



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**FIRST SESSION**

**TUESDAY 24 NOVEMBER 2015**

**CONTENTS****ANNOUNCEMENT****PAPERS LAID****QUESTIONS** (*Oral*)**MOTION****BILL** (*Public*)**ADJOURNMENT****QUESTIONS** (*Written*)

Members

Members

**THE CABINET****(Formed by the Rt. Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC)**

Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Deputy Prime Minister, Minister of Tourism and External Communications
Hon. Showkutally Soodhun, GCSK	Vice-Prime Minister, Minister of Housing and Lands
Hon. Ivan Leslie Collendavelloo, GCSK	Vice-Prime Minister, Minister of Energy and Public Utilities
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Finance and Economic Development
Hon. Yogida Sawmynaden	Minister of Youth and Sports
Hon. Nandcoomar Bodha	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan	Minister of Health and Quality of Life
Dr. the Hon. Mohammad Anwar Husnood	Minister of Local Government
Hon. Prithvirajsing Roopun	Minister of Social Integration and Economic Empowerment
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Ravi Yerrigadoo	Attorney General
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Santaram Baboo	Minister of Arts and Culture
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Mrs Marie-Aurore Marie-Joyce Perraud	Minister of Gender Equality, Child Development and Family Welfare
Hon. Sudarshan Bhadain	Minister of Financial Services, Good Governance, Institutional Reforms, Minister of Technology,

	Communication and Innovation
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Fazila Jeewa-Daureeawoo	Minister of Social Security, National Solidarity and Reform Institutions
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands
Hon. Jayeshwur Raj Dayal, CSK, PDSM, QPM	Minister of Environment, Sustainable Development and Disaster and Beach Management
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Civil Service and Administrative Reforms
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training

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Madam Speaker	Hanoomanjee, Hon. Mrs Santi Bai, GCSK
Deputy Speaker	Duval, Hon. Adrien Charles
Deputy Chairperson of Committees	Hurreeram, Hon. Mahendranuth Sharma
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
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Hansard Editor	Jankee, Mrs Chitra
Serjeant-at-Arms	Pannoo, Mr Vinod

**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 41 of 2015**

**Sitting of 24 November 2015**

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

**The National Anthem was played**

*(Madam Speaker in the Chair)*

## ANNOUNCEMENT

### NATIONAL ASSEMBLY - *L'ASSEMBLÉE NATIONALE DE L'UNION DES COMORES* & *L'ASSEMBLÉE NATIONALE DE MADAGASCAR* - DELEGATION

**Madam Speaker:** Honorables membres, j'ai le plaisir de vous annoncer la présence parmi nous ce matin d'une délégation de parlementaires de l'Union des Comores dirigée par l'honorable docteur Abou Ouseni Houmadi, le Président de l'Assemblée nationale de l'Union des Comores ainsi qu'une délégation de parlementaires de la République de Madagascar dirigée par l'honorable Mananjara, le Vice-Président de l'Assemblée nationale de Madagascar.

Les distingués invités qui sont accompagnés de Son Excellence, M. Jean Claude de l'Estrac, Secrétaire général de la Commission de l'Océan Indien sont à Maurice dans le cadre de la première réunion de la réactivation de l'Association parlementaire de l'Océan Indien.

En votre nom et en mon nom personnel, je leur souhaite la bienvenue ainsi qu'une fructueuse session de travail et un agréable séjour chez nous.

## PAPERS LAID

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

### **A. Ministry of Agro-Industry and Food Security –**

The Annual Report 2011 and the Financial Statements of the Mauritius Sugar Industry Research Institute for the year ended 31 December 2011 and 18 March 2012.

### **B. Ministry of Industry, Commerce and Consumer Protection –**

- (a) The Consumer Protection (Control of Price of Petroleum Products) (Amendment) Regulations 2015. (Government Notice No. 222 of 2015)
- (b) The Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 2) Regulations 2015. (Government Notice No. 223 of 2015)
- (c) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 30) Regulations 2015. (Government Notice No. 224 of 2015)

- (d) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 31) Regulations 2015. (Government Notice No. 225 of 2015)
- (e) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 32) Regulations 2015. (Government Notice No. 226 of 2015)

## ORAL ANSWERS TO QUESTIONS

### DOMESTIC VIOLENCE

**The Leader of the Opposition (Mr P. Bérenger)** (*by Private Notice*) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to domestic violence, she will –

- (a) state the total number of reported cases thereof both to the Police and to the Family Support Bureaux, since 2010 to date, on a yearly basis, indicating the number of prosecuted cases thereof and the outcome thereof;
- (b) state if a fresh study on the extent, nature and cost thereof will be carried out and, if so, indicate when;
- (c) state how the implementation of the 2014 Domingue Report is progressing, indicating the measures being taken in relation thereto at the level of the Police, and
- (d) for the benefit of the House, obtain from the National Coalition against Domestic Violence Committee, information as to the composition thereof, indicating if the report thereof has been finalised.

**Mrs Perraud:** Madam Speaker, I would like to thank the hon. Leader of the Opposition for this question. It comes at an opportune time as we are commemorating the International Day for the Elimination of Violence against Women tomorrow, 25 November 2015.

Allow me, at the very outset, to inform the House that domestic violence takes different forms such as physical, sexual, psychological and also economic exploitation, occurring in the family and in communities with devastating effects. It harms families and communities across generations and reinforces other violence prevalent in society. Domestic violence is not confined



to a specific culture, region or country or to particular groups of people, but spans across all segments and strata of society. Mauritius is no exception to this phenomenon.

Madam Speaker, in regard to part (a) of the question, I am informed by the Commissioner of Police that the number of cases of domestic violence reported to the Police since 2010 to date is as follows -

No of cases reported	2010	2011	2012	2013	2014	2015 (Jan - Oct)
Total	3078	3046	3285	2842	3062	2375
Convicted	362	331	286	341	301	228

**Cases of Domestic Violence registered to Police Family Protection Unit for Mediation and Counselling**

Year	2010	2011	2012	2013	2014	2015 (Jan - Oct)
Total	4332	4208	4811	4767	4701	3534

**As regards the number of domestic violence cases reported at the 6 Family Support Bureaux of my Ministry -**

<b>YEAR</b>	<b>TOTAL</b>
2010	2215
2011	1817
2012	1974
2013	1786

2014	1680
2015 (Jan - Oct)	1259

I must, however, point out that there may be a duplication of figures being given that some cases are both reported at the Police as well as at the Family Support Bureaux of my Ministry.

Regarding part (b) of the question, I would like to inform the House that a study on the extent, nature and cost of domestic violence to the Mauritian economy for the period 2008 - 2009 was conducted by the Mauritius Research Council and was launched in 2010. The study also attempted to place a monetary value on the burden that such type of violence has on the economy. The total cost was estimated at Rs1.4 billion for the period 2008 - 2009. According to the Report, the most common type of gender-based violence were: emotional, physical and sexual.

Given the importance of such a study, my Ministry has already initiated action to commission a new study on Intimate Partner Violence that will focus on the Prevalence, Causes, Consequences and Cost of Intimate Partner Violence on the Mauritian Economy. The Terms of Reference have already been worked out. The study will provide policy recommendations, with specific indicators, that will enable the development of a Costed Action Plan and appropriate strategies to deal with Intimate Partner Violence through prevention and appropriate intervention mechanisms and measures. The study will be partly financed under the UNFPA assisted programme. Call for Proposals will be sought by the end of this month and it is expected that the consultancy contract, which would be for a duration of six months, would be awarded by mid-January 2016 and completed by July 2016.

Insofar as part (c) of the question is concerned, I would like to inform the House that the Domingue Report was launched on 17 August 2015 following which, a three-day consultative workshop was held with all stakeholders. The objective of the workshop was to elaborate a strategic plan for the effective implementation of the recommendations of the Report.

Madam Speaker, the recommendations of the Domingue Report concur that our laws in respect of domestic violence, including Protection from Domestic Violence Act (PDVA) as well as the Penal Code and other related Acts still have numerous lacunas and weaknesses and changes are needed to make them more compliant.

My Ministry is in consultation with the Attorney General's Office to bring about the required amendments to the legislation. The proposed amendments include, amongst others –

- (i) the PDVA to provide for a more comprehensive definition of 'domestic violence' so as to include psychological, sexual and economic violence that occur within the family or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;
- (ii) provision to be made in the Criminal Code for the following -
  - (a) all forms of domestic violence to be criminalised, including the intentional conduct of seriously impairing the psychological integrity of a spouse or partner through coercion or threats;
  - (b) for harsher penalty when offences committed, *inter alia*, against a person with special need, a pregnant woman or a person who due to whatever reason is incapable of resisting, a weapon was used, or the act was committed in the presence of a minor or in repeated incident of domestic violence, regardless of the level of injury;
  - (c) for manslaughter committed by a spouse or partner of the victim be treated as aggravating circumstances and the related sentences be inflicted;
  - (d) rape, to include marital rape;
  - (e) Section 242 of the Code, which provides that manslaughter committed by any person on his spouse, as well as on his accomplice, at the very moment he finds them in the act of adultery is excusable, be repealed;
  - (f) provision to be made for deferred prosecution agreements, whereby the Director of Public Prosecutions can enter into an agreement with an alleged perpetrator not to prosecute for a domestic offence, subject to the alleged perpetrator taking the commitment to attend a rehabilitation programme and not to indulge in further acts of domestic violence; should the perpetrator fail to meet the requirements laid down in the agreement, prosecution would ensue;

- (iii) Provision to be made in the Court Act for video link when victims and witness do not want to confront the perpetrator during Court proceedings. Specialised Domestic Court should be set up to guarantee the rights of victims of domestic violence.

As regards the Police, consultations were carried out and it has been agreed that provision be made in the Police Act so that “Police may arrest without warrant upon reasonable ground of suspicion, a person who committed an offence of Domestic Violence of an aggravated nature”. The Police is also willing to extend its assistance to Court Ushers whenever required in cases of domestic violence.

I am confident that, by the next session of the National Assembly, we would have brought the necessary amendments to strengthen the legislative framework in respect of combatting the scourge of domestic violence in our Republic.

Madam Speaker, concerning part (d) of the question, I am informed that following the announcement in the Government Programme 2015-2019, the National Coalition Against Domestic Violence Committee was set up under the aegis of the Prime Minister’s Office, with representatives from the following Ministries/Departments/Organisations –

- (i) Prime Minister’s Office (Home Affairs Division);
- (ii) Ministry of Gender Equality, Child Development and Family Welfare;
- (iii) Ministry of Social Security, National Solidarity and Reforms Institutions;
- (iv) Police Department;
- (v) Ministry of Social Integration and Economic Empowerment;
- (vi) Ministry of Health and Quality of Life;
- (vii) Ministry of Housing and Lands;
- (viii) Ministry of Labour, Industrial Relations, Employment and Training (Employment and Training Division);
- (ix) Attorney General’s Office;
- (x) MACOSS;

- (xi) SOS *Femmes*, and
- (xii) the private sector.

The involvement of NGOs and the private sector were considered essential for the adoption of a holistic approach to the problem of domestic violence. However, no representative from the Private Sector turned up for the Committee meetings when convened.

Nine meetings of the Committee have been held over the period March to 23 November 2015.

Two subcommittees have been constituted to look at the following –

- streamlining of procedures for victims of domestic violence, and
- proposals for accommodation and employment.

A Wrap up meeting is scheduled for Tuesday 24 November 2015, that is, today, at 3.00 p.m. to finalise the report. Thereafter, approval of Cabinet will be sought early December 2015 for the implementation of the recommendations made in the report. It should be pointed out that the Ministry of Health and Quality of Life is already implementing the guidelines and protocol in order to fast-track cases where victims of domestic violence call at the hospital.

Madam Speaker, domestic violence is a “*fléau sociale*” which has far-reaching consequences on society if not addressed properly. We must halt and reverse the trend and this is what I have tasked myself with as a priority since my assumption of office. Many programmes and projects are under way. Our approach is three-pronged, that is, intervention, prevention and rehabilitation which is being provided through our six Family Support Bureaux. We have reinforced our human resource capacity with additional Family Welfare and Protection Officers and the recruitment of additional legal persons on sessional basis. It is a national issue and the collaboration of all stakeholders is required.

**Mr Bérenger:** The figures provided by the hon. Minister for the number of cases reported and sent to Court of domestic violence is quite disturbing. Can I ask the hon. Minister whether she will agree with me that, in fact, what is reported, what goes to Court and so on, is the tip of the iceberg, here, in Mauritius, as is elsewhere, if I can refer to a study in the European Union in 2014 which established, I quote –

“About a third of all women in the European Union have experienced either physical or sexual violence since the age of 15”

and which puts the number of women killed by domestic violence around 3,000 every year? Can I ask whether any kind of guesstimate has been worked out, basing ourselves on the experience elsewhere and what we know of Mauritius, what are the real figures?

**Mrs Perraud:** Madam Speaker, as I have stated in my reply, we have figures from the Police and also figures of cases reported at our six Family Support Bureaux. I totally agree with the hon. Leader of the Opposition that this problem is very serious. This is why, at the level of my Ministry, we are taking it seriously and we are working on all the recommendations of the Advisory Committee.

**Mr Bérenger:** The hon. Minister has just made reference to the six bureaux. Can I know from the hon. Minister what is their geographical distribution over the island and whether she is satisfied that the existence of six bureaux is sufficient or whether a request has been made for other bureaux to be opened?

**Mrs Perraud:** I can say that, six Family Support Bureaux are found at Port Louis, Goodlands, Flacq, Bambous, Phoenix and Rose Belle. So, we have six Family Support Bureaux at the level of our Ministry and we have been talking with the Police so that we can also use the seven bureaux that the Police have so that we can have more bureaux and a complete service offered to the victims of domestic violence. Indeed, six is insufficient.

**Mr Bérenger:** Concerning the National Coalition against Domestic Violence Committee, I thank the hon. Minister for providing us with information, but can I know who chaired this Coalition Committee?

**Mrs Perraud:** The person who chaired the Committee is the PS at PMO.

**Mr Bérenger:** If I can move on to the Domingue Report, of course, the hon. Minister will understand that I talked about the 2000 routine Domingue Report, because it was set up then, but it reported, if I am not mistaken, at the end of 2014, but was made public after the general elections. Will the hon. Minister agree with me that it is a strong report? I consider it a very strong, very good report, except for the part dealing with the Police. Will the hon. Minister agree with me that, in fact, the Police in Mauritius is part of the problem and not part of the

solution, when young girls/women report to Police Stations in cases of domestic violence, of sexual violence, they are humiliated by most officers - you have good officers, but humiliated! Sometimes they are raped a second time, verbally, I mean. Will she agree with me that on that the report is weak and has she taken that up with the Prime Minister, especially the idea of having female Police officers present in every Police station?

**Mrs Perraud:** Indeed, we got cases reported at the Ministry's level that for some people when they go to the Police station to find assistance, they are not well welcomed. So, I have already talked about this problem to the Commissioner of Police himself. I have met him more than three times to discuss this matter and we have regular meetings with the Police and officers of my Ministry to talk about this problem.

**Mr Bérenger:** I didn't get an answer whether we are progressing in terms of female Police officers presence, who should be in every Police station as soon as we can reach that stage. But can I ask - since the hon. Minister mentioned the Commissioner of Police - whether we can also have *sessions de formation* for policemen because they are what they are; we are all what we are with our prejudices, our mentalities and so on? Therefore, will she agree with me that *sessions de formation* for the Police officers of the whole Force is urgently required and should be ongoing?

**Mrs Perraud:** Yes, this is already on. We have capacity building for the Police officers.

**Madam Speaker:** Hon. Ganoo!

**Mr Ganoo:** May I ask a question to the hon. Minister - a matter which I have raised some time back in this very House concerning the abusers and the perpetrators - whether we should not inspire ourselves when amending the law from what takes place in other countries? When a protection order is issued against the husband, he is formally ordered and compelled to follow sensitisation courses so that he may understand where things are going wrong and these courses can yield positive results with regard to the husband.

**Mrs Perraud:** I have already stated in my reply that we are working for rehabilitation of perpetrators.

**Mr Sesungkur:** Madam Speaker, I think the plight of women, of couples should interest all our Members here and I am happy that the Leader of the Opposition...

**Madam Speaker:** Don't make a statement hon. Sesungkur, ask your question!

**Mr Sesungkur:** Yes, I am coming to it. Based on the figures quoted by the hon. Minister, will she agree that despite so much money spent on various programmes, there seems to be no meaningful and no productive result because I can see that since 2010 the number of cases did not go down? Can the hon. Minister enlighten the House if the cases reported are in specific regions so that we can assess whether it is linked with poverty or any social issues?

**Mrs Perraud:** Madame la présidente, j'ai déjà dit dans ma réponse qu'en ce qui concerne la violence faite aux femmes, cela ne concerne pas de région, de race, de couleur ou de *social background*. Donc, tout le monde est concerné. Mais j'aimerais aussi dire que mon ministère fait de la prévention et de la lutte contre les violences faites aux femmes une priorité et que notre objectif c'est qu'aucune violence déclarée ne doit rester sans réponse. Il nous faut sensibiliser la société. Les violences faites aux femmes ne doivent plus être ni une fatalité ni un tabou.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Madam Speaker, the hon. Minister mentioned that the Units are now adequately staffed. May I know from the hon. Minister how many psychologists are attached to her Ministry and whether there is any agreement with the Police that each time there is a domestic violence case reported, the victim has access immediately or as soon as possible to a psychologist?

**Mrs Perraud:** We have six psychologists attached to the Family Welfare Protection Unit and 12 to the CDU.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** Can I know from the hon. Minister whether in view of the alarming situation a comprehensive study is being carried out with regard to capacity as a whole within the Ministry, taking into consideration the staff and what does the Ministry consider urgent to have for the coming years?

**Mrs Perraud:** As I have already said in my reply, we are looking forward for a new study.

**Mr Bérenger:** *Can I have a last question ?* J'ai écouté attentivement la ministre. Est-ce qu'elle sera d'accord avec moi – je pense que oui – que tout reste à faire – beaucoup, mais moi je



dis tout reste à faire à Maurice - pour combattre la violence domestique ? Est-elle d'accord avec moi qu'à l'occasion de la Journée Internationale demain contre la violence domestique qu'il faut faire un appel spécial, à travers ce Parlement, surtout aux hommes et aux jeunes à l'occasion de cette Journée Internationale contre la violence domestique et nous tous ensemble faire en sorte que le combat contre la violence domestique prenne un nouveau départ à l'île Maurice ?

**Mrs Perraud :** Effectivement, je pense qu'il faut faire un plaidoyer pour que tout le monde se sente concerné par rapport aux violences faites aux femmes. Et demain, comme j'ai annoncé hier lors de ma conférence de presse, il y a toute une série d'activités organisées pour justement commémorer cette journée et beaucoup a été fait depuis que nous sommes arrivés en décembre de l'année dernière. Nous travaillons beaucoup avec le monde associatif, avec les ONG pour combattre ce problème. Nous avons demandé et obtenu lors du dernier exercice budgétaire – je tiens à remercier le ministre des Finances – des effectifs additionnels justement parce que le problème est conséquent, donc il nous faut avoir du personnel pour pouvoir soutenir et aider ces femmes qui sont victimes de violence. Donc, je fais un appel à tous mes collègues qui sont là. Demain c'est la Journée Internationale contre la violence faite aux femmes, que chacun soit un ambassadeur, que nous soyons de l'Opposition ou du gouvernement et des associations et aussi les journalistes qui sont là, que nous soyons tous demain et tous les jours des ambassadeurs pour protéger les femmes à Maurice et que nous soyons tous dans ce combat pour que nous ayons une société vraiment beaucoup plus bénéfique pour les femmes et pour tous les mauriciens.

*(Interruptions)*

**Madam Speaker:** The Table has been advised that Parliamentary Question No. B/947 has been withdrawn. Hon. Dr. Sorefan!

### **VIPSU OFFICERS - OVERSEAS MISSIONS**

**(No. B/945) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Very Important Persons Support Unit, he will, for the benefit of the House, obtain from the Commissioner of Police, a list of the officers thereof who have accompanied Very Important Persons on overseas missions, since 2005 to date, indicating in each case the –

- (a) grade and posting thereof;
- (b) countries visited and duration thereof;
- (c) personalities they had accompanied, and
- (d) total amount of money spent in terms of air tickets, *per diem* and any other allowances.

**The Ag. Prime Minister:** Madam Speaker, the following VIP's are entitled to be accompanied on overseas missions by officers of the Very Important Persons Support Unit –

- (i) the President;
- (ii) the Prime Minister;
- (iii) the Vice-President;
- (iv) the Deputy Prime Minister;
- (v) former Presidents;
- (vi) former Prime Ministers, and
- (vii) the Leader of the Opposition.

The information requested by the hon. Member is being compiled and will be placed in the Library of the National Assembly.

**Madam Speaker:** Hon. Dr. Sorefan!

**Dr. Sorefan:** Madam Speaker, may we know from the hon. Ag. Prime Minister when the VIPs travel for private visits whether they get Police officers to accompany them?

**The Ag. Prime Minister:** Yes, Madam Speaker, there have been occasions on private visits where several of these VIPs have taken Police officers. I have not, but there have been occasions.

**Madam Speaker:** Hon. Ameer Meea is not here!

#### **HUMAN RIGHTS COMMISSION – LEGISLATION- AMENDMENT**

**(No. B/947) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for

Rodrigues and National Development Unit whether, in regard to the Human Rights Commission, he will state if consideration will be given for the law in relation thereto to be amended to increase the powers thereof to investigate into alleged cases of miscarriage of justice.

*(Withdrawn)*

#### **PMO – LEGAL ADVICE - COST**

**(No. B/948) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to external legal advice sought by his Office, he will state, for the years 2011, 2012, 2013 and 2014 respectively, the cost thereof, indicating in respect of each case the –

- (a) reasons why external legal advice was warranted, and
- (b) names of the legal Counsel whose services were retained.

**The Ag. Prime Minister:** Madam Speaker, the information relating to external advice sought by the Prime Minister's Office for the years 2011 to 2014, as well as the names of the respective Legal Counsel and the fees paid in each case, has already been provided to the House in reply to Parliamentary Question No. B/313 on 28 April 2015.

Madam Speaker, the Attorney General's Office is the principal Legal Adviser to Government.

In relation to external advice sought, except for the case brought by Mauritius against the United Kingdom under the United Nations Convention on the Law of the Sea, there is no record on the files of the Prime Minister's Office as to the specific reasons therefor.

#### **ABORTION – GIRLS UNDER 16 YEARS – REPORTED CASES**

**(No. B/949) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to abortion, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases of girls under the age of 16 having allegedly undergone same, since January 2010 to date, indicating the –

- (a) number of prosecuted cases thereof and indicate the outcome thereof, and
- (b) if an assessment of the situation has been carried out recently and, if so, indicate the findings thereof.

**The Ag. Prime Minister:** Madam Speaker, abortion or unlawful termination of pregnancy is criminalised under section 235 of the Criminal Code and anyone convicted under that section is liable to a penal servitude for a term not exceeding 10 years.

Termination of pregnancy is also regulated under section 235A of the Criminal Code, section 38A of the Medical Council Act, which was introduced by the Criminal Code (Amendment) Act 2012, and the Medical Council (Termination of Pregnancy) Regulations 2012.

I am informed by the Commissioner of Police that, between January 2010 to 20 November 2015, there have been four reported cases of girls under the age of 16 years who have allegedly undergone unlawful termination of pregnancy.

In regard to part (a) of the question, I am informed by the Police of the following outcome of each case -

- (i) the Director of Public Prosecutions has advised no further action in two cases reported in 2011 and 2013 respectively;
- (ii) one case reported in 2012 is awaiting advice of the Director of Public Prosecutions, and
- (iii) one case reported in 2013 is pending Court judgment.

The House may wish to note that, following the passing of the Criminal Code (Amendment) Act 2012 and the Medical Council (Termination of Pregnancy) Regulations 2012, 13 cases of termination of pregnancy in specified circumstances have been authorised in public hospitals, including one case of a girl under the age of 16.

Madam Speaker, in regard to part (b) of the question, I am informed by the Ministry of Health and Quality of Life that although there has not been any formal assessment of abortion in general, teenage pregnancy is being closely monitored at their level. Sensitisation on sexual and reproductive health, including teenage pregnancy, is carried out in upper primary and secondary schools and community centres. Furthermore, the Ministry of Gender Equality, Child

Development and Family Welfare ensures that counselling services and medical sessions are provided in the Drop-in-Centre managed by the Mauritius Family Planning Welfare Centre for the victims of Commercial Sexual Exploitation of Children.

**Mr Bérenger:** Can I ask the hon. Ag. Prime Minister whether we have figures for illegal abortions that have gone wrong and that, therefore, end up in hospital?

**The Ag. Prime Minister:** Madam Speaker, I do not have the information. It would be probably available at the Ministry of Health and Quality of Life.

### **DANGEROUS DRUGS – SNIFFER DOGS**

**(No. B/950) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the sniffer dogs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the number thereof operating at the Police Dogs Section, indicating the number thereof posted at the Central Investigations Department, Anti-Drugs Smuggling Unit, and other Units respectively, and
- (b) if consideration will be given for an increase in the number thereof to address the dangerous drugs problems and, if so, indicate the measures that will be taken in relation thereto.

**The Ag. Prime Minister:** Madam Speaker, in regard to part (a) of the question, I am informed by the Commissioner of Police that the Mauritius Police Force presently has 52 Police dogs, among which are 18 drug sniffer dogs and two general purpose cum drug sniffer dogs.

All the Police dogs are attached to the Police Dogs Unit based at the Special Mobile Force at Vacoas. They are deployed from the Police Dogs Unit upon formal requests received from the various Divisions and Branches through the Police Information and Operations Room.

Madam Speaker, in regard to part (b) of the question, I am further informed by the Commissioner of Police that the present number of sniffer dogs is currently meeting the operational requirements of the Police. There is consequently no immediate need to increase the number. Nevertheless, due consideration is being given to increase the number in the years to come, so as to enhance Police response to dangerous drugs problems. In that respect, eight

puppies born at the Police Dogs Unit are presently undergoing training and will be ready to be used in Police operations by mid-2016.

Any additional dogs required will be purchased from local breeders.

**Mr Bhagwan:** How does the hon. Ag. Prime Minister reconcile the fact - he can ask the Commissioner of Police – that, when the Head of the ADSU deposed at the Commission of Inquiry, one of the complaints which he made – which has become public – is about the lack of sniffer dogs? Can the hon. Ag. Prime Minister take up the matter with the Commissioner of Police and inform us accordingly?

**The Ag. Prime Minister:** I will, Madam Speaker. This has not been brought to my notice.

**Mr Bhagwan:** Can I know from the hon. Ag. Prime Minister whether requests have been made for our local Police trainers to go and follow courses overseas and whether such a request has been entertained? Can I know also whether there is a plan to send our Police officers - because it is a specialised job - for training, especially in UK and in other European countries?

**The Ag. Prime Minister:** Yes, Madam Speaker, the trainers have been trained in Durham, UK, in India and also in France. So, it appears to have been, at least, ten cases. In fact, three persons have undergone training in the last five years and maybe that is not sufficient.

## **POLICE RIDERS - MOTORCYCLES - REPRESENTATIONS**

**(No. B/951) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Police Traffic Branch, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of motorcycles attached thereto, indicating if he has received representations from the Police Riders attached thereto to the effect that the low saddle thereof is causing them severe health problems and, if so, indicate if due consideration will be given thereto, including the renewal of the fleet thereof and, if so, indicate –

- (a) when the exercise will be carried out, and

(b) the number and types thereof that will be purchased.

**The Ag. Prime Minister:** Madam Speaker, I am informed by the Commissioner of Police that 172 motorcycles have been allocated to the Traffic Branch, out of which 54 are of low saddle type.

I am further informed that several Police riders have verbally complained of backache as a result of riding these low saddle motorcycles over a certain period of time. They have received appropriate medical treatment at the Police Medical Unit.

Madam Speaker, the low saddle motorcycles were purchased in years 2008, 2009 and 2012, and subsequent to the verbal complaints of backache, the Police are no longer purchasing this type of motorcycle.

With regard to parts (a) and (b) of the question, I am informed by the Commissioner of Police that two tender exercises have so far been initiated by the Police for the purchase of 22 and 36 motorcycles fitted with ergonomic saddle seats, so as to mitigate any discomfort that could be experienced by the riders.

The first tender exercise for the 22 motorcycles has been completed and the contract awarded on 20 August 2015. Delivery is expected to be within six months as from the date of the award. The second tender exercise for the 36 motorcycles was initiated on 31 August 2015 and evaluation is in progress.

I wish to inform the House that these 58 motorcycles will be allocated to the Traffic Branch following Government's decision to increase Police patrol and visibility on our roads.

Madam Speaker, as regards the 54 low saddle motorcycles, I am informed that necessary action has been initiated by the Commissioner of Police to dispose of them, as per established procedures, and subsequently procure new ones with the appropriate specifications.

**Mr Bhagwan:** With the new and good initiative taken by the Commissioner of Police to have women Traffic Officers on the road, can the Ag. Prime Minister direct the Commissioner of Police to give these courageous women Traffic Officers good and efficient motorcycles?

**The Ag. Prime Minister:** Madam Speaker, the matter is that Police officers - whether men or women - have complained and the Commissioner of Police has agreed to replace all the 54 with new ones. In the meantime, I will ask him to see what he can do for one and all.

**Mr Bhagwan:** On the same line, can I ask the hon. Ag. Prime Minister whether the Prime Minister's Office has received representations through the Police officers that the Traffic officers are not given adequate equipment such as helmets, jackets and gloves? We can see it on the road *de visu*. I think that, for modern Mauritius, we need a better traffic section with more efficient and good looking equipment.

**The Ag. Prime Minister:** I am not aware, Madam Speaker, of any particular complaint.

**Mr Jhugroo:** Madam Speaker, with regard to the 54 low saddle motorcycles purchased, can the hon. Ag. Prime Minister inform the House whether there had been any tender procedures, and if so, can we know if it was with regard to the specifications that these motorcycles were purchased?

**Mr Bhagwan:** Can I make a request to the hon. Ag. Prime Minister pending the purchase of new low saddle motorcycles? Can he direct the Commissioner of Police, at least for the time being, to replace or make necessary arrangement to replace all the low saddle motorcycles given to these Women Police Officers?

**The Ag. Prime Minister:** I must say, Madam Speaker, that we have asked the Commissioner of Police to replace these motorcycles as quickly as possible. They were not planned to be replaced, we have asked him to replace them as quickly as possible. I will ask him to pay particular attention as it is within the day tomorrow to have a look at this issue.

#### **PMO – FORMER PERMANENT SECRETARY - OVERSEAS MISSIONS**

**(No. B/952) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to Mrs K. B., former Permanent Secretary posted at the Private Office of the former Prime Minister over the period 2010 to December 2014, he will state the –

- (a) parastatal bodies/State owned companies of which she was a Board Member, and
- (b) number of official overseas missions she attended, indicating the -
  - (i) countries visited;
  - (ii) date and duration thereof, and



(iii) total cost incurred in relation thereto.

**The Ag. Prime Minister:** Madam Speaker, I am informed that Mrs K.B, former Permanent Secretary posted at the Private Office of the former Prime Minister was for the period 2010 to December 2014, representing the Prime Minister's Office on the Boards of the State Bank of Mauritius Ltd and the Mauritius Post Ltd respectively.

Madam Speaker, with regard to part (b) of the question, I wish to refer the hon. Member to the reply made by the hon. Prime Minister to Parliamentary Question No. B/56 on Tuesday 24 February 2015, wherein he indicated that the information requested for was being compiled and would be tabled in the National Assembly.

The information has indeed been placed in the Library of the National Assembly on 23 March 2015.

**Dr. Sorefan:** Madam Speaker, will the hon. Ag. Prime Minister inform the House if Mrs K. B. upgraded herself from economy to business class in our national airline on Monday 23 December 2013, if yes, whether she is entitled as Permanent Secretary to enjoy upgrading free of charge?

**The Ag. Prime Minister:** Madam Speaker, you will appreciate that I do not have that information.

**Dr. Sorefan:** Madam Speaker, is the hon. Ag. Prime Minister aware that she has upgraded about 500 passengers on multiple occasions and whether a list of beneficiaries can be tabled in the National Assembly, that is, between January 2012 till December 2014?

**The Ag. Prime Minister:** Madam Speaker, I have no idea whether this information is right or wrong and we did respond previously that such information at the Air Mauritius would not be replied to or provided in this House.

#### **NDU – DRAINS PROJECTS – EMERGENCY PROCUREMENT**

**(No. B/953) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the construction of drains projects, he will state the number of contracts therefor the National Development Unit awarded through the emergency procurement method in 2013, indicating the number thereof approved by the Ministry of Finance

and Economic Development without the prior approval of the Central Procurement Board, indicating in each case –

- (a) who gave instructions to seek the approval of the said Ministry, and
- (b) the amount of money approved by the said Ministry.

**The Ag. Prime Minister:** Madam Speaker, I would like to refer to the reply I made to Parliamentary Question No. B/751 on 03 November 2015 and also to a list of projects that I had then tabled.

As pointed out previously, there is an ongoing Police inquiry at the level of the NDU on this issue and consequently, it would not be appropriate to provide all the information being requested.

**Dr. Sorefan:** Madam Speaker, I agree that the hon. Ag. Prime Minister gave such an answer last time, but it was at the CCID on a technical issue. This is purely a financial issue. Can I ask the hon. Ag. Prime Minister to inform the House whether six projects valued to about Rs71 m. have started work without the approval of the Ministry of Finance and Economic Development?

**The Ag. Prime Minister:** Madam Speaker, in fact, the Ministry of Finance and Economic Development did draw the attention of the then Ministry of Public Infrastructure that projects had been undertaken without prior financial clearance.

**Dr. Sorefan:** One more question, Madam Speaker. Is the hon. Ag. Prime Minister aware that 7 contract projects allocated between February and May 2013 have exceeded the approved contract value of Rs70 m. and have gone up to Rs124 m.? Is the hon. Ag. Prime Minister aware of this variation?

**The Ag. Prime Minister:** Madam Speaker, I think particular questions regarding contracts or projects undertaken by MPI should be addressed firstly to MPI and not to the Prime Minister's Office. Secondly, Madam Speaker, you will appreciate that there is currently an ongoing Police enquiry by CCID and I think it would not be appropriate for us to delve too much into this issue.

**Mr Jhuboo:** Madam Speaker, it seems that the issue lies in the Public Procurement Act, section 21 (1), whereby a public body may purchase goods, services or works from a single

supplier without competition in case of extreme urgency. I think this is where the problem lies. Can we know from the hon. Ag. Prime Minister if it is his intention to bring some amendments to this Act?

**The Ag. Prime Minister:** I think, Madam Speaker, in the light of what has happened and possible abuses thereto, I am sure that consideration will be given eventually by the Minister of Finance and Economic Development in his budget or prior to that, to tighten the law to ensure that things are not repeated but, anyway, I think the whole Police enquiry is also a lesson for us all. We should respect the Public Procurement Act.

**Madam Speaker:** The hon. Ag. Prime Minister has made a request that questions addressed to him be taken out of turn as he has to perform the Opening Ceremony of the General Assembly of the Association of National Olympic Committees of Africa. I have acceded to his request. Consequently, I shall now call PQ Nos. B/957, B/983 and B/984.

Furthermore, the Table has been advised that PQ No. B/983 in regard to the 42 cases of alleged dispossession of land by the sugar barons will now be replied by the hon. Ag. Prime Minister as I have just said.

PQ No. B/998 in regard to the landslide prone area of Hermitage, in Coromandel and addressed to the hon. Minister of Environment, Sustainable Development and Disaster and Beach Management will now be replied by the hon. Minister of Public Infrastructure and Land Transport.

PQ No. B/955 has been withdrawn. Hon. Jhugroo!

### **MAHEBOURG WATERFRONT - REGATTA ACTIVITIES**

**(No. B/957) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the Mahebourg Waterfront, he will state if consideration will be given for measures to be taken for the promotion and organisation of Regatta activities thereat.

**The Ag. Prime Minister:** Madam Speaker, Regatta is part of our local folklore and is a popular leisure activity among our people. My Ministry, through the MTPA, is encouraging more and more people to participate in this activity.

Apart from preserving and encouraging Regatta as a popular leisure activity amongst locals, our aim is also to develop it into a major tourist attraction. The concept of “Heritage Regatta” is being used to enrich our tourism product in the cultural as well as water sports niche segments. In this context, I am informed by the MTPA, that since the beginning of the year, no less than eight Regattas have been organised at Mahebourg, the last one being on Sunday 22 November within the *Festival International Kreol*. I understand that a final one is scheduled on 13 December. This is the first time that so many Regattas have been organised within a single year.

I am further informed that the Mahebourg Waterfront is among one of the preferred locations for the organisation of Regatta activities in view of its rich cultural, historical and heritage values and infrastructural facilities.

Madam Speaker, the Regatta activity is already being actively promoted by the MTPA as a folkloric tourist attraction in all its promotional materials and its international marketing campaigns.

#### **LAND RESEARCH AND MEDIATION UNIT – ALLEDGED DISPOSSESSION OF LAND - INVESTIGATIONS**

(No. B/983) Mr G. Lesjongard (Second Member for Savanne & Black River) asked the Attorney General whether, in regard to the forty two cases of alleged dispossession of land by the sugar barons identified in the report of the Land Monitoring and Mediation Unit referred to his Office, he will state where matters stand, indicating the names of the families concerned therewith and if officers of his Office have established contacts therewith.

**The Ag. Prime Minister:** Madam Speaker, with your permission, I shall reply to PQ Nos. B/983 and B/984 at the same time as they refer to the same issue.

Madam Speaker, I believe that the hon. Member is referring to the “Land Research and Mediation Unit” rather than the “Land Monitoring and Mediation Unit”.

I informed the House on 17 November 2015 that a Land Research and Mediation Unit had been set up and the Unit had started its operations on 16 November. This Unit will carry out in-depth investigations in all the cases of land dispossession mentioned in the report of the Truth and Justice Commission, and will advise the complainants. They will, in the first instance,

attempt to resolve the disputes through mediation or advice whether legal assistance is required. A Press Communiqué has already been issued with contact details of the Unit.

Madam Speaker, I have previously informed the House that there are 42 cases where there is enough evidence of land dispossession and which have been forwarded to the Attorney General's Office as to the way forward.

I am informed that these cases are very complex as they date back to more than 100 years and are still under consideration. Thereafter, the Attorney General's Office will send their advice to the Land Research and Mediation Unit which will then call these persons. I am tabling a list indicating the names of the families concerned.

Madam Speaker, as regards part (b) of Parliamentary Question No. B/984, I wish to inform the House that the Head of the Land Research and Mediation Unit is a former Deputy Chief Surveyor at the Ministry of Housing and Lands. He has 39 years of experience in the field of land surveying and has never had any adverse report. He has already carried out research in some of the cases mentioned in the Truth and Justice Commission Report and has submitted an interim report in April 2015. He is well qualified and has necessary experience to head a Unit.

At this stage, there is no evidence of conflict of interest of the person heading the Unit and same has been confirmed by the person himself. However, in the event any member of the Land Research and Mediation Unit finds himself or herself in a situation of conflict of interest, the member will have to disclose his or her interest and will take no further part in the proceedings.

**Mr Lesjongard:** Madam Speaker, with regard to the 42 cases that have been referred to the Attorney General's Office, I thank the Ag. Prime Minister for tabling the list of those concerned. May I ask him whether those concerned will be informed in writing that their cases have been referred to the Attorney General's Office?

**The Ag. Prime Minister:** Madam Speaker, the procedure is as follows: the Attorney General's Office is looking at these cases and the Attorney General has told me himself that they are very complex cases. They will then be sent batch by batch back to the Land Research and Mediation Unit which will then interact with the persons involved. We hope, Madam Speaker, to have a first batch before the end of the year.

**Mr Lesjongard:** We understand, Madam Speaker, that those 42 cases are in the pipeline for the mediation process. May we know for cases concerning Rodrigues how do we move forward? Will the Unit sit in Rodrigues or will those people be called to come to Mauritius?

**The Ag. Prime Minister:** It is a good question, Madam Speaker. We will see whether we have sufficient cases for the Unit to go to Rodrigues or whether we will call them here, but we will try to facilitate the procedure in some way.

**Mr Uteem:** Madam Speaker, one of the problems with expropriation of property is that, in the meantime, they have been prescribed without the knowledge of the victim. Has the Ag. Prime Minister considered whether there is any amendment that needs to be brought to the legislation, to the prescription ordinance, in order that the victims, who were not aware of the prescription procedure, are able to be adequately compensated?

**The Ag. Prime Minister:** Madam Speaker, I do understand that the legal situation is quite complex with regard to the prescription which probably has been done in a legal way in a way. So, the one problem that we have is the issue of prescription and that is why we are waiting for the Attorney General's views on the matter, but there are other issues as tracing back all the heirs today and also maybe the land has been parcelled, etc. So, there are many issues and that is why it is so complex.

**Mr Lesjongard:** Madam Speaker, the Ag. Prime Minister, in his statement, last week said that there were 224 cases which were referred to the Land Research and Monitoring Commission. Out of those 224 cases, 42 are straightforward cases, 91 cases need further investigations. May we know what will happen to the other 91 cases left?

**The Ag. Prime Minister:** Madam Speaker, there are cases which require further investigation; there are cases which came in too late and were not looked at. All these cases are going to be taken on board by the new Unit, Madam Speaker.

**Mr Ganoo:** My question is linked to the answer of the hon. Ag. Prime Minister. Does that mean that the Unit now will be opened to anybody who has discovered at a late stage that his ancestors have been dispossessed of their property?

**The Ag. Prime Minister:** Because of the amount of work involved - in fact, there are cases which were reported to the Truth and Justice Commission but which the Unit - the

Commission then - could not look into in-depth. These will be looked into. Then, there were cases which could not be looked into by the Truth and Justice Commission because of late submission, these will also be looked into and we are stopping there at the moment otherwise we will never get to an answer.

**Mr Lesjongard:** Madam Speaker, is the Ag. Prime Minister aware that the former Commission, that is, the Land Research and Monitoring Commission did get into the mediation process, but unfortunately when those concerned were convened, they did not turn up. Doesn't the Ag. Prime Minister think we will go through the same process again with the same Unit that has been put up?

**The Ag. Prime Minister:** Well, I am not aware, Madam Speaker, whether they were convened and did not turn up. I left Government, as you know, in the middle of last year so, I am not aware of that, but I will look into that and eventually I will report to the House whether that is the case and how progress is being made or otherwise.

#### **LAND RESEARCH AND MEDIATION UNIT – ALLEGED DISPOSSESSION OF LAND - REPORT**

**(No. B/984) Mr G. Lesjongard (Second Member for Savanne & Black River)** asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the alleged dispossession of land identified in the report of the Land Monitoring and Mediation Unit, he will state if -

- (a) the Land Monitoring and Mediation Unit will inquire into all the cases that have not been referred to the Attorney General's Office, and
- (b) there exists a possibility of conflict of interest regarding the person heading the Land Monitoring and Mediation Unit.

*(Vide reply to P.Q. No. B/983)*

**Madam Speaker:** The Table has been advised that PQ No. B/978 has been withdrawn. Hon. Jhugroo!

## **PUBLIC PRIMARY & SECONDARY SCHOOLS - LOCKERS - PROVISION**

**(No. B/954) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the students of the public primary and secondary schools, she will state if consideration will be given for the provision of lockers thereto with the implementation of the Nine Year Basic Schooling.

**Mrs Dookun-Luchoomun:** Madam Speaker, I am advised that a proposal for the provision of lockers to students had been envisaged in the past but due to implications in terms of school infrastructure and space, resources and investment, it could not be pursued.

However, consideration may be given for the provision of lockers to students of higher classes of the Primary and Upper Secondary especially for those doing activities such as sports, music and other such activities which may require storage facilities.

The implementation of the Nine-Year Continuous Basic Schooling both at the primary and secondary levels will entail an enhanced use of digital contents and materials in the teaching and learning at school level. Digitalisation of teaching and learning resources and the use of ICT mediated methods will be promoted.

Bearing this in mind, it is considered that the need for lockers to all students may not be fully warranted. Yet, in cases where it is found that a real genuine need is felt, lockers may be provided.

**Madam Speaker:** Next question, hon. Jhugroo!

## **MAHEBOURG WATERFRONT - UPGRADING**

**(No. B/955) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Minister of Finance and Economic Development whether, in regard to the Mahebourg Waterfront, he will state if any project for the upgrading thereof is being envisaged and, if so, when and, if not, why not.

*(Withdrawn)*



## **MAHEBOURG SOCIAL WELFARE CENTRE – FORMER BUILDING - REPAIRS**

**(No. B/956) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the building which formerly housed the Mahebourg Social Welfare Centre, situated in the vicinity of the Mahebourg Waterfront, he will state if he has been informed of the abandoned state thereof, indicating if consideration will be given for the pulling down thereof.

**Mr Bodha:** Madam Speaker, I am informed by the Ministry of Social Security, National Solidarity and Reform Institutions that the building which formerly housed the Mahebourg Social Welfare Centre at Swami Sivananda Street, Mahebourg was a property of the Sugar Industry Labour Welfare Fund. With the development of the Mahebourg Waterfront under the aegis of the State Property Development Company Ltd (SPDC Ltd), the land and building were vested in the SPDC Ltd. In March 2007, the Social Welfare Centre was shifted to another building constructed by the State Property Development Company Ltd at Hollandais Street, Mahebourg, some 150 metres away from the initial site.

Madam Speaker, I am further informed by the SPDC Ltd. that the second phase of the Mahebourg Waterfront Project is currently in abeyance. Hence, the pulling down of the building does not arise.

Future development will be undertaken by the SPDC Ltd. In the meantime, maintenance works have been carried out at the building which formerly housed the Social Welfare Centre and the area has been fully fenced. Further maintenance works are planned early next year to repair the leaking roof and to repaint the building with a view to possibly leasing it.

**Madam Speaker:** Next question, hon. Dr. Sorefan!

## **HP INDIA – CONTRACT AWARD**

**(No. B/958) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Finance and Economic Development whether, in regard to the contracts awarded by Government institutions to HP India for computerising projects, he will state where matters stand as to the implementation thereof in each case.

**Mr Lutchmeenaraidoo:** Madam Speaker, I am informed that no contracts have been awarded by any Government institutions to HP India for computerization projects.

I am also informed that the SBM Ltd has awarded a contract to HP India for a computerization project. However, in view of the fact that the awarding body is a company listed on the Stock Exchange of Mauritius and is governed by the Companies Act, it would not be appropriate for me to disclose the information requested.

**Dr. Sorefan:** I thank the hon. Minister of Finance and Economic Development for his answer. Is he aware that HP India has been paid to the tune of Rs5 billion for a contract sum of Rs7 billion for only 30% of the work done up to now? A contract which should have been completed in 2014, up to now they have done only 30% and they have already enjoyed Rs5 billion and also Rs3 billion have been paid to the Architect Accenture in IT. Is the hon. Minister aware that this is a huge sum and Mauritius is losing a lot of money for work not being completed so far?

**Mr Lutchmeenaraidoo:** I cannot confirm, but I can say that the new Chairman of SBM Holdings Ltd, Mr Kee Chong Li Kwong Wing and a group of consultants are looking into the matter.

*(Interruptions)*

**Dr. Sorefan:** Madam Speaker, is the hon. Minister of Finance and Economic Development aware that for HP India to continue with the project, the company is insisting to the remaining payment of Rs2 billion to be paid before carrying on with the project and to enter into a management contract on a yearly basis, for seven years, to the tune of Rs1 billion?

**Mr Lutchmeenaraidoo:** I am not aware, Madam Speaker, but as I said the committee chaired by Kee Chong Li Kwong Wing is looking into the matter.

**Dr. Sorefan:** Can the hon. Minister inform the House whether the IT system is located physically in India with all the primary IT data there under Indian law and control...

**Madam Speaker:** Hon. Dr. Sorefan, are you requesting your question within the province of this question?

**Dr. Sorefan:** Yes.

**Madam Speaker:** Okay.

**Dr. Sorefan:** ...employing hundreds of Indian Software Engineers in India? It should have been in Mauritius, creating jobs for our youths. Is the hon. Minister aware that there were about 400 IT young Mauritians who have lost their jobs because of this project gone to India?

**Mr Lutchmeenaraidoo:** Madam Speaker, I am not aware of this information.

**Madam Speaker:** Hon. Ameer Meea, next question!

### **CSR - *POCHES DE PAUVRETÉ* – SPONSORING COMPANIES**

**(No. B/959) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Finance and Economic Development whether, in regard to the Corporate Social Responsibility, he will, for the benefit of the House, obtain a list of the thirty-eight companies which are sponsoring *poches de pauvreté*, indicating in each case, the *poche de pauvreté* which is being sponsored.

**Mr Lutchmeenaraidoo:** Madam Speaker, as the House is aware, in my reply to PQ B/592 on 29 September 2015, I emphasised that '*parrainage*' is a new approach for empowering vulnerable families, in lieu of '*l'assistanat*'. This is in line with the Anti-Poverty Marshall Plan announced by the Prime Minister during the electoral campaign. This approach was further emphasized in the Economic Mission Statement by the Prime Minister whereby the collaboration of the private sector was sought to address, *inter alia*, the issue of poverty.

It is in this perspective that the private sector has taken full responsibility to implement the national *parrainage* project through the Love Bridge concept. In this respect, I am informed that the Love Bridge Ltd has been incorporated as a private company. The Board of Love Bridge Ltd is currently co-chaired by Mr Raj Makoond of the JEC and Mr Harold Mayer. The company has requested nomination of two representatives of Government to serve on the Board.

Madam Speaker, there are far more than 38 companies which have decided to adopt '*Les Poches de Pauveté*'. In fact, Madam Speaker, there are 110 companies that have expressed their firm determination to be fully involved in the national effort to eradicate absolute poverty.

I am tabling the list of those 110 companies.

Once Love Bridge completes its current recruitment exercise and finalise its operational framework, it will work with those companies to define its action programme.

On our part, Government has pledged to provide an amount of Rs100 m. to Love Bridge Ltd from the unspent CSR funds remitted to MRA. We are confident that the private sector will contribute its fair share through the Love Bridge Project to empower the poor and eradicate absolute poverty in our country.

**Mr Bérenger:** Madam Speaker, we are talking about the CSR, the Corporate Social Responsibility. Probably, the hon. Minister will remember that when he presented the Finance Bill, the CSR Committee was cancelled, he cancelled, in the law, all CSR guidelines and so on. Now, can I know whether it is not a fact that the CSR Committee is still in operation? There are still guidelines. Therefore, the law which we voted then, at Finance Bill time and which the hon. Minister commented upon on 29 September: “We have done away with all guidelines.” He talked about the *defunct*, the then National CSR Committee. Where are we?

**Mr Lutchmeenaraidoo:** Well, we are where we are, on the right path.

*(Interruptions)*

And the CSR Committee, Madam Speaker, is there.

*(Interruptions)*

Mrs Danielle Wong is the Chairperson. What has been changed in the CSR Committee is the approach. The approach in the past was that the CSR Committee had to give guidelines to the private sector as to how they had to allocate their CSR funds. We came to the conclusion that it is not our responsibility to give guidelines to the private sector on how and where they should allocate funds which belong to them. It is very important that the House knows that the 2% of CSR is not tax which is being lost. It is above the 15% tax paid by companies to MRA. So, I have done what had to be done. The guidelines have been removed, but the CSR Committee is ongoing and is participating fully in the Marshall Plan that my colleague is working on. Therefore, there is no distortion or no contradictory approach as far as this is concerned. Now, within this framework, we also announced in the Budget what we termed in a beautiful way ‘*parrainage*’ which is the concept which goes beyond *l’assistanat* whereby - the Rt. hon. Prime Minister took the commitment - all those *poches* of absolute poverty will disappear in the next five years, and he will do it. The Rt. hon. Prime Minister also requested the private sector to contribute their share in this fight against absolute poverty. This is how the Love Bridge Project

was born. It is a private sector motivated project, build up by the private sector, managed by the private sector and it is the way through which the private sector wants to say: “We want to contribute in this massive effort to eradicate absolute poverty”. I am quite satisfied that as it is today, the private sector is playing its role totally as far as combating absolute poverty.

**Mr Bérenger:** Can I remind the hon. Minister that through the Finance Bill, we deleted the two sections of the law where that CSR Committee is set up. It is stated, therefore, that: “the Committee referred to shall be appointed by the Minister and shall consist of a Chair.” We deleted these two paragraphs. Can I ask the hon. Minister under which paragraph is he appointing that Chairperson?

**Mr Lutchmeenaraidoo:** I don’t have to be under any paragraph.

*(Interruptions)*

The CSR Committee is functioning. Mrs Danielle Wong who is a national figure is the one who is chairing it. I am, in fact, coordinating more and more, now, with my colleague responsible for ensuring that absolute poverty disappears in Mauritius. The Opposition also, I am sure, share the same view as us that we have reached a level of development that we can no longer continue with a divided society where those who are left aside are forgotten. I want to express the total commitment of the Rt. hon. Prime Minister who is absent today that in five years, Madam Speaker, there will no longer be any *poche de pauvreté* in this country and we will do it.

**Mr Bérenger:** All this is *bla-bla-bla*! In the Finance Bill, the hon. Minister provided for the end of the CSR Committee. He cannot appoint a Chairman of a CSR Committee. I challenge him to give us the section under which he is appealing. What was provided, on the other hand, for the MRA, through the Finance Bill, to exercise a lot of responsibilities, can I know whether the MRA is exercising those responsibilities?

**Mr Lutchmeenaraidoo:** The MRA is doing the job of collecting the CSR funds which have not been spent like companies which are making a profit.

**Mr Ameer Meea:** Madam Speaker, in my question, I asked the hon. Minister a list of the 38 companies which are sponsoring the *poches de pauvreté* in each case. May I ask the hon. Minister whether the list which he has just tabled - which I have not yet seen - is per region-wise, per company-wise, that is, as the Appendix that we had in the Budget Speech, of the 38

companies? Is it a list of those 38 companies with each company which will sponsor each of these *poches de pauvreté*?

**Mr Lutchmeenaraidoo:** I see the point of the hon. Member. I am sorry the project is much more popular than what we indicated in the Budget. We were 38 in the Budget, we are now 110. This is why I am very excited to see this reaction of the private sector to the request of Government. We are now in the presence of 110 companies, and it is now the responsibility of Lovebridge Ltd, private sector company, to ensure implementation of this project.

*(Interruptions)*

**Madam Speaker:** Hon. Ganoo!

**Mr Ganoo:** Can I ask the hon. Minister who will decide which particular company will look after which particular *poches de pauvreté*? Has this been done? Can the hon. Minister of Finance, therefore, inform the House which are those companies looking after the different *poches de pauvreté*?

**Mr Lutchmeenaraidoo:** We are referring to *parrainage*. We are not referring to the whole Marshall Plan, which is managed by my colleague the Minister here, which involves much larger number than 38. The Minister is, in fact, monitoring all the *poches de pauvreté* in Mauritius. I want to spell out this word '*parrainage*'. It is a specific project within the Marshall Plan. Within this project, the *parrainage* is a project which is being implemented by the private sector through the Love Bridge Project. Therefore, we should not confuse *parrainage* with the Marshall Plan which is being carried out by my colleague the Minister. I think, Madam Speaker, this is very clear.

**Mr Ameer Meea:** Madame la présidente, la ministre est en train de noyer le poisson. Laissez-moi revenir par rapport au PQ B/592, where I quote what the hon. Minister stated –

“We have 38 companies which have already adopted mainly *les cités ouvrières*.”

Maintenant, laissez-moi venir avec la liste des 38 *pockets of poverty with a specific question*. No. 4 is Quartier Shell. Quartier Shell se trouve dans ma circonscription à Roche Bois, dans la circonscription No. 3. Est-ce que je peux savoir quelle est la compagnie qui est en train de parrainer le Quartier Shell ?

**Mr Lutchmeenaraidoo:** Well, be happy know that Quartier Shell will be taken care of. Now, the company that will take care of this *poche de pauvreté* will be determined by Love Bridge and not by Government. We have to go with it now that *parrainage* project is being implemented by Love Bridge. I am saying it, maybe my friends, on the other side, have not quite seized the concept. *Parrainage* is now totally in the hands of Love Bridge. They are not 38 companies; they are now 110 companies that will distribute and share this work at national level. I can assure the hon. Member that the *poche de pauvreté* he mentioned will be taken care of.

**Madam Speaker:** Last question on this, hon. Lesjogard!

**Mr Lesjongard:** *Thank you, Madam Speaker.* Le concept de parrainage, comme on le comprend, c'est une famille qui va parrainer une autre famille. Est-ce que je peux savoir du ministre comment est pris cette décision ? Qui décide qui va parrainer qui et quelle famille qui va être parrainée ?

*(Interruptions)*

**Madam Speaker:** Order please !

**Mr Lutchmeenaraidoo:** Madam speaker, it is naturally incumbent on the Board of Directors of Love Bridge to determine which are the companies and in what way they will intervene. There is no doubt that when we speak of *poches de pauvreté*, there is not only type of *poches de pauvreté*. Each *poche de pauvreté* demands something very specialised. Let us say Batimaraïs in the constituency of my friend there. Batimaraïs is very specific. You can't deal with Batimaraïs as we would deal with another *poche de pauvreté*. That's No. 1. And No. 2, the concept of Love Bridge is beautiful in the sense that it is no longer *assistanat*. It is long-term, it is a marriage, it is a long-term adoption of a *poche de pauvreté* by the company. It goes on; it is generational. I am confident that what we are doing today will influence positively all the *poches de pauvreté*...

*(Interruptions)*

**Madam Speaker:** Order, please!

**Mr Lutchmeenaraidoo:**...in the long-term. This is how it is.

**Madam Speaker:** Next question, hon. Rughoobur!

### SME PARKS – SETTING-UP

(No. B/960) **Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or)** asked the Minister of Business, Enterprise and Cooperatives whether in regard to the proposed setting up of Small and Medium Enterprise Parks in specific regions, he will, for the benefit of the House, obtain from the Small and Medium Enterprise Development Authority, information as to where matters stand, indicating the measures being taken for the promotion of small and medium enterprises in mainland Mauritius and in Rodrigues, respectively.

**Mr Bholah:** Madam Speaker, SME Parks are being set up so as to provide industrial space facilities to entrepreneurs to operate their business in appropriate locations throughout Mauritius.

In this respect, provision has been made for 100 *arpents* of land under the 2,000 *Arpents* Scheme agreed between Government and the Mauritius Sugar Producers’ Association.

These parks are constructed by the State Land Development Co. Ltd. (SLDC) and are thereafter leased to prospective entrepreneurs who apply for industrial space.

Madam Speaker, as at date, three SME industrial parks are operational, namely at Roche Bois, La Valette Bambous and La Tour Koenig.

In addition, lands have already been acquired by the Ministry of Housing and Lands and leased to the SLDC at Plaine Magnien, Petit Bois Caroline, Solitude and Vuillemin.

The construction works are scheduled to start next year after completion of all required formalities, survey and design works.

Furthermore, lands have been identified, but not yet acquired at Chebel, Henrietta, Gokoola and Beau Climat.

Today, I am informed that a total land area of around 30 *arpents* have already been acquired out of the 100 *arpents*.

Madam Speaker, my Ministry is also working in close collaboration with the Ministry of Agro-Industry and Food Security, the Ministry of Housing and Lands, the SMEDA, the SLDC and the Mauritius Sugar Producers’ Association, amongst others, to identify lands in other



locations where there is a demand for industrial parks and to ensure that such facilities are available on a regional basis.

With regard to the measures being taken by SMEDA for the promotion of Small and Medium Enterprises in Mauritius and Rodrigues, I wish to inform the House that the SMEDA acts as a facilitator and receives daily request for assistance and support for SMEs, especially entrepreneurs willing to start new businesses or to grow the existing ones. In this respect, the measures being initiated by the SMEDA include –

- (i) The provision of counselling services through its business facilitation and Counselling Unit. Since January 2015 to date, 10,758 potential and existing SMEs in Mauritius have been provided with counselling services and 2,728 in Rodrigues. In addition, 334 site visits to entrepreneurs have been effected in Mauritius and 85 in Rodrigues.
- (ii) The organisation of training programmes, seminars, workshops and conferences for the entrepreneurs. These need based training programmes aim at improving knowledge and competencies of SMEs in technical, marketing, financial compliance policy, regulatory, legal, commercial and other important functions of enterprises.

Since January to date, 31 training programmes have been attended by 919 participants in Mauritius and 308 entrepreneurs attended 11 such sessions in Rodrigues. Moreover, last week a one-day workshop was organised on Building Export Capacity for SMEs in the Africa Region and it was attended by some 80 entrepreneurs.

Madam Speaker, one of the major constraints faced by local SMEs relates to opportunities to market and sell their products. Indeed, a wide range of quality products is produced by local SMEs but local consumers are hardly aware of them. With a view to easing their access to local markets, the SMEDA organises trade fairs. Thus, SMEDA has organised three trade fairs this year. 20 SMEs participated in the trade fair that was held in May this year at Vieux Conseil, Port Louis...

**Madam Speaker:** Hon. Minister, do you think your reply is long? How many pages do you have? Otherwise, you can circulate your reply, if you wish.

**Mr Bholah:** I will circulate.

**Madam Speaker:** But you can address the measures indicated in the second part of the question.

**Mr Bholah:** Yes, Madam Speaker. Another important measure that is being initiated by SMEDA, in collaboration with my Ministry, is the setting-up of SME one-stop shop in Port Louis which will allow a coordinated service to be provided to SMEs.

This innovative service, which will be fully operational as from January 2016, will provide under one roof all assistance and support required by SMEs to start business or to grow, including the processing and delivery of permits and licences, wherever needed.

**Mr Rughoobur:** Madam Speaker, there has been a series of measures taken by the Government for this important sector. Will the hon. Minister agree that there is an urgent need to restructure completely this important organisation that we call SMEDA?

**Mr Bholah:** I agree with the hon. Member that there is a need to restructure, especially when we want the SMEs to become the backbone of the economy. My Ministry has instructed the SMEDA Board to consider urgently modalities for restructuring the SMEDA with a view to meeting the needs and aspirations of the SMEs.

**Mr Jhuboo:** The SMEDA just carried out the SME Industrial Park Survey in 2015. Can we know from the hon. Minister how many SMEs did register up to now?

**Mr Bholah:** There are around 25,000 SMEs registered, I mean, on the roll of the SMEDA.

**Mr Uteem:** Madam Speaker, the hon. Minister just mentioned that there is urgent need to restructure SMEDA. But back in the Budget in March this idea had already been debated in this House. So, may I know from the hon. Minister why after nine months, the SMEDA has still not been reorganised and the one-stop shop that was promised is still not operational?

**Mr Bholah:** Well, in fact, the Finance Act has addressed the issue of the composition of the Board and we reduced the members from 13 to 11. Now, we have Members from the MCCI, BOI and from the MauBank who are sitting on the Board in order to have a concerted approach to address the issues of SMEs.

Again, my Ministry is conducting a Master Plan on a 10-year basis. I believe that this issue of SMEDA, which is a unique institution to address the issues of SMEs, will be taken into account.

**Mr Rughoobur:** On this issue of restructuring exercise, there has been a report of the Office of Public Sector Governance which was prepared in June 2013. May I know from the hon. Minister if he is aware of its recommendations and we might use these important recommendations and implement them for the benefit of SMEDA itself?

**Mr Bholah:** Yes, I am aware of the report following the survey carried out by the OPSG and the report is dated June 2013. But I am afraid that none of the recommendations have been implemented and some of the recommendations listed that there should be a reduction in non-technical staff and putting up a research unit. But, instead, more and more staff have been recruited.

**Mr Sesungkur:** Madam Speaker, the Government is putting a lot of emphasis on the development of small and medium enterprises. Can I know from the hon. Minister whether his Ministry has conducted a performance appraisal of SMEDA, what results it has delivered so far and what programme his Ministry is conducting to educate our youngsters to stand on their own two feet and to do some business on their own?

**Mr Bholah:** I can inform the hon. Member that the OPSG is carrying out a survey on all the parastatals in Mauritius and this question will be addressed too.

**Madam Speaker:** Last question!

**Mr Rughoobur:** Madam Speaker. There is a series of institutions which is quite confusing for the small and medium enterprises. A lot of institutions are bringing support to the SMEs. You have got the MBGS and the National Women Entrepreneur Council. May I request the hon. Minister to please look into the possibility of bringing all these institutions under a single umbrella and to ensure that there is no such confusion in the country regarding this?

**Mr Bholah:** Unfortunately, not all the institutions fall under my Ministry. Institution like Enterprise Mauritius falls under the Ministry of Industry, Commerce and Consumer Protection and therefore, the regrouping is quite difficult at this moment. However, we do proceed in a concerted approach so that the SMEs are well served.

**Madam Speaker:** The Table has been advised that Parliamentary Question No. B/981 has been withdrawn! I suspend the sitting for one and a half hours.

*At 1.03 p.m. the sitting was suspended.*

*On resuming at 2.35 p.m. with the Deputy Speaker in the Chair*

### **REAL ESTATE SECTOR - EXPATRIATES - OCCUPATION PERMIT**

**(No. B/961) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Finance and Economic Development whether, in regard to the Occupation Permit, he will, for the benefit of the House, obtain from the Board of Investment, information as to –

- (a) the number of expatriates having been issued therewith in the real estate sector since January 2010 to date, indicating the respective nationalities thereof, and
- (b) when the criteria for the allocation thereof was last reviewed, indicating the reasons which warranted the said review.

**Mr Lutchmeenaraidoo:** Mr Deputy Speaker, Sir, with regard to part (a) of the question, I am informed by the Board of Investment that from January 2010 to date, 289 non-citizens have been issued with an occupation permit in the real estate sector and the information as regard to their nationality is being tabled.

As far as part (b) of the question is concerned, the criteria for issue of Occupation Permit for the Investor Category was last reviewed in April 2010 to introduce the requirement for an initial investment amount of USD100,000 by the potential investor. The purpose was to ascertain the genuineness and the financial worthiness of the applicant.

As for the Professional Category, the criterion to qualify for the Occupation Permit was amended in October 2015 whereby the monthly salary threshold of the Professionals outside the ICT sector was increased from Rs45,000 to Rs60,000. The salary threshold was reviewed to encourage employment of local graduates.

**Mr Rughoobur:** In regard to this Occupational Permit, there have been a lot of debates on the fact that we need to give priority to Mauritians but I don't know if the hon. Minister is aware of the series of complaints regarding the delays that there is in the processing of

applications for Occupational Permit, but also, of renewals. The fact that we need foreign expertise and the companies that we require in the sector with the requirement of expatriates, may I request the hon. Minister to please look into the possibility of accelerating the issue of those Occupational Permits; renewal and issue?

**Mr Lutchmeenaraidoo:** Yes, I am aware of the delays in the approval of the permits. This is due to the fact there are not sufficient numbers of meetings of the Joint Committee which comprises BOI, the Prime Minister's Office and other Ministries. So, I will request the Board of Investment to increase the frequency of those meetings.

**Mr Rughoobur:** There is one important point that I wanted to mention to the hon. Minister. Will the hon. Minister agree that these expatriates coming to Mauritius bring expertise, but there is also the issue of networking? I mean, we can use them to network and to bring in business in other sectors. Will the hon. Minister agree that we need to put a mechanism in place at the Board of Investment to ensure that we take advantage of such networking and the expertise that we get from them, so that we can probably see how this can benefit the country in terms of *formation et tout le reste*?

**Mr Lutchmeenaraidoo:** We already have a database of consultants. Well, the idea of disseminating the information that we have on those consultants is a valid one. So, I will ask the Board of Investment to ensure that it is widely circulated with the private sector especially.

**Mr Sesungkur:** Can the hon. Minister confirm if the Board of Investment does carry out routine checks on those who have benefited from occupancy permit from time to time to ensure that they comply fully all the way throughout with the conditions of the permit?

**Mr Lutchmeenaraidoo:** Yes, there is a mechanism for the monitoring of those consultants, whose request has been approved. So, there is one already at the Board of Investment.

**The Deputy Speaker:** Next question, hon. Rughoobur!

#### **CAP MALHEUREUX - RESIDENCE LE PAVILLON – RENOVATION WORKS**

**(No. B/962) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the Housing Estate located at Pavillon, in Cap Malheureux, he will, for the benefit of the House, obtain from

the National Housing Development Company Ltd., information as to if a survey was carried out prior to the implementation of the renovation works thereof, indicating the expected start and completion dates thereof.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):** Mr Deputy Speaker, Sir, I am informed that, following complaints from residents of some NHDC housing estates all over the island, including “Residence Le Pavillon” in Cap Malheureux, in respect of leakage from water pipes, the National Housing Development Company Ltd. (NHDC) appointed, in November 2011, a Consultant to carry out a survey and design of rehabilitation works to be undertaken to the water reticulation network there. The Consultant submitted a feasibility Report in July 2012 and defined the scope of works.

The contract for the rehabilitation works in respect of three housing estates, including “Residence Le Pavillon” in Cap Malheureux, was awarded on 10 April 2013. The rehabilitation works started on 07 May 2013 and were completed on 28 April 2014 to the satisfaction of the Consultant and of the NHDC. Since then, no complaint relating to water leakage has been received at the NHDC.

**Mr Rughoobur:** I thank the hon. Vice-Prime Minister for the answer. Let me confirm to the hon. Vice-Prime Minister that presently, we have got quite some leakage problems there in the housing estate, but we also have flooding problems as well in the yard. So, may I ask the hon. Vice-Prime Minister if he can request the NHDC to please conduct a survey at the NHDC at Le Pavillon Cap Malheureux and to look into the possibility of having some renovation works done at the level of waterproofing, painting and the rest?

**Mr Soodhun:** The hon. Member will appreciate that we don’t have problems now concerning water leakage. It is true to say that we have received, according to my information, concerning the roof waterproofing. In September 2015, some residents of Residence Le Pavillon have made representations to the NHDC regarding problem of roof. It is true to say that, but, on the other side, the water problem had already been solved. I am informed that the matter is being actively looked into and remedial measures as appropriate will be applied at the earliest possible.

**The Deputy Speaker:** Hon. Members, the Table has been advised that PQ Nos. B/964, B/971, B/972 and B/980 have been withdrawn. Hon. Rughoobur!

## NEF - SCHOOL MATERIALS - DISTRIBUTION

**(No. B/963) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to the distribution of school materials, he will, for the benefit of the House, obtain from the National Empowerment Foundation, information as to if the list of the students who are eligible thereto for the school year 2016 has been finalised and, if not, why not, indicating the expected start and completion dates for the carrying out of the exercise in relation thereto.

**Mr Roopun:** Mr Deputy Speaker, Sir, I am informed by the Foundation that the list of students eligible for school materials for the academic year 2016 is being compiled and the cut-off date is 30 November 2015. As at yesterday, 19,017 children have been found eligible.

With regard to the distribution of the educational support, I am informed that the NEF is making all the necessary arrangements for same to be completed by the end of January 2016 at latest. The House may wish to note that the distribution exercise for the year 2015 spanned between December 2014 up to mid-February 2015.

The House may also wish to note that, despite the declared policy since 2013, only wards of households eligible under SRM were to receive school materials, the NEF used its own database for such distribution until 2015. Following Government decision on 03 April 2015 to the effect that only households eligible under the SRM will benefit from services provided by the NEF, a fresh national survey had started with the collaboration of the Ministry of Social Security, National Solidarity and Reform Institutions and the closing date was 20 September 2015.

With a view to ensuring maximum outreach, a press communiqué was re-issued on 24 October 2015 by the NEF to remind all those households who had not yet been registered to do so until 06 November 2015. In this connection, the field visits by staff of the NEF are presently on-going as well as the data capture on the SRM database by the Ministry of Social Security, National Solidarity and Reform Institutions, which is expected to be completed by 30 November 2015.

**Mr Rughoobur:** The hon. Minister stated that the SRM is the main criteria for identifying those who will be eligible. Is he aware that there have been lots of complaints based

on the fact that lots of applications for such facilities have not been approved simply because those families who were eligible in the past, this time are not found in the list, even if these are genuine cases. So, may I request the hon. Minister to, please, review the criteria and ensure that apart from this SRM we have a more humane approach and we ensure that people who genuinely require these facilities are taken on board and that materials are supplied to these families.

**Mr Roopun:** Mr Deputy Speaker, Sir, in fact, the number of persons covered by the SRM and receiving schools materials has increased significantly since 2010 and this is the main reason why we have to come with a mechanism to ensure that all those who are really in need benefit from these facilities. The SRM register is based on a proxy means test and there are objective criteria which have been used. But, of course, I must state that any system has got its loopholes and there is a Standing Committee set up at the level of my Ministry together with officers of the Ministry of Social Security, National Solidarity and Reform Institutions to try to deal with any specific case where there is a feeling that persons have been left out. There is a complaint desk at the level of the Ministry of Social Security, National Solidarity and Reform Institutions to review whatever complaints there may be.

**Mr Uteem:** Mr Deputy Speaker, Sir, distribution of materials relates to people who are living in a poor condition, people who are below a certain *seuil de pauvreté*. May I know from the hon. Minister what measures are being taken to ensure that these distributions are made in a way not to stigmatise those children and make them feel as if they were different from those who have the means to go to school and don't have to rely on the State? Is there going to be a public show where these children are invited and Ministers and local MPs go and hand over these school materials or are we going to do away with it and procede in a very discreet way having regard to the human dignity of the parents and the children concerned?

**Mr Roopun:** In fact, initially, distribution was being done at the level of the school and eventually, with this in mind, we changed the method. Now, it is being done outside school premises in certain dedicated places. But, unfortunately, we are under pressure because we have to wait till the result of the CPE is made public. Now, we have also got the issue of students taking a resit again in one subject which is going to be by 20 December. This means that there is a lot of pressure for us to do the distribution as early as possible. I understand the point made



by the hon. Member, but if there are ways and means to try to do it in a more serene and discreet manner, we will explore this possibility.

### **SAINT FRANÇOIS XAVIER STADIUM - LIGHTING**

**(No. B/964) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Youth and Sports whether, in regard to the Saint François Xavier Stadium, he will state if consideration will be given for the covering of the bleachers and for the provision of lighting thereat and, if so, when and, if not, why not.

*(Withdrawn)*

### **BAI – EMPLOYEES – TERMINATION OF CONTRACT**

**(No. B/965) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation whether, in regard to the BAI Co. (Mtius) Ltd. and related entities, he will, for the benefit of the House, obtain information as to the number of the employees thereof whose contract of employment have been terminated since April 2015 to date, indicating in each case the –

- (a) company in which the said employee was employed, and
- (b) quantum of compensation paid out thereto.

**Mr Bhadain:** Mr Deputy Speaker, Sir, I am informed by the Financial Services Commission that the information relates to private companies incorporated under the Companies Act which are either under Special Administration or where the undertaking has been transferred as provided under section 110 (b) of the Insurance Act.

I can, therefore, only inform the House that out of a total of 3,515 full-time employees of the BAI Group and 817 insurance sales persons representing a total of 4,332 employees, 3,923 jobs have been safeguarded representing 91% of the total workforce.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, the hon. Minister is very clever not to tell us how many have been fired. He worked it the other way round, how many jobs have been saved. Can I ask him, apart from Courts Mauritius Ltd whereby 188 employees have lost their jobs, how many other employees in the group of Apollo have lost their jobs?

**Mr Bhadain:** Mr Deputy Speaker, Sir, I have already stated that there are 4,332 employees and 3,923 jobs have been safeguarded. The mathematic shows that it is 409 employees who had their contract terminated. With regard to Courts, I believe 188 had their contracts terminated, but 720 jobs have been safeguarded in Courts. Apollo is still running as it has been running. There has not been any termination of contracts except for a few members of top management, I believe.

**Mr Ameer Meea:** I am afraid to say that the hon. Minister is wrong for Apollo because it was reported in the press – ‘The Star’ of Sunday 01 November - *et je cite* –

“ Cette semaine cinq employés ont été licenciés *on economic grounds* ... »

Et c’est aussi rapporté que la secrétaire et un chauffeur ont été mis à la porte. C’est aussi rapporté par les employés : « C’est injuste envers ces deux petits employés qui n’ont rien à faire avec la crise du BAI . Certains, au gouvernement, ne réalisent pas comment ils sont en train de ruiner les familles”. Ma question à l’honorable ministre : pourquoi ces petits employés ont été licenciés sur *economic grounds* ?

**Mr Bhadain:** Mr Deputy Speaker, Sir, I am informed that the contract of six employees had been terminated in management which I have mentioned before. Now, with regard with what ‘The Star’ or any other newspaper is publishing, I cannot go by the information which is in the press. I can only go by information which is given to me officially.

*(Interruptions)*

**The Deputy Speaker:** No comments, please!

**Mr Bhadain:** The other thing I would mention is that the special administrator who is handling this particular assignment is the one who is dealing with this matter. I don’t think that there are any sort of piecemeal terminations of contracts. I, personally, would not believe what has been published in that particular newspaper.

**Mr Uteem:** Mr Deputy Speaker, Sir, the hon. Minister did not answer to part (b) of the question which was about the quantum of compensation paid to these people who lost their job. Even if he does not know the quantum, at least, does he know the rate that was paid to them? And also if he has the information as to what is the cost to Government to look after them under

the Workfare Programme because these people have been admitted to the Workfare Programme and are being paid out of public funds.

**Mr Bhadain:** Mr Deputy Speaker, Sir, it is not correct to say that they are being paid out of public funds because the compensation which has been paid to these employees comes from the fund which is managed by the special administrator as part of the overall administration under section 110 of the Insurance Act. Now, there were representations made by Trade Unions representatives to the effect that a special effort should be made for people to be paid more than the two weeks which is provided for in law. And there are, I believe, certain cases which have been looked into and three weeks have been paid in certain cases. The Workfare Programme is there and we all know how the Workfare Programme works. The compensation is coming out from the special administrator. There is no involvement of public funds.

**The Deputy Speaker:** Hon. Ameer Meea, last supplementary!

**Mr Ameer Meea:** The hon. Minister did not want to give the list company-wise, how many employees lost their job, but it is very sad to hear that more than 400 employees of the group have lost their job since April 2015. Apart from Courts, there are also companies like Boatyard Bewing, Publico Ltée, Yukondale, *Le Voyageur* Travel Tours – all companies which were operating within the group. There have been 101 employees for the companies I have just mentioned who lost their job. May I ask the hon. Minister, in the Insurance Company BAI itself and Bramer Bank how many employees did lose their job?

**Mr Bhadain:** Well, Mr Deputy Speaker, Sir, I have stated that the whole group BAI, Bramer and all the companies which fall under that sort of spider web structure which was built by BAI, the total figure is 4,332 and 3,923 jobs have been safeguarded. Now, the hon. Member is focusing on 409 jobs which have been terminated. But it is a question of how you want to look at it! 3,923 have been safeguarded in a huge Ponzi Scheme where if all the effort, time and energy had not been put into that, these 3,923 jobs would not have been safeguarded. I believe it is a major achievement, Mr Deputy Speaker, Sir.

#### **STATE LAND - BENEFICIARIES**

**(No. B/966) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to

State land, he will state the names of the beneficiaries of new leases therefor granted since January 2015 to date, indicating in each case, the -

- (a) terms and conditions of the lease, and
- (b) purpose of the lease.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):** Mr Deputy Speaker, Sir, no new leases, as such, have been granted during the period of January 2015 to date. As a matter of fact, only cases of renewal or transfer of leases have been dealt with, and cases where lands leased out have not been developed as required by the lease conditions, action has been taken for resumption of possession of these plots of land.

After consultation with the Ministry of Finance and Economic Development, the Ministry of Financial Services, Good Governance and Institutional Reforms and the Attorney General's Office, my Ministry has, with Government approval, established a new Policy Framework and procedures to govern the allocation of State lands to ensure transparency and accountability in the process.

Mr Deputy Speaker, Sir, I deemed it relevant here to inform the House that, according to records in my Ministry, there are two cases of lease where action had already been initiated and decisions already taken well before 01 January 2015. However, the clearances became due for issue after 01 January 2015. These two cases concern Le Chaland Hotel at La Cambuse and the Vrihat Vaishnav Sabha in Rivière du Rempart. In a third case, upon the request of the Ministry of Education and Human Resources, Tertiary Education and Scientific Research, a lease was granted in February 2015 to the World Hindi Secretariat over a plot of land in Phoenix.

**Mr Uteem:** Mr Deputy Speaker, Sir, I am very surprised to hear this from the hon. Vice-Prime Minister because he, himself, in this very House, stated that he has regularised a lot of squatters. So, I would have thought that some amount of State land has been leased to these beneficiaries.

Coming to my specific question, in the Budget Speech, it was announced, and I quote -

“Government is making it mandatory for the names of beneficiaries of new leases of State lands to be published in the Government Gazette giving details of the lands leased and proposed usage.”

Is Government going ahead with the proposal made in the Budget Speech of the hon. Minister Finance and Economic Development?

**Mr Soodhun:** In fact, as I mentioned in my answer, there has been renewal of the lease. It is also true to say that for the poor people, I have already given to more than thousands of people. But, according to what the hon. Member has asked with regard to the lease, according to my information, this concerns the industries or whatever. But, for people who have less than 10 *perches*, we have already given the lease to nearly more than thousands and, in fact, we are coming very soon to the issue of 483 persons concerned with the ex-CHA since 1960. So, we are just taking into consideration all the leases which have been at a deadlock; nearly more than 2,000. This is an ongoing programme. For this purpose, if my hon. friend wants to have a list, I can circulate it; I can table it. There is no problem. But with regard to new lease for any construction of hotels or any industrial lease, we have not yet given. It is only La Cambuse, which lied for seven years, after which we have been able to release the land.

**Mr Uteem:** The hon. Minister did not answer the question as to whether the names and purpose would be published in the Government Gazette, as was stated in the Budget Speech. Another promise made in the Budget Speech is that there would be a Digital State Land Register which will be compiled and made public and which will provide comprehensive data on State lands already leased as well as unallocated State lands that may be developed for commercial, industrial and other uses. So, may I know from the hon. Vice-Prime Minister, first, whether he still intends to Gazette all the beneficial owners of these State lands and second, what happened to this Digital State Land Register?

**Mr Soodhun:** In fact, as I mentioned, we are coming with a policy framework, which we have approved last Friday, and which will be normally published in the Government Gazette, and it will be official. All applications will be in line and it will be transparent. We are not going to do as it was done formerly.

**The Deputy Speaker:** Hon. Uteem!

#### **NATIONAL PROPERTY FUND LIMITED - ASSETS & LIABILITIES**

(No. B/967) **Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Financial Services, Good Governance and Institutional Reforms,

Minister of Technology, Communication and Innovation whether, in regard to the National Property Fund Limited, he will, for the benefit of the House, obtain therefrom, information as to

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- (a) the assets and liabilities thereof as at to date, and
- (b) when it will issue debentures to the policy holders of the Super Cash Back Gold Scheme and the investors in the Bramer Property Fund.

**Mr Bhadain:** Mr Deputy Speaker, Sir, the National Property Fund Limited is a company incorporated under the Companies Act and, in accordance with section 210 (1) of the said Act, the National Property Fund Limited has to submit its audited financial statements to the Registrar of Companies not later than six months after the Balance Sheet date. The hon. Member can have access to the information requested with the Registrar of Companies at the time the National Property Fund Limited will file its accounts.

Mr Deputy Speaker, Sir, with respect to part (b) of the question, I refer the hon. Member to the reply I made to PQ B/624 of 06 October 2015. I am also informed by the National Property Fund Limited that debentures for the repayment of the first tranche of Rs3.1 billion will be issued and paid prior to 30 June 2016.

**Mr Uteem:** Mr Deputy Speaker, Sir, I had a very specific question, which was when would the debentures be issued by the National Property Fund and the answer I got is that it would be before 31 July 2016.

So, do we have any more precision? Because may I remind the hon. Minister that he, himself, in this House, several months ago, said that National Property Fund Limited is going to very shortly issue those debentures.

**Mr Bhadain:** Mr Deputy Speaker, Sir, even though I do agree with my learned friend that I said that the debentures will be issued by NPFL shortly, I am informed by NPFL that the repayment date is not 31 July, it is 30 June 2016, and they will be issued prior to that date. Now, it would not make any difference whether the debentures are issued tomorrow or on 29 June 2016 because they would be redeemable on 30 June 2016, in any case.

**Mr Uteem:** Actually, it does make a difference because the hon. Minister went on TV and stated that, once these debentures have been issued to policyholders, they would be able to

go, pledge it, raise finance. So, now, I take it that there is no plan for the Government, through the National Property Fund, to give to all these policyholders any debentures until 30 June 2016.

**Mr Bhadain:** As I stated, Mr Deputy Speaker, Sir, they are redeemable on 30 June 2016. We were on the same TV programme. Probably, the hon. Member did not understand that properly. However, with regard to the possibility of people cashing in on their debentures by pledging it and contracting a loan, that would be possible, but it is after 30 June 2016.

**Dr. Sorefan:** Mr Deputy Speaker, Sir, especially for the old-aged people, the time for debentures is too long. When issuing debentures, will the hon. Minister consider making an allowance for the old-aged people who need debentures to be shortened, so that they can use their money? Because they are very in need of their money to survive.

**Mr Bhadain:** Mr Deputy Speaker, Sir, I totally agree with the hon. Member. In fact, there have been several representations which have been made at the level of my Ministry to that effect and the matter has also been discussed in Cabinet, and it has been agreed that we are looking into the possibility of repaying everything to people who are 75 years old and over.

**Mr Ameer Meea:** Recently, there was an issue that companies were not allowed to claim their debentures. Can the hon. Minister *éclairer nos lanternes par rapport à ça* ?

**Mr Bhadain:** Absolutely. Mr Deputy Speaker, Sir, there were 55 companies in Super Cash Back Gold and the decision which was taken by Government was that those companies would not be repaid because they don't fulfil the eligibility criteria which was put forward for repayment purposes. Now, it just happens that in those 55 companies, there are other insurance companies which have actually contracted these insurance policies with BAI. It does not make sense. How can an insurance company have an insurance policy with whatever insurance company and now when this turns out to be a huge fraud that Government is going to step in with all the efforts and energy which is being put into it to recover money, to go and repay these insurance companies! That wouldn't make sense at all. I am also informed that they will have that amount which they have invested as a tax loss which can be brought forward.

**The Deputy Speaker:** Hon. Uteem, last supplementary!

**Mr Uteem:** Since it is the last question, I would refer to the answer which the hon. Minister gave to me. He told me to go and look at the answer to PQ B/624. In PQ B/624, the

hon. Minister stated that – that was in October 2015 - there were 1,554 policyholders who had invested less than Rs500,000 in the Super Cash Back Gold scheme, who had not been repaid. So, may I know from the hon. Minister whether he has updated figures as to how many policyholders there are now who have not yet been repaid and would he confirm the real reason as to why these policyholders are not being repaid and the real reason why the debentures are not being issued, it is simply because as at to date the National Property Fund Limited does not have the necessary cash and assets to meet these commitments?

**Mr Bhadain:** Mr Deputy Speaker, Sir, I will reckon the figure of 1,524 which was mentioned, was not only for people who had invested Rs500,000 or less. It was the total amount; Rs500,000 plus also. Now, I checked yesterday and I was informed by NPFL that out of 12,001 policies - if I remember correctly - of people who had invested less than Rs500,000; there are only 86 persons, out of 12,000, who have not been repaid and that is because these people have not come forward for those repayments. This is in terms of people investing less than Rs500,000. For Rs500,000 or more, the figure has greatly reduced and it is now 764. So, if we are to add up 764 with 86, that would be about 850, odd. So, 1,554 had been reduced to 850 since I last answered that question.

*(Interruptions)*

Yes, assets are always there. Explained assets, not unexplained ones!

**The Deputy Speaker:** Next question, hon. Uteem!

### **MAURITIAN DIASPORA SCHEME – APPLICATIONS**

**(No. B/968) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Finance and Economic Development whether, in regard to the Mauritian Diaspora Scheme, he will, for the benefit of the House, obtain from the Board of Investment, information as to the number of applications received thereunder, indicating in each case the outcome thereof.

**Mr Lutchmeenaraidoo:** Mr Deputy Speaker, Sir, the Investment Promotion Mauritian Diaspora Scheme Regulations were published in October 2015 to give effect to the budgetary measures for the setting up of the Mauritian Diaspora Scheme.



As provided for in the regulations, the Board of Investment has set up a Mauritian Diaspora Technical Committee for the implementation of the scheme. The Technical Committee is currently working on the eligibility criteria for registration under the scheme which is expected to be finalised by early December 2015. I wish to inform the House that the scheme will be launched officially in January 2016.

Mr Deputy Speaker, Sir, I am also informed by the Board of Investment that, in the meantime, it has already received 16 applications and these will be examined by the Technical Committee once the eligibility criteria have been approved.

**The Deputy Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Mr Deputy Speaker, Sir. I am happy with the answer given by the hon. Minister of Finance and Economic Development that it is only as from January next year that we will start considering applications. But how would the hon. Minister of Finance and Economic Development reconcile that on the one hand the BOI and the Ministry of Finance and Economic Development are inviting the Mauritian Diaspora to come back to Mauritius and, at the same time, the hon. Minister of Health and Quality of Life is telling Mauritians to go and work in Africa; the hon. Vice-Prime Minister is telling Mauritians to go and work in Saudi Arabia and Emirates; how would he reconcile the fact that we are, on one hand, asking diaspora to come back and, on the other hand, we are telling Mauritians to go and work abroad?

**Mr Lutchmeenaraidoo:** It might look like a contradiction. It is not! We have an excess number of doctors. What do we do with them?

*(Interruptions)*

We have excess number of pilots. What do we do with them? We have an excess number of teachers. So, in Mauritius, we have shortage in certain sectors where we need people to come in...

*(Interruptions)*

...and there are sectors in the economy where we have too many which have been trained. In fact, in our Budget, a scheme whereby those whose degrees don't match with what the market requires, in those cases, we have launched a programme for the retraining of 3,000 graduates whose degrees do not match local conditions. So, it is complex. The sentence of the hon.

Member can give the impression that there is contradiction. There is none! On one side, we have an excess of certain professionals, on the other side, we have shortage and we are dealing with both.

**Mr Uteem:** Do I take it then that under this Mauritian Diaspora Scheme, there would be designated sectors where there are actual shortages, where we would invite the Mauritian Diaspora to come and work, will there be guidelines as to which sectors we need Mauritians to come back and in which sectors we don't want our Mauritians back?

**Mr Lutchmeenaraidoo:** There will be naturally a set of criteria shortlisting the priority sectors. But there is one issue also; we want our people to come back. So, at the end of the day, we are not excluding any Mauritian who has settled abroad and wants to return to his Motherland. So, all applications will be considered, but priority will be given naturally for those who are qualified in the sectors we need. I am looking at the criteria which are here. We give on 100 points, 20 points go for those who have a Doctorate for instance; 5% for those who have Diploma and Vocational Certificate; in the case of experience, someone who has got more than 15 years, has 40 points; one who has less than 5 years, 5 points. It is clear that those criteria will come up to a maximum and the maximum is that out of 100, anyone to be eligible should have at least 60%.

**The Deputy Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** *Merci, M. le président. Donc, par rapport à la logique de l'honorable ministre, les pilotes et les médecins ne seront pas les bienvenues.* Therefore, can I ask the hon. Minister for the 16 applications that he received, may we know what are their respective professions?

**Mr Lutchmeenaraidoo:** Mostly professionals! This is why I have given it. Yes, they are mostly professionals. I need to reply to the other question of the hon. Member who says that we are not inviting those professionals where we have an excess of employment. I want to put emphasis on one thing; we want our children to come back. The concept which has, in fact, inspired this decision was that we want Mauritians who have settled abroad to come back and to share their experience in the country. This is basically the priority. Now, we come at the second level to those whom we need absolutely and those who are less required, but then will fall on the third category on consultants. And I need to tell the House one thing, we can't expect a growth

rate that will allow us to move out of the middle income trap without opening the market. So, we are moving in a period of our history where we'll be opening our market for professionals, non-Mauritians, living abroad, but whom we need, who will be allowed to come in to work and participate in the growth and success. This is inevitable. It will be impossible to move towards high growth without opening the economy. We have opened up the sky. The sky is now more open with the coming in of at least six new air companies. So, this forms part of the strategy; we should not exclude just on the basis of dogmas because we feel that it is wrong. We are opening up and we will open still more the economy in the years ahead.

**The Deputy Speaker:** Hon. Mohamed!

**Mr Mohamed:** Mr Deputy Speaker, Sir, the hon. Minister has given us a very long answer to the question put by hon. Ameer Meea. Could I come back to that question? The question is very simple: how many professionals? We know the answer is 16. Could we have details of what professions are concerned? Give us figures. The question he put was very simple and it was a beautiful attempt on the part of the hon. Minister to drown the fish. Could be, please, give us the answer?

**Mr Lutchmeenaraidoo:** Unless the hon. Member did not listen to what I am saying or my English is not as good as his, but I beg...

*(Interruptions)*

**The Deputy Speaker:** Let the hon. Minister reply!

**Mr Lutchmeenaraidoo:** ...the hon. Member to understand what I am saying. The majority of those 16 are professionals. If you want the exact number...

*(Interruptions)*

**The Deputy Speaker:** Sorry! Hon. Mohamed, you asked the question, let the Minister reply!

**Mr Lutchmeenaraidoo:**...but now you are provoking me, I won't reply to you. Don't provoke man!

Out of the 16, there are 13 professionals and 3 are self-employed. Among the 16, there are 14 with more than 10 years' experience and 2 with less than 10 years' experience. Among the

16 who have applied, 11 come from UK. So, we have among the education, 4 have CFA, 4 have CA and one has LLB Law. Do you want more information?

*(Interruptions)*

I am just saying! Well, take an appointment with me, I'll give it to you.

**The Deputy Speaker:** Hon. Sesungkur!

### **EXPORTS – REVENUE**

**(No. B/969) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE)** asked the Minister of Finance and Economic Development whether, in regard to export trade for the years 2014 and 2015 respectively, he will state in each case –

- (a) the total export revenue thereof;
- (b) the current account deficit thereof;
- (c) if the worsening of the current account deficit was due to a fall in the export revenue, and
- (d) the steps taken to rebalance the economy.

**Mr Lutchmeenaraidoo:** Mr Deputy Speaker, with regard to part (a) of the question, total export of goods and services amounted to Rs192.9 billion in 2014. According to the latest Balance of Payments data published by the Bank of Mauritius, exports of goods and services for the first semester of 2015 are estimated at Rs97.5 billion.

Regarding part (b) of the question, in 2014 the current account deficit stood at 5.5% of GDP. The projected deficit for 2015 is 4.8% of GDP. This includes an upward adjustment in tourism revenue due to inclusion of new data sources.

Mr Deputy Speaker, 2015 would turn out to be a much better year than the previous years in terms of external account deficit of the country.

Mr Deputy Speaker, Sir, I am tabling the series of measures we are taking to further improve the current account of the balance of payments as well as the trend with regard to the current account deficit for period 2011-2015.

**Mr Sesungkur:** Mr Deputy Speaker, I am thankful to the hon. Minister who is doing a tremendous effort to reignite our economy and to re-engineer our economy and give a boost up to export. Will the hon. Minister agree with me that we have to do a special effort with regard to certain sectors which can create employment for the low and semi-skilled like EPZ, light engineering, etc, like we did in the 1980s? So, is he contemplating certain measures to give incentive to foreign investors in those sectors?

**Mr Lutchmeenaraidoo:** Mr Deputy Speaker, we are engineering a second economic miracle which will not leave a lot of space for others. What we are doing is that we are creating new subsectors of the economy that will generate a lot more growth. We spoke of the famous pyramidal structure made of three subsectors, mainly the ocean economy/blue economy, the marine hub and then Africa and, on top of this, I agree with the hon. Member that we have to diversify the base also in terms of training. The challenge we have now is not so much demand for employment, it is demand for specific jobs and this is where my colleague, the Minister of Education is working on a huge programme for the training of professionals and for the *Chambre de Métiers*, that is, training of people at the level of construction and others which can contribute in the development process. But, I am satisfied that we are on the right path.

**Mr Uteem:** Mr Deputy Speaker, Sir, wouldn't the hon. Minister of Finance agree that, in fact, the only reason there has been an improvement in our current account deficit is because there has been an appreciation of the rupee which increases our export earnings and also there has been a dramatic drop in the price of petroleum products on the world market? But if we remove these two external factors, in fact, the situation would have been worse if we had relied only on the domestic indicia?

**Mr Lutchmeenaraidoo:** There is truth to it. The improvement in the current account deficit in 2014 and this year also is partly due to the fact that there is a deflation worldwide at the level of commodities. Whether it be petroleum products or others, we are, in fact, in a period which is quite exceptional. Rate of inflation this year will be less than 1.5% calendar year basis, which means, therefore, that we are already living a period of deflationary forces where prices are going down. There is no doubt, therefore, that the bill for importation of petroleum products has helped us a lot. Number two, has the appreciation of the rupee helped in the process? I would tend to have doubts...

*(Interruptions)*

Yes! Appreciation of the dollar. The depreciation of the rupee has not helped. In fact, I feel that, basically, the improvement in the current account deficit, is number one, the deflationary forces which are playing worldwide, and number two, demand also in some sectors has gone down – all combined.

Now, can we say that this improvement in the current account is something permanent. No! Unless we take measures. This is why I am circulating, today, a list of measures which will help to ensure that, in the long-term the current account deficit is improved. We were only five years back with a current deficit of 13.2% of GDP, that is impossible to manage in the long-term. So, we are trying to bring it down to a level which is manageable, which should be between 3% to 4%. This is the objective.

**The Deputy Speaker:** Hon. Sesungkur, next question!

#### **CWA – WATER SUPPLY – APPLICATIONS**

**(No. B/970) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to water supply, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the number of applications received for connection to the network thereof as at 31 December 2014 which have remained unattended as at to date, indicating –

- (a) the fee charged when the applications were submitted, and
- (b) if measures will be taken to expedite the processing of the pending applications therefor.

**The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr. I. Collendavelloo):** Mr Deputy Speaker, I am informed by the Central Water Authority that, as at 31 December 2014, there were 444 applications still pending for the following reasons –

- (i) the payment of the new supply fee had not yet been made;
- (ii) the applicant had to carry out the offsite works to connect to the network;
- (iii) no network or service main was available in the vicinity;

- (iv) outstanding wayleaves had not yet been obtained from the Local Authorities or from the Road Development Authority.

A processing fee of Rs500 is paid at the time of application for domestic supply and Rs1,000 for non-domestic supply.

As regards part (b), I am informed by the Central Water Authority that it is following up with the relevant authorities on a case to case basis to obtain way leaves.

**Mr Sesungkur:** Mr Deputy Speaker, I would like to thank the hon. Vice-Prime Minister. He is doing a marvellous job to put some order at the Central Water Authority. Is the hon. Vice-Prime Minister aware that connection charges at times are quite exorbitant and when we talk about very poor families who cannot afford those charges, can he consider special measures and see to it that in 2015 families are not deprived of such a necessity?

**Mr Collendavelloo:** Well, I can only answer generally. A lot of effort is being made and new measures are going to be announced in order to alleviate the hardship felt by the deprived of this country. But, I would not be able to answer specifically to that question with regard to connection charges.

**The Deputy Speaker:** Hon. Quirin!

#### **AUGUSTE VOLLAIRE STADIUM - FOOTBALL COMPETITIONS**

(No. B/971) **Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Auguste Voltaire Stadium, he will, for the benefit of the House, obtain from the Mauritius Sports Council, information as to if it is presently not available for the holding of football competitions thereat and, if so, indicate the reasons therefor.

*(Withdrawn)*

#### **WORLD CHAMPIONSHIP OF *BOXE FRANÇAISE* - MS L. B. & MS S. S. C. - FINANCIAL ASSISTANCE**

(No. B/972) **Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to Ms L. B. and Ms S. S. C., he will state the

reasons why his Ministry did not extend any financial assistance thereto for their participation in the final World Championship of *Boxe Française* to be held in Paris, in December 2015.

(Withdrawn)

## **LOCAL AUTHORITIES - SPORTS COMPLEXES & FOOTBALL GROUNDS - FACILITIES**

**(No. B/973) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Local Government whether, in regard to the sports complexes and football grounds managed by the local authorities, he will, for the benefit of the House, obtain from the local authorities, information as to if the utilisation thereof by local clubs and by individuals is free of charge and, if not, why not.

**Dr. Husnoo:** Mr Deputy Speaker, Sir, I am informed that the use of sports complexes and football grounds managed by the District Councils of Flacq, Moka, Pamplemousses and Rivière du Rempart are free of charge whereas a nominal fee is being charged by the other local authorities for use of these facilities.

With your permission, Mr Deputy Speaker, Sir, the relevant information is being tabled in the Assembly.

**The Deputy Speaker:** Hon. Quirin!

**Mr Quirin:** M. le président, je ne sais pas si j'ai bien compris la réponse du ministre. Dans sa première partie, il affirme que ce n'est pas payant et par la suite les collectivités locales en question réclament un *nominal fee*, c'est bien ça, pour l'utilisation ?

**Dr. Husnoo:** No, there are four District Councils: Flacq, Moka, Pamplemousses and Rivière du Rempart where they are free whereas you have the other eight District Councils where you have to pay. It varies.

**Mr Quirin:** Mais qu'en est-il, M. le président, des municipalités ?

**Dr. Husnoo:** You have to pay naturally.

**Mr Quirin:** M. le président, le fait de faire payer dans certaines collectivités, n'est-ce pas une contradiction avec le rôle de facilitateur que devraient jouer les collectivités locales en faveur de la jeunesse des quartiers, en faveur des clubs qui, je peux affirmer, M. le président,



nombreux sont ceux qui se trouvent dans les poches de pauvreté, dans les quartiers défavorisés ? N'est-ce pas là aller à l'encontre de cette politique de faciliter, de donner les moyens à la jeunesse des quartiers qui sont sans moyen, sans soutien financier, sans sponsor, qui ne bénéficient pas de fonds du *CSR* ? Pourquoi ne pas permettre à ces clubs de jouer sans payer ?

**Dr. Husnoo:** As I just mentioned at the Municipal Councils and the other District Councils, the fee charged is much less. It is a nominal fee that they have to charge just for the maintenance. But, it is a nominal fee and is not as expensive as a private club or whatever.

**Mr Ameer Meea:** M. le président, si j'ai bien compris l'honorable ministre, pour les *sports complexes and football grounds* qui sont gérés par les municipalités maintenant c'est payable? Parce qu'autant que je sache, jusqu'à décembre 2014, *les football grounds* étaient *free of charge* à Port Louis !

**Dr. Husnoo:** As I said, I have got a long list here of the different District Councils and Municipal Councils. A lot of these facilities are free. I am going to circulate it. It depends on many factors. It depends, firstly, on whether the person lives in that particular local council or outside. It depends on whether the club is registered with the council or not registered. It...

*(Interruptions)*

Can I finish, please?

*(Interruptions)*

Let me finish! The hon. Member has asked his question, I have given him time to ask his question...

*(Interruptions)*

**The Deputy Speaker:** No! Silence!

*(Interruptions)*

**Dr. Husnoo:** I have given him time to ask his question, let me finish!

*(Interruptions)*

**The Deputy Speaker:** Hon. Minister! Order!

*(Interruptions)*

Hon. Ameer Meea! Please, sit down!

*(Interruptions)*

Can you, please, sit down!

*(Interruptions)*

Hon. Dr. Husnoo, can you, please, sit down?

*(Interruptions)*

Hon. Ameer Meea, can you allow the hon. Minister to answer? You have asked a question, will you listen to the answer?

*(Interruptions)*

**Dr. Husnoo:** I am not talking rubbish. I am just telling you the factors that are taken into consideration to charge the fee! I am not talking rubbish like you do sometimes! So, don't blame me!

*(Interruptions)*

I am telling you the factors that are taken into consideration. Whether you want to listen or not, I don't care!

*(Interruptions)*

Stop it! I am not talking about all these!

*(Interruptions)*

**The Deputy Speaker:** Order! Hon. Minister, please sit down! Hon. Ameer Meea, if you won't listen to the answer...

*(Interruptions)*

Has the hon. Minister answered his question?

*(Interruptions)*

**Dr. Husnoo:** I was going to mention there are different factors that are taken into consideration when they decide on the fee. As I mentioned, whether it is an inhabitant or non-inhabitant, registered or not registered, whether it is day or night for that matter because at night

you have to pay for the electricity, so, they charge a bit more or whether it is a student or non-student. There are so many factors. That is why I said I am going to circulate it, then, the hon. Member can have a look at it.

*(Interruptions)*

**The Deputy Speaker:** Hon. Bhagwan!

**COMMISSION FOR CONCILIATION AND MEDIATION - CHAIRPERSON -  
APPOINTMENT**

**(No. B/974) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Labour, Industrial Relations, Employment and training whether, in regard to the appointment of Mr I. S. as Chairperson of the Commission for Conciliation and Mediation, he will, for the benefit of the House, obtain from the Commission, information as to –

- (a) the date of appointment thereof;
- (b) the terms and conditions of contract thereof, and
- (c) who was acting as Chairperson prior to his appointment and since when.

**Mr Callichurn:** Mr Deputy Speaker, Sir, in accordance with section 83 (3) of the Employment Relations Act 2008, Mr Iswarduth Seetohul has been appointed President of the Commission for Conciliation and Mediation for a period of three years on contract. He assumed duty on 30 October 2015.

As regards part (b) of the question, I am tabling the information sought for.

Regarding part (c) of the question, prior to the appointment of Mr Seetohul, the Vice-President of the Commission was called upon to act as President from March 2015 until the appointment of Mr Seetohul.

**Mr Bhagwan:** Can I know from the hon. Minister whether there has been any adverse report against the vice-President, the one who has been doing the actingship?

**Mr Callichurn:** No.

**Mr Bhagwan:** Can I know from the hon. Minister whether there is any specific reason why this person, who was doing the actingship, has not been appointed?

**Mr Callichurn:** Well, it is an appointment made by the Minister and I chose Mr Seetohul to be the President.

**Mr Bhagwan:** Can I ask the hon. Minister whether this appointment is a political appointment?

**Mr Callichurn:** Certainly not!

**The Deputy Speaker:** Hon. Bhagwan, you did ask the question! Hon. Uteem!

**Mr Uteem:** Mr Deputy Speaker, Sir, the hon. Minister has just stated that he appointed Mr I. S. May I know from the hon. Minister -

- (i) whether there was any *appel de candidature*, and
- (ii) this Mr I. S., how many years of experience does he have in relation to conciliation and mediation? How many times he has appeared before the Commission for Conciliation and Mediation? How many labour cases he has done in his life which will justify his appointment on this very important Commission for Conciliation and Mediation?

**Mr Callichurn:** Well, section 87 (3) of the Employment Relations Act 2008 empowers me, as a Minister who is responsible for the subject matter of labour and employment, to assign a Chairperson for the Commission.

As regards the experience, I can tell the hon. Member that Mr Seetohul is a Barrister, he has been a judicial officer for eight years and he is the right person in the right place, I should say.

**The Deputy Speaker:** Hon. Mohamed!

**Mr Mohamed:** Just a very simple question to my good friend, the hon. Minister of Labour, Industrial Relations, Employment and Training. The person who was in the second position, after Professor Thorul left, was Acting Chairperson. She has all the experience. As I am sure the hon. Minister would agree, she is qualified. She has been chairing a lot of mediation issues at the Commission for Conciliation and Mediation. She has clearly got more experience in labour matters and mediation matters than the person he has nominated. So, why...

**The Deputy Speaker:** Hon. Mohamed!

*(Interruptions)*

**Mr Mohamed:** So, why is it...

*(Interruptions)*

This is my question!

**The Deputy Speaker:** Hon. Mohamed, please don't give an opinion; go to your question!

**Mr Mohamed:** Why is it, therefore, that someone with experience, a young lady, a professional, was put aside and someone else with no experience compared to that young lady was preferred? Why?

**Mr Callichurn:** Can I tell the hon. Member something? At the Commission, we need someone who is independent, but recently there has been a strong lobby for the vice-Chairperson to accede to the Presidency of the Commission, which is a very bad thing for the Commission because we need someone independent at the head of the Commission.

**Mr Ganoo:** Just to enlighten the House, can the hon. Minister tell us whether, in the past, when Mr Torul or when the vice-Chairman was recruited, the same procedures were adopted? Was there any advertisement in the past?

**Mr Callichurn:** No, they were actually appointed by the former Labour Minister, my good friend, hon. Mohamed, on the same conditions.

**The Deputy Speaker:** Hon. Bhagwan, last supplementary!

*(Interruptions)*

Silence!

*(Interruptions)*

Order!

*(Interruptions)*

Hon. Mohamed, please! I will not have to ask you every time to stop passing on comments. Allow the hon. Member to talk.

**Mr Bhagwan:** Can the hon. Minister confirm to the House and the nation whether that person, Mr I. S., is the same person who was acting as Magistrate or a Legal Officer and who signed a warrant when he was on leave to arrest the DPP? Is he the same person?

**Mr Callicurn:** I am not aware of this particular issue, but I can tell the hon. Member something. A Magistrate is on duty 24/7, seven days a week, even if he is on leave. I am not aware of the statement that the hon. Member just made.

*(Interruptions)*

**The Deputy Speaker:** Hon. Bhagwan, next question, please!

**MINISTRY OF FINANCIAL SERVICES, GOOD GOVERNANCE AND  
INSTITUTIONAL REFORMS, MINISTER OF TECHNOLOGY, COMMUNICATION  
AND INNOVATION - EMPLOYEES - CONTRACT**

**(No. B/975) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation whether, in regard to the persons employed on contract at his Ministry since December 2014 to date, he will state in each case the –

- (a) names thereof;
- (b) qualifications held;
- (c) post occupied;
- (d) terms and conditions of contract thereof, and
- (e) parastatal bodies or State Owned Companies on which they represent his Ministry, indicating since when and the remunerations received.

**Mr Bhadain:** Mr Deputy Speaker, Sir, the information sought by the hon. Member is being compiled and will be placed in the Library in due course.

**The Deputy Speaker:** Next question, hon. Rutnah!

**SUBRAMANIEN BHARATI EYES HOSPITAL - AVASTIN TREATMENT**

**(No. B/976) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart)** asked the Minister of Health and Quality of Life whether, in regard to the Avastin treatment, he will

state the number of patients who have permanently lost their eyesight following treatment therewith at the Subramanien Bharati Eyes Hospital in the recent past, indicating in each case, the name of the doctor who had administered same thereto.

**Mr Gayan:** Mr Deputy Speaker, Sir, the House is aware that PQ No. B/90, which dealt with the Avastin injection, was replied to by the former Minister of Health and Quality of Life. The House may also wish to note that, on Friday 24 April 2015, I made a statement in the House regarding the incident which arose as a result of injections of Avastin at the Subramanien Bharati Eyes Hospital at Moka and a copy of the enquiry report was tabled.

With regard to the other part, I am also informed, Mr Deputy Speaker, Sir, that four patients have lost partial eyesight. I also wish to inform the House that the four injections were done according to the existing protocols.

**Mr Rutnah:** Given the report of Dr. Isabelle in April, which identified serious lacunas, insofar as, amongst others, hygiene and sterilisation were concerned at the time, can the hon. Minister inform the House whether the Medical Council has seized the matter to investigate into the alleged professional conduct of those who were involved in the treatment?

**Mr Gayan:** Mr Deputy Speaker, Sir, as far as I recollect, the report of the Committee did not identify any failure on the part of the doctors in giving the proper treatment, but there were certain recommendations that were made in regard to improving the conditions under which the Avastin was being prepared and this is being looked into.

**Mr Rutnah:** Insofar as the recommendations were concerned, one of the recommendations was for the procurement of a laminar flowchart to prepare Avastin in a sterile environment. Can the hon. Minister confirm whether his Ministry is using its best endeavours to acquire one of them in the public interest?

**Mr Gayan:** It is already in progress.

#### **YVES CANTIN COMMUNITY HOSPITAL - PROJECTS EARMARKED**

(No. B/977) **Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Minister of Health and Quality of Life Whether, in regard to the Yves Cantin Community Hospital, he will state –

- (a) if it is in fact a dispensary, a mediclinic or a hospital, and

(b) the projects earmarked for implementation thereat, if any.

**Mr Gayan:** Mr Deputy Speaker, Sir, I wish to inform the House that Dr. Yves Cantin Community Hospital situated at Black River, as its name suggests, is a Community Hospital. It operates on a 24-hour basis and provides basic primary health care services. It also has laboratory facilities, X-ray services and a standby ambulance service.

With regard to part (b) of the question, I wish to inform the House that Yves Cantin Community Hospital and the five Community Health Centres in its catchment area provide general consultations, maternal and child health services and family planning services as well as a range of other health services such as blood collection for analysis and dressings for wounds and injuries.

My Ministry is aware of the transport constraints in the region of Black River and is considering the introduction of an outreach service to facilitate access to healthcare for the people residing in the area, specifically for blood collection and home nursing in the first instance.

My Ministry will constantly monitor the health needs of the people in the locality and will provide further outreach health services as and when required.

Furthermore, infrastructural works are being carried out to improve the services being provided to the public and to patients in particular.

**Mr Jhuboo:** Mr Deputy Speaker, Sir, it is a catchment area of nearly 20,000 people, covering a region from Cascavelle up to Chamarel and to Le Morne. Doesn't the hon. Minister think that it is high time that Yves Cantin Community Hospital becomes a full-fledged hospital?

**Mr Gayan:** Mr Deputy Speaker, Sir, this is an issue which has been raised on several occasions, but for a regional hospital to be fully operational, it needs a catchment area of about 250,000 people. Obviously, Black River does not satisfy that criterion, but I am informed that the services are being provided. There are ambulance services and, in case of special urgency, it is Victoria Hospital that is easily accessible from the area. In the south as well, we have Souillac Hospital. It was supposed to be a regional hospital, but again we have a population criterion which is not met.



**Mr Jhuboo:** Je remercie le ministre pour sa réponse. À l'origine de la création d'Yves Cantin Community Hospital, des patients ont été admis. Des chambres étaient mises à la disposition des patients suite à de lourdes opérations et, depuis neuf ans, plus aucun patient n'est admis en convalescence. Le ministre peut-il reconsidérer la position sur le concept d'admission?

**Mr Gayan:** Je crois que ces services sont disponibles dans les hôpitaux à Rose Belle et à Candos. Je crois que ce n'est pas nécessaire, mais si jamais la nécessité se fait sentir, on verra ce qu'on pourra faire.

**Mr Ganoo:** May I request the hon. Minister to see to it that the ambulance services are made more efficient in view of the several complaints that the inhabitants of the area make concerning that particular service? For example, there is no Labour Ward at Yves Cantin Community Hospital. From time to time, we do receive complaints regarding the ambulance services.

**Mr Gayan:** Mr Deputy Speaker, Sir, I am aware of the complaints that are made regarding ambulance services and I will certainly look into that. I may also inform the House that we are seriously considering putting GPS in all the ambulances, so that we can monitor their movements.

**The Deputy Speaker:** Last supplementary, hon. Jhuboo!

**Mr Jhuboo:** Merci, M. le président. Toujours dans le registre la santé sur la côte Ouest, le ministre peut-il informer la Chambre s'il a reçu une proposition d'un partenariat PPP pour la construction d'un hôpital privé sur la côte Ouest?

**Mr Gayan:** We get lots of proposals. If the hon. Member wants to come with a specific request, I can look into that. But we get lots of requests every day.

#### **MINISTRY OF YOUTH & SPORTS - NPS BUILDING - RENT**

**(No. B/978) Mr S. Tarolah (Third Member for Montagne Blanche & GRSE)** asked the Minister of Youth and Sports whether, in regard to the office space rented by his Ministry at the NPS Building, at Rose Hill, he will state the –

- (a) monthly rental fee thereof;
- (b) purposes therefor, and

- (c) activities being carried out thereat.

*(Withdrawn)*

### **MONT CHOISY - TARISA RESORT HOTEL - PUBLIC ROAD**

**(No. B/979) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to Mon Choisy, he will state when decision was taken for the public road in front of the Tarisa Resort Hotel thereat to be deviated, indicating if –

- (a) all the procedures therefor were followed, and
- (b) consideration will be given for the reinstatement of the previous alignment of the said public road.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):** Mr Deputy Speaker, Sir, regarding part (a) of the question, I am informed that in March 2010, LVN Tourism Enterprises Ltd. (Tarisa Resort Hotel) made an application to the Road Development Authority for the deviation of part of the Pointe aux Piments - Mon Choisy coast road running along the public beach, arguing that it posed a safety hazard for the clients of the hotel.

Subsequently, on 08 October 2010, the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping sought and obtained Cabinet approval to -

- Firstly, divert and deproclaim part of the Pointe aux Piments – Mon Choisy coast road (B38), and
- Secondly, proclaim a new access road which will be constructed to link the Pointe aux Piments – Mon Choisy coast road (B38) to the Mon Choisy – Cap Malheureux Road (B13).

As a result of that decision, part of the Pointe aux Piments – Mon Choisy coast road (B38) was deproclaimed as per Government Notice No. 37 of 2013 and the new road alignment to link Mon Choisy – Cap Malheureux Road (B13) was proclaimed as per Part II of the Schedule of the same Government Notice.

Mr Deputy Speaker, Sir, the new section of the road came into operation on 27 February 2013.

As for part (b) of the question, I wish to inform the House that after the matter has been considered by a Ministerial Committee involving the Minister of Public Infrastructure and Land Transport, the Attorney General and myself along with senior Government officials. It has been found and decided that, to allow the public enjoyment of the beach and to restore car parking facilities for the general public, the deproclaimed part of the Pointe aux Piments – Mon Choisy road (B38) would be re-instated, depending on the determination of the Court case.

**Mr Ramano:** M. le président, est-ce que je peux savoir du ministre, qui c'est, valeur du jour, qui a l'administration de cette partie de la route qui a été *deproclaimed*?

**Mr Soodhun:** Sorry?

**Mr Ramano:** Qui c'est qui a l'administration de cette partie de la route qui a été *deproclaimed* parce qu'il existe une barrière, valeur du jour, entre la plage et l'hôtel ?

**Mr Soodhun:** As I just mentioned, the hotel received permission from the authority concerned; it is under approval and also Cabinet's decision.

**Dr. Sorefan:** Mr Deputy Speaker, Sir, I know this supplementary does not fall under your purview, but as we are talking about road deviation, can you transmit it to the Minister concerned. The Minister of Public Infrastructure and Land Transport is here. When you deviate from the north to go to the south, there is a traffic light and this traffic light is for a very short time, it is for about 50 seconds and this is causing traffic problems. It is very dangerous. Can the Minister concerned do the needful to increase the timespan of that light so that we can have a good turning?

**Mr Soodhun:** I agree with the hon. Member; I am going to talk to my colleague.

**Mr Jhugroo:** Can the hon. Vice-Prime Minister give us the names of the Directors of this hotel and can he confirm to the House whether it is the first time that such thing happens in this country and whether the person concerned is a major Labour agent of Constituency No. 5?

**Mr Soodhun:** Mr Deputy Speaker, Sir, as there is a Court case, I don't want to comment on this.

*(Interruptions)*

**The Deputy Speaker:** Hon. Oree, next question!

**WORLD CHAMPIONSHIP OF *BOXE FRANÇAISE* - ATHLETES – FINANCIAL  
SUPPORT**

**(No. B/980) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the World Championship of *Boxe Française* to be held in Paris, in December 2015, he will state why his Ministry is not providing any financial support to the two Mauritian athletes who have been qualified to participate therein.

*(Withdrawn)*

**MADAGASCAR - INDIAN OCEAN CUP CHAMPIONSHIP ZONE 7 OF VOLLEYBALL  
– SELECTED CLUBS**

**(No. B/981) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Minister of Youth and Sports whether, in regard to the Indian Ocean Cup Championship Zone 7 of Volleyball held at Madagascar from 12 to 21 November 2015, he will state if his Ministry has received any request from the four selected clubs therefor for any grant thereto and, if so, indicate the outcome thereof.

*(Withdrawn)*

**SC EXAMINATIONS 2015 – EXAMINATION PAPERS**

**(No. B/982) Mr G. Oree (Second Member for Port Louis North & Montagne Longue)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Cambridge School Certificate Examinations 2015, she will state if she is aware that the examination papers thereof for Mathematics, Accounts and Economics were scheduled on the same day, 05 November 2015 and, if so, indicate if measures will be taken to avoid any such recurrence in the future.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, I am informed by the Mauritius Examinations Syndicate (MES) that the examination papers for the Cambridge School Certificate examinations were scheduled on 05 November 2015 as follows –

	<b>Examination Papers</b>	<b>Time</b>
1A	Mathematics Syllabus A	08.00-10.00
1B	Mathematics Syllabus D	08.00-10.30
2	Principles of Accounts (Multiple Choice Paper)	11.00-12.00
3	Economics (Multiple Choice Paper)	13.00-13.45

There was a break of 30 minutes and one hour between the papers.

I am further informed that, at the time the provisional time table was received, the MES did make representations to the Cambridge International Examinations (CIE) regarding the duration and the number of papers scheduled on that specific examination day. A proposal was also made by the MES for a time table deviation and for the Mathematics Papers Syllabus A and Syllabus D, to be rescheduled on the morning of 30 October 2015 or on 03 November 2015. However, the proposal was not retained by the CIE.

Mr Deputy Speaker, Sir, the time tables for SC and HSC examinations are prepared by the CIE taking into consideration the time zone where the examination papers are administered in the various countries and the potential threats to the security of the question papers. It is worth noting that according to the CIE handbook, it is only when the total duration of the papers taken in one session exceeds 3 hours and 45 minutes that a time table deviation can be envisaged. Thus, being required to sit for 3 or more different subject papers on the same day is not considered as an acceptable reason for time table deviation by the CIE.

However, I am informed that in the CIE provisional time table for 2016 SC Examinations, the 3 papers of Mathematics, Principle of Accounts and Economics are not scheduled on the same day.

**The Deputy Speaker:** Hon. Lesjongard!

### **CEB - SARA KO PROJECT - INQUIRY**

(No. B/985) **Mr G. Lesjongard (Second Member for Savanne & Black River)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Sarako

Project for the generation of electricity, he will state if his Ministry has carried out an inquiry thereinto and, if so, indicate the outcome thereof.

**The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo):** Mr Deputy Speaker, Sir, following my reply to PQ No. B/129 on 03 March 2015, a technical committee was set up to carry out an assessment of the Sarako PV Farm, including compliance to the land lease agreement and the EIA licence.

The Committee included officers from my Ministry, the Ministries of Environment, Agro-Industry, Housing and Lands, Public Infrastructure, the Central Electricity Board, the Water Resources Unit and the District Council.

In its report dated August 2015, the Committee found that –

- (i) from February to December 2014, the plant produced 20.4 GWh of electricity, equivalent to 97.7% of the expected energy export;
- (ii) only 60% of the 80 acres of land was being utilised. This is being looked into by the Ministry of Housing and Lands;
- (iii) the promoter had not complied with some conditions of the EIA licence, namely
  - 
  - submission of quarterly monitoring reports;
  - building sound proof structures for the standby generator;
  - construction of wastewater treatment plant on site, and
  - tree and grass planting.

These non-compliance issues are being monitored by the Ministry of Environment, Sustainable Development and Disaster and Beach Management as well as the Ministry of Health and Quality of Life.

**Mr Lesjongard:** Mr Deputy Speaker, Sir, can I know from the hon. Vice-Prime Minister whether the Committee looked into as to why when the project required some 30 *arpents* of land, some 90 *arpents* of land were allocated to the promoter of that project?

**Mr Collendavelloo:** That was not within the terms of reference of the Committee. What we know is that the total site extent was 337,669 metre square but only 60%, that is, 202,745 metre square was used. The remaining land is just waste.

**Mr Hurreeram:** Mr Deputy Speaker, Sir, can the hon. Vice-Prime Minister inform the House what amount has been paid to Sarako since it is in operation?

**Mr Collendavelloo:** Can the hon. Member be more precise? What amount has been paid to Sarako?

**Mr Hurreeram:** What amount of fees?

**Mr Collendavelloo:** Oh, I see. Well, there is a contractual financial support of Rs37 m. per year which is being paid to CEB - the Government has granted that support to CEB to meet the differential in price. There is a differential between the marginal cost and the purchase price of Rs6.60 which is the price which CEB pays and there is an additional Rs37 m. which Government has to pay to CEB.

**The Deputy Speaker:** Hon. Lesjongard, a last supplementary!

**Mr Lesjongard:** Thank you, Mr Deputy Speaker, Sir. Since the hon. Minister has confirmed that the excess of land that has been allocated for that project is not being utilised and might not be utilised in the future, will he inform the House whether Government will retrieve that excess of land from Sarako?

**Mr Collendavelloo:** Thank you for that supplementary. The matter has been referred to the Minister of Housing and Lands to see what actions should be taken in the light of the fact that the rest of the land has not been used.

**The Deputy Speaker:** Hon. Members, the Table has been advised that PQ Nos. B/987, B/988 and B/989 have been withdrawn. Time is over!

## **MOTION**

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

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):** Mr Deputy Speaker, Sir, I move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

**The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo) rose and seconded.**

*Question put and agreed to.*

**The Deputy Speaker:** I break for tea for 30 minutes.

*At 3.58 p.m. the sitting was suspended.*

*On resuming at 4.43 p.m. with Madam Speaker in the Chair.*

## **PUBLIC BILL**

### *Second Reading*

## **THE ASSET RECOVERY (AMENDMENT)**

### **BILL (NO. XXXI OF 2015)**

*Order read for resuming adjourned debate on the Second Reading of the Asset Recovery (Amendment) Bill (No. XXXI of 2015).*

*Question again proposed.*

**The Leader of the Opposition (Mr P. Bérenger):** Let me start by reminding the House that, in the recent past, both in the UK and here, in Mauritius, the organisations that used to be responsible for assets recovery proved unsatisfactory both in the UK and here, in Mauritius.

In the UK, it was the Assets Recovery Agency, here it was the Assets Recovery Commissioner and both did not give satisfaction to the people in charge of both countries. In the UK, the Assets Recovery Agency created in 2003 became part of the Serious Organised Crime Agency in 2008 then, a department in the new National Crime Agency in 2013 and, later on, in the case of the UK, I will come back to that in detail.

Here, the responsibility of the Assets Recovery Commissioner was passed on to the DPP. Let me make it clear that we were dead against and we expressed our disagreement forcefully and publicly that the DPP should take over this responsibility for assets recovery from criminals and others. Let's take, for example, '*Le Mauricien*'. I think it was quoted by the hon. Minister for Financial Affairs. '*Week-End*' du 22 Septembre 2013 -

"Bérenger : le rôle du DPP 'dangereusement dénaturé'"



We put our point of view, as I said, forcefully and publicly forward that the DPP's responsibility is one of the most important institutions in our Constitution and, rightly so, a stand-alone institution in our Constitution. And I repeat, one of the most important institutions in our Constitution as in the UK and other countries.

Our opinion has not changed, but we do not make it a personal affair. To us, it is a question of principle; it is a question of institutions. I did criticise the DPP, for his performance as DPP, on several occasions. But that is another matter. I don't want to mix issues. We were clear from day one that this is not the proper thing to do, to give to the DPP - who has one of the most important stand-alone jobs in the Constitution - that responsibility of carrying out enquiries, of seizing assets. Inevitably he would have been involved in controversies. Our opinion has not changed, but I think all of us should be strong enough to separate personal dislike for an individual from the issue of principles and institutions.

Therefore, we express total disagreement, forcefully and publicly, when here in Mauritius, under the previous Government, the responsibility for assets recovery from criminals and others was given to the DPP. But equally we have expressed our opposition in the recent past that it should pass on from the DPP to the FIU. Because to us, again, if we give that responsibility to the FIU...

*(Interruptions)*

It would be like that and I am tempted to say that with the hon. Minister around, others might make this mistake also. Again, giving that responsibility, taking it away from the DPP and giving it to the FIU, would *denature* the FIU. Not as *dangereusement* from my point of view, but it would be tantamount to *denaturé* the FIU, Madam Speaker.

The FIU, I must remind everybody, was set up a couple of years back already. It was set up after the report, the setting up in 1989 and the recommendations of the Financial Action Task Force on Money Laundering. That was set up in 1989 by the G7. These days it is housed in the OECD building. I think it is one with the OECD and the G7, now G20 organisation. One of its major recommendations - it did not fall from heaven - was that there should be a stand-alone dedicated Financial Intelligence Unit, in every country, to receive and disseminate suspicious transaction reports. And it is still like that in countries that go along with the recommendations of the Financial Action Task Force on Money Laundering. And there is a reason to that.

In Government in 2000-2005, we created those institutions. We set up. We know what we are talking about. The idea is to have a dedicated stand-alone intelligence body to collect information and disseminate the information to ICAC, to the Financial Services Commission and so on. The point is that it is not without reason that the Financial Action Task Force on Money Laundering insisted that there should be the stand-alone dedicated body to collect information and disseminate information to the institutions concerned with taking action. Because it is a question of perception, a question of trust, of confidence for the banks and other financial institutions. For operators in general to have confidence, to have trust in the FIU, it must be a dedicated, purely intelligence gathering and dissemination body. If we *denature* the FIU, it is going to lose the confidence, the trust of these operators and we will go back.

I must remind the House that at the end of 2013 - he is not present - the hon. Ag. Prime Minister who was Minister of Finance, under the previous Government, came with that proposal of moving from the DPP to the FIU. I put forward the arguments which I am putting forward now, he dropped the idea. I am not sure whether it was because he was convinced - if he was here, he might enlighten us, it is not too late - by my brilliant arguments. I tend to suspect that the relationship between the then Prime Minister and the then DPP carried more weight than my brilliant arguments. But never mind, he dropped the idea. He had come forward. He had proposed that the FIU takes over and he has nothing to say on that. He is not even present as Ag. Prime Minister.

The FIU as it exists - the Director, the key person is appointed by the President of the Republic, on the recommendation of the Prime Minister, after consultation with the Leader of the Opposition. In practice, it is the Minister who chooses, who proposes to the Prime Minister. And in the case of the present Director - I won't get personal - when I was consulted, I objected because even as a stand-alone, intelligence gathering and dissemination body, we need somebody as Director of the FIU mature, with a lot of experience and with visible independence from the Minister responsible for the financial sector. I have nothing personally against the person who was proposed, a very young person. I won't be asking, I won't say what his main qualification, I believe, was. The hon. Minister knows more than me what his real qualification was. So, I objected. I objected, and as usual the Rt. hon. Prime Minister probably had agreed even before I had the opportunity to react. This is what happened in the case of ICAC after the last General Elections. The honourable Prime Minister consulted me, in writing as usual, and

went ahead without me having time to react and in that case it makes no difference. I objected on a question of qualification, as Director of the FIU what the law provides, vast experience and so on. I objected. I won't go into details, but this is to show that the FIU, although a very important stand-alone intelligence body, the qualifications of the Director are not at all the qualifications, the experience that we will have to expect from somebody responsible for asset recovery, which is something completely different.

I am going to show that when the hon. Minister says that we are following the British model, that we are following the British way, in that case, he is factually wrong. I gave a press conference on Saturday and I made it a point *de ne pas choisir des mots blessants*. I have no reason to be against the FIU, except that I am fundamentally convinced that it is bad for the FIU, for the country. But it is factually wrong to say that we are going the British way, that we are following the British model. What is, today, the British model as compared to what is being proposed? *Le contraire!* What is, today, the British model? And this is what we say we should do. I'll end on that later on. This is what we say. We should learn from that British model, then make it even better with time. But it is factually wrong to say that, when we propose that the FIU takes over asset recovery, we are following the British way. This is factually wrong!

What is, today, the set-up in the UK? They have called it UK FBI. You have a massive crime organisation called the National Crime Agency. Very powerful, with a lot of different departments! I won't go into the pure crime departments. It is a huge organisation! Very powerful, the National Crime Agency, as I said, set up as from 2013; quite recent. It has at its head a Director General who is - the law provides - a very high ranking Police Officer or an individual of equivalent experience, seniority and relevant experience. He is the key man up there. You have a number of departments under him and one is the Economic Crime Division. They call it Economic Crime Command. I would rather say Economic Crime Division. That's under the Director General.

Under the control of the Economic Crime Division, there are two different departments, and the Economic Crime Division has a Director who reports directly to the Director General of the National Crime Agency. Therefore, this Economic Crime Division has two different departments: a Civil Recovery and Tax Department and a separate department, which is the UK FIU - two different departments. And as provided for, as I said earlier on, in the Financial Action

Task Force on Money Laundering, the UK FIU is purely intelligence gathering, dissemination. Therefore, when we are saying that we are following the British model, we are wrong. It is wrong! They have not given to the FIU other responsibilities dealing with asset recovery.

I repeat you have a big organisation *qui englobe tout cela*, the National Crime Agency, with a powerful Director General, most senior personality with massive experience and so on, and one of the departments is the Economic Crime Division, with its own Director reporting direct to the Director General of the National Crime Division - with two different departments. The FIU in the UK has remained purely intelligence gathering and dissemination, and it should stay like that in Mauritius. There are things that we should never learn from the UK, but in that case, let us learn from the UK, from their experience.

My point is that it is factually wrong to say that we are following the British model. We are not! We, on the other hand, are proposing to do exactly that. Well, not exactly! It will have to be adapted to Mauritius. I will come to that in a few minutes. Before I say exactly in detail what we propose at this stage, if we decide to go ahead with the FIU, taking over those responsibilities, first, there is this question: *nous dénaturons la FIU*, but also the level of qualification of the person who is in charge. It is not the same thing at all! Somebody qualified to be at the head of the FIU does not need the same qualifications, the same experience as somebody who will be responsible for asset recovery. And the staff also! The staff of the NIU is not at all trained...

*(Interruptions)*

**Madam Speaker:** The FIU!

**Mr Bérenger:** Again, the recent past remains in my mind.

Therefore, the staff also of the FIU is not at all the same staff that we need, same level, same experience and so on, as what we do need for asset recovery.

If we do go ahead and put that responsibility on the FIU's shoulders, what is going to happen to the staff that is dealing with the asset recovery at the DPP's Office? You have top legal minds that will not be prepared to serve under the present Director or any other Director of that level, of experience, of maturity. So, we are going to be in serious trouble. If that staff which has been at the DPP's Office for a number of years, has been responsible for asset recovery is

transferred, what is the Organigram? We are told nothing in this law. Absolutely nothing! How is this going to co-exist? How many of the top guys or ladies at the DPP's Office will accept to be transferred to the FIU, as it is organised? So, I say we should not go ahead.

Before I propose and say what we say, let me point out two things that disturb me and that would need clarification in the amendment. In section 4, the words "Director of Public Prosecutions" are replaced by the word "FIU". I am very uneasy with that. We are taking somebody, the DPP is one job – *diminutif* –, one institution, we are giving that responsibility which the DPP has under the law now and giving it not to the Director of the FIU but to the FIU. I am very uneasy with that, especially so that under section 7 - in this case that relates to money - how the money is to be spent, the money obtained through asset recovery, in that case, it says we delete the words "Enforcement Authority" - which is the DPP's Office - and we replace them by the words "Director of FIU".

So, I am very uneasy with this idea of we remove the DPP but we replace him, not by the Director of the FIU, by the FIU! What is it? Is it the Director? Is it the Board of the FIU? I am uneasy with those two things.

The real point is, as I said, it is factually wrong to say that we are following the British model, the British way. And, I repeat, we think that this is what we should do. Just as in the UK, they have set up this National Crime Agency, as in the UK, we should move full steam ahead with the setting up of the Financial Crime Commission that has been promised. It is in the Government Programme. The Rt. hon. Prime Minister has mentioned it several times. In my mind, the best way forward is going the English way and creating as soon as possible the Financial Crime Commission with the FIU and the Assets Recovery Department as two different bodies under this Financial Crime Commission, with the FIU keeping its role solely for intelligence gathering and dissemination. That is the British lesson. That is the British way.

If we do that, is it worth it? If we do that! And I think we are not in disagreement when I listened to the Rt. hon. Prime Minister! Then what is the use? And, we will damage the FIU? What is the use of doing *tout ce remue-ménage* if we agree on fundamentals, that is, on the setting up of the Financial Crime Commission with very senior officials in charge, as in the case of the National Crime Agency in the UK? So, we insist as an Opposition. You have a majority, but we are going to damage the FIU; we are going to cause a *remue-ménage temporaire*. What

is exactly going to happen to the staff of the DPP's Office responsible for assets recovery? We say, instead of that, we have – my English is a bit weak - endured the DPP exercising those responsibilities for a number of years, we can endure some time more.

*(Interruptions)*

I must say I suppose my English is really not good for making people laugh!

*(Interruptions)*

So, my plea is: let's move forward full steam ahead with the Financial Crime Commission, with two...

*(Interruptions)*

There is no reason why it should *prendre le temps*. You are taking time! It does not mean that everything you do is wrong! Nearly everything, but not everything! It should not necessarily, if we take inspiration from the UK, and the hon. Minister spends most of his time there! So, I am sure he is fully informed and he is fully equipped to advise and move forward full steam ahead.

Then under that setup, I forgot to say that in the UK setup, this National Crime – that is why I said *avec des nuances à la Mauricienne* – in the National Crime Agency – this monster that they have set up there, the UK FBI, the Director-General can, like the DPP, apply for Court action for asset recovery. It is quite extraordinary! The DPP, Her Majesty's Prosecutions Service has the same powers as our DPP here under the Constitution. They don't have a written Constitution? But in that case the Director-General of the National Crime Agency, like the DPP, can apply to Court action. I am not saying we should follow that part. I propose that we go ahead with the Financial Crime Commission with the two separate departments; the FIU remaining as it is, purely intelligence gathering and dissemination and the DPP - in fact it is in the Constitution - to continue to institute asset recovery action before the Courts but no longer having investigation powers as at now. We have to leave it to the DPP, it is in the Constitution and there is no proposal to amend *heureusement* that part of the Constitution.

So, to me, it would be the Mauritian setup going the UK way, the British way, taking lessons from the British. *En passant*, I wonder whether the hon. Minister is not aware of it or the Vice-Prime Minister, hon. Collendavelloo, or the Ag. Prime Minister, hon. X.L. Duval. *En passant* there is one thing; before the law was amended in 2012 to hand over to the DPP, before

that took place until 2011 and so on, it is only a Judge's order that allowed for the body concerned to go and look at bank accounts and to look for information. Judge's order! But in 2012 when they handed over to the DPP, an amendment was brought and instead of the judge's order, it is the body concerned - if you will allow me - it is the Enforcement Authority. We had in the law a good protection even for business, it inspires confidence, it was only on a judge's order that the body concerned could go and look at bank accounts and financial transactions.

In 2012, this power was given to the enforcing agency. In that case, it was the DPP's Office. But now we don't revert. Why Government has not taken this opportunity, especially as we know nearly everything which the previous Prime Minister did, they have to do the opposite? But, in this case, we should do the opposite! It was only judge's orders. In 2012, it was changed to the authority. I am quite surprised that we have not gone back onto that.

So, this is my submission, Madam Speaker, if we do agree on fundamentals that there needs to be a Financial Crime Commission that plays the role of the National Crime Agency in UK, the role that the National Crime Agency plays in the UK, I don't think - as I said, as soon as possible we must take that responsibility for asset recovery away from the DPP. We have always been of that opinion and more than ever! But, honestly, *tout ce remue-ménage* handing it over to the FIU, the problems of staffing that will arise, we will be around to see whether I am right or wrong if Government decides to go along. I think we should hold on, we should work full steam to get this Financial Crime Commission ready. We should keep the FIU as advised by the Financial Action Task Force on Money Laundering, one of its key recommendations; keep it as a stand-alone information gathering and dissemination body.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Vice-Prime Minister Collendavelloo!

(5.16 p.m.)

**The Vice-Prime Minister, Minister for Energy and Public Utilities (Mr I. Collendavelloo):** Let me, first of all, say that there are two nuances which emerge from the speech of the Leader of the Opposition. The first nuance is what we can call an issue as to whether this Bill will be a sort of bridge or a sort of transition to whatever will come forward in

the future, the National Crime Commission or all the institutions that have been announced. We shall await the speech of the Minister on summing-up and not before, in order to know what is going to be our respective stand. That is the first nuance.

The second nuance is our stand with regard to what is after all the only point before you and that is what is in the Explanatory Memorandum -

‘The main object of this Bill is to amend the Asset Recovery Act to provide that the Enforcement Authority shall, instead of the Director of Public Prosecutions, be the Financial Intelligence Unit (...)’

That is where the hon. Leader of the Opposition has found certain faults with the Financial Intelligence Unit assuming the role of the Enforcement Authority.

That leads me to the second nuance which needs to be addressed. The hon. Leader of the Opposition says that the MMM, at that time, was dead against the powers of the DPP. That is true at a certain point in time, but it is good that, for the record, we try and see what was being said at the time. Hon. Uteem - that was when the first 2011 Bill was passed. It is very comforting that agency that would be responsible to issue confiscation orders and civil forfeitures is no less than the Director of Public Prosecutions. This is commendable because, in the past, enforcement agencies have failed, not through lack of wanting, but for other reasons. Let us see. That is what we have on record.

Then there was an amendment in 2012, our very good friend, at least, my very good friend, hon. Baloomoody took the floor and had this to say –

“I now come to the office of the DPP. I am happy to hear that there is our office operating now at the DPP and that they have recruited professionals and more professionals would be recruited. This Bill, of course, deals with those who have enriched themselves tremendously by doing illegal activities, but the DPP’s office also looks about freezing orders, etc.”

At that time, there was unanimity that the DPP would have been the ideal person to be the Enforcement Authority. We were wrong. We were all wrong. For whatever reason, we saw with the passage of time that this had become a dangerous tool and as time went by, the MMM started rightly so shifting position until in 2014, there was a press conference. I remember that very



clearly where the MMM took a radical position and said we cannot agree to the DPP holding this position. That is where we have reached and as we progress, everybody has now rallied to what was the original position of the MMM, the original 2014 position. There is no harm in changing views. At that time, everybody thought that the Director of the Public Prosecutions being given its constitutional aura would have done a tremendous job.

Well, we are not here to personalise things. We are not here to look at what has happened in the past. We are now to look at the Bill. The FIU is going to take up the job of the Enforcement Authority. The Leader of the Opposition is legitimate in asking the question as to whether this is not going to *faire désordre*. I don't believe it to be so. There is a Government policy. That Government policy is through the Minister who decides. Of course, the Opposition has got its opinion as to the length of time of the transition. We do not believe that we could carry on with this process even for whatever period of time. The FIU appeared to be the most appropriate body. Let us not forget that the FIU is headed by a Director who, because of the special character of the institution, is appointed by the President on the recommendation of the Prime Minister made in consultation with the Leader of the Opposition. He administers and manages the FIU.

I do not agree that we should make any *procès d'intention* on the present Director of the FIU or on its predecessor for that matter. We all have our opinions of people. The Government has trusted the present Director of the FIU and, up to now, there is no reason which could lead any reasonable man to come to any conclusion other than the Minister is right to confine to him these serious powers of the Enforcement Authority under the Act. This is a body which, let us not forget, is responsible for receiving, requesting, analysing and disseminating to the investigatory and supervisory authorities disclosures of information. This is the job of the FIU. Therefore, pending whatever happens and, in the light of what has happened in the past, now was the right time to appoint the FIU to be the Enforcement Authority. Let me also quote section 10(2) of the FIAMLA: "The FIU is bound to collect, process, analyse and interpret all information disclosed to it and obtained by it under the relevant enactments; inform, advise and co-operate with the Enforcement Authority and the investigatory and supervisory authorities, etc."

But the FIU has also an international role. It is within the Edmond Group and it gives a particular cloud to the Head of our FIU because under the Edmond International Committee, the heads of FIU are considered to be a particular breed of persons and they exchange information.

On the other hand, what is the difficulty with the DPP? Under section 72, the DPP's powers are to institute and undertake criminal proceedings before Courts of law. Those are his powers. It is in the exercise of these very specific powers that is not subject to the direction or control of any other authority. As soon as it leaves these powers, then it becomes under the subject and control and it becomes accountable to one and all. This is why it was interesting to hear what the hon. Minister of Financial Services, Good Governance and Institutional Reforms had to say about the annual report which the Attorney General is supposed to place on the Table of the Assembly, containing the reports of the DPP.

At the end of the day, the point is that the DPP could not carry on with a sort of incestuous role between investigating, at least instituting proceedings and doing what he has to do under the Asset Recovery Act. The DPP is a lawyer. In the field of assets recovery, he has no special skills. Hon. Baloomoody was right when he said in 2012 -

“It is clear it is a very tricky and specialised domain we are talking about. I am sure that the DPP will have the opportunity to have appropriate special staff to carry on this objective.”

In other words, the DPP was unequipped and this has just been said if we read Raymond D'Unienville - No. 71. This is exactly what everybody says - the DPP took on a hat which was much larger than his head. The problem is that he thought the hat fitted his head. Hence, the result was that we had a big head in a small hat or the other way round. And that is the institutional make up that was wrong from the start in 2011 and we all were wrong. There is no harm in being wrong, but what is important is that we learn to correct what has been done when what has been done is erroneous.

I just come to say in answer to the hon. Leader of the Opposition, the FIU is precisely the stand-alone body which can be charged to be the enforcement authority under the Asset Recovery Act. Let us not depart from the four corners of this Bill because in a few days our debate will be enlarged when we will discuss the other matter relating to the seizure of property,

unexplained wealth orders. We are not dealing with this now. Now, we are dealing only with a change of functions and explaining to the people why we should change these functions.

Finally, Madam Speaker, when I analyse the speech of the hon. Leader of the Opposition, there is not much that separates him from the Minister. It is exactly the same thing, with little *nuance* to justify, at least making a new proposal for that Bill. Insofar as I am concerned, I fully agree with the Bill and I will join the chorus of all our friends on this side of the House to commend the Bill to the House.

Thank you.

(5.30 pm.)

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

Thank you, Madam Speaker. It was quite interesting to hear the hon. Vice- Prime Minister who just intervened before me because he puts in the perspective of history. I have heard of a few things that I, myself, was not aware of, as to what the position of the MMM was at one point, as to how it changed and how he says that they were all wrong. I do not know what really happened, but what I do know and what I am sure of, Madam Speaker, is that there are, for sure, Members of the MMM who would not share his view. I am also sure that there are other Members who were privy to all conversations and deliberations within the MMM at the time, who would not necessarily share his view.

Then again, we are in this august Assembly here, we will listen to one another's views, we will have various opinions and at the end of the day what is our role? Our role is to ensure that for the sake of posterity, at least, that Hansard will speak later on and will say what we expressed our views, what was our intent, what was our aim, and finally, we just hope that the final vote in this august Assembly will be in the name of the nation and will be for the good of the State. It is not sufficient for us to come and make speeches and say that this is what we want to do because it would necessitate that we analyse what are behind those words. Because at one point in time, I do recall the Asset Recovery Bill of 2011, when it was debated in this august Assembly and, yes, there was consensus - if I am not to say unanimity - in the august Assembly even on the side of the MSM if I am not mistaken. Hon. Pravind Jugnauth himself was totally in agreement that this is a matter of assets recovery that should ideally fit with the office of the Director of Public Prosecutions.

I have not heard hon. Pravind Jugnauth, at any stage after that, say that he was wrong. I have not heard the Leader of the MSM state that he was wrong in his appreciation when he discussed this matter and debated this matter in this august Assembly. It is the first time that someone has stood up - the hon. Vice-Prime Minister - and said in this august Assembly that he was wrong and I commend him for his courage if he has said that they were wrong. What he is also saying is that hon. Pravind Jugnauth was wrong in his appreciation, what he is saying is that everyone who decided on this particular issue. What he precisely means is that the MSM and the MMM, according to him, were wrong to support the view that they should be with the Office of the DPP. I hope that when we hear other people to intervene on the part of the MSM that they will also support his view because it seems that there is no consensus between Members and political parties in Government as to what is the real reason that they want to push this Bill forward. But what I do see, and one constant element, is this allergy towards the Director of Public Prosecutions.

*(Interruptions)*

**Madam Speaker:** Hon. Mohamed, we are not doing the *procès* of the DPP. This Bill is very restrictive. I would kindly request you to come to the amendment. The Asset Recovery Act is there, but, please restrain yourself, come to the amendment that is in question.

**Mr Mohamed:** Madam Speaker, I note with interest the word you have just used. You are saying that we are not doing the *procès* of the DPP. I don't know what you meant exactly by "we".

*(Interruptions)*

Do you mean Government or us? I don't know!

**Madam Speaker:** Hon. Mohamed, please don't argue. I am asking you to come - this Bill has a purpose, the Explanatory Memorandum is clear on this - precisely to the amendment. The hon. Leader of the Opposition has made his speech, he has come precisely to the Bill. The hon. Minister also has come precisely to the Bill. I have given you a leeway, but please come to the amendment.

**Mr Mohamed:** What I am doing here is talking about powers that are now vested with the Office of the Director of Public Prosecutions that are being removed from the Office. We

have heard the hon. Minister's speech where he has said that, in his opinion, the Asset Recovery Division, under the aegis of the Director of Public Prosecutions, has not done a good job. It is not I that is bringing the Director of Public Prosecutions' Office into this debate. It is in Hansard, it is the hon. Minister of Financial Services, Good Governance and Institutional Reforms, himself, who has opened the door by saying that, according to him, a measly Rs9 m. has been recovered, if I am to refer to his speech. So, if I am going to go directly to the debate and the amendments, it is precisely that, Madam Speaker. It is not I who has decided to open the door, as I said. The door was opened wide by the hon. Minister stating in a manner which, in my humble view, was critical, criticising the Office of the Asset Recovery which is, as we speak today, under the aegis of the Director of Public Prosecutions' Office.

**Madam Speaker:** This is acceptable.

**Mr Mohamed:** So, when I look at what was said - and that's why I come back to it -, was it critical, was it in any way criticising that particular Division? Yes, it was! It was, in my view, either an allergic reaction, but for me it was a wrong opinion, which I don't agree with. Some would say it was also rubbish. I don't say it is 'rubbish', because I believe it would be unparliamentary. So that's why I don't use that word.

*(Interruptions)*

I have not interrupted the hon. Member! Let me say...

*(Interruptions)*

**Madam Speaker:** Order, please!

**Mr Mohamed:** I have not interrupted anyone. Why should anyone interrupt me? It seems as though they are very edgy and fidgety. Now, my point is as follows. The hon. Minister says, in his intervention, and I quote -

"This is what the Asset Recovery Unit has done."

He talks about -

"Yes, Madam Speaker. So, just by looking at the figures, only Rs9 m. have been recovered in those three years. *Que R 9 millions!*"

He goes to the effort of even translating, which is nice. He underlines the fact that there has been only Rs9 m. At no time does the hon. Minister talk about assets that have been frozen. At no time does the hon. Minister talk about balances held on restriction and restraining account. At no time does the hon. Minister...

*(Interruptions)*

**Madam Speaker:** Hon. Minister Bhadain! Please!

**Mr Mohamed:** Thank you, Madam Speaker, for calling him to order. At no time does he talk about the balance held in, as I said, the restraining and restriction account of over Rs71 m. At no time does he talk about money credited at the Bank of Mauritius and the balance held at the Bank of Mauritius of over Rs68 m. At no time does the hon. Minister of Financial Services, Good Governance and Institutional Reforms talk about the foreign currency saved at the State Bank of Mauritius. At no time does he talk about every single property that has been seized and the amount that it represents; over Rs280 m.! The hon. Minister does not talk about that. And my question is: why is it that he does not talk about it? He could easily have said, in his intervention, that this is what the work that the Asset Recovery Unit has done, this is how much has been seized, this is how much has been frozen, this is the quantum and, yes, it has not been recovered as yet, but it is pending. But he chose not to even say that, he chose to keep quiet about that. And my question is: why is it that he did not qualify his remark, when talking about the Rs9 m., why did he not go further than translating it from English to French and say that there was also that? Why this deliberate silence on his part? Why? Precisely because the hon. Minister of Financial Services, Good Governance and Institutional Reforms, and it seems as though that it is the policy of Government, has only one thing in mind: remove it at all cost from the Office of the Director of Public Prosecutions, remove it at all cost from that Office and ensure that it is put under the control of the Executive. That is only that and nothing else! What is really amazing, Madam Speaker, is the following. What is amazing, the hon. Minister said that it is unacceptable, according to his intervention, that the people operating under the aegis of the Director of Public Prosecution's Office should be enforcing and prosecuting, investigating and enforcing - this is what he said - because he believed that this was something which is to be judge and party. He said in his address to this august Assembly, and I quote -

“Madam Speaker, acting as both judge and party goes against the basic principle of natural justice of *‘Nemo judex in causa sua’* - no one should be a judge in his own cause.”

That is an interesting remark that he makes. But what is interesting is what is proposed under this particular piece of legislation is exactly the same, if not worse, because this organisation will be under the control of the Executive. This organisation will be under the control of politically appointed people, this organisation will be under a master and slave relationship, and the master, everyone knows who will it be and we all know who the slave will be. I know who has the whip in his hand and who will have to jump when he cracks the whip.

*(Interruptions)*

Not the hon. Chief Whip! He will lose his whip in the process, or maybe he will lend one to the new master. But this is the whole difference. What I am trying to explain here is that, imagine, a new organisation that is being put forward and really supported by this Government, the policy of this entire Government, no exception, and they say that we are going to have this new body now and, according to it, it is replacing the investigative agency and replacing them by the words “Asset Recovery Investigation Division” under section 5 of the principal Act which is amended.

So, under the Financial Intelligence Unit, we will have what we call Asset Recovery Investigation Division. Under that new body, with the new powers, removed from the Director of Public Prosecutions, we will have it now given to this Financial Intelligence Unit, and they will have this Asset Recovery Investigation Division. So, they will be doing the investigations. This is what it means. They will be doing the investigations and they will be doing the recovery. They will be doing the confiscation; they will be doing the enforcement. We are talking about civil recovery. We are talking about non-conviction based recovery, we are talking about a new organisation that not only will be able to investigate, Madam Speaker, but will also have the power of taking.

So, where and how does one reconcile the two? The hon. Minister says it would be conflictual, it would be wrong according to natural justice to be judge and party and that is what is his driving motto, his force to tell him we should remove it from the Office of the Director of Public Prosecutions, and he is supported in that view by the hon. Vice-Prime Minister. But what both of them do not say is how come the same is being put forward under this new amendment - the same. And why do I say it is worse is because in this particular instance, those shall be

people who are politically appointed. That is the difference. And why do I say that is because, in my mind, the hon. Minister of Financial Services, Good Governance and Institutional Reforms and Government as a whole and the hon. Vice-Prime Minister who has intervened just before me, has only one thing in mind and nothing else: to get rid of the Director of Public Prosecutions from this particular position and to have it in their arms as though they are going to be holding their new babe in arms and carrying it close to their chests, because they want to have a control on it. Control is all what it is about and nothing else!

Controlling is all what it is about, not administering in the name of the people, but controlling; this is what it is all about. And then, the excuse of the cowards will be: 'Why didn't you do it?' The excuse of those with no vision will be: 'Why didn't the former Prime Minister do it?' Their excuse will just be that; laying the blame at the feet of the previous Government and the sad thing is they forget that hon. Pravind Jugnauth also formed part, at some stage, of that former Government. So, please, it is easy to come and say that each and every time.

*(Interruptions)*

What I want to do...

*(Interruptions)*

**Madam Speaker:** Order, please! Order!

**Mr Mohamed:** Madam Speaker, I am not surprised that I will be interrupted because it is only when it hurts, that interruptions will happen. They run away from the truth.

*(Interruptions)*

**Madam Speaker:** Order, please!

*(Interruptions)*

Order! Everybody will have the time and the opportunity to intervene if they want to.

*(Interruptions)*

Don't intervene now!

*(Interruptions)*

Hon. Jhugroo, please! Hon. Jhugroo!



*(Interruptions)*

Hon. Jhugroo, are you ignoring my comments? Please, allow the hon. Member to continue with his speech!

**Mr Mohamed:** I thank you, Madam Speaker, for helping me out and continuing. I really appreciate that, Madam Speaker.

*(Interruptions)*

I don't know why the truth annoys people!

*(Interruptions)*

I knew they had allergy to other things, but I never thought it was the truth as well.

*(Interruptions)*

How about another element? Some people say: "Get to the point!" But I have the impression that the point I am holding to them is hurting because it is quite sharp, because there is something else which surprises me: consistency and competence.

Cabinet decision of 27 February 2015, paragraph 7 of that Cabinet decision states that –

“The Enforcement Authority under the Asset Recovery Act will be under the Financial Intelligence Unit pending the setting up of the Financial Crime Commission.”

Cabinet decision of 03 April 2015, paragraph 2 – “reviews the communication of Cabinet decision *du 27 février 2015*.”

So, we are not talking about one week afterwards. Everyone who has been Minister will recall that when there is a Cabinet decision, one week afterwards we go through the Minutes and if we are agreeable with the Minutes or if we are not agreeable, on the spot, we make corrections to those Minutes. So, the Minutes of 27 February 2015, at paragraph 7, states that –

“The Enforcement Authority under the Asset Recovery Act will be the Financial Intelligence Unit pending the setting up of the Financial Crime Commission.”

Here, we do not have anything in the Minutes changed in March. Nothing! Not even in the first week of March, not in the second week of March, not in the third week of March, not in the fourth week of March, only lo and behold on 03 April 2015 as though *le sommeil* has broken. At

paragraph 2 of that decision, review the communication of the Cabinet decision du 27 février and it reads as follows, I quote –

“Cabinet has taken note that its decision taken on Friday 27 February 2015 has not been accurately reproduced in the Communiqué issued by the Government Information Service on that same day. Cabinet, in fact, agreed to the following –

(d) the Enforcement Authority under the Asset Recovery Act to be the Financial Intelligence Unit pending the setting up of the Financial Crime Commission, in order – My God! - to allow officers of the Office of the DPP to focus on their prosecutorial duties and other duties within the Attorney General’s Office.”

What is not good in there and this is where I believe it shows - I talked about competence – how come if this is what was the real idea of Government; how come if this was the real objective of Government; *si ça c’était l’objectif vrai de ce gouvernement, Madame la présidente, comment se fait-il qu’il a fallu attendre plus d’un mois pour que ce gouvernement découvre que ce qui avait été décidé le 27 février 2015, n’était en fait pas la bonne décision et aussi que ce qui avait été écrit in the Minutes of Proceedings, dans le procès-verbal, n’était exactement pas correct? Comment est-ce qu’on peut expliquer alors qu’il a fallu attendre un mois, quatre semaines –* should I count the number of days and do the mathematics – for this Government to realise that it had missed the point that there was wrong communication? One month! If this is the case, this means this Government was caught napping for one month.

*(Interruptions)*

Some people are wondering what I said, maybe I should translate the word ‘napping’.

*(Interruptions)*

*Il dormait!*

*(Interruptions)*

That’s what happened!

*(Interruptions)*

There we go!

*(Interruptions)*

**Madam Speaker:** Order!

**Mr Mohamed:** I shall sit down in the meantime.

*(Interruptions)*

**Madam Speaker:** Order, please! Order!

*(Interruptions)*

Hon. Jhugroo, please! We started with the debate in a very civilised manner. The hon. Leader of the Opposition had intervened, everybody was quiet. The hon. Vice-Prime Minister, Minister of Energy and Public Utilities had intervened, everybody was quiet. Now, allow the hon. Member to intervene! You will have the opportunity to make your point, I have said!

**Mr Mohamed:** Allow me once again to thank you, Madam Speaker!

*(Interruptions)*

To be honest with you, Madam Speaker, I love seeing the hon. Vice-Prime Minister smiling. It reminds me of the good days when he used to smile at me, but then again. I miss his smile actually!

*(Interruptions)*

Or maybe he is laughing and not smiling at me. Still, I like watching his smile. Now...

*(Interruptions)*

Not hon. Gayan's, by the way!

*(Interruptions)*

So, I was saying something....

*(Interruptions)*

The hon. Minister said something else and I am trying to see, this is the whole issue of the debate. I mean, we don't have to necessarily agree with one another. I am just indicating places where we are not in agreement and why I am not in agreement, but not simply because I don't agree for the sake of it. But there are certain issues I am trying to point out and I invite, therefore, Government, the hon. Minister, in particular, to look into it; and what is it? Let's talk about something else!

The hon. Minister said something that really took me aback and I think it was insulting to many constituency representatives. I think it was insulting to the 20 or so constituencies of Mauritius. I do not know where the hon. Minister got his figures, but at least speaking in the name of my constituency No. 3, I do not appreciate and do not take it happily even in the name of being constructive that he is going to just whip out things out of his hat; just to say what the hon. Vice-Prime Minister was saying, talking about the hat that fits the head. In this particular case, it was trying to pull a rabbit out of the hat. So, I believe that the hon. Minister of Good Governance has not got magical ability. He should stick to what he is doing. He is very good at it!

*(Interruptions)*

What I am trying to say here is something very simple and I don't think the hon. Minister should really get angry here.

*(Interruptions)*

I am trying to be very collaborative. He is getting in a hurry. This is the whole suspense, creating the suspense for him to go on and on. Madam, maybe I should...

*(Interruptions)*

**Madam Speaker:** But allow the hon. Member to say when he wants to say it!

*(Interruptions)*

He is intervening!

*(Interruptions)*

Order, please!

**Mr Mohamed:** Madam Speaker, the hon. Minister of Health and Quality of Life is so impatient to hear me and it touches me in ways you can't imagine, to see his impatience to hear my words. So, let me just say something else to him. It shocks me and I do not appreciate it when the hon. Minister of Good Governance came forward and said that in certain constituencies, let's say, there are 2,000 drug users. He said there are 2,000 drug users per constituency multiplied by 20; 40,000 drug users consuming drugs. So, he will say - well, I was only trying to use an example. But then again please, in the name of respect for people living in

the various constituencies and, here, I stand up for my constituency and the other constituencies of this nation, we do not appreciate such examples. Those examples are not based on *les véritables* figures.

*(Interruptions)*

It is insulting for my Constituency – let us take an example, 2,000 people who are drug users from Plaine Verte and Roche Bois. It is insulting to Constituencies of Port Louis to believe that there are 2,000 drugs users in Vallée Pitot or in Constituency No. 1 or Constituency No. 4. This is for me insulting as an example which I shall ask and humbly request the hon. Minister of Good Governance to come up, please, in summing-up with another example based on real facts and figures. Figures that he could have obtained from his colleague, the Minister of Health and Quality of Life, who has been busy trying his best to sort out the problem of Methadone, who has been busy having an arm wrestling techniques or sessions with *les ONGs* concerning drug abuse. Get the figures from those non-Governmental Organisations, get the figures about drug users from the Ministry of Health and Quality of life, but, please, let us not use examples and pull figures out of our hat because that is an insult to those people living in those Constituencies. His comparison does not even stand the logic. It is not even logical. What he means, therefore, is that: ‘Let’s say: Okay, 2,000 people’. We don’t need to have any prosecution, we don’t need to wait for any conviction, we don’t need the Court to pronounce itself; maybe someone has a right to appeal against a judgment, we don’t need all that.

According to the hon. Minister and this Government, there is no need to go to the process of deciding whether someone is innocent until proven guilty beyond reasonable doubt. There is no need. Already, he is going to pull out his calculator. I don’t know from what hat he is going to pull that one and start calculating. 2,000! I don’t know where he got that one from...

*(Interruptions)*

Multiplied by 20, 40,000. So, if he believes that his new organisation – because allow me to call it that – under his control, will be allowed to do better than the Office of the DPP, this means that the Office of the DPP, what I understand, was wrong to wait for convictions, was wrong to wait for appeal process, was wrong to wait for judgments and then act, what he believes, is that you should have a Gestapo Organisation that goes around acting without any judgment. This is basically the only way that he can be believed that he will perform better. That’s the only way.

So, Madam Speaker, as I said, this example that he gave is not realistic. The Asset Recovery is, indeed, a long process. It is not a political process. It is not a process that can be carried out by people who do not have and hold office as protected under the Constitution. It should not be allowed to be carried out by political appointees and, for sure, it should never be allowed to be carried out by an organisation which is under the control of the Executive. Never!

When I expressed my views, instead of coming up later on and say: “Well, this is why I don’t agree with you because this is what we believe is right, instead we are going to have farcical suggestion”. Put it under the Opposition! We would refuse it. We refuse to touch anything they have touched even with the barge pole.

So, as far as I am concerned, under Section 17 of the Asset Recovery Act, today, confiscation is conviction based, Madam Speaker. We need to wait for the Police enquiry and then the trial and appeal if ever there is any by the accused. Money seized on the locus of drug dealers are produced in Court as exhibits. Drug dealers hide behind those complex structures. The Asset Recovery Unit, Madam Speaker, has recovered far more than the Drug Assets Forfeiture Office. That is a fact.

Madam Speaker, I do not understand why is it that the hon. Minister goes and uses a statement of the Director of Public Prosecutions in order to say: “Well, this is what he said!” And he goes on to say: “Even the DPP did not object against us doing what we are doing.” The statement of the DPP was in relation to the Cabinet decision to bring the Office of the DPP under the Attorney-General’s Office. The argument has been that the DPP was objecting as he was supposedly clinging to the Asset Recovery Unit. This is what was said by Government that the Office of the DPP was clinging on to the Asset Recovery Unit. To narrow down the issues, Madam Speaker, the DPP clearly did not wish to challenge the policy decision because it is not his role to simply question a policy decision, but that does not mean that you have a *carte blanche*, you can do whatever you want, as far as policy decision goes. I object to a policy decision not only in the name of a simple opinion. I object to a policy decision that removes an office from the Office of the Director of Public Prosecutions with all the constitutional safeguards and places it in the hands of political appointees.

There is another issue which the hon. Minister left. He did not even speak about it and I ask myself, he has all the files. He said that it’s only this morning that he got the report. He

talked about the law and he said: “Well, you now, the Attorney-General, according to law, has to table the reports.” I was shocked, I mean I have the reports. Why didn’t he get it then? Only in the morning!

*(Interruptions)*

Madam Speaker, it is a Minister that has just asked me: “But why couldn’t you give me your copy?” A Minister could not even find the report!

*(Interruptions)*

It has been tabled. Therefore, Madam Speaker, why is it that the hon. Minister of Good Governance could not even find a report that was tabled? It is not right for a honourable Minister, it is unfair on the Chair, it is unfair on the National Assembly, it is unfair to have made such a comment because maybe, he did not realise it, Madam Speaker, he was in the process! Maybe, he did not realise it, that was not his aim, but he did point several things as a blame to this august Assembly in the process. If a document has been tabled, he cannot, therefore, say: “It is only this morning that I got it and I did not know it was here.” He gave the impression that the Office of the DPP did nothing to send it to the Office of the Attorney-General when I have it. For sure, there is no doubt, it cannot be contested that those two reports of 2013 and 2014 were, indeed, sent, in accordance with the law, to the Office of the Attorney-General. It is the Office of the Attorney-General that tabled it in accordance with the law. I am very happy here to see the hon. Attorney-General who is a good friend of mine...

*(Interruptions)*

Acquiesces. Because what he is doing by nodding, he is acquiescing, he is saying yes, he agrees with what I am saying, that, indeed, it was given according to law, it was tabled according to law, it was tabled according to the provisions of the law and if these acquiescings, the hon. Minister of Good Governance said something which is not true, said something that was not correct or maybe he was not informed appropriately. It is not his fault. I stand by him on that. It was never his intention to say anything that was not right. But, therefore, where does this wrong information come from? How come, it has managed to come out of his mouth? Someone sitting back there should have advised him not to, someone ever since last week should have corrected it. I hope he will correct himself in his summing-up. If he fails to correct himself in his summing-

up, then he will be pointing a finger to the hon. Attorney-General and the other finger will be pointed to you, Madam Speaker. I don't know how he does it, how would he do that, the direction and angle it will take...

*(Interruptions)*

But then, again, I don't understand why is it that he did not say exactly what the case was. But I recognise, Madam Speaker, the good faith of the hon. Attorney-General. I recognise his good faith. Maybe, what I should advise him to do is to just correct the information that was received by the hon. Minister of Good Governance, that it was not fair to come and give the impression *que ce n'était pas déposé* in line with the law, as provided for by the law.

Another element, allow me, I have learnt the Republic of Mauritius has obligations under the UN Convention against Corruption. The Republic of Mauritius has such an obligation. This is fact and we do not debate about those facts. It is true. Mauritius submitted itself to a peer review mechanism before the Eastern and Southern Africa Money Laundering Group, a regional body of the FATF. This was all the consultations that happened prior to the Asset Recovery Bill being presented in 2011 and 2012, the Amendment.

The hon. Minister did not say that. He gave the impression that when the former Government came to this august Assembly, when hon. Pravind Jugnauth, whom I am sad is not here, he would acquiesce as well because history and Hansard speak for themselves. When they came to this august Assembly and they brought this whole asset recovery law, that there was no consultation. In fact, there was prior consultation. It is in September 2009, a technical assistance mission from the IMF came to Mauritius at the request of the Office of the Attorney General to advise Government on the soundness and stability of the Mauritian financial sector. It is important to know! It is important to know that there were consultations prior to proposing the asset recovery legislation in 2011! Consultations where the mission assessed the legal structure of Mauritian law and recommended, Madam Speaker, that Mauritius should strengthen its legal framework and put in place comprehensive mechanisms to give effect to the recovery of crime.

It shows, therefore, Madam Speaker, that Government in those days did not decide on its own, but asked experts. I am sure the new hon. Deputy Prime Minister will also acquiesce because this is precisely what happened. It did not happen out of the whims of people. It happened because there were consultations with proper organisations.



*(Interruptions)*

**Madam Speaker:** Hon. Minister Bhadain, please! I have asked you several times not to interrupt! You will have the opportunity to do so at summing- up. Please!

*(Interruptions)*

**Mr Mohamed:** I will repeat what I said earlier on.

**Madam Speaker:** Please, don't!

**Mr Mohamed:** The IMF mission - I see that the hon. Chief Whip is following me. Thank you very much - was careful in pointing, Madam Speaker, the advantage of setting up a single unified body in charge with the recovery of proceeds of crimes. They were not talking about multiple organisations, they were talking about a single organisation. This is what the IMF mission, with experts, proposed to the Republic of Mauritius. The mission recommended, allow me to quote -

“(...) such unit could form part of the current prosecution office (...)”

And, furthermore, I quote –

“The future Asset Recovery Unit should be a Unit that is and is seen to be independent and free from the perception or an actual interference by political interests, the Executive or any other body.”

The IMF that has got no political axe to grind, the IMF that has got no self-interest to protect, came up with the report and recommended, this is what happened, ensure that it can go under the current Prosecution Office and also went on to say that this future asset recovery office, we should ensure that there is not even a perception of or actual interference. Two issues: *la perception et interférence physique actuelle* by political interest, the Executive or any other body.

What is this Government proposing? Exactly what the IMF condemns, Madam Speaker! I do not speak simply because I want to say I am not agreeable with what is proposed by Government. I am basing myself, Madam Speaker, on what was proposed by the IMF. The IMF, in that report, said that whatever the hon. Minister of Financial Services, Good Governance and Institutional Reforms is doing would actually create a perception of or actual interference by

political interest, the Executive and any other body. This is what the IMF says. And, now, the hon. Minister and Members of Government who maybe are not aware of that part, that is why I thought I was duty-bound to bring this to the cognizance of everyone, that it is important that we take this view into account.

We can find arguments against the IMF, at the same time, we can basically say we are proud that the IMF or the World Bank is close to Mauritius or advising us and it is a pity that the hon. Minister of Finance is not here when we are talking about the IMF! But, subsequently, Madam Speaker, after this report and the recommendations where the IMF says: 'Don't do what the hon. Minister of Financial Services, Good Governance and Institutional Reforms is doing. This is not right'. Subsequently, the Asset Recovery Act was prepared by the Attorney General's Office and with the assistance of consultants from the IMF. It included experts, Miss Lorna Harris, an experienced officer of the Serious Fraud Office in the United Kingdom, former Head of the Asset Recovery Civil Side in Scotland and Gianluca Esposito, Senior Legal Officer of the IMF, two experts. They helped to prepare the Asset Recovery Act.

It is noteworthy here that, on one hand, we have had consultations by the previous Government, not with political appointees or political friends. We did not leave it amongst our own hands as though we knew everything and then *on détenait le monopole de la connaissance. Loin de là, Madame la présidente ! La différence, Madame la présidente, c'est que quand nous, on était au gouvernement - comme on peut établir par les faits historiques - il y a eu consultations.* But there has been no consultation whatsoever in this particular time between the Office of the Director of Public Prosecutions and the Asset Recovery Unit for the transferring of same to the FIU!

Can we imagine that we are going to move, with such a drastic change, from a constitutionally appointed institution, the Office of the Director of Public Prosecutions, to a political appointment situation condemned by the IMF! But, there has been no consultation at all between the Office of the DPP prior to transferring the Asset Recovery Unit to the FIU! They already know they are going to transfer. They are already eyeing people who will be appointed. They are already eyeing jobs for the boys! They are already eyeing who, the political people close to power, will be appointed. But there has been no consultation with the Office of the DPP. In lieu and instead of that, there has been an hon. Minister of Good Governance going to Saint

Petersburg *et qui a fait le procès du Directeur des Poursuites Publiques sur la scène internationale*. That is maybe their version of consultation, going on international scene and speaking not very nicely - if I am to be very diplomatic about it - of an institution that is that of the Director of Public Prosecutions.

Madam Speaker, as I said, my aim is what? To ensure that there is an informed debate. I am not here inventing any of the facts. There were consultations with the IMF. The IMF has brought in reports. The IMF says there should be no perception or political interference. So, what I am asking each and every Member of Government is that we may not agree on policies, we may not agree on political agenda, we may not be of the same political party, we may be adversaries, but we are not enemies! What I am saying here is that in the name of this Republic, let us, for a minute, say that, now, all Members of Parliament, every single backbencher, every single Minister who dares be different, every single Minister who has the courage to stand up and say let us be different, let us try to dare to say “no” and let us reflect again in the name of the Republic. For a minute, let us say that, now, each and every one of you, Madam Speaker, aware of what the IMF has said, let us analyse this proposed legislation objectively. The IMF has said “no”.

I do not say that I am totally right in what I say, those are my views. But, what I am asking Government to do is to, at least, be open in its perception of things. If this is what the IMF has said, if this is what two experts of the IMF have said, if this is what the Office of the Attorney General was aware of at the time of preparation of the legislation in 2011, why cast it aside and in the name of what? In the name of whom are we casting such expert opinions aside? We may have different views, but there is one thing that should unite us, at least, something independent to us, which is the IMF report.

So, in my humble view, Madam Speaker, I believe that I have exposed the lacunas in the legislation. As I have always said and I say again, the number of votes matter not in this particular august Assembly. It is posterity. It is history. I would expect Government not to proceed with this legislation, not because I say so, but because there is a report of the IMF that tells us to be careful. Not because I am right - I am not important in the equation - but what is important is what damage we could be doing, without realising it, in the name of a piece of legislation.

So, I hope that the Government would have the courage to review their position. As I have said recently about other pieces of legislation, I am for consensus in situations of such important pieces of legislation. I am of the view that, if we act in the name of country, we can have consensus and that is why I repeat myself. I invite Government to review its position, not because I say so, I repeat that, but because there is maybe a better way out and a better way forward.

Thank you very much.

(6.18 p.m.)

**The Minister of Health and Quality of Life (Mr A. Gayan):** Madam Speaker, I hope that what we have just heard from hon. Mohamed is not related to recent events. But let me say ...

*(Interruptions)*

Wait! Do not worry!

*(Interruptions)*

**Madam Speaker:** Please, do not make provocative remarks!

*(Interruptions)*

Please, on both side of the House!

*(Interruptions)*

Order, I say!

*(Interruptions)*

On both sides of the House, I appeal to you, not to make provocative remarks!

**Mr Gayan:** Madam Speaker, we have just heard a very robust defence of the position of the DPP. I entirely agree that the Constitution of Mauritius entrenches the duties and the rights of the DPP. I will, for the sake of completeness, refer to section 72 of the Constitution, which reads as follows –

“There shall be a Director of Public Prosecutions whose office shall be a public office and who shall be appointed by the Judicial and Legal Service Commission. No person

shall be qualified to hold or act in the office of the DPP unless he is qualified for appointment as a Judge of the Supreme Court”.

And then, it goes on at section 3 –

“The DPP is not subject to the control of any person or authority.”

So, in fact, we need to have an independent DPP. It would be interesting to note that, at some stage, about 12 or 13 years ago, when the hon. Leader of the Opposition was the Prime Minister in this country, had something else in mind with regard to the powers of the DPP. Things were happening then, and if I am pushed, I will give to the House what was being discussed in 2003 with regard to the powers of the DPP. Fortunately, it did not go through and it was a Constitution (Amendment) Bill in 2003, which provided for –

- consultations between the Attorney General and the DPP, and
- the issue of directions and guidelines by the Attorney General to the DPP.

That was in 2003. This Bill did not go through. But it is good for history that we recognise that, at various stages in the history of Mauritius, we have had serious debates about the powers of the DPP. But let me leave this aside and come ...

*(Interruptions)*

This is a Bill which I have in my hand and I decide what I am going to table and what I am going to do.

*(Interruptions)*

*Lâche?*

*(Interruptions)*

**Madam Speaker:** Please, hon. Leader of the Opposition!

*(Interruptions)*

Order, please!

*(Interruptions)*

Hon. Leader of the Opposition, please, do not use words which would be offensive to any Member of the Assembly!

*(Interruptions)*

I appeal to the other side as well to do so! We need to be calm to be able to go through the debates on this Bill.

*(Interruptions)*

**Mr Bérenger:** The hon. Minister comes up saying that there is a Bill that is going to this and that without telling us whether the Bill was circulated or whether it was agreed in Cabinet. What is this? Lay a copy! At least, we will know!

**Madam Speaker:** Hon. Leader of the Opposition, please give him the time to intervene, then we will see!

**Mr Gayan:** Madam Speaker, I beg leave to table a copy of the Bill.

Madam Speaker, I try to understand what was the thrust of the intervention of hon. Mohamed. What I could understand was that Government, in fact, through this Bill, is trying to get a politically appointed body to do something which the DPP was doing, and the DPP holds a post which is constitutionally protected.

When the Asset Recovery Bill was introduced in April 2011, the then Attorney General...

*(Interruptions)*

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

*(Interruptions)*

Allow him to proceed with his speech! If you continue to interrupt, how will he make his speech?

**Mr Gayan:** The then Attorney General said the following –

“I should also add that the Bill was finalised by my office with the invaluable assistance of Sir Victor Glover (...). The views and comments of the DPP, as Enforcement Authority under the Bill, were also obtained and taken on board.”

Now, let us see how this particular Bill has damaged the office of the DPP. It is all right to say that we are taking away from the DPP something that was given to the DPP. But the DPP should

never, never have accepted this particular office of Asset Recovery because the office of the DPP, which is so entrenched, must be independent.

*(Interruptions)*

Madam Speaker, I am just saying that the office...

*(Interruptions)*

We listen very carefully ...

*(Interruptions)*

**Madam Speaker:** Hon. Shakeel Mohamed, when you were speaking, the hon. Minister listened to you. So, please allow him to proceed!

**Mr Gayan:** When the DPP's views were taken on board when The Asset Recovery Bill was introduced to the House, that was a mistake, and it is a constitutional mistake. Because then the DPP was allowing himself to be brought into an area which the Constitution was denying him.

**Mr Mohamed:** Madam Speaker, on a point of order! We have all been very, very careful; the hon. Minister of Good Governance, the hon. Vice-Prime Minister and everyone who intervened. Now we are saying that the DPP made a constitutional mistake. That goes against Standing Orders and that should not be allowed. The Standing Orders do not allow us to come and say that the DPP made a constitutional mistake. The Standing Orders say that you do not do that.

**Madam Speaker:** Look, the most important point is the transfer of responsibilities from the DPP's office to the ARID, the FIU. Please, restrict yourself to making comments on this.

**Mr Gayan:** Madam Speaker, the previous speaker was allowed to travel wide and I think it is open to me to address some of the concerns that were raised.

The main argument was that the DPP is so important that we should not touch the office of the DPP with regard to this Bill. Now, if in fact that is the case, the DPP should have given his views at the time that his views were sought, that this is not the responsibility of the DPP's Office. The Office of the DPP is purely within section 72 of the Constitution and this is all that matters. But when the views of the DPP were sought and then the Bill became law and the DPP accepted to

be the Enforcement Authority and to have his Officers to be engaged in Asset Recovery, as a result of investigation, then that was a departure from constitutional practice. Because as long as you have the DPP acting under section 72 of the Constitution, the DPP does not owe any explanation or any account to anybody. But when he decided to be part of the asset recovery then, he is under an obligation to report to the Attorney General and the Attorney General has to file a report in the House and this is the report that was referred to by hon. Shakeel Mohamed and this damages the constitutional standing of the DPP.

I think it is very important that we bear that in mind. If at all we are jealous of the powers of the DPP, we want the DPP to be sacrosanct, then this is the best way to proceed which must give to the DPP the constitutional independence that he needs and that we all need because if we confer other powers on the DPP, then the DPP becomes accountable to authorities which are not covered in the Constitution. It is no wonder, Madam Speaker, that when the decision was taken by Government with regard to the transfer of Asset Recovery Unit to the FIU, the DPP issued a communiqué, the communiqué dated 02 March 2015 and I will be tabling this communiqué for the purposes of my intervention and I read and I quote from the communiqué –

*“Le bureau du Directeur des Poursuites Publiques a émis un communiqué le 02 mars 2015 pour mettre le ‘i’ sur le point de son passage sous la direction de l’Attorney General et non concernant le transfert de l’Asset Recovery au Financial Intelligence Unit ».*

The communiqué reads as follows –

“The Office of the DPP has never expressed any reservation with the decision of Cabinet to transfer the Asset Recovery Unit to the Financial Intelligence Unit. This is an administrative decision which is within the powers of the Government to change by way of legislation”.

I beg leave to file the communiqué.

Madam Speaker, I think it is also good because some remarks were made ...

*(Interruptions)*

... by hon. Shakeel Mohamed with regard to the IMF when it came with experts, lots of very experienced people to prepare this Bill. It will surprise everyone that this Bill was presented in



2011 and then had to be amended. The Bill was introduced in the House on 05 April 2011, it was prepared with a lot of expertise from IMF, from all the stakeholders and on 30 October 2012, there was an amendment made to the Bill. So, I start to wonder what sort of expertise came. Why didn't they address the issues that were addressed in 2012 and what is also significant is that in 2012 there is a retrospective aspect of the legislation, to ten years giving additional powers from conviction based to non conviction based recovery. When we speak about all these things, Madam Speaker, about history and all this, I can quote at length from what hon. Uteem and hon. Baloomoody said on this Bill. They were all agreeable with the powers that were given to the DPP and, today, the hon. Leader of the Opposition says, no, he has always been against it.

The hon. Leader of the Opposition did not intervene on any of these Bills. He did not! So, we do not have the benefit of his views on this in 2011, 2012 until 2014. But what is significant is that we should not dilute the constitutional standing of the DPP and what these Bills have done is to dilute those very powers and, in fact, by this Bill, we are restoring to the DPP the constitutional importance that he or she must have in the system that we have.

The mere fact of having to give account to the Attorney General is a dilution of the powers of the DPP. Once we agree that if we really need to have this constitutional position respected, then we must do exactly what this Bill is trying to do. We need to have a system because all that this Bill is trying to do is to remove from the DPP and to send it to the FIU. This is all that it does and there are valid reasons why this should be the case and whatever theatrics may be gone through by anybody, the basic fundamental remains that there has been a dilution of the powers of the DPP as a result of these Bills and what is being restored today is the constitutional independence and the constitutional integrity of the DPP. This is exactly what this Bill is doing and I think it is important that we make the point because it is so very easy to say that political appointees are going to decide but in this case, the DPP agreed to descend in an arena where he should never have been, and I am surprised that, as a constitutional lawyer himself, the DPP did not realise the risks that he was taking when he agreed to being part of what the Executive is doing because when we look at the powers of the DPP, it's prosecution, discontinuance and not civil recovery, not non conviction based recovery, this is not his power. Unfortunately, this has happened and this is what we are redressing.

I want to limit myself, Madam Speaker, according to your ruling to the Bill that is before us. I don't want to travel outside but this is a Bill which is fully in agreement with Government's wishes and I will certainly vote for the Bill.

Thank you very much.

(6.34 p.m.)

**Mrs D. Selvon (Second Member for GRNW and Port Louis West):** Madam Speaker, j'annonce d'emblée que je voterai pour *the Asset Recovery (Amendment) Bill* présenté par l'honorable Bhadain, ministre des Services financiers, de la Bonne Gouvernance et des Réformes institutionnelles. Tout le monde dans cette Chambre et en dehors aura sans doute compris que mon opposition initiale et ma décision de m'abstenir étaient motivées par l'absence de débats élargis au sein de la majorité gouvernementale et au niveau des institutions et du pays en général sur toute législation dont celle qui est aujourd'hui devant cette Chambre, qui concerne le droit fondamental et constitutionnel de propriété des mauriciens.

J'avais annoncé mon désir de m'abstenir. J'ai hésité sur le transfert de l'*Asset Recovery Unit* du *DPP Office*. Je suis maintenant satisfaite du transfert vers la *Financial Services Unit* annoncé par le ministre dans les conditions qu'il a annoncées dans un discours rassurant qu'il a prononcé au début de la deuxième lecture du projet de loi qui est devant nous. Ce discours me rassure du fait que le ministre a écouté mes critiques et celles des autres et il est venu de l'avant en entamant des consultations suffisamment élargies. *The Asset Recovery Bill* confie à la *Financial Intelligence Unit* une lourde tâche. Je souhaite que les petits entrepreneurs honnêtes de ce pays seront protégés contre des abus et dénonciations fausses et malicieuses ou accusations injustes et politiquement motivées sous n'importe quel gouvernement.

Je remercie l'honorable Bhadain pour avoir écouté mes suggestions et celles de nombreux ministres et parlementaires ainsi que celles venant du *Bar Council* et de l'opinion publique en général. Ainsi le ministre a dit en deuxième lecture de ce projet de loi qui est aujourd'hui devant nous, que je cite -

*“The Recovery Order under the Civil Asset Recovery Act can only be obtained after a Judge is satisfied on the balance of probabilities that the property concerned is proceeds of crime, an instrumentality or terrorist property.”*

Je crois que les juges à Maurice ont les qualités, l'expérience, l'intégrité et le *training* nécessaire pour appliquer d'une manière rigoureuse, le principe légal par rapport à la loi que nous sommes appelés à voter aujourd'hui.

Overall, Madam Speaker, this Bill inspires me with the following conclusion and reflection. I trust the Judiciary to declare null and void without fear or favour in an equal and fair way any provision of this law or of any other law related or not to this one when the judges will be required to do so it by virtue of their conscience and professional duties and responsibilities.

*We should trust our Judiciary as a rempart* contre les possibles abus par les autres pouvoirs constitutionnels car il est un fait que tous ces pouvoirs doivent rester indépendants et se contrôler les uns les autres dans le jeu constitutionnel des '*checks and balances*'. Enfin, je tiens aussi à faire remarquer au ministre qu'il devrait corriger et compléter son affirmation à cette Chambre durant la deuxième lecture du présent projet de loi que *l'Asset Recovery Unit* n'a récupéré que R 9 millions de valeurs immobilières depuis 2012 en précisant cette fois que *l'Asset Recovery Unit* a également obtenu des ordres de saisie de la Cour Suprême pour le gel de diverses sommes d'argent représentant un montant total de plus de R 294 millions. Le ministre se doit d'être perçu par l'opinion publique comme étant juste et équitable dans ses critiques contre les autres pouvoirs constitutionnels.

Thank you, Madam Speaker, and I thank the hon. Members for their attention.

*(Interruptions)*

**Madam Speaker:** Hon. Ramful!

(6.39 p.m.)

**Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien):** Madam Speaker, the objective of this Bill, as it is mentioned in the Explanatory Note, is to amend the Asset Recovery Act to provide that the Enforcement Authority shall, instead of the DPP, be the FIU (Financial Intelligence Unit). This is the sole objective of this Act and this is what we are called upon to debate today and, therefore, Madam Speaker, I will restrict myself to what this Act purports to do.

This Act purports to remove the powers and functions of the DPP which is a Constitutional post, a creature of the Constitution and transferring those powers to the FIU

whose Director - it has been said by the hon. Leader of the Opposition and the previous orators - is under the Act appointed by the President on the recommendation of the Prime Minister in consultation with the Leader of the Opposition.

It is good also to note that when the Asset Recovery Bill 2011 went through Parliament, we had Members of the PMSD and Members of the MSM who all voted for the Bill. All the provisions were debated, including the powers that were given to the DPP. Except for the hon. Leader of the Opposition who, in a press conference, has expressed certain reservations about the DPP, the post of the DPP, the powers given to the DPP, all of them have voted for the Bill. It is quite strange and surprising that today they have come up with this amendment and I have listened to all the previous persons who have intervened, hon. Members who have intervened, and no one has provided any justification for coming up with this amendment: removing the powers and functions of the DPP.

The FIU, Madam Speaker, is an information gathering agency. It is, under the Act, the central agency in Mauritius responsible for receiving, requesting, analysing and disseminating to investigatory and supervisory authorities disclosures of financial information concerning proceeds of crime. The FIU, as it is now empowered, does not have any investigatory powers like, for example, the ICAC or the Police. What it does is that it gathers information from other institutions like banks, etc., analyses these information and passes them on to investigatory bodies for investigation and gathering of evidence.

It is important to note that the intelligence that is gathered by the FIU has no evidential value at all. It is after that the investigatory bodies have started the investigation, they have worked upon those intelligence and information and once the investigation is over, when they have enough evidence to proceed any further with the matter it is then that they decide - upon the advice of the DPP - to carry out further with waived confiscation proceedings.

Now, there are two issues here that we have to bear in mind. Firstly, the investigatory authorities are separate from the information gathering agency, that is, you have the FIU and you have the investigatory authorities, ICAC, the Police, etc.. They are all separate. These investigatory authorities have their own autonomy in deciding whether the information provided is of relevance or not. They have their autonomy as regards the carriage of proceedings, that is, the investigation or prosecution. The second issue is that in all these, as the law stands or as the

law was at the time that the ICAC had the power to freeze assets, the DPP remained the final authority to decide whether confiscation proceedings or civil recovery procedure should be started or whether someone should be prosecuted or not. Now, this was in line with what the framers of our Constitution, who were great visionaries, at that time, decided and they had always wanted to have a prosecution service which is strong, which enjoys public confidence and which is independent. We should not also forget that confiscation powers or civil recovery proceedings are far-reaching powers and we should be very cautious that these powers do not fall in the wrong hands. This is why, presumably, under the Asset Recovery Act 2011 it was decided that the DPP should hold those powers.

Now, what is the effect of these amendments? The effect of these amendments, Madam Speaker, is that we are transferring these far-reaching powers from an independent Body, a creature of the Constitution to a Body whose Director is appointed by the Government of the day. The FIU will no more be an intelligence gathering unit. It will be an agency with powers to gather intelligence and itself doing the investigation and itself deciding to bring proceedings for confiscation. I hope that hon. Members on both sides of the House realise what would be the consequence. Now, what is the solution? Let's say, the hon. Leader of the Opposition is right that maybe the DPP should not be at the same time investigating as well as deciding whether or not to institute proceedings for confiscation.

The proposition would be that, as it was previously under the PoCA and under the ICAC whereby the ICAC had the power to freeze assets - and the Drugs Commissioner as well - but the final decision rests with the DPP to decide whether to institute those confiscation proceedings or not. This would be the solution.

I will end by quoting, Madam Speaker, from what Professor De Smith, the then constitutional consultant said. He said -

“The constitutional status of the DPP stemmed from "the need to safeguard the stream of criminal justice from being polluted by the inflow of noxious political contamination (...)"

And by removing the powers of the DPP, at least as far as the decision to institute proceedings is concerned, we are doing the contrary. So, this is what I had to say.

Thank you.

**Madam Speaker:** Hon. Rutnah!

(6.49 p.m.)

**Mr S. Rutnah (Third Member for Piton and Rivière du Rempart):** Thank you, Madam Speaker. Madam Speaker, this amendment comes to this House with a view to actually modernise our justice system, our investigatory system and the way the prosecutions are conducted in this country insofar as financial crimes are concerned.

I heard a little bit of the observations made by my good friend, hon. Ramful and it seems that he is giving a perception that this Government is trying to take over powers of the Director of Public Prosecutions and giving it elsewhere. In fact, this is not the case. What we are doing is that we are harmonising the system. I am not going to be very long, I endorse everything that has been said by hon. Bhadain in his opening speech, by hon. Collendavelloo who spoke earlier on and by hon. Gayan. But what I am going to address for a very few minutes is the power to prosecute.

The Director of Public Prosecutions has the power to prosecute under section 72 of our Constitution. His power is to initiate prosecutions or where he deems it reasonable to discontinue prosecutions or to take over prosecutions. He, by virtue of section 72 of the Constitution, cannot investigate and cannot seize property. However, when the Asset Recovery Act was first passed in 2011, thereafter amended in 2012, the Director of Public Prosecutions then within a certain context was given the power to, actually, seize property, if those properties have been acquired by virtue of proceeds of crime and only if it has been proved in a Court of law post-conviction that the DPP was to actually proceed with what we call a confiscation proceedings.

Now, at the time it was also felt widely within the country that this House was giving excess powers to the Director of Public Prosecutions. Now, what we are doing is harmonising it in line with Mackay report which came in 1996. Mackay Report said that the Prosecutions should only deal with matters to prosecute, that is, they should only have a prosecutorial power, not an investigatory power. And this is what this Government is doing by virtue of this amendment, is to remove that power of investigation and seizure from the Director of Public Prosecutions, give it to a specialised unit within the Financial Intelligence Unit. Now, is there a problem with that?

The man in charge of the Office of the Director of Public Prosecutions, himself - I remember, last year, sometimes in April in a communiqué - said that there is no problem as far as he is concerned that this power be given to the FIU because he, himself says that the FIU has got a specialised team of lawyers, investigators who can deal with it and these are powers that should be given to an investigatory Body rather than a prosecutorial Body. So, I don't see where is the problem, where is the criticism. And in the light of what the DPP, himself, said in that communiqué, this Government rests its case and I do not propose to go any further.

Thank you.

**Madam Speaker:** Hon. Ganoo!

(6.53 p.m.)

**Mr A. Ganoo (First Member for Savanne & Black River):** Madam Speaker, thank you for giving me an opportunity to intervene on this important Bill. We are nearly at the end of our debates; I would like also to say few words and try to be as brief as possible.

Madam Speaker, what we are doing today is, in fact, debating a very important matter. *C'est un peu triste, à un certain moment les débats étaient gâchés, Madame la présidente.* But generally, what is important for us today is to try to find the right solution to this problem which has faced many other countries also. I do not want to repeat what has been said before me, but suffice it to remember, Madam Speaker, that the crusade against drug traffickers, corruption, and fraudsters started a long time ago in our country. And this crusade was accompanied, of course, by the necessity to find a solution to hit at the corrupt people whether they be public officials, politicians or drug barons, to hit them where they are most vulnerable, that is, at their pockets.

So, as some friends have said before me, it started all with the Dangerous Drugs Act in the early 2000 when this very House legislated, and somebody was just reminding us about section 62 of the Prevention of Corruption Act which talked about the restraint and forfeiture of proceedings of corruption and money laundering and we remember that the Prevention of Corruption Act was passed in 2002.

But, well before that, a few years before, came before this very House the Dangerous Drugs Act, and the question of seizure of assets/property was also included in that legislation. Then came the Asset Recovery Act of 2011, as amended in 2012, which was another step

forward in our desire to modernise our legal weaponry in order to render the fight against corruption, the recovery of assets more effective.

As hon. Shakeel Mohamed has reminded us, Madam Speaker, in fact, it was as a result of different missions that came to our country some years back that shortcomings in our existing legal structure were highlighted. We submitted ourselves at one time to a peer review mechanism before a regional body of the Financial Action Task Force, in order to build up a more coherent system to fight global money laundering and financing of terrorism. That mission, which came to our country, consulted the State Law Office and other stakeholders, and we detected that there were many shortcomings in our legal structure. For example, the confiscation of property was restricted to offences under the Dangerous Drugs Act only and the FIAMLA legislation, civil recovery was not existent in our law, instrumentalities and property derived from offence could not be forfeited and there were a few other loopholes. Therefore, Madam Speaker, we decided, at that time, the stakeholders and the experts who came, to devise the Asset Recovery Act, and the Bill was presented before this House, was adopted unanimously in 2011. In 2012, substantial amendments were made to the 2000 Act to enable the State to recover assets which are the proceeds or instrumentalities of crime, Madam Speaker.

Therefore, our law, indeed, provided for a comprehensive asset recovery framework and established the Enforcement Authority who would be the DPP together with an investigation agency led by the Chief Investigation Officer. The Act, therefore, became into operation.

Today, as we have been told, as we are all aware, the Bill before this House purports to amend this legislation and to provide that the FIU will be replacing the DPP as the Enforcement Authority and will take over the functions and powers which were conferred upon the DPP by merging, in fact, the Asset Recovery Unit (ARU) with the FIU as the ARID.

So, the Financial Intelligence Unit, as we know, Madam Speaker, was set up under the FIAMLA legislation. Many hon. Members before me have spelt out already what is the mission of the FIU: to receive, to request, to analyse, to disseminate to other investigating authorities disclosures of financial information.

So, the issue which we have to thrash out today, Madam Speaker, is to know whether the proposed change in this Bill is in the best interest of our country, of the fight against financial crime and whether the change Government is proposing to make will ensure the success of our



endeavours to curb serious and organised crime and whether, in fact, we are endowing ourselves with a better structure in terms of independence, operational functioning management and so on and so forth. So, this is the question today, Madam Speaker.

I would agree with hon. Shakeel Mohamed. I have also a copy of this IMF Technical Mission which was referred to by him. It is true and I must point this out, that, at the very beginning, this report highlighted the fact, Madam Speaker, that the Unit the country needed, and I quote –

“(...) should form part of the current Prosecution Office and that the future Asset Recovery Unit should be a Unit that is seen to be independent and free from the perception or actual interference by political interests, their Executive or any other body.”

This Mission did, in fact, emphasised, stressed, highlighted this consideration.

Now, time has gone, we are now in 2015. This debate started in 2009. The debates have evolved with regard to asset recovery in our country, Madam Speaker. We are now in a position today, to assess, to evaluate the situation. Many different opinions have been expressed in this House today, contradictory opinions as regards the measure of success achieved on that score, whether, in fact, *le bilan est positif* in terms of asset recovery, in terms of the law that was introduced in 2011 and, subsequently, amended in 2010.

I heard the hon. Minister insisting that we are emulating the British model. A different opinion has been expressed by the hon. Leader of the Opposition strongly denying this averment. My point today, Madam Speaker, is: what is the debate today? Of Course, we have to borrow, we have to emulate from successful experiences in other countries, but the point today is that we should focus on what type of ideal legal structure, what is the most appropriate legal framework, what is the best mechanism which should be put in place to give effect to our desire to fight against corruption and to allow the recovery of assets belonging to corrupted people.

So, we have, when we want to do this, to take into account our specific local context. We can borrow from the British experience, but we should bear in mind the specific local context of Mauritius. For example, we do not have the same volume, the same critical mass in terms of number of cases, the amount of illicit flows involved, the amount of money laundered in this country. We are not in the same complex situation as the UK.

The idea of bringing in the FIU is an important decision. This Act purports, as I just said, to devolve the powers of the DPP upon the FIU. We all know FIUs are agencies that receive reports of suspicious transactions from financial institutions and other entities, analyse them, and disseminate them, an intelligence gathering institution to local law enforcement agencies and to foreign FIUs also to fight money laundering. This is the mission of the FIU, as it is spelt out in our law and as it is the case for the other FIUs in the world. But, it is equally true, Madam Speaker, that a FIU's function and the modalities of its operation have to be based on the individual country's own crime fighting policy objectives, on the country's resources and priorities, that is, the particular features of the legal and the administrative system of the country.

In fact, Madam Speaker, there are different types of FIUs in the different countries of the world. The FIU, which is first, of an administrative type, second, which is of a law enforcement type, third, which is of a judicial, prosecutorial type and, fourth, an FIU which is of a mixed and hybrid character. The administrative type usually, like we have in our country, acts as a buffer and acts an interface between the financial sectors and the law enforcement sector.

Madam Speaker, our present type of FIU which is an administrative type is being converted today by this legislation, is being transformed today into a law enforcement FIU with powers to freeze transactions, to seize assets and, I think the Minister did mention a few countries where the FIU is called upon to carry out the seizure and to effect confiscation of stolen assets and illicit wealth. He mentioned the Channel Islands, Jersey and even in the Seychelles Republic, the FIU in this country, falls also into this category.

But it would be pertinent, Madam Speaker, to stress that this is a big role that we are giving to the FIU. And when the FIU is also responsible for enforcement or investigation, this is a completely different matter, Madam Speaker. We must be very careful about endowing the FIU and vesting the FIU with these powers and responsibilities. Principally, because the FIU must do its utmost to protect confidentiality and the autonomy of the financial system, because we must always keep in mind that in focusing on enforcement and investigation, the Authority may not give due consideration to confidentiality which is the essence, which is the special nature of financial transactions. This is why I would make this comment just to remind us of the special role, the mission of the FIU and the danger that can arise when we invest the FIU with those types of powers that we are doing today.

Madam Speaker, I would also comment on the role of the DPP. It has been argued by hon. Minister Gayan and I think by the hon. Leader of the Opposition also that under section 72 of the Constitution the power of the DPP is limited only to instituting criminal proceedings, taking over criminal proceedings or discontinuing criminal proceedings. And that was argued in view of the contents of section 72 of our Constitution. That was the reason why the DPP should not be given any additional responsibility unless the Constitution is amended. Therefore, the argument goes like that: it was wrong and ill-advised for Parliament to have legislated and to have given statutory powers upon the DPP to act as an enforcement authority in view of the independence of the Office.

As I said earlier, Madam Speaker, it was following the advice of the experts of the IMF mission in 2009 in devising the Asset Recovery Act that, according to me, finally the then Government decided to adopt this integrated approach to recover proceeds of crime, that is, the DPP with his Office taking over enforcement powers for the recovery of assets and, in fact, becoming the enforcement authority. But I would like to venture an opinion on the designation of the DPP as the enforcement authority and whether, Madam Speaker, it follows that such designation was incompatible with the powers vested in the DPP under section 72 of the Constitution.

According to me, Madam Speaker, this opinion, to me, does not hold water. I do not agree with this opinion. According to me, Parliament is free to vest new responsibilities in the DPP, provided that the nature of the responsibility does not conflict with section 72 and does not undermine the independence of the DPP. The recovery of proceeds and instrumentalities of crime is a vital tool in the fight against crime and, therefore, complementary and incidental to the functions of the DPP under section 72.

Parliament had, in the past, Madam Speaker, conferred additional responsibilities to the DPP under section 45 of the Dangerous Drugs Act, now repealed after the operation of the Asset Recovery Act. This law empowered the DPP upon a referral from the Commissioner of Drugs to make an application to the Supreme Court for a forfeiture order against a convicted person's property. Also, as we just saw earlier under section 62 of the Prevention of Corruption Act, Parliament had vested powers in the DPP to apply for a freezing order before the Supreme Court

against property of persons charged or about to be charged with a corruption or money laundering offence.

I will also, Madam Speaker, remind the House that we have other legislations in our statute book. The Certificate of Character Act which is now the Certificate of Morality Act which was enacted and which provided that the DPP should issue certificate of character to members of the public. In fact, I was just looking at this particular piece of legislation. The law provides that it is for the DPP to sign certificates of morality and, in this very law, the Attorney General makes regulation, the law provides that the Attorney General can make regulations in the context of the Certificate of Character Act.

I hold no brief for the DPP, Madam Speaker. We are just debating about principles, but what is true also is that when criticism has been made against the DPP's Office with regard to asset recovery, we must understand also that asset recovery is a long process with a right of appeal to the person against whom the conviction order has been made. In fact under section 17 of the Asset Recovery Act, confiscation is conviction based and we need to wait for the Police enquiry and then the trial and appeal by the accused. Money seized on the locus of drug dealers is produced also in Court as exhibit.

Therefore, Madam Speaker, in other countries also where the role of the DPP is similar to ours, where there is even a written Constitution or a Bill of Rights, Parliament has invested the Office of the DPP with the responsibility of an Asset Recovery Unit. In other countries like South Africa and Australia, Parliament has adopted the approach that the conviction of a criminal is not the end of the process and the recovery of the proceeds of the crime is the next essential step in the fight against crime.

Therefore, the logic is since recovery of proceeds of crime is the next logical step in the prosecutorial process, it stands to reason that the DPP may be the appropriate authority to recover the proceeds of crime. Even in the United Kingdom, Madam Speaker, the DPP is not involved at all in recovering proceeds of crime although the main responsibility lies with the Serious Organised Crime Agency as a specialist body as it used to be. But under the Proceeds of the Crime Act of 2002, the DPP has the authority to instigate civil recovery proceedings and prosecutors are permitted to conduct cash recovery proceedings in the UK.

So, the conclusion, Madam Speaker, for me, is if we have to find the right balance, the right solution, it should be, according to me, that since under the DDA and the PoCA, the power had been given to the DPP to carry out recovery of proceeds despite the fact that the investigation was carried out by the Drug Assets Forfeiture Office and the ICAC, under both these laws, Madam Speaker, the DPP was resorted to at the last stage of the process for the recovery, I submit that this distinction must be made between the investigation *per se* and the recovery process.

Investigation is carried out by the Police officers posted at the investigative agency and these officers may well continue with their duties under the new law, but we should leave the process of the recovery to the DPP. The DPP's office is a constitutional post, Madam Speaker. The FIU Director is appointed under the recommendation of the Prime Minister and as no trained legal step. Madam Speaker, I repeat, the investigation should be carried out by officers of the FIU and the recovery process should be left in the hands of the DPP's officers. If we ask ourselves a question, who, according to the new amendment which is being proposed today, will appear before Supreme Court and apply for the different orders, the restrained orders, the restriction orders, the confiscation orders? Nothing has been said by the hon. Minister. I hope he does enlighten the House about who will take over this process of recovery of assets before the courts of law and the different motions will be made by whom? Is it the case that the FIU will retain the services of private lawyers? There seems to be some confusion about this particular point.

Therefore, Madam Speaker, I would have thought that since restraining and the other temporary orders are important orders which are provided for by the Assets Recovery Act, I would submit that these orders must be handled with caution. These functions should stay with the DPP and the DPP's office, but the investigation part of the whole process can be left to the officers of the FIU.

Having said that, Madam Speaker, I will conclude by saying that whatever legal framework and structures we adopt, the overwhelming factor is to ensure that our Enforcement Authority succeeds in confiscating the proceeds of crime and this will depend on whether we can develop a robust prosecutorial structure to respond powerfully to organised criminals and corrupt individuals.

Our enforcement authority, I humbly submit, Madam Speaker, must be manned with trained financial officers, investigators with adequate investigative powers. This personnel must be with unimpeachable skills and experience and should be recruited especially in the case of civil forfeiture enforcement process. This is perhaps what we are lacking. The synergy between the prosecutors and the investigators must be encouraged. The training of our investigators must be an ongoing and permanent process, a permanent feature for the development of their skills. Workshops, seminars must provide our investigation with the latest techniques and skills, that is, what I am talking about is: capacity building for the effectiveness for future mechanism in our fight against crime remains, therefore, a priority.

This is why, Madam Speaker, when we hear everybody expressing their opinion in this House today, in fact, there is more than bring us together that divide us. I am sure with an open mind, the hon. Minister, in his closing speech, when he sums up the debate, will be able to enlighten the House. He will also be able to come up with proposals which can enable us to find a consensus about the right agency mechanism that we should devise, in order, to the help the country in his crusade against corruption.

I have done, thank you, Madam Speaker.

(7.21 p.m.)

**The Attorney General (Mr R. Yerrigadoo):** Madam Speaker, the purpose of this Bill is to amend. My learned friends as they are have stated before me, very simply the Asset Recovery Act provides that investigative and enforcement powers vested in the DPP shall instead be transferred over to the FIU.

The Government has, time and again, Madam Speaker, stated that it will tirelessly and relentlessly fight against fraud, corruption and financial crime. To this effect, Government vision is as stated in the Government Programme - the setting up of a Financial Crime Commission, which will regroup and oversee the activities of the Independent Commission against Corruption, the Financial Intelligence Unit and the Enforcement Department of the Financial Services Commission. It is that vision to create a single entity that we lead and coordinate the fight against financial crime. This amendment today is, therefore, a temporary measure, Madam Speaker.

The Office of the Director of Public Prosecutions is a constitutional one and the powers of the DPP are, as my hon. friend has stated, in terms, of section 72 of the Constitution, more particularly paragraph 3 –

- “ (a) to institute and undertake (...) ;
- (b) to take over and continue (...) ; or
- (c) to discontinue (...) criminal proceedings.”

For too long now, the DPP has been burdened with the additional duty of having to deal with the recovery of assets at our proceeds of crime. What this Bill will achieve, therefore, is that it will free the Director of the Public Prosecutions of its additional burdens so that he may focus on its core function, which is the prosecution of criminal offences.

I would like to respond to what hon. Mohamed said. There is no two Cabinet decisions, there is only one Cabinet decision, that of February 2015, which related to the restructuring of my office, the AGO. The Cabinet decided, *inter alia*, and I quote –

“That the Enforcement Authority under the Asset Recovery Act to be the Financial Intelligence Unit pending the setting up of a Financial Crime Commission in order to allow the officers of the ODPP to focus on their prosecutorial duties and other duties within the AGO.”

As the House would be aware, after Cabinet, there is a Cabinet communiqué and when my attention was drawn that the Cabinet communiqué of that Cabinet sitting did not accurately reflect *tous les tenants et aboutissants* of that decision, I was the one who proposed that it be reflected correctly.

So, Madam Speaker, my learned friend, hon. Gayan, has already communicated a communiqué and tabled it, dated 02 March issued by the DPP in which the DPP has no qualms about this fact of the transfer. I cannot but highlight, Madam Speaker, that the former Prime Minister, himself, agreed to dispense the Office of the DPP from doing asset recovery work. In a PNQ dated 07 July 2014, he stated that the Asset Recovery Unit would be part of a Serious Fraud Office, therefore, clearly indicating that the policy was to remove asset recovery from the functions of the Office of the Director of Public Prosecutions, and may I quote –

“We are envisaging an agency that will consist of distinct Divisions which will each be headed by a Director, and all the Directors will report to the Director General who will be the Chief Executive Officer of the agency.

The Independent Commission against Corruption will be one of the Divisions of the agency which will be supervised, in other words, by the Director General and its Board.

In addition to being responsible for the investigation and prosecution of serious and complex crime, the agency will also be the Enforcement Authority under the Asset Recovery Act and a competent authority under the Mutual Assistance in Criminal and Related Matters Act.

The overhauling of the law will also cater for measures such as illicit enrichment to address the issues of corruption and money laundering both in the public and private sectors”.

Madam Speaker, the Mouvement Militant Mauricien was also in favour in removing Asset Recovery Unit from the office of the DPP.

The edition of ‘*Le Mauricien*’ of 30 September 2013 summed the MMM position on the Office of the DPP discharging asset recovery duties. Madam Speaker, allow me to quote.

And I quote –

*« Le leader du MMM a expliqué que l’article 72 de la Constitution donne au DPP, qui est un des postes les plus importants du pays, un rôle spécifique : décider qui doit être poursuivi ou pas. Cet article, dit-il, protège le DPP en garantissant son indépendance, le protège contre les critiques et les pressions. Il a déploré que sans amender la Constitution, des nouvelles responsabilités aient été confiées au DPP. Les responsabilités qui revenaient auparavant à l’Assets Recovery Commissioner lui ont été confiées. Il lui revient donc de récupérer l’argent et les biens des grands criminels. « Cette décision est, à notre avis, non seulement anticonstitutionnelle et mais est aussi mauvaise parce qu’elle entraîne le DPP dans toutes sortes de polémiques sur des sujets qui peuvent donner lieu à des questions parlementaires et des Private Notice Questions. Il est vrai que la*



*Constitution n'a pu être amendée parce que le gouvernement ne dispose pas d'une majorité de trois-quarts ».*

Continuing on from that article -

*« Paul Bérenger estime qu'une chose rare s'est produite en 2011 : tout le monde a fait fausse route sur cette question. « Le DPP qui connaît la valeur de ses fonctions n'a pas objecté, l'Attorney General, principal conseiller du gouvernement, n'a pas attiré son attention concernant ce viol de la Constitution. L'Opposition a également fait fausse route bien que son erreur de jugement découle du fait qu'elle avait été informée que le gouvernement britannique avait lui aussi dissout le poste Assets Recovery Commissionner et était sous l'impression que cette responsabilité avait été confiée au DPP. Or, les autorités britanniques avaient en vérité confié cette responsabilité à la Serious Organised Crime Agency qui est un organisme indépendant. Le Bar Council et la Law Society n'ont pas tiré la sonnette d'alarme et les journalistes commentateurs n'ont rien vu non plus. Ce n'est pas une raison pour ne pas protester parce que c'est grave », affirme Paul Bérenger. End of quote.*

As many of my learned friends have drawn the attention of this House on the different *parcours* of the Asset Recovery, I thought it fit to quote same.

On another issue, Madam Speaker, I wish to point out that my Office has indeed dully tabled in the National Assembly the Annual Reports of the Enforcement Authority for the years 2013 and 2014 respectively. My learned friends, what he meant when he was speaking - and I am sure he would clarify that bit - was, I had just communicated to him before he were to take the floor those two reports and I am sure, in all good faith, all the Members shall appreciate.

So, Madam Speaker, moving the powers of the recovery of assets derived from criminal activities from the DPP to the Financial Intelligence Unit for me is a logical one. As events, earlier this year, have demonstrated, white collar crimes are sometimes very intricate and technical in nature. They more often than not required an investigative mind rather than a legal mind. The Financial Intelligence Unit, with highly trained technicians and investigators, is a Unit specialised in the fight against such crime and let me reiterate all our confidence in the FIU.

Madam Speaker, I commend this Bill. This is but one step in the series of actions that this Government is taking to crack down fraud, corruption and financial crime. I thank you.

**Madam Speaker:** Hon. Uteem!

(7.29 p.m.)

**Mr R. Uteem (First Member for Port Louis South & Port Louis Central):** Madam Speaker, the object of this Bill is a very simple one. We have an Enforcement Authority set up under the Asset Recovery Act. That Enforcement Authority is currently under the Office of the Director of Public Prosecutions and it is proposed to move it to the Financial Intelligence Unit.

Many Members of this House were not here in 2011 and 2012 when the Asset Recovery Act was voted and amended. I think that in order for hon. Members to be able to exercise their voting rights today, their judgement today, it is important to, just briefly, remind the House what that Asset Recovery Unit does. In fact, it does three things: first, it traces properties which are proceeds of crime. So, it investigates. When it investigates, it goes and asks questions. It can ask questions from banks and it can also get an order from the Court to monitor movements of funds. Because crime is international, this Asset Recovery Unit is the lynchpin with international agencies for collection of information, for recovery of proceeds of crime.

The first role is to investigate, to trace assets and the second role is to recover assets. There are two ways in which the Asset Recovery Unit does this: either conviction-based recovery or civil assets recovery. For conviction-based recovery, as the name speaks, you will have to wait for a criminal conviction to be secured then, you go and trace the assets of the criminal and recover them. For civil assets recovery, you don't need to wait for any conviction. In fact, the case may be discontinued against the accused party and you can go after his assets if you have, on the balance of probability, sufficient proof to determine that those assets are proceeds of crime.

The law gives the power to this Enforcement Authority to ask the Court for a provisional order of seizure. This provisional order of seizure is called restraining order under the criminal-based assets recovery and it is called a restriction order under the Civil Law. This is where the confusion lies, when the hon. Minister of Financial Services, Good Governance and Institutional Reforms was talking about the amount recovered; he did not mention at all, all the assets that

have been subject to restraining orders or restriction orders which are, as I said, a temporary measure before you go for the final order. The final order which is called a confiscation order or a recovery order comes after you have completed the enquiry. Either there has been a conviction or there is sufficient element to go before the Court to get the final order.

The third role of this Asset Recovery Unit is to distribute the proceeds. After you have enquired, after you have seized, you distribute to the victims. But, unfortunately, since 2014 - and that has never been the subject of any debate before this House - there has been a Finance and Audit (Recovered Assets Fund) Regulations which now provides, as a matter of law, that after deducting any amount authorised by the Enforcement Authority, under section 72 of the Asset Recovery Act, this Enforcement Authority must transfer at least 80% of the money or proceeds credited to the asset recovery fund. They need to transfer 80% of the fund recovered to the consolidated fund.

Unlike the original idea which was to take the money and distribute it to victims, the DPP, the Asset Recovery Unit, the Enforcement Authority no longer have this power because 80% of the money recovered goes to the Consolidation Fund.

I think it was important to set that in perspective, because we are talking about an agency, a creature of statutes which has enormous power to quote what hon. Pravind Jugnauth said when he intervened on the amendment to the Asset Recovery Act in 2012. We have “enormous powers” given to this authority. Once you have given so much power to an authority, it is important that you ensure that this authority will not abuse its power. It is very important that you ensure that this authority would be able to prosecute, to ask recovery orders without fear or favour. But at the same time, you also need to ensure that this authority will not be subject to political interference, to be reluctant to go and ask Court for confiscation orders, for recovery orders. That is what we had in mind when we did not object to the role being given to the Director of Public Prosecutions. Why? Because the Director of Public Prosecutions was a constitutional creature, whose independence was guaranteed by the Constitution, who could not have been removed except under the procedure laid down in the Constitution, which is very long and very difficult to do. So, it is because of this Constitutional independence that Members of this House felt comforted, including myself, to give these new powers in the hands of the Director of Public Prosecutions.

Unfortunately, Madam Speaker, as the years went by and we started seeing the DPP in action, we soon realised that there was one element under this Enforcement Authority which was incompatible with the constitutional role of the DPP and that was the investigatory role. As I said, the first step of this Authority is to go, ask questions and collect information.

The danger of controversy came to our knowledge when the DPP actually wrote to a bank and asked bank account information about a suspect and he did that without going through a Judge's Order. He had the power to do that, to write to the bank and ask for sensitive private information about the bank details of this suspect without going through the Judge's Order. That is when - and it is never *trop tard pour changer* - the MMM took the bull by the horn and came out clean and said that we made a mistake, we cannot allow the DPP to investigate proceeds of crime because he would come into a controversy, and the DPP is supposed to be above all controversies because he has to be constitutionally independent when he exercises his duties to prosecute.

As the hon. Leader of the Opposition rightly pointed out, we are a bit sad and troubled by the fact that when this law is being amended, we are not giving back the security, the protection of a Judge's Order before this Enforcement Authority can go and ask details about your privacy to a bank, to a financial institution. So, we still think that this is a fundamental flaw in the legislation that has to be corrected because you need to have the protection of the judge before you can go and query bank account details of any suspect. So, that is so much for why we voted in favour of the DPP.

There was another reason also, Madam Speaker, why we voted in favour of the DPP and that was because - as was rightly reminded to us by hon. Shakeel Mohamed - before the Government came forward with this Bill, there was a consensus. The Members of the Oppositions were invited to meet representatives of the IMF and we had discussions, we had debates, where we even commented on draft proposals which were later on incorporated in the final Bill.

At that point, under the Dangerous Drugs Act, we had a Commissioner called the Drug Assets Forfeiture Commissioner, and the Drug Assets Commissioner had failed in his duties because he had recovered only Rs112,000 of proceeds of crime. That Drug Commissioner was doing the investigation and then asking the DPP to lodge the case.

It was the same thing under the Economic Crime Office. The Economic Crime Office did the investigation and the DPP filed the case. Under FIAMLA, again, same thing, ICAC, before they ask for a final order of seizure, they have to go through the DPP. So, at that point, it was logical that it is the DPP who should have these powers.

But, now, should this be changed? On this side of the House, we agree that we need to remove this Enforcement Agency from the DPP. However, we don't agree that this has to be done for the reason that the hon. Minister of Financial Services, Good Governance and Institutional Reforms stated. In his intervention, he seems to suggest that the Enforcement Authority had not done its job properly, had not recovered sufficient money.

Before me, other Members had intervened to point out that it was wrong when the hon. Minister mentioned that the accounts were never laid down in the Assembly, because the very first thing I did the next day after the hon. Minister intervened in Parliament, is to call the Librarian of Parliament to find out whether or not the accounts had been laid down. He told me the accounts for 2013 were laid before the National Assembly on 25 March 2014 and the accounts for 2014 were laid on 31 March 2015 by the Attorney General because the DPP sent it to the Attorney General's Office.

So, it would have been very simple for the hon. Minister. I know he is very busy, but he has so many advisers, who I know work till very late at night. It would have been so easy for one of the advisers simply to call and check for the information. That would have probably prevented the Asset Recovery Unit from having to issue the *communiqué de presse* on 19 November 2015 where the Asset Recovery Unit mentioned that it has, in fact, been able to secure orders, freezing Rs294 m. of money plus 56 *lopins de terre*, 119 *appartements-maisons*, *et plusieurs biens, comprenant des voitures, motocyclettes, bateaux, pleasure crafts et des actions de compagnies*.

We know that this is the case because when we were in the Opposition we asked questions to the Government about assets recovery and we received answers. After the Whitedot scandal, after the Sunkai scandal, we know that the Asset Recovery had gone and seized and frozen many accounts. We know that the Asset Recovery Unit had sold yachts, had sold cars and had returned cheques to victims of Sunkai and Whitedot. So, I think it is very unfair that the hon. Minister had to attack the Asset Recovery Unit unjustly.

But what is more of a concern to me is that the hon. Minister seems to suggest that it is an important role of this Asset Recovery to recover proceeds. So, there would be a monetary amount recovered and that is very dangerous. That is very dangerous because civil recovery, for example, should only be used in exceptional circumstances. The general rule always is that you have to go to Court, get a conviction, once the drug trafficker has been sentenced, then go and trace his property and seize his property. But, as I mentioned, you can also go for an asset recovery when there is no conviction.

The DPP, in his Annual Report 2013, stated that civil asset recovery will only be considered when no prosecution is envisaged, where a conviction is not pronounced or a confiscation order cannot be applied for. So, we had this safeguard that the Asset Recovery Unit will not go under the civil recovery until it has exhausted the criminal confiscation procedure.

If we transfer this power to the FIU, we will no longer have that guarantee. We don't know what would be the policy of the FIU. If I heard the learned Minister correctly, it would seem that there would be pressure on that Recovery Agency to collect money because there is a lot of dirty money, there is a lot of corruption money, there is a lot of proceeds of crime floating around the island. This is something which I hope, the hon. Minister, in summing-up, will give us the comfort as to how to ensure that civil recovery is only done exceptionally and the general rule is still that we need to go through the Court process, get a conviction, then trace the assets.

So, this brings us to the crux of the matter today, Madam Speaker, if we agree that the power has to be removed from the DPP, should it be given to the Financial Intelligence Unit.

The Financial Intelligence Unit was set up under the Financial Intelligence and Anti-Money Laundering Act and people forget, but before this legislation was passed, there was a Select Committee on Fraud and Corruption which the Vice-Prime Minister, hon. Ivan Collendavelloo chaired and it is that Select Committee which came up with the proposal of segregating the enforcement authority from the intelligence collection role. Because previously under the Economic Crime Office, they were doing both the investigation themselves and they were doing the prosecutions themselves. And we saw how dangerous that could be if we give too much power to the same authority. That is why the Select Committee recommended that we take away the enforcement role from the intelligence gathering role. This is why I am particularly troubled when I hear the same Vice-Prime Minister, hon. Ivan Collendavelloo,

today, giving the power to investigate, giving the power to ask for recovery of asset to the very same agency which collects information. So, we are going back to ECO. We are going back to, precisely, what in 2002 with FIAMLA, the former Government of MMM/MSM tried to unwind. We wanted to keep these two separate.

Now, this FIU which is collecting information, gathering intelligence will also be the one investigating, which I think is fundamentally flawed. The Select Committee worked hard. There were different types of proposals and this is what we chose and it is very discomfoting that the Government of the day is going back on this today. And maybe I will just quote what, for example, during the debate on the Financial Intelligence and Anti-Money Laundering Bill, the intervention of, for example, hon. Sushil Khushiram, who said, I quote –

“I do not need to go on again on the reason why we had to get rid of ECO, but clearly we had to distinguish between investigation and intelligence activity.”

So, it is very important to keep the Financial Intelligence Unit separate. It performs a very important role of information gathering. This role should be distinguished from enforcement authority which would go and recover assets.

Madam Speaker, when I mentioned that we did not object to the authority going under the DPP initially, the reason was that it was very important that this enforcement authority is not only independent, but also be seen to be independent. It has to be seen to be clear and free from all political interference. Why? Because in the wrong hands, giving so much power to this authority, can lead to abuse, can be used as a political tool to harass opponents, but also can be used as a political tool to reward supporters and help those who want to become star witnesses who have done the crime, but does not want to do the time.

Make no mistake, Madam Speaker, the Director of the Financial Intelligence Unit is a political appointee. Section 9 of the Financial Intelligence and Anti-Money Laundering Act provides that the Director of the FIU will be appointed by the President on the recommendation of the Prime Minister made in consultation with the Leader of the Opposition. And we all know what the Rt. hon. Prime Minister understands by consultation. For him, consultation means notification. He is not interested in consulting, in exchanging views; he only notifies the hon. Leader of the Opposition.

During the PNQ session on 24 February 2015, the hon. Leader of the Opposition questioned the Rt. hon. Prime Minister about the appointment of the Director of ICAC as he had been appointed even before the hon. Leader of the Opposition had time to inform the Rt. hon. Prime Minister whether he was agreeable to the appointment or not. And that is what the Rt. hon. Prime Minister answered, and I quote –

“We all know consultation means consultation! We had already made up our mind. Whatever would be the comments of the hon. Leader of the Opposition, Mr Aujayeb was going to be appointed!”

So, what guarantee do we have that this Prime Minister or another Prime Minister will not do the same thing with the Director of FIU? He will say that, you know, consultation or no consultation, whatever the Leader of the Opposition wants, we had decided that Mr ‘X’ will be appointed as Director of FIU. And once Mr ‘X’ is appointed as Director of the FIU, where will his allegiance lie? How can we get rid of the perception that this Director would be a political appointee?

Madam Speaker, in answer to a PQ on 31 March 2015, on precisely the qualification of the current Director of the FIU which I asked the hon. Minister of Financial Services, Good Governance, Institutional Reforms, the hon. Minister started by quoting section 9 (2) of FIAMLA which provides for the Director of FIU to be, and I quote –

“A person of high repute with substantial experience in the financial services industry or law enforcement and experience in management and accounting.”

A person of high repute with substantial experience! And then the hon. Minister went on and stated -

“The House may wish to note that from February 2012 to December 2014, Mr Ollivry has worked as a Forensic Researcher in Anti-Money Laundering, Financial Services and Human Rights. The first two areas of practice during these 2 years are of particular relevance for the purposes of section 9(2) of the FIAMLA.”

Two years’ experience! Two years’ experience as a trainee in forensic research, when the law requires a person of high repute with substantial experience in the financial services industry!

So, today, we have a person whom the hon. Leader of the Opposition stated he did not agree to the appointment. Not because he has anything against the gentleman, and I don’t have



anything either against the gentleman, but because simply based on his qualification, he does not have substantial experience in financial services industry and law enforcement to be able to wear this big hat which the hon. Vice-Prime Minister mentioned. It is a big hat to wear that of asset recovery. And we are giving that to a Director who is not even qualified as a barrister; who can't even go to Court and ask for an order; who can't even vet an affidavit. How can this person who is not a qualified barrister, tomorrow be able to go and carry out the function of investigating authority, the function of being able to seize properties? This is why we do not agree, on this side, that the FIU should be given this role.

Now, this gentleman is also under the supervision of a Board.

Previously, the Board was called Reviewing Committee. The Reviewing Committee was very important. This is what the Rt. hon. Prime Minister, Sir Anerood Jugnauth, when he was Prime Minister in 2002 when the FIAMLA Bill was introduced, had to say about the Review Committee –

“The Review Committee given its composition and its role in screening allegation/information will no doubt constitute a major safeguard against investigation departing from unfounded allegation or against refusal to investigate. This will address the issue of malicious and baseless allegation.”

This Review Committee which is now a Board of the FIU has a very critical role to ensure that there is no investigation based on unfounded allegation. Very important role! But, today, do hon. Members of this House, does the public know who are the Members of this new Board that has been constituted after the elections. Do they know that the Chairman is related to a Minister of this Government by marriage, very close relationship? Do they know that one of the Members was presented at a Press Conference as someone who had adhered to the MSM party last year? Do they know that the Third Member shared the Chambers of one of the Senior Ministers of this Government ? Now, how do you want...

*(Interruptions)*

Yes, of course! We are talking about perception.

**Madam Speaker:** Please, address the Chair!

**Mr Uteem:** The perception is, today, that the Board...

*(Interruptions)*

The Leader of the Opposition did not agree...

*(Interruptions)*

did not agree...

*(Interruptions)*

did not agree...

**Madam Speaker:** Please, don't interrupt!

*(Interruptions)*

Please, don't interrupt!

*(Interruptions)*

No cross-talking, please!

*(Interruptions)*

No cross-talking! Hon. Uteem, please, proceed!

**Mr Uteem:** Madam Speaker, there is no better way for me to rest my case than what has just happened a few seconds ago in that House. This is the extent of the closeness of the relationship between the Members of this House and the people who have been appointed on the Board of the FIU. These are the Members of the Board who are supposed to ensure that the Director would not go astray.

*(Interruptions)*

How can we...

*(Interruptions)*

But this is the point!

**Madam Speaker:** No cross-talking please!

**Mr Uteem:** This is the point! We are not against shifting the Enforcement Authority from the DPP. We are all in favour of it, but, certainly not to give it to an agency whose role is not to enquire, but also has the perception of political appointment.

*(Interruptions)*

It is political appointment. And they don't even hide this fact. The hon. Vice-Prime Minister answering to a question in this House, didn't he say himself: "I am Minister, who am I going to appoint in the CEB, in Wastewater Authority, in CWA, if not people who have the same vision as I have."

We had a question put in this House where we have challenged the closeness of appointment. So, how can we...

*(Interruptions)*

**Madam Speaker:** Hon. Members, didn't I say that there should be no cross-talking from a sitting position?

**Mr Uteem:** Madam Speaker, this is why...

*(Interruptions)*

This is precisely why...

*(Interruptions)*

And hon. Members should understand something...

*(Interruptions)*

**Madam Speaker:** Hon. Rutnah, please!

**Mr Uteem:** What they are doing today...

*(Interruptions)*

**Madam Speaker:** Hon. Jhugroo!

**Mr Uteem:** Precisely, if tomorrow there is a change in Government...

*(Interruptions)*

If tomorrow there is a change in Government, what would happen?

*(Interruptions)*

What would happen?

*(Interruptions)*

**Madam Speaker:** Can we have some order in the House, please?

*(Interruptions)*

I want to have order in the House so that the hon. Member can proceed with his speech.

*(Interruptions)*

Hon. Jhugroo, please!

*(Interruptions)*

Hon. Jhugroo!

**Mr Uteem:** Madam Speaker, I reiterate our position. We are not against removing the Enforcement Authority from the DPP. We are all for. We made a mistake in 2012, we are all for. We don't agree to put such an important enforcement authority in the hands of institutions which are politically appointed and politically controlled. And more importantly, there is a Cabinet decision as has been referred to. The Cabinet decision says that the Enforcement Authority under the Asset Recovery Act...

*(Interruptions)*

**Madam Speaker:** Hon. Jhugroo!

**Mr Uteem:** The Enforcement Authority under the Asset Recovery Act to be the Financial Intelligence Unit pending the setting-up of the Financial Crime Commission in order to allow officers of the DPP's Office to focus on their prosecutorial duties and other duties within the AGO. So, what we are doing today, based on the Cabinet decision of 27 February 2015, is a temporary measure until this Financial Crime Commission is set up. So, why go through all this trouble? What is the urgency? Why put this Enforcement Agency now under the hands of political appointees? What is there to hide? What is the motive? There is one thing very important: what will happen if members of the staff, the current staff of the Enforcement Authority refuse today to move to the FIU? What will happen to all the investigations? Start again?

*(Interruptions)*

Start again? What will happen?

*(Interruptions)*

**Madam Speaker:** Hon. Rutnah!

*(Interruptions)*

**Mr Uteem:** So, you are going to the length...

*(Interruptions)*

**Madam Speaker:** Did I ask you to make comments?

**Mr Uteem:** This House is going to the length. They are going to the length of taking the risk of disruption in investigation. They are taking the risk of going through disruption in information only for a temporary time until the Financial Crime Commission is set up. The position of this side of the House, Madam Speaker, is: wait for the Financial Crime Commission to be set up and urgently set up; as soon as possible come up quickly before this House. Let's debate on a Financial Crime Commission. Let's have a consensus in this House about the Financial Crime Commission, then we transfer the Enforcement Agency under this Financial Crime Commission.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Bhadain!

(8.04 p.m.)

**The Minister of Financial Services, Good Governance, Institutional Reforms, Minister of Technology, Communication and Innovation (Mr S. Bhadain):** Madam Speaker, let me first start by thanking the Members on both sides of the House for their views and, especially, the hon. Leader of the Opposition for his constructive proposals. In fact, he was the first one to criticise why the Asset Recovery Unit was placed under the DPP's Office back in 2013 and had been ringing those alarm bells.

Now, before I address the issues which have been rightly pointed out by the hon. Leader of the Opposition on the UK model, on why the FIU and also in terms of the issues regarding why Asset Recovery Agencies have failed in the UK and also in Mauritius, I would first and foremost address some of the issues raised by hon. Uteem.

Firstly, let me remind the House that the Asset Recovery Act which dates back to 2011, was, in fact, proclaimed in February 2012 and then a few months later – and this is the part that I believe everybody has missed – in November 2012, major substantial amendments were brought to the Asset Recovery Act.

If we go back to the speech of the then Attorney General, he would have us believed that this was because the DPP – in the experience that he had gathered between February 2012 and November 2012 – had found out that, in fact, the system does not work.

This addresses all the issues regarding the IMF Report which was mentioned by hon. Shakeel Mohamed as well because it appears that there were so many consultants who had looked at the structure, looked at the methodologies, the processes to come up with this Act in 2011. But then, when the law was proclaimed, only a few months after that, major amendments were proposed. And, in all the speeches that I have heard today, I have not heard anybody mention three things: firstly, in November 2012, the law was made retroactive for 10 years!

*(Interruptions)*

This retroactivity was not there when the first Act came into force. So, in six or seven months, the DPP had decided that he needed then to come back to this House, through this proposed Amendment of Asset Recovery Act of November 2012, and give him the powers to go back 10 years and everybody agreed!

*(Interruptions)*

Everybody agreed! The second thing...

*(Interruptions)*

**Madam Speaker:** Hon. Rutnah!

**Mr Bhadain:** ... which was very important, was the reversal of the burden of proof. It was then decided, after six or seven months of experience which the DPP had obtained, that the burden of proof was no longer on the enforcement authority to go and prove a case to recover assets. The burden now shifted on the person who had those assets.

*(Interruptions)*

And they agreed!

*(Interruptions)*

**Madam Speaker:** Hon. Minister Gayan, you had the opportunity to intervene. Now, please, allow the hon. Minister to do his summing up!

*(Interruptions)*

Yes, please proceed, hon. Minister!

**Mr Bhadain:** The third and most important amendment which was brought in November 2012, Madam Speaker, was to say that, now, all applications before a Court of law was to be construed as being civil proceedings and the standard of proof was going to be balance of probabilities! And, ...

*(Interruptions)*

...amazingly, everybody agreed! However, because hon. Uteem has gone so lengthily in terms of why things are happening, what might happen hypothetically in terms of political tools being used, interferences, and he went in terms of conducting a personal attack on Mr Ollivry, as Director of FIU, let me remind the House what he said when all these happened!

*(Interruptions)*

The first thing he said, which I find amazing, Madam Speaker, is, and I quote -

“This is to my knowledge, the first time that we are introducing the notion of illicit enrichment or unexplained wealth (...)”

Unexplained wealth, Madam Speaker!

“(...) where it is established that a person did not have a legitimate source of income sufficient to justify his interest in the property, my first reaction, Mr Speaker, Sir, is why limit this illicit enrichment, unexplained wealth, to only a civil proceeding to recover the asset? Why not criminalise it?”

*(Interruptions)*

He was saying that you must send people to jail!

*(Interruptions)*

Instead of having the civil...

*(Interruptions)*

**Madam Speaker:** Hon. Uteem, please!

**Mr Bhadain:** Let me finish! But this is what was said!

*(Interruptions)*

“Why not criminalise it?”

*(Interruptions)*

If we just extend what hon. Uteem had proposed at that time, what would that mean, Madam Speaker? That would mean that when a person had such assets and on the balance of probabilities it was proved, then you should send that person to jail! Lock him up!

*(Interruptions)*

**Madam Speaker:** Hon. Uteem, please don't interrupt him!

**Mr Bhadain:** And he goes on to say that this is what the United Nations had proposed in the Convention! But, these are the people who were basically saying that you should not have unexplained wealth orders in Mauritius! Civil orders are no good! Presumption of innocence!

*(Interruptions)*

**Mr Uteem:** The hon. Minister is saying something...

*(Interruptions)*

On a point of order ...

**Madam Speaker:** Order, please!

*(Interruptions)*

You have got a point of order? What is your point of order?

**Mr Uteem:** The hon. Minister is imputing motives which he cannot hold. He is imputing motives inasmuch as he is saying that previously I had said something in this House about my stand and, now, I have changed my position. He is saying that I have changed my position. This is not correct. I still stand by whatever I said. I am still in favour of sending all corrupt politicians, including Ministers and public officers who can't justify their wealth in jail!



*(Interruptions)*

**Madam Speaker:** This is not a point of order. This is a point of personal explanation!

*(Interruptions)*

**Mr Bhadain:** Madam Speaker, I will...

*(Interruptions)*

I will certainly remind the hon. Member...

*(Interruptions)*

**Madam Speaker:** Hon. Uteem, would you continue to interrupt?

*(Interruptions)*

On both sides of the House, I have said! But, please do not reply!

*(Interruptions)*

**Mr Bhadain:** Madam Speaker, I will certainly remind my hon. friend, when we come to the Good Governance Integrity Reporting Bill, of what he has said today. So, that was said about criminalising it. Then, more importantly, regarding the burden of proof, hon. Uteem's view at that time was: 'reversal of burden is not prohibited as long as it is a proportionate response to the social problem being addressed!'

*(Interruptions)*

So, if it is in response to the social problem, then you should basically reverse the burden and this is what happened in 2012! And then he goes on to say –

“Before the European Court of Human Rights, there was an issue about the Italian mafia, and it was shown that it was necessary to impose this reversal of burden in order to preserve the greater good and to fight against the mafia.”

This is how the law changed and basically the DPP got even more powers. Not only his powers, under section 72 of the Constitution, to initiate proceedings before a Court of law to take over proceedings, to prosecute cases and the powers which were vested into him as per the Asset Recovery Act which was proclaimed in February 2012. But then, as from November 2012, he

could go back in time 10 years and he did not have to prove anything. The other chap had the burden to prove.

We are talking about presumption of innocence. So much has been said about presumption of innocence, but, in 2012, where was presumption of innocence then? In 2012, where was the right to silence and everything which is being talked about now? So much hypocrisy, Madam Speaker! So much hypocrisy!

*(Interruptions)*

When we come....

*(Interruptions)*

**Mr Uteem:** Is “hypocrisy” a parliamentary word?

**Madam Speaker:** Hypocrisy is not an unparliamentary word!

*(Interruptions)*

Please, proceed!

**Mr Bhadain:** Now, with regard to the issue which has been raised because ...

*(Interruptions)*

... Mr Ollivry’s name has been mentioned, he has been referred to by name by hon. Uteem and the Leader of the Opposition, in fact, in a more discrete manner, referred to his point about the experience that...

*(Interruptions)*

**Madam Speaker:** Hon. Uteem!

*(Interruptions)*

Hon. Uteem, please! No comment from a sitting position! You have just intervened. No comment from a sitting position!

**Mr Bhadain:** I very much respect the approach of the hon. Leader of the Opposition who basically made his point by saying that in his opinion, he believes that the person who has been appointed Director of FIU did not have sufficient experience. But, then, my friend, hon. Uteem, went on to mention him by name and started talking about his qualifications. So, for that, Madam

Speaker, the response is as follows. I am going to quote from a letter from the European Commission which is addressed to Mr Ollivry as Director of the Financial Intelligence Unit, on 27 March 2015. It goes on to say –

“Dear Mr Ollivry, Invitation for Collaboration on Anti-Money Laundering/ Combating the Financing of Terrorism EU Funded Project.”

It goes on to say –

“Following the 29<sup>th</sup> ESSAAMLG Task Force of Senior Officials’ Meeting in Arusha, Tanzania, where we have been able to identify your remarkable operational expertise in the area of AML/CFT, we would like to include you on our roster of experts.”

*(Interruptions)*

And this is the letter from the European Commission. It goes on to say –

“The AML/CFT Project in the Greater Horn of Africa is a European Commission funded project and being implemented by Civi Pol Conseil which is an agency of the French Ministry of Interior. Please find attached the project fact sheet for further information about the project and we do hope that you will accept our invitation for future collaboration.”

Now, this is the person who is being termed as a young chap with no experience and who does not know what he is doing. But, on top of that, I will also inform the House that Mr Guillaume Ollivry - because a lot of confusion is being made with Mr Thierry Ollivry, who is his elder brother - studied at University of Canterbury in the UK and he has an LLB honours from the University of Canterbury. He was actually amongst the best students in that university in accordance with the grades and everything he obtained.

However, the point raised by my friend, hon. Uteem, is pertinent, in terms of his experience, because the law, the FIAMLA, actually refers to substantial experience when it comes to the post of Director of the FIU. I can reassure my friend that we wrote to the Solicitor General, to the Attorney General’s Office, enclosing the CV of Mr Ollivry and his qualifications. We asked the Solicitor General; the instructions were to give us a legal opinion on the basis of what the law dictates as qualification and experience, whether in the light of that definition, Mr Ollivry has the substantial experience which is required for that particular post.

After that, matters were taken to Cabinet and this is when Cabinet decided to go ahead, and then, of course, the law was followed. The Rt. hon. Prime Minister recommended to H.E., The President for the nomination after consulting the hon. Leader of the Opposition, which I understand did not agree to that. This is how it happened. This is the most transparent process, which I believe can be exercised by Government. So, I do hope that no reference is made to Mr Ollivry in the future.

When it comes to the relevant pertinent issues which have been raised by the hon. Leader of the Opposition, I must say again that I very much value what he has said today, in terms of how the structure works in the UK, the research which has been conducted to explain to the House why, in his opinion, we should move towards a National Crime Agency model, which is going to be the Financial Crime Commission in a Mauritian context. But he did say something which I do not agree with. He said that I was factually wronged when I informed the House last time that we were going to follow the British model.

So, when we look at the British model, Madam Speaker, the National Crime Intelligence Service, which was the UK FIU at that time, was established in April 1992 and, on 01 April 2006, it was merged with the newly created Serious Organised Crime Agency, and there was a reason for that. It was all the attacks that happened in London on 07 July. And what the UK Government decided was that the Intelligence Service, the NCIS had to move into another organisation, which was also looking at terrorism financing and other issues relating to organised crime. So, the UK FIU (NCIS) was brought into the Serious Organised Crime Agency (SOCA).

Then, when the Asset Recovery Agency, which was operational in February 2003, had failed to meet its targets for the confiscation of criminal offenses - I will come to that in a minute because this was another point raised by hon. Uteem, saying that, in trying to recover these assets, we are putting pressure, which can impact the lives of citizens and so on. But the same problem happened in the UK because the Asset Recovery Unit was not working as it should - it was not under the DPP over there - and failed to meet targets. In January 2007, it merged with the Serious Organised Crime Agency. When that merger happened, the UK FIU, which was the NCIS and which was already under SOCA, then accommodated the Asset Recovery Agency, which also was housed in the SOCA. That is why I was certainly not factually wrong when I said

that the British model accommodated the UK FIU and the Asset Recovery Agency under the Serious Organised Crime Agency.

However, the hon. Leader of the Opposition also is not wrong when he says that the model today is the National Crime Agency. That happened in 2013. In 2013, the National Crime Agency was set up, and I do agree with him that it is a monster organisation which has got all the National Drug Squads and all the antiterrorist bodies. It houses the UK FIU as part of the Economic Crime Command and the Asset Recovery Agency and so many other departments. All the Directors of all these different units or departments actually sit on that Board, which is the National Crime Agency Board. That is the UK model today.

When I said to this House that we are following the British model, Madam Speaker, I explained that the NICS and the Asset Recovery Unit in the UK had merged into SOCA, and this is what we are doing today here in Mauritius. We are taking the Asset Recovery Unit, which is under the DPP's Office, and we are putting it together with the FIU in a similar manner as to how SOCA was created and operated in the UK.

Now, what do we plan to do next? Because what we are doing today, Madam Speaker, is not something in isolation. This Government has a vision, not only in terms of the economy, in terms of so many of the things that we are looking ahead, not only for the mandate of five years. We are looking at how to clean this country, with all the dirt which has been hanging in this country for the last ten years. We cannot do that overnight! We cannot do that by looking at cases like Betamax, Dufry and what not and everything that we have seen, Swiss Bank accounts, Air Mauritius Cargo and so on and so forth. We also have to put in place frameworks, structures and legislation.

So, the amendments which are being brought to the Asset Recovery Act is correcting an anomaly, and I will explain that in a minute, in terms of the role of the DPP and why this had been placed under the DPP. So, that anomaly is being created and it is moving to the FIU, which is very similar to what happened in the UK back in 2007 and 2008.

Now, we are also, as part of the Ministry of Institutional Reforms, looking at the whole issue of fraud in Mauritius because this is an issue which has never been addressed. In fact, there is not even a legal definition of fraud in Mauritius. If we ask somebody to define fraud, he cannot. You will have to go to the Oxford dictionary meaning. In our Criminal Code, we have so

many things about embezzlement, swindling, larceny and what not, but no definition of fraud. We are going to create an Anti-Fraud Unit as well, which is going to deal with fraud and all the Ponzi schemes and everything that we have seen happening in this beautiful country.

When all of that is done - the Declaration of Assets Act is also being amended, - Madam Speaker, then we will be ready to be able to create the Financial Crime Commission, and this will come in due course. What will be this Financial Crime Commission? Of course, it is going to include organisations like ICAC, which deals with corruption. We will have the newly formed Anti-Fraud Unit, which is going to deal with fraud. We will have the FIU, which is the intelligence service. We will have the Asset Recovery Agency, which recovers the assets, and probably we will also have the enforcement department of the FSC to deal with issues which can arise, in terms of white-collar crime on stock exchange, in terms of the Securities Act, the Financial Services Act and so on and so forth.

The Financial Crime Commission will be an apex body - we said it before -, an umbrella organisation. Who will sit on that Board? All the directors of all these agencies! What will this create? It is going to create the synergy which has been missing in our system to address white-collar crime in general. You would have your intelligence service getting the report, disseminating the report, the Asset Recovery Unit doing what it has to do to recover the assets; the ICAC which is investigating getting in terms of corrupt cases to prosecute people, and also you will have the whole aspect of combating money laundering as well. This is where we are heading.

The question is: "Could we do today what the hon. Leader of the Opposition had requested, could we create the FCC today?" And the simple answer is: "No, we can't do it today." Why can't we?

*(Interruptions)*

We will certainly do it as soon as possible.

*(Interruptions)*

But as soon as possible will mean - and I will explain - amending so many legislations, the Prevention of Corruption Act, the Financial Intelligence Anti-Money Laundering Act, the Financial Services Act, the Asset Recovery Act, so many of our legislations which will have

ramification in terms of creating this new umbrella organisation. Once we have this in place, then that's it. Then we are fully equipped in our country to combat crime. The same goes about the Integrity Reporting Service Agency and the Board which is dealing with unexplained wealth orders, there is no reason in the world why that also would not be part of that Financial Crime Commission which will oversee the whole aspects and that was the missing part of the jigsaw in our arsenal to fight white-collar crime and it fits in.

So, today, we are starting this process with the Asset Recovery Act, we are starting this process, we are taking the Asset Recovery Unit from the DPP as Enforcement Officer as he was and we are placing it under the FIU. But I think now everybody will have a full picture of what is the overall vision and where we are heading and why this is going to be beneficial for our country going forward.

Now, Madam Speaker, in terms of what has been said about the DPP, so many examples have been given by hon. Mohamed and also my friend, hon. Uteem. Let's really understand certain real issues, Madam Speaker. The lawyer in the DPP's Office who was responsible for the Asset Recovery Unit, he was also a Director on the Board of Sicom Financial Services and he also went to Court to prosecute cases. So, how can you have so many hats? How can you basically be a member of the DPP's Office – in fact, I think he was the Senior Assistant DPP - I don't know what the title was but that particular person heading the Asset Recovery Unit because it needs to have what is known as a Chief Investigating Officer; there was a Chief Investigating Officer and then there is a lawyer. What would happen, for instance, if he, sitting as a Director on the Board of Sicom Financial Services, a case comes around where the assets are actually held by Sicom. What does he do? Can he actually go and ask for a restrained order against the company where he himself is the Director? This is the kind of abuse which was happening. When we talk about the DPP - hon. Mohamed mentioned allergy, there is no allergy, there are real-life examples of what is happening on a daily basis! And so much is being said about political interference, political nominees, political tools and I don't know how many adjectives are being used with the word political, but Mr Ajit Boolell is the brother of Dr. Arvin Boolell. That is the truth!

*(Interruptions)*

**Madam Speaker:** Please, please, please! Minister, please proceed!

*(Interruptions)*

Hon. Jhugroo, don't interrupt! Hon. Uteem also, please don't interrupt! Hon. Uteem, I have just said please don't interrupt!

**Mr Bhadain:** I very much believe, Madam Speaker, that if we are to make progress in Mauritius, we have to basically address issues as they are because these are real-life examples. This is what happens. Hon. Mohamed mentioned that in St Petersburg, I had referred to the DPP in my speech before the United Nations Convention. Now, it would be good for the House to know that, in fact, a similar case happened in Jamaica and in Jamaica what happened was the DPP was being investigated for corruption and he ran to Court to ask for an order for the investigation to be stopped for that institution which is similar to ICAC, not to investigate him and the offence for which the DPP in Jamaica was being investigated was, in fact, conflict of interest and the case over there was heard the same day as the case was heard over here, the 10 of November.

Now, what was explained to the United Nations Convention, that, as a Small Island Developing State, there are certain similarities which occur in other SIDS countries which also happens in Mauritius and we have certain specificities in terms of SIDS countries. Everytime we talk about copying legislations from the UK, from Australia, from Canada, from so many other countries. But would these legislations serve our purpose over here? Would it really address the needs of our society in Mauritius? And this is why when we are looking at today, taking the Asset Recovery Unit from the DPP with all the anomalies and the constitutional issues which have been raised over the years and we are placing it under the FIU, I ask the question, we can't have the FCC now, we know, it can't happen straightaway, where do you put it? You put it with ICAC? Because the law on ICAC was changed, when ICAC had powers to track properties, could issue monitoring orders, forfeiture orders and what not to create the Asset Recovery Unit and all these sections of the PoCA were repealed to create the Asset Recovery Agency under this Act and then powers were given to the DPP for retroactivity and burden of proof and what not. And now when we are basically going forward with the FCC which is going to be there, where do we put it. The only place you can realistically decide to accommodate the asset recovery as the hon. Deputy Prime Minister, hon. Xavier-Luc Duval had stated back then. When he said the FIU would have been an appropriate place where the asset recovery could be. This was



mentioned by the hon. Leader of the Opposition today and then the hon. Leader of the Opposition stated that probably it was not because of his brilliant arguments that this did not happen, but it was probably because the Rt. hon. Prime Minister of the day chose otherwise. But the proposal of the Deputy Prime Minister, hon. Xavier-Luc Duval was well thought of. Why? Because when we look at the abuse which happened with the DPP being the enforcement officer, the case which was referred to when he decided to go and look into the bank accounts through this new power. In fact, that was another power which was introduced in November 2012, giving him the power to go and look into bank accounts without a judge's order, customer information in financial institutions, he could go and have a look at it without asking a judge for an order before doing so, no safeguards.

*(Interruptions)*

I will explain why. This is exactly why hon. Duval was right because the FIU already have this power! Because the FIU is the only institution in Mauritius which can go and ask information about bank accounts without a judge's order as the Financial Intelligence Anti-Money Laundering Act is. When you are taking the power which is there under the Asset Recovery Act and placing it with the FIU, you are not creating any additional powers. You are, in fact, giving the same powers to the FIU which it already has; the FSC does not have that; the ICAC does not have that; the DPP does not have that, but the FIU does. This is the reason why we have decided that the FIU is the appropriate institution where the Asset Recovery Agency can operate from.

*(Interruptions)*

**Madam Speaker:** Hon. Rutnah, he can defend himself!

*(Interruptions)*

**Mr Bhadain:** Madam Speaker, we have also been told that the Asset Recovery Agency does asset tracing. We know what is asset tracing. Asset tracing is basically to go and find out the trail in terms of where assets are hidden with a purpose to recover that. What do you need to be able to trace assets? You need information! And which is the organisation in Mauritius which is there to get all the information from the banks and STR's which are raised – the Intelligence Unit, the FIU. So, doesn't it make sense to have the Intelligence Unit which is

getting all the information to pass it on to the Asset Recovery Unit which has then to trace those assets with a view to recover them? So much has been said - hon. Uteem is still having some apprehension but let me reassure him on one thing.

*(Interruptions)*

**Madam Speaker:** Hon. Uteem!

**Mr Bhadain:** Let me explain! Hon. Ganoo has rightly explained to this House that you have different types of FIU's; you have administrative FIU's; you have law enforcement type FIU's, and you have hybrid type FIU's. Different models operate in different countries depending on the needs of society. Why should we keep copying? When are we going to start leading? This Government is about creating a vision and we have been duly elected by the people. We have been given a mandate and we intend to basically go and do what we have told the people we are going to do, clean up this country. Now, we must be able to do it in the way that we want to do it and not in the way that other people in Mauritius want it to be done.

When we are placing people in institutions, so much is being said: political tool. Now, I put the question to the House: how can this be used as a political tool when everything is affidavit-based and evidence-based before a judge in the Supreme Court? I would want to know how this can be used as a political tool because whatever you do, you will have to end up before the Judiciary and it is only the Judiciary which can decide whether to grant an order or not grant an order to seize an asset. So, how can you use that as a political tool, unless you are politically controlling the Judiciary?

*(Interruptions)*

Is that possible? So, all this nonsense, *toute cette démagogie sur outils politiques*, it has to stop. Let us be professional, let us be realistic, and let us be honest. According to law, I put the question to my learned friend, hon. Uteem, who is a barrister at law: can we actually use that as a political tool or can he use it tomorrow as a political tool, if ever he comes into Government, against any other opponent? It can't, even if you wish to do so, you can't. So, what is this whole debate about political tool? You have to go to court. The judge decides.

*(Interruptions)*

Yes. Absolutely!

*(Interruptions)*

Bank accounts...

**Madam Speaker:** Hon. Uteem, you will continue to interrupt him!

**Mr Bhadain:** Bank accounts: Madam Speaker, the FIU already is the only organisation in Mauritius which can have access to any bank account without going to court, that's already there in the Financial Intelligence and Anti-Money Laundering Act. When the Asset Recovery Agency is housed in the FIU, there is no special or extra power which is being given in terms of bank accounts. It is already there.

*(Interruptions)*

**Madam Speaker:** Please!

**Mr Bhadain:** Well, fair enough! Fair enough! I mean, I am very much appreciate when the hon. Leader of the Opposition is saying the purpose changes, that's true because now we are also recovering assets, but who will decide to act on that bank information? Is it the Executive? It is the Judiciary. It is the judge. So, where is the potential for abuse, where is the potential for using this as a political tool? Whether Mr Ollivry is there or his brother is there or anybody else is there, it is the judge who will decide. So, this nonsense has to stop.

Now, the other thing, Madam Speaker, a lot has been said about the fact that I mentioned that the Asset Recovery Agency had recovered only Rs9 m., but that is a fact. After passing that law, well proclaimed in February 2012, giving all these powers in November 2012, and when I mentioned retroactivity of 10 years, reversal of burden of proof and the standard of proof being balance of probabilities, I forgot to mention that customer information also was included in there to allow the DPP to go and look at all the bank accounts. You know how dangerous this is, Madam Speaker, because it mentions the bank accounts, it mentions a financial institution. He can look, get access to customer information in financial institution and if you look at the Financial Services Development Act 2001 which was then replaced by the Financial Services Act 2007, financial institution includes a management company. You are talking about confidentiality in the offshore sector in Mauritius, the DPP can go - and not normal bank accounts, domestic bank accounts of Mauritians - and look at all GBL1 and GBL2, basically putting in jeopardy the whole offshore sector in Mauritius, the global business sector, because

when somebody sends his money to Mauritius, it is on the basis that that ultimate beneficial owner who is sitting there has a reassurance that our confidentiality provisions in our law prevent anybody from going and looking into his global business company account. My friend, hon. Uteem, knows that better than anybody else. He has been practising in that field of law. The DPP could and the DPP did look at account in one particular case and he did it for a personal reason.

*(Interruptions)*

**Madam Speaker:** No! Please!

**Mr Bhadain:** And, this is the kind of abuse...

*(Interruptions)*

**Madam Speaker:** Hon. Minister!

**Mr Bhadain:** And the hon. Leader of the Opposition...

**Madam Speaker:** Hon. Minister, please, you cannot impute motives! I would ask you not to impute motives!

**Mr Bhadain:** Madam Speaker, I am not imputing motives because it is a fact. The reason why I say that, is because the person who rang the alarm bells and for whom I have very much respect is the hon. Leader of the Opposition back in 2013. He was the only one who had the guts to come out and say: 'Look, we were all wrong and we made a mistake. We cannot give the DPP that kind of power and what he is doing with that power is he is abusing that power.'

*(Interruptions)*

**Madam Speaker:** Now, hon. Minister, you cannot talk on the conduct of the DPP. Please, refrain from talking on the conduct of the DPP.

*(Interruptions)*

**Mr Bhadain:** Madam Speaker, I certainly can't talk about the conduct of the DPP, but I will say it again, I will congratulate the hon. Leader of the Opposition for having...

*(Interruptions)*

Now, Madam Speaker, if we look at...

*(Interruptions)*

**Madam Speaker:** Order! Order, please!

**Mr Bhadain:** Madam Speaker, if we could just envisage one scenario, I am not saying that has happened, but I am saying you could have a situation, the law would allow for a situation where the DPP as enforcement officer of the Asset Recovery Unit could go and check the bank accounts that he wishes to check, on the one hand. After having ascertained this information, he could then use his powers under section 72 to charge a person, because he is the one who charges people by putting formal charges and sending cases to court, prosecute somebody. Once he has done that, he can then use his powers again under the Asset Recovery Act to issue restraint orders. After having done that, he then send his guy to court to prosecute the case under section 72 and when he obtains a conviction with his powers under section 72, he could then go and confiscate these assets. This is how lethal that combination of powers is. The FIU has no power to prosecute, Madam Speaker. It is not the same as merging that with the DPP's Office. When we look at the whole structure, the communiqué of the DPP true it is to his credit, I must say, he issued a communiqué earlier this year to say that he had no objection. Now, he has no objection that the Government proposes to take the Asset Recovery Agency and put it under the FIU. That is not something which is objectionable in his mind. However, when I came to this House to say and just to clarify - yes, the communiqué reads that the Office of the Director of Public Prosecutions has never expressed any reservation with the decision of Cabinet to transfer the Asset Recovery Unit to the Financial Intelligence Unit. This is an administrative decision which is within the powers of the Government to change by way of legislation and this is the response to what you know. I can understand my hon. friend Shakeel Mohamed after the recent events, but what he had said does not even make sense because the DPP, himself, does not have a problem with it and he is mentioning Cabinet's decision.

Now, the hon. Attorney General has been my lawyer and he has explained to this House how I was given the document when I came for my speech the other day and I referred to the documents by saying that the Attorney General's Office had not previously tabled these documents before this House. It is a mistake. I hold my hands up and I say that I was misled by people who had told me that this was so and my friend, the hon. Attorney General, has already explained it.

*(Interruptions)*

But then, I mentioned that Rs9 m. had been recovered by the Asset Recovery Unit since 2012, and that's a fact, Madam Speaker. It is only Rs9 m. which has been recovered. Everything else which has been said, and I will explain it to the House, that Rs294 m. are subject to freezing orders. When you read it in French, some people in Mauritius might be confused thinking that this money has been seized because it says -

*“L'Asset Recovery Unit a aussi, avec la permission de la cour, effectué la saisie de 56 lopins de terre, 119 appartements (...). »*

And then, it goes on to say -

*« (...) diverses sommes d'argent représentant environ R294 millions. ».*

But it is not *saisie* as such, like we say in creole, '*inn saisi*'. We are talking about freezing orders. These assets have been frozen. The question, Madam Speaker, would be: frozen until when? Because when we look at that Rs294 m. which has been frozen, most of which is in the case of Sunkai and White Dot. They were back accounts where money had been kept and it was only a five minutes' job to go to Court and ask for this account to be frozen.

Now, when those funds have been frozen, what happens next? When will they be recovered like the Rs9 m. that I mentioned? When? It is when the Police finishes its enquiry which has not happened yet. It will be when the file is sent to the DPP's office. Then, they will take their time to decide under which offence to prosecute and they might not prosecute. What happens if you don't prosecute? You return the money! You return the Rs294 m.! Now, if he decides to prosecute, then it goes before the Intermediate Court of Mauritius and trial will take whatever: three, four or five years. And after trial, probably there is going to be an appeal process which is going to kick in and that might go all the way to the Privy Council. This is the flaw with the system. This is why assets are not recovered. And I said before this House, only Rs9 m. has been recovered by the Asset Recovery Unit between 2012 to 2014. I am now going to say something else! Only Rs6 m. has gone into the Consolidated Fund. Since the creation of the Asset Recovery Unit, only Rs6 m. has gone into the Consolidated Fund. Now, this is exactly what happened in the UK.

I am going to quote from 'The Guardian' newspaper, the heading –

*“60 million Assets Recovery Agency to be scrapped”*

And it goes on to say –

“The body would be merged with the Serious Organised Crime Agency, SOCA, in April 2008”

And it goes on to explain how basically that particular agency has not been able to deliver as per the expectations. In fact, it has cost more than what it had recovered.

In those two articles, BBC News said exactly the same thing –

“An agency set up to seize criminal assets has cost taxpayers around £60 m. despite only recovering just over £8 m. from lawbreakers since 2003”.

£8 m. recovered, £60 m. spent! That’s in the UK. Over here, Rs6 m. into the Consolidated Fund! That’s why the Criminal Recovery System does not even work and that is why we need civil orders; that is why we need unexplained wealth orders. And this is coming next week, Madam Speaker!

Now, I am going to refer to the report which was published by Grant Shapps, MP, House of Commons, London; report into the Underperformance of the Assets Recovery Agency. It is fantastic reading, I must say, but I am going to quote only one paragraph which probably everybody will now understand why I stated Rs9 m. and not the Rs290 m. freezing orders which were obtained. I quote –

“The Government makes much about the number of cases under investigation and the fact that £68.45 m. worth of assets are subject to freezing orders. Freezing orders are certainly a useful tool – but what the Government has failed to address is the ability to actually recover these frozen assets. Applying for a freezing order is one thing – selling off the proceeds of crime for the benefit of the public is quite another.”

And what they have done is they have collected only Rs9 m. and they have put only Rs6 m. into the Consolidated Accounts. I have not misled anybody and I stand by what I said.

*(Interruptions)*

Now, that’s a very interesting question! What happened to the Rs3 m. - Rs9 m. less Rs6 m.? These were apparently used - if I go by the annual reports - to pay expenses.

*(Interruptions)*

I would probably leave that to the hon. Attorney General to enlighten people as to what the Rs3 m. was used for.

*(Interruptions)*

That's the truth, absolute truth! These are facts.

*(Interruptions)*

Madam Speaker, in terms of the other issues which have been raised, I do understand the hon. Leader of the opposition had raised an issue in terms of the FIU being mentioned in one particular section and the Director of the FIU being mentioned in the other section. If we go to the IGCA, the Interpretation of General Clauses Act, it does not make any difference whether it is the FIU or the Director of the FIU. So, we are not going to come up with any amendments on this particular issue, although it was a good point which was raised.

*(Interruptions)*

I am just going through my notes very quickly. Again, I would very much agree with the Vice-Prime Minister, hon. Collendavelloo, when he explained about those two *nuances* and it is true, this is a bridge. Hon. Uteem mentioned a temporary measure, I agree. It is a temporary measure until we can have this proper structure with the Financial Crime Commission and even the Good Governance Integrity Reporting Bill and what we are coming up with in terms of the Integrity Reporting Agency and the Board. It will also fit into the Financial Crime Commission which will be a one-stop shop for the fight against white-collar crimes in Mauritius.

The last point, probably, Madam Speaker, was in terms of reassuring the House, as hon. Ganoo had mentioned, that similar structures exist in other countries as well. In my speech, I mentioned Cyprus, MOKAS, for instance in Cyprus; how both the Asset recovery Agency and the FIU operate. I mentioned Channel Islands in Jersey. That's exactly the same structure there and in the Seychelles also. As I stated, in the UK also, this was the structure until the National Crime Agency came into play in 2013.

Madam Speaker, let me finish by saying this. When we have been elected by the people in Mauritius, it was on the basis of two things. If I have to recap everything, it is : *nettoyé le pays et venir avec un deuxième miracle économique*. When we decided to create a Ministry for Good Governance, it was also decided to link institutional reforms into that because we needed to look



at structure. *Nettoyé, c'est bien, Madam Speaker, mais ne pas salir c'est mieux.* What we are doing today is we are putting the structure *pour ne pas salir* so that the system will work. For the last 10 years, we all know what has happened in this country. If you take a youngster of 25 years today, he has only known the last 10 years. So, he was 15, probably, when Mr Navin Ramgoolam became the Prime Minister of Mauritius and basically now he is 25 years old and he is going to, probably, look at his future in terms of finding a job, buying a house, getting married, having a descent career and that person does not even have an opportunity to succeed in life because the system which is operating is preventing him to do that. And we are a small country, as I explained to the United Nations. We are a SIDS country. We have got 1.2 million people. We have got 720 square miles of land and, at the end of the day laws which are applicable in bigger, much bigger countries might not suit our purpose.

So, we have sat down with the experts, with everybody and we have tried to see, for the first time probably, what are the needs of Mauritian society and where do we need to go, how far we need to go to address those needs of society. And what are those needs of society? That's the rule of law. The rule of law is basically what society needs for society to function and when we have looked at those reforms, we have said that we need to correct certain anomalies and then, we have to come up with a new system. Today, we are correcting the anomaly, Madam Speaker. Next week, we are coming with a new system and that's the start of it.

With this, Madam Speaker, I commend this Bill to the House.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(Madam Speaker in the Chair)*

### **THE ASSET RECOVERY (AMENDMENT) BILL**

**(NO. XXXI OF 2015)**

*Clauses 1 to 4 ordered to stand part of the Bill.*

*Clause 5 (Section 5 of principal Act amended)*

**The Chairperson:** Amendment!

**Mr Bhadain:** No amendment.

**The Chairperson:** No? The amendment that you have circulated?

**Mr Bhadain:** No, there is no amendment, Madam Speaker.

**The Chairperson:** You had circulated an amendment, hon. Minister. Are you withdrawing this amendment?

**Mr Bhadain:** I believe it has been circulated by the State Law Office, but there is no amendment, Madam Speaker. I do apologise for that.

**The Chairperson:** Would you wish to take cognizance of the amendment that was circulated?

**Mr Bhadain:** Yes, Madam Speaker. There is certainly no amendment, Madam Speaker. Thank you.

**The Chairperson:** Okay!

*Clause 5 ordered to stand part of the Bill.*

*Clauses 6 to 12 ordered to stand part of the Bill.*

*The title and enacting clause were agreed to.*

*The Asset Recovery (Amendment) Bill (No. XXXI of 2015) 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 Asset Recovery (Amendment) Bill (No. XXXI of 2015) was read the third time and passed.*

## **ADJOURNMENT**

**The Ag. Prime Minister:** Madam Speaker, I beg to move that this Assembly do now adjourn to Wednesday 02 December 2015 at 11.30 a.m.

**The Vice-Prime Minister, Minister of Housing and Lands rose and seconded.**

*Question put and agreed to.*

**Madam Speaker:** The House stands adjourned.

*At 9.00 p.m., the Assembly was, on its rising, adjourned to Wednesday 02 December 2015 at 11.30 a.m.*

## WRITTEN ANSWERS TO QUESTIONS

### ***POLICE DES JEUX – ARRESTS***

**(No. B/946) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the *Brigade des Jeux*, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the number of –
  - (i) Police Officers attached thereto, and
  - (ii) arrests effected by officers thereof over the past two years, and
- (b) if additional measures will be taken to address the illegal betting issue.

**Reply:** I refer the hon. Member to replies made to Parliamentary Questions B/59 and B/156 as regards part (a) (i) of the question.

As regards part (a) (ii), I am advised that, since 2013 to date, 36 arrests have been effected and 25 cases have been established by officers of the *Brigade des Jeux*, more commonly known as the *Police des Jeux*.

With regard to part (b) of the question, I wish to reassure the House, here, that this Government is committed to eradicate the scourge of illegal betting. For this purpose, a series of measures have been/are being initiated.

The regulatory and institutional framework is being strengthened to discourage illegal betting. For instance, the Gambling Regulatory Authority Act has been amended, under the Finance Miscellaneous (Provisions) Act 2015, to increase the penalties, including fines and imprisonment terms, in respect of illegal betting.

Concerted and co-ordinated actions are being taken by officers of the Mauritius Revenue Authority, Gambling Regulatory Authority and ‘*Police des Jeux*’ for more effective tracking down of offenders.

The Inspectorate and Investigation Division of the Gambling Regulatory Authority and the *Police des Jeux* are being reinforced both in terms of numbers and capacity. One of the main

duties of the two Commissioners of the Commission of Enquiry on Horseracing in Mauritius, Messrs. Ben Gunn and Paul Scotney, whose services, have been enlisted, will be to provide training to these officers to detect and deal with illegal betting.

The Gambling Regulatory Authority is initiating discussion with stakeholders for putting in place a responsible gambling programme, which will include a component on educating the society on the drawbacks and risks of having recourse to illegal betting.

In addition, the following additional measures are being taken to address illegal betting –

- (i) Close monitoring of all persons who have in the past been involved in illegal betting;
- (ii) Regular check on Bookmakers is being carried out;
- (iii) Involvement of the Cybercrime Unit, for cyber patrol, with a view to detecting illegal betting through online services;
- (iv) Sensitisation of law abiding citizens and encouraging them to reveal to and share information of and on suspicious gambling activities with the Police through the Police Hotline 148, and
- (v) Introduction of a reward system for informers for providing genuine information on illegal betting to the *Police des Jeux*.

#### **PONT LARDIER - WATER TREATMENT PLANT - CONSTRUCTION**

**(No. B/986) Mr K. Tarolah (Third Member for Montagne Blanche & GRSE)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the project for the construction of a water treatment plant at Pont Lardier, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the –

- (a) name of the consultant appointed therefor, and
- (b) budget earmarked therefor.

**Reply:** I am informed by the Central Water Authority that an Expression of Interest for the consultancy services contract for feasibility study, design, and supervision of works was launched in July 2015. The evaluation exercise is on-going at the Central Water Authority and the shortlisted consultants will shortly be invited to submit their proposals.

I am further informed by the CWA that the consultant is expected to be appointed by March 2016. The construction works are scheduled to start in June 2017 and completed by December 2018.

As regard part (b) of the question, I am informed that an amount of Rs458 m. has been earmarked for the construction of the Pont Lardier water treatment plant including the cost of consultancy services.

### **GENDER EQUALITY**

**(No. B/987) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the status of women in Mauritius, she will state the initiatives and remedial measures taken by her Ministry to address the issues in relation thereto, following her statement before United Nations Commission, on 17 March 2015, and following the Report thereof in which it is reported that despite the political will to reduce gender gaps, critical issues such as physical and sexual abuse, high poverty and unemployment rates, under-representation of women in Parliament and patriarchal attitudes remain.

*(Withdrawn)*

### **PUBLIC SERVICE - GENDER EQUALITY**

**(No. B/988) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to gender discrimination against women in the public service and in other sectors of the economy in terms of recruitment, promotions, scholarships, overseas missions and appointments, she will state if her Ministry has collected or will collect data in respect thereof and table copy thereof.

*(Withdrawn)*

### **GRNW – KOVIL – DEVOTEES - SAFETY**

**(No. B/989) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the kovil overlooking the Grand River North West, located close to the junction between the Royal Road and the road leading to Pointe aux Sables, he will state if consideration will be given for the carrying out of an assessment of possible threats to the safety of the devotees attending thereat, especially in the

course of the holding of ceremonies involving large crowds, indicating if assistance will be granted to the Managing Committee thereof in terms of expert advice in relation thereto or in any other form as appropriate in the circumstance.

*(Withdrawn)*

### **LIQUOR & ALCOHOLIC PRODUCTS – ‘ON AND OFF’ LICENCE**

**(No. B/991) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Finance and Economic Development whether, in regard to the retailers of liquor and of alcoholic beverages, he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the number thereof holding On and Off licences therefor, indicating the number of such licences which have been issued on a yearly basis since 2010 to date.

**Reply:** I am informed by the Mauritius Revenue Authority that there is currently 983 holders of “On and Off” licence for retail sale of liquor and alcoholic products.

Regarding the number of “On and Off” licence for retail sale of liquor and alcoholic products licence issued on a yearly basis since 2010 to date, I am informed that 13 new licences were issued in 2010 and no new licences were issued for the period 2011 to date.

### **INTERNET - FILTERING SOFTWARE**

**(No. B/992) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation whether, in regard to the internet, he will state if he will consider the advisability of better regulating access to the pornographic contents thereon, especially to protect our children from being exposed thereto, in the light of the increasing number of households connected thereto.

**Reply:** Blocking and filtering technologies are far more effective and far more flexible than any law. The tools are designed to be easy to use for parents who may not be as computer savvy as their children. In that respect, the Authority will provide a list of freely downloadable filtering software (for both desktop computers and mobile devices) available on its website as well as instructions for their installations and usage. This measure will be made known to the public through appropriate sensitisation campaigns and will allow parents to enable parental blocks on the computers/mobile devices of their children. The Ministry is also looking into the

possibility for ISPs to provide assistance to those parents who would not be able to enable the blocks, whereby the parents would send a formal request to the ISPs to do so on their behalf.

The Ministry has also embarked on an ICT awareness campaign in collaboration with the Mauritius Broadcasting Corporation, and sensitisation of the public on safer use of the Internet would be a regular feature in that programme.

### **POVERTY - MARSHALL PLAN**

**(No. B/993) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to poverty, he will state if he will consider establishing an interdepartmental committee to deal therewith in a more holistic results-oriented and cost-effective manner and, if so, when.

**Reply:** Since my assumption of office as Minister of Social Integration and Economic Empowerment, regular consultative meetings have been held together with my colleague Ministers and with other Ministries, non-governmental organisations and the private sector to address poverty in an integrated, holistic and sustainable manner. This is vital with a view to enlisting their full collaboration and creating more synergy given that poverty is multi-dimensional, multi-faceted and cannot be eradicated overnight.

Such meetings and consultations, which are on-going, will be formalised following the adoption of the Marshall Plan by Government.

Moreover, the National Poverty Observatory will act as a permanent, consultative and diversified platform to, *inter alia*, bring together all stakeholders engaged in the fight against poverty to address poverty issues, monitor and evaluate poverty alleviation programmes and monitor the implementation of the recommendations of the Marshall Plan.

### **CUREPIPE CASINO - RENOVATION WORKS**

**(No. B/994) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Finance and Economic Development whether, in regard to the Casino at Curepipe, he will, for the benefit of the House, obtain from the Casinos de Maurice, information as to if quotations were received for drywall partition, doors and other related renovation works to be carried out thereat and, if so, indicate –

(a) the name of the selected subcontractors therefor, and

(b) which firm submitted the report on the quotations, evaluation and recommendations for the award of the contract therefor.

**Reply:** As the House is aware, casinos have been making losses over a number of years. In an endeavour to reduce losses, SIC Management Services Ltd has embarked on a number of cost-cutting measures. It is in this context that the SIC Management Services Ltd decided to move from a rented building in Curepipe to the unutilised space available at Curepipe casino. Consequently, there was a need to carry out certain renovation works to make the unutilised spaces in the premises of the Curepipe Casino suitable for offices.

I am informed by the SIC Management Services Ltd that quotations were received from Nandanee Fit Out & Interiors Ltd and P. Mungur and Son Ltd for drywall partitioning, doors and other related renovation works at the Curepipe Casino.

With regard to part (a) of the question, I am informed that the contract was awarded in July 2015 to P. Mungur and Son Ltd, the lowest bidder.

Concerning part (b) of the question, Wong So & Associates Ltd which has been providing its services to the SIC Group since 2005, evaluated the proposals and made recommendation for the award of the contract.

**MBC PROGRAMMES - MINISTER OF FINANCIAL SERVICES, GOOD  
GOVERNANCE AND INSTITUTIONAL REFORMS, MINISTER OF TECHNOLOGY,  
COMMUNICATION AND INNOVATION - PARTICIPATION**

**(No. B/996) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation whether, in regard to the programmes of the Mauritius Broadcasting Corporation in which he participated, he will, for the benefit of the House, obtain from the Corporation, information as to the cost incurred for the production thereof.

**Reply:** The Mauritius Broadcasting Corporation (MBC) has informed that with regard to the production of the relevant programmes, which were all in-house, no extra production cost has been incurred. A LED screen was rented for a total amount of Rs191,666 which was covered by advertising revenue collected of Rs265,950 leaving the MBC with a surplus of Rs74,284.



Hon. Reza Uteem also participated in creating that surplus for the MBC.

The MBC has also informed that the newly introduced monthly debates are attracting a substantial audience and will be used as a model going forward in the future.

### **MONT ROCHES - ST MARTIN ROAD - WIDENING**

**(No. B/997) Mr A. Aliphon (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the road known as St Martin running through Mont Roches, he will state if consideration will be given for the widening thereof to avert risks of accident thereat.

**Reply:** I am informed by the Road Development Authority that the St Martin Road is a classified B road, known as B101. It starts from Canot and ends at Hugnin Road. It has two sharp bends which may cause problems of road safety.

I am further informed that the road runs partly through urban and non-urban areas. It caters for two-way traffic, but difficulties arise when two heavy vehicles cross each other.

Moreover, the road passes through the urban area of Mont Roches over the last 1.3 km with footpath on one side of the road only. For the remaining 2.8 km, the road is bordered by sugar cane fields and grasslands with no provision of footpath. Furthermore, the boundary walls of the St Martin cemetery and a church are also found along that road.

I am informed that there have been five fatal accidents during the period 2007 to 2014. As it is an accident prone area, the RDA carried out a survey in November 2014 to look into the possibility of the widening of St Martin Road and the construction of footpath on the side of the cemetery. These works can only be accommodated up to the urban area over a length of 2.8 km. The project will entail land acquisition of approximately 8500 m<sup>2</sup>.

The widening of St Martin Road will facilitate traffic flow and enhance road safety.

Pending the implementation of the project, the RDA and the TMRSU will effect a site visit and consider the following short term measures -

- speed calming measures such as speed cameras;

- signalised and unsignalised pedestrian crossing;
- proper road markings and traffic signs;
- provide a visibility splay at the junction of the St Martin Road and the cemetery.