any obligation on State Parties to go for full public disclosure.

Madam Speaker, as I have explained yesterday, countries have adopted different approaches to address this issue. For example, in France, the content of the declarations of assets and the declarations of interest of the Members of the Government and Members of Parliament are made public. Declarations of interest of the French Members of the European Parliament and Mayors of big cities and towns are available on the website of the Depository. In addition, the declaration of assets of parliamentarians can be accessed in certain government buildings, but they are not also published on the Internet. The declarations of other public officials are not made public. Moreover, the following information from the declarations is not made public, that is –

- (i) the personal address of the person who is required to file the declaration, for obvious reasons;
- (ii) the names of the spouse, partner by civil union or common law spouse;
- (iii) the names of the other members of the family.

Madam Speaker, on the other hand, in Australia, the law requires Members of Parliament to disclose their financial interest, including other assets. In UK, the House of Commons has two distinct but interdependent mechanisms for the disclosure of the personal financial interest of its Members. They are –

- (i) the registration of interest in a register, as has been explained by hon. Gayan, and that is open for public inspection;
- (ii) the declaration of interest in the course of debate in the House also.

There is the Code of Conduct for Members of the House of Lords that sets out a similar two-fold system in place for the registration of interest of the Members of the upper House. There are no formal asset disclosure regulations for the Head of State or Civil Servants.

Madam Speaker, in regard to clause 7 of the Bill, hon. Bérenger was inquiring into the manner in which ICAC will disclose the declarations to the public.

Let me say that the declared information will be posted on the website of the ICAC and that the public will, therefore, be able to have access to the information through the Internet. This, I believe, is a better option than having the information to be gazetted as hon. Ganoo, I believe, was suggesting. A publication on websites is also a practice in many other countries like France, UK and the United States, where the information, obviously on declaration of interest is disclosed to the public through the Internet.

Madam Speaker, we also heard a lot of hue and cry over the fact that ICAC is being made the Depository. I would like to point out that both the OECD and the World Bank have advised countries, which are in the process of either designing a new asset declaration system or are replacing the existing ones, to take into account available resources, amongst other things. An asset declaration system is, first and foremost, a tool to combat corruption. Therefore, it is very logical and normal that ICAC would be the one to be the Depository because it is the main institution which is specialised in the fight against corruption. I must say - I don't want to, I mean, this argument has lengthily been made by hon. Etienne Sinatambou - that ICAC operates in an independent manner and is fully equipped to discharge its mandate. Because I have heard hon. Uteem saying: 'Well, there have been complaints against one person, supposedly to be a member of one Party, close to another one, and there have been other complaints.' In fact, I have not read the newspaper. I was just having a glimpse today. I saw the Rt. hon. Minister Mentor was looking at *Le Mauricien* and the first page, I think, if am not mistaken, I saw that somebody has been requested to come to give statement under warning; somebody who is, in fact, a member of my Party. Now, if we were dictating ICAC to do this and that, well, we would have dictated not to call a member of my Party.

So, ICAC is doing its work; we don't interfere in the work of ICAC. There are inquiries. I have answered questions, whereby the case that was referred by hon. Uteem has been referred to ICAC on the recommendation of the one who presided the Fact-Finding Committee, and this is being inquired. Now, what do you expect? Madam Speaker, let us be serious! And the hon. Member is a barrister, he knows, he has experience in those matters wherein inquiries are conducted. When the matter is referred, the inquiry starts, it does take time. But, of course, we shall judge whether the amount of time that is being taken for an inquiry to be completed is not so unreasonable – yes. But, otherwise, we can't just already prejudge that 'Ah, this is not being done, this is being done!' We have no control over ICAC.

So, let me, therefore, say that - in fact, I queried because I wanted to know - I am informed that ICAC has the necessary resources also to carry out the monitoring role. Because as the Attorney General has rightly pointed out, the whole process of declaring, let's say about the public disclosure - this is one thing - but even for public disclosure and for let's say the declaration of other assets, it won't just stay with ICAC like that. There is going to be a monitoring process. There is need for it, obviously. Whenever there is any information or any suspicion that somebody, let's say a declarant, is enriching himself and there is, at least, some information, some evidence, obviously, it will be the role of ICAC to do the monitoring process and eventually refer the matter to any competent authorities, which will investigate further and, again, eventually refer the matter when the inquiry is completed to the DPP, another independent institution.

Let me also repeat one argument which has been very ably put forward by hon. Gayan and hon. Sinatambou, I believe, that is, section 59 of the Prevention of Corruption Act, and that was mentioned by the hon. Attorney General. The Parliamentary Committee of ICAC has been vested with this monitoring role over the Commission. The Parliamentary Committee will, pursuant to section 61 of the Prevention of Corruption Act, monitor and review the manner in which the Commission fulfils its functions under the Act, including the manner in which the Commission will monitor the assets and liabilities of persons under the Declaration of Assets Act 2018. Here, it is clear. But, again, I fully agree with the Attorney General. Well, each one must assume his responsibility, each one of us must play our role also. When we are able to form part of a Committee, we must seize this opportunity and, therefore, make the institution and Committees work.

Let me take another point that was raised by hon. Ganoo regarding the scope of the assets which will have to be declared. I think he got it a bit wrong, I must say. I don't know, because we have been sitting every day, maybe every one of us is tired. But it is so obvious, Madam Speaker, when you look at the Bill, the definition of asset already includes securities - I don't know whether he is confused; securities including stocks, bonds and treasury bills or other units held in Mauritius or abroad. It does not mean 'securities means that'. It's securities, as defined under the Securities Act, including all these. The definition also includes assets held by a person for and on behalf of the declarant in the declarant's capacity as ultimate beneficiary, that is, the asset held by a "*prête nom*". He was saying that, well, you can use the name of somebody. We know that. This has been common in the past and that is why that is also covered.

Let me also clarify that clause 4 of the Bill does impose an obligation on the declarant to declare both his assets and liabilities. And again, I fail to understand how an experienced Member like hon. Ganoo, because he said why is it that it does not include his liabilities and that it should have been set out initially, maybe, in the first Section of that Bill. But, maybe he should have read the Explanatory Memorandum of the Bill itself. I do not want to read everything, but after mentioning all the persons, it says –

“2. Accordingly, the Bill –

(c) (...) who shall be required to make a declaration of their assets and liabilities (...).”

And there are the sections which deal with that.

Madam Speaker, in designing the new framework that we have proposed, we have obviously taken into account, amongst other things, the weaknesses and loopholes in our existing asset declaration system and the evolution of the anti-corruption framework and especially the available resources. We must always bear in mind that there are considerable costs that are involved in maintaining an asset declaration system. Designing an asset declaration system always entails some tradeoffs. And the tradeoffs means adopting an approach that –

- (i) limits the scope of coverage;
- (ii) targets high risks position, and
- (iii) also not to overstretch the capacity of the Depository.

That is why we believe in some countries they weigh the costs and the benefits of the different options. I must also say that there is no evidence of any correlation between breadth of coverage, on the one hand, and effectiveness on corruption prevention on the other. We agree that obligations on MNAs and ...

(Interruptions)

Madam Speaker: Yes, again! Whose phone is that? Out of respect for the dignity of the House, I would ask all hon. Members to switch off their mobile phones. I have asked so many times!

The Prime Minister: I was saying, Madam Speaker, we agree, however, that the obligations on Members of the National Assembly and the senior officials should be relatively heavy. So, admittedly, the question as to who should be required to declare his assets is linked, not to the ranks, but to decision making authority and managerial powers of the officials and the related risks of abuse of office and conflict of interest. And let me reassure the House, I think the hon. Attorney General has already responded to what hon. Jahangeer has said with regard to members of Bid Evaluation Committees. He is right, because they are the ones who are in a way, let's say, directly exposed and could be very tempted in a way. But at any rate, as we have put in the law, people who we believe, let's say, in time to come, we see that there are categories of people who are not covered, we can always, by way of regulations, make the necessary provisions.

As I say, we also believe that an asset declaration system should not lead to a heavy burden on a vast number of persons who are not public officials, because otherwise it will clog. It has amply been argued that it will clog the system. Obviously, it has taken us some time to finalise this Bill.

Let me say that we have been very thorough while examining all the core fundamental aspects of this Bill before it is being presented to the National Assembly, and I am confident that we have tried to plug any loopholes. Let me say again, it may not be a perfect Bill, but, in any case, there is no - when I read of what has happened in other jurisdictions also, in other countries - no single best practice that is designed, that will ensure every asset declaration outcome. Successful systems depend on factors that vary in the scope and intensity across countries. This is, therefore, the reason why there is no one-size-fits-all models which we can import, let us say, from the shelf. Each country has to grow its own system to fit its own context, taking into account the parameters I have mentioned earlier and also drawing inspiration from experiences from other jurisdictions. This is exactly what we have done, Madam Speaker.

So, the new asset declaration framework we have proposed in this Bill will surely become an important element in our anti-corruption efforts. It will certainly enhance the culture of integrity in the public service and will contribute to maintain the confidence of citizens in government institutions. It will also serve as a constant and effective reminder to public officials of the duty of accountability that comes with public office.

The point was made, and it is good that I do respond to that because it does not concern only this Bill. Just like the electoral reform, the Opposition had doubts whether we would come before this House with a Bill. We came with the Bill. Unfortunately, it has not been voted. They had doubts about whether we would be coming with a Declaration of Assets Bill. I don't know if they still have doubts whether we will be coming with the Financing of Political Parties Bill. But, Madam Speaker, let me say one thing, because hon. Béranger said that when he looked at my answers to previous PQs, it seems, the way that I answered, he had doubts whether we would come to the Assembly with a Declaration of Assets Bill. But let me clear one thing. I, for one, have always said that we are working on that Bill. But, until and unless we do not get a consensus within Government, I cannot give undertakings in this House. For example, they were already asking me, well, whether there is going to be public disclosure. How can I? Although I am Prime Minister, yes, although I have my own opinion, it is Cabinet which decides. And until and unless Cabinet has not taken a decision with regard to policy, with regard to what the Bill will include, how disclosure is going to be made, I could not have given any undertaking to this House. But when I say something, Madam Speaker - and people will see through time - when I say that we are working, we will be coming with the Bill, I don't know when, but we will be coming. I can assure this House, after the Constitution (Amendment) Bill, after this Declaration of Assets Bill, we are working, we have already rendered public the principles with regard to the financing of political parties. I hope there are going to be proposals, or counterproposals with regard to that. We have given a time period; I believe it is 14 January. So, by that time, we will be working, and I am pretty sure that we will be coming with the Bill before this House.

There are a few issues that have been raised by hon. Uteem. Let me respond to them quickly. Why is it that we have not included children of age, except when there has been a transfer or assets have been bought, immovable properties, for example, have been bought and given to children of age.

Well, we have to be...

(Interruptions)

Yes, grandchildren also, but children of age, first of all, and their children. No, but children of age and their children! Let's put it that way. Because if a declarant has a child of age and has grandchildren, and that child of age would be acquiring any assets, any properties and would

be giving to his or her minor children, why is it that those assets should be declared? That is his or her business, unless it is an asset which has been given or transferred by the declarant.

The way the hon. Member is speaking about this is, therefore, about a way we can *contourner la loi*. *C'est trop facile de contourner la loi!* Let me tell him that it is not *trop facile*; it is - there can be people who have, of course, crooked minds and would want to *contourner la loi*, but there are laws, there are institutions, and if such a thing happens, obviously - there must be at least some evidence - I can assure him that there will be an inquiry and if it is found out that this has happened, that person will be taken to task under the relevant law.

With regard to conjugal spouse, well, okay it is a fair point. But I do not think we can, right now, include that in our law, because where do we stop? Somebody living with somebody else! How do you know it is, in fact, like a spouse? We have seen; I do not want to go back to what has happened in the past. Well, we have had a case where girlfriends have been given so much in favour of, I do not know what, but I do not think - let's see how it works and let's see if there are people who are again *contourner la loi* and trying to do something which is not appropriate. But where there is any loophole, we shall see and then we shall correct.

The hon. Member also mentioned about subsidiaries like the case of CEB, but they are covered because they are State-owned companies. And then you mentioned something which we need to clarify. You said that why is it that we do not put a value on the asset that we are declaring, and then whenever there is any change in the value of that asset, you have to make a declaration. Madam Speaker, we have discussed a lot about this, we have thought a lot about this, and we would have put it probably in the law, but it is not practical. Can you imagine, the declarant would have had to monitor his assets every now and then and see what is the value today, how it has increased in days to come, how it has decreased also probably because they do not always increase. Value of shares, can you imagine! It keeps on going up and down. So, it is not practical. It is for practicability that we have not included it.

So, I hope I have responded to all those queries that have been raised but let me say that I am again happy that there is consensus. It is a big step forward and therefore I am done with the summing-up.

Thank you.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

The Declaration of Assets Bill (No. XXIII of 2018) was considered and agreed to.

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

Third Reading

On motion made and seconded, the Declaration of Assets Bill (No. XXIII of 2018) was read a third time and passed.

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

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

On resuming at 5.42 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Members, the Rt. hon. Minister Mentor has requested for permission to make a short statement out of turn. I have acceded to his request.

Hon. Minister Mentor!

STATEMENT BY MINISTER**COMMISSIONER OF POLICE – OVERSEAS MISSIONS**

The Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues (Sir Anerood Jugnauth): Madam Speaker, thank you for allowing me to make a short statement out of turn.

Further to my reply to PQ B/1163 given on 04 December 2018 concerning the overseas missions, conferences, seminars and workshops attended by the Commissioner of Police, I wish to bring to the attention of the House that Mr Mario Nobin also undertook a mission to USA where he attended the 23rd International Sea Power Symposium from 18 to 21 September 2018 (4 days) in New Port, Rhode Island. He further met the representatives of the US Department of Justice and Officers of International Affairs and took part in a document filtering exercise in Washington DC from 24 to 25 September 2018.

I am now tabling a complete list of the missions undertaken by the Commissioner of Police with the relevant details requested.

Thank you, Madam Speaker.

Second Reading

**THE ADDITIONAL REMUNERATION AND OTHER ALLOWANCES (2019) BILL
(NO. XXVI OF 2018)**

Order for Second Reading read.

The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callichurn): Madam Speaker, I move that the Additional Remuneration and Other Allowances (2019) Bill (No. XXVI of 2018) be read a second time.

Madam Speaker, the objective of the Additional Remuneration and Other Allowances Bill is to compensate workers for the loss of their purchasing power. The Bill provides for the payment of an additional remuneration to employees of the private sector and an allowance to other categories of employees.

Madam Speaker, this Government has maintained the long established tradition of tripartite meeting and has held meetings with representatives of trade unions and employers to discuss the additional remuneration payable for the year 2019. The consultations started on 22 November 2018 where I personally chaired a technical committee with the stakeholders. The hon. Prime Minister has, as in previous years, once again shown his personal commitment towards the different social partners of this country and has, in the spirit of social dialogue, chaired the Tripartite Committee on 06 December 2019.

Madam Speaker, both trade unions representatives and Business Mauritius have presented their arguments and submitted their proposals on the salary compensation for 2019. I wish to express my deep appreciation for their contributions and understanding of the present socio economic challenges and their support to Government's policy for the development of an inclusive economy.

Government took note of the concerns of the trade unions for a fair salary compensation and of Business Mauritius for a conducive environment for our enterprises to be competitive and resilient on the international fronts.

Madam Speaker, after taking into consideration the various challenges both at national and international levels, marked by the economic uncertainties surrounding the issue of Brexit and looming increase in prices of petroleum products and after balancing the interests of all stakeholders, Government has decided to grant a salary compensation of Rs400 across the board

in spite of the fact that the rate of inflation for the year 2018 is only 3.3%. This decision reflects Government's commitment to social justice. We have, thus, in the spirit of national solidarity, opted for the payment of an equity compensation rather than making a simple mathematical adjustment to inflation with a view to better protecting the weakest segment of the working population.

Madam Speaker, the provisions of this Bill are straight forward. As from 01 January 2019, every full time employee of the private sector shall, in addition to his accrual wage or salary earned, be paid an additional remuneration of Rs400 monthly. Part time employees drawing up to Rs10,000 per month are entitled to an increase of 4% and those drawing above Rs10,000 per month would be paid an additional remuneration of Rs400.

As regards the employees who are remunerated on a piece rate basis at the rates prescribed in the Cinema (Remuneration Order) Regulations, Tea Industry Workers (Remuneration Order) Regulations and the Bank Fishermen and Frigo-Workers Remuneration Regulations, the rates will be increased by 4%, but shall not be more than Rs400 per month.

Madam Speaker, the House will recall that in the context of the introduction of the national minimum wage, Government provided for the payment of a monthly special allowance of Rs500 for Non-Export Oriented Enterprises and Rs860 for Export Oriented Enterprises with a view to enhancing the living standards of these workers. I am pleased to state that this Government has maintained this special allowance for the year 2019. A new Additional Remuneration and Other Allowances (Payment of Allowance) Regulations is being prepared to this effect. Thus, as from January 2019, every full time worker in this country in employment prior to 01 January 2019 will be guaranteed a monthly income of not less than Rs9,400.

In addition, Madam Speaker, with a view to maintaining a reasonable level of wage relativity, the Regulations will provide that as from 2019 every full time employee who will take employment on or after 01 January 2019 be guaranteed a monthly income of Rs9,000. Thus every full time employee, other than an employee of an export-oriented enterprise who derives a monthly salary of Rs8,900 will be paid a monthly allowance of Rs100 and an employee of an export-oriented enterprise deriving a monthly salary of Rs8,540 be paid a monthly allowance of Rs460.

Madam Speaker, questions have been raised in some quarters about the Negative Income Tax. Here again, I would like to reassure the House and the workers in general that the Negative

Income Tax which was introduced in the Government's budget 2017-2018 and became effective as from 01 July 2017 will be maintained on its present terms.

All part time workers who work a minimum of 24 hours weekly over a period of 3 days will therefore continue to benefit from the payment of Negative Income Tax. As regards workers who are entitled to the special allowance under the Additional Remuneration and Other Allowances Regulations, they will be paid either the special allowance or the Negative Income Tax, whichever is the higher, subject to the amount of Negative Income Tax corresponding to their wage brackets.

Madam Speaker, I am pleased to inform the House that the Government has decided that as from this year, workers who are entitled to payment of a special allowance, will be paid a 13 month in December calculated on the basis of the payment of either the Special Allowance or the Negative Income Tax, whichever is the highest for that month.

These bold decisions of Government, Madam Speaker, have the merit to create a feel good factor among the working population of the country and have been welcomed, especially by the representatives of trade unions and associations of consumers.

Madam Speaker, 463,000 workers of both the Public and Private sectors will benefit from the payment of this salary compensation. The payment of salary compensation is indeed a legitimate social right and an important instrument of social justice and poverty alleviation. This Government considers that the best approach to improve purchasing power is to increase household income. From 2015 to 2019, under this Government, workers would have benefitted from an aggregate salary compensation of more than Rs1,800.

Madam Speaker, we have also ensured that our senior citizens and beneficiaries of social aids have been taken on board in this exercise. I wish to state that Government has decided to extend the full salary compensation of Rs400 to such categories. The Basic Retirement Pension will therefore be increased from Rs5, 810 to Rs6, 210 as from January 2019. This is a testimony of our gratitude to our senior citizens who fully deserve our consideration for their contribution to the economic development of the country.

Madam Speaker, our enterprises have shown a high level of resilience over the years and have successfully resisted the shocks of international economic downturns. Government is, nonetheless, conscious of the additional burden the salary compensation may have on enterprises. We are thus considering measures to provide a more conducive environment for enterprises to develop and remain competitive on both the domestic and international fronts.

Madam Speaker, It is to be noted that over and above the prescribed Additional Remuneration, some employers even pay an enhanced compensation which is to the credit of these enterprises. I would urge more enterprises to follow suit. However, in some cases, employers fail to comply with the law and every year workers report their grievances to my Ministry. Madam Speaker, provisions have been made in the Bill to cater for such cases and powers have been conferred on the supervising officer of my Ministry or any public officer authorised by him to enforce the provisions of this Bill.

Madam Speaker, I cannot conclude without reiterating the meaningful and constructive dialogue we had with the representatives of workers and employers and I thank them for that. Last but not least, I would like to highlight the sense of leadership of the hon. Prime Minister and Minister of Finance and Economic Development in the conduct of the Tripartite Committee and in the determination of a fair salary compensation for the benefits of all stakeholders.

With these words, Madam Speaker, I commend the Bill to the House.

Mr Gayan rose and seconded.

Madam Speaker: Hon. Baloomoody!

(5.55 p.m.)

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Madam Speaker. Madam Speaker, ever since 1972, since the Wages and Salary Special Increase Bill was enacted, it has become an annual feature for the Government to come forward with a Bill for Additional Remuneration in order to compensate the wage earners for the loss of their purchasing power due to the rate of inflation.

I have listened carefully to the hon. Minister. He said that in that law we made provision to punish those in the private sectors who refused to pay the salary compensation. In fact, it is unfortunate that 1972 to 2018, it is more than 35 years and we still have some members in the private sector who refuse to pay the compensation. It is good to read why that Bill was introduced 1972. I quote the then Minister of Labour, Dr. B. Ghurburrun, when he introduced the Bill -

“Generally speaking, the response of private employers to the Government appeal has not been positive and accordingly it has become necessary for Government to enact legislation with a view to compelling private firms to pay the 12% increase to their employees.”

That was in 1972 and, unfortunately, I still hear today the Minister of Labour that after so many years we still have in the private sector certain employers who still refuse to pay the compensation. As rightly pointed out by the hon. Minister, every year there is, at the end of each year, a Tripartite Meeting where the representatives of employers, Trade Unions and Government are present to discuss annual compensation. Traditionally, Trade Unions make their proposal, the private sectors will express their fears with regard to their ability to pay and finally, it will be for Government to conclude the final amount which would be accepted by the parties, but most often by the Union under protest.

So, the main question one asks every year is: “Does the annual wage compensation really compensate workers for their loss of purchasing power?” This is the question which is asked every year. Madam Speaker, according to the CSO, the rate of inflation this year is 3.3%. However, there is always disagreement between the private sector, that is, the employers and the Trade Unions on the true cost and the true rise in the cost of living in real life. On the Union side, the main arguments are that the Statistics Mauritius, and most especially the way the CPI is calculated, does not reflect what is happening in real life, the more so that the *panier ménagère* which is used by Statistics Mauritius for the calculation of inflation rate is far from the reality of real life.

Consumption pattern changes, Madam Speaker, price of commodities changes. What was a luxury before is a necessity today. I take just two examples, The van for *van l'école* today is a necessity for all the families, it is not in the basket. Bottled water, most of us now, especially when we have children, we give them bottled water to take to school because there is no good drinking water, no safe drinking water at school. Just two simple examples. But what were luxuries two or three years before is a necessity today. This is why there is that issue whether the rate of inflation as calculated by the Statistics Office, yearly reflects what is happening in real life.

There is also the question of *rattrapage*. Now, with the question of minimum wage, we have that issue of relativity, on which I will come later, in both the private and public sectors. And for the union, of course, it is an occasion to fight inequalities in general, most especially, in the private sector and, particularly, in the *zone franche*, an issue on which i will come later, when we come to the workers of the *zone franche*.

However, on the side of the employers, there is always that argument that compensation should not only take into account the rate of inflation but also productivity.

When it comes to productivity, we know the problem the workers face when it comes to payment on piece rate, where minimum wages, unfortunately, do not reflect the real productivity.

Madam Speaker, one issue which has been of great concern for the union and which allows the employers to make an abuse of the confusion in the definition is the definition of basic wages. In the Bill before us today, under clause 2 of the Bill –

“ ‘basic wage or salary’ –

(a) means -

(i) (...)”

I do not want to read it, it is long. Regarding (i), it is explained what is basic wage

“(ii) in relation to an employee, other than an employee of an export enterprise(...);

(iii) in relation to an employee of an export enterprise whose basic wage or salary is prescribed and which(...);

(iv) in relation to an employee in respect of whom no wage or salary is prescribed under any Remuneration Regulations(...);

(v) in every other case and subject to the payment of the national minimum wage under the National Minimum Wage Regulations 2017(...)”

We have five paragraphs of five or six lines to explain basic wage and this gives an opportunity for employers to make an abuse of the definition and do not respect the minimum wage as prescribed by the law. Why don't we have a simple definition like we have in the Employment Rights Act? Let us have in the labour market only one definition for salary and wages. In the Employment Rights Act, it states -

“ ‘basic wage or salary’, in relation to a worker, means -

(a) where the terms and conditions of employment of the worker are governed by Remuneration Regulations, an arbitral award or an agreement, whether oral or written, express or implied, the basic wage or salary prescribed in the Remuneration Regulations, award or agreement, or where the employer pays a

higher wage or salary, the higher wage or salary so paid, but does not include any allowance by any name called, and whether paid in cash or in kind;"

Simple definition, clear definition of basic wage and salary. But why is it every year in the annual Additional Remuneration, we have such a complicated definition? As I said, the employers who are more equipped to take professionals, to hire the services of professionals take advantage of this definition in order to do away with additional salary compensation and often with minimum wage.

So, I will invite the hon. Minister, probably not this time, but look again at the issue of definition basic wage or salary. Let us have a common definition for all the laws regarding industrial relations in all our labour law when it comes to work, compensation and salary.

So, in order not to create confliction, thus giving employers an excuse not to pay the minimum wage or the additional wage, I believe it is imperative that the definition of basic wage or salary of the Employment Rights Act replace the complicated definition found in the Additional Remuneration Act.

Now, we have the National Minimum Wage. Since 2018, all workers, with the exception of those working in an export oriented enterprise, are entitled to the National Minimum Wage of Rs8,140 over and above the wage compensation of Rs360 which was granted last year, making it a total sum of Rs8,500 plus the negative income tax of Rs500 from the MRA, bringing the monthly income to Rs9,000.

I would like to ask the hon. Minister, since the minimum wage does not apply to someone who work less than 20 hours a week, how many cases there have been where full-time workers have been converted into part-time workers by their employer in order to do away with minimum wage, thus not only penalising those now working less than 20 hours and they don't benefit from the MRA negative income tax Rs500 compensation? I know as a fact, there are many, many cases where full-time staff has been turned into part-time staff in order to do away, doing more or less the same job, telling them: 'You don't have to come five days a week now, come three days a week'. But the garden remains the same size, the number of rooms in the house to be cleaned remain the same size, but the job is being done in less than 20 hours, then depriving the workers of that minimum wage.

So, with the Bill today, if I understand the hon. Minister rightly, they will have Rs8,900 from the employers and Rs500 from the MRA, making a total of Rs9,400 and then the regulation will be reviewed, extended for the next year. But what does that mean, Madam

Speaker? The minimum wage will remain Rs8,140 as it does not take into account wage compensation. It does not take into account the wage compensation of last year. It does not take into account the wage compensation of this year. So, it will remain the minimum wage. When we voted the law for the Minimum Wage Council, the Council is supposed to review it every five years. So, it means that the Rs8,140 remain with us for five years and this becomes more complicated, and where it hurts most the workers, when we talk about the *zone franche*. Are you aware, Madam Speaker, that in the *zone franche*, overtime is being calculated and will continue to be calculated on a basic rate of Rs5,600 per month. It is a fact. I am sure the hon. Minister is aware of this. So, in the *zone franche*, whenever you do overtime, there is no question of minimum wage, there is no question of additional compensation, the overtime is being based on the basic sum of Rs5,600 per month. And God knows how much overtime there is in the free zone!

So, this is an issue which, of course, I will invite the hon. Minister to look into and to come to a solution. People in the *zone franche* are suffering; although we say that we have a minimum wage, they are not having a minimum wage, especially when their overtime is even calculated on the sum of Rs5,600.

Now, let us address the issue of relativity. When the hon. Minister was concluding the debate on the National Wage Consultative Council Bill in May 2016 – more than two years ago - he had this to say on relativity, I quote –

“Madam Speaker, it is obvious that the introduction of the National Minimum Wage will cause a wage relative distortion for some grades in both the private and public sector. For example, a worker reckoning lesser length of service may be drawing the same or higher wages than a worker in the same grade with longer length of service.”

It is a fact that with the introduction of a Minimum Wage, there is this issue of relativity. But where are we today with regard to the issue of relativity more than two and half years ago? There has been no progress at all on the issue of relativity and this is causing tremendous prejudice to thousands of workers, both in the private and public sectors. According to my information, the NRB has already submitted its recommendations to the Ministry months ago, but, up to today, no action has been taken. I hope the hon. Minister during his summing-up, will give us more details as to where matters stand with regard to that report of the NRB.

Further, with regard to the PRB, although the union has been asking for an interim urgent report with regard to relativity, nothing has come forward. But, we do hope, whenever

the NRB and the PRB recommendations will be put into practice, it will have retrospective effect. The workers cannot pay the price of the delay with regard to these institutions or with regard to the delay the Ministry took in taking a decision. It has to be retrospective effect, that is, as from the day the minimum wages come into operation.

Now, talking about salary compensation, what about the Remuneration Orders? I am made to understand that following the introduction of the Minimum Wage, there are only 14 Remuneration Orders which have been revisited since 2016, and this only with regard to salary. Up to now, they are still waiting for the recommendations with regard to the Conditions of Service which have not been reviewed. Only 14 have been reviewed with regard to salary, but not with regard to the Conditions of Service. There are, at least, five Remuneration Orders where submissions have been completed for more than a year now, and still, no publication of the new Remuneration Orders. And the five main ones are those most probably *au bas de l'échelle*, where there is more abuse. We have heard many times in this House about these workers, in particular those who are in the construction industry. No new Remuneration Orders! Security Guards! God knows the urgency with regard to the Security Guards where we know the number of abuses there are. Those who are in the Public Accounts Committee know. Whenever we effect site visits, we could see people over 75, 80 years being employed on a meagre salary of Rs5,000 to Rs6,000, and when they call these companies for submission, they charge Rs1,300-Rs1,400 per watchman. I am sure all of us must have seen this, be it at the Government school, be it at a *dispensaire*, the age of these people, the abuse there are with regard to Security Guards, and they are still waiting for their Remuneration Orders. Again, the Child Care Sector which is an important sector, still no remuneration order! Pre-primary schools, where people were earning only Rs1,500! The Government took a decision to regularise the salary, but what about the other conditions of work. Up to now, there is no remuneration order for these workers. We just voted a Bill on Special Education Needs School. The submission has been done more than a year at the NRB, still no remuneration orders. So, I think it is time; there is an urgent need now. If we want to move forward, if want every person to be on the bandwagon of having a better life, benefit from a better condition of work, we need to review the NRB. I am not blaming those at the NRB, probably they are understaffed or they do not have sufficient experts. It is not correct to have submissions made more than two years ago, and still we do not have the publication of the NRB. So, I invite the hon. Minister to look into the matter again.

We are talking about conditions of work again. The PRB Report 2016 stated clearly that Police Officer, Prison Officers, and Fire Brigade Officers have to be paid a performance bonus every year. Why is it that since 2016, these officers have not been paid any performance bonus? Why is it that the Government itself is not complying with the recommendations of the PRB? Since 2016 they should have been paid a yearly performance bonus. Nothing has been paid to the Prisons Officers, the Fire Brigade Officers and Police Officers! Why? I hope the hon. Minister, in his summing-up, will give us the reason because 13,000 Police Officers and Prison Officers – I don't know how many they are - are waiting since 2016 for their performance allowance.

The hon. Minister of Health is not here. Why it is that Attendants working at the Jeetoo Hospital have not been paid their overtime for the last 16 months? Why only those working at Jeetoo Hospital? I just confirmed it - hon. Gayan is looking at me, I don't know whether he is saying yes or no.

(Interruptions)

For 16 months they have not been paid; I have just confirmed it with one Attendant before coming here at noon. Why Jeetoo Hospital? They worked on public holidays, their overtime and extra allowance have not been paid for 16 months! The Union has been after – I don't know if it happens only in Jeetoo Hospital. According to my information, at Victoria Hospital, at Sir Seewoosagur Ramgoolam National Hospital in the north, they are all being paid, but not at Jeetoo Hospital - hon. Dr. Husnoo is not here.

Salaries and compensations! We have to ensure that everyone benefits his dues. We have to ensure that the institutions respect the law, especially Government, which should set the example by respecting the recommendations of the PRB with regard to the performance allowance to these officers.

Madam Speaker, let me conclude by making an appeal to Government, through the hon. Minister. In the public sector, and most especially in these Parastatal Bodies where there are political appointees. Certain Boards have political appointees. Officials of Trade Unions are constantly being harassed and unfairly penalised. I have in mind, Madam Speaker, the Police Officers' Union. We all know how the president is constantly being harassed. Two days ago, he had to make a complaint at the CID.

The Prison Officers Union, can you imagine, be it the Police or the Prison officers, at no time since the creation of the Police Officers' Union and with this Commissioner of

Prisons, they have never sat on the same table to talk about industrial relations, about the fate of the workers. Mr Nobin and the one in the Prison, what is his name?

Madam Speaker: Hon. Baloomoody, this is another matter.

Mr Baloomoody: Mr Appadoo!

Madam Speaker: This is another matter.

Mr Baloomoody: It has to do with industrial wages. The hon. Minister, when he concluded, he thanked all the unions for collaborating with regard to the minimum wage.

Madam Speaker: Yes, the unions...

Mr Baloomoody: It is not another matter. But we have to give the Unions their due. They have to be able to function. In the Post Office, the Irrigation Authority, the casinos, we all know what the situation is with regard to industrial relations. So, may I appeal to the hon. Minister, to Government to see to it that in all the institutions at least we have to encourage trade unions, we have to give them their due care and attention for them to function so that we can benefit from their experience when it comes to tripartite meeting. I am done, Madam Speaker.

Thank you.

Madam Speaker: Hon. Benydin!

(6.20 p.m.)

Mr T. Benydin (First Member for La Caverne & Phoenix): Thank you, Madam Speaker. I would like at the very first instance to congratulate the hon. Prime Minister and the Minister of Labour as well as other Ministers who represented Government during the tripartite negotiations which took place on 06 December last.

With regard to salary compensation to be paid to workers, this meeting was held as a result of loss sustained in view of the rise in the cost of living. The Additional Remuneration and Other Allowances Bill., as the name itself implies, is meant to provide for payment of additional remuneration to employees of the private sector as well as an allowance to certain categories of employees.

Madam Speaker, as in the previous years, the hon. Prime Minister, who is a firm believer of fruitful social dialogue, allowed discussions to take place in a climate which honours tripartism as this forum constitutes a fundamental mechanism and an important pillar

of participatory democracy. Tripartite and social dialogue in fact can play an important role in building trust and consensus.

Madam Speaker, given the trade union landscape in Mauritius, which is deeply rooted in pluralism, it is great to note hon. Prime Minister that again this year you were successful in reconciling various divergent views and proposals and to arrive at an acceptable compromise. As a former trade unionist, I, once again, would like to stress that I would have liked to be on the bench of my trade union colleagues who have left no stone unturned to promote the socio-economic rights of workers in our country.

Hon. Prime Minister, your spirit of openness and fair play has no doubt forged a smart partnership with the social partners to pursue Government's policy of ushering more social justice and to enable an average family to meet basic needs and to live a decent life.

Madam Speaker, the grant of the salary compensation is meant to allow workers and their families to maintain a good standard of living, particularly those at the lowest rung of the ladder. Through results of this tripartite exercise, Government has clearly indicated that labour is a most valuable component and that a decent remuneration policy is at the core of economic, trade, financial and social policies.

Madam Speaker, remuneration as well as other aspects of working conditions have a direct and tangible impact on the daily lives of workers. The original Constitution of the International Labour Organisation (ILO) which was established in 1919 referred to the provision of an adequate living wage as -

“One of the improvements urgently required to promote universal peace and to combat social unrest, hardship and privation affecting large number of people.”

The ILO, since its inception, also advocated of a policy of a minimum living wage to all workers to ensure a just share of the fruits of progress. The application of a National Minimum Wage in Mauritius since last year is therefore in consonance with this sacrosanct principle of the ILO and, at the same time, to allow workers to move out of poverty.

Madam Speaker, after the announcement of the salary compensation of Rs400, the *microtrottoir* carried out by some Press and namely reactions of trade unionists confirm the feel good factor of our society. For example, my colleague, Narendranath Gopee, who succeeded me as President of the Federation of Civil Service and other Unions declared in a Press article today in *Le Defi Economie* that –

« On a eu droit qu'à R 400. Toutefois, il reconnaît que cette somme est plus raisonnable que le R 268 proposé par le patronat. »

Mon autre collègue, Radhakrishna Sadien, Président de la GSEA, toujours dans l'Édition du *Défi économie* d'aujourd'hui à une question : « *Etes-vous satisfait ?* », il répond, je cite –

« Oui, cette compensation salariale va alléger un peu la souffrance des mauriciens. »

Et il va plus loin et il dit, je cite -

“Le gouvernement a fait un effort et c'est un élan de solidarité.”

Je crois que mes collègues syndicalistes n'ont pas voulu confondre la politique salariale du pays avec la compensation salariale, car nous-mêmes nous allons négocier, nous savons que les employeurs, par exemple, vont nous dire qu'il ne faut pas octroyer une augmentation salariale. Nous avons toujours dit, et les syndicalistes le disent aussi aujourd'hui, il ne faut pas confondre parce que la compensation salariale est liée avec l'augmentation, avec le taux d'inflation, le coût de la vie. C'est là, c'est un argument. Bien que les points qui ont été soulevés par l'honorable Baloomoody, je crois que lui il a voulu élargir le débat comme le PRB. Moi je sais, j'ai vécu beaucoup des négociations au sein du PRB et je connais aussi, en tant que Président de la *National Trade Union Confederation* les autres aspects concernant le secteur privé. Nous savons qu'il y a des problèmes sinon les syndicats n'existeront pas, même le ministère du travail allait disparaître. Donc, il y a des problèmes et nous sommes là en tant que gouvernement, le ministre du travail est là pour régler ces problèmes. Et il le fait très bien. Pendant l'espace de 4 ans, quel gouvernement a fait autant ? Moi-même j'ai combattu, j'ai fait 35 ans, même dans le mouvement international, 35 ans on a attendu un salaire minimum, on n'a pas eu. C'est grâce à ce gouvernement qu'on a eu le *National Minimum Wage*. Dans quel pays - vous allez dire, quand moi j'étais parti avec mes amis et d'autres députés, dont l'honorable Madame Monty et d'autres camarades, et quand on parle avec les honorables Membres, parfois ils m'appellent le syndicaliste, parce qu'ils me connaissaient, parce que j'ai travaillé au niveau international. Ils sont un peu surpris, ils disent : « Qu'est-ce que c'est que le *Negative Income Tax* ? » Quand je leur dis que le bureau de l'impôt rembourse, il donne ; au lieu de prendre de nos poches, il retire de sa poche pour payer les travailleurs. Est-ce que ce n'est pas un aspect positif ?

(Interruptions)

Il faut être positif. C'est positif pour le pays.

C'est positif pour les travailleurs. Ce n'est pas fini. J'ai vu que le ministre du travail est à l'écoute des travailleurs. Mon ami, Reaz Chuttoo de la CTSP qui parle plusieurs fois du *portable pension*. Je crois que le gouvernement est en train de travailler cela, mais il faut nous donner du temps parce qu'à l'île Maurice, on travaille d'après l'esprit incarné par le Bureau International du Travail, le tripartisme. Il faut le consensus. Donc, il faut travailler en concert avec tous les partenaires sociaux. C'est pourquoi que parfois cela prend du temps, mais le travail va se faire.

Je continue, Madame la présidente, sur les réactions du micro-trottoir, toujours publiées dans *Le Défi Economie* de ce matin. Un receveur d'autobus qui dit -

« Le montant de R 400 proposé par le gouvernement est correct comparé ce qui a été proposé l'année dernière. »

Donc, il apprécie. Une autre employée d'une entreprise privée, je ne vais pas citer le nom de l'entreprise, qui dit -

« Je suis plus ou moins satisfaite du montant accordé. »

Madam Speaker, we should not forget that in year 2007 when the rate of inflation was 8.8%, salary compensation paid to workers were how much? Who knows? A mere pittance of Rs135! We should not forget it was together with the deprivation of bread that was distributed at that time to primary schools children. Compare and then you will see what progress we have achieved towards social justice and making people live a better life. So, these are some of the examples I would like to give because we suffered a lot. We had demonstrations on the street to fight these injustices, but today, I think things are changing for the better.

With this Government, last year, inflation rate was 3.6% and salary compensation was Rs360. This year, the salary compensation is 3.3% and salary compensation is Rs400 without forgetting the adjustments that will be made to all beneficiaries of the social aids like, for example, Basic Retirement Pension, which will be increased from Rs5,810 to Rs6,210. When I went to the market on Saturday last, the first reaction of people was: 'I am sure that it will increase further again'. They have trust in the Prime Minister. He wants to share the fruit of economic progress with the people of this country, with the senior citizens, as some have said, who have toiled very hard to make this country prosper. So, we recognise that. Therefore, it is an indisputable fact that payment of an adequate salary compensation contributes to the improvement of the quality of life of our fellow citizens.

Madam Speaker, I can assure you that it has been arguably agreed that providing benefits and financial compensation contribute to increase motivation and productivity at the workplace. Employers should understand that the more compensation offered yield better results with job satisfaction. The decent work agenda, namely production of workers at work, employment promotion, social protection and social dialogue sum up the aspiration of individuals in their working life. A basic set of essential social transfers in cash or in kind constitute a social protection floor to provide adequate income security to the people. In this respect, the adjustment that will be made, as I said earlier, to pensioners, our senior citizens, is a positive step to reinforce their well-being.

Madam Speaker, I will fail in my endeavours if I do not mention other benefits that are being maintained and strengthened to improve the lifestyle of our citizens, mostly the preservation and consolidation of the Welfare State. Against all odds, it is encouraging that this Government is maintaining free health care and services, free education, universal old age pension, social aid granted to impaired persons and persons with disabilities irrespective of age as opposed to previous policies, free transport facilities for students and elderly, low-cost housing and also as it has been mentioned earlier the negative income tax among others. This list can be longer. However, Madam Speaker, I would like to conclude that the betterment of our society does not rest only with Government, but also with all other stakeholders and, in particular, public and private businesses. It is also the responsibility of employers that alongside with the payment of financial compensation, they should also improve on fringe benefits to provide nonmonetary incentives like health care assistance, insurance policies to employees and their families.

Madam Speaker, the potential benefits of the salary compensation for the economy and society are undeniable. The State will continue to play a major role in ensuring that bargaining on purchasing power of workers is successful. It will always provide to the social partners good quality and up-to-date information and statistics so that bargaining by both employers and workers is conducted on the basis of accurate data.

To this end, I would like to quote from late Willy Brandt, former Chancellor of the Federal Republic of Germany, I quote –

“Development is more than the passage from poor to rich. It carries with it not only the idea of economic betterment, but also of greater human dignity, security, justice and equity.”

With this optimistic note, I would like to thank the House for allowing me to intervene on such an important Bill.

Thank you, Madam Speaker.

Madam Speaker: Hon. Ms Sewocksingh!

(6.37 p.m.)

Ms M. Sewocksingh (Third Member for Curepipe & Midlands): Thank you, Madam Speaker. Madam Speaker, at the very outset, I would like to say that I will be relatively brief on this Bill as I would like to focus on only one point, that is, the SMEs in relation to this Bill.

Madam Speaker, every end of year, the Government has to come for the reduction of the purchasing power of the citizens of Mauritius. It is an exercise carried out in every country of the world subject to inflation rate. This exercise is mandatory and has been done by all Governments every year and has, therefore, nothing exceptional today.

Madam Speaker, I strongly agree that we should ensure that each and every citizen in this country lives decently and is not left behind. It is clear that we are not disputing the salary compensation; however, we ought to address a genuine fear which is shared among SMEs.

Madam Speaker, as I said, I am intervening on this Bill because I am very much concerned about Small and Medium Enterprises being myself an entrepreneur. The fear of the SMEs is that the increasing burden of payment of salaries without giving them anything may lead to a situation that is untenable for them because while we are asking them to dig deeper in their pockets, they feel that not enough is being given to them in return, Madam Speaker. Why do I say that? In the recent years, the economy has slowly taken a downward turn, therefore, the market is not expanding, demand as well and yet expenses are always on the rise.

After so long, it is starting to take a serious toll on our SME sector. If we think of it like a cake, what we are doing now is reducing the slice of the cake for everybody and obviously they are going to be unhappy. Well, if we had as promised created an economic miracle thereby increasing the size of the cake altogether including SMEs, we will be happier to pay whatever amount being asked. What I also mean, Madam Speaker, is that as anybody

in Mauritius realises that if we cannot pay a decent salary, then they might as well not employ.

Madam Speaker, when we think about our economy today, we must say that many of our export and manufacturing sectors are not doing so well and the main focus of both Government and private sectors are on the construction sector. If today our economy is relatively stagnant and not crumbling down, it is because of enormous investments made in this sector. But, Madam Speaker, at what cost are we mortgaging the future of this country as all these are financed through loans which adds a lot of strain on our economic. What we need to realise is that the benefits brought by the investment sector is short term and that it will wear off sooner or later.

Madam Speaker, another fear of the SMEs is the advanced technology which will have an increasing impact on the job markets in the years to come which may lead to the redundancy in the number of jobs that are still in relevance today. We need to recognise that major ...

Madam Speaker: Hon. Ms Sewocksingh, I am sorry to interrupt you. I have given latitude to all Members to broaden the debate, but where you are going, I don't think that it has any relevance whatsoever to the Additional Remuneration Bill. Please, can you come back to the essence of the Bill?

Ms Sewocksingh: Thank you, Madam Speaker. I said it at the very beginning of my speech that I will give my point of view on this Bill related to the SMEs because SMEs are concerned about the Additional Remuneration. They ought to pay compensation; that is why I am just giving a brief. Madam Speaker, I will not take too much time, so, I will continue.

Madam Speaker: Yes, but where you can intervene is if you say that it is difficult for the SMEs to pay, then you just justify why it is difficult for them to pay and whether they will be able to pay the additional remuneration or not. But you go cannot go into the decisions of SMEs, into the policies of SMEs, into the policies of Government for SMEs. This is completely out of tune.

Ms Sewocksingh: Okay, Madam Speaker, thank you. Anyway, Madam Speaker, as I said we need to recognise the major role that the SMEs play and will increasingly play in building this country and taking it to the next level of the economy. Therefore, Madam Speaker, then, I will have no other way than to conclude. I make a plea to the Government

that it focusses its policy and energy on further democratising and putting its money where it is absolutely necessary to strengthen the SME sector.

Access to financing never presents problem and now with this Additional Remuneration come an increase in expenses. Madam Speaker, I wanted to contribute in this debate and I wanted to share my concern and that of the SMEs who are like me, in my situation. On an ending note, Madam Speaker, I wish to say that I and the PMSD totally agree with the need to ensure a decent living by giving an additional remuneration especially for families on lower scale. I made my point Madam Speaker, thank you.

Madam Speaker: Hon. Prime Minister!

(6.43 p.m.)

The Prime Minister: Thank you, Madam Speaker. Let me, first of all, congratulate my colleague, the hon. Minister of Labour, Industrial Relations, Employment and Training on bringing the Additional Remuneration and Other Allowances (2019) Bill.

Madam Speaker, it is no coincidence that this year again we have had a successful Tripartite Committee Meeting. And let me also say that I have never failed in my duty as Minister of Finance to preside over the Tripartite Meeting. Never! And this year, I must say I am a very happy man. I will tell you why, because of the outcome of this Tripartite Meeting. I was not alone; the Deputy Prime Minister was there, of course, the Minister of Labour and other colleagues also on Government side. And those who have been involved in Tripartite Meetings or for that matter, not only Tripartite Meetings, but whenever there are meetings involving the representatives of the trade unions and the representatives of the employers, one can imagine the diverging views that are normally expressed, and specifically when we are talking about salary compensation because there, we are focusing on a question of quantum.

I must say I am surprised to have listened to the remark of hon. Baloomoody. When I look on the other side, I can recall hon. Bhagwan and hon. Baloomoody, we have been in the Government of 2000/2005. And hon. Bhagwan will definitely recall how many times have we not heard the argument that hon. Baloomoody has put before this House from members of the Trade Unions. This is not new, this has been ongoing and I would not dwell into the replies that we have been making when we have been in Government. Hon. Bérenger was Minister of Finance and I can recall also *l'agressivité des syndicalistes à cette époque*.

Ils faisaient leur point, mais à tel point que justement l'honorable Bérenger était exaspéré pendant une réunion et a même dit que je ne vais plus présider au comité tripartite,

et par la suite c'est l'honorable Khushiram qui avait pris la relève. What I want to say is the point that is being made by hon. Baloomoody. These were the same points that were being made by the representatives of the Trade Unions, and this has been ongoing, they are still being made today also. But then, where I say we should not because when we are in Government we have one stand and when we are in the Opposition we have a different stand.

This is the calculation. I am told that the basket of goods and services have been recently updated by Statistics Mauritius following the recent household survey in 2017. There is a way of calculating this CPI. Hon. Benydin was very right, he has experience in that and there is a way, there is a methodology which is not invented here, by Mauritius, but which we copy from ILO and from International Organisations whereby we look at what is required to be put in what we call the basket. And it is updated, let us say, every certain number of years, because obviously things that were not essential in the past have become essential today. And that is why this calculation is done and this calculation is scientifically done. It is agreed, in fact, I can tell you, we have been discussing with the trade unionists, they might be saying: 'Yes, it doesn't reflect this'. At the end of the day, that Technical Committee which was presided by the hon. Minister of Labour, we agreed on the rate of inflation. I must say that, at least, my personal experience, so far - and I say so far - we have been involved and been engaging a lot with the trade unionists for the minimum wage.

I presided over the Tripartite last year and this year again, and I must say *et je salue l'approche, l'attitude des syndicalistes*. I must say they have been realistic, they have been fair also. Of course, their demand was high, has always been and will always be, but we discussed with them, we talked to them, we explained the situation. You know, when we made a first proposal and then they made a counterproposal, I must say I was very pleased to see the counterproposal was a realistic figure. But, of course, we could not agree because we have to look at the situation with regard to the enterprises and including the SMEs, as hon. Sewocksingh is saying. And then, Government, what is our role?

Our role, in fact, is a balancing act to try to see to it that we give as much compensation as we can so that the life of the workers, I mean, I would say, with regard to the rate of inflation, the workers are compensated as much as we can, even more than what is the rate of compensation in this case, but, at the same time, we don't jeopardise the very life of enterprises. And, therefore, I must express my gratitude, my thanks for the understanding of the trade unionists who have mentioned how they have made public statements to say generally that they are satisfied.

I must also express my gratitude to the representatives of the employers because we had asked, we had requested them to make a special effort and true it is the point that you have raised about the SMEs, because, you know, Madam Speaker, not all the companies, not all the enterprises are in the same situation. In fact, there are those who would have paid much more than Rs400, as they can pay much more than that. There are others, they will obviously be paying the Rs400, but there are others for whom maybe it is difficult to pay the Rs400. But we have also been discussing with the representatives of the employers and I must say that, on a whole, there has been consensus, and that is why I say I am happy. I must say also why is it that we, Government, have always believed and we will still believe in this exercise? Because it is a very good mechanism in the Mauritian context to ensure that inflation would not reduce the purchasing power of workers. This compensation is, in fact, an important condition for ensuring that we maintain social harmony in our country.

And it is worth noting, Madam Speaker, that we have not only compensated workers at the lower end of the wage scale for loss of their purchasing power, but we have also offered them more than what the inflation rate would suggest. Thus, we have, in fact, boosted the purchasing power of workers. We did more than just maintaining workers' purchasing power.

A compensation of Rs400 that is awarded to an employee earning Rs9,000. In fact, it amounts to an increase of 4.44%, when we know that the rate of inflation is estimated at 3.3%.

In fact, ever since this Government has come to power, we have been awarding a uniform compensation across the board. And obviously, what does this mean? For those who are at the very low end of their salary scale, it means that the percentage of compensation is higher than the rate of inflation. And here, we have some 463,000 employees who will benefit from the salary compensation and, most importantly, as I say, 218,000 employees will benefit from a higher compensation than the inflation rate. This means that their purchasing power will increase in real terms. And obviously, such a policy will have a redistributive effect. In other words, it should help to close the inequality gap. And it does! And we have been working, and we are monitoring the official figures that show the disparity between the rich and the poor. For the first time, Madam Speaker, in 15 years, there is an improvement in the GINI-coefficient which, as I say, measures income inequality. The GINI-coefficient went down from 0.414 in 2012 to 0.40 in 2017. And you will remember that in the past, this gap has, in fact, been increasing at an alarming rate before we came to power.

Another social indicator, which is looking very good also, is the rate of unemployment, it is on a downward trend. I am not saying that we are happy, that we are contented with the actual rate, but the trend is there, it is decreasing year by year and we shall do everything to keep it on a decreasing trend.

Again, as I say, the outcome of the Tripartite meeting this year is, indeed, in the best interest of the country. And I appeal, I seize this occasion also - I did it during that meeting - but I seize this opportunity for those enterprises which can afford to give a better salary compensation, of course, we appeal to them to do so.

In terms of what will be ejected in the economy, the income of workers will increase by Rs2.4 billion in 2019, Rs540 m. for the public sector and Rs1.8 billion for private sector employees. Therefore, Madam Speaker, I am confident that with this measure as well as the policies that we have implemented, we shall continue to uplift the quality of life of workers in this country. National minimum wage has been mentioned by my colleague; Negative Income Tax, I don't want to repeat. One example which is very often cited by Members of Government is the case of school cleaners, who were earning Rs1,500 per month. Can you imagine how we have improved the standard and the quality of life of those people as they now already have a monthly income of Rs9,000. And this December, for the first time in their life, these workers will earn Rs18,000, including their end of year bonus. Rs18,000! Can you imagine that in December they would have been earning Rs1, 500?

Let me come to the point that was made by the hon. Minister of Labour. In January 2019, therefore, Government will increase the guaranteed monthly minimum income of an existing full-time employee from Rs9,000 to Rs9,400. Thus, an existing full-time employee will receive from the MRA, a monthly allowance because we are extending –

- Rs860 if he or she is an employee of an export enterprise, and
- Rs500 if employed in other sectors.

But, with regard to an employee who will take employment for the first time as from 01 January 2019, he or she will receive a guaranteed monthly minimum income of Rs9,000. And for this category of employee, the MRA will pay a monthly allowance of up to –

- Rs460 if he or she is an employee of an export enterprise, and
- Rs100 if employed in other sectors.

Now, referring to the point that was made by hon. Baloomoody, we have to look at what we have voted ourselves in this very National Assembly. The National Minimum Wage

is going to be reviewed, and in the light of this review, obviously, whatever policy decision we decide to take here, we will do it to adjust with regard to the Negative Income Tax, the contribution that the MRA will be paying.

Madam Speaker, another thing which is very dear to me and to this Government is, in fact, our senior citizens. You know, when it comes to taking care of our elderly, this Government, I think, has done a lot to honour its commitment to enhance their welfare, and this year again, it is not automatic, but, as we have always said, we shall keep on improving their standard of living. This year we have decided to grant to some 265,400 beneficiaries of basic pensions (retirement, widow, invalidity and orphan) an increase of Rs400 as from 01 January 2019. Therefore, increasing Basic Retirement Pension from Rs5,810 to Rs6,210. Now, here, we are talking of an increase of 6.9%. Can you imagine, we are talking about a rate of inflation of 3.3%, although this is not what we do as in terms of linking them, but 6.9% increase, and that is going to cost Government Rs1.4 billion annually. And I have heard hon. Benydin - I think he is a bit of the *porte-parole* for the elderly - making a request to increase again. Okay, I don't make promises, but we will see.

Madam Speaker, we also have a duty to manage the finances of this country well. I like to give here and there, but we have to give reasonably, we have to give as much as we can, but also we should not jeopardise the future of the country. But I am happy, as I said, we shall increase the Basic Retirement Pension. Can you imagine in December next year, if we take Rs6,210 - if it remains like that, we don't know - then Rs12,420 for December next year. Do you know what it will mean? Well, I am sure those people will, and they are already saying it, they are already talking about it.

(Interruptions)

We are getting blessings, yes, you are very right.

Madam Speaker, let me not be too long. Let me end by responding to what has also been said. Relativity, yes! We spoke about relativity and it is clear the PRB has a mandate and is looking into that. Maybe, that is also one reason why the Trade Unionist of the Civil Service Sector had, in fact, made a request that the PRB report be published earlier. But, of course, I had replied in this House that we shall not be able to do that, but we shall see. They have a mandate, they are looking towards relativity. In the private sector, maybe; I leave it for the Minister to respond to that, but this is being looked into. Therefore, Madam Speaker, not only this measure, but so many other measures that this Government is taking - I don't want

to mention them and I don't want to digress to other issues also, but in terms of providing services to our people in the health sector, the infrastructure that is being upgraded is unprecedented, new hospitals - I say that because I see my colleague coming - are going to be built, the new ENT is already on the way. Let me not go further, but people do realise how many projects are on the way.

Therefore, Madam Speaker, I am pleased that we have been able to come to a consensus. We are here today again to provide for salary compensation and that again, this year - because when I look at all the figures - in fact, 2015, the rate of inflation was 3.2% and that was exceptional; Minister Vishnu Lutchmeenaraidoo, then Minister of Finance - we give Rs600 as compensation.

It is good to remind people about that. In 2016, 1.3%! In such cases, there should normally be no salary compensation. But, 1.3% there were two brackets, Rs250 and Rs150. In 2017, even 1%, this Government, Rs200 for up to Rs15,000 and Rs125. And last year, it was not 3.6%, it was 3.7%, and Rs360. And this year, .3%, Rs400!

I think that says it all, Madam Speaker.

Madam Speaker: Hon. Callicurn!

(7.08 p.m.)

The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callicurn): Madam Speaker, first and foremost, I would wish to convey my heartfelt thanks to the hon. Prime Minister for the trust he has put in me throughout this exercise. I also wish to extend my thanks to hon. Baloomoody, hon. Ms Sewocksingh and hon. Benydin for having intervened on this important Bill.

Madam Speaker, I am pleased to note that there is consensus on this particular Bill and I shall be very brief in my intervention. First and foremost, I would like to reassure hon. Ms Sewocksingh and all the SME out there, we, on this side of the House, are conscious of the additional burden the salary compensation will have on those enterprises.

Madam Speaker, the House will remind of the array of measures the hon. Prime Minister and Minister of Finance provided in the last Budget, that is, to support the SMEs. And we will continue to provide measures in order to support those enterprises so that they can develop and remain competitive on the national and international front.

Regarding the issue of relativity, Madam Speaker, when it comes to correcting the distortion in the wage scale, it is not an easy task. We have seen examples in the past; how much time PRB took to come out with reports on wage readjustment. Nevertheless, I wish to inform the House that the National Remuneration Board has already submitted its final recommendations to me in relation to relativity, adjustment for workers governed by remuneration regulations in the private sector, as rightly pointed out by hon. Baloomoody.

Madam Speaker, we are still waiting for the PRB to submit its recommendations. Here, on this side of the House, we are in favour of a holistic and coherent approach on the issue of relativity. And a decision will be taken only upon receipt of the PRB Report.

There was another point raised by hon. Baloomoody regarding the issue of remuneration orders. Madam Speaker, presently there are 7 remuneration orders which have been referred to the NRB for the review of the wages. And 3 referrals have been made in respect of new sectors, namely the Child Day Care Sector, Special Educational Needs Schools and Information and Communication Technology sector.

Madam Speaker, the House will appreciate that the National Remuneration Board is an independent body and I cannot put pressure on the Board to submit its recommendations. There is no timeframe provided in the law as it stands. So, I am seriously considering of amending the Labour legislation, that is, the Employment Relations Act, to provide for a timeframe for NRB to submit its report and I have in mind every 5 years. That is why, Madam Speaker, we are considering to harmonise all the core conditions of employment and to determine wages on occupation instead of an industry basis. This will lessen the burden of the NRB, hence perhaps they will come out with the reports more quicker than possible.

Regarding the issue of the definition of basic wage in the Additional Remuneration Act, Madam Speaker, I wish to point out that during the tripartite meeting, indeed a request was made by a trade unionist that the definition of basic wage should be aligned to that of the Employment Rights Act. Well, the present definition of basic wage in the Additional Remuneration itself, has no incidence on the amount paid as salary compensation since a fixed quantum is paid to all workers. So, there is no need for us to amend the definition of basic wage in this particular Bill.

Madam Speaker, let me remind the House that in 2014, a factory worker in the EPZ sector was earning a basic wage of Rs4,370; a Mauritian household consisting of 2 wage earners in the EPZ sector had just a monthly revenue of Rs8,740. We can therefore proudly

measure the effect of this Government's wage policy of the lowest paid workers when we compare the revenue of the same household to that payable as from January 2019. In fact, Madam Speaker, the monthly income of this typical household will rise from Rs8,740 to Rs18,800 as from January 2019. This represents an increase of 115% over a period of 4 years. This is unprecedented in this history of the evolution of wages in our country. This, once again, shows the commitment of this Government to improve the standard of living of the working class. Since the coming into force of the National Minimum Wage, we have seen an upliftment in the standard of the living of the population, especially those at the lower rung of the ladder.

Madam Speaker, on this side of the House, we have been consistent in our approach when it comes to the redistribution of the wealth of the country. The array of measures taken since we took Government is unprecedented and we shall pursue the same vision during our mandate and for the years to come.

Before I resume my seat, Madam Speaker, I do not know if I will have the opportunity to address this august Assembly this year again, I would seize this opportunity to wish you, your staff, all Members present in this House; the journalists, Members of SLO, also the general public at large, the population, a Merry Christmas and a Happy New Year.

Thank you, Madam Speaker.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

The Additional Remuneration and Other Allowances (2019) Bill (No. XXVI of 2018) was considered and agreed to.

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

Third Reading

On motion made and seconded, the Additional Remuneration and Other Allowances (2019) Bill (No. XXVI of 2018)) was read the third time and passed.

Madam Speaker: Before I leave the Chair to the Deputy Speaker, may I thank the hon. Minister of Labour for his good wishes to me and to my family. I extend same to him and his family. Well, I will have the opportunity of addressing other Members as well.

At this stage, the Deputy Speaker took the Chair.

Second Reading

THE SPORTS (AMENDMENT) BILL

(No. XXV OF 2018)

Order for Second Reading read.

The Minister of Youth and Sports (Mr S. Toussaint): Mr Deputy Speaker, Sir, I move that the Sports (Amendment) Bill (No. XXV of 2018) be read a second time.

Mr Deputy Speaker, Sir, the purpose of introducing the Sports (Amendment) Bill is to amend the Sports Act 2016 to bring it in line with the World Anti-Doping Code of the World Anti-Doping Agency (WADA).

In November 2017, the World Anti-Doping Agency (WADA) informed my Ministry that Section 2 and Sections 21 to 26 of the Sports Act 2016 are in conflict with the WADA Code.

According to the World Anti-Doping Agency, the definitions and wordings of the Sports Act 2016 should be in harmony with the WADA Code and the setting-up and operation of the National Anti-Doping Organisation (NADO) should be independent from my Ministry.

These non-compliance issues do not have a direct relevance to doping. Nonetheless, my Ministry has committed itself to align the relevant provisions of the Sports Act 2016 on the WADA Code.

Mr Deputy Speaker, Sir, in the meantime and pending amendments to the Sports Act 2016, the Compliant Review Committee of WADA has suspended NADO since 16 November 2017. Consequently, NADO cannot carry out anti-doping tests.

On 11 December 2017, an agreement was signed between NADO and the Regional Anti-Doping Organisation of Indian Ocean (RADO Indian Ocean) to ensure that an effective testing programme is implemented in Mauritius during the period of non-compliance for athletes and same is on-going. However, this is only a stop gap measure and the permanent

solution is amending the Sports Act and aligning its provisions to the WADA Code. In addition, suspension of the NADO is only a first step and if nothing is done to remedy the situation, other more severe measures can be contemplated, including interdiction to hold international meetings in Mauritius. In the context of the IOIG 2019, this is an option that cannot be accepted. Mauritius is committed to hold the IOIG 2019 in the best conditions and also proposes to host other major international activities with the setting up of the Multisports complex in Cote d'Or.

A delegation from WADA was in Mauritius from 16 to 17 August 2018 to address the issue of non-compliance. Several consultative meetings were held with representatives of WADA, the Attorney General's Office and officials of my Ministry. WADA is agreeable to the amendments being proposed.

The core amendment to be brought to the Sports Act 2016 is in Section 21 and provides that NADO shall be an independent organisation, as provided for in Article 20.5.1 of WADA Code.

In addition the new section also makes provisions for every athlete and every National Sports Federation and its licensees to be subject to the exclusive jurisdiction of NADO in relation to anti-doping matters and shall comply with any anti-doping rules and regulations of NADO.

In order to ensure the independence of NADO, provision is being made for its Chairperson to be an independent professional. I quote -

“(...) who shall be a registered medical practitioner, pharmacist or chemist from the public or private sector and having wide knowledge and experience in his respective field.”

He shall be appointed by the Minister. The other four members, to be appointed by the Minister, I quote –

“(...) shall also have expertise in the field of anti-doping”.

To further consolidate the independence of the NADO, it is also provided that, I quote -

“A member of NADO shall not have any direct or indirect interest in relation to any matter which he has to deal with in the discharge of his functions.”

And, I quote -

“Where a member of NADO finds himself in a situation of conflict of interest in relation to any matter he has to deal with in the discharge of his functions, he shall follow and abide by the procedures specified in the rules of NADO regarding conflict of interest and replacement of members.”

Provision is also made for every member of NADO to abide by the rules on confidentiality as specified in the rules of NADO.

As regards the other amendments proposed, they are considered as consequential to amendments brought to Section 21 and definitions at Section 2, as recommended by WADA.

Mr Deputy Speaker, Sir, once the Sports (Amendment) Bill is enacted, WADA would waive the interdiction of NADO. Anti-doping tests would thereafter be conducted locally for the Indian Ocean Islands Games.

With these words, Mr Deputy Speaker, Sir, I now commend the Bill to the House.

Mr Roopun rose and seconded.

The Deputy Speaker: Hon. Lepoigneur!

(7.27 p.m.)

Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière): Merci, M. le président. Avant d’entrer dans le sujet de mon discours, je pense sincèrement que le ministre a raté une occasion en or de venir avec un vrai amendement. Il aurait pu écrire l’histoire en profitant de cette occasion pour venir amender certaines lois dans le *Sports Act*. Pour le bien de notre sport, M. le président, il aurait pu mentionner de son nom le *Sports Act* 2018.

Ce que je vais dire, il aurait pu venir renforcer certaines lois surtout pour que les fédérations/les dirigeants soient plus *accountable* au gouvernement pour éviter que quand il y a des comptes à rendre ils ne se cachent pas derrière la fédération sous prétexte qu’ils ne peuvent pas répondre à des questions qui pourraient dénoncer les démagogues. Personnellement, pour moi, il a raté de marquer l’histoire ; cela aurait pu être l’honorable Toussaint *Sports Act* 2018.

Je ne dis pas ça méchamment, M. le président. C’est une occasion de venir changer certains aspects pour que les fédérations utilisent l’argent des contribuables à bon escient. Je suis sûr que l’honorable Aliphan, qui va intervenir après moi, sera d’accord avec moi vu que nous avons amené beaucoup de combats ensemble contre les mafieux des fédérations.

Assez souvent, les dirigeants des fédérations se font passer pour des bénévoles quand ils ont à cœur le sport. Pas tous, mais bon nombre d'entre eux ...

The Deputy Speaker: Please take your seat! This piece of legislation is very precise and the hon. Member has to deal with what is provided in this piece of legislation. He cannot raise issues which are not related to this piece of legislation. We have drawn attention of hon. Members that they should be relevant when they take the floor on any particular piece of legislation.

Mr Lepoigneur: M. le président, ce que je veux dire, ce sont des trucs, très brièvement, qui concernent le *Sports Act*.

The Deputy Speaker: Then, be brief!

Mr Lepoigneur: Brief, very brief, yes! Je ne dis pas cela méchamment, M. le président. C'était une occasion de venir changer certains aspects pour que les fédérations utilisent l'argent à bon escient. J'avais dit que l'honorable Alipho et moi-même, nous avons emmené des combats contre les mafieux du sport mais malheureusement ce n'est pas le cas.

D'ailleurs, deux petites parenthèses encore, M. le président.

The Deputy Speaker: No, I cannot accept.

Mr Lepoigneur: Il y a deux cas qui ont terni l'image de notre pays, M. le président. Il faut en faire ressortir pour qu'ils reviennent avec une autre loi concernant cela. Le cas de Kaysee Teeroovengadam, attouchement sur une athlète au Gold Coast.

The Deputy Speaker: Hon. Lepoigneur, please take your seat. I have told you that you have to be relevant or otherwise I will stop you. Please, get back to the legislation which is being debated. Thank you.

Mr Lepoigneur: M. le président, il faut dire que ce projet de loi a été emmené de force par rapport à la suspension de l'île Maurice par WADA parce que notre *Sports Act* n'était pas en conformité avec le WADA code. Les dirigeants des disciplines qui ont été retenus au programme pour les jeux des îles de l'océan Indien sont dans le flou depuis 2013 car valeur du jour, le *National Anti-Doping Organisations* (NADO) n'est toujours pas en mesure d'opérer.

L'*African Regional Office* (ARO) avait annoncé avec raison que NADO Mauritius ne peut pas faire des tests concernant le dopage. Le gouvernement avait annoncé que le nécessaire allait être fait pour que NADO Mauritius soit déjà fonctionnel d'après le WADA

code. On est pratiquement en 2019, M. le président. Enfin, mieux vaut tard que jamais. Néanmoins, M. le président, je dirais que j'accueille favorablement ces amendements car cela va permettre de guider nos sportifs à s'adonner à une culture propre, sans dopage, à pratiquer leurs disciplines.

Le WADA, c'est l'autorité suprême concernant le dopage à travers le monde et NADO est celui de l'île Maurice. M. le président, je vais élaborer sur le mal qu'a fait le dopage au niveau international. Malgré les efforts de WADA, malheureusement, M. le président, dans le professionnel sportif, le dopage est bien souvent présent et ruine des carrières ou des réputations. En effet, bon nombre de stars dans leur domaine ont été accusés d'avoir pris certains produits pour augmenter leurs capacités physiques. Évidemment, ces pratiques sont totalement interdites et ce n'est pas toujours les sportifs auxquels on s'attend qui se font rattraper. Par exemple, Shelly-Ann Fraser, cette jeune Jamaïcaine a été contrôlée positive lors d'une réunion de la ligue de diamant. Justin Gatlin, cet américain a déjà été suspendu deux fois pour dopage. Alberto Contador, en juillet 2010, a été contrôlé positif au clenbuterol. Mohamed Ali a été également déjà accusé de dopage. Marion Jones, après avoir avoué qu'elle était dopée a, malheureusement, restitué ses médailles des jeux olympiques de Sydney. Mamadou Sakho, un jeune footballeur, a déjà été contrôlé positif à l'absorption d'un brûleur de graisse. Il faut que nos jeunes de l'île Maurice réalisent que brûleurs de graisses sont aussi des produits dopants.

Lance Armstrong a malheureusement dû rendre ses titres et ses maillots jaunes après avoir été contrôlé positif pour dopage. Il a également été radié de toute compétition, M. le président. Maradona a avoué s'être dopé durant sa carrière. En 2016, cinq athlètes marocains ont été suspendus pour dopage. En 2015, 10 affaires de dopage ont secoué le sport africain. Ces cinq dernières années, 120 cas de *top* athlètes étaient concernés par le cas de dopage et parmi 85 médaillés olympiques et mondiales étaient concernées.

À l'île Maurice, on n'a pas encore un système approprié pour faire un contrôle de dopage. Le seul sport où il y a un contrôle, c'est dans les courses hippiques où quelques cas ont été détectés cette saison où même un *stable manager* a été suspendu. M. le président, il faut surtout rassurer en toute transparence la confiance des athlètes, des fans, des partenaires dans la lutte antidopage. Il faut que ce soit l'une de nos priorités qui soit annoncée avant les jeux des îles. Le *WADA code antidoping* émet une liste des produits interdits tous les ans. Le dernier en date de 2019 est déjà sur le site. Je pense que *NADO Mauritius* devrait faire circuler cette liste des produits interdits afin que nos athlètes de Maurice soient conscientisés.

Surtout, ici à l'île Maurice, il faut se rendre à l'évidence. Malheureusement, il y a pas mal des consommateurs de cannabis même parmi les athlètes. Donc, il serait souhaitable de les éduquer, de les avertir que le cannabis est aussi un produit qui est interdit, qui est sur la liste de WADA. Je pense sincèrement qu'il est grand temps que nous, à l'île Maurice, on a notre propre laboratoire. Il faut conscientiser les athlètes qui sont surveillés et faire des tests surpris en même temps lors des finales des différentes compétitions nationales.

Que NADO s'organise à présent à faire des tests surpris surtout, pas des tests annoncés. Il faudrait aussi une loi pour venir punir les sportifs qui utilisent certains produits pour augmenter leurs capacités physiques. On aurait dû peut-être introduire ça dans *Le Sports Act*, M. le président à travers une amende ou même passible d'emprisonnement, M. le président, comme c'est le cas pour les drogués. Le *board* doit être totalement indépendant. Je pense, qu'à l'île Maurice, on n'a pas beaucoup d'experts dans la matière du dopage, mais par contre on a beaucoup d'experts dans la matière de sports et médecine de sports et aussi dans la médecine en général.

Il y a pas mal de gens qui ont prouvé leurs compétences de ce côté-là. Je nomme quelques-uns que je connais à l'époque où on faisait beaucoup de sport. Il y a Clency, Dr. Naraidoo, Michel Chan Kai et Monsieur Jeannot qui est aussi physio. Donc, je pense qu'ils sont des personnes peut-être à ramener sur le *board* pour pouvoir contrecarrer et aider à décourager les jeunes de venir dans le dopage.

Pour conclure, M. le président, je souhaite de tout cœur qu'on arrive à mettre en place un système de contrôle de dopage afin d'approprier nos athlètes qu'ils puissent faire honneur à notre pays avec des préparations saines et des conditions physiques naturelles. Je vous remercie, M. le président.

The Deputy Speaker: Hon. Aliphon!

(7.37 p.m.)

Mr A. Aliphon (Third Member for Beau Bassin & Petite Riviere): *Mr Deputy Speaker, Sir*, merci de m'accorder la parole, pas pour contredire mon ami Lepoigneur mais dans tout ce que j'ai entendu de lui, c'est exactement l'amendement qu'on emmène aujourd'hui devant nous, ici dans la salle, c'est pour refaire justement toutes ces sections qui ne sont pas prévues dans la loi, le *Sports Act 2016* pour promulguer le 11 janvier 2017.

En novembre 2017, après réception d'un courrier de la WADA informant le ministère des Sports que la NADO n'était pas en accord avec ces lois et que donc la *National Anti-*

Doping Organisation serait interdit de toute activité, chose faite. Pour lever l'interdiction, fallait-il que la *WADA foundation* soit assurée que tout ait été revu et corrigé. Pour se faire, l'île Maurice a reçu une délégation de la WADA en août 2018 et ensemble avec le ministère, ils ont revu et corrigé les différents amendements dans *Le Sports Act 2016*. Tout a été revu et corrigé et ce sont ces amendements qui sont devant nous aujourd'hui. Rendre le *Sports Act 2016* compatible et le rendre compatible avec le *World Anti-Doping Code* et faire enlever l'interdiction pesant sur la NADO qui va être fait très bientôt. Concernant les lois votées depuis 2016, il faut que je rassure M. Lepoigneur que la loi est très bien faite mais faut-il encore que ce soient les fédérations qui soient beaucoup plus responsables et je le souhaite pour eux.

Je reviens, *Mr Deputy Speaker, Sir*, avec ces amendements. Nous voilà avec ces amendements et il faut amender. Le NADO retrouva l'international. Donc, plus de contrôle sur le sport dans l'île Maurice, moderniser le *Anti-Dopping Code* avec le *World Anti-Dopping Agency*, la WADA, et enfin assurer que nous soyons *in line* avec l'international. Pour cela, plusieurs sections ont été revues, une quinzaine environ, le dopage, les athlètes professionnels, les substances interdites ou encore la section du sport d'équipe. Ces amendements vont rendre modernes notre sport.

D'autres définitions ont été aussi été rajoutées telles que la cour d'arbitrage, de WADA Code, etc., aussi et certainement pour que nos fédérations puissent prendre leurs responsabilités et devenir modernes. Mais voilà le modernisme a un prix. Parlons-en! Ce gouvernement en place, depuis quatre ans, déjà s'efforce à porter l'île Maurice vers l'an 2030 dans un modernisme à faire pâlir beaucoup de pays et même l'Opposition, ici, présente. Moderniser pas seulement dans le sport, mais aussi dans le transport, des technologies modernes, et surtout, prôner le mauricianisme. Et j'en passe !

Seulement voilà, souvenez-vous des différents discours de ces derniers jours. Il faut simplement dire : 'Ça c'est naturel, chez eux, il revient à grand galops.' Je fais appel à cette Opposition pour qu'elle puisse nous rejoindre et donner un coup de main pour essayer d'éradiquer le dopage. Permettez-moi cet écart, *Mr Deputy Speaker, Sir*, à un moment où notre ministre des Sports mauricien, de la jeunesse remporte depuis de *Best Youth Award*, meilleur ministre des jeunes, voilà que des jeunes politiciens, eux, veulent réveiller un démon communal. Hélas! Ceci dit, permettez-moi ce petit écart, et de féliciter notre ministre mauricien de la Jeunesse pour son *Award* d'obtenu à Colombo, au Sri Lanka, la semaine

dernière. Cette décoration je le souhaite, devrait montrer la voie du mauricianisme à l'Opposition, c'est quoi d'être un mauricien.

Donc, *Mr Deputy Speaker, Sir*, les amendements proposés, à ce jour, sont importants pour le sport local, qui devrait permettre un plus grand contrôle sur différents aspects du sport local et nous souhaitons de servir notre sport. Un fait important, c'est la nomination de l'équipe qui va prendre en charge la *NADO*. Ils seront, ils devront être enregistrés comme un *medical practitioner*, ils devront être soit un médecin, un pharmacien ou un *chemist* du public ou du privé. Et je crois que là, que ce soit l'Opposition ou même nous, le nouveau *NADO* prendra en charge le sport à l'île Maurice. Cet amendement permettra à la *NADO* tout comme à la *WADA* de suivre un sportif où qu'il soit, avant, pendant ou encore après toutes compétitions et ainsi traquer le dopage sportif où qu'il soit. Cet amendement permettra de modifier quelques 15 sections du sport. Et je pense que je dois féliciter le ministère des sports et l'équipe qui a travaillé là-dessus. Je leur souhaite simplement bonne chance et vive le sport mauricien !

Merci, M. le président.

The Deputy Speaker: Hon. Quirin!

(7.43 p.m.)

Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière): Merci M. le président.

M. le président, la présentation, aujourd'hui, de cette liste de 17 amendements est apportée à 15 sections du *Sport Act* 2016, notamment, sur la question du contrôle et de la gestion du programme de l'antidopage à Maurice, est la parfaite illustration d'un ministre des Sports qui s'est fait sérieusement tapé sur les doigts par une instance internationale et qui doit maintenant réagir à la va-vite de peur de se faire rabrouer à nouveau par la *World Anti-Doping Agency* dit la *WADA*.

En effet, M. le président, la question qu'on est en droit tous, ici, de se poser, aujourd'hui, est la suivante : pourquoi cette Assemblée est-elle appelée à voter cette liste d'amendements au *Sports Act*? La réponse en est toute simple. Maurice a été suspendue, comme l'a souligné avant moi, l'honorable ministre lui-même, depuis le 16 novembre 2017, par la *WADA's Foundation Board* pour n'avoir pas inclus dans le *Sports Act* de 2016, qui fut présenté justement comme je l'ai dit en décembre 2016, les règlements de l'antidopage tels qu'ils sont indiqués dans un document que la *WADA* appelle *The Code*. *The Code*, M. le

président, est, en effet, un document volumineux, élaboré par le *World Anti-Doping Agency* sur tous les aspects du contrôle, de la lutte et de l'éducation par rapport au dopage. On ne le dira jamais assez, le dopage en milieu sportif, est un problème grave avec ses conséquences et ses ravages, non seulement sur la santé individuelle et publique, mais tout aussi sur l'intégrité de l'organisation du sport dans un pays.

M. le président, le cas, qui reste encore en mémoire, est celui de la Russie, premier pays à être privé des Jeux olympiques d'hiver 2018 en Corée du Sud et les sportifs russes furent aussi privés de compétition d'athlétisme aux Jeux olympiques de Rio en 2016, en raison de nombreux scandales liés au dopage organisé. Et j'en passe, M. le président ! Et dois-je rappeler à la Chambre que depuis l'an 2000, dans un document rendu public le Comité International Olympique (CIO) avait considéré le dopage comme un problème de santé publique. De ce fait, le CIO avait laissé clairement comprendre de l'absolue nécessité du mouvement sportif mondial de mettre en œuvre tout ce qui est dans le domaine du possible, afin de contrôler et de lutter efficacement contre le dopage, et c'est dans ce contexte que la WADA, créée en 1999, a obtenu son indépendance du CIO et désormais fait autorité dans ce domaine sur le plan mondial.

M. le président, c'est aussi dans ce même contexte que le code de la WADA et ses standards internationaux ont été élaborés afin que les pays membres puissent en faire un outil de travail dans la lutte contre le dopage. M. le président, aujourd'hui, le code de la WADA est considéré dans le monde sportif international comme un mécanisme vers l'harmonisation universelle des efforts de lutte antidopage à travers des instances régionales et nationales, notamment, par le truchement des *Regional Anti-Doping Organisations (RADO)* et les *National Anti-Doping Organisation (NADO)* qui doivent fonctionner en totale indépendance. Et c'est justement, M. le président, cette portée au combien importante que l'ancien ministre de la Jeunesse et des sports avait complètement ignoré dans l'élaboration de son projet de loi sur le sport en 2016. Et *to add insult to injury*, je dirais il a été rejoint par la suite, pieds et mains liés dans cette même cacophonie et ce durant ces deux dernières années par l'actuel ministre des Sports.

M. le président, si c'est officiellement le 16 novembre 2007, que Maurice a été suspendue par le *Board* de la WADA, ce n'est, malheureusement, pas à cette date que les problèmes de Maurice avec cette instance internationale ont commencé. Et selon les informations qui me sont parvenues, l'ex-ministre des Sports était bien au courant que les propositions faites dans la loi de 2016 n'étaient pas conformes au code de la WADA, et que

s'il persistait dans cette voie, la suspension de *NADO* Maurice pouvait tomber à tout instant. Notamment, en raison des manquements dans le Sports Act 2016 à l'égard de l'article 20.5 du *WADA Code* sous le thème '*Roles and Responsibilities of National Anti-Doping Organisations*'.

M. le président, les deux premières règles sont claires et nettes. Il faut, en effet, que les *National Anti-Doping Organisations*, autrement dit *NADO*, fonctionnent, et je cite comme c'est stipulé –

“Independent in their operational decisions and activities”

Et deuxièmement –

“They will have to adopt and implement Anti-Doping Rules and Policies which conform with the Code.”

Ça veut dire le *WADA Code*. Deux règles fondamentales, M. le président, qui ont été totalement ignorées, voire banaliser par le ministère des sports. Mieux encore, M. le président, l'article 20.4.3, toujours du *WADA Code*, stipule que les comités nationaux olympiques et les comités nationaux paralympiques doivent respecter, et je cite –

“The autonomy of a National Anti-Doping Organisation in their country and not to interfere in its operational decisions and activities.”

Pour simplifier, M. le président, WADA exige qu'un *National Anti-Doping Organisation (NADO)* fonctionne en toute indépendance face au ministère de la Jeunesse et des Sports, le Comité Olympique, les agences sportives gouvernementales, vis-à-vis de la presse, les fédérations nationales et internationales, entre autres. Donc, l'indépendance de *NADO* doit être totale, sans demi-mesure. Et ce qui explique, M. le président, dans une très large mesure, pourquoi l'honorable ministre de la Jeunesse et des Sports a été très évasif dans sa réponse à une des questions parlementaires sur le sujet en question, le 24 juillet 2018, concernant le fonctionnement de *NADO* Maurice. Et je le cite –

“(...) the World Anti-Doping Agency (WADA) has informed my Ministry in November 2017, that certain provisions of the Sports Act 2016 conflict with the WADA Code, particularly the composition of a National Anti-Doping Agency (NADO) and the definition of an athlete. As a consequence, the functions of NADO have been suspended. Alternative arrangements have been made through an agreement with the

Regional Anti-Doping Organisation (RADO) which is based in Seychelles for the latter to take over the anti-doping function of the NADO.”

Et quand on constate le nombre de clauses du *Sports Act* qui sont amendés aujourd’hui, il ne fait l’ombre d’un doute que le ministre, dans sa réponse, du 24 juillet 2018, a cherché à noyer le poisson.

17 sections de la loi ont besoin d’être amendés, alors que certaines clauses doivent être ajoutées, d’autres ont été paraphrasées à nouveau. C’est vous dire, M. le président, à quel point cet aspect important de la loi avait été négligé. Ce ne fut nullement étonnant, M. le président, qu’une fois le *Sports Act 2016* était devenu un document officiel, que les bureaux de RADO Océan Indien, situés aux Seychelles ont pris acte des manquements et n’ont pas hésité à attirer l’attention du ministère de la Jeunesse et des Sports. Je dois dire que rien n’a été fait depuis février 2017, période à laquelle RADO Océan Indien a commencé à préciser qu’il était nécessaire d’amender la loi au risque de se faire suspendre par la WADA. Pourquoi, donc, se laisser aller de la part de l’honorable ministre sur ce dossier, alors que la WADA exige aussi que les contrôles hors compétitions soient effectués sur les athlètes de haut-niveau, principalement ceux qui sont fréquemment en déplacement à l’étranger pour les stages et les compétitions. Souhaitons que ce manquement de la part du ministère de la Jeunesse et des Sports n’ait pas les mêmes conséquences que le sport mauricien a déjà connues dans le passé. Croisons les doigts, M. le président. Et le pire, je dirai, dans ce dossier, c’est que durant deux années, l’actuel ministre de la Jeunesse et des Sports n’a pas bougé d’un iota. Durant deux ans, il n’a fait que minimiser cette épée de Damoclès, placée sur le sport mauricien. Et personnellement, j’ai été informé que les fédérations n’ont pu procéder à des contrôles antidopage lors des compétitions nationales et internationales cette saison. Et je me demande de ce fait, combien de contrôles antidopage ont été faits durant les deux ans que NADO Maurice n’a pas fonctionné. Et bien que le ministre ait affirmé le 24 juillet dernier, dans sa réponse parlementaire, je le cite –

« (...) les tests antidopage se font avec la collaboration du *Regional Anti-Doping Organisation (RADO) which is based in Seychelles*. »

Permettez-moi de douter M. le président, car tout indique que l’honorable ministre n’a pas joué franc-jeu sur ce dossier. Donc, pourquoi ces amendements n’arrivent qu’aujourd’hui ? C’est l’autre question qu’on est en droit de se poser, puisque ces amendements arrivent

comme un objet brûlant que le ministre refile aux mouvements sportifs mauriciens en guise de cadeaux de fin d'année.

Les Jeux des îles de 2019, M. le président, sont derrière la porte. En effet, Maurice sera le pays hôte de ces jeux, et tout le monde le sait, et dans la foulée, il y a une nécessité formelle de mettre en place un exercice de contrôles antidopage durant ces jeux. Dites-vous bien que sans une *National Anti-Doping Organisation* reconnue par WADA, un tel exercice n'est pas possible sans contrôles antidopage, comme toutes compétitions internationales majeures qui se respectent, et n'a aucune valeur. Si le ministre de la Jeunesse et des Sports a finalement décidé d'apporter ces amendements, il faut aussi se dire que les conséquences négatives de son inaction se fait déjà sentir sur les sportifs mauriciens.

M. le président, nous ne sommes qu'à sept mois et demi des Jeux des îles de 2019 et, à ce jour, aucun exercice de contrôles antidopage hors compétition n'a été organisé sur les athlètes mauriciens, puisque NADO Maurice est toujours suspendu par la WADA. Donc, pour rappeler à la Chambre, pour les Jeux des îles de 2015 à la Réunion, cet exercice avait été organisé en plusieurs occasions, 18 mois avant les jeux. Et comme je l'ai mentionné plus haut, M. le président, souhaitons que l'inaction de l'honorable ministre n'ait pas de conséquences fâcheuses pour la République de Maurice.

M. le président, si *NADO* Maurice a été suspendue par la WADA, c'est aussi en raison d'une absence d'indépendance dans sa composition et son fonctionnement. Des recherches que j'ai effectuées démontrent que beaucoup de pays dans le monde, parmi des pays africains, comme l'Afrique du Sud, l'Algérie, le Kenya, et la Côte d'Ivoire, entre autres, ont adopté le principe d'une organisation de contrôles antidopage totalement indépendante. S'il est vrai de dire que les amendements proposés par le ministre de la Jeunesse et des Sports visent à corriger les bourdes commises à la loi de 2016, il n'empêche que le doute subsiste, eu égard des amendements à la section 21 de la loi et, en particulier, la nouvelle section concernant la nomination du président et des membres de *NADO* Maurice.

M. le président, est-ce une pratique acceptable par la WADA que le président et les membres de *NADO* Maurice soient nommés par le ministre ? J'espère que l'honorable ministre nous apportera des précisions sur ce point dans son *summing-up*, parce que tout semble indiquer que cette nouvelle clause de la loi ne va pas dans le sens de l'autonomie de *NADO* Maurice, comme stipulé dans le code de la WADA. D'autant plus, M. le président, le mouvement sportif mauricien a eu droit à des nominations douteuses au sein de NADO

Maurice après l'entrée en vigueur du *Sports Act* de 2016. Et pour ne citer qu'un exemple, une personne fut nommée au sein de ce comité alors qu'elle avait des rapports négatifs sur ses méthodes d'opération. Plus grave encore, M. le président, cette même personne distribuait des vitamines aux athlètes, faisait les contrôles hors compétition et recevait elle-même les résultats. Donc, nous espérons cette fois-ci, qu'avant la nomination du *Board* de NADO Maurice, un exercice de vérification digne de ce nom sera effectué, surtout que la section 21 (b)(3)(2), où il est question de conflits d'intérêts, soit scrupuleusement respecté.

M. le président, la présentation de ces amendements est très paradoxale. Il n'y a pas si longtemps le ministre avait organisé une chasse aux fédérations afin que ces dernières se mettent au plus vite en conformité avec le *Sports Act 2016*, sous peine d'être sanctionnées. Des réunions d'explications avaient été organisées avec les fédérations pour accélérer l'exercice de mise en conformité avec la loi, et selon une récente réponse parlementaire du ministre, seule la MFA n'était pas en conformité avec la loi. Or, nous constatons que le ministère de la Jeunesse et des Sports incitait les fédérations à adopter dans leur statut une loi qui n'était elle-même pas en conformité avec les règles internationales. Aberrant, M. le président ! Il est cependant regrettable que l'honorable ministre n'ait pas choisi de venir avec d'autres amendements aujourd'hui, afin de corriger les inégalités et incohérences qui existent dans l'actuel texte de loi.

M. le président, c'est une occasion ratée car lors de mon intervention sur le *Sports Bill* en décembre 2016, j'avais énuméré un certain nombre de points qui n'allaient pas dans le sens d'une vraie démocratisation du sport à Maurice. À titre d'exemple, le statut des athlètes, où je constate que la WADA a carrément forcé le ministre à venir dans les présents amendements avec une définition précise pour les athlètes professionnels. C'était aussi l'occasion, M. le président, pour le ministre de passer de la parole aux actes avec une définition plus efficace des statuts des athlètes dans leurs différentes catégories de pratique.

Une fois encore, le ministère de la Jeunesse et des Sports a choisi d'effleurer toute la question. Occasion ratée, M. le président, dans la démarche assurer l'autonomie des fédérations. Cette section 9(9)(c) du *Sports Act* demeure plus que jamais un sujet de polémique et de contestation. Une clause qui a conduit et contribue au marasme dans lequel se trouve le Judo Mauricien aujourd'hui. En 2016, M. le président, j'avais indiqué dans mon intervention que le libellé de cette sous-section était contradictoire et allait à l'encontre de tout principe démocratique et de l'autonomie même d'un mouvement sportif.

Cette section 9(9)(c) donne le droit à un *Supervising Officer* du ministère des sports de dissoudre purement et simplement le comité directeur d'une fédération en cas de conflits internes ou autres raisons pour la mise en place d'un *Caretaker Committee* dont toutes les fédérations internationales condamnent l'existence.

Qu'avons-nous tous été témoins ? 2 mois seulement après que le *Sports Act* 2016 ait été adoptée par cette Assemblée. M. le président, la dissolution de la fédération mauricienne de judo au profit d'un *Caretaker Committee* qui dure maintenant depuis 2 ans.

The Deputy Speaker: Hon. Quirin, please take your seat! You have been very relevant in what you have argued earlier. Now, you are being irrelevant. Please get back to the Bill and canvass your arguments on matters which are related to the present legislation. Thank you.

Mr Quirin: M. le président, si vous permettez, tout ce que je viens d'énumérer, j'ai fait référence au *Sports Act*. Il y a des amendements qui sont apportés aujourd'hui dans cette Chambre qui concernent, je le sais, le contrôle d'anti-dopage, etc., mais c'était comme je l'ai précisé juste avant, l'occasion pour l'honorable ministre de venir avec d'autres amendements au *Sports Act*.

The Deputy Speaker: I have understood....

Mr Quirin: Mais c'est ce que je suis en train d'élaborer sur quelques points ...

The Deputy Speaker: The hon. Member should not elaborate.

Mr Quirin: ... qui nécessitent justement des amendements pour le bien du sport mauricien. Si le bien du sport mauricien n'intéresse pas le gouvernement, n'intéresse pas cette Chambre, je me contenterai de ce que j'ai dit. Mais il est clair, M. le président, qu'il y a un certain nombre de clauses, de sections du *Sports Act* qui méritent le plus rapidement possible d'être amendées et je déplore justement que tout cela n'ait pas été pris en compte aujourd'hui alors que l'occasion était bel et bien là.

Je vous remercie.

The Deputy Speaker: Hon. Dr. Joomaye!

(8.01 p.m.)

Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac): Thank you, Mr Deputy Speaker, Sir, for giving me the opportunity to debate on this amendment

brought to the Sports Act 2016. And I understand from what I have heard that there is no big dispute in this House regarding the necessity of these amendments. We are only complying to what needs to be done, complying to what has been suggested by international relevant regulatory bodies. So, I think there is polemic to be raised.

Our National Anti-Doping Organisation has been found non-compliant. So, we are bound to remedy to that. This Government is committed to put the country on the world map just as in other sectors, the finance sector, for example, we have to comply to international norms and standards. We are not a rogue State and once international organisations draw our attention, we have to amend our laws. Mauritius shines because we are recognised for our efforts towards conformity in general.

The World Anti-Doping Agency has made recommendations and we are amending our laws to become in line with the World Anti-Doping Code. I will try to bring a technical contribution to this debate. As a health care professional, I firmly believe that doping is first and foremost a health care issue, a question of public health, as rightly said by my hon. friend Quirin.

I will start by talking about the Goldman's dilemma. Robert Goldman was a sport physician and an osteopath and he asked a question to elite athletes. It is to understand the world of doping. The question, now known as the Goldman's Dilemma, is the base to understand the mechanism of doping. Goldman asked elite athletes the following question – whether they were agreeable to take a drug that would generate success in sport but the counterpart is that they could die after 5 years. Whether if such a pill existed for body building, for example, to make them Mr Universe but highly detrimental to the health to an extent that their life expectancy would be significantly reduced. To this question asked to a series of athletes, you would be surprised, Mr Deputy Speaker, Sir, to learn the following – it is proven scientifically and statistically that for a lot of athletes, the answer is yes; that at high level sport, success is more important than the future, to be on top of the podium is more attractive and addictive too.

In some countries, namely the countries of the East, in some countries up to 50% athletes would be inclined to take performance enhancing drugs before or during competitions. We have all heard the names of Marine Jones, Lance Armstrong; their mindset is made up as such. That is why we need to have guidelines and for me, controlling is

important yes, monitoring is important yes, repression and sanctions should be applied, maybe, but, most importantly, education should be ensured.

What do athletes use to dope themselves? We need to know what is happening in Mauritius. We have most probably heard in the news at one point about names of products, but do instructors know really what their trainees are taking? Do parents really know? Tomorrow if their adolescent children are taking something, or being supplied by someone in the gym, often the gym instructor himself, so what to watch? Which drugs? Where are they procured? These are all the questions that we need to know. Again, you would be surprised to know that many of the doping agents are found in pharmacy.

Nowadays, doping is scientific. Pharmaceutical companies do research, they are no charitable institutions, we all know. Some drugs are deviated from their original indication to indulge into doping. With the complicity of some professionals, doctors, pharmacists, sport practitioners, physiotherapists, products treating ill patients but doping healthy sportsmen, rendering down the line healthy sportsmen ill. So, what a world!

What are these products? We know them. These are Erythropoietin and its derivatives. Erythropoietin is found everywhere. It is a medication used for renal failure. Anabolic steroids, testosterone, Stanozolol associated with the name of Ben Johnson, Canadian Athlete who was disqualified. Nandrolone, drug hormones for muscle building, more current medication that can be found in any home, diuretics used as masking agents or to lose weight. Why to lose weight? To lose weight in order to change category, Mr Deputy Speaker, Sir! So, there is a whole science behind doping. Synthetic oxygen carriers help enhance endurance. There is the concept of blood doping by normal transfusion. Insulin used for diabetes helps glucose uptake in their muscles, improves performance as well. So, how to control all this? Spheroids, vitamins, Ginseng, anti-stress medication! So, in one word, a lot of drugs can be used for doping.

Doping which has become since long an international concern, we all know so much so that the 2008 Beijing Olympic Games adopted as slogan, as motto – “Zero Tolerance for Doping”.

Having said all this, that is why I welcome the main change that this Bill will bring. The National Anti-Doping Agency will now have an independent Chairperson who will be a registered medical practitioner, a pharmacist or chemist, a healthcare professional from the private or public sector, and of experience in that field, because doping is very technical.

The role of the NADO for me is very extensive, from regular check-ups of athletes, blood testing, urine testing, clinical follow-up pre and post competition, but most importantly, it has to ensure preventive education of athletes, youngsters at school everywhere.

I wish to point out to professionals the possibility of loopholes in the Therapeutic Use Exemption Committee as well as the Results Management Committee. The devil might be in this detail. This is where things can be tampered. Also concerning the recognised or accredited laboratory to perform tests, we have to monitor and scrutinise them as external intervention is always what has to be prevented. Results should remain confidential and should not be manipulated with in one way or another.

For the rest, I think that this amendment proposal is very comprehensive. I have one regret though; it is that the Medical Council Act and Pharmacy Council Act are not being amended to sanction appropriately the professionals indulging in doping activities. Unlike hon. Lepoigneur who is thinking that we need to penalise the athletes, I think that most importantly those helping them should be penalised more.

Before ending, I wish to draw the attention of the hon. Minister of Health and the hon. Minister of Commerce as well that so many products are in circulation, we have to control products imported as food supplements often sold in gyms without retailer's licence. Officers of these ministries have to control.

I will thank the hon. Minister for bringing this amendment to the House.

I thank you for your attention, Mr Deputy Speaker, Sir. I have done.

The Deputy Speaker: Hon. Mrs Monty!

(8.13 p.m.)

Mrs M. C. Monty (Third Member for Port Louis North & Montagne Longue):
M. le président, merci de me permettre d'ajouter ma voix à celle des autres pour saluer ce présent projet de loi et pour féliciter mon collègue, le ministre de la Jeunesse et des Sports d'être venu avec ces amendements.

M. le président, ce projet de loi vise à faire que l'île Maurice et tous ceux qui la représentent, s'alignent aux exigences des normes internationales en matière des règlements antidopage et à veiller à ce que tous ceux qui se préparent en vue des compétitions nationale et internationale se mettent aussi à se préparer de façon adéquate, nette et claire en vue des jeux nationaux et internationaux voir même les Jeux Olympiques de 2023.

M. le président, le dopage en tant que tel existe depuis les temps immémoriaux même si la nature des dopages a changé et même si le but et la portée de l'ingestion des produits ne sont pas de même nature, le recours au dopage a toujours existé. Il s'agissait de tout temps de se doter de moyens artificiels pour s'aider à se surpasser.

M. le président, si la chèvre et le taureau en tant que viande à consommer durant les temps anciens étaient de mise, les éléments dopants ont changé de nature. Il suffirait de voir de nos jours la variété des produits dopants qui aident, disons-le, à travailler la musculature de façon ardue, à l'oxygénation du sang et aussi à ingérer des médicaments antistress et plus précisément d'améliorer sa performance voir même se dépasser.

Cette loi, M. le président, se veut à la fois réglementaire et protectrice. Elle peut mettre et remettre au pas et, en même temps, protéger la santé physique et psychologique de nos sportifs.

Cette loi, M. le président, vient toucher de façon positive, je dois dire, tous ceux concernés, tous les sportifs, les encadrateurs, les entraîneurs, leurs clubs ou autres associations sportives. Elle vient mettre au pas tous ceux qui voudront s'engager dans la facilité et qui lorgnent la voix contraire à la clarté, la propreté de leur engagement sportif et contraire à l'éthique. Elle exigera, M. le président, un effort concerté, un engagement collectif, un éventail de mesures et une stricte observation des règles. Cependant, il faudra aussi par ricochet entreprendre une vaste campagne de sensibilisation, d'information et de communication de ce qui est autorisé et de ce qui ne l'est pas et familiariser ceux concernés aux produits prohibés pour qu'ils puissent s'aligner aussi aux normes internationales.

M. le président, le dopage en tant que tel est devenu un fléau tel que, de nos jours, la communauté antidopage et l'industrie pharmaceutique ont été appelées à unir leurs efforts pour lutter ensemble. Donc, la lutte pour un sport propre est déjà enclenchée car, avouons-le, les méthodes de tricherie deviennent de plus en plus nombreuses et de plus en plus complexes. Donc les méthodes de contrôle, elles doivent marcher de pair et se consolider, se muscler d'où la démarche de ce présent projet de loi.

M. le président, nous connaissons fort bien les habitudes des mauriciens qui fonctionnent souvent par un renseignement, par des *coze cozer*, par des '*Eta saie sa mari serieux sa*' et des informations sur des produits déjà essayés par certains. Ce qui est bon pour l'un doit forcément être bon pour l'autre. Ce qui comporte nécessairement des risques sur la santé du sportif, de la méconnaissance des effets bienfaisants de tel ou tel produit, des

risques, des mésusages et j'en passe. Cette loi antidopage donc, M. le président, vient freiner les élans, limiter les risques, prévenir, avertir et resserrer l'étau. Aussi les écarts seront répertoriés et sanctionnés, donc avis aux contrevenants.

M. le président, ce projet de loi en jetant les bases afin d'éviter la tricherie vient instaurer et consolider la transparence au niveau du sport compétitif et vient aussi engager ceux qui sont directement concernés par la préparation de nos sportifs. Il est toujours difficile, j'en conviens, de promouvoir une discipline sportive, encourager la pratique de haut niveau et en même temps la contrôler. Mais force est de constater, M. le président, la finalité de cette démarche, une loi restrictive, mais au niveau des écarts du comportement d'attitude, elle vise à contrôler certes, mais instaure en même temps un système d'épuration si je peux m'exprimer ainsi, de propreté, de transparence et d'honnêteté.

M. le président, ce projet de loi vise aussi à empêcher que nos sportifs eux viennent cette fois se mettre à la course au dopage. Il vient freiner l'élan de tous ceux qui seraient tentés de se doper ou de masquer les produits dopants dont ils font usage.

M. le président, si le dopage aujourd'hui est non seulement une arme sportive, elle dit aussi une arme politique des grandes puissances. Et même si on parle aujourd'hui d'antidopage comme un leurre ou une hypocrisie, pour notre île Maurice, ces amendements visent à offrir à nos sportifs un garde-fou et ceci vient donner à nos représentants aux compétitions le moyen de se présenter avec un passeport biologique dépourvu de toute tâche additive. Qu'ils en fassent bon usage, c'est mon souhait pour nos grands sportifs.

Ceci mène, M. le président, à la fin de mon intervention sur ce projet de loi pour lequel je réitère mes félicitations à notre dynamique ministre des Sports. Mon souhait toutefois demeure à ce que nos sportifs continuent à être des champions de l'effort et qu'ils continuent à porter plus haut nos couleurs sans chercher à triompher par d'autres moyens que la rigueur, la rectitude, la persévérance et la discipline. Sur ce, M. le président, je vous remercie.

The Deputy Speaker: Hon. Ramful!

(8.19 p.m.)

Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien): Mr Deputy Speaker, Sir, hon. Dr. Joomaye is right, we have not much dispute with regard to the amendments that have been proposed by the hon. Minister. However, I wish to bring my input with regard to a few propositions that are being proposed in the Bill.

Now, the hon. Minister said it that on 16 November 2017, the World Anti-Doping Agency, what is known as WADA, declared three signatories non-compliant with the code with immediate effect, in particular New Guinea, Kuwait and Mauritius. With regard to Mauritius, it was said that this was due to non-compliance with the anti-doping arrangements to enforce the code. Now, let me say one preliminary point before I go to the provisions. It is with regard to the enforcement of the code. In the previous Sports Act, there was an issue that there was no provision for adopting the code.

Now, I can see in the clause it is being provided for the NADO, the National Agency in Mauritius, to adopt the rules and regulations of the WADA. We have to bear in mind one thing; that this code, as from the day these amendments are going to be proclaimed, is going to have force of law, and force of law will apply to our athletes, the federations and all sports organisations. The sanctions that are being imposed, if there is any violation of the code, are quite serious. There are disciplinary sanctions and even criminal sanctions, offences if there is any failure by any athlete to comply with the code. But then, I find it strange that this code and there are certain articles - If you look at clause 7, for example, it says that if there is any violation of any anti-doping rules, then articles 7, 8 and 10 shall apply to the athlete.

Now, what is article 7, what is article 8 and what is article 10? This has not been reproduced in the law. I know, in normal cases whenever there is a legislation which is adopting an international covenant or any international code, normally the code or the covenant is repeated, is reproduced in the schedule of the Bill. Because as I have said, breach of this code can amount to serious consequences for the athlete and there is the element of publicity. The athlete should know what article 7 talks about, what article 8 talks about and what article 10 talks about. So, there must be transparency and there must be publicity. I have even checked the website of the Ministry of Youth and Sports. This WADA code which is so important is not even on the website of the Ministry. So, we are implementing an international code. I have even tried to look for that code on the Internet and, believe me, Mr Deputy Speaker, Sir, it took me hours to try to find out the code. It is not easy and we are going to implement this on our athletes.

So, one proposition that I wish to make is to try to, at least, give some visibility to the specific provisions which shall apply to our athletes. That is one proposition that I wish to make. Now, with regard to the Independence of this NADO, the National Agency, when we look at article 10.5.1 of the WADA code, the international code, it says that this National

Anti-Doping Organisation has to be independent in their operational decisions and activities and to adopt and implement Anti-Doping rules and policies which conform with the code.

Now, there is one clause – independence. The mere fact that you mentioned that this organisation is going to be independent does not mean anything. You have to walk the talk. The appointment of the members of that organisation, the president, must be independent. The appointing mechanism should be independent. Previously, under the Sports Act 2016, the President of that NADO was the Supervising officer of the Ministry. So, the representative of the Ministry was chairing that organisation. There are good ameliorations. Now, we are proposing a professional to preside over this organisation, but then that person should be independent, really independent as provided in the code and not someone appointed by the Minister.

What is even more serious, and I will invite the hon. Minister to ponder upon this. Under the Sports Act 2016, there was a representative. At least, there was one independent member, a local representative of the WADA who was sitting in that Committee. Now, with this amendment, we are repealing, we are doing away with that representative. So, this board is going to be composed of a President appointed by the Minister and four members with relevant expertise in the field of anti-doping who are also going to be appointed by the Minister.

So, we are not really meeting the objectives of the WADA. Well, the Minister has said it that the WADA representatives were in Mauritius in August and they were happy with the propositions. Well, I give him the benefit of the doubt. But, at least, for the purpose of transparency, this organisation, the appointment mechanism should have been more independent.

I would not be long. There is one last issue with regard to dispute. Now, I can see from clause 13 which seeks to amend section 23(h) of the Act, states as follows. That the NADO shall –

- “(h) deal with any potential anti-doping rule violation in its jurisdiction, impose appropriate sanctions on athletes and persons found guilty of violating any anti-doping rule and ensure their enforcement in accordance with WADA Code.”

Then, there is another provision, clause 15 which seeks to bring in a new provision, 2(a) which says that –

“(2A) (a) Any dispute relating to doping shall be referred to the Tribunal.”

So, it would appear that both the NADO and the Tribunal will be hearing dispute involving doping issues, there is a confusion. We have to, very clearly, state what is going to be the function of the NADO. Is NADO only going to be an enforcement agency, that is, investigating any allegations of doping and then that body will refer the matter to the Tribunal? If this is the case, this has to be stated very clearly in the law. So, there is a confusion there, I don't know. Maybe, I will invite the hon. Minister to look into these matters that I have raised, otherwise, as I have said, Mr the Deputy Speaker, Sir, there is not much dispute. These are the few points that I wanted to make.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Toussaint!

(8.30 p.m.)

Mr Toussaint: Merci, M. le président. M. le président, permettez-moi de remercier tous les honorables membres de la Chambre qui ont intervenu sur ce projet de loi très important.

Rapidement, je voudrais informer l'honorable Ramful qu'à l'heure actuelle, il n'y a aucun représentant local de WADA, je crois peut-être quelque part que ce n'est pas correct. Par rapport à NADO, NADO a la responsabilité de faire des tests sur nos sportifs *and these tests can be done anywhere, at any time, any moment*, même chez eux aussi à la maison. Donc, ce n'est pas juste pour écouter un peu les doléances et après prendre les actions, etc. Et puis, rapidement, par rapport au temps, donc, comme je l'ai expliqué, nous avons été informés de la suspension de NADO en novembre 2007.

M. le président, permettez-moi de rassurer toute la Chambre et toute la population et surtout, nos sportifs que depuis novembre 2017, le ministère, les officiers du ministère n'ont cessé de consulter, d'être en consultation permanente avec le WADA. Et c'est dans cette optique qu'en août de cette année-ci, deux personnes de WADA sont venus à Maurice, alors M. Emiliano Simoneli, *Chief Compliance Manager* et Rodney Swigelaar, *Director WADA Africa*. Et donc, ils sont venus à Maurice après une longue période de consultation où ils étaient plus ou moins satisfaits avec ce que nous allions proposer, durant leur visite, en août de cette année. Le *Bill* est là aujourd'hui après quelques mois seulement. Donc, en août de cette année, ils ont travaillé ensemble. Je l'ai dit dans mon discours au commencement, ils

ont travaillé ensemble avec les officiers du *Attorney General's Office*, aussi bien qu'avec les officiers de mon ministère pour nous proposer ce projet de loi.

Donc, le travail se fait. Bon, dommage, l'honorable Quirin a parlé d'inaction de ma part. Ce n'est pas correct. C'est pour cela que je me permets d'expliquer tout le travail qui a été fait depuis novembre, cher ami. C'est quelque chose d'assez complexe qu'il faut quand même écouter ceux qui sont les experts dans ce domaine pour que nous puissions apporter les amendements corrects et idéals pour régler le problème.

Je suis aussi entièrement d'accord avec l'honorable Dr. Joomaye qui nous a donné, par exemple, une longue liste de produits. Il faut comprendre que les produits dopants, comme il l'a si bien expliqué, se trouvent dans des médicaments anodins, ordinaires. Et, c'est pour cela que l'honorable membre ainsi que l'honorable Madame Monty ont parlé de sensibilisation des athlètes qui se font, ceux qui souffrent d'asthme, par exemple. Les médicaments pour soigner l'asthme constituent un dopant. Les athlètes, les jeunes surtout qui souffrent de l'asthme, doivent savoir qu'avant une compétition, ils doivent informer qu'ils sont asthmatiques et qu'ils prennent tel et tel produit. Alors, c'est ça l'éducation que nous faisons.

Donc, je dis cela pour rassurer la population, pour rassurer tout le monde que les informations passent. L'honorable Ramful a parlé d'éclaircissement, d'explication, etc. Nous le faisons en permanence. A partir du moment que cette loi sera promulguée, il y aura certainement des sessions d'information à tous ceux concernés pour leur expliquer que contiennent ces amendements et à quoi s'attendre s'ils fautent. Mais le plus important reste la sensibilisation, parce que l'athlète doit comprendre que rentrer dans ce problème de dopage est néfaste pour sa santé. Et là, je profite de cette occasion qui m'est donnée pour faire un appel à tous nos sportifs, à nos présélectionnés pour les jeux des îles, aux jeunes qui démarrent dans une discipline sportive, que d'abord et avant tout, un produit dopant est néfaste à leur santé. Et deuxième, s'ils sont pris la main dans le sac, comme on dit, ce sera tout à fait un déshonneur total pour eux, un déshonneur total pour le pays.

Donc, j'espère que cet appel va rentrer dans les oreilles de nos sportifs pour leur faire comprendre qu'il vaut mieux rester propre. Nous, au niveau du ministère, avec l'aide du *Trsut Fund for Excellence in Sports*, nous avons pendant plusieurs mois fait des campagnes de sensibilisation à Maurice, aussi bien qu'à Rodrigues. Le *Trust Fund* est parti spécialement à Rodrigues pour organiser des sessions de formation, des sessions de sensibilisation par rapport à tout ce qui est dopage. Nous avons même organisé une marche - où le Premier

ministre était présent et je le remercie pour cela, où plusieurs ministres, plusieurs membres de l'Assemblée étaient présents, avec nos présélectionnés des jeux des îles - et dont le thème était 'Say No to Doping, Say No to Drugs'. Donc, nous avons organisé cette marche de Ebène à Rose Hill. Donc, plusieurs des membres étaient présents. Donc, nous mettons vraiment beaucoup l'emphase sur la sensibilisation, M. le président. Il est important que nos athlètes puissent comprendre *that they have to stay clean, they must always be clean*. Et c'est ça l'appel que je lance ce soir, ici.

Alors, M. le président, permettez-moi aussi, tout comme mon honorable ami, le ministre du Travail, de souhaiter à tout un chacun, à vous, à tous les officiers, de remercier tout le monde qui ont contribué, les officiers de mon ministère, l'*Attorney General's Office* et de souhaiter à tout le monde, à la population, à la jeunesse mauricienne, aux sportifs mauriciens, un très joyeux Noël et une bonne année 2019.

Merci, M. le président.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

The Sports (Amendment) Bill (No. XXV of 2018) was considered and agreed to.

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

Third Reading

On motion made and seconded, the Sports (Amendment) Bill (No. XXV of 2018) was read a third time and passed.

ADJOURNMENT

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Friday 14 December 2018 at 3.00 p.m.

Mr Roopun rose and seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

Adjournment Matters! Hon. Ramful!

(8.40 p.m.)

MATTERS RAISED

COTTAGE - FLOODING

Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien): Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, I have an issue which concerns the hon. Prime Minister. I wish to bring to his attention the problems faced by the inhabitants of Cottage and the surrounding areas. We have seen in the newspapers that these inhabitants have faced enormous problems as a result of flooding on Monday. The hon. Prime Minister will recall that the previous Government had, under the emergency provision, made provision for the construction of drains at Cottage and the surroundings, but then, those constructions were stopped after the elections. According to my information, it is because of that stoppage of work that the flooding had occurred in those areas.

I have also been told that, in fact, no representatives of Government have gone on site to look at the concerns of those inhabitants. So, I will make a request to the hon. Prime Minister, firstly, to send a representative of Government to go on site so as hear the complaints of the inhabitants. Secondly, if arrangements could be made to complete the drainage system at Cottage and the surrounding areas, and thirdly to consider any compensation, if any, that those inhabitants maybe entitled to.

Thank you.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, the flooding at Cottage was triggered, according to my information, by heavy rainfall on Monday 10 December 2018 in several regions of Rivière du Rempart. In fact, the region registered about 150 millimetres of rain in about three hours, which is an extreme condition. Several areas were seriously affected, namely Mapou, Piton, Gokoola, L'Amitié, Belle Vue Maurel, L'Amaurie, Rivière du Rempart Village and Cottage was the worst affected.

The problems of flooding at Cottage were exceptional as some regions in Cottage had been affected in the past. They are directly linked with flooding from Mapou and Piton with huge water outflow emanating from the sugar cane fields of Terra and Alteo. The problems are aggravated because of no major outlets available at Cottage. I have no information which would confirm the statement of the hon. Member who raised the matter at Adjournment.

However, Government, that is the NDU, has been examining all options and possibilities in terms of short-term solutions as well as longer term solutions. The Crisis Committee, under the Chairmanship of hon. Sinatambou, Minister of Social Security, National Solidarity, and Environment and Sustainable Development, met yesterday morning with all the parties concerned. This meeting was followed by the Regional Disaster Committee held at the District Council of Rivière du Rempart on Tuesday afternoon. This Committee comprises of the SMF, the NDU, the Police, the Minister of Environment, Minister of Social Security, District Council, National Disaster and Risk Reduction and Management Centre, amongst others. It would, therefore, not be strictly accurate that no representative of the State has attended to the matter.

The Deputy Speaker: Hon. Ameer Meea!

(8.45 p.m.)

SUPER CASH BACK GOLD – LATE MR G. P. - MONEY INVESTED

Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East): Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, I shall raise a very important issue concerning the Minister for Financial Services and Good Governance. Since he is not present, I shall address myself to the hon. Deputy Prime Minister.

(Interruptions)

It is a last one for the road for this year. Anyway!

Late Mr G.P. invested a huge sum of money in Super Cash Back Gold and after he passed away, his case was referred to the FIU, the IRSA, and the IRB (Integrity Reporting Board).

On 01 December 2017, the Director of IRSA informed the family that no further action would be taken in respect of the state of the late father who died. I said it at the start that I have all the necessary correspondences but, of course, they are confidential, I shall give them to the hon. Deputy Prime Minister afterwards.

On 13 March 2018, the NPFL informed the family that their case has been cleared by the FIU, and requested them to make necessary formalities. On 26 March 2018, all the nine hires completed the formalities at the NPFL and were told that their succession account would be credited in two weeks' time. Since then, there have been exchanges of letters and e-

mails concerning two polices that there were no originals, they were photocopies. These were set aside so as to be able to pay the big chunk of the amount.

Since, 21 April till October 2018, nothing has been heard from NPFL and the family decided to inform the Office of the Ombudsperson. The Office of the Ombudsperson informed the Ministry of Financial Services and Good Governance and they replied that their documents are still being verified etc.

Tonight, Mr Deputy Speaker, Sir, why I am raising this issue is because, for me, I feel that there is something wrong. I feel that there is something wrong because clearly all the necessary clearance, be it FIU, be it the Integrity Reporting Board, everything has already been obtained. The family was called last week, again, at the Office to sign documents. They went there and everything has been signed.

Now, they were informed that the money would be deposited on their bank account on Monday and, today, when they phoned the Ministry, they are informed that there are some cheque signatories who are not present. It is the first time I am hearing this from Government officers. Because when there is not one check signatory, there are others. And I must say that I have been following this matter since long but since they were being held last week and they said they would have been paid on the latest Monday, I did not put any PQ and intervene. But today, when I talked to the family, they informed me of the traumatic situation they are facing because the hirers badly need the money, they have financial commitments, they have loan repayments, health issues and education purposes.

As I said earlier, I think I know the reason but I won't impute any improper motive at this stage but I must remind the House that this case has the same similarity as the case of the brother of Mr Prakash Maunthrooa, whereby he invested Rs115 m. He also was cleared by the FIU, by the necessary Board, the ISRA and he was paid his 60% of the sum, that is, Rs70 m.

So, clearly, tonight, Mr Deputy Speaker, Sir, I am making an appeal to the hon. Deputy Prime Minister, though it is not his Ministry, to look into the matter and see to it that justice is being done to this family.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Prime Minister: Well, first of all, I want, not only for hon. Aadil Ameer Meea, but also for hon. Ramful to place on record my appreciation of the fact that they did send me advance notice of the queries they were going to raise.

Insofar as hon. Ramful is concerned, I was able to get at least some information, but insofar as hon. Aadil Ameer Meea, I am unable to enlighten him at this stage. I shall, of course, take it up with the Minister. I am a lawyer *ex facie* the statement, I do not think that there is much to get glittery about, but let us see what is the situation and then we will advise you, of course.

At 8.52 p.m., the Assembly was, on its rising, adjourned to Friday 14 December 2018 at 3.00 p.m.