



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 12 DECEMBER 2023

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MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 34 of 2023

Sitting of Tuesday 12 December 2023

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

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

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

A. Prime Minister's Office**Ministry of Defence, Home Affairs and External Communications****Ministry for Rodrigues, Outer Islands and Territorial Integrity**

Order made by the Commissioner of Police, with the approval of the Minister, under section 13A of the Police Act. (Government Notice No. 179 of 2023)

B. Ministry of Finance, Economic Planning and Development

The Institutions Agréées (Amendment) Regulations 2023. (Government Notice No. 178 of 2023)

C. Ministry of Health and Wellness

The Dangerous Drugs (Amendment of Schedule) Regulations 2023. (Government Notice No. 175 of 2023)

D. Ministry of Arts and Cultural Heritage

(a) The National Heritage (Designation of Ganga Talao Spiritual Sanctuary) Regulations 2023. (Government Notice No. 176 of 2023)

(b) The National Heritage Fund (Amendment of Schedule) (No. 3) Regulations 2023. (Government Notice No. 177 of 2023)

E. Ministry of Agro-Industry and Food Security

The Annual Report and Report of the Director of Audit on the Financial Statements of the Mauritius Cane Industry Authority for the year ended 30 June 2022.

ORAL ANSWERS TO QUESTIONS**MAURITIUS PORT – RESTRICTED AREA – UNAUTHORISED ACCESS –
JANUARY TO MAY 2021**

(No. B/1706) Ms J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to access in the restricted area of the port without valid authorisation, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof for the period January to May 2021, indicating if inquiries were initiated thereinto and, if so, where matters stand.

The Prime Minister: Mr Speaker, Sir, the limits of the Port are specified in the Schedule to the Ports Act. The Port land area of an extent of around 330 hectares includes the following three operational terminals and quay facilities –

- (i) Terminal I, which comprises multi-purpose quays A to E having a total length of about 630 metres together with a storage area of around 1 hectare and the fish berths at Trou Fanfaron of 345 metres long;
- (ii) Terminal II consisting of quay 1 which is 123 metres long and multi-purpose quays 2 to 4 having a total length of 550 metres with a storage area of 14.6 hectares and shed 3 having an area of 6,000 square metres;
- (iii) Terminal III comprising a 800-metre long quay and container storage area of 34.5 hectares;
- (iv) Bulk Sugar Terminal comprising a quay of about 210 metre long and two storage sheds;
- (v) Cruise Jetty, which is 124 metre long, and
- (vi) Oil Jetty of about 270 metres where petroleum tankers are unloaded.

Section 13B of the Police Act provides that the Commissioner of Police may, where he considers it necessary or expedient in the interest of public safety or public order, order that special measures be taken to control the movement and conduct of persons in any area, and, by Order, declare that area to be a restricted area.

I am informed that the Restricted Areas (Port Area) Order 1994 was made by the Commissioner of Police on 05 September 1994 to specify 25 restricted areas of the Port. The Order provides that no person shall enter or leave any restricted area unless he is in possession of a permit. The Order further provides that any person who –

- (i) unlawfully enters or leaves any restricted area;
- (ii) is found in any restricted area without lawful authority, or
- (iii) contravenes any condition attached to the permit,

shall commit an offence and shall be liable to the penalties specified in section 24 of the Police Act. To that effect, any person who commits an offence under the Police Act shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 5 years.

The Order further provides that the Police may arrest and remove from any restricted area, any person who has committed such an offence.

The Schedule to the Order was subsequently revoked on 31 October 2012 and replaced by a new Schedule specifying 29 restricted areas, including the Mauritius Container Terminal, SSR Container Terminal, all commercial quays of the Port, Oil Jetty and Petrol and Oil Bulk Depots.

Mr Speaker, Sir, Regulation 226 of the Ports (Operations and Safety) Regulations 2005 provides that no person shall enter, or remain in, any part of the Port premises or bring any vehicle into the Port premises unless he is in possession of a valid pass issued by the Mauritius Ports Authority with respect to that person and vehicle.

Additionally, Regulation 28 of the Ports (Security) Regulations 2021 provides that no person shall have or be given access to, enter or remain inside, a Port restricted area or restricted zone unless he is in possession of a valid pass issued under Regulation 226 of the Ports (Operations and Safety) Regulations 2005.

Moreover, Regulation 29 of the Ports (Security) Regulations 2021 with respect to access to Port restricted areas and restricted zones provides as follows, and I quote –

“(1) Where a person wishes to enter or remain inside a port restricted area or a restricted zone at security level 1, the following control mechanisms should be in place –

- (a) verification of access passes and the identity of the person;
- (b) the person may be accompanied by an authorised person, including an employee of the Authority or the Port Facility Operator being visited;
- (c) where the person brings a vehicle into the restricted area or restricted zone, he shall display a valid vehicle pass issued under Regulation 226 of the Ports (Operations and Safety) Regulations 2005 on the vehicle;

- (d) persons, personal effects, vehicles and their contents are subjected to a search by the Police and Customs Department;
- (e) the National Coast Guard shall provide waterside security;
- (f) a vessel master or the agent of a vessel shall provide the Port Facility Operator with the pre-arrival documents, including the crew list and passenger list, specified in Regulation 15 of the Ports (Operations and Safety) Regulations 2005, and
- (g) where he is a crew member or passenger who exits the gate, he shall not re-enter unless he shows a photo identification document which the Police Officer on duty shall check against the crew list or passenger list.”

Mr Speaker, Sir, the Port Louis Harbour operates at three levels of security as defined under Regulation 2 of the Ports (Security) Regulations 2021, and I quote –

- “(h) “security level 1” means the security level for which minimum appropriate protective security measures shall be maintained at all times;
- (i) “security level 2” means the security level for which appropriate additional protective security measures shall be maintained for a limited period of time as a result of heightened risk of a security incident;
- (j) “security level 3” means the security level for which further specific protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent, even if it is not possible to identify the specific target;”

Accordingly, any person seeking authorisation to enter the restricted areas for the purpose of business or visit, needs to apply to the Access Pass Office of the Mauritius Ports Authority. The requirements to obtain an access pass are defined in the Standard Operating Procedures.

Passes are issued on a need-to-go basis for the purpose of carrying out an officially recognised task in any part of the Port restricted area. These passes are issued against payment on –

- (i) either a yearly basis for employees or other stakeholders operating in the Port,
or
- (ii) a temporary basis issued daily, weekly and monthly depending on the nature of the work.

These passes which are issued to both persons and vehicles under Regulations 225 and 226 of the Ports (Operations and Safety) Regulations 2005, must be displayed conspicuously for easy identification by the Police or the Mauritius Ports Authority at the gates and during random checks.

An access pass does not confer the right of entry to any Port restricted area. Depending on the security threat level, access to a Port restricted area may be denied to a person or vehicle though in possession of access passes.

Mr Speaker, Sir, I am further informed that in order to ensure effective security control of access to the restricted operational areas within the Port, in June 2017, a Joint Working Agreement was signed by the Port Police, the Mauritius Ports Authority, the Cargo Handling Corporation Limited and the Mauritius Revenue Authority. The Agreement defines the specific roles and responsibilities of each stakeholder in the control of gate posts leading to the restricted areas as specified in the Schedule to the Restricted Areas (Port Area) Order 1994.

According to the Agreement, the gates of the two Terminals under the responsibility of the Cargo Handling Corporation Limited are controlled by the latter to ensure that only authorised persons and vehicles are given access. The Cargo Handling Corporation Limited has, however, enlisted the services of Police Officers, on extra duty, for access control at the said Terminals.

Moreover, under this Agreement, the Police are responsible to –

- (i) perform stop and check of suspicious persons and vehicles entering and leaving the Port area;
- (ii) assist Customs Officers in enforcing relevant legislation;
- (iii) ensure safety and security of posts by performing armed sentry;
- (iv) forfeit prohibited goods and initiate actions accordingly, and
- (v) perform any other duties as established by the Police Act.

Furthermore, regular joint patrols are carried out in the whole Port area, including the terminals to carry out security check.

In addition, arm barriers have been installed at the entrance and exit gates at the restricted areas of the Port. Furthermore, clearly visible signboards have also been fixed at all the gates of these restricted areas indicating that it is mandatory for all persons entering the Port restricted area to be in possession of a valid access pass.

Mr Speaker, Sir, I am informed by the Commissioner of Police that for the period January to May 2021, nine cases of access in the restricted area of the Port without a valid authorisation had been reported by the Port Police as follows –

- (i) 05 January 2021 - Two cases against Hon. M.E.J. for the offences of entering a Port restricted area without a valid access pass and bringing a motor vehicle into a Port restricted area without a valid access pass.
- (ii) 25 January 2021 - Two cases against Mr D.D. for the offences of entering a Port restricted area without a valid access pass and bringing a motor vehicle into a Port restricted area without a valid access pass.
- (iii) 09 February 2021 - One case against Mr A.R.S. for the offence of bringing a motor vehicle into a Port restricted area without a valid access pass.
- (iv) 18 March 2021 - One case against Mr L.J.R. for the offence of entering a Port restricted area without a valid access pass.
- (v) 22 March 2021 - One case against Mrs B.M.L.V.C. for the offence of entering a Port restricted area without a valid access pass.
- (vi) 09 April 2021 - One case against Mr L.W.K. for the offence of entering a Port restricted area without a valid access pass.
- (vii) 12 April 2021 - One case against Mr J.J.E. for the offence of entering a Port restricted area without a valid access pass.

I am further informed by the Commissioner of Police that in accordance with Standing Orders 131, on completion of Police enquiries into cases, an Officer of the rank of Assistant Superintendent of Police and above, may refer the case for prosecution before the Court. However, in high profile cases, it is normal practice for Police to seek the advice of the Director of Public Prosecutions.

Out of these nine cases, three persons have been fined each for an amount of Rs500 plus costs in three cases. Four other cases have been struck out by the Court.

The remaining two cases relate to the hon. M.E.J. As the House is aware, in my reply to Parliamentary Questions B/376 and B/1074 at our Sitting on 18 May 2021 and 18 July 2023 respectively, I informed that on 05 January 2021, hon. M.E.J. entered with his car, into the premises of the SSR Container Terminal which is a restricted area of the Port, as specified in the Schedule of the Restricted Areas (Port Area) Order 1994, without being in possession of a valid access pass.

Mr Speaker, Sir, the SSR Container Terminal is a multi-purpose facility where cement, black oil, coal, vehicles, general cargo, containers and interisland cargoes are handled. Access to these operational areas by unauthorised persons represents a serious security threat.

In fact, these two cases had been reported by the Port Police for offences in breach of Regulations 226(1) (a) and (b) and 252(1) of the Port (Operations and Safety) Regulations 2005. The offences were –

- (i) entering Port Restricted Area without a valid access pass, and
- (ii) bringing motor vehicle into Port Restricted Area without a valid access pass.

Regulation 226(1)(a)(b) of the Port (Operations and Safety) Regulations 2005 which stipulates that, and I quote –

“No person shall –

- (a) subject to paragraph (2), enter, or remain in, any part of port premises unless he is in possession of a valid pass issued by the Authority or, in respect of access to any part of the port premises under the control of its licensed operator, by the licensed operator; and
- (b) bring any vehicle into port premises unless he is in possession of a valid pass issued by the Authority with respect to the vehicle.”

I quote Regulation 252(1) which stipulates that –

“subject to subsection (2), any person who does an act which is prohibited by these regulations or omits or fails or neglects to do an act which he is required to do by these regulations or fails or neglects to comply with any lawful order, direction or instruction issued by or on behalf of the Port Master or the Authority under these regulations, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5000 rupees and to imprisonment for a term not exceeding 12 months”.

Mr Speaker, Sir, in this context, upon completion of the enquiry into these offences, the case file was submitted to the Director of Public Prosecutions with suggestion for prosecution against the hon. Member. However, on 23 June 2023, the Director of Public Prosecutions had advised no further action in this matter.

Mr Speaker, Sir, I am informed that security measures in place in the Port includes –

- (i) high security fencing to secure the restricted areas;
- (ii) regular patrols in the Port area, and
- (iii) regular crackdown operations and checks in collaboration with the Mauritius Revenue Authority, the Police, the Mauritius Ports Authority and other stakeholders.

Additional measures have been taken to further reinforce security as follows –

- (i) a new CCTV Camera System comprising 408 cameras, is now operational to ensure surveillance over the Port area;
- (ii) an intruder alarm system has also been installed in November 2023 at strategic areas to detect any illegal intrusion;
- (iii) additional fencing has been erected and razor blade fixed in November 2023 along the shore side at Mauritius Container Terminal, and
- (iv) access to the Terminal is jointly controlled by the Police and the Cargo Handling Corporation Limited.

Furthermore, a new access control system will be operational by early next year.

Mr Speaker, Sir, given that the Port area is a security restricted area, entering such a restricted area without a valid authorisation is considered as a very serious offence which warrants exemplary sanction. Nobody has the right to go against the laws of the land. That is the sacrosanct principle that should govern our actions at all times.

Ms Tour: Thank you, Mr Speaker, Sir. Can the hon. Prime Minister state whether there are official evidences that hon. M. E. J. breached the law by entering the Port restricted area without a valid access pass?

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that on 05 January 2021 at about 11.15 hrs, following a viewing of the video footage at Cargo Handling Corporation, CCTV Room by two Police Officers, posted at the Port Police Station, on the instruction of a Superintendent of Police, also posted at that same Station, it was confirmed that car bearing registration number JE 602 had access to the new quay gate of Sir Seewoosagur Ramgoolam Terminal at 10.45 hrs and drove towards Quay No. 3, near Cargo Handling Corporation. It remained there for about three minutes and then drove towards the exit gate at 10.52 hrs. The driver of the car, hon. M. E. J., had failed to stop at both the entrance and the exit gates for control purposes. One of the Police Officers also enquired from the Mauritius Ports Authority and learned that neither the car nor its driver were issued with the required access pass to enter that Port area or any other such restricted area on that day.

I am further informed by the Commissioner of Police that the concerned Superintendent of Police corroborated the version of the Police Officers. He also pointed out that on the material day, hon. M. E. J. called at the Port Police Headquarters with an unknown lady and a young male person and drew attention that he had access in the Port restricted area at SSR Terminal with his car JE 602 without being subjected to control at the gate. However, the Police Inspector present at that moment warned hon. M. E. J. that it was an offence to enter the Port restricted area without a valid access pass issued by the MPA and also about a sign post at the entrance gate, laying emphasis on restricted access, which hon. M. E. J. acknowledged.

I am also informed by the Commissioner of Police that a Police Officer who was earlier on extra-duty at the pedestrian gate of new quay terminal saw the car JE 602 parked alongside Chaussée Tromelin Street near Port Police Station. He stopped at the level of the driver and questioned him of the reason of entry at new gate terminal and whether he has been issued with an access pass. The driver replied the following, and I quote –

“Mo mem deputé Eshan Juman. Mo fine rent dan le port pu chek securiter. Persone pa finn aret mwa.”

That Police Officer informed hon. M. E. J. about the offence to enter the Port Terminal without an access pass, to which hon. M. E. J. replied, and I quote –

“Mo mem mo finn vine la pu guet ou sef pu fer mo declarasion.”

Mr Speaker, Sir, it is abundantly clear from the information communicated to me that hon. M. E. J. had committed an offence, which he acknowledged, and that there are official evidences that he breached the law.

Now, there is more than that. These are official, but when I look at what he has stated in his Facebook post, dated 05 January 2021, and I quote, Mr Speaker, Sir –

« Il ne m'a fallu que cinq minutes entre 11 h et 11 h 07 en ce matin du 5 janvier 2021 pour entrer au port jusqu'à la rade où un navire débarquait du charbon sans que la sécurité ne m'arrête. Sachant que je m'exposais à des poursuites - Sachant que je m'exposais à des poursuites ! -, j'ai quand même pris le risque de m'y rendre sans aucun pass. Je suis conscient que j'ai commis une infraction et je suis prêt d'en assumer les conséquences. »

And not only that, Mr Speaker, Sir. He even had the guts to send an audio recording to the Director of a private radio – I won't mention the name – on 05 January whereby he made a statement pertaining to the security aspect at the Port, and again, he confessed that he unlawfully entered a restricted Port area. Such confessions of hon. M. E. J. are, in fact, I would say in defiance of the relevant laws of Mauritius. It is also in defiance of the authorities and institutions of this country. Yet, it has been decided that there would be no prosecution against him. So, I leave it to the population to make its own judgement.

Mr Toussaint: *Mari independan sa!*

Ms Tour: Can the hon. Prime Minister state whether hon. M. E. J. publicly confessed that he committed an offence by entering a Port restricted area illegally?

(Interruptions)

An hon. Member: *Li pa ekout reponse! Li pan kompren nanyen ! Pravind ine répone!*

An hon. Member: *Louis Vuitton! Rane ce kine kokin avan. Rane sac a main!*

The Prime Minister: Mr Speaker, Sir, in fact, when I look at the case file, all the evidence - I say all, and I am speaking as a lawyer - are not only damning; all of them go in one direction.

Mr Juman: That's why he wants to dump the DPP...

The Prime Minister: There is absolutely no contradiction from Police Officers and other witnesses, and let me say, Mr Speaker, Sir, in my answer, I said during that period, all the cases were referred to the court; all the cases were prosecuted except for only one, hon. Juman.

Mr Juman: Am I so powerful?

Dr. Boolell: You are casting...

Mr Juman: Am I so powerful?

Dr. Boolell: You are casting aspersion. You should say it outside...

Mr Speaker: Hon. Ittoo!

The Prime Minister: *Ki cast aspersion do bourik!*

(Interruptions)

Aler do! I am stating the facts! This hon. Dr. Boolell does not know anything about how I state the facts!

(Interruptions)

Mr Speaker: Order!

The Prime Minister: I am stating the facts!

Mr Speaker: Order! Hon. Dr. Boolell!

The Prime Minister: Where is the aspersion?

Mr Speaker: You are not hon. E. J.! Hon. Satcam Boolell!

Hon. Ittoo!

The Prime Minister: Hon. Juman has accepted, has confessed! You are saying aspersion? *Ale aprane la loi do bourik!*

Mr Speaker: Hon. Ittoo!

Mr Ittoo: Thank you, Mr Speaker, Sir.

(Interruptions)

The Prime Minister: *Montrer li impe!*

Mr Ittoo: The hon. Prime Minister mentioned in his reply that over the year, there were nine cases of illegal access in the Port area, out of which seven were prosecuted and fined. Can the hon. Prime Minister react on the fact that two of these cases, of course, committed by hon. M. E. J., have not been prosecuted, and does he find this to be normal? Thank you.

Mr Armance: React?

The Prime Minister: I have elaborated and said in my answer to the supplementary question. But let me say another thing, Mr Speaker, Sir. I believe that all

the citizens of the Republic of Mauritius are equal when it comes to applying the laws of the land. Let me also say that it is with regret that I see, in past cases, especially concerning politicians, that the DPP has been issuing communiqués to explain its decision in relation to politicians and other accused parties.

For example, we all know that in the Medpoint Hospital case where I was targeted, the DPP issued a communiqué on 14 March 2014 to explain his decision to prosecute in the public interest. There was also a second communiqué with regard to my case dated 08 June 2016 stating as to why the DPP was appealing against a judgment of the Supreme Court to the Privy Council. We all know what happened afterwards.

Another example is the case of *STC vs. Betamax* where the Office of the DPP issued a communiqué on 04 June 2019 to state the reason why the DPP is not going ahead with any prosecution against, amongst others, Dr. Navinchandra Ramgoolam and Anil Kumar Bachoo. There is another case, namely *Police vs. Dr. Navinchandra Ramgoolam* and two others, where the Office of the DPP issued a communiqué on 27 September 2019 to inform that it advised no further action.

There are other communiqués, Mr Speaker, Sir; I have a whole list of communiqués that have been issued by the DPP in relation to its decision regarding other politicians and other accused parties. But, in this case, when the case file was referred to the Office of the DPP on 12 May 2022, the advice that was tendered on 23 June 2023, more than one year later, was a mere ‘no further action.’ That’s it!

Mr Speaker: The Table has been advised that PQ B/1708, B/1710, B/1712, B/1713, B/1714, B/1716, B/1717 and B/1718 have been withdrawn.

We now move to the next item. Questions to other Ministers! I will now call hon. Armance.

RESIDENCE RICHELIEU – DRAINS

(No. B/1719) Mr P. Armance (Third Member for GRNW & Port Louis West) asked the Minister of National Infrastructure and Community Development whether, in regard to the construction of drains at Residence Richelieu, he will, for the benefit of the House, obtain from the Land Drainage Authority, information as to where matters stand.

Mr Hurreeram: Mr Speaker, Sir, in my reply to PQ B/550 at the Sitting of 10 May 2022, I mentioned that the Detailed Design Report for the drain project at Residence Richelieu was just received from the Consultant and was being examined by the Engineers of the NDU of my Ministry.

Mr Speaker, Sir, at that same time, Residence Richelieu was also identified as one of the localities where Government would implement its visionary project regarding the construction of 12,000 residential housing units.

The NDU, therefore, had to stay action on the implementation of the drain project until the design concept of the housing units was finalised. In this respect, a coordinated action was initiated to bring in the several developments in that region in harmony with each other, particularly to, as far as practicable, avoid any abortive works.

I am informed that the New Social Living Development Unit Ltd. is currently implementing the housing project and the construction works have already started.

In the light of these developments, the NDU, on its part, reviewed the design of the drain project initially recommended by the Consultant.

However, in view of the extensive land acquisition required and given the complexity of the project itself, the Land Drainage Authority has entrusted the implementation, in two phases, to the Drains Construction Infrastructure Ltd.

Mr Speaker, Sir, I am informed that the current status of the project is as follows –

- (i) Phase 1: This phase is located downstream the metro line. The draft bidding document for this phase is being prepared and once finalised, a bidding exercise will be carried out. Concurrently, the procedures for land acquisition are being initiated, and
- (ii) Phase 2: This phase is found upstream the metro line. A Consultant is being appointed for the design of this phase of the project.

Thank you.

Mr Armance: Can the hon. Minister give us the timeframe for phase 1 and phase 2 and when he intends to implement it?

Mr Hurreeram: Mr Speaker, Sir, as I said, the draft bidding document is ready. We are now in process of the bidding exercise which should last a maximum of two months. Then, for phase 2, the design is being done currently.

Mr Armance: Is the Minister aware that we are approaching the heavy rain season and many places in Richelieu suffer from flood prone areas? Can he, at least, find a temporary solution by diverting the existing drains so that these people stop suffering from flooding?

Mr Hurreeram: Mr Speaker, Sir, it is not only Richelieu; in fact, the world itself is suffering from the effect of climate change today. There is a lot of work being done all around the country. In fact, in Richelieu, there have been a few mitigating measures that have been taken, but this will not do the job. As I said, this is public fund, we want to avoid abortive work and we need to have a holistic approach to this issue. So, as I said, in two months' time, we should have a contractor on site and the work will start.

Mr Speaker: Hon. Doolub!

NEW OPHTHALMOLOGY HOSPITAL – CONSTRUCTION

(No. B/1720) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Health and Wellness whether, in regard to the construction of the new ophthalmology hospital in Réduit, he will state the expected completion date thereof.

Dr. Jagutpal: Mr Speaker, Sir, the existing Subramania Bharati, Eye Hospital, constructed some 75 years back, is presently accommodated in a building at Moka, which is not amenable to any upgrading/renovation and expansion work for further development.

The site is small, the immediate vicinity is highly dense and the access road is narrow. Bed capacity is limited to 68. Around 200,000 visits for patients suffering from eye problems all over the island are seen by doctors yearly at the hospital.

Around 8,000 cases of cataract surgeries and other specialised ophthalmology treatment are being provided annually and this figure is expected to increase in forthcoming years mainly due to our ageing and Non-Communicable Diseases.

Mr Speaker Sir, in light of the predicament of the existing Subramania Eye Hospital, my Ministry embarked on the construction of a new state-of-the-art Eye Care Hospital on a plot of land of an extent of 7 acres at Réduit Triangle, near ICAC Headquarters.

The main objectives of the project are to –

- (i) improve efficiency in the delivery of health care services;
- (ii) make the new Eye Hospital a regional centre of excellence;
- (iii) provide comprehensive eye care to patients under a single roof, and
- (iv) reduce waiting time for eye surgeries.

Mr Speaker, Sir, the contract for the construction of the New Eye Care Hospital in Mauritius was awarded to Varindera Constructions Limited on 18 July 2022. The project duration is around 18 calendar months and the contract value is approximately Rs714.7m.

The project is funded under a Grant Agreement from Abu Dhabi Fund for Development in February 2019. Hospital Services Consultancy Corporation Limited has been appointed as Consultant on this project.

Mr Speaker, Sir, as at date, the physical progress of work is around 37% and is expected to be completed by end of 2024.

Mr Doolub: Thank you, Mr Speaker, Sir. Can the hon. Minister provide details pertaining to the scope of works of the New Ophthalmology Hospital?

Dr. Jagutpal: Mr Speaker, Sir, the building has a basement and six floors in the building with the basement accommodating services like laundry, kitchen.

The ground floor: emergency department, diagnostic and minor operating theatre. The 1st floor: the diagnostic and outpatient departments. The 2nd to 4th floors: 117 inpatient beds, fifth floor with four operating theatres and six ICUS, and sixth floor and two Procedures Room, and of course, the top floor being the administration.

Mr Speaker: Hon. Quirin!

PARIS PARALYMPIC GAMES 2024 – PARA-ATHLETE R. M. – HIGH PERFORMANCE WHEELCHAIR

(No. B/1721) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to Para-Athlete R. M. who has qualified for the Paris Paralympic Games 2024, he will state if his Ministry will provide him with an adequate high performance wheelchair in view of his preparation and participation in the said Games and, if so, give details thereof and, if not, why not.

Mr Toussaint: Mr Speaker, Sir, with your permission, I would like to seize this opportunity to congratulate all our athletes and para-athletes who have so far qualified for the Paris Olympic and Paralympic Games.

Mr Speaker, Sir, I am informed that the Mauritius Paralympic Committee submitted a request to my Ministry on 3 October 2023 seeking financial assistance for para-athlete, R.M. to acquire a racing wheelchair. My Ministry subsequently asked the Mauritius Paralympic Committee some clarifications in order to process the request.

I wish to inform the House that in a recent email dated 7 December 2023, the Mauritius Paralympic Committee apprised my Ministry that necessary funds were successfully raised for the purchase of the racing wheelchair in favour of para-athlete R.M.

Thank you.

Mr Quirin: M. le président, je peux comprendre que la fédération en question a adressé sa requête officielle à l'honorable ministre le 3 octobre de cette année, mais, dans un passé récent, l'athlète en question, Roberto Michel, a affirmé que cela fait trois années depuis qu'il a fait une demande, je suppose verbalement, au ministre ou à quelqu'un de son ministère afin qu'on lui procure un fauteuil adéquat pour ses entraînements, ainsi pour qu'il puisse participer à ces compétitions. Donc, peut-on savoir depuis trois années, pourquoi le ministère des Sports n'a pas accédé à la requête de Roberto Michel et qu'il a fallu qu'un *crowd funding* soit organisé afin qu'il puisse finalement se procurer d'un fauteuil roulant adéquat et digne de ce nom ?

Mr Toussaint: M. le président, je ne mets pas en doute ce que l'honorable membre a dit, ni ce que probablement l'athlète aurait dit, mais comme je l'ai dit dans ma réponse, toute demande, toute requête doit se faire par les fédérations ou ici, dans ce cas par le *Mauritius Paralympic Committee* en écrit. Les fédérations sont au courant qu'à chaque début d'année, il y a des rencontres avec les officiers de mon ministère et il y a des demandes spécifiques sur des formulaires spécifiques en ce qu'il s'agit de *training camp*, compétition ou équipement. Malheureusement, tant qu'il n'y a pas eu une requête écrite et formelle, le ministère ne peut procéder. Donc là, la requête est arrivée que le 3 octobre et nous allons aller de l'avant pour faire le nécessaire. Entre temps, bon, il y a eu une générosité de la part du public, du privé. On remercie tout le monde d'avoir contribué et que Roberto pourra maintenant acheter son fauteuil.

Mr Speaker: Question sufficiently canvassed! I move to next question. Hon. Woochit!

Mr Woochit: B/1723!

Dr. Boolell: You skipped my question!

Mr Speaker: Yes, hon. Dr. Boolell.

SUGARCANE HARVEST SEASON – PLANTERS ASSISTANCE – MEASURES

(No. B/1722) **Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes)** asked the Minister of Agro-Industry and Food Security whether, in regard to sugar cane,

he will state the measures being envisaged to assist planters to complete the harvesting thereof for the current crop season, giving details thereof.

Mr Hurdoyal: Mr Speaker, Sir, I am informed by the Mauritius Cane Industry Authority (MCIA) that Crop 2023 started on 3 July 2023 and as at date, some 89.14%, representing 2,130,345 tons of cane have already been harvested island wide as compared to 2,256,860 tons for Crop 2022.

I am further informed that based on figures available and taking into consideration existing constraints and force majeure in the sector such as climate change, massive cane fire, factory breakdown, shortage of labour, transport logistics and mechanised harvest, it is expected that the remaining 10.86% would be harvested by the third week of December 2023.

Mr Speaker, Sir, no major problem has so far been noted for Crop 2023. The MCIA through its respective departments, namely the Farmers Service Agency (FSA), Control and Arbitration Department (CAD), Mauritius Sugarcane Industry Research Institute (MSIRI) and Agricultural Mechanisation Unit (AMU) has been holding regular harvest monitoring committees with representatives from millers and planters since the beginning of harvest 2023 to take stock of the progress of the harvest and to address any arising difficulties.

In this context, the MCIA has been providing assistance to the small planters and metayers' community as follows –

- (a) Allocation of additional lorries in several regions across the island;
- (b) Introduction of mechanical loading to facilitate loading in regions such as Mare Chicose and Anse Jonchée;
- (c) Organisation of mechanised harvest to address the problem of shortage of labour is being undertaken in collaboration with the Mauritius Cooperative Agricultural Federation Ltd (MCAF). It is to be noted that in 2021, a total of 5,350 tons of cane had been harvested mechanically as compared to 10,701 tons for Crop 2023. Government, through MCAF, is in the process of procuring two additional harvestors adapted to local small planters field;
- (d) Planters have been encouraged to use and adopt side loaders in certain new localities such as Britannia and contracting services have been extended in several regions across the island, and

- (e) the extension of contracting services are being provided by private mechanical can harvester.

Mr Speaker, Sir, with a view to addressing the problem of shortage of labour in the agricultural sector, Government will have recourse to foreign labour through job contractors as announced in Budget 2023-2024. I am informed that the process is under way for the recruitment of job contractors.

Lastly, I wish to inform the House that the cane productivity per hectare, as at date for Crop 2023, is 21.1% as compared to 57.7% for Crop 2022.

Dr. Boolell: I thank the hon. Minister for his prompt and quite extensive reply. Now, in relation to the two mechanical harvestors, will the Minister be able to tell us when will these be acquired and whether he can also give guarantee that there will be less cane in the field for this crop year?

Mr Hurdoyal: Yes, as I already mentioned in my reply, Mr Speaker, Sir, we are left with only 10.86% for harvest. As I said, the MCAF is already in the process of procuring two additional harvestors.

I think we are going to have it latest by next year. Maybe this will help to harvest a bit quicker as we are actually facing difficulties, as I mentioned earlier, due to climate change and several other factors.

Dr. Boolell: I know the hon. Minister listed a number of measures being taken. Will he be able to tell us in more concrete terms as to what is being done, in a meaningful and effective manner, to rehabilitate sugarcane fields which are being abandoned?

Mr Hurdoyal: Well, it is one of our priorities as a Government. Actually, Mr Speaker, Sir, we have around 10,000 hectares which are abandoned and we have already acquired machinery like bulldozer to expedite the request from planters to mechanise their field. I can say that up till now, we have 631 hectares signed under Agricultural Land Management System. There are about 250 hectares which will be planted in crop season. So, provision is being made for cane sets for cane replantation. So, I think that abandoned land is being tackled and as from next crop season, we are going to have less abandoned land.

Mr Speaker: Hon. Wochit!

SSRN HOSPITAL – PARKING FACILITIES

(No. B/1723) **Mr R. Wochit (Third Member for Pamplemousses & Triolet)** asked the Minister of Health and Wellness whether, in regard to the Sir Seewoosagur

Ramgoolam National Hospital, he will state the actions taken to address the inadequate parking facilities thereat.

Dr. Jagutpal: Mr Speaker, Sir, I am informed that at Sir Seewoosagur Ramgoolam National Hospital parking facilities are provided to patients, visitors, ambulances, Government vehicles and staff within the hospital premises.

Over the years, a number of projects have been implemented to create additional parking facilities at the hospital, and in addition to the parking space behind the SBM Branch, located in the premises of the hospital, other sites were upgraded to facilitate patients and visitors attending the hospital.

In order to address the inadequate parking facilities at SSRN Hospital, recently, my Ministry has taken the following actions –

1. In May 2023 a project consisting of tarring works was implemented by MNICD, following which around 40 additional parking spaces were made available.
2. The green area near the mortuary was also upgraded so that the public may use the space as parking.
3. 30 more parking slots were also created at the back of the wards to facilitate movement of patients to the chemotherapy units and other wards.
4. A request was sent to Polytechnics Mauritius to put at the disposal of SSRN Hospital part of their parking slot. However, the request was not acceded as Polytechnics Pamplemousses is operating in full capacity.

Mr Speaker, Sir, to further address the issue of inadequate parking facilities at SSRN Hospital, my Ministry is in the process of having consultations with relevant authorities to seek additional parking plots and new projects.

Mr Woochit: Are there any budgetary allocations or plans to allocate funds specifically dedicated to improve and expanding the parking facilities?

Dr. Jagutpal: Mr Speaker, Sir, in fact, we should say that due to the good economic progress of the country, everyone is coming by car to the hospital, from attendants to specialists and administrators. So, there are more than 1,000 staff working at the hospital and to make parking available for everybody – even patients coming to the Out-Patient Department are coming by car to the hospital –, it is very tight to provide parking for everybody. At the same time, I believe the hon. Member knows very well that the Government will continue with the project of extending the metro to the north.

Obviously, this will facilitate people to use the metro to come to the hospital and also, to a big extent, this will reduce the need for more parking facilities.

Mr Speaker: Hon. Ameer Meea!

**PUBLIC HEALTH INSTITUTIONS – SECURITY SERVICES – CONTRACTS
AWARDED**

(No. B/1724) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to security services in public health institutions, he will state the name of the companies having been currently awarded the contract therefor, indicating the –

- (a) contract value, and
- (b) terms and conditions thereof.

Dr. Jagutpal: Mr Speaker, Sir, with regard to part (a) of the question, contracts effective from 01 July 2021, were awarded through Central Procurement Board procedures. RSL Security Services Ltd. secured contracts for Regions 1, 2, and 3 with a contract value of Rs42.6 m. for year 1 and Rs44.3 m. for year 2.

Top Security Service Ltd. was awarded the contract for Region 4, amounting to Rs14.6 m. yearly for both year 1 and year 2. Edmond Security Services secured a contract for Region 5 with a yearly value of Rs20.5 m. for both year 1 and year 2. Initially, these contracts were for one year and were renewable for an additional year based on satisfactory service.

As at 30 June 2023, with the expiration of all contracts and awaiting new contracts to be awarded, extensions on a monthly basis were granted for all existing contracts, under the same terms and conditions, except for Region 2 due to reported poor performance. A bidding exercise for Region 2 resulted in the contract being awarded to Top Security Service Ltd. with a monthly contract price of Rs2.5 m. valid until the completion of the Central Procurement Board's procurement exercise.

I have been informed that, as of the current date, the evaluation of bids has been completed at the Central Procurement Board and necessary actions have been initiated for the submission of papers to the Board for approval, to be followed by the award of the contract.

In reply to part (b) of the question, payments were made based on monthly returns submitted by the hospital following the monitoring criteria outlined in the contract. Monthly deductions, as per penalty clauses, were applied.

I am hereby presenting the Terms and Conditions of the contract for Security Services –

- General Duties of Security Personnel: the Security Service is tasked with protecting the assets identified in the bid document from incidents of fire, theft, trespass, intrusion, vandalism, and property damage, and/or any other incidents that may result in a breach of security service. Typical duties include general guarding, frequent patrols in the compound, entry and access control, preventing unauthorised access to premises and controlling the identity of visitors.
- Other duties encompass submitting daily operating reports, recording movements of incoming and outgoing vehicles, directing visitors to offices/wards/units, checking vehicles in the presence of drivers, and securing internal and external doors, windows, openings, gates, padlocks and other property in the compound.
- Guards are also responsible for performing random checks on persons/vehicles leaving the compound in case of high suspicion, answering telephone or radio calls, safekeeping of keys, informing promptly in case of fire or flooding, reporting any abnormal occurrence to the Hospital Administrators, preventing access to hawkers in the hospital premises, not allowing deliveries without the consent of the Officer in Charge, scrutinising all areas of operation for oddities, checking perimeter fencing regularly, ensuring compliance with no-smoking policies and performing any other duty related to security as directed.
- Penalties: penalties include late attendance, failure to sign the attendance register on arrivals and/or departure, no proper handover after the shift, absenteeism from the post without replacement, leaving earlier without replacement, leaving the site unattended, tampering with the attendance book, vandalism/tampering with existing facilities, assets and equipment or services on the premises, drinking alcoholic drinks on or prior to the assumption of duty, smoking on-site and misconduct or inconsiderate behaviour.

Mr Ameer Meea: Thank you, Mr Speaker. Security Services in Public Health Institutions have been severely criticised by the Director of Audit in his last Audit Report as at 30 June 2022. Therefore, can I ask the hon. Minister, despite the poor performance of Contractor A since 2015 as mentioned in its report, why did the Ministry opted for a

month to month renewal of the contract for six years until 2021 and when tender was re-launched, still the same contractor won the award by 51% of the chunk of the contract value up to now?

Dr. Jagutpal: Mr Speaker, Sir, I stated it in my reply. The conditions for bidding exercise, for reporting what the security services haven't performed, it's all under the Central Procurement Board to decide when and how to allocate contracts. So, this is not under the purview of the Ministry because these contracts are dealt at the Central Procurement Board.

Mr Speaker: So, we move to the next question!

Mr Ameer Meea: Mr Speaker, Sir, I have not finished!

Mr Speaker: Whether you finish, not finish, you may have 50 questions...

Mr Ameer Meea: I have only two!

Mr Speaker: Please! You don't have two questions! My point...

Mr Ameer Meea: I have!

Mr Speaker: No, you don't! Show me your book where you have two questions! Show me your Standing Orders! This is a copy of the Standing Orders. Show me where you have two questions!

Mr Ameer Meea: In the Standing Orders, it says it should be properly canvassed!

Mr Speaker: I have ruled!

Mr Ameer Meea: Is it properly canvassed?

Mr Speaker: I have ruled! The Minister has replied extensively...

Mr Ameer Meea: Why is it...

Mr Speaker: Don't argue with me! Don't argue! I am talking to the House!

Mrs Navare-Marie: You don't know...

Mr Speaker: The House should know that the Minister has canvassed this question extensively. It's my right.

Mrs Navare-Marie: You don't even know the Standing Orders.

Mr Speaker: My right is we put a hold! Next question!

Mr Ameer Meea: *2 questions pa kapav...*

Mrs Navare-Marie: *Li pa kone Standing Orders!*

BUDGET 2023-2024 - WORKPLACE - CHILDCARE FACILITIES

(No. B/1725) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Minister of Finance, Economic Planning and Development whether, in regard to the budgetary measure announced in the Budget Speech of 2023-2024 to make it compulsory for all companies with more than 250 employees to provide the necessary childcare facilities in the workplace, he will state where matters stand.

Dr. Padayachy: M. le président, la *Workers' Rights Act* a été modifiée par la Loi de Finances 2023 pour exiger qu'un employeur employant plus de 250 travailleurs fournisse gratuitement aux travailleurs des installations de garde d'enfants soit dans les locaux du lieu de travail soit à une distance d'un kilomètre du lieu de travail. Cette facilité qui a pour but de faciliter la vie des parents actifs et encourager la présence des femmes sur le marché du travail s'applique aux enfants âgés de moins de trois ans.

D'après les informations fournies par la *MRA*, 180 entreprises comptant 250 travailleurs ou plus sont concernées par cette mesure. Toutefois un certain nombre de questions opérationnelles doit être abordé pour une mise en œuvre harmonieuse de cette mesure. Étant donné que ces questions sont transversales et impliquent plusieurs parties prenantes, un comité de coordination a été mis en place au niveau de mon ministère. Composé de représentants du ministère du travail, du développement des ressources humaines et de la formation du ministère de l'égalité des genres et du bien-être familial et du secteur privé, il a pour objectif d'examiner ces questions et de formuler les recommandations appropriées.

M. le président, les questions qui ont été identifiées à ce stade et qui doivent être traitées sont notamment les suivantes –

- s'assurer que toutes les crèches soient conformes aux normes et standards prescrits;
- réaliser un exercice de cartographie afin d'avoir une meilleure visibilité sur les crèches enregistrées disponibles dans les régions où les entreprises concernées sont implantées;
- s'accorder sur la préparation et la publication de lignes directrices, informatives, sur les procédures de mise en place et d'exploitation de crèches ou de garderies sur le lieu de travail ou à proximité de celui-ci, et
- définir le traitement des entreprises ayant plusieurs sites d'activités, les crèches les plus proches étant situées à plus d'un kilomètre, les entreprises ayant des équipes de nuits et autres.

D'ici janvier 2024, le ministère va statuer sur ces sujets pour la mise en place de cette mesure budgétaire. Merci, M. le président.

Ms Anquetil: Je vous remercie, M. le président. Étant donné que les besoins des bébés varient selon leur tranche d'âge comme l'a si bien dit le ministre, le ministre peut-il indiquer si la gestion de ces crèches sera confiée à des prestataires externes et qui assurera la supervision de ces structures et rassurez nous, M. le ministre, qu'il ne s'agira pas du ministère de l'Égalité du genre qui éprouve des difficultés à gérer son unique...

Mr Speaker: No, you can't! I stop you there! I stop you there! You can't do this demagogy in this House. This is doing politics with questions!

Mr Nuckcheddy: *Met li deor!*

Mr Speaker: You can't prevent a Minister from giving the responsibility to another Minister. This is something the Executive takes care of. You are from the Legislative! Stop there! I don't know if the Minister would reply to this question.

Ms Anquetil: J'ai une autre question, M. le président.

Mr Speaker: Make sure you have a good question! No demagogy; no politics!

Ms Anquetil: Je vous remercie, M. le président. Le ministre pourrait-il indiquer à la Chambre quelle logistique est prévue pour ces entreprises pour faciliter le transport des bébés par les parents utilisant les transports en commun pour se rendre au travail ?

Dr. Padayachy: M. le président, c'est pour cela que nous avons mis en place ce comité de coordination, pour se poser toutes les bonnes questions avant la mise en place de cette mesure. Très bonne question de la part de l'honorable membre, on va l'étudier et on va mettre en place les mesures appropriées pour l'implémentation de cette mesure.

Mr Speaker: Next question MP Dr. Gungapersad!

Ms Anquetil: M. le président...

Mr Speaker: No, don't do that! MP Dr. Gungapersad! You should be given the floor first!

**NATIONAL CERTIFICATE OF EDUCATION EXTENDED PROGRAMME
– SUCCESS RATE**

(No. B/1726) Dr. M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to the 72 students who successfully completed their

National Certificate of Education Extended Programme in 2022 and promoted in Grade 10 in January 2023, she will state the percentage pass rate thereof subject-wise.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, I wish to inform the House that the 72 students of Extended Programme who were promoted to Grade 10 in 2023, are being closely followed and provided with required support to help them in their studies.

Mr Speaker, Sir, however, I firmly believe that it would not be ethical nor proper for the Ministry to request for individual results of students from the schools and disclosing information about the progress of these students in the Assembly making it public which would be tantamount to stigmatising them. The perception of them being considered as weak students is damaging to their self-esteem as well as their educational progress.

Mr Speaker, Sir, the House may rest assured that the follow-up is being done and measures deemed appropriate are being taken where necessary.

Dr. Gungapersad: Thank you, Mr Speaker, Sir. We congratulate those students who have succeeded and moved to Grade 10 and since your Ministry must be doing a very close monitoring, hon. Minister, may I ask you how many of them have successfully completed their Grade 10 to move to Grade 11 in January 2024?

Mrs Dookun-Luchoomun: Mr Speaker, Sir, I have just mentioned in my reply that I do not consider it to be proper for the Ministry to request for individual results of students from Grade 10 to Grade 11. Well, it should be stopped, Mr Speaker, Sir. Shall we carry on this way? I do believe that the quality assurance department of the Ministry and that of the PSEA are doing the follow-up.

Mr Speaker: Sufficiently canvassed! I move to the next question!

CULTURAL EVENTS CANCELLATION – PROMOTERS’ CONSTRAINTS – ACTIONS TAKEN

(No. B/1727) Mr N. Bodha (Second Member for Vacoas & Floréal) asked the Minister of Arts and Cultural Heritage whether, in regard to the organisation of cultural events, mainly musical concerts with local and international artists, he will state if he is aware of major constraints being faced by promoters following the cancellation of scheduled events recently and, if so indicate the actions envisaged to address same.

Mr Teeluck: Mr Speaker, Sir, I wish to inform the House that further to a meeting held with the Professional Events Organisers on the 17 of July 2023, I was made aware of

major constraints being faced by them for the organisation of musical concerts. These constraints relate mainly to the following issues –

- (i) Delay in the obtention of various clearances and permits from various institutions prior to the holding of events as there are several types of clearances that need to be sought and obtained. These clearances are as follows –
 - a) Permit regarding venue to hold the event;
 - b) Clearance from the District or the Municipal Council;
 - c) Clearance from MASA;
 - d) Clearance from Mauritius Fire and Rescue Services;
 - e) Insurance cover for artist;
 - f) Clearance from Ministry of Health and Wellness for sound;
 - g) Clearance from Ministry of Environment Solid Waste Management and Climate Change, and lastly
 - h) Clearance from the Commission of Police.
- (ii) Other constraints mentioned by the representative of organisers also include the absence of a dedicated venue for the holding of outdoor live events involving local and international artists which can accommodate an audience varying in the range of 500 to 15,000 people.
- (iii) Also, the rental costs for the hiring of existing venues being on the very high side taking into account the other costs for the organisers such as logistics and marketing. And also, noise level limitations prescribed under the Environment Protection (Control of Noise) Regulation 2022 and the Environment Protection (Environmental Standards for Noise) Regulations 2022.

Mr Speaker, Sir, in light of the above, representations made by the event organisers, my Ministry held consultations with the Commissioner of Police, the Ministry of Health and Wellness, and the Ministry of Environment, Solid Waste Management and Climate Change. In a bid to providing a fast track service for obtention of permits and clearances, it has been proposed to set up a One Stop Shop for the examination and processing of applications for permits and clearances for the holding of concerts by event organisers. I wish to highlight that on 04 December 2023, a meeting was held under the

chair of the Prime Minister with all the concerned stakeholders and institutions to take stock of the situation. The Prime Minister instructed that a Technical Committee be set up to finalise the Terms of Reference of the One Stop Shop as well as to look into the representations by the community of artists and promoters.

This is the clear proof, Mr Speaker, Sir, that the creative sector, including the organisation of cultural events is being taken at the highest level and follow-up is being insured by the Technical Committee.

Mr Bodha: Thank you. May I ask the hon. Minister whether he is aware of the damage done to the reputation of Mauritius on the international scene as a venue for international artists after the cancellation of some of the events and may I ask him how many concerts were cancelled?

Mr Teeluck: Mr Speaker, Sir, I will, of course, not have this information about the number of concerts being cancelled. It is apposite to note that the Ministry of Arts and Cultural Heritage does not issue any clearances or permits for the holding of concerts. The list of those institutions concerned with organisation of concerts have been listed, so, I think it would be better, if the hon. Member wishes to have more information, to put a separate question so that I can come up with additional information on this matter.

Mr Speaker: You still have one?

Mr Bodha: Yes.

Mr Speaker: Go ahead!

Mr Bodha: In view of the fact that the livelihood of the artists is concerned, may I ask the hon. Minister whether his Ministry can facilitate the organisation of such concerts because, as I said, it is a question the international reputation of Mauritius as a venue for artists' participation in Mauritius?

Mr Teeluck: Of course, Mr Speaker, Sir. Not just the reputation of Mauritius, but also that livelihood of artists, and not just artists, but all those concerned with the creative sector. This is an ecosystem which is being spoken about ranging from artists on scene with all those who are concerned with the organisation behind the scene. So, we are very much concerned with the creative sector, and as I said, the Prime Minister himself has chaired a meeting with stakeholders to make sure that we expedite matters and come up in the first instance with this one-stop shop that would considerably *débloquer la situation actuelle et assurer que les organisateurs puissent organiser les événements culturels* with much ease and facility.

Mr Speaker: Hon. Osman Mahomed, absent. Hon. Mrs Navarre-Marie!

PROGRAMME D'ACCOMPAGNEMENT DES FAMILLES – STATUS

(No. B/1729) **Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West)** asked the Minister of Gender Equality and Family Welfare whether, in regard to the programme on *Accompagnement des familles* to educate couples on family matters, she will state where matters stand.

Mrs Koonjoo-Shah: Mr Speaker, Sir, paragraph 135 of the Government Programme 2020/2024 aims to consolidate the family unit and the family values as a fundamental pillar of our society. My Ministry accordingly introduced the Programme *d'Accompagnement des familles* in December 2020 to implement sustained programmes at community level with a view to reinforcing family ties through communication and conflict resolution techniques. This programme also aims to strengthen individuals and communities by enhancing family values, improving ethics and character education while at the same time equipping individuals with appropriate tools to enhance communication and improve human relationships.

So far, Mr Speaker, Sir, 150 participants have benefited from the programme which is carried out with the collaboration of an internationally recognised institution. It is envisaged to enlist 30 additional couples in the programme for the year 2023/2024.

Mr Speaker, Sir, I also wish to highlight that programmes of similar nature are also provided by my Ministry, for example, the Premarital Counselling Programme and Marriage Enrichment Programme which are conducted to achieve our Government's vision in consolidating the family unit and family values.

Furthermore, my Ministry is also implementing the Intergeneration Relationship Programme with an objective at building a strong relationship between children, parents and grandparents through communication and experience sharing. Thank you.

Mrs Navarre-Marie: Thank you. Will the hon. Minister provide a list of the venues where these *accompagnements* are taking place?

Mrs Koonjoo-Shah: I will be very happy to do so. As I have just mentioned in my first reply, Mr Speaker, Sir, we are looking at extending these programmes to more areas and districts across the island.

Mr Speaker: We move to next question! Hon. Dr. Aumeer!

ASBESTOS – REPORTED DISEASE CASES – TREATMENT & SUPPORT

(No. B/1730) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Wellness whether, in regard to asbestos, he will state the number of reported cases of diseases resulting therefrom, if any, over the past 8 years and, if so, indicate the –

- (a) treatment prescribed therefor, and
- (b) accompanying support, if any, available in public hospitals to those diagnosed therewith.

Dr. Jagutpal: Mr Speaker, Sir, I am informed that exposure to asbestos can lead to cases of pneumoconiosis with asbestosis, pleural plague with asbestosis, tuberculosis with asbestosis and mesothelioma (i.e. cancer which is often the result of excessive exposure to asbestos).

As per available records, there have been 10 diagnosed cases of suspected mesothelioma for the past 8 years, out of which nine cases were found in male patients and one in a female patient. Diagnosis is made on anatomical pathology results from biopsy conducted on patients. Moreover, an in-depth investigation is carried out to look for the risks of asbestos exposure.

Mr Speaker, Sir, in reply to part (a) of the question, asbestos can cause a number of serious diseases which are mostly pleuro-pulmonary. There is no treatment that can reverse the damage done by asbestos, but certain steps can help slow down progression of the disease and relieve symptoms, namely –

- a) avoiding further exposure to asbestos and other irritants such as cigarette smoke will help slow down the disease from progressing;
- b) chemotherapy in cases of cancer;
- c) oxygen therapy may be prescribed;
- d) pulmonary rehabilitation may be offered to help patients with chronic lung conditions maintain optimal activity levels, and
- e) in very severe situations, lung transplant may be recommended as an option.

Mr Speaker, Sir, in reply to part (b) of the question, any patient who has contracted a disease caused by exposure to asbestos will be referred to the Chest Clinic for palliative

care and support. On the other hand, cancer patients are referred to the Oncology Department.

Dr. Aumeer: Thank you. Can the hon. Minister confirm whether the Occupational Health Department of his Ministry has conducted a health risk assessment of certain public buildings as per the Addison Report, since very recently, there has been a case of an officer working in the Mauritius Police Force who has been working there for 25 years and has recently been diagnosed with cancer related to asbestos? Thank you.

Dr. Jagutpal: Mr Speaker, Sir, I do not think the mandate of the Occupational and Health Safety Officers is to conduct surveys, but I think that we have to do some kind of survey to find out whether there is a direct correlation between those who have been infected with asbestos and the building where they are working.

Dr. Aumeer: Thank you. Will his Ministry consider assisting the medical financial burden, especially of those recently diagnosed with asbestos-created cancer, particularly in the search and need for PET scan and additional chemotherapeutic drugs which are not available unfortunately in the public hospital?

Dr. Jagutpal: Mr Speaker, Sir, any patients who are attending the public hospital whenever the recommendation is that the treatment should be given in Mauritius or the drugs should be prescribed in Mauritius, the Government takes the responsibility of purchasing the drugs but it all depends upon the recommendation of the treating doctors. So, it is not correct to say that the drugs are not available. The Ministry always makes avail in case these drugs are needed to treat patients.

Mr Speaker: MP Ms Bérenger!

MARE CHICOSE LANDFILL –VERTICAL EXPANSION WORKS

(No. B/1731) Ms J. Bérenger (First Member for Vacoas & Floréal) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the proposed vertical expansion works at the Mare Chicose landfill, he will state if any study has been carried out thereinto and, if so, table copies thereof and, if not, why not.

Mr Ramano: Mr Speaker, Sir, the Solid Waste Management Division of my Ministry is responsible for the development and operation of the engineered sanitary landfill at Mare Chicose for the safe disposal of waste. The facility has been developed in a phased manner with the first cell, that is cell one which has been constructed and

operated as from 1997 and then extended in a phase manner into successive adjoining cells to reach a total area of about 50 hectares whereby more than 10 million tons of waste have been safely disposed of as at date.

Mr Speaker, Sir, with a view to avoiding a situation whereby there would have been no disposal capacity at the Mare Chicose landfill, entailing a collapse of the entire waste management system with dire consequences on human health and environment, it was decided to have recourse to vertical expansion works as no land was available for lateral expansion of the landfill.

Government approval to go ahead with the landfill vertical expansion project was obtained on 15 December 2017. In the meanwhile, short term measures were taken to optimise creation of void space at the landfill to avoid any disruption in waste disposal.

Mr Speaker, Sir, following Government approval, a consultancy contract for the design and preparation of bidding documents for vertical expansion works, leachate treatment plant and other measures for increasing disposal capacity of the Mare Chicose landfill and supervision of works and operations was awarded to COWI A/S in association with Luxconsult Mauritius Ltd. on 28 December 2018 for the contract sum of 942,281 Euros, and Rs15,996,180 excluding VAT. The consultancy contract explicitly included the preparation of a feasibility study for the vertical expansion works prior to the preparation of design and bidding documents for the works operations.

In December 2018, the contract for consultancy for the vertical expansion was awarded including the feasibility study. In February 2019, the consultant submitted the first report with different options and following discussion with officers of my Ministry, the consultant submitted the final report in July 2019. The report provided assurances on the capability of the existing landfill to undergo the expansion works and a conceptual design was accordingly prepared in the report.

Mr Speaker, Sir, furthermore, geotechnical investigations were conducted by the firm Water Research Co Ltd. on site from 14 June 2019 to 28 August 2019. Following these onsite investigations, testing of materials was undertaken in foreign laboratories in South Africa. The geotechnical report was submitted on 13 January 2020 whereby analysis of the soil test results indicated the need for ground improvement below the gabion wall foundation in view to improving bearing capacity at the base. The consultant recommended ground improvement in the form of rigid inclusions.

Mr Speaker, Sir, accordingly, a detailed design report for the vertical expansion works was submitted in June 2020 and took into consideration the feasibility report and

geotechnical investigations. It covered the different elements of the project ranging from the civil engineering works encompassing the slanted gabion wall with foundation improvement works, removal of existing landfill cover, laying of new covers, access roads, landfill gas works, leachate management works to operational aspects of the facility based on performance specifications and an indicated sequence of landfilling amongst others. The report was underpinned by the necessary design assumptions, calculations and geotechnical modelling.

Mr Speaker, Sir, moreover, my Ministry prepared an EIA to the project. The report highlighted all potential impacts of the vertical expansion works and mitigating measures were proposed thereat. Environmental aspects studied in the report included land use, surface water, ground water, onsite noise and vibration, air quality, ecology, traffic, socioeconomic as well as cultural aspects. The recommendations of the EIA was that the proposed vertical expansion of the landfill within the existing site was imperative as it was the only realistic and most environmentally beneficial waste disposal option available for the time being. It was also recommended that the terms and conditions of the contract for vertical expansion works and operation of the landfill include requirements for performing and monitoring the environmental and social protection measures as proposed in the report.

An EIA licence was issued by the Department of Environment on the above on 8 December 2021. All the reports and the designs for the proposed vertical expansion indicated that the Mare Chicose landfill will remain the sole site for disposal for an additional ten years or more.

Mr Speaker, Sir, to conclude, the vertical expansion of the Mare Chicose landfill development has emerged as a necessity to make up for the lack of disposal capacity for the coming years and also to ensure the transition towards a more sustainable waste management system where a circular economy will be given more prominence. My Ministry has scrupulously followed all the necessary procedures to ensure the preparation of a technically and environmentally sound vertical expansion project.

Mr Speaker, Sir, I am tabling a copy of the feasibility study report, the geotechnical investigation report and the detailed design report.

Ms J. Bérenger: Pour soulager le site de Mare Chicose qui est quasiment saturé comme le ministre a fait mention lui-même, peut-il nous dire quand est-ce que sera implémentée la collecte sélective du tri des déchets pour soulager davantage le site d'autant plus qu'on sait que 60 % des déchets qui vont à Mare Chicose sont des

déchets organiques qui pourraient être utilisés pour faire du compost et par la suite utilisés comme fertilisants dans les champs ? Merci.

Mr Ramano: Oui, M. le président. Donc, effectivement comme moi-même je l'ai dit dans cette auguste Assemblée, c'est qu'il est temps pour nous de passer de l'économie linéaire à l'économie circulaire. C'est dans cette optique que nous avons déjà construit trois déchetteries. Notamment, dans la région de La Chaumière, La Laura et aussi Poudre d'Or. Donc, là, nous sommes en pourparler pour la construction d'une autre déchetterie dans la région de Rose Belle.

M. le président, ces déchetteries seront construites dans l'optique principalement d'accueillir des déchets qui ne sont généralement pas ramassés par le service de la voirie des Collectivités locales, notamment les *District Councils* et aussi les différentes municipalités.

M. le président, je dois aussi ajouter que c'est le même optique de ce passage de l'économie linéaire à l'économie circulaire, mon ministère est en train d'évaluer, et là nous sommes en train de commencer les négociations avec les *prospective bidders* en ce qui concerne l'installation des *compost plants* et aussi les centres de tri.

L'honorable membre a parfaitement raison de dire que selon une étude de caractérisation qui a été faite il y a quelques années de cela, 50 à 60 % des déchets qui sont enfouis à Mare Chicose, ce sont des déchets compostables. Environ 24 % de ces déchets sont considérés comme des déchets recyclables ayant environ 14 % de déchets plastiques. Et là, je dois dire qu'avec les pourparlers qui sont en voie de finalisation, nous sommes très confiants que l'année prochaine nous serons en mesure de concrétiser ce projet qui nous tient à cœur, c'est-à-dire l'installation, la construction d'un centre de compostage et aussi d'un centre de tri de déchets secs.

Ms J. Bérenger: En réponse à la question B/1658 la semaine dernière, il avait été fait mention de rapports qui sont soumis sur une base régulière par le contracteur et les consultants chargés de la supervision de Mare Chicose. Le ministre, peut-il nous dire s'il pourrait faire le nécessaire pour que ces rapports soient publiés sur le site du ministère, plus précisément sous la section *Solid Waste Management Division*, s'il vous plaît ?

Mr Ramano: M. le président, donc, oui, effectivement, que ce soit en ce qui concerne le *environmental monitoring of groundwater, surface protection*, que ce soit aussi en ce qui concerne toute cette question de risque d'infiltration de *leachate* et aussi des risques éventuels de *fire outbreak*, je dois dire que pas mal de dispositions ont été prises, que ce soit par le contracteur, que ce soit aussi par le ministère. Oui, bien sûr, une

fois que les rapports seront mis à notre disposition, je vais m'assurer qu'un *updated report* soit mis à la disposition de l'Assemblée.

Mr Speaker: Hon. Abbas Mamode!

PUBLIC HOSPITALS – SPINE SURGERY – COMPARATIVE ANALYSIS

(No. B/1732) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, he will state if his Ministry has conducted a comparative analysis on spine surgery in public hospitals and, if so, indicate the outcome thereof.

Dr. Jagutpal: Mr Speaker, Sir, since August 2021, a Spine Unit has been officially inaugurated at Victoria Hospital to treat patients needing spine surgery in the Republic of Mauritius.

The Spine Unit, though being a relatively new specialised unit, provides an adequate modern infrastructure and clinical expertise to treat patients with complex spinal pathologies, including spinal trauma, spinal tumours, deformities, infections and degenerative spinal conditions and Scoliosis. It also makes use of advanced technology and is equipped with a Magnetic Resonance Imaging (MRI) and a Computed Tomography scan for enhanced specialised medical treatment.

Mr Speaker, Sir, as regards comparative analysis on spine surgery in Public Hospitals, the House may wish to note that the Spine Unit at Victoria Hospital operates as a referral centre whereby the majority of cases having complications are referred thereto. On average, some 150 spinal surgical procedures are carried out annually at Victoria Hospital. Moreover, complex spinal surgeries of Scoliosis can only be performed in the Spine Unit as facilities for such procedures are not available in private health institutions.

Mr Speaker, Sir, the House may also recall that previously, patients suffering from spinal pathologies were sent abroad, to India, so that they could undergo operations, which on average cost Government around Rs1.6 m. for deformities cases and around Rs1 m. for routine spinal cases per patient.

Since the official launching of the Spine Unit, 310 cases of Scoliosis have been performed. Since 2015, training was carried out and interventions were initiated with the assistance of Professor Martin Gehrchen.

Mr Speaker, Sir, my Ministry has also enlisted the services of a foreign consultant, that is, Professor Martin Gehrchen who is in charge of the Spine Unit at the National University Hospital Copenhagen in Denmark in the setting up of the new Spine Unit. The

latter has not only carried out operations on several local patients in Mauritius, but has also trained local health professionals. Four Specialists have also obtained training free of charge in Denmark with Professor Martin Gehrchen who is currently in Mauritius and is providing treatment to patients with severe deformities.

It is also worth highlighting that patients having various complications after being operated in the private health institutions attended the Spine Unit at Victoria Hospital and in most cases, the indications for surgical procedures for these patients were not very clear and had to be reviewed by the team of the Spine Unit. Professor Martin Gehrchen and his team had, therefore, to re-operate these patients.

Mr Speaker, Sir, I wish to reiterate our commitment in providing quality healthcare services, including advanced medical procedures free of charge to the population. And here, just to note that when these Professors do come to Mauritius, it is our duty to thank them, be it through a dinner or any other way because these Professors have contributed a lot, not only to the patients, but also to the training of the Doctors and the Nursing Officers in Mauritius.

Mr Speaker: Hon. Members, I will suspend the Sitting for one hour and a half!

At 1.07 p.m., the Sitting was suspended.

On resuming at 2.41 p.m. with Mr Speaker in the Chair.

Mr Speaker: Remain seated and be seated! Hon. Members, the Table has been advised that PQ B/1734 will be replied by the hon. Minister of Agro-Industry and Food Security. The following PQs have been withdrawn: B/1735, B/1737.

I now call hon. Mrs Navarre-Marie!

PROTECTION FROM DOMESTIC VIOLENCE ACT – RECORDINGS- SOUND-VIDEO INCLUSION

(No. B/1733) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Minister of Gender Equality and Family Welfare whether she will state if consideration will be given for amendments to be brought to the Protection from Domestic Violence Act to include ‘recordings-sound-video’ as a recognized form of testimony and, if so, when.

Mrs Koonjoo-Shah: Mr Speaker, Sir, I wish to inform the House, that the nature of cases of domestic violence has evolved over the years and it is therefore crucial to come up with a new legislation for victims of domestic violence and in this regard, in July of

this year, approval was obtained to repeal the Protection from Domestic Violence Act of 2016 and in this respect a new Bill is under preparation.

With regards to the inclusion of the recording-sound-video as a type of admissible testimony, I am informed that this is already under discussion by my Ministry and the relevant authority and the proposals made in the new Bill would address so far as possible obviously and so far as practicable all the lacunas of the present Act. Thank you.

Mrs Navarre-Marie: Merci. La ministre envisage-t-elle d'organiser des consultations après l'ébauche de cet important amendement?

Mrs Koonjoo-Shah: Absolutely, Mr Speaker, Sir. I have just stated in my reply that there are discussions that are ongoing at the level of my Ministry and relevant authorities. I welcome thoughts and recommendations and views concerning this extremely important inclusion and I am totally on the same wavelength with the Member of the Opposition on this very important inclusion to be considered but, of course, when we talk about recording-sound-video as something that is admissible in a court of law, there are many intricacies surrounding; the admissibility itself so that is currently being discussed.

Mrs Navarre-Marie: La ministre pourrait-elle nous donner un *timeframe* dans lequel ce projet de loi sera complété ?

Mrs Koonjoo-Shah: Mr Speaker, Sir, we have reached quite advanced stages in our discussion with the stakeholders and I don't have a specific timeline as such but I am very certain that the new Domestic Abuse Bill will be presented in this Assembly as soon as it is possible.

Mr Speaker: MP Dr. Gungapersad!

ANSE LA RAIE - PARADISE COVE BOUTIQUE HOTEL – WETLANDS – MEASURES

(No. B/1734) Dr. M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the State lands in the region of Anse La Raie stretching from Paradise Cove Boutique Hotel to Anse La Raie Fish Landing Station, he will give details as to the wetlands found thereat, indicating the measures taken for the preservation and protection thereof.

The Minister of Agro-Industry and Food Security (Mr T. Hurdoyal): I am informed that according to the Geographic Information System (GIS) dataset five coastal wetlands have been identified within the State Land in the region of Anse La Raie

stretching from Paradise Cove Boutique Hotel to the Anse La Raie Fish Landing Station also known as St. François Debarcadère Fish Landing Station.

With regard to measures taken for the preservation and protection of the wetlands, activities such as land clearing and development, including installation of high tension lines in Environmentally Sensitive Areas, require an Environmental Impact Assessment (EIA) pursuant to Part B of the Fifth Schedule to the Environment Protection Act (EPA).

My Ministry, by virtue of the provisions laid down at paragraph 3 of the Fourth Schedule to the EPA, is now mandated to –

- (i) supervise the enforcement of national environmental standards and notices, orders, and directives issued under the environmental law and verify compliance therewith;
- (ii) conduct regular monitoring, sampling, test and analyses to ensure compliance with environmental laws; and
- (iii) provide such assistance, as may be required, in case of a spill or of an environmental emergency and for reviewing an EIA.

Mr Speaker, Sir, moreover, by way of the amendment, my Ministry can also exercise powers under the EPA Act, in terms of –

- (i) issuing or causing to issue a prohibition notice, an enforcement of a variation notice in case of contravention of any environmental law;
- (ii) serving a stop order to prohibit any development or activity being carried out without the relevant license or permit issued under the EPA;
- (iii) entering and searching a premise other than a dwelling house to determine whether any environmental law, enforcement notice, prohibition notice or direction is being complied with; and
- (iv) serving a fixed penalty notice for any offence committed under the Ninth Schedule of the EPA in relation to littering and dumping.

The Republic of Mauritius, being a signatory to the Ramsar Convention on Wetlands since September 2001 is committed to protecting and preserving wetlands in line with the objectives of the Convention. In this regard, a National Ramsar Committee has been established and chaired by the Senior Chief Executive of my Ministry and representatives of different authorities as well as non-governmental organisations also form part of the Committee. The main function of the Ramsar Committee is to advise on

wetland policies and any project around wetlands and the meeting is held monthly depending on the number of applications and complaints received.

Furthermore, the National Development Strategy EC3 policy of the Ministry of Housing and Land Use Planning also provides for the protection of wetlands including a minimum of 30 meters set back from the wetland for any development around wetlands.

Mr Speaker, Sir, in his reply to PQ B/1529 at the sitting of the National Assembly of 21 November 2023, the Minister of Environment, Solid Waste Management and Climate Change, however informed that no application for an EIA License was received with regard to development on the above State lands, since January 2020.

I am informed that no application for Ramsar Clearance has been received at the level of my Ministry.

Dr. Gungapersad: Thank you Mr Speaker, Sir. May I ask the hon. Minister, whether, in June 2015, the then Minister of Environment, late Minister Raj Dayal, had taken the wise decision to declare the wetlands of Anse La Raie as protected zones for effective development of the ecosystem. What is the current policy? Is it still a protected zone whereby licenses and so on will not be given for infrastructural development in the vicinity?

Mr Hurdoyal: Mr Speaker, Sir, I have already replied to this at the beginning, I mentioned that at the region of Anse La Raie stretching from Paradise Cove Boutique Hotel to Anse La Raie, there are five coastal wetlands which have been identified. So, I think they are already under the protection as you mentioned previously.

Dr. Gungapersad: Thank you, hon. Minister. Now, the ecosystem there, the wetland is the breeding ground for various creatures; marine and others. What is being done by the Ministry in order to ensure that this continues for the preservation of the ecosystem for the marine and other creatures which use that area for their breeding ground?

Mr Hurdoyal: Mr Speaker, Sir, as I already mentioned in my reply, there are constant visits and monitoring which are being done from officers of my Ministry and in case there is any development or any project, they need to have the license, the permit and they need to inform our Ministry and also the Ministry of Environment where they need to have the EIA license. They also have to come to our Ministry where the National Ramsar Committee will look into it. So, we are already monitoring it very closely.

Mr Speaker: Next question. MP Dr. Aumeer.

TIPPER LORRIES' ACQUISITION – WASTE COLLECTION & DISPOSAL

(No. B/1735) Mr P. Armance (Third Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the acquisition of modern Tipper lorries for the local authorities for more effective waste collection and disposal, he will state where matters stand.

(Withdrawn)

DIABETES TYPE 1 – INSULIN PUMPS PROCUREMENT

(No. B/1736) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Wellness whether, in regard to the procurement of insulin pumps and continuous glucose monitor for Type 1 diabetes patients as announced in the 2023-2024 Budget Speech, he will state where matters stand.

Dr. Jagutpal: Mr Speaker, Sir, as per the findings of the Mauritius Non-Communicable Diseases (NCD) Survey 2021, there is a high prevalence of diabetes in Mauritius, with 19.9% of the population suffering from diabetes. Despite Government health services being free of charge at all levels, only 17.3% of diabetes patients have a good glycaemic control.

As regards Type-1 diabetes, it is a chronic condition where the pancreas produces little to no insulin. Type-1 diabetes develops in children and young adults but can occur at any age and unlike Type-2 diabetes, Type-1 diabetes is not linked to lifestyle factors like diet and exercise.

Mr Speaker, Sir, insulin therapy is the cornerstone to managing type-1 diabetes and since the body cannot produce its own insulin, people with type-1 diabetes need to take insulin through insulin injections or an insulin pump to regulate their blood sugar level.

Mr Speaker, Sir, this Government, who has the care of type-1 diabetes patients at heart, has taken the initiative to improve the service of managing type-1 diabetes through a multidisciplinary approach which integrates healthcare, technology and patient education.

However, in introducing new services, the safety of patients has to be taken into consideration as new technologies may lead to an increase to stress and burnout which in turn can lead to psychological issues. Additionally, in case of misuse, the automatic administration of insulin by the pump may lead to uneasiness, hypoglycaemia and potentially to critical conditions.

Mr Speaker, Sir, my Ministry has considered all risks associated with the use of insulin pumps in depth and have set up Technical Committees, including a team of healthcare professionals specialised in diabetes care and endocrinology to work out the framework for new diabetes technology.

In the first instance, my Ministry would be procuring CGM machines for 1,000 type-1 diabetic patients. I am informed that tenders for the procurement of CGM for 1,000 patients would be floated shortly.

Mr Speaker, Sir, my Ministry is also planning to offer comprehensive education programmes for patients, healthcare officers and dieticians in diabetes technology. This awareness programme includes the training on the use of diabetes management tools and technologies, workshops and webinars to share experiences and knowledge. Furthermore, personalised training would be conducted for patients by considering their lifestyle factors, age, comorbidities and personal preferences.

Mr Speaker, Sir, my Ministry is providing caring and innovative services that put type-1 diabetes patients' holistic needs at the centre of all our actions. I am sure that we will bring even more innovations and better services to diabetes patients. However, we need to carefully phase in these advances in a considered and professional approach as we are moving ahead.

Dr. Aumeer: Thank you. Does the Minister have any idea as to the timeframe before this new insulin delivery system will be available to the targeted group of patients?

Dr. Jagutpal: Mr Speaker, Sir, as I have stated in my reply, there is also the patient's information training to get these CGM machines. All that will be done through the procurement processes. Probably in the middle of next year, these machines will be provided to patients.

NTC – FINANCIAL SITUATION – DEBT REPAYMENT MEASURES

(No. B/1737) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Land Transport and Light Rail whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain therefrom, information as to the current financial situation thereof, indicating the measures taken for the repayment of the debts thereof.

(Withdrawn)

Mr Speaker: Next question, hon. Bodha!

HENRIETTA & GLEN PARK – MEDI-CLINIC – CONSTRUCTION

(No. B/1738) Mr N. Bodha (Second Member for Vacoas & Floréal) asked the Minister of Health and Wellness whether he will state if consideration will be given for the construction of a medi-clinic in the region of Henrietta and Glen Park in view of the new housing units constructed thereat.

Dr. Jagutpal: Mr Speaker, Sir, I wish to direct the attention of the hon. Second Member for Vacoas and Floréal to the Estimates Committee and the Budget Vote of my Ministry for Financial Year 2023-2024. In his last Budget, my esteemed colleague, hon. Dr. Padayachy, Minister of Finance and Economic Development, has given particular attention to investments in public health infrastructures nationwide.

Also, in the Public Sector Investment Programme spanning from 2023-2024 to 2025-2026, provisions have been made for the construction of an Area Health Centre at Henrietta. The Project Consultant appointed for this endeavour is HSCC (India) Ltd., a Government of India Company.

Mr Speaker, Sir, I have been informed that on November 16 2023, HSCC (India) Ltd. submitted tender drawings, bidding documents, general conditions of contract, cost estimates, and the bill of quantities for the construction of the aforementioned Area Health Centre. A meeting with the Consultant was held on December 05, 2023, to validate these documents. Currently, my Ministry is in the process of obtaining necessary clearances on the drawings from relevant authorities. Approvals from the Building Plans Committee and financial clearance will then be sought before floating bids.

Mr Speaker, Sir, as regards Glen Park, my Ministry is actively pursuing a project for the construction of a new Community Health Centre to replace the existing one.

Since 2020, my Ministry has been collaborating with the Ministry of Housing and Land Use Planning to identify a suitable plot of land for the new Community Health Centre near the existing one. Despite the identification of several sites, none were found to be suitable.

Mr Speaker, Sir, in October this year, the Ministry of Housing and Land Use Planning informed us that, as a final attempt, it has identified two potential sites of 2,400m² and 712m², respectively within a locus of 90m from the existing Community Health Centre at Glen Park. Allow me, Mr Speaker, Sir, to put on record the support of hon. Ashley Ittoo, Third Elected Member of Constituency No.16, to facilitate the identification of the sites has already been undertaken. Following an analysis of the

provided plans, my Ministry has scheduled a site visit with relevant stakeholders before formally responding the Ministry of Housing and Land Use Planning.

Mr Bodha: Thank you, hon. Minister. Can I have a supplementary question, Mr Speaker, Sir? Can I have some precision as regards to this site in Henrietta for the Area Health Centre?

Dr. Jagutpal: Mr Speaker, Sir, I do not have it, but I will table it for you. There is no problem, I will let you know.

Mr Bodha: Can I have another question, Mr Speaker, Sir?

Mr Speaker: Go ahead!

Mr Bodha: Can I have an idea of the budget which has the estimates for Area Health Centre of Henrietta?

Dr. Jagutpal: Mr Speaker, Sir, it would be around Rs100 m.

Mr Speaker: Next question! Hon. Wochit! Not here? Next question, hon. Ms Anquetil!

DOMESTIC VIOLENCE – PERPETRATORS REHABILITATION

(No. B/1740) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Minister of Gender Equality and Family Welfare whether, in regard to the rehabilitation of perpetrators of domestic violence, she will state the number of perpetrators having been rehabilitated as at date, indicating if any follow up is carried out upon the completion of the programme therefor and, if so, give details thereof, and if not, why not.

Mrs Koonjoo-Shah: Mr Speaker, Sir, section 13A of the Protection from Domestic Violence Act of 2007 makes provision for referral of cases of domestic violence to my Ministry for psychological counselling in exceptional cases, and in doing so, the Court has regard to circumstances such as the nature of the offence being committed, the character, the antecedence, the mental and psychological condition, the age, the health, the home surroundings of the offender. These psychological counselling sessions are set up based on the consent of both the victims and the perpetrator and they address issues such as anger, trauma, anxiety, conflict, only to name a few.

In addition, my Ministry is working on a programme with perpetrators on anger management and conflict resolution with the aim to bring a change in the mindset that will help the perpetrators from abstaining from committing acts of violence again.

Mr Speaker, Sir, I am informed that from January to September of this year, 331 perpetrators attended counselling sessions at the level of Family Support Bureau and Family Support Services of my Ministry. I wish to also point out that officers of my Ministry ensure that follow-up is made with victims through the police even if perpetrators refuse or fail to attend psychological counselling sessions at times.

Mr Speaker, Sir, in addition to the psychological counselling sessions, since 2019, my Ministry is collaborating with the Prime Minister's Office through the *Ansam Avek CSU* programme and to conduct awareness campaigns that target the public at large.

Mr Speaker, Sir, the Men as Caring Partners Project adopts a balanced human rights approach to encourage greater involvement of men as caring partners through sensitisation programmes and behavioural change communication strategies that target men within a community. The aim of the project is to promote greater involvement of men in sharing family responsibilities and enhancing men support to their spouse and their partner.

Furthermore, Mr Speaker, Sir, in accordance with the recommendation of the National Strategy and Action Plan on the High Level Committee on Gender-based Violence, my Ministry has, with the collaboration of religious bodies, set up programmes with the aim to bring a positive societal change to combat Gender-based violence and I am informed that from January to November this year, around 600 participants have been reached through these programmes.

My Ministry also works in collaboration with the Ministry of Health and Wellness and the Mauritius Police Force to carry out sensitisation campaigns throughout the island. I am apprised by the Mauritius Police Force that last year in 2022, around 11,000 children from primary schools, 13,000 adolescents from secondary schools and 5,000 members of the public have been reached.

Ms Anquetil: Je vous remercie, M. le président. Peut-on avoir de la ministre des détails concernant le nombre d'experts impliqués dans le programme de réhabilitation, leurs noms, et leurs qualifications ? Je vous remercie.

Mrs Koonjoo-Shah: Unfortunately, Mr Speaker, Sir, I do not have the information at hand but if the hon. Member would come with a substantive question, I would be very happy to bring the information.

Ms Anquetil: M. le président, une dernière s'il-vous plaît.

Mr Speaker: Are you sure you have a good question?

(Interruptions)

Try! Try! Try, I will see.

Ms Anquetil: *I always have a good question, Mr Speaker, Sir. Peut-on savoir de la ministre à quelle fréquence déroulent ces programmes de réhabilitation ? Je vous remercie.*

Mrs Koonjoo-Shah: Mr Speaker, Sir, I have elaborated in my original reply where they have taken place, how many people, children, secondary school children, adults, community members have been reached. So, pay attention.

Ms Anquetil: A quelle fréquence ? On n'a pas la réponse.

Mr Speaker: You are always fighting for nothing! Hon. Quirin is ready for a good question!

Mr Quirin: As usual!

Mrs Koonjoo-Shah: *Dimounn pe riy twa!*

KREOL MORISIEN – HSC EXAMINATIONS – CONSIDERATION TO STUDENTS

(No. B/1741) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to Kreol Morisien, she will state if consideration will be given for the 182 students who took part in the Kreol Morisien Cambridge School Certificate Examinations this year, to be allowed to sit therefor as a main subject for the Higher School Certificate examinations in 2025.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, I wish to remind...

Mr Speaker: I heard...

Mrs Dookun-Luchoomun: I wish to remind the House...

Mr Speaker: Just wait a minute. I heard a voice saying “*dimounn pe riy twa*” and if the hon. Member does not...

Hon. Members: *Laba sa!* On the other side!

(Interruptions)

Mr Speaker: I will know, don't you worry...

(Interruptions)

I need no help!

(Interruptions)

I need no help!

An hon. Member: Check the recording!

Mr Speaker: And, if the hon. Member does not apologise when I review the recording, I will ask the hon. Member to withdraw from the Chamber!

(Interruptions)

Hon. Minister, continue!

(Interruptions)

Mrs Dookun-Luchoomun: Mr Speaker, Sir, I wish to remind the House that a systemic and progressive approach has been adopted in the teaching of Kreol Morisien in our schools involving curriculum development as well as training of educators.

In fact, KM was first introduced in grade 1 in 2012 as an optional subject and around 3,000 pupils in grade 1 opted for the subject. The first examination in KM was held at PSAC Assessment level in 2017 with 2,480 pupils on grade 6 sitting for the paper and a pass rate of 79.6%.

In 2018, around 2,000 students opted for KM in grade 7. In 2021, the first National Certificate in education assessment in KM was held with around 1,200 candidates sitting for the paper. KM is being offered as an optional subject in grade 10 as from 2021 and a first cohort of 182 students have taken the National School Certificate in KM which is organised by the National Examination Board and which will be awarded by the UOM.

Mr Speaker, Sir, I would like to refer the hon. Member to my reply to PQ B/1344 where I had informed that the introduction of KM at AS level and subsequently at A level is being looked into by a technical team. We intend to proceed stepwise, Mr Speaker, Sir, building up experience at School Certificate level and developing readiness of the system in terms of human resource and availability of literary resources in the standardised form of the language.

Mr Speaker, Sir, as stated earlier, my Ministry is committed to a stepwise implementation of KM at AS level and subsequently at A level.

Mr Quirin: M. le président, l'honorable ministre se rend-t-elle compte qu'à ce jour, 182 étudiants, donc près de 200, sont pénalisés puisque le ministère de l'Éducation les privent de la possibilité de continuer à étudier le Kreol Morisien au niveau de la *HSC* ? Donc, n'est-on pas en train, M. le président, de démotiver ces étudiants...

Mr Speaker: No, but...

Mr Quirin: ...dans la poursuite...

Mr Speaker: Hon...

Mr Quirin: ...de leurs études?

Mr Speaker: Hon. Member...

Mr Quirin: Yes, I am done.

Mr Speaker: ...bear with me. Put your question directly!

Mr Quirin: Yes!

Mr Speaker: Do not make a long statement...

Mr Quirin: No, it is not long.

Mr Speaker: ...like inviting comments from the Minister. If not I will break your statement in pieces and let the Minister answer piece by piece. Okay?

Mr Quirin: It was not a statement, Mr Speaker, Sir.

Mr Speaker: Either we are in question time or debate!

Mr Quirin: It was not a statement.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, let me remind the hon. Member that we have all intention of implementing KM at AS and A level but as I have said earlier, we need to be ready for that and we have to build up the system's readiness for that. And secondly, it is worth noting that there are a number of subjects which are offered at SC level but not at A level. So, it is not as if we are sort of penalising one particular group or another group. It is the normal practice that until and unless we are sure that we can offer the subject at A level, have sufficient teachers, have sufficient literary material, we will obviously go for it, Mr Speaker, Sir.

Mr Quirin: Une dernière question, M. le président. Concernant le personnel enseignant qui paraît-il est insuffisant pour enseigner le Kreol Morisien au niveau de la *HSC*, je me base sur votre réponse précédente, l'honorable ministre peut-elle nous dire ce que fait son ministère actuellement pour remédier à cette situation ?

Mrs Dookun-Luchoomun: Mr Speaker, Sir, we have been recruiting supply teachers, we have been asking teachers teaching languages if they wish to teach KM and go for training for that. We are also recruiting at the level of PSC, teachers for the teaching of KM.

Mr Speaker: MP Doolub!

CWA – RESERVOIRS WATER LEVEL – WATER CUTS – MEASURES

(No. B/1742) **Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Energy and Public Utilities whether, in regard to the volume of water in our reservoirs, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the –

- (a) current level thereof following the recent rainfalls, and
- (b) measures envisaged to reduce water cuts for the forthcoming festive season in the region of Mahebourg.

Mr Lesjongard: Mr Speaker, Sir, with regard to part (a) of the question, I wish to inform the House that the Water Resources Unit monitors the storage levels of the main reservoirs namely Mare aux Vacoas, La Nicolière, Piton du Milieu, La Ferme, Mare Longue, Midlands, and Bagatelle reservoirs. I am informed that the current storage level in these reservoirs stands at 63.88 million m³ representing 69.3%. The recent rainfall has contributed in sustaining storage levels of our main reservoirs.

Mr Speaker, Sir, despite the current storage level, it has to be highlighted that the Central Water Authority cannot abstract the 63.88 million m³ for treatment and distribution as around 2.5 % of storage bodies are considered as “dead storage”. Dead Storage is generally the volume of water below the lowest supply level that cannot be withdrawn from the reservoir.

Moreover, Mr Speaker, Sir, we should also not forget that we are in the midst of the dry season. The unpredictability of rainfall and the Mauritius Meteorological Services summer outlook 2023/2024 necessitate a proactive approach towards water conservation. In addition, the months of December and January traditionally witness high water demand, placing additional strain on our water resources. Therefore, it is imperative that we recognise the importance of sustainable water usage and heed the call to conserve.

Even with the current reservoir levels, we must remain vigilant and mindful of our water usage to ensure sustainable utilisation throughout the dry season.

Over the past months, my Ministry has been adopting a more prudential approach regarding water resources management, especially in the face of climate change and unpredictabilities.

Mr Speaker, Sir, notwithstanding the above, with regard to part (b) of the question, I am informed by the Central Water Authority (CWA) that the Village of Mahebourg is supplied with some 6000 m³ of water per day from Mon Desert Reservoir.

The daily hours of water supply in the Mahebourg region are as follows –

- a) Mahebourg Lower (Mosque to Cavendish) - 12 hrs, and
- b) Mahebourg Upper (Museum to Mosque) - 6 hrs.

As I had indicated in reply to PQ B/1407 at our sitting of 07 November 2023, the water network in Mahebourg, which consists of mainly Cast Iron (CI) and Asbestos Concrete (AC) pipes had been laid more than 50 years ago and require replacement and upgrading. In this connection, a comprehensive pipe replacement project is being executed in three phases to reduce water losses and improve water supply. In the first phase, a new gravity main will be installed along a 2 km stretch from Mahebourg Museum to Cavendish Bridge, accompanied by the renewal of 3.3 km of pipes. The contract has already been awarded to Serveng Ltd for this phase, amounting to Rs62,479,847.10 (excluding VAT), with a duration of eight months, scheduled to commence in the first week of December 2023.

The second phase entails the renewal of approximately 8.7 km of old and defective pipelines in lateral roads, ranging from 63 to 160 mm HDPE pipes. The project area under Phase 2 is delimited by –

- a. Rue de La Passe, Rue Marianne, Rue St Martin, Rue du Bambou, and RDA road A12.
- b. RDA road A12, Rue Marianne, Rue des Hollandais and Rue du Hangard.

This phase is expected to commence in March 2024 and conclude in March 2025.

Mr Speaker, Sir, similarly, the third phase aims to renew about 6.2 km of pipelines in remaining lateral roads, ranging from 63 to 160 mm HDPE pipes. The project area under Phase 3 is delimited by RDA road A12, Rue du Hangar, Rue Sivananda and Sir Abdool Razack Mohamed Street. This phase is projected to start in March 2024, concluding in January 2025.

Mr Speaker, Sir, every effort is being made by Central Water Authority to maintain current hours of supply in Mahebourg taking into consideration demand and supply related factors.

In addition, the Central Water Authority is implementing projects under its contingency plan for the dry season with a view to improving water supply for the population across the island. I thank you, Mr Speaker, Sir.

Mr Doolub: Thank you, Mr Speaker, Sir. Following the commissioning of a pressure filtration plant yesterday in the region of Ferney, can the Minister inform the House if same will help to improve on water supply in the regions of Petit Bel Air, Ville Noire and Mahebourg? Thank you.

Mr Lesjongard: Yes, Mr Speaker, Sir, the commissioning of pressure filter plants around the island helps to alleviate the water problem. The region of Mahebourg is supplied with water from Mon Desert Reservoir which is fed by Trois Boutiques borehole and AML borehole. Now, from the question that has been put, I understand that after the completion of Phase 1 of the Mahebourg project, water from the two containerised pressure filter at Ferney will be injected in the distribution network at Mahebourg.

Mr Speaker: Next question, hon Ms Joanna Bérenger!

ENVIRONMENT PROTECTION ACT – DRAFT BILL

(No. B/1743) Ms J. Bérenger (First Member for Vacoas & Floréal) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the Environment Protection Act, he will state where matters stand as to the proposed amendments to be brought thereto as recommended by the *Assises de l'environnement*, indicating –

- (a) if the proposed draft Bill has been circulated to stakeholders and Non-Governmental Organisations and, if so, indicate the names and denominations thereof and, if not, why not, and
- (b) when those amendments are expected to be introduced in the National Assembly.

Mr Ramano: Mr Speaker, Sir, in my reply to Parliamentary Question B/127 at the Sitting of the National Assembly on 05 April 2022, I informed of the House that an in-depth review of the Environment Protection Act 2002 had been strongly advocated during the *Assises de l'environnement*, organised by my Ministry in December 2019.

In this respect, consultancy services were enlisted by the United Nations Development Programme Country Office for this exercise. The House was also informed that extensive consultations were held with all key stakeholders, including Ministries and

Departments, local authorities, academia, private sector organisations, non-governmental organisations and other, even members of the public.

Prior to the closure of the consultancy assignment, the working document containing the consultant's proposed amendments to the EPA was circulated to key stakeholders, including the Mauritius Council of Social Service which is a recognised national platform for NGOs and the civil society organisations for the promotion of sustainable development on 16 February and 10 March 2022, soliciting their views and comments ahead of a consultative meeting. MACOSS had circulated the working document to all its members on both occasions. The proposed amendments to the EPA were thereafter discussed with stakeholders during a three-day consultative meeting held virtually with the Consultant from 14 to 16 March 2022.

The list of stakeholders who were solicited to partake in the consultations from 14 to 16 March was tabled at the Sitting of the National Assembly on 05 April 2022. Further to part (a) of the question, Mr Speaker, Sir, with your permission, I am tabling the said list anew.

With regard to part (b) of the question, Mr Speaker, Sir, following submission of the final deliverables by the Consultants on 20 March 2022, Government agreed, on 01 April 2022, to my Ministry issuing drafting instructions to the Attorney General's Office on amendments proposed to the Act.

Drafting instructions regarding amendments to be brought to the EPA was accordingly issued to the AGO on 14 April 2022. Since then, officers of my Ministry have been attending several working sessions with representatives of the AGO. A final round of consultation on the Draft Bill was undertaken with Ministries in January 2023 and focused meetings to discuss specific provisions of the Bill were also held with a few Ministries.

The Attorney General's Office is, in fact, proposing that the EPA be repealed and replaced by a new piece of legislation to adequately address the scale of contemporary environmental challenges. The Draft Bill is now nearing finalisation and arrangement will be made for its introduction in the National Assembly at the earliest.

Ms J. Bérenger: Concernant les consultations, le ministre pourrait-il faire le nécessaire pour que le *Draft Bill* soit rendu public étant donné qu'il y a certaines O.N.G. qui n'ont pas été consultées avant que le document soit envoyé au *State Law Office*, car ne faisant pas partie de la MACOSS, n'étant pas membre de la MACOSS, ces O.N.G. n'ont pas été consultées. Et il me semble que la MACOSS n'a soumis aucun commentaire. Donc, est-ce qu'il pourrait faire de sorte que le *Draft Bill* soit rendu public ?

Mr Ramano: M. le président, j'ai eu l'occasion à maintes reprises d'expliquer un peu toute la procédure qui a été suivie en ce qui concerne les consultations avec toutes les parties prenantes. Il y a même eu des avis qui ont été mis au niveau des journaux appelant les membres du public et les ONG à faire des propositions. M. le président, de toute façon, une fois que nous aurons l'occasion d'avoir le *final Bill* de l'*Attorney General's Office*, bien sûr, les membres auront l'occasion de prendre connaissance de ce *Bill*-là.

Ms J. Bérenger: Le ministre pourrait-il donner un *timeframe* un peu plus précis étant donné que l'année dernière, il avait dit que le projet de loi serait présenté au Parlement avant fin 2022 et nous sommes déjà presque fin 2023 ? Donc, pourrait-il être plus précis quant au *time frame* ? Merci.

Mr Ramano: Comme je l'ai expliqué à la Chambre, M. le président, c'est une réforme en profondeur qu'on est en train d'apporter à l'*Environment Protection Act* qui est la loi-cadre en ce qui concerne la protection de l'environnement.

De l'avis de l'*Attorney General's Office*, ils auraient souhaité venir de l'avant avec un *new Act* en ce qui concerne le *Environment Protection Act* et non pas faire ce qu'on appelle des *piecemeal amendments*. Donc, c'est la raison pour laquelle cela prend un peu plus de temps mais je peux rassurer la Chambre que nous sommes arrivés à un stade de finalisation en ce qui concerne le *new Environment Protection Act* et je pense que très prochainement, j'aurais le privilège d'apporter cette réforme en profondeur au niveau de la Chambre.

Mr Speaker: Next question, MP Aumeer!

PUBLIC BEACHES – CAMPING FEES' WAIVE OFF

(No. B/1744) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to fees charged for camping on public beaches, he will state if consideration will be given for the waiving thereof for the forthcoming new year festivities.

Mr Ramano: Mr Speaker, Sir, I am informed that beach users are required to submit an application for authorisation of the Beach Authority for use of public beaches, particularly where facilities such as showers and toilets are required. A refund deposit of Rs3,000 is then requested from the user.

Section 6(1)(a) of the Beach Authority (Use of Public Beach) Regulations 2004, under which authorisations are granted by the Beach Authority, provides for the payment

of a refundable deposit fee of Rs3,000. This fee is refunded after the activity, subject to the beach being reinstated to its former state to the satisfaction of the Beach Authority.

Mr Speaker, Sir, I am informed that there have been in the past several cases of vandalism and other damages caused to public toilets, especially during the night. The deposit fee is meant to be used to make good of any damage caused by the users, otherwise, the deposit fee is refunded. Moreover, a copy of the authorisation to use public beach is forwarded to the Commissioner of Police to ensure the safety and security of beach users. In fact, camping is free and can be carried out on any public beach. Therefore, the question of waiving does not really arise.

Dr. Aumeer: Thank you. While we are at it, can the hon. Minister specify whether there will be any designated areas around public beaches in Mauritius where the facilities of toilet, water and appropriate lighting are available, particularly for those who cannot afford luxury bungalows?

Mr Ramano: Those who cannot afford?

Dr. Aumeer: Luxury bungalows.

Mr Ramano: Je ne sais pas si l'honorable membre est en train de faire référence au bungalow d'Albion mais...

Mr Nuckcheddy: Roches Noires !

Mr Ramano: Ou bien Roches Noires. Donc, je peux rassurer en tout cas l'honorable membre...

Mr Assirvaden: *Maradiva enn pake pas kapav ale !*

Mr Ramano: Sur ce que je peux rassurer l'honorable membre, c'est que nous sommes en train de travailler sur les *designated areas* au niveau du ministère de l'Environnement et aussi bien sûr au niveau de la *Beach Authority*. Cela se fait dans l'optique pour qu'on puisse faire d'une façon gérée et d'une façon harmonieuse les plages mauriciennes parce que je pense que c'est un peu l'avis qu'est partagé par tous les membres de cette auguste Assemblée. C'est vrai que nous avons des plages qui sont relativement propres, mais il y appartient quand même qu'on puisse venir de l'avant d'une façon ordonnée, désigner des endroits où on pourra faire éventuellement du camping et permettre à ce que les *beach hawkers* puissent opérer dans les meilleures conditions possibles, et où tous les aspects en ce qui concerne le *health and safety* puissent être pris en considération.

Mr Speaker: Next question, MP Woochit!

SEGREGATED WASTE COLLECTION – IMPLEMENTATION

(No. B/1745) Mr R. Woochit (Third Member for Pamplemousses & Triolet) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to waste, he will state the measures being envisaged for the collaboration by local authorities with other waste management entities for the effective implementation of the segregated collection thereof.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I am informed by the Solid Waste Management Division of the Ministry of Environment, Solid Waste Management and Climate Change that a consultancy study for the preparation of the new Solid Waste Management And Resource Recovery System for Mauritius was awarded to an international consultant, Tractebel Engie and was implemented in two phases –

- Phase 1 – preparation of the strategy and action plan, including a baseline review and an analysis of the strategic option and recommendation;
- Phase 2 – feasibility study of regional composting plant and sorting units.

The recommendations of a feasibility study report have focused on resource recovery and recycling resourced segregation programme where the organic fraction that is food and green waste will be composted and the dry fractions sent to the sorting units for recycling or exportation on a public-private partnership.

Mr Speaker, Sir, I am informed by the Ministry of Environment that a transaction advisor was recruited to prepare a request for proposal document for the setting up and operation of an integrated waste processing facility, comprising a composting plant, a sorting unit and refuse derived fuel plant as an optional component on PPP basis. The RFP document was launched on 03 November 2022 and the closing date for the bids submission was 20 April 2023. The bids have been evaluated. The Solid Waste Management Division is in the process of setting up a negotiating team to negotiate with the preferred bidder. It is expected that the contract for the financing, design-build and operate of the integrated waste processing facility for a period of 25 years would be awarded by early next year and the integrated waste processing facility would be operational by the first quarter of 2026.

Mr Speaker, Sir, a legal framework for the effective and efficient collection of sorted waste, which will enable the operation of the integrated waste processing facility, is being developed by the Ministry of Environment, in collaboration with my Ministry. Several consultations were held with the local authorities for the drafting of the legal

framework since 05 July 2023. A validation workshop on the proposed regulation pertaining to the solid waste segregation at source was held on 20 August 2023, where the draft regulation worked out by the Solid Waste Management Division and the UNDP consultant was circulated to all stakeholders. A meeting with all stakeholders was held on 18 October 2023 whereby the reviewing of the draft regulation on the segregation of solid waste at source was completed. The draft regulation was extensively discussed and consensus could not be reached with regard to many provisions in the regulation. A further meeting has been scheduled on 22 December 2023 at my Ministry with representatives from Ministry of Environment, Ministry of Finance, Economic Planning and Development and all the 12 local authorities to sort out these issues.

Mr Speaker, Sir, the local authorities will be called upon to procure and deploy appropriate bins, personnel, vehicles for the collection and storage of the segregated waste in an effective manner.

Mr Woochit: How will the effectiveness of this collaboration be measured and evaluated? Is there any plan in place to conduct regular assessment of the segregated waste collection initiatives, about the progress and the success rate?

Dr. Husnoo: Actually, this is going to be a long process. It is not going to be a one-off thing that is going to be done. The Ministry of Environment and the Ministry of Local Government are working together and as we go along, naturally, it is going to be step-by-step. For example, we have to sort out in terms of personnel, the vehicles, the type of bins we are going to have, and then, we have the education of the public as well. All these are important and it is going to take a long time and this is going to be discussed among the different Ministries and different stakeholders to make sure that it is implemented in the best possible way.

Mr Woochit: Is there any timeframe to implement all these?

Dr. Husnoo: It is going to take a bit of time I must say. We mentioned about 2026; it can be around this time.

Even for the education of the public, that would easily take about two and a half years; about 14 weeks before implementation of that project and to continue after the implementation of the project. So, it is going to be a project which is going to spread over a long time.

Mr Speaker: The Table has been advised that PQ B/1747 and B/1750 have been withdrawn.

Next question!

GRADE 10 – EXAMINATIONS 2023 – PERFORMANCE ASSESSMENT

(No. B/1746) Dr. M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to students having sat for the Grade 10 third term examinations in 2023 in State Secondary Schools, she will state if consideration will be given for an assessment to be carried out to determine the –

- (a) performance thereof subject-wise, and
- (b) number thereof who have obtained five credits or more, including in the 3 core subjects.

The Vice-Prime Minister, Minister of Education, Tertiary Education Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, I wish to inform the House that the Quality Assurance and Inspection Division of my Ministry gathers and analyses data in respect of the summative internal assessment of students of all grades in all secondary schools.

All State Secondary Schools submit data on the performance of all students in all grades at the end of each term in each subject, including the end of year assessment. The Quality Assurance Division, based on the findings, identifies gaps and provides guidance on necessary pedagogical measures to be adopted.

Dr. Gungapersad: Thank you, Mr Speaker, Sir. May I ask the hon. Vice -Prime Minister how far is it true or is she aware that rectors have had to review the promotion criteria, that is, the promotion from Grade 10 to Grade 11 in order to ensure that State Secondary Schools have the required number of student to run Grade 11 classes?

Mrs Dookun-Luchoomun: Mr Speaker, Sir, no such information has been conveyed to my office.

Dr. Gungapersad: Thank you, hon. Vice-Prime Minister. May I ask you whether you are contemplating in the years to come to organise standardised assessments in Grade 10 for the different subjects in different State Secondary Schools so that all the papers in all the State Secondary Schools are standardised?

Mrs Dookun-Luchoomun: No, Mr Speaker, Sir.

PHOTOGRAPHIC SPEED CAMERAS – FUNCTIONALITY

(No. B/1747) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Land Transport and Light Rail whether, in regard

to the photographic speed cameras, he will state the number thereof installed on our roads, to date, indicating –

- (a) the number presently out of order, and
- (b) if the photographic enforcement processing software is compatible with the different types and models of cameras and if not, why not.

(Withdrawn)

Mr Speaker: Next question! Hon. Mrs Navarre-Marie!

**COMMUNITY CHILD PROTECTION PROGRAMME – CHILD ABUSE –
DETECTION**

(No. B/1748) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Minister of Gender Equality and Family Welfare whether, in regard to the Community Child Protection Programme in vulnerable areas to sensitise community members on the detection of child abuse, she will state the regions where same are being held.

Mrs Koonjoo-Shah: Mr Speaker, Sir, I am informed that the Community Child Protection Programme was introduced to provide surveillance of children who are exposed to any form of violence. It operates through regional level networks of volunteers, social workers, NGOs, community leaders and other stakeholders. The programme focuses primarily on building capacity of community people to detect and safeguard our children who are vulnerable and more exposed to risk and abuse.

Mr Speaker, Sir, since January 2018, in a bid to further improve the proximity of programme to the community, the Community Child Protection Programme was handed over to the Sugar Industry Labour Welfare Fund which is responsible for the management and operation of all community centres across the island. All the Community Development Officers posted thereat have been trained by officers of my Ministry so that they can run this programme all well. In addition, they have also been empowered to provide proximity service in respect of child safeguard against surveillance in the community.

The programme was further enhanced in the same year with the setting up of the Community Child Watch Committee to ensure early detection and reporting of cases involving children at how you risk. Officers of the various units of my Ministry also as and when required, attend these committees which are being held in most community

centres covering 50 regions throughout the island. The Sugar Industry Labour Welfare Fund is considering the extension of the programme for next year to 10 additional regions.

Mr Speaker, Sir, I am further informed that for this year, 263 meetings have been held, 175 activities reaching some 5000 children have been organised by the Sugar Industry Labour Welfare Fund.

Mr Speaker: Next question, hon. Quirin!

CLUB M V/S ANGOLA – CÔTE D’OR STADIUM – SEATS & TICKETS

(No. B/1749) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) ask the Minister of Youth Empowerment, Sports and Recreation whether, in regard to Football, he will state the –

- (a) reasons as to why the first leg match Club M v/s Angola for the FIFA World Cup 26TM CAF Qualifiers Group Stage (Group D) played on 21 November 2023 was scheduled at the Côte D’Or Stadium, indicating the –
 - (i) the number of seats available thereat,
 - (ii) the number of tickets sold and revenue generated therefrom, and
- (b) other alternatives to the Côte d’Or Stadium, if any, for the holding of the said match.

Mr Toussaint: Mr Speaker, Sir, the first leg of the match between Mauritius and Angola for the FIFA World Cup 2026 (Group D) Qualifiers took place on 21 November 2023 at the Côte d’Or National Sports Complex. The football stadium is duly homologated by FIFA and CAF. These international football governing bodies are the sole authorities responsible for deciding the venue in collaboration with the Mauritius Football Association (MFA) where the game is to be played. The MFA sought our consent for the use of this venue which is their preferred choice due to the modernity of its infrastructure, the quality of its artificial turf pitch where the Mauritius national team displays a higher level of competitiveness and plays better football.

With regard to part (i) of the question, I am informed by the MMIL that the sitting capacity Côte d’Or football stadium is as follows –

- (i) public stand Wing A: 2,000 seats;
- (ii) public stand Wing B: 2,000 seats;
- (iii) VVIP stand: 175 seats;
- (iv) VIP stand: 250 seats,

(v) Total number of seats: 4,425.

With regard to part (ii) of the question, I am informed by the MFA that the number of tickets sold was 3,725 out of 4,000 priced at Rs100 each. Additionally, 275 complementary tickets were distributed among football stakeholders, including national clubs, regional football associations, Club M players and staff.

With regard to part (b) of the question, the fact remains that there are no viable alternatives for hosting international matches other than the Côte d'Or National Sports Complex unless inspections of other stadiums are conducted by CAF and FIFA. Thank you.

Mr Quirin: M. le président, j'ai bien écouté la réponse de l'honorable ministre. Peut-on savoir de ce qu'il en est des stades Anjalay Coopen et George V, est-ce qu'ils sont toujours homologués par la FIFA ? Peut-on savoir pourquoi ces deux stades ne sont plus utilisés pour les matches du Club M ?

Mr Toussaint: M. le président, je vais répondre par la dernière partie avant. Dans ma réponse initiale, comme je l'ai dit, la FIFA et la CAF ont vérifié les différents stades et avec la MFA, et ils ont porté leur choix sur le stade de Côte d'Or qui est tout à fait un choix judicieux vu que c'est un complexe moderne. En ce qu'il s'agit du stade George V et Anjalay, je dois vérifier l'information pour savoir quand est-ce que ces instances ont fait leurs inspections pour dire si ces deux stades sont toujours homologués ou pas. Mais, cependant, comme je l'ai dit, avec la Fédération de football de Maurice, le choix préféré reste le complexe sportif de Côte d'Or.

Mr Quirin : M. le président, malheureusement, l'honorable ministre n'a pas répondu d'une façon claire à ma question, et ma question, je la répète : en ce qui concerne ces deux stades Anjalay Coopen et George V, en tant que ministre, il devrait le savoir, je pense, est-ce que ces deux stades sont homologués actuellement par la FIFA et pourquoi, si tel est le cas, aucun des matchs – je peux comprendre la modernité de Côte d'Or, mais n'empêche que ces deux stades peuvent contenir un plus grand nombre de spectateurs ?

Mr Toussaint : M. le président, est-ce que moi, j'ai besoin de me répéter pour expliquer quel est le *process* si la Fédération de football de Maurice avec la CAF décident de jouer un match international à tel ou tel stade. Par rapport à Anjalay Coopen et George V, je ne vais pas m'aventurer parce que la question initiale n'était pas sur George V et Anjalay Coopen pour dire s'ils sont toujours homologués ou pas.

L'homologation d'un stade est basée sur les inspections et les visites de la CAF et bien sûr avec la Fédération nationale de football. Et, je le redis, le choix préféré et je pense

que le public mauricien qui était en grand nombre pour venir soutenir le Club M à Côte d'Or, ils ont été ravis d'être dans un stade moderne avec un terrain synthétique idéal pour que nos équipes, pour que nos joueurs puissent faire un très bon match contre un géant qui est l'Angola.

Bon, si l'honorable membre n'est pas satisfait de ça, je laisse les 4 000 spectateurs qui étaient venus à Côte d'Or faire leur propre déduction de cela.

Mr Speaker: Time over!

(Interruptions)

Mr Toussaint : *Bann-la pa kone zot.*

Mr Speaker: Prime Minister, Motion!

(Interruptions)

Mr Quirin: *Mo gagn drwa poz kestion!*

The Prime Minister: Mais qu'est-ce que...

(Interruptions)

Mr Speaker: What is happening?

The Prime Minister: Je ne vous ai pas adressé la parole!

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Order! Order!

The Prime Minister: Je ne vous ai pas adressé la parole, honorable membre!

(Interruptions)

Mr Speaker: Order! Both sides!

MOTION

SUSPENSION OF S. O. 10(2)

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

The Deputy Prime Minister seconded.

Question put and agreed to.

PUBLIC BILL

Second Reading

THE FINANCIAL CRIMES COMMISSION BILL

(NO. XX OF 2023)

Order for Second Reading read.

(3.42 p.m.)

The Prime Minister: Mr Speaker, Sir, I move that the Financial Crimes Commission Bill (No. XX of 2023) be read a second time.

Mr Speaker, Sir, the presentation of this Bill today marks a major milestone in our relentless fight against corruption and other financial crimes and bears testimony to our steadfast resolve to eradicate malpractices and irregularities from all aspects of public life and consolidate our national values.

This Bill indeed demonstrates our unflinching commitment and determination to pursue our corruption-free agenda and to continue enhancing the reputation of Mauritius as a clean jurisdiction and consolidate its position as a significant player in the global financial system.

Mr Speaker, Sir, the setting-up of the Financial Crimes Commission (FCC) as an apex body to fight financial crimes in Mauritius first appeared in our Government Programme of 2015-2019. As a matter of fact, on acceding to power in December 2014, the new Government, under the leadership of late Sir Anerood Jugnauth, promised to manage the affairs of the State on the principles of transparency, accountability and exemplary governance. The Government had also promised the nation to free our society from the shackles of widespread corruption, fraud and favouritism that had characterised the two successive mandates of the Labour party-led Government.

We had a clear mandate from the people to clean up the mess left by the previous Government and on the strength of that trust of the people, the Government took a strong commitment to eradicate fraud, corruption, malpractices and irregularities that had plagued all aspects of public life in our country over the preceding nine long years.

On our re-election in 2019, we renewed our commitment to further strengthen our democracy and governance framework by intensifying our fight against fraud and corruption, with zero tolerance of corrupt practices. We also renewed our pledge to

introduce appropriate coordination mechanism to ensure inter-agency cooperation to combat economic and financial crimes.

Mr Speaker, Sir, with a view to fulfilling our commitment for the setting-up of a Financial Crimes Commission, a National Committee was set up under the chair of the Financial Secretary to make appropriate recommendations to the Government in that regard. The National Committee was supported by a Technical Working Group comprising representatives from different Ministries, Departments and institutions concerned.

Following extensive consultations, a paper was prepared and submitted by the National Committee outlining its proposals for the setting-up of a Financial Crimes Commission. The Attorney General's Office was subsequently requested to prepare a draft Bill on the basis of the paper submitted by the National Committee. Once the first draft of the Bill was ready, a second phase of consultation was engaged with all relevant stakeholders, including –

- the Ministry of Finance, Economic Planning and Development;
- the Ministry of Financial Services and Good Governance;
- the Bank of Mauritius;
- the Financial Services Commission;
- the Director of Public Prosecutions;
- the Police Department;
- the ICAC;
- the Mauritius Revenue Authority;
- the Financial Intelligence Unit, and
- the Integrity Reporting Services Agency.

All the submissions received were carefully examined and some of them were retained and the draft Bill was reviewed in the light thereof and thereafter submitted for final approval of Government, before its introduction into the National Assembly.

Mr Speaker, Sir, as the House is aware, financial crimes have drastically changed in recent times as a result of increasing financial globalisation, coupled with the pervasive nature of highly innovative and constantly evolving technology. Illicit assets, derived from the technology-based financial criminal activities, are moved across multiple jurisdictions at the click of a button, thus presenting huge challenges for law enforcement agencies in

chasing those criminals and their assets across the globe. Financial crimes, therefore, remain a significant and constantly evolving threat to national security and social stability, with the capacity to undermine our institutions and our democratic values and principles and the rule of law. They constitute a threat in particular to the most vulnerable groups in our society and also jeopardise economic performance and development. Countries, therefore, need to regularly uplift their financial crime framework so as to maintain its effectiveness, and Mauritius is no exception.

Mr Speaker, Sir, in so far as Mauritius is concerned, I must say that, since 2015, the Government has been taking numerous bold and effective measures in order to enhance transparency and accountability and reinforce our overall governance framework. Before delving into the FCC Bill, I think it is fitting for me to remind the House of some of these measures.

Mr Speaker, Sir, as the House is aware, the Eastern and Southern Africa Anti-Money Laundering Group, commonly known by the acronym of ESAAMLG, had released its Mutual Evaluation Report (MER) on Mauritius in 2018, in which it had identified certain strategic shortcomings in our AML/CFT regime. I must say that the deficiencies identified in the MER Report of 2018, were the result of the inaction and lack of foresight of the previous Government and which we inherited in 2014.

I wish to remind that the MER Report of 2008 had already identified several deficiencies, in particular regarding the AML/CFT regulation of the Designated Non-Financial Businesses and Professions, including casinos, real estate agents and legal and accounting professionals.

However, the then Government failed to address those deficiencies. Worse still, in 2012, the FATF reviewed its Recommendations and countries were requested to initiate actions to ensure compliance with the revised Recommendations, which subsequently came to be known as the 40 FATF Recommendations. But again, no action was initiated by the then Government and this resulted in modest ratings for Mauritius in the 2018 MER Report, which in fact rated Mauritius as being compliant with only 14 out of the 40 FATF Recommendations.

In contrast, in 2018, immediately after the release of the 2018 MER Report, the Government embarked on an ambitious exercise to overhaul our AML/CFT framework in order to comply with the FATF standards in terms of both technical compliance and effectiveness, during the one-year observation period from October 2018 to October 2019.

This exercise resulted, among other things, in the adoption and implementation of a comprehensive National AML/CFT Strategy and a National Action Plan. Mauritius was, subsequently, rated as “compliant” or “largely compliant” with 35 out of 40 FATF Recommendations.

In February 2020, the FATF acknowledged the significant progress made by Mauritius since the adoption of its MER, but also noted that some strategic shortcomings remained and Mauritius was required to address those deficiencies within an agreed timeframe.

Mr Speaker, Sir, the Government immediately made a high-level political commitment to work with the FATF to further strengthen the effectiveness of its AML/CFT regime and prioritise the implementation of the FATF Action Plan. At the same time, Mauritius worked closely with the ESAAMLG and also benefited from technical assistance from the latter as well as from UK, France, the EU AML/CFT Global Facility, the German Agency for International Cooperation, the IMF, the UNODC, the World Bank and other international organisations with the aim of strengthening the capacity of our competent authorities and providing relevant guidance in the implementation of their AML/CFT obligations.

I must say that this assistance has been instrumental in addressing the strategic deficiencies identified in the Mauritian AML/CFT regime. In addition, the close collaboration between the competent authorities and the private sector operators was pivotal during this process. Over the course of several FATF Plenary meetings, Mauritius submitted four Progress Reports, detailing the actions it had taken to complete each Action Item.

The House will also recall that, in that same context, the Anti-Money Laundering and Combating the Financing of Terrorism (Miscellaneous Provisions) Act 2020 was passed by the National Assembly on 07 July 2020, through which, 19 pieces of legislation were amended to effectively address evolving risks and further strengthen our overall governance framework. Several other measures were taken to address the deficiencies identified and consolidate our AML/CFT regime.

Mr Speaker, Sir, in October 2021, the FATF concluded that Mauritius would no longer be subject to increased monitoring as the country had made significant progress in strengthening the effectiveness of its AML/CFT regime and had addressed the related technical deficiencies to meet the commitments in its Action Plan.

Consequently, Mauritius was removed from the FATF grey list. In fact, Mauritius managed to exit from the grey list in a record 18 months' time. Mauritius is now "Compliant" or "Largely Compliant" with all the 40 FATF Recommendations. The FATF and the international community have recognised Mauritius as an improved and effective AML/CFT jurisdiction through measures adopted and well-performing institutions. This removal from the grey list was a much awaited and welcome boost for Mauritius as it not only allowed the country to regain its position among the leaders in the global financial services industry, but also reinforced our position as a leading investment destination, playing a key role in facilitating FDI into the African continent.

Mr Speaker, Sir, soon after Mauritius was removed from the FATF grey list, it was also removed from the UK list of High Risk Third Countries in November 2021. Subsequently, on 07 January 2022, the European Commission also removed Mauritius from its list of high-risk third countries, acknowledging that it no longer presented strategic deficiencies on the basis of the criteria laid down in EU Directive 2015/849.

It is noteworthy that, upon the exit of Mauritius from the EU black list, the EU Commission Delegated Regulation of 07 January 2022, mentioned, and I quote –

“The FATF welcomed significant progress made by Botswana, Ghana and Mauritius in improving its AML/CFT regime and noted that Botswana, Ghana and Mauritius have established the legal and regulatory framework to meet the commitments in their action plans regarding the strategic deficiencies that the FATF had identified. The Commission's analysis concluded that the Bahamas, Botswana, Ghana, Iraq and Mauritius no longer have strategic deficiencies in their AML/CFT regime considering the available information. The Bahamas, Botswana, Ghana, Iraq and Mauritius have strengthened the effectiveness of their AML/CFT regime. These measures are sufficiently comprehensive and meet the necessary requirements to consider that strategic deficiencies identified under article 9 of the Directive (EU) 2015/849 have been removed”.

Mr Speaker, Sir, this remark by the EU is an acknowledgment and recognition of our efforts and commitment to enhance transparency and accountability and fight financial crimes and also of our willingness to fulfill our international obligations.

Mr Speaker, Sir, we have achieved a lot more over the last couple of years –

- We have enacted, amongst others, a comprehensive legislation to regulate virtual assets and initial token offerings, aligned with FATF standards and conducted a risk assessment on virtual assets and service providers;

- We have achieved a “largely compliant” rating for FATF Recommendation 15 on New Technologies;
- Mauritius has joined the top-tier jurisdictions which are “compliant” or “largely compliant” with all the 40 FATF Recommendations;
- We have moved from a recipient of technical assistance to a privileged partner in sharing our experience gained and lessons learned to tackle illicit financial flows. It is a matter of pride for all of us that Mauritian officers have been providing assistance to countries like Mozambique, Kenya, Tunisia, Jordan, Zambia and the Democratic Republic of Congo;
- Mauritius has also participated in prominent regional and international assignments and several of our officers are assuming prestigious roles as ESAAMLG Assessors, Reviewers, and FATF Reviewers, highlighting the country's influence and expertise at both regional and international levels;
- We are actively participating in ESAAMLG Projects, including the development of a toolkit for assessing Money Laundering and Terrorist Financing risks by legal entities, a project on Regional Terrorist Financing Risk Assessment, and a survey on the impact of Fintech products like virtual assets on inclusive financial integrity in the ESAAMLG Region, and
- Mauritius also hosted the international prestigious conference, namely, the Organisation of African, Caribbean and Pacific States Conference in January 2023 and FATF Africa/Middle East Joint Group Meeting in May 2023. These events provided an opportunity for Mauritius to showcase its initiatives in combating Money Laundering and Terrorism Financing in Africa.

Mr Speaker, Sir, the enactment of the Declaration of Assets Act in 2018 was also a major step ahead in consolidating our anti-corruption framework and fulfilling our international obligations under the United Nations Convention against Corruption. As the House is aware, certain information on the declaration filed by Members of the National Assembly and the Rodrigues Regional Assembly and Local Councillors are now made accessible to the public through the website of the Independent Commission against Corruption. Moreover, as from April 2022, the application of the Declaration of Assets Act has been extended to cover every officer of the Departmental grade in the Mauritius Prisons Service, as recommended by the Commission of Inquiry on Drug Trafficking.

The House will also recall that the Statutory Bodies Accounts and Audit Act has been amended such that all statutory bodies are now required to prepare their accounts

under the International Public Sector Accounting Standards (IPSAS) Accrual Framework, which is a fair and transparent mode of reporting.

Moreover, Government has introduced the Corporate Governance Scoreboard for Mauritius, which is a major milestone in the journey of governance development for the country.

It is equally noteworthy that, in addition to numerous other anti-corruption measures taken by ICAC, the latter has also been implementing the Public Sector Anti-Corruption Framework to formalise the commitment of public bodies in the fight against corruption and to build up the capacity of public bodies to enhance transparency and accountability. In this context, the conduct of two Corruption Risk Assessments at the level of each Ministry and Department has started in Financial Year 2020-2021 with a view to enhancing transparency and promoting an ethical work culture in the public service. This exercise, which is currently being implemented in all Ministries and Departments, has been extended to Parastatal Bodies and State-owned Enterprises as from Financial Year 2021-2022.

It is also apposite for me to mention that, over the last three years, important amendments have been brought to the Prevention of Corruption Act in order to provide for the following –

- Offences committed by a legal person (in 2020);
- Realisation of assets seized or subject of an attachment order (in 2021);
- Bribery by, or of, foreign public official (in 2022), and
- Non-tax deductibility of bribes (in 2022).

Mr Speaker, Sir, another important measure, which this Government has taken to combat financial crimes more effectively, is the setting-up of a specialised Financial Crimes Division at the level of the Supreme Court and the Intermediate Court, with jurisdiction to hear and determine financial crime offences. The new Division ensures that prosecutions in relation to corruption, money laundering and other financial crime offences are dealt with expeditiously by specialised Judges and Magistrates.

Mr Speaker, Sir, because of its constantly shifting landscape, the fight against financial crimes is a never ending battle. There is therefore a need for us to periodically reassess our current disposition so as to ascertain that it is still fit for purpose. As a matter of fact, there are still some areas of concern in our present financial crime framework which need to be addressed. There is a need, for example, for more coordination and

cooperation among the existing law enforcement agencies dealing with financial crimes for better investigations and prosecution outcomes and deliverables. In fact, this is a matter that was highlighted in the report of the Commission of Inquiry on Drug Trafficking, which consequently called for a more holistic approach in the fight against financial crimes for the sake of greater effectiveness. Let me quote the observation made in the Report in relation to the present legal and organisational set-up in the fight against corruption and money laundering. I quote –

“A reading of the various legislation (POCA, ICAC, FIAMLA, Good Governance and Integrity Reporting etc.) reveal that there is an overlapping of functions and the Commission recommends the review of all those legislations so that all of them be grouped under one umbrella with specialized divisions in different fields which would lead to optimising the use of personnel, administrative costs and data collection in a mega data base in compliance with international norms, the more so that many of those commissions have their counterparts in other countries.”

Mr Speaker, Sir, there is also a need to provide our law enforcement agencies with the necessary powers and tools to enable them to investigate fully and effectively the new and complex types of financial crime scams, including financing of drug dealing, and the new breed of criminal enterprises that exist today and bring them promptly before the courts to answer for their misdeeds.

Mr Speaker, Sir, delays in bringing the perpetrators of serious commercial and financial crimes to justice or failure to secure a conviction have potentially harmful consequences, not only for the unfortunate victims, but also for the reputation of our jurisdiction as a whole. Therefore, the focus should now be on effectiveness, that is, on results and outcomes. And this is what Mauritius is going to be assessed upon, by the FATF, in 2027 and this is precisely what we want to achieve through this Bill.

Mr Speaker, Sir, let me now briefly explain the salient features of this Bill. As indicated in the Explanatory Memorandum, the object of the Bill is to provide for the establishment of the Financial Crimes Commission as the apex agency in Mauritius to combat financial crimes, such as corruption offences, money laundering offences, fraud offences, the financing of drug dealing offences and any other ancillary offence connected thereto. This marks a radical shift from a dispersed and disaggregated system to a more holistic approach to combating financial crimes: a strategy which, I must say was endorsed by the ESAAMLG in its 2018 Evaluation Report on Mauritius.

Mr Speaker, Sir, as I stated earlier, the financial crime law enforcement system in Mauritius and its agencies had been the subject of criticisms by the Commission of Inquiry

on Drug Trafficking for operating in silos, within a disjointed and dispersed framework, where cooperation was almost inexistent. As an example, investigation on the one hand, and asset forfeiture and recovery on the other hand, are currently being carried out by different agencies and coordination among those agencies has been weak. It is considered that outcome, in terms of investigation and prosecution, could have been better in a centralised and well-coordinated framework. Being given that asset forfeiture and recovery are important components in the chain of investigation, the Financial Crimes Commission will now be empowered to carry out both investigation into financial crimes and asset forfeiture and recovery for a more effective fight against financial crimes.

I must add that, in its post-delisting recommendations, the FATF had indeed advised Mauritius to strengthen its efforts in ensuring that Money Laundering cases are dealt with as a priority and in a timely manner so as to maintain the effectiveness of its regime. In this respect, it was suggested that efforts be made to ensure clearer division of responsibilities between Law Enforcement Agencies in order to avoid overlap during investigations as well as overwhelming files being brought before the Court.

The Bill is, therefore, providing for a new, robust, harmonised, modern and more appropriate structure that will give new strength to, and enhance the effectiveness of, our fight against financial crimes. As such, the Financial Crimes Commission will take over the functions and powers of –

- the Independent Commission Against Corruption under the Prevention of Corruption Act and the Declaration of Assets Act;
- the Asset Recovery and Investigation Division of the Financial Intelligence Unit, under the Asset Recovery Act, and
- the Integrity Reporting Services Agency, under the Good Governance and Integrity Reporting Act.

Accordingly, the Prevention of Corruption Act, the Asset Recovery Act and the Good Governance and Integrity Reporting Act will be repealed and replaced by this new legal framework.

However, the existing provisions of the Prevention of Corruption Act, the Asset Recovery Act and the Good Governance and Integrity Reporting Act are not only being retained, but are also being reinforced in this new legal framework. In addition, the FCC will be the depository of all declarations made under the Declaration of Assets Act, except for the Director-General, Commissioners and officers of the FCC who shall be required to file their declaration of assets with the Mauritius Revenue Authority.

Mr Speaker, Sir, I wish to underline here that the Financial Intelligence Unit will not be integrated in this new umbrella organisation and will continue to operate separately and will focus on its main mandate for which it was established, that is, to gather and disseminate financial intelligence and for suspicious transactions to be reported to it.

Mr Speaker, Sir, another noteworthy change that is being proposed is in relation to the definition of “Relative” in the Interpretation Clause. In fact, with a view to preventing offences with regard to conflict of interest, the definition of “relative”, in relation to a person, has been enlarged to include, *inter alia* –

- (a) the son or daughter of either the brother or sister of that person or the spouse, and
- (b) the brother or sister of either the mother or father of that person or the spouse.

Clause 5 of the Bill makes provision for the setting-up of different Divisions within the Commission, as follows –

- (i) an Investigation Division, comprising the Financial Crimes Investigation Unit and the Financing of Drug Dealing Investigation Unit;
- (ii) an Asset Recovery and Management Division, comprising the Asset Recovery Unit, the Declaration of Assets Unit and the Unexplained Wealth Unit;
- (iii) an Education and Preventive Division;
- (iv) a Legal Division, and
- (v) such other Divisions as the Commission may, with the approval of the Minister, set up.

Except for the Legal Division, every other Division will be headed by a Director. The Legal Division will be headed by a Chief Legal Adviser.

Clause 6 defines the powers and functions of the FCC. In the discharge of its functions under the new law, the Commission will be responsible, *inter alia*, for –

- (a) detecting and investigating into any offence under the Act, including offences related to the financing of drug dealing;
- (b) conducting investigations regarding asset recovery and for recovering and managing assets which are proceeds or instrumentalities, including terrorist properties, of offences under the Act;
- (c) detecting and investigating into offences under the Declaration of Assets Act;

- (d) detecting and investigating into unexplained wealth;
- (e) preventing and educating the public against financial crimes;
- (f) prosecuting any offence under this Act and any offence under the Declaration of Assets Act, and
- (g) doing such other things as may be necessary to fight financial crimes.

Mr Speaker, Sir, Clause 7 of the Bill sets out the composition of the Commission and the manner by which Commissioners are to be appointed. The Commission will consist of the Director-General as Chairperson and four other Commissioners. The Commissioners shall be appointed by the President of the Republic on the advice of the Prime Minister, tendered after consultation with the Leader of the Opposition.

Clause 10 provides that the Director-General shall also be appointed by the President acting in accordance with the advice of the Prime Minister, tendered after the Prime Minister has consulted the Leader of the Opposition.

Mr Speaker, Sir, it is to be noted that, under the existing Prevention of Corruption Act, the Director-General and the Board Members of the ICAC are appointed by the Prime Minister, after consultation with the Leader of the Opposition. The House will recall that this mode of appointment was introduced in 2006 when the then Appointment Committee was abolished. Although there may not be anything wrong *per se* with this single-branch mode of appointment through the Appointment Committee, which, by the way, is recognised and accepted internationally, it has unfortunately given rise to unjustified criticisms about alleged perception of political interference and lack of independence.

The Bill is, therefore, proposing to align the mode of appointment of the Commissioners and of the Director-General of the FCC with other comparable constitutional and statutory positions, such as the chairperson and members of the National Human Rights Commission, the chairperson and members of the Equal Opportunities Commission, the chairperson and members of the Competition Commission, amongst others.

Moreover, as the House is aware, under the existing PoCA, the Board of the ICAC is chaired by the Director-General. Likewise, in regard to the Financial Crimes Commission, the Bill provides that the Commission shall be chaired by the Director-General. It is considered that this arrangement will enable greater operational efficiency and effectiveness, which will now be a key performance indicator, and we therefore propose to maintain this arrangement in view of the specific nature of the investigatory and prosecutorial powers and functions of the FCC.

Mr Speaker, Sir, it is also noteworthy that, in order to safeguard the independence of the Director-General of the FCC, the Bill is maintaining the same security of tenure that the Director-General of the ICAC now enjoys under the PoCA. The procedure for the termination of appointment of the Director-General of the FCC is, therefore, being maintained as in section 23 of PoCA, which vests the power of termination in the Parliamentary Committee and also provides for an elaborate due process, in compliance with the rules of natural justice.

Mr Speaker, Sir, Part III of the Bill provides, amongst others, for corruption offences and money laundering offences. Most of the provisions of this part are a reproduction of the existing PoCA. However, this Part III also provides for the following new offences –

- (a) Bribery for procuring withdrawal of tenders – Clause 28;
- (b) Corruption in relation to sporting events – Clause 35;
- (c) Fraud offences – Clauses 39-44, and
- (d) Financing drug dealing offences – Clause 45.

Clause 28 is criminalising the offer, or acceptance, by any person, of a gratification for the withdrawal of a tender or for refraining from submitting a tender in relation to any contract with a public body.

In relation to sporting events, Clause 35 is criminalising the acceptance or offer of a gratification for influencing the run of play or outcome of any sport event.

Regarding Fraud offences, the Bill is criminalising, *inter alia*, the following –

- Fraud by false pretend representation;
- Fraud by failing to disclose information;
- Making or supplying articles for use in fraud;
- Fraud by abuse of position, and
- Electronic fraud.

Clause 45 is criminalising the financing of, or deriving a profit or commission from, specified drug dealing activities.

Mr Speaker, Sir, Part IV of the Bill provides for the detection and investigation of financial crimes and other offences. Clause 62 specifies the circumstances in which the Commission can direct its officers to arrest a person. I must point out here that the Commission will have less, not more, powers of arrest than the ICAC presently has under

section 53 of the PoCA. In fact, powers of arrest, except for the limited situations specified in Clause 62, will continue to rest with the Commissioner of Police.

Mr Speaker, Sir, with a view to enhancing the effectiveness of investigations and prosecutions of financial crimes by the FCC, Clause 63 of the Bill is empowering the Commission to request any financial institution to provide such customer information, including details of financial transactions. In regard to the difficulty of obtaining information in the course of an investigation, I would like to mention here the observations made by the Commission of Inquiry on Drugs Trafficking, which were as follows, and I quote –

“The Commission is also concerned with the low number of cases in relation to money laundering dealt with by ICAC and successfully prosecuted.

The Commission is fully alive to the difficulty in obtaining information thus the necessity of reviewing the methodology of investigation for in the absence of credible information from which can be distilled intelligence, the chance of successful prosecution will no doubt be low compared to the huge costs which had to be invested in personnel and equipment.”

Mr Speaker, Sir, I must underline however that this power under Clause 63 is subject to judicial check, as an Order from the Judge in Chambers will be required before exercising this power. Moreover, this power is not meant for general application. It can only be exercised where the Commission has reasonable grounds to suspect that –

- any property in the possession, or under the control, of a person is proceeds, an instrumentality or a terrorist property;
- the customer information is likely to be of substantial value to an application made under this Act, or an investigation being carried out, by the Commission, and
- it is in the public interest that the customer information be provided.

I also wish to underline the fact that the ICAC is vested with similar powers, to obtain financial information, under section 64(9) of the Banking Act.

For similar reason, Clause 65 is empowering the Commission to apply to a Judge in Chambers for a Telecommunication Order ordering any public operator to intercept, withhold or disclose to the Commission any information for the purpose of an investigation. Here also, it is to be noted that the ICAC is presently vested with similar power under section 32(6) of the Information and Communication Technologies Act.

Moreover, with a view to preventing and detecting financial crimes offences, Clause 66 of the Bill is empowering the FCC to make use, under judicial control, of Special Investigative Techniques, comprising, *inter alia*, intrusive surveillance and equipment interception, for the purpose of gathering intelligence or evidence. Such tools and techniques are considered to be essential if we are to enhance the effectiveness of our fight against financial crimes especially in this digital era.

Mr Speaker, Sir, Part V of the Bill provides for criminal and civil-based asset recovery and Part VI deals with unexplained wealth.

Regarding asset recovery, according to the FATF Best Practices Paper on “Confiscation (Recommendations 4 and 38) and A Framework For Ongoing Work on Asset Recovery”, countries should, at the domestic level, implement mechanisms to coordinate asset tracing and financial investigations with a view to ensuring that such efforts are not impeded by regionalised or fragmented systems, or competing local priorities.

Our existing asset recovery framework faces challenges stemming from its fragmented structure, leading to procedural complexities and implementation issues. Recognising the imperative for a more streamlined and effective approach, the FCC Bill is proposing a transformative solution in the form of a singular and comprehensive legal framework. The unified approach embodied in the Bill addresses the shortcomings of the current system by creating a single institution empowered to handle both civil and criminal aspects of asset seizure, freezing and confiscation and dealing with unexplained wealth. This unified legislation will not only resolve operational challenges but also ensure a more robust mechanism for combating financial crimes, whilst ensuring economic use of resources.

In regard to asset management, the United Nations Office on Drugs and Crime has, in its 2021 Feasibility Report on “Asset Management Capacity and Needs To Track, Monitor, and Administer Frozen and Recovered Assets” in Mauritius, recommended, amongst others, the setting-up of an Asset Management Office to centrally manage seized assets as currently no agency has the overall mandate to manage all seized and confiscated assets in Mauritius.

In this respect, Clause 5 (1)(b) of the FCC Bill provides for an establishment of an Asset Recovery and Management Division, consisting of three integral units, namely, the Asset Recovery Unit, the Declaration of Assets Unit, and the Unexplained Wealth Unit. These units collectively hold distinct yet interconnected responsibilities.

They will be charged with the crucial task of recovering and managing assets, including those identified as proceeds or instrumentalities of offences committed under the Act or any other relevant enactment, including terrorist properties. Together, these units form a comprehensive framework within the Asset Recovery and Management Division, aligning with the FCC's overarching goal of enhancing our capabilities to combat financial crimes effectively.

Mr Speaker, Sir, Part VII of the Bill makes provision for the protection of, and assistance to, informers and witnesses, in line with international best practices for protection of whistle-blowers. Clause 123, in fact, provides that the identity of an informer and the information imparted shall be secret between the Commission and the informer and all matters relating to such information shall be privileged and shall not be disclosed in any proceedings before any Court, Tribunal or any other authority. Moreover, informers and witnesses are protected against civil or criminal liability. Clause 125 is also introducing a Witness Protection Scheme to assist “Endangered Persons”.

Mr Speaker, Sir, the independence and accountability of the FCC are two *sine qua non* conditions to reinforce public trust, legitimacy and credibility of the Commission. In order to ensure greater effectiveness, the adoption of a consolidated and holistic institutional set-up should guarantee the independence of the institutions together with a strong accountability mechanism regarding the different aspects of its work. Any risk of abuse of power, perceived or real, can be eliminated by incorporating a strong checks and balances and proper oversight and accountability. Accordingly, it was felt that, while it is important to ensure the independence of the institution, appropriate accountability and oversight mechanisms should be established to create the right balance. As a matter of fact, the UNODC advocates both internal and external accountability mechanisms to prevent any abuse of power by anti-corruption agencies.

Mr Speaker, Sir, the House will recall that the Prevention of Corruption Act 2002 had established a Committee, which was called the Operations Review Committee, whose remit was, precisely, to receive or call for reports from the then Commissioner and advise the ICAC on complaints received and on status of investigations. However, for one reason or another, the Committee was scrapped in 2006 again, thus creating a gap in the accountability mechanism of the ICAC. We are today plugging that gap by reinstating the Operations Review Committee, in line with the requirements of the OECD.

Accordingly, Part VIII of the Bill (Clauses 126 to 128) is making provision for an Operations Review Committee as an independent oversight mechanism that will advise the

Commission on the number and the manner in which the following are, *inter alia*, dealt with –

- a) complaints of any offence under this Act made to the Commission;
- b) investigations being carried out by the Commission and which have lasted more than 12 months;
- c) the exercise by the Commission of its investigatory powers;
- d) all cases where suspects have been provisionally charged for more than 12 months, and
- e) investigations which the Commission has completed and discontinued.

The Operations Review Committee will consist of –

- a chairperson, who shall be a retired Judge of the Supreme Court or a law practitioner of at least 10 years' standing;
- a deputy chairperson;
- three other members, and
- the Director General, the Director of the Investigation Division, the Director of the Asset Recovery and Management Division, and the Chief Legal Adviser, who shall be ex-officio members with no right to vote.

Mr Speaker, Sir, the Operations Review Committee will be empowered to call for and receive any information, documents or report from the Director General in the discharge of its functions.

Moreover, in order to guarantee their independence, the members of the Operations Review Committee, other than the ex-officio members, shall be appointed by the President, acting in accordance with the advice of the Prime Minister, tendered after consultation with the Leader of the Opposition.

Mr Speaker, Sir, Part IX of the Bill (Clauses 129 to 131) is providing for a Parliamentary Committee to monitor and review the general manner in which the FCC will discharge its functions and exercise its powers under the Act, other than matters falling within the purview of the Operations Review Committee. In fact, the Bill is maintaining the provisions regarding the powers and functions of the Parliamentary Committee as contained in the present Prevention of Corruption Act.

Part X of the Bill provides for coordination and cooperation among law enforcement agencies and partnership between public and private sector in combating financial crimes.

In fact, Clause 132 of the Bill is making provision for the setting up of a National Coordination Committee, which will, *inter alia*, coordinate criminal enquiries with law enforcement authorities in relation to parallel and complex cases, and assist in overcoming any challenges in order to ensure effective disposal of such enquiries. The National Coordination Committee will consist of –

- the Director General, as Chairperson;
- the Solicitor General or his representative;
- the Director of Public Prosecutions or his representative;
- the Commissioner of Police or his representative;
- the Director General of the Mauritius Revenue Authority or his representative;
- the Governor of the Bank of Mauritius or his representative;
- the Chief Executive of the Financial Services Commission or his representative;
- the Chief Executive of the Gambling Regulatory Authority or his representative, and
- the Director of the Financial Intelligence Unit or his representative.

Clause 135 on the other hand makes provision for the setting up of a Public-Private Task Force, which will be responsible to develop and promote cooperation between the public and private sector in combating financial crimes, amongst others. Apart from the representatives of the relevant public institutions, the Task Force will also comprise a representative of Business Mauritius, a representative of the Mauritius Banker's Association, a relevant insurance company and three other members from the private sector.

Part XI of the Bill deals with offences and penalties applicable for breaches of the Act and compounding of offences, which is a new provision.

Mr Speaker, Sir, it is to be noted that Clause 142 of the Bill is vesting the FCC with the power to institute criminal proceedings, as it may consider appropriate, for any offence under the Act or the Declaration of Assets Act. It is considered that an enforcement and investigative agency like the FCC should indeed be vested with the power to institute criminal proceedings and conduct, and has carriage of, its own prosecution independently, as there is a need to deal with financial crime cases with celerity and avoid any undue delay which can compromise their successful outcome. There are different factors which argue in favour of an investigative agency having its own independent prosecution mandate and power. Let me explain.

Mr Speaker, Sir, the FCC will be investigating financial crimes. It will have a full-fledged legal division which will follow and advise the investigations throughout.

This is called a prosecution-led investigation which is recognised and recommended by international organisations such as the FATF in order to ensure that all aspects of an investigation, namely legal, procedural, evidential and completeness are respected. Such prosecution-led approach in investigations is likely to render the investigation and any eventual prosecution more effective.

If the Legal Division of the FCC has followed an investigation and has tendered legal advice to the investigation division throughout an investigation process and has also tendered legal advice at the end of an investigation, after it has considered all evidence in the file, there might not be a need for another lawyer to reconsider or to re-advise the file. This will amount to duplication of work and effort and will result in delay.

Once an investigation will be completed and will have benefitted from legal scrutiny throughout, it will be tabled before the Commission, which will comprise the Director General and four other Commissioners, who will be high calibre professionals and who will consider whether to institute criminal proceedings against a particular suspect, by way of majority decision, and this based on legal advice and an investigation which has been under the scrutiny of a legal adviser of the Legal Division.

The composition of the Commission and the powers and functions of the Operations Review Committee, which I mentioned earlier, constitute the in-built checks and balances that would ensure fairness in the decision-making process whether or not to institute a criminal proceeding against a suspect.

It is worth recalling that, following the exit of Mauritius from its grey list, the FATF highly recommended to ensure effectiveness in a sustainable manner. This is precisely what we are seeking to achieve. I mentioned earlier the setting up of the Financial Crime Division at the level of the courts, which was a consequence of the FATF International Co-operation Review Group process. Strengthening the financial crime scrutiny process and system is part of the effort to ensure effectiveness in the system. With the coming of the next mutual evaluation in 2027, Mauritius has to be ready to demonstrate sustainability and effectiveness in its system.

Mr Speaker, Sir, what is being proposed in Clause 142 is not new at all. Several Statutory Authorities in Mauritius are already vested with prosecutorial powers, for example section 4(2) of the Food Act empowers an “authorised Officer” to conduct an inquiry and swear information and conduct prosecution before a Magistrate in respect of

any offence under the Act or regulations made under the Act. There is no mention in the Act, or in any other legislation, of any mandatory consent of the DPP for initiating such prosecution.

It is to be noted that the constitutional powers of the DPP are not being affected at all. The DPP will retain his powers under section 72(3) (b) and (c) of the Constitution and can, therefore, take over and continue or discontinue, at any stage, any such criminal proceedings instituted by the FCC. Where he decides to discontinue any such proceedings, he may give reasons as he may deem fit for such discontinuance. However, an aggrieved party may apply to the Supreme Court for a Judicial Review of his decision.

Mr Speaker, Sir, Clause 150 of the Bill is vesting the Commission with the power to compound any offence committed by any person under the FCC Act or the Declaration of Assets Act.

Clause 160 of the Bill makes provision for the Director General, the Commissioners, all officers of the Commission and members of the Operations Review Committee to file a declaration of their assets and liabilities with the Director General of the Mauritius Revenue Authority, including those of their spouse and minor children. The Declaration of Assets Act is being amended accordingly.

Clause 166 of the Bill makes provisions for consequential amendments to 19 laws so as to align them with the proposed new legislation.

Clause 167 of the Bill deals with the staffing of the Commission, including the transfer/retirement/re-employment of officers of the Independent Commission Against Corruption, the Asset Recovery Investigation Division and the Integrity Reporting Services Agency during the transition period.

Clause 168 (Savings and Transitional Provisions) provides that any proceedings, whether judicial or extra-judicial and any investigation or inquiry started by the Independent Commission Against Corruption, the Asset Recovery Investigation Division, the Integrity Reporting Services Agency and pending on the commencement of the new legislation to be taken over and continued by the Financial Crimes Commission.

In addition, any prosecution instituted under the Prevention of Corruption Act and under Part III of the Financial Intelligence and Anti-Money Laundering Act shall continue under these enactments as if they have not been repealed.

It is also to be noted that the Bill is amending the Declaration of Assets Act to provide for gold coins, virtual assets, work of art exceeding 500,000 rupees in value, as well as *waqf* properties, to be declared.

Mr Speaker, Sir, the finalisation of this Bill has been a complex and arduous task, involving considerable amount of work over an extended period of time and consultations with major stakeholders.

There are, however, some minor amendments which I will propose at Committee Stage of the Bill, including the following –

- in Clause 2, in the definition of “repealed enactments”, in paragraph (b), where “section 166(8)(b)” should rather be read as “section 166(9)(b)”;
- in Clause 126(4)(c), where “Commissioner” will be deleted and replaced by the term “member”.

All the proposed amendments will be circulated shortly.

Mr Speaker, Sir, as I stated in my opening remarks, financial crimes have changed drastically in nature over the past years mainly due to globalisation of business activities coupled with rapid advances in technological innovations. Since 2015, the Government has taken numerous initiatives to respond to the new realities and exigencies. However, financial crimes remain a complex and ever-evolving phenomenon and traditional financial crime investigative methodologies are no longer adequate to meet contemporary financial criminal activities. Therefore, countries inevitably have to undertake regular risks assessment in order to address emerging vulnerabilities and ensure that their anti-corruption framework remains relevant and fit for purpose. This is precisely what the Government has done and our response is embodied in the Bill we are presenting before the House today.

Mr Speaker, Sir, through this Bill, the Government is not only sending a clear message that it is determined to prevent and combat corruption and other financial crimes and to protect our society from their corrosive and destructive effects but is also reaffirming our unequivocal subscription to the core values of democracy, justice, ethics, honesty, accountability and transparency.

The new anti-corruption framework proposed in the Bill is grounded in a modern, pragmatic and holistic set-up, favouring better synergy among the different agencies, greater agility and greater effectiveness in the fight against financial crimes. We are convinced that the proposed framework addresses to a significant extent the deficiencies in the current set-up and can effectively respond to the existing and upcoming challenges.

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

The Deputy Prime Minister seconded.

Mr Speaker: Hon. Members, I suspend the Sitting for half an hour.

At 4.52 p.m., the Sitting was suspended.

On resuming at 5.28 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated! Leader of the Opposition!

(5.27 p.m.)

The Leader of the Opposition (Mr X. L. Duval): Mr Speaker, Sir, *l'écrivain Voltaire dans Candide écrivait « tout va pour le mieux dans le meilleur des mondes. »* That can summarise the Prime Minister's view on the situation in Mauritius, in particular with the presentation of this Bill.

It goes without saying that the Opposition is not at all agreeable to this vision, this version of what is happening in Mauritius. I hope my speech, Mr Speaker, Sir, with the help of my colleagues from this side of the House, will amply demonstrate what is happening and what is wrong, terribly wrong, with this Bill.

Mr Speaker, Sir, this nation, the whole Opposition – inside Parliament, outside Parliament – and the Mauritian public, are profoundly attached to democracy and democratic values. It is in our DNA. We thank these democratic values that have allowed our nation to prosper since independence. That is in our DNA. These democratic values, where are they? They are basically enshrined in the Constitution and in our laws generally, be it in the letter or in the spirit of the law. I will try to show that, at least, part of this Bill is unconstitutional and ought to be challenged in the courts.

Mr Speaker, Sir, these democratic principles have guaranteed our basic freedoms: freedom of expression, protection from arbitrary arrest, protection from prosecution and protection from discrimination. They have not only afforded our citizens a more pleasant way of life, but have also brought us a much-needed economic development by attracting, for instance, Foreign Direct Investment to our shores because Mauritius is and hopefully will remain, forever, *un État de droit*.

Mr Speaker, Sir, our strong and unflinching attachment to democracy and the rule of law, separation of powers and, above all, independence of institutions dictate that we must oppose, by all political and legal means, the parts of this Bill that we find dangerous. Not only dangerous if we want to fight an unproductive and counter-productive, if we want to fight corruption, but also, dangerous for our political system, for our democracy and for our civil liberties.

Before I start on the body of my speech, Mr Speaker, Sir, I want to pay tribute to our present DPP and also the past incumbent. Both of them have earned widespread respect across our nation for the manner in which they have carried out their constitutional duties and, above all, their sense of independence and fair play.

At the time when we are debating this Bill that makes an unprecedented attack on the DPP's powers and prerogatives, I thought it was important that I should make this tribute onto them on behalf of the whole nation.

Mr Speaker, Sir, I will proceed in stages, leaving a number of the finer legal issues to my colleague lawyers who will be far more able to debate the issues than me but, I firstly want to ask this question: how much power over ordinary citizens' lives should be given to a mere political appointee? The Prime Minister was very careful and repetitively quoting the Financial Action Task Force (FATF). He did not say though whether he had cleared with FATF the mode of appointment of the Director General and some of the other officers of the proposed Financial Crimes Commission.

Judges, Magistrates, the Commissioner of Police, the Director of Public Prosecutions, they all wield considerable power over our lives, they can imprison us, they can do lots of things if they want to, if they have reason to but they are all appointed by independent bodies; the Judicial and Legal Service Commission, Discipline Forces Commission and in some other cases, the Public Service Commission. That is their mode of appointment, it is in the Constitution and that is why the Constitution exists. It is to protect the independence of institutions and our liberties.

Now, the Director General of the Financial Crimes Commission is not going to be appointed by any independent institution; no, not at all! He is not going to be appointed by the Judicial and Legal Service Commission which I think ought to be the proper appointing body for this person. Honestly, I think that would be the proper appointing body for this person. It is there, it exists already, it appoints judicial officers and that is the role of the Judicial and Legal Service Commission. This guy, he is not going to be appointed by the Judicial and Legal Service, no, no, no. He is going to be appointed by the Prime Minister, and do not think the Prime Minister will bother with a competitive process! No, he does not believe in competitive process.

I had a look at how the Director of the Serious Fraud Office is appointed in the UK. It is mandatory, competitive process with review and transparency. Here, no, the lucky incumbent will be selected by the Prime Minister. Of course, it will be through the President who will act as a letter box because the President has – as we all know – no say in the selection of the person. Now, it is supposed to be after consultation with the Leader

of the Opposition. *Aie, aie, aie*, this is a farce, this is a joke. I will tell you how it works in practice because I think I have been about five years now, Leader of the Opposition. I also consulted my colleague, hon. Paul Bérenger as to how it was before, under other Prime Ministers. Now, and Presidents and also the same thing applies to the Public Service Commission now. They have the same way of working. How is the consultation process made? It is made usually by a letter. I receive a letter; such and such fellow will be appointed or proposing to appoint such and such fellow as such and such post. His CV accompanies it, I am not told what are those conditions of employment, what is going to be his salary, his perks, I do not know anything about all this. All I know is that he is going to be appointed and this is the CV.

Now, I react by saying no. Few days later, the lady or the man is appointed. I react by saying yes, okay, again he is appointed. I react by saying ‘look I do not have enough information, I do not know this chap/this lady, I do not know him/her. I would like to meet him/her to see whether, in fact, it is a good choice.’ I never get any reply; never get any reply and a few days later, the procedure carries on and the fellow/lady is appointed. This is how it works in practice. So, I would say that we need to remove this fallacy of consulting the Leader of the Opposition. It is just a letter and whatever else you may say following receipt of that letter, is simply ignored, be it by the President, be it by the Prime Minister, be it by the Public Service Commission. That’s it! Same attitude!

And, Mr Speaker, Sir, for renewal when they send a letter again, proposing to renew for the Chairman of ICAC, the Director General of ICAC, his terms were renewed sometimes ago. So, they send a letter saying we are proposing to renew. Well, obviously I will say ‘well, do you have any assessment?’ I mean it is not a *tabagie*, this is the Government, and this is our big institution. Do you have an assessment? Have you made a formal assessment? Can I have a copy of the formal assessment? Can I have a copy of what you think has happened during the five years and the reasons why you want to reappoint this fellow? Again, you get no reply whatsoever, not even an acknowledgement and the renewal is made and you learn about it in the Press. And, that is the process of consulting the Leader of the Opposition since at least I have been Leader of the Opposition, 2016-2017, Mr Speaker, Sir.

So, it is a fallacy and it is there to look good, in particular when appointment is made where it is not a PRB issue, and you do not get told what is the salary that is being proposed. So, you can appoint one fellow and these are his qualifications. He may be earning a million rupees or he may be earning a hundred thousand rupees, and you do not

know. So, you cannot tell whether you could, for the money, get a better one or a worse. So again, totally in the dark, Mr Speaker, Sir.

When the current Director General of the ICAC was reappointed, there was no assessment of his performance since 2015 also, which I will come to later, by all accounts are very poor. There is nothing in the file that was sent to me, in the documents as to what recommendations the Commission made, whether they were happy with it. There is nothing in the file about what his colleagues think of him. All these are important issues when renewing his contract, at least for such an important personality. And, what about his salary, Mr Speaker, Sir?

This Director General, his salary has never been disclosed officially and we understand he is now going to be reappointed – appointed at least – as the boss of the Financial Crimes Commission. Now, we understand, because nothing is secret, that his salary is Rs675,000 per month, not Rs650,000 as I had thought – Rs675,000 a month. It maybe includes perks, we do not know, other benefits we do not know. When I asked the Prime Minister here in this House, he said to me ‘ah, go to the Parliamentary Committee and you will be given the figure’. So, I proceeded to appoint hon. Nando Bodha with a watching brief on the Parliamentary Committee. That was on 4 May 2023.

Now, would you be surprised, I am going to shock you. The Parliamentary Committee has never met since May 2023. That is seven months ago. It is meant to meet every month and it is so important, this Parliamentary Committee that the Prime Minister himself gave us a whole chapter on the role of the Parliamentary Committee which has never met since May 2023. And, obviously I looked for remedies in the law. I said ‘well, okay, we have a representative now. We can act’. There is no remedy in the law, nothing that can be done. We need to see what remedy all these committees that are going to be set up now. The Operations Review Committee, the Parliamentary Committee, what is the remedy if these guys just do not sit? I think, Mr Speaker, Sir, there should be a remedy.

I think this law must have some provisions for us to sanction Members of the Committee; dare I say the lovely President of the Parliamentary Committee if he/she does not do her work. I do not know if she will be reconducted. It should at least be a misdemeanour punished under the criminal code if you have given a responsibility, you take a salary, let us say you take a company car but I think she already has a car anyway but the next person may not have.

You take a car, you take a salary, you take a driver and you never meet; and that is fine because there is nothing in the law that will make you meet. The same will go for the ORC, the Operations Review Committee. This is not correct. This is not right. There is

something wrong in the composition and the way that the Parliamentary Committee works, and I will come that, Mr Speaker, Sir. How I got to this Parliamentary Committee, I do not know, because I was not meant to.

Let me try to follow my speech. So, we do not know what is the exact salary. We know though that the Commissioner of Police earns Rs163,250 per months - poor chap - compared to Rs675,000. The Commissioner of Police commands 15,875 men. 15,000 men! In the ICAC, there are 158 men and women; men and women both sides of course. So, this guy who commands 15,000 people, he gets Rs163,000, four times less than the Director-General of ICAC. The Chief Justice, she gets, I think, Rs219,500 plus 30%, Rs283,000, not even half of what this lucky fellow gets at ICAC. Not even half, Mr Speaker, Sir. And of course, a huge salary in a position where you are appointed directly, in a position where you have no security of tenure, in a position where your position may be renewed, your contract may be renewed *ad infinitum*, gives the person, whoever he is, that is to appoint you, tremendous power over you. And that is the first point, Mr Speaker, Sir. We have a political appointee, appointed with a, seems to be a huge salary, no security of tenure worth its while and for which the contract can be renewed *ad infinitum*, that is the recipe, Mr Speaker, Sir, for arbitrariness, not fairness in dealings.

Now, when you appoint the famous Director-General of FCC, someone will consult - even though it is farce - the Leader of the Opposition. But when we have to get rid of the Director-General of FCC or ICAC for that matter, there is no need to consult the Leader of the Opposition. That is not necessary, you just get rid of him and the Leader of the Opposition is supposedly, at least, informed on the appointment but not even informed as to the reasons for any dismissal. This is therefore a lopsided view of life. This is why I do not agree with *Candide* and *Voltaire* as far as Mauritius is concerned.

Mr Speaker, Sir, so we have a political nominee, pure political nominee, who will have vast powers under a consolidated piece of legislation. I looked at the provisions of FIAMLA, the Financial Intelligence and Anti-Money Laundering Act and the Prevention of Corruption Act, and according to me, you have 16 clauses on offences. In this law, you have 33 clauses where the Director-General can act. 33 clauses! More than twice before! So, his power, if you want to do it in linear fashion, is being doubled from what it was previously; if you just go through the arithmetic. So, this guy who will have the power of arrest, will have so many other things that he can do. And I think rightly so, I am not saying that this Bill should not include private sector corruption, sporting events, fraud, electronic fraud, I am just upset with the person that will manage and control the FCC. The good thing, he will be also involved in combatting the financing of drug dealing.

But why does it not have any provision on the financing of terrorism? The Prime Minister just mentioned before AML/CFT. CFT being Combating the Financing of Terrorism. Why does not this Bill have anything to do with financing of terrorism? It would have been fantastic perhaps. I would look forward to be enlightened on this fact as to why financing of terrorism is not included as same clause or similar clause to the financing of drug dealing under this law? Then, you would have understood maybe some of the exceptional powers that are being given. So, these vast number of offences that are in this new Bill, under this pure political nominee, who has no security of tenure worth its salt poses a great danger to civil liberties, to our political life, to even our independent media and to anyone who dares upset the powers. That is a fact, Mr Speaker, Sir.

Now, another thing, when we are talking about the power of this political nominee, he will have under his control a series of law officers. But these law officers are his employees, he is their boss. He recruits them through the Commission; he is their boss. The DPP was never the employee of whatever attorneys that he has under him. They are employees of the Judicial and Legal Service Commission; they are recruited by the Judicial and Legal Service Commission. They are promoted by the Judicial and Legal Service Commission, but not this case. This case, we have an employee-employer relationship between the law officers and the Commission. And so, we expect far less independence of mind in the law officers at the Financial Crimes Commission than we expect at the DPP's Office, but I will come to the DPP in a moment.

I would like to deal in my own way about the question of constitutionality. I will of course speak under the correction lawyers on this side of the House but I have also consulted very eminent lawyers. Section 58 of the FCC Bill gives the power to the Commission to prosecute accused parties. It also says that it will respect Section 72 of our Constitution as far as the DPP's powers are concerned in discontinuing or taking over any prosecution that is instituted by other parties. However, this is where the shoe bites. Section 72 of our Constitution gives a constitutional duty to the DPP, and I quote –

“to institute and undertake criminal proceedings before any court of law”

And this is why, under the Prevention of Corruption Act (POCA), whether they were to be prosecuted or the recommendation of the ICAC was to prosecute or to discontinue, once the inquiry was over, all files with all the relevant documents would be sent to the Director of Public Prosecutions because he has the final say in whether or not to prosecute or to discontinue. And this is where I believe or I am told, that there is the unconstitutionality because the FCC Bill gives the power to the Commission to discontinue any further investigation that is it has instituted; it can discontinue. When it investigates and when it

discontinues, nobody is supposed to be aware of whether it has even inquired and whether it has discontinued. This, Mr Speaker, Sir, according to these eminent lawyers, represents an attack through the back door on the Constitution and on Section 72 of the Constitution because it hinders, it renders null and void the power of the DPP to institute proceedings after an inquiry because he is not even aware that the inquiry has happened.

He does not even know if he has been discontinued or not and I hope that the principal concern will be to take action to protect his rights at the DPP. We will take action in Court because he has a *locus standi* to protect his position as his position is of vital interest to the nation. There should be a check and balance on every institution of any proceeding in court. Of course, he has the power to discontinue; we will come to that in a moment but perhaps, the greatest danger is not in the power to institute proceedings because that would then be public and the DPP can always act. It is in the power given to the Commission – the blanket power to discontinue. Here, we have a political appointee, appointed in the manner the guy has just explained who will be able, in all secrecy, to discontinue with the help or acknowledgement of the Commission, who are also appointed in the same manner as him who can discontinue.

So, whatever are we going to expect here? This is Mauritius. Come on! What are we going to expect here? What can we expect in this Bill if it becomes law? Those that are lucky because they have the right contacts and friends at the right places will not be prosecuted. It would just be discontinued and those that happen to be on the other side, will find themselves in Court, facing proceedings, with the proviso that the DPP can always intervene. Now, this is a very biased view of thinking because when it comes to Court and the DPP decides to discontinue or to take over; let's say discontinue, it is expressly stated in the FCC Bill that this - which is the case – anyway, even if it was not stated - can be challenged in the Supreme Court by way of Judicial Review.

So, in the rare cases that the DPP will discontinue, then the law says “Okay chap, go and fight the guy in the Supreme Court but in hundreds of cases where the Commission itself has decided to discontinue, the law finds no need to provide any remedy to any aggrieved party; none. No remedy at all! You are not told that you can go to Court, you can look for a judicial review because anyway, you will not know, you will not have the details. So, it is a very biased piece of legislation. The DPP, a judicial Officer, appointed by the Judicial and Legal Services Commission, highly respected, you encourage people by this law, by the provision of this Bill to challenge in Court and the mere political appointee, he can do at any time in the utmost secrecy. This is a big issue.

So, there are two issues. One, the discontinuation of cases, huge risks of bias, huge risks of abuse of course, the fact that cases may be instituted wrongly by the FCC because it has not had the benefit of an independent review which it would have had had it gone through the DPP. Now, let's say that the FCC institute, the DPP has a look. He does not have the files nor the information. He will read in *Le Mauricien*, *L'Express* or *Weekend*: it is a bit funny here, something wrong here. Is he to base himself on the press reports to discontinue? There is no provision in this Bill that before discontinuing or taking over, the DPP can ask for the files. What is he going to base himself on? He is going to face public opinion. He is going to have to defend himself. He is going to have to take decisions of a major character to discontinue and there is no provision in the law for him to be provided with a 1000% all the information that he ought to be provided with so that he makes a judicious decision.

So, the Financial Crimes Commission pretends, in my view, to respect the Constitution but in these important cases, does not recognise the power of the DPP to discontinue and does not make provision for the information that he requires to discontinue, and then the case of discontinuation by the Commission itself which I have amply explained.

Good luck to the DPP if he going to discontinue like this in Public without any basic information. I think he would need a lot of courage but these guys have shown a lot of courage in the past. So, there is danger that the fight against corruption will be lopsided. He will look only one way, hear only one side of the situation, Mr Speaker, Sir. What if all these other investigative agencies suddenly decide, with the help of Government, that they will do the same as the Police, les *gardes-forestiers*, someone can sue you directly? Obviously, also the DPP himself delegates a lot of his powers in minor cases. That is normal. What if the CP suddenly decide that he will also institute, with the legislative help he might need and that it would be up to the DPP now to discontinue if he so wishes. So, everybody does the same thing and what are we going to do with the 2 or 3-floored office that the DPP occupies at the Garden Tower? Is it going to be empty? Is it going to be just himself and the Secretary? We are in fact robbing the DPP of all his powers if this law were to be replicated across our legal system and I say again, Mr Speaker, Sir, the checks and balances accorded to this nation.

By having people of calibre holding the post of DPP, we need all to be great. So, obviously there will be mistakes. Everyone is human. It is a question of balance. It is a question of the public good. It is not the question of someone being completely without thought.

Mr Speaker, Sir, I would quickly like to deal with the Parliamentary Committee which has not sat for the last eight months. I have delved on this, I won't come back again to this Mr Speaker, Sir, but as I mentioned, there has been no report. Now, since 2002, we a President of the Parliamentary Committee; as I mentioned, earlier he did not have a car, etc., now he has a car. The last report was submitted to this House in 2005; 18 years ago nearly. This is the famous Parliamentary Committee. 2005! Okay, we were in Government too. It does not mean that everything was done right either. So, this is the situation since and this Parliamentary Committee has submitted no guidelines ever. It is authorised by law to submit guidelines tabled in Parliament, about how ICAC functions; never any guideline was received and a sole report dating back to 2002-2003, tabled in 2005, the Chairman was hon. Mrs Jeewa-Daureeawoo, I was one of the members of that Committee at that time.

That was past history, Mr Speaker, Sir. So, we have an issue with the Parliamentary Committee. A major issue!

As we know, most of the clauses of that Parliamentary Committee have been copied and pasted from the Prevention of Corruption Act (PoCA). We have the same composition as is under PoCA, that is, five members from the Government, four members from the Opposition, including one chairman appointed by the Prime Minister. This Committee does not work; one Committee that works is the Public Accounts Committee – has always worked, most of the time as well. It also has five members of Government, it also has four members of the Opposition but the chairman is from the Opposition. That is the difference between the Public Accounts Committee and this one. So, I can only assume that if the Government wants a Committee to work, it should adopt the formula that works for the only Committee that works and that is the Public Accounts Committee, of which, of course, my friend, the hon. Uteem is the chairperson.

In fact, it is clear as it has always been clear that the Parliamentary Committee is a mere emanation of the political parties in Government. That's all it is. A mere emanation! Whether we were on it or we were not on it and that is why our friends resigned from the Committee some time ago because it was a mere party political committee. It had no effect. It was merely looking at statutory accounts, this and that and when questions were asked, the questions that were asked, for example on the salary of the Director of ICAC, were never responded to. So, there is a big question mark on this Committee. This Committee is not fit for purpose. This Committee must be looked at again and revamped to become a decent working Committee. I don't know if you sat before May 2023 but it has not sat since we have had a member on the Committee and I think the public is

listening. You, Mr Speaker, Sir, will no doubt agree that this is not acceptable. The Committee was meant to sit once a month but has never sat for the last seven months.

Now, the Operations Review Committee is empowered to advise and my problem with it is the same issue more or less. The guys are appointed by the Prime Minister; I think they should be appointed by the Chief Justice. I don't think that for the Operations Review Committee, the members should be political appointees. No, no, no! I think they should be appointed by the Chief Justice at least or maybe the Legal and Judicial Service Commission but not by the Prime Minister. Too much! Too much, Mr Speaker, Sir!

Now, they are empowered to advise, but what happens to the advice if the advice is ignored? Nothing happens if the advice is ignored! Nobody even knows what advice they give. The advice should be sent somewhere, it should be reported especially if it has not been listened to or has not been followed. Who then should get a copy of the advice that the Operations Review Committee if ever gives any advice or if ever it sits because you may also decide to adopt the principle of the Parliamentary Committee and never sit at all? And again, there is no sanction on the chairman or anyone who refuses to abide by the provision of this law and to my mind, failing to hold a meeting of the Operations Review Committee which should now be every three months. There should be a misdemeanour which should be punished under the Criminal Code, Mr Speaker, Sir.

Now, it has an overview role. I cannot see, we all know the personality of the incumbent at the ICAC, the future guy at ICAC, probably the same guy; this is not a guy who is going to follow advice left, right or centre. He has got his own mind and that is the problem. What do we do if the Operations Review Committee, let us say, if by sheer luck we get people who are decent on that Committee, what happens to the advice that is given? Nothing! No one will know and that is not appropriate.

Mr Speaker, Sir, I want to go to another surprising power that the future Director-General will have, that is, spying on us, spying on anyone that he thinks he needs information on. It is not called spying, it is called surveillance. Surveillance and spying is the same thing. There are two types of surveillance that he is allowed to do of his own accord, for as long as he wishes, –

- (i) He can have surveillance in public.

He can decide to follow a Member of Parliament by car. He can decide to see who they are meeting in a public place, what they are doing and everything including his private life so long as it is in public. This is how, Mr Speaker, Sir, section 66 defines surveillance and it is good for the public and everyone to know that he does not require

any judicial review for surveillance. He can do as little or as much as he wants to. And that is a real danger because here, “surveillance” means the continual act of monitoring. I will explain what “continual” is in a moment.

“Surveillance” means the continual act of monitoring, observing or listening to a person, his movements, conversations – I am going too fast – continual act of monitoring. So, you know what he is doing, at what time he gets up, at what time he leaves his house, at what time he goes to lunch and all these as long as it is in a public place, it is his right to be informed about what you do. Observing or listening to a person so long as you are talking in a public place, he can ask the waiter: ‘what has this guy been talking about?’ His movements, his conversations, other activities and communications from a public, he can do that. With the likely result of obtaining private information – it is all in the law – about that person. So, he can do that without any judicial control, without asking permission from anyone outside of the Financial Crimes Commission.

And Mr Speaker, Sir, as I mentioned at the start, “surveillance” means the continual act of monitoring. If you look at the dictionary, what does “continual” mean: “continual” is where the same action is repeated frequently. So, the law actually tells you that this fellow can repeat frequently the act of monitoring etc. of the private lives of people so long as it is in a public place. That is very sad that this power should be given to a political appointee.

So, the Commission may place any person in Mauritius under frequent and repeated surveillance as “surveillance” is explained: spied upon, listened to for as long as he wishes.

(ii) Now you have the intrusive surveillance.

This is a bit more evolved here. This guy is now actually going to tap your telephone, hack your Facebook account. It is legalising piracy; it is legalising hacking. He will be allowed to do all this provided he can go to a Judge in Chambers and get an *ex parte* application and he will do that. Now, if you are talking to me about financing of drugs, I can understand this provision. I have no issue in this provision but the means must be equal to the threats. The means must be equal to threats.

Now, what I am going to suggest is that this power of intrusive surveillance should be time-barred. It must be something that cannot go for more than 30 days before this fellow goes back to the Judge in Chambers and tell him: ‘look, I have listened, I have watched, I have photographed for one month and this is what I got, nothing more’.

The Judge can decide whether or not to renew it for another 30 days. It is impossible to give a blanket provision like this with no time-barring at all. And again, it should be for certain types of crimes, not for your day-to-day, not for your run-of-the-mill crime. It must be for things like financing of drugs, etc., Mr Speaker, Sir, and if we had certainly financing of terrorism, I would have suggested for that as well but it is not so far as I can see in the Bill.

Now, Mr Speaker, Sir, I will not be much longer. I will just tell you this. What date is it today? 12 December 2023! On 20 December 2016, similar law came, probably less dangerous than this one but more across the board, called the Prosecution Commission Bill, and the PMSD resigned the day before. It was not pleasant to resign, nobody finds it pleasant to resign but we resigned *en masse* because we considered the two Bills – one was the Prosecution Commission Bill and the other one was the Amendment to the Constitution Bill – *dans le fond et dans la forme* did not satisfy the benchmarks of democracy. Separation of powers had not been sufficiently debated. I can go into details of how it went, I will not do because I was in Government. It had not been sufficiently debated and analysed and was being presented in great haste on the eve of Christmas when most people probably had other things in their mind than the Parliament or what is happening in Parliament.

So, it represented above all, Mr Speaker, Sir, to our view, a danger to the independence of our justice system. Seven years later, on 12 December, similar events are unfolding and again the Opposition is taking responsibility. Which Members of Government will take their responsibility, time will tell. Time will tell, I have done my best in the most honest way possible to explain what I believe is wrong with this law and what I believe needs to be changed with this law. It does not mean that the whole law has to be thrown in the bin. There are certain provisions there that represent extreme danger and need to be corrected. And, it is in the hands of the Government, of the Ministers because they are the only people who can stop this in the House, we are going to vote against anyway and they will take their responsibility in front of history and that is a fact, you like it or not, Mr Speaker, Sir.

The performance of ICAC, Mr Speaker, Sir, the Prime Minister is very happy we are no longer in FATF etc., the grey list, very good. In a recent PNQ with regard to crimes under the Prevention of Corruption Act which is as opposed to crimes under the FIAMLA which is money laundering and money laundering is a relatively easy crime to detect and punish because the money is there. Corruption is a far more difficult baby, and since 2019 to 2020, so far as I could see from the records, there were only 13 convictions through

ICAC under POCA. Only 13 and most of these were for people taking Rs300, Rs500 and all that, Rs6,000 I remember. Hardly anything, and suddenly there is nothing big that had been taken in the Press and that had been covered in the Press.

Now, even straightforward ones, and I will just take one case where I will try to show that it is so simple and straightforward that it is a wonder that the case is still being investigated. I will take the Molnupiravir case. Molnupiravir case, I brought it myself in Parliament through a whistle blower. What was it? The Ministry of Health the day before bought I think 800,000 tablets for Rs9. The next day, it bought another one million tablets for Rs79. So, the fraud amounted to about Rs70 m. overnight and it was able to do this because it had given permission to a particular fellow to import these one million tablets and keep it in stock so that when they decided to purchase; he would be the obvious choice. So, there was a decision to buy, there was a decision to allow the importation from a newcomer whereas big companies had not been allow to buy that quantity. Rs70 m. of taxpayers' had gone '*fouf*' into thin air, and everything was local here. The supplier is local, the purchaser is local, the staffs are local, everything was local, and yet nothing has come out of the Molnupiravir case. Nothing has come, not a single thing has come out.

So, let us draw our own conclusions and there are dozens of cases and dozens of cases like this. And, I will finish, Mr Speaker, Sir, by giving an idea to you and to everyone about the international ranking of Mauritius, international ranking of Mauritius dealing with corruption, not with anything else. In 2012, Mr Speaker, Sir, we were ranked 43 amongst 180 countries in terms of our fight against corruption. The latest one is 2022 that we have. We lost 14 places and we are now 57th, we lost, *dégringolade* of 14 places, and that is Transparency International. International obviously, we lost 14 places so far as international recognition of the fight against corruption. The Mo Ibrahim Index 2022, Mr Speaker, Sir, and this is what it says –

“(...) Mauritius obtains its lowest score ever...”

Has this been going on for ten years again? It obtains the lowest score ever.

Afrobarometer, that is a local thing. Afrobarometer in the 2023 survey says, and I quote –

“More than seven in 10 citizens (72%) say the level of corruption in the country increased “somewhat” or “a lot” over the past year”

More than 70% of Mauritians surveyed say that the level of corruption has increased somewhat or a lot over the past year, and we are saying we are happy.

Mr Speaker, Sir, I agree that change in the law may well be necessary after 22 years. Nobody is saying it is not necessary. Consideration of the law may well be necessary. Nobody is saying that it should not be necessary. The range of offences certainly, it is good that we are expanding the range of offences but this Bill is a direct attack on our civil liberties, bypasses checks and balances in the Constitution. It allows for a vast arbitrariness in secret without anybody able to do anything about it. It could well be a device to settle scores with opponents and the media and it could well be a device to be a protection to anyone whom Government wants to protect.

So, Mr Speaker, Sir, in conclusion, if this law was to be repeated across other laws, it would mean the destruction of the Office of the DPP and then our civil liberties. In that respect, Mr Speaker, Sir, this Bill is an evil precedent.

Thank you very much.

(6.20 p.m.)

Mr Speaker: Hon. Seeruttun!

The Minister of Financial Services and Good Governance (Mr M. Seeruttun): Thank you, Mr Speaker, Sir. Mr Speaker, Sir, the hon. Leader of the Opposition started his intervention by quoting Voltaire. Let me also quote a famous quote of Voltaire –

« On parle toujours mal quand on n'a rien à dire. »

Mr Speaker, Sir, every time this Government has introduced a Bill in this House, this Opposition has come up with lame excuses to criticise the Bill.

In some instances, they have claimed that our democracy was under siege; we are threatening freedom of speech and movement and we are becoming an autocratic society. Yet, Mr Speaker, Sir, we see more and more people expressing their views on anything and everything and on whatever medium available. The Opposition parties still have their right to hold political meetings, but sometimes they choose not to because they cannot rally enough supporters. Whoever wishes to advance their cause through marchers with banners, they are authorised to do so. Debates on radios are held every day without interruption.

The Financial Crimes Commission Bill, Mr Speaker, Sir, before this House today is no exception. We hear the same rhetoric from the same group of people. They are now going as far as instilling fear in the population, as if once the Bill is passed, any Tom, Dick and Harry, *pour ne pas dire Paul, Pierre ou Jacques* would be arrested and prosecuted for no reasons. Of course, this is all in their wild fantasies, Mr Speaker, Sir.

Let me commend the hon. Prime Minister for coming up with this Bill in our quest to put at rest criminals in the financial world. This Bill, Mr Speaker, Sir, is in line with the commitment of this Government, under the able leadership of the hon. Prime Minister, that we undertook to protect our financial system, our citizens and our jurisdiction.

Mr Speaker, Sir, we also undertook the commitment when we exited the FATF Grey List to sustain our level of compliance in our fight against money laundering and financing of terrorism activities and to demonstrate effectiveness of our financial system.

This Bill, Mr Speaker, Sir, also goes in line with one of the recommendations of the Commission of Enquiry on Drugs, where former Judge Lam Shang Leen recommended that to better fight the drug barons, our law enforcement agencies should work in a more coordinated way.

Mr Speaker, Sir, I am addressing to this august Assembly on a Bill of paramount significance. It is a matter that transcends our boundaries and strikes the core of our identity as an International Financial Centre.

Today, in fact, marks a momentous occasion with the introduction of the Financial Crimes Commission Bill. It is a bold stride towards bolstering our financial eco-system against the ever-evolving threats of financial crimes and safeguarding the economic well-being of our citizens.

Mr Speaker, Sir, before we delve into the imperative for this groundbreaking legislation, allow me to reiterate the Government's steadfast commitment in combatting financial crimes, including money laundering.

Mr Speaker, Sir, the House will recall our recent achievements, stepping out of the Financial Action Task Force(FATF) Grey List in a record time and subsequent delisting from the UK and EU High-Risk Third Countries Lists. These accomplishments are not mere coincidence, but bears testimony to the concerted efforts of this Government, and if I may add, Mr Speaker, Sir, despite a very unpatriotic campaign led by the Opposition parties back then.

Mr Speaker, Sir, as the hon. Members are aware, we have implemented a series of measures to fortify our regulatory frameworks in the relentless fight against illicit financing. At the very outset, we established a robust coordination mechanism, spearheaded by the Inter-Ministerial Committee chaired by the Hon. Prime Minister himself. This Committee sets the tone in terms of our commitment to combatting illicit financial flows.

A Core Group for AML/CFT/CPF was also set up to ensure the effective implementation of FATF recommendations by relevant competent authorities. At the level of Ministry, a National Committee for AML/CFT/CPF, along with its sub-committees, was set up to monitor the implementation of national policies.

Furthermore, in pursuit of our goal to reinforce the position of Mauritius as a clean and trusted jurisdiction, we also embarked on an extremely ambitious exercise to overhaul the AML/CFT legal framework which, under the patronage of the hon. Prime Minister, resulted in the adoption of new laws and regulations, a comprehensive National Strategy for AML/CFT/CPF.

To this end, Mr Speaker, Sir, more than 60 pieces of legislations were either amended or introduced. Last year, we proclaimed an innovative piece of legislation to regulate the business activities of Virtual Assets Service Providers (VASPs) and issuers of initial token offerings.

Mr Speaker, Sir, our commitment extended beyond the legislative reforms, encompassing a dedicated focus on enhancing the expertise of our human resources within our competent authorities. The aim was to empower them to carry out their functions with heightened efficiency.

Today, Mr Speaker, Sir, it is a matter of pride for everyone that I announce that my Ministry and our competent authorities are sought after for numerous study tours by other renowned jurisdictions.

The unwavering political determination at the highest levels, combined with the commitment of our competent authorities and steadfast support from the private sector, has propelled Mauritius to the forefront as a Top-Tier Compliant jurisdiction. Today, we proudly stand among the few jurisdictions considered “compliant” or “largely compliant” to all the 40 FATF Recommendations.

Mr Speaker, Sir, despite these commendable achievements, this Government is maintaining this momentum in the relentless fight to combat financial crimes. We recognise the need for sustainability and ongoing measures in this arena.

Currently, my Ministry is coordinating a comprehensive review of the National Risk assessment, aligning with FATF Recommendation 1, to ensure our nation’s understanding of money laundering and terrorist financing risks remains up-to-date. Concurrently, assessments of Legal Persons and Legal Arrangements are underway to evaluate the risks associated with the misuse of legal structures.

Mr Speaker, Sir, today, in spite of our landmark progress, we find ourselves at a critical juncture. The global landscape of financial crimes is dynamic, and our response must be equally agile.

The establishment of the FCC reflects our unwavering commitment to continuously enhance our framework and adapt to these evolving threats.

This legislative proposal is called upon to combat a range of financial crimes, including –

- 1) Drug trafficking,
- 2) Money laundering,
- 3) Fraud, and
- 4) the accumulation of unjustified wealth.

The primary objective is to consolidate the existing institutions fighting financial crimes under a single entity for enhanced effectiveness. Over the years, the various entities, in place to combat financial crimes, have played their roles based on existing laws.

However, in today's fast-paced world, where there are no limits to financial transactions and technology is constantly evolving, we recognise the need to strengthen our framework. Today, taking these perspectives, this Government is establishing the FCC, integrating the Independent Commission Against Corruption (ICAC), the Asset Recovery Investigation Division (ARID), and the Integrity Reporting Services Agency (IRSA) into a single apex body. Mr Speaker, Sir, this integration will foster greater synergy and streamline coordination in investigations and the confiscation of illicit assets.

As outlined in the Bill, the FCC is not just apex agency but a strategic powerhouse designed to efficiently combat financial crimes. Our journey toward this legislation has been guided by recommendations and challenges that demand our attention and collective resolve.

Mr Speaker, Sir, in my capacity as the Minister responsible for the portfolio of AML/CFT, allow me to elaborate on the rationale behind establishing this Commission, aligning with recommendations from regional and international organisations.

In its Mutual Evaluation Report of 2018, the ESAAMLG Assessors acknowledged that the establishment of the Financial Crimes Commission, bringing together all agencies engaged in combating financial crimes under a unified entity, as proposed by the competent authorities demonstrated significant thought and effort to enhance the AML/CFT framework.

Mr Speaker, Sir, in 2019, Mauritius conducted a National Risk Assessment to identify, understand, and assess money laundering and terrorist financing risks associated with our system. This exercise also underscored the need for harmonization in the institutional structure of competent authorities involved in the fight against money laundering and other financial crimes.

In 2021, there was an on-site assessment by the FATF Africa/Middle East Joint Group. While the FATF Joint Group was satisfied that Mauritius had made significant progress in improving its AML/CFT regime, it provided a series of post-delisting recommendations which could be taken by Mauritius to maintain the effectiveness of its regime.

Mr Speaker, Sir, one of these recommendations was for Mauritius to strengthen its efforts in ensuring that money laundering cases are dealt with as a matter of priority and within a timely manner. In this respect, Mr Speaker, Sir, it was suggested that efforts be geared towards ensuring clearer division of labour between Law Enforcement Agencies (LEAS) to avoid overlap during investigations as well as excessive number of cases to be brought before the Court.

Mr Speaker, Sir, while talking about Asset Recovery, this unified legislation addresses the challenges of the existing fragmented system leading to procedural complexities and implementation issues. This strategy aligns with the best practices by the FATF in its paper on “Confiscation (Recommendations 4 and 38) and a Framework for Ongoing Work on Asset Recovery.”

Mr Speaker, Sir, now, coming to Asset Management, the United Nations Office on Drugs and Crime (UNODC) Global Programme against Money-Laundering, Proceeds of Crime, and the Financing of Terrorism in its 2021 Feasibility Report on “Asset Management Capacity and Needs To Track, Monitor, and Administer Frozen and Recovered Assets in Mauritius” recommended, among others, the setting up of an Asset Management Office to centrally manage seized assets as no agency has currently the overall mandate to manage all seized and confiscated assets in Mauritius.

In line with this, Mr Speaker, Sir, the FCC Bill provides for the establishment of an Asset Recovery and Management Division, consisting of three integral units: the Asset Recovery Unit, the Declaration of Assets Unit, and the Unexplained Wealth Unit.

Mr Speaker, Sir, these units collectively form a comprehensive framework within the Asset Recovery and Management Division, aligning with the FCC’s overarching goal of enhancing the nation's capabilities to combat financial crimes effectively. Another

ground breaking aspect of this legislation is its mechanism to assess the evolving nature of financial crimes. Criminals adapt to new technologies faster than authorities can keep up, as highlighted in the Europol Report. It further mentioned the need to strengthen existing cooperation and partnerships as well as develop new approaches.

In response, provisions have been made to carry out research on new trends and risk assessments, enabling the FCC to understand the risks associated with financial crimes and stay ahead of current and emerging trends, increasing its capability to effectively combat modern financial crimes in a rapidly changing landscape.

Mr Speaker, Sir, now that we are clear on the rationale of the establishment of the FCC as well as the salient provisions of the Bill, allow me to dispel the concerns of the hon. Members on the other side of the House about the process of crafting this legislation. Let me reassure them, we neither acted in isolation nor exercised arbitrary power. On the contrary, extensive consultations with various stakeholders took place, fostering the exchange of ideas and valuable proposals.

In fact, Mr Speaker, Sir, on many occasions, here itself, in this House, Members of the Opposition, have time and again, asked when was the FCC Bill was coming. I am sure hon. Lobine, on several occasions, has intervened and I will recall during the Budget Speech 2022/2023, on 16 June, he said –

“Where is the Financial Crimes Commission Bill. We badly need in our international financial sector a Financial Crimes Commission?”

He goes on to say again that for so long we have been waiting for that and we are still awaiting this Bill. Not only, hon. Lobine, but also hon. Armance on 15 June 2022, while intervening on the Budget Speech of 2022-2023, he said and I quote –

« *La Financial Crimes Commission, qui devait voir le jour, avait déjà été annoncée l'année dernière et encore des millions proposés par le ministre des Finances cette année-ci.* »

I also remember questions put by hon. Aadil Ameer Meea. That was in 2017 and he was again asking when it is coming.

Mr X. L. Duval: *Cadeau empoisonné! Inn donn zot enn cadeau empoisonné!*

Mr Seeruttun: So, Mr Speaker, Sir, now that we are introducing this Bill to the House, I don't see why there is so much agitation. You have all been asking for this Bill. Again, if I may recall, when we were introducing the Electoral Reform Bill, they kept on asking 'we need full reform of our electoral system.' When we came with that Bill, they

chose not to vote! Again, today, when we want to really, like I said, combat criminals, illicit flows of money, we see these people are again trying to be on the other side of this moment because they do not want to be associated with people who are honest, people who are fighting to, at least, do away with criminals.

Mr Speaker, Sir, I think my time is almost over. So, I will just say, Mr Speaker, Sir, that today, as an International Financial Centre, we need to send the right signal. We need to be really doing anything to show to all the international agencies that Mauritius is ready to accept people who come here with their money that is clean, proper and well earned. This Government is taking a bold decision to come forward with this piece of legislation to be able to send the right signal so that tomorrow people can come and say: Mauritius is a safe place with a trustworthy IFC where we can do business.

Thank you so much.

Mr Speaker: Dr. Boolell!

(6.44 p.m.)

Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes): Mr Speaker, Sir, the Government is game for a laugh, except that the laughter is not the best medicine; it is a poisoned chalice.

I heard the Minister saying that this Bill is dynamic. If this is a dynamic Bill, then hell will be let loose on all of us! Let me remind all our friends that since the Bill was circulated on 01 December 2023, the bold and the daring have highlighted the demerits of this legislation. It is an unprecedented legislation. The Prime Minister stated earlier that there have been wide consultations with all relevant stakeholders. Who are they? He has not mentioned any of the stakeholders.

An hon. Member: *To pann ekoute!*

Dr. Boolell: He has not mentioned. If he has said so, the meetings have been held within the periphery of four walls. There have been no wide discussions at the bar of public opinion. The public matters; the public has to be listened to, and the public has to be heard. They have a voice and their voice has to be heard constantly.

Mr Speaker, Sir, the Prime Minister and the Minister responsible for Financial Services made a lengthy discourse on the virtues and advice of FATF to ensure the effectiveness of our financial services in an effective manner. But let me tell them that this Bill will be an impediment and will impact upon the mutual evaluation when the time comes in 2027. There is a lethal veneer behind the surface of the Financial Crimes

Commission. May I remind the House that when we were in power and chaired the ESAAMLG Committee, Mauritius was hailed as a showcase. We did a lot to implement the recommendations made by ESAAMLG. But may I remind this House that Mauritius, under the MSM-led regime, was on the Grey List of FATF and the Black List of EU due to its failings and unnecessary delay to comply fully with anti-money laundering and combating of financing of terrorism.

Mr Sobrinho was given a certificate of good character as a reliable investor by the regime. This regime lost valuable time to implement recommendations of FATF and ESAAMLG because its priority was political vendetta. If the intent is to wage war on financial crimes, the Office of the DPP should not be sidelined. There should be a symbiotic relationship between the two institutions. The Bill defeats the purpose. Of course, the Financial Crimes Commission will act selectively.

Will the People's Turf, an expert in horse rigging, be investigated? The GRA and the Horse Racing Division are lapdogs of that company and the People's Turf has been allowed to organise 24 races in two successive horseracing meetings on the turf, which spells disaster to horses and riders. This is cruelty to animals and cruelty to those who ride horses. Punters are being fleeced, and up to now, the owner of this company remains untouchable. Will the Financial Crimes Commission dare to investigate one of the biggest contributors to the war chest of the MSM?

The country acknowledges those who were the first to say it is usurpation of the rights and obligations of the Office of the DPP. Indeed, the country acknowledges those who dared to say and speak up and say loud and clear: it is usurpation of the rights and obligations of the Office of the DPP. The non-political arm of the Executive should be shielded from the noxious political influence of the MSM-led regime.

The Leader of the Opposition has highlighted the relevance and importance of section 72(3)(a) of the Constitution and the relevance of clause 58 of the Bill to discontinue an investigation. But the problem is when the Commission decides to do a cover-up and discontinues an investigation after further investigation. As matters stand out under the POCA, all cases are sent to the DPP after further investigation.

The reply of the Prime Minister to PQ B/1706 is revealing and shocking. It is a foretaste of what this Government has in mind. First among equals does not mean that the rights and obligations of holders of constitutional posts could be usurped. The Prime Minister can now have access to files of cases which are being investigated. He has seen all the evidence in the case file...

The Prime Minister: Mr Speaker, Sir, on a point of order. The hon. Member is saying that I am having access to files that are being investigated.

Dr. Boolell: That's what you said!

The Prime Minister: This is not in order because I don't have access to files of cases which are being investigated.

Dr. Boolell: But you said that you can raise and show it to...

Mr Speaker: Wait! Wait!

The Prime Minister: What are you talking about?

Dr. Boolell: I am talking sense! Putting the facts down!

(Interruptions)

Mr Speaker: You listen to me! You listen to my ruling! Can you? So, if you said that the Prime Minister is reading from a file which is being investigated, you apologise for that because that case has already been...

Dr. Boolell: Why should I apologise?

Mr Speaker: Because you said it!

Dr. Boolell: Why do I have to apologise?

Mr Speaker: You will not apologise?

Dr. Boolell: For telling the truth?

Mr Speaker: You will not apologise?

Dr. Boolell: Apologise for what?

Mr Speaker: You will not apologise for what you have done?

(Interruptions)

Dr. Boolell: You want me to apologise? Alright, I will apologise!

Mr Speaker: Oh!

Dr. Boolell: Alright. If that is so, alright.

Mr X. L. Duval: Apologise; a thousand apologies!

Dr. Boolell: Okay, thousand and one apologies, Mr Speaker, Sir!

Mr Speaker, Sir, what we are seeing is a déjà-vu phenomenon. The object of the Public Prosecution Commission legislation of 2016 was to turn the DPP into an errand boy

and the Office of the DPP into a rubber stamp. Government is Government and Government so decides.

The agenda was political; the MSM-led regime would have never mustered the qualified three-quarter majority vote. The nation applauded the Leader of PMSD and members of his Party who did not hesitate to withdraw from the Government as the political arm of the Executive was hell-bent to undermine the Office of the DPP, a non-political arm of the Executive. This is a laudable and praiseworthy action. Will the Leader of the ML dare? After all, he was the former Chairman of the Select Committee on Combating Fraud and Corruption which helped to frame the Prevention of Corruption Act.

Mr Speaker, Sir, we stand united and I am glad that all Opposition parties, NGOs, Trade Unions, members of the Legal Profession are fully on board to put up a common front not only to ward a threat but to say stop the gross violation of our fundamental rights. The Bar Council has come up with a host of proposal and has solicited an urgent meeting with the Attorney General. As usual, he has chosen to go on hunting expedition. A meeting is now scheduled for Thursday...

(Interruptions)

This is as bad as a contempt...

(Interruptions)

...the indifference and insensitiveness is absolutely shocking. The nation has taken note.

Rushing this Bill through with a Certificate of Urgency against the backdrop of festive season is evident that the regime is desperate. It is out of breath and out of depth. Consolidation and streaming of the financial services as an apex body is a different scenario to a wicked law – *la loi scélérate, la loi bâillon*. This Bill should be confined to the dustbin of history, Mr Speaker, Sir.

(Interruptions)

Using the tyranny of numbers to vote a Bill by simple majority is a tragedy of justice to all intents and purposes of governance, accountability and transparency. A qualified majority of three-quarter should have been the order of this legislation. What may be legal under false pretences is not legitimate. The test of constitutionality is inevitable. Those who are well versed have referred to sections 1, 2, and 72 of our Constitution. There is a vast difference between sacrosanctity and sacrilegious legislation.

The Bill is being introduced one year before general elections to target political opponents first and foremost. Should I remind the House of the number of illegal arbitrary

arrests; the special cell set up at Line Barracks with instruction relayed from Government House as to who should be the next target? The list is long. I have seen it all and the cruelty of the MSM knows no bounds. Who cares when the Director General of the Financial Crimes Commission is judge and party? Beware the wrath of the public! The public neither forgives nor forgets.

The Bill has compounded a fury over the regulation of ICTA Act to register SIM cards with collection of biometric data like facial scan. May I remind the House that the electoral process can be wrecked by artificial intelligence with high fidelity misinformation. And it is all part of a noxious political agenda of the MSM for the forthcoming general elections. The art of rigging an arbitrary arrest is looking at you kids. Who are the first to shake in the boots? The staffs are the first target; the decent staffs of Good Governance Integrity Reporting Agency, the Asset Recovery Investigation Division, the Financial Intelligence Unit and the ICAC. Beware, this Bill does not provide security, does not provide safety and certainty of employment to the staff. Clause 167(5) and (7) of this Act says it all. The Bill is being used to replace them with a personnel which will bend backwards to please the Director General. It is the 'yes Prime Minister', 'yes Director General' syndrome.

Mr Speaker, Sir, the way the Director is appointed under section 10 of the Bill is absolutely shocking and the Leader of the Opposition made a laudable proposal. Why is he not appointed by the Local Judicial Service Commission like the Electoral Commissioner? An Appointment Committee with the President, with the PM's men is a sham. He will be the custodian of our Constitution if he plucks the courage and refuses to give assent to this Bill. Then we can say that he is the custodian of our Constitution, but, then, the President is the Prime Minister's man. We all know that.

Hon. Collendavelloo, in 2001, was instrumental, as I have stated earlier, as Chair of the Select Committee on fraud and corruption to set up ICAC under POCA, but I was a Member of that Select Committee and I recall a resourceful MP under his stewardship. He was for the setting up of triumvirate to appoint the Director of ICAC with the Parliamentary Committee as check and balance. Unfortunately, both the Director of ICAC and the Chairperson of the Parliamentary Committee had a clear-cut agenda to frustrate the Members of the Opposition of the Committee and to sack. Mr Bhadain was then Investigating Officer of ICAC. The Director of ICAC has been faithful to his ways and means. He runs the Independent Commission as he deems fit; selectively, arbitrarily and arrogantly.

Mr Speaker, Sir, the fact is that the Director General is not accountable to his decision, the Operation Review Committee as we know is a bulldog with no tooth, and as to the Parliamentary Committee of ICAC, it has been castrated. The provisions in the Bill to set up the same Parliamentary Committee are adding insult to injury. And the four Opposition Members of the Parliamentary Committee of ICAC, appointed by the Leader of Opposition, had no choice but to walk out, and I am told that the Parliamentary Committee has not met since last May. Legitimate questions were put to the Director and he refused to reply on privileges attached to his status on his wages and salaries, on his overseas trips to London. As of now, the population is yet to be apprised as to why he made a U-turn when the Medpoint Saga on conflict of interest was heard before the Privy Council in January 2019. He had no business to be there. He knew that the Institution had not been granted a right to audience. So, why did he go and sat there at the expense of taxpayers?

Mr Speaker, Sir, do you know the Director General can initiate proceedings without a Judge's order? He has power to arrest. Section 57(1) (2) (3) of the Bill, the Preliminary investigation by the Commission gives him unfettered powers. And that is what is said –

“(3) The Commission shall, on receipt of a report under subsection (2), make a determination as whether to –

- (a) proceed with a further investigation; or
- (b) discontinue the investigation.”

He so decides and he does not have to motivate his decision. He wants to play God when he is not even the lesser God.

Section 56, Referrals to Commission, this is what I call the Referral Process. The DPP has to refer to the Director General as *Mon Général*. This is not delegation of powers but uncontrolled submission. It is a retreat and surrender by the Office of the DPP to the Director General on cases of financial crime, an insult to section 47 of POCA. Under section 47 of Prevention of Corruption Act, no case has been set aside or prosecuted without the consent of the Office of the DPP.

As late Madhun Gujadhur, an eminent lawyer, stated, the Director of Public Prosecutions is next to God; even God or less a God is not above the law. The former DPP had set a pattern in the name of good governance to motivate the decisions of the Office of DPP in relevant cases.

Section 66, the special investigative techniques - this is what I call the KGB methods surveillance. The Director General shall give his approval under section (1) or (2) after being satisfied that it is just proportionate and in public interest to do so. These are intrusive powers without any safeguards. It is KGB at work! When an ex parte application is made to the Judge, do not be surprised if there is reasonable ground to arrest a suspect with low threshold of mere suspicion.

In the meantime, the suspect may be arrested and spend years in Court to clear his name and reputation. Does anybody know for how long the phone of a suspect will be tapped or a person will be under surveillance? Of course, the Prime Minister will say, regulations will be drafted under clause 164. The fact, Mr Speaker, Sir, that he can come in lawyers' office - and that, we have to understand very clearly, the unfettered powers conferred upon the Director General - and take the documents as part of an investigation, the powers of investigation are scary, notwithstanding the means they can use: monitoring, surveillance, phone tapping. Big Brother is indeed watching! What happens to privilege between client and barrister? Do they have to fly over the cuckoo's nest? Can a member of the legal profession put up or shut up? Of course not! The lawyer, the attorney, the notary have to stand up.

As we say: arise, awake, and stop not till the Bill is withdrawn. The battle is here, in this House, and out there on all fronts. It is the tyranny of numbers which will get this Bill through with a single majority. This is what I call the indecent vote. This is indecency! No decent person or institution can remain insensitive or indifferent to the provisions of the Bill.

Thank you very much.

Mr Speaker: Hon. Mrs Jeewa-Daureeawoo!

(7.03 p.m.)

The Minister of Social Integration, Social Security and National Solidarity (Mrs F. Jeewa-Daureeawoo): Thank you, Mr Speaker, for giving me the floor to intervene on the Financial Crimes Commission Bill. I would like to take a moment to congratulate and thank the hon. Prime Minister for bringing this important piece of legislation in the National Assembly. Also,...

(Interruptions)

Mr Speaker: Can I have some silence, please?

Mrs Jeewa-Daureeawoo: I would like to take a moment to congratulate and thank the hon. Prime Minister for bringing this important piece of legislation in the National Assembly and also, for all the work that is being done to combat financial crime. The commitment of the Prime Minister, hon. Pravind Kumar Jugnauth, to combat financial crime *ne date pas d'hier, mais intensifie depuis qu'il a assumé son rôle comme Premier ministre*. In fact, the Bill reflects his determination, Mr Speaker, Sir, to tackle financial crime.

Un peu plus tôt dans son intervention, *as mover of the Bill*, le Premier ministre a brossé un tableau très détaillé sur l'objectif de ce projet de loi. Il a énuméré toutes les mesures qui ont été prises par le gouvernement dans la lutte contre la criminalité financière. Il a aussi, entre autres, touché des points pertinents, tels que la situation du blanchiment d'argent à Maurice, les provisions de la Commission pour la saisie des biens, le système robuste de la Commission.

Mr Speaker, as many Members on this side of the House will also address the Bill, I want to focus particularly on three main things –

- (i) the very essence of the Bill itself;
- (ii) highlight the safeguards provided in the Bill, and last,
- (iii) as a third point, I will address some of the critics made by the Leader of the Opposition and hon. Dr. Boolell who intervened before me.

Let me start with the first point, the *raison d'être* of the Bill. As has been highlighted, Mr Speaker, Sir, by the hon. Prime Minister, the effort to combat financial crime is one of the priorities of the Prime Minister and the Government of the day. Financial crime has changed, therefore, introducing the present Bill would certainly further improve the system to address emerging challenges in our fight to combat financial crime. A consolidated Bill will only bring a meaningful fight against criminal involved in corruption and money laundering.

Mr Speaker, Sir, we have always made decisions on what we think is best for the country. One of the decisions was the setting up of a Commission of Enquiry on Drug Trafficking in 2016. A Commission, which the previous Government failed to set up. The setting up of the Commission of Enquiry reflects the determination of our Prime Minister to combat drug trafficking.

Mr Speaker, Sir, how do you combat financial crime if you do not have specialised courts to hear such matters? We all know that cases before normal courts take long. This is why our Government took the decision in 2020 to introduce two Financial Crime

Divisions, one at the level of the Intermediate Court and one at the level of the Supreme Court, with the sole aim to fast track financial crime cases.

Mr Speaker, there are weaknesses in the existing system. We have to admit that there is not a good coordination among the four institutions. The laws are scattered, works are not being done in a holistic manner. This is a major concern for Government. If we want a change, this Bill of course is the way forward. The financial services sector is developing rapidly as a centre for foreign direct investment. It is therefore imperative that we continuously question our existing system and bring forward new measures focusing on best result and effectiveness. This is why this Bill is so important.

Mr Speaker, I will not dwell anymore on what has already been said by the hon. Prime Minister and my colleague, Minister Seeruttun, but I would like to add that the FATF reports and the recommendations of the Commission of Enquiry date back to 2018. We are now five years down the road. We, on the Government side, have been doing our homework since the report of FATF and the Commission of Enquiry on Drug Trafficking. There is therefore nothing sinister in the introduction of the Bill which we all saw coming since 2018.

Mr Speaker, Sir, I must mention also that in our electoral manifesto of November 2014, we did mention about *combat contre la fraude et corruption, mise sur pied d'une* Financial Crimes Commission, and this is what we are doing today.

Before I come to my second point, let me here address one critic coming from both the Leader of the Opposition and hon. Dr. Boolell. The Government is being reproached about rushing this Bill through Parliament. Well, Mr Speaker, Sir, does this Bill bears a Certificate of Urgency? The Bill was introduced in the National Assembly for First Reading on 05 December last week, ample time has been given to all Members of the House to do our homework. So, coming here to say that we are rushing the Bill through Parliament *ne tient pas la route*.

Mr Speaker, Sir, let me now come to safeguards in the Bill against abuse. Safeguards already exist in the various laws related to the fight against money laundering and corruption.

Now, with the present Bill they are being consolidated.

Before I come to the safeguards, let me address the appointment of the Director General. The mechanism for the appointment of the Director General and the Commissioners is nothing new in our democratic state. If I am not mistaken, the Prime Minister has given the example of the appointment of the Director General of the

Prevention of Corruption Act 2002. Another example would be under the Financial Services Act 2007 the Chairperson of the FSC is appointed by the Prime Minister.

So, we are not reinventing the wheel here, Mr Speaker, Sir. The Leader of the Opposition stated that the Director General will be a political nominee. However, I would like to direct the Leader of the Opposition to the safeguard found in the Bill. The Prime Minister has been very careful, very cautious to introduce in the Bill, important safeguards

—

- (i) clause 15 provides for a legal division headed by a Chief Legal Advisor;
- (ii) under clause 58 where in the course of investigation a hearing is conducted by the Director General or an officer designated by him, the Chief Legal Advisor or an officer of the legal division deputed by him shall be in attendance and shall provide legal advice.

We have therefore a legal division with abled lawyers to assist the Commission in its investigation.

Further, Mr Speaker, Sir, we have the Parliamentary Committee at clause 129 which will have the responsibility to monitor and review the general manner in which the commission discharges its functions under the Bill. More importantly, Mr Speaker, Sir, under clause 13, the Parliamentary Committee can suspend the Director General if it considers him guilty of gross negligence, irregularity or misconduct. The committee will refer the matter to the Attorney General. If after a hearing there is a determination that a charge has been established, the Parliamentary Committee may decide to terminate the appointment of the Director General.

Mr Speaker, Sir, the Director General of the Commission cannot – if you go through the Bill – just do as he pleases. First, he has a legal team to assist him in his duties. Second, if he acts unwarrantedly he may be sanctioned, including the termination of his appointment.

Mr Speaker, Sir, another important aspect is that whatever decision the Commission takes is under judicial scrutiny. Firstly, the Commission must knock at the door of a Judge in Chamber to sanction decisions that it wants to take. The Commission needs orders from a Judge in Chamber. For instance, an Order for Disclosure of Financial Transactions and any other information under clause 63, Telecommunication Order under clause 65. Another example would be special investigative techniques under clause 66. Furthermore, Mr Speaker, Sir, under Part V of the Bill - Asset Recovery, there must be an application to the Court in order to seize properties which are proceeds of an unlawful

activity. Secondly, the decisions of the Commission acting on the advice of the Director General are subject to judicial review.

I would like to make an analogy with the Director of Serious Fraud Office in the United Kingdom, Mr Speaker, Sir. The Serious Fraud Office is a specialist investigating and prosecuting authority tackling serious and complex fraud, bribery and corruption. It is headed by a director just like the Director General of the Financial Crimes Commission. Lord Bingham had a chance to analyse the criteria for judicial review of the decisions of the Director of Serious Fraud Office in the case of *Corner House Research & others v Director of the Serious Fraud Office* (2008). Lord Bingham stated that the Director of the Serious Fraud Office is a Public Official appointed by the Commission but independent of it. He is entrusted by Parliament with discretionary powers to investigate suspected offences involving serious or complex fraud and to prosecute in such cases.

Lord Bingham stated that these are powers given to the Director by Parliament as Head of an independent professional service which is subject only to the superintendent of the Attorney General. He further stated that there is an obvious analogy with the powers of the DPP and quoting, *inter alia*, the case of *Mohit v DPP* (2006). Lord Bingham stated that it is accepted that the decision of the Serious Fraud Office is not immune from review by the Courts. So, it is clear that if the decision of the Director General involves an affront to the rule of law, the principle of judicial review will apply. The decision of the Director General is therefore not final. As such, the Director General has a duty to act lawfully, properly and rationally. If he fails to act likewise, judicial review may be resorted to.

Now, Mr Speaker, Sir, I will come to my third point: critics about the powers of arrest by the Director General. Mr Speaker, Sir, we are in a state where rule of law prevails –

- (i) there must be strong reasons for depriving the citizen of his freedom. This is a matter of constitution guarantee;
- (ii) for any Authority with a power of arrest, to use such powers the Authority must have good reasons to do so. This applies not only to the Police but as a matter of law to the Director General too;
- (iii) any citizen who is arrested has a fundamental right to demand that he/she be brought before a Magistrate who will have a duty to fix a hearing either to remand or release the citizen with or without conditions.

So, there are safeguards, Mr Speaker, Sir, in the Bill.

Now, one of the criticisms of the Leader of the Opposition is that the Commission will not be independent. Let me remind the House that the independence and impartiality of the Director General in his functions is guaranteed under this Bill under clause 11(3) of the Bill by providing that in the discharge of his functions and exercise of his powers, not be subject to the direction or control of any person or authority. This is the same independence and impartiality given to constitutional post holders like the Commissioner of Police and the DPP under sections 71 and 72 of the Constitution.

Mr Speaker, Sir, we are being told also that we are robbing powers from the DPP. There is nothing in section 72 of the Constitution from which we can infer that the DPP is the sole person entitled to initiate criminal proceedings, Mr Speaker, Sir. The hon. Leader of the Opposition has challenged the granting of powers of arrest to the Director General under this Bill but I think it should be noted that one of the recommendations of ESAAMLG Mutual Evaluation Report of 2018 was to expressly give powers of arrest to the investigative authorities and law enforcement agencies to fight money laundering crimes so as to fasten investigation and prosecution of money-laundering crimes. This is my reading of ESAAMLG Mutual Evaluation Report of 2018, Mr Speaker, Sir.

The hon. Leader of the Opposition also talked about the special investigative techniques given to Financial Crimes Commission in the Bill. Mr Speaker, Sir, let me remind the House that in a FATF paper on 'Anti-money laundering for judges and prosecutors in 2018,' the FATF on the chapter: Powers and techniques to be used by investigative authorities to fight money laundering, the FATF standards required jurisdiction to be able to use a wide range of investigative techniques such as undercover operation and intercepting communication, Mr Speaker, Sir. So, what do we do when we have all these recommendations, Mr Speaker, Sir? Do we just sit back and do nothing or is it our duty as a serious Government to act and bring changes to combat financial crimes?

Mr Speaker, Sir, to conclude allow me to say this. The citizens of this country deserve to live in a society where criminals are duly punished for their crimes. While petty crimes are being tackled effectively, the most cleverly executed financial crimes very often go unpunished. The system needs to be shaken. One of the fundamental changes that is required is muscular legislation with efficient investigating and prosecuting powers, Mr Speaker, Sir.

I have no doubt that people understand the situation and also the determination of our Prime Minister to combat financial crimes. The introduction of this comprehensive Bill will not only comfort the citizens that our Government wants to track down criminals

involved in financial crimes, but also, most importantly, project the image of Mauritius on the international scene as a safe destination to do clean business. So, Mr Speaker, Sir, the measures in the Bill are necessary and overdue. I am pleased that we are today making progress. So, let us put the right law in place. I support and welcome the Bill, Mr Speaker, Sir.

Mr Speaker: Hon. Uteem!

(7.24 p.m.)

Mr R. Uteem (Second Member for Port Louis South and Port Louis Central):

The main object of the Bill is to set up a Financial Crimes Commission to take over the functions and powers of the Integrity Reporting Services Agency, the Asset Recovery and Investigation Division and the Independent Commission against Corruption.

We are not per se against the idea of having an apex body, but we are totally against what is being proposed today in the Bill in terms of the far reaching powers given to that apex body and the constitutional implications of this Bill.

Now, what is the track record of these law enforcement agencies in the fight against financial crimes, fraud and corruption? Let's start with the Integrity Reporting Services Agency (IRSA). Every year, we vote a budget of more than Rs40 m. to that Agency. This year, during the Committee of Supply of the Budget exercise, I asked the hon. Minister of Financial Services and Good Governance how many unexplained wealth orders had been obtained by IRSA. The shocking answer, Mr Speaker, Sir, was only three. Only three unexplained wealth orders were obtained by that Agency! Why? According to the latest published annual report of the Agency, which is in 2020, the Agency noted and I quote –

“(...) the limit of MUR 10 million below which it cannot confiscate other property remains an impediment. (...) And although this is a matter of policy, the Agency believes adopting the lower limit [of Rs2.1 m.] would greatly enhance the Republic's confiscation regime.”

So, according to the Agency, having a threshold of Rs10 m. is too high and it appealed to Government to lower the threshold so that they can investigate cases of unexplained wealth below Rs10 m. What is the Government doing today? Section 112(2)(b) of the Bill provides that unexplained wealth of less than Rs10 m. is excluded from investigation. Is that how Government intends to fight fraud and corruption? By disregarding recommendations of law enforcement agencies! And why should a person

who has accumulated illegally, unlawfully, Rs6, Rs7, Rs8, Rs9 m. not be subject to any investigation?

The track record of the Asset Recovery Investigation Division is no better. Despite replacing the Director of Public Prosecution by the Financial Intelligence Unit as the enforcement authority under the Assets Recovery Act, as far back as 2015, there has been little or no improvement in terms of securing recovery orders and confiscation orders. According to its latest annual report published last year in 2020, the FIU lodged only five applications for confiscation orders and only one for recovery order before the Supreme Court worth some Rs28 m. only. The provisions of the Asset Recovery Act, which is being repealed, are reproduced almost verbatim in this Bill. So, we do not expect much improvement from this Financial Crimes Commission in terms of taking over the role and responsibility of the Asset Recovery Investigation Division.

This takes me to the big chunk, ICAC. How effective has ICAC been in the fight against fraud and corruption? Every year, we vote hundreds of millions, more than Rs300 m. to ICAC. How many convictions has ICAC been able to secure in high-profile cases?

Let's just take a few examples, Mr Speaker, Sir, which are in public domain and which have been the subject of PQs and PNQs in this House.

À tout seigneur, tout honneur –

- Angus Road Saga, où en est-on avec l'enquête ?
- L'affaire Saint-Louis qui a forcé le Premier ministre a révoqué son *Deputy Prime Minister*, l'honorable Collendavelloo.
- L'affaire Bet365, là-aussi, l'ancien *Attorney General* forcé à démissionner.
- L'affaire Alvaro Sobrino référée personnellement par le Premier ministre à l'ICAC.
- L'affaire Molnupiravir, et, bien sûr,
- l'affaire *Stag Party*, pot-de-vin allégué pour l'obtention d'un bail.

Vous êtes-vous déjà demandé pourquoi ces affaires sont toujours en attente ? Soit il y a suffisamment de preuves ou il n'y a pas de preuves. S'il y a suffisamment de preuves, on doit poursuivre. Et s'il n'y a pas suffisamment de preuves, on doit clore l'affaire.

Donc, pourquoi une affaire comme Angus Road, qui remonte à plus d'une décennie, n'est toujours pas conclue ? La réponse se trouve à la clause 47 (6) du *Prevention of Corruption Act* qui prévoit qu'une fois une enquête complétée par l'ICAC, le directeur général doit référer le dossier au Directeur des poursuites publique qui est le seul à avoir une habilité à décider s'il faut engager des poursuites ou s'il faut classer

l'affaire. Cette disposition est conforme à la section 72 de la Constitution qui donne le pouvoir au *DPP* d'instituer, de continuer et de cesser une poursuite. Et quand le dossier est transmis au bureau du Directeur des poursuites publiques, le *DPP* peut demander à l'*ICAC* de faire des enquêtes additionnelles et même de réorienter l'enquête.

Donc, le *DPP* n'est pas tenu par les conclusions du directeur général de l'*ICAC*. Donc, sous la *Prevention of Corruption Act*, sous la loi comme il existe aujourd'hui, l'*ICAC* ne peut pas classer une affaire sans l'aval du *DPP*. Seul le *DPP* peut le faire. Aucun *High Profile Case* ne peut être clos sans l'aval du *DPP*, et c'est bien là la raison pourquoi les enquêtes traînent au niveau de l'*ICAC* et les dossiers ne sont pas transmis au bureau du *DPP*.

Et là, surprise, surprise, qu'est-ce qu'on est en train de faire avec le *Financial Crimes Commission Bill* ? À la clause 58(8)(b), qu'est-ce que cette clause prévoit –

“(8) On receipt of a report under subsection (7)...”

suite à un rapport du directeur général –

“...the Commission may decide –

(b) whether to discontinue the investigation;”

Donc, plus la peine pour le *Financial Crimes Commission* de référer l'affaire au *DPP*. La Commission aura le pouvoir de clore, *discontinue investigation*. C'est là le danger de cette loi...

Ms Anquetil: Scandaleux !

Mr Uteem: ...et c'est là, la raison principale de cette loi aujourd'hui !

Ms Anquetil: Exacte !

Mr Uteem: Plus besoin de l'accord du *DPP* !

Mr Speaker: Hon. Anquetil, can you apologise for shouting in the House?

(Interruptions)

An hon. Member: *Arret badine!*

Ms Anquetil: I apologise.

Mr Speaker: And it is the last time that you do that! Continue!

(Interruptions)

Mr Uteem: Donc, M. le président, la clause 58(8)(b) permettra une fois pour toute à la Commission de clore le dossier *Angus Road* sans l'aval du *DPP*. Vous vous rendez

compte, un Premier ministre qui fait l'enquête d'une enquête de l'ICAC sur ses biens à *Angus Road* vient au Parlement avec une loi qui permettra à la *Financial Crimes Commission* de clore le dossier une fois pour toute sans l'aval du *DPP*. Je dois reconnaître c'est fort, M. le président, et moi qui croyais que *Medpoint* était le scandale du siècle. Et l'honorable membre qui interviendra juste après moi...

(Interruptions)

The Prime Minister: *Tonn gagn klak avek Privy Council!*

(Interruptions)

Mr Uteem: Le membre qui interviendra...

(Interruptions)

...juste après moi.

The Prime Minister: *Privy Council in met enn dibwa ar twa! To pa honte!*

Ms J. Bérenger: He is shouting! He is shouting!

(Interruptions)

Mr Uteem: Et l'honorable membre qui interviendra juste après moi, l'honorable Collendavelloo, sera ravi que la *Financial Crimes Commission* n'aura pas à passer par le *DPP* pour clore le dossier Saint Louis. Tout comme l'honorable *Attorney General* qui lui aussi sans doute soutiendra ce projet de loi qui permettra à la Commission de clore le dossier d'allégation de pots-de-vin dans le *stag party* sans passer par le *DPP*. Un projet taillé sur mesure, *tailor-made* pour blanchir les membres de ce gouvernement.

On n'a que faire de la section 72 de la constitution. Comment est-ce que le *DPP* peut-il exercer son droit constitutionnel d'instituer une poursuite ou de cesser une poursuite si l'ICAC ne lui envoie même pas le dossier ? Allez dites-moi comment il va faire. Comment est-ce que le *DPP* sait s'il y a eu une offense qui a été commise dans l'affaire *Angus Road*, dans l'affaire Saint Louis, dans l'affaire *stag party* si la *Financial Crimes Commission* ne va pas lui remettre ce dossier ? Et c'est cela qu'on veut nous faire voter, une loi qui va permettre à la *Financial Crimes Commission* de ne pas poursuivre les personnes qu'ils choisissent, de ne pas poursuivre sans l'aval du *DPP*.

Et, l'honorable Premier ministre à l'audace de dire que ceux qui n'ont rien à craindre, ceux qui n'ont rien fait n'ont rien à craindre avec ce projet. Mais, M. le Premier ministre, les coupables proches du pouvoir aussi n'ont rien à craindre avec ce projet de loi, car nous, nous ne faisons pas d'illusions, la *Financial Crimes Commission* tout comme

l'ICAC, sera une institution hautement politisée. Dans quel pays au monde avez-vous déjà vu une institution entamer des poursuites contre un ministre et quand l'affaire est portée devant le *Privy Council*, il change de fusil d'épaule et ne souhaite plus l'acte d'accusation ! Cela c'est l'ICAC ; cela c'est *Medpoint - only in Mauritius*.

Dans quel autre pays au monde, M. le président, une commissaire de l'ICAC démissionne de son poste pour se porter candidate à une élection générale sous la bannière du parti au pouvoir, notamment le MSM. Cela s'est produit en 2019, elle était candidate dans ma circonscription et le fils de l'autre commissaire était quant à lui candidat, toujours pour le MSM, à la circonscription numéro 18. Donc, plus politique que cela tu meurs. Est-ce que les choses vont-elles avec la *Financial Crimes Commission* ? Bien sûr que non ! Ce sera toujours le Premier ministre qui choisira le directeur général sous la section 10 tout comme il choisira les quatre Commissaires sur la section 7. Des nominations purement politiques. Seul le Premier ministre saura le montant, la récompense qu'il donnera au directeur général et vous pensez sérieusement qu'ils vont faire leur travail avec intégrité et indépendance ?

Qui plus est, cette commission pourra librement nommer des employés, des enquêteurs comme bon leur semble. Effectivement, à la section 167 de ce projet de loi les employés de l'ICAC, de l'*Asset Recovery Investigation Division* et *IRSA* seront transférés à la *Financial Crimes Commission*, mais seulement pour une période de 180 jours, soit six mois seulement. Après six mois, ils devront prendre leur retraite. Par contre, la commission pourra subséquemment recruter certains de ces employés sur une base permanente. Donc, on se redirige vers une épuration des employés. Seuls les employés qui vont *toe the line*, suivent les directives du chef, mèneront les enquêtes sous la *Financial Crimes Commission*. Et, vous pensez sérieusement que cette institution pourra mener des enquêtes sur les membres du gouvernement, sur les proches du pouvoir en toute indépendance ?

Et pourtant, on est en train de donner des pouvoirs accrus à cette institution. Le temps me fait défaut. Je ne pourrais pas faire référence à tous les pouvoirs, les nouveaux pouvoirs extensifs qui sont donnés à la *Financial Crimes Commission*, mais je vais m'attarder sur une clause en particulier, la clause 66 du projet de loi qui permettra au directeur de l'*Investigation (Director of Investigation)* de demander un ordre du Juge en Chambre pour faire des *intrusive surveillance et equipment interception*.

Ce sont là des pouvoirs draconiens qui interfèrent directement avec le droit constitutionnel d'un individu à sa vie privée. La Commission pourra mettre votre téléphone sur écoute, elle pourra intercepter vos appels, elle pourra aussi intercepter vos

messages sur Whatsapp, sur Facebook, même sur TikTok *big brothers are watching you* et on sait, M. le président, suite à la décision dans l'affaire Ellayah contre la *Financial Intelligence Unit* que le gouvernement a acheté plus de 15 millions de dollars (R 650 millions) d'équipements d'une compagnie israélienne pour surveiller, pour intercepter des messages. Et, le plus grave dans tout cela, M. le président, c'est qu'une fois qu'ils ont obtenu cet ordre il n'y a aucune obligation pour eux de retourner vers le juge pour renouveler cet ordre. C'est un ordre indéfini. Pas de *judicial control*, pas de supervision de la part des juges. Est-ce raisonnable ? Est-ce constitutionnel ?

Et, on sait, M. le président, combien de juges en Chambre en émettant l'ordre n'auront que la version de l'institution. Bien sûr la section 67 prévoit que n'importe quelle personne qui se sente lésée par la décision du juge peut faire appel. Aussi faut-il que la personne sache qu'il est sur écoute, qu'il est sur surveillance et le gouvernement n'a malheureusement, M. le président, rien retenu du jugement de la juge de la Cour suprême dans l'affaire qui oppose la *FIU* et Monsieur Ellayah et *DNS International Ltd.*

Dans cette affaire, M. le président, la juge avait au préalable émis un ordre, *un Restriction Order* suite à une demande de la *FIU* pour geler les avoirs de certaines personnes, de certaines compagnies.

Mr Speaker: I will prevent you from entering into this kind of details.

Mr Uteem: Yes, okay.

Mr Speaker: You have to respect the Judiciary!

Mr Uteem: I am respecting.

Mr Speaker: You have to respect the Judiciary!

Mr Uteem: I am respecting the Judiciary.

Mr Speaker: You continue, but don't mention these cases!

Mr Uteem: I am just...

Mr Speaker: Time is running!

Mr Uteem: Yes...

Mr Speaker: Continue!

Mr Uteem: I am just saying that the Judge said that there is an obligation of full and frank disclosure. Whenever the FIU is going to...

Mr Speaker: No, no, no, no, you said something else! I know what you quoted. I know; I heard you well. I don't want you to bring back that discussion again.

Mr X. L. Duval: He is saying something else now.

Mr Speaker: 7.42-43; 7.45 you finish!

Mr Uteem: I am about to wrap up. *The point I am implying*, M. le président, c'est qu'il n'y a aucun *safeguard* dans ce projet de loi pour préserver le droit constitutionnel à la vie privée d'un individu – aucune sanction. Si demain le *Financial Crimes Commission* obtient un ordre en ne dévoilant pas toutes les informations, en ne faisant pas le *full and frank disclosure*, il n'y a aucune sanction ; aucune sanction pour le *Financial Crimes Commission*, et cela met l'individu, tous les Mauriciens, dans une situation précaire, et là on parle de la vie privée d'un individu.

M. le président, on est en train de créer un monstre avec pour objectif de blanchir certains. Une *cover-up machine* qui pourra être utilisée comme outil politique contre les opposants du régime et pour faire de l'espionnage. Le gouvernement a une majorité et votera ce texte de loi, mais au sein de l'opposition, aujourd'hui, nous prenons l'engagement de révoquer cette loi et de faire toute la lumière sur les *high-profile cases* qui seront classés par cette institution, y compris l'affaire d'Angus Road, n'en déplaise au Premier ministre.

Merci.

Mr Speaker: Hon. Collendavelloo!

(7.43 p.m.)

Mr I. Collendavelloo (Third Member for Stanley & Rose Hill): Bien évidemment le vœu de l'honorable Uteem ne se réalisera jamais, parce que jamais ils seront au pouvoir. Donc, taisons là-même la discussion sur son discours.

Je voudrais, avant d'entrer dans le vif du sujet, mettre ce projet de loi dans une perspective historique parce que je crois qu'il est important de le dire. À la deuxième guerre mondiale, les Américains, puisque Hitler et Mussolini devaient gagner la guerre, ont eu besoin d'envahir le sud de l'Italie et ils font une alliance avec la mafia italienne, italo-américaine, et le crime juif organisé. Et c'est cela qui fait un retour de la guerre, mais en contrepartie, les Américains sont obligés de tolérer la drogue, le blanchiment d'argent, la corruption et tous les rackets qui ont suivi et qui ont damné la deuxième partie du XXe siècle.

Les Américains ensuite s'allient avec tous ceux qui combattent les communistes, que ce soit en Amérique du Sud, que ce soit au Cambodge, au Laos, avec les trafiquants de cocaïne, avec l'opium de l'Afghanistan et l'héroïne du triangle d'or. C'est ainsi que nous

avons eu une recrudescence de tous les méfaits du XXe siècle. Le drame, c'est que les Américains dans les années 70 commencent à réaliser que cela va se retourner contre leur jeunesse. Leur armée était atteinte de la drogue et il fallait faire quelque chose.

Petit à petit, cela a envahi le monde. C'est pour cela que la communauté internationale, et c'est comme cela que j'arrive à notre projet de loi, commence à s'inquiéter. Le 4 décembre de l'an 2000, c'est bon de garder cette date, l'Assemblée générale des Nations Unies décide qu'il faut mettre sur pied un comité pour *deal* avec la corruption et c'est le *Ad Hoc Committee* des Nations Unies qui va mener à la Convention internationale sur la corruption. Ce comité va siéger à Vienne, au quartier général du bureau de la drogue et du crime. C'était un comité d'experts, la première session eut lieu le 21 janvier 2002. J'ai l'honneur d'être membre de la délégation mauricienne qui était dirigée par Emmanuel Leung Shing, alors *Attorney General*, ainsi que Jaynarain Meeto, un ambassadeur extraordinaire qui a manœuvré pour que Maurice, à travers moi, nous assumions le *vice-chairmanship* de ce comité d'experts. Un grand travail fut établi et finalement la convention fut adoptée le 31 octobre 2003.

Nous avons travaillé très dur et une petite récompense qui nous fut accordée, c'est que lorsque la convention venait pour être signée, Anil Gayan, qui était alors ministre des Affaires étrangères, et moi-même, nous sommes allés à Mérida pour la cérémonie de signature. Et l'honneur qui fut fait à Maurice, c'est qu'on invita Anil Gayan à être le premier signataire de la Convention des Nations Unies contre la corruption. Un grand honneur qui a été fait à la petite île Maurice de l'époque. Pourquoi ? Parce que Maurice avait commencé le travail.

Vous rappelez que le 11 septembre de l'an 2000, le MSM-MMM gagnaient une victoire qui devait raisonner sur le futur de l'île Maurice et le Parti travailliste avait vraiment souillé la réputation de l'île Maurice. Vous vous rappelez de l'*Economic Crime Office* ? Vous parlez d'interférence politique ; vous parlez de nominés politiques, vous, le Parti travailliste, *of all people – l'ECO* ? Et les amis d'aujourd'hui du Parti travailliste, ils oublient comment l'*ECO* avait traîné Jayen Cuttaree pour l'enfermer ! S'il n'y avait pas Veda Baloomoody et moi et un autre avocat , et s'il n'y avait pas un sergent de police, un petit sergent de police qui s'est mis au travers de la Directrice de l'*ECO* pour l'empêcher d'enfermer Jayen Cuttaree au cachot pour des raisons purement politiques, nommé directement par le Premier ministre à l'époque. Voilà ce qui s'est passé en l'an 2000 !

En l'an 2000, le 17 octobre 2000, presque un mois après les élections, Sir Anerood Jugnauth, Paul Bérenger, le MMM, le MSM viennent avec une motion pour qu'il y ait un *Select Committee* sur la fraude et la corruption. J'avais eu l'honneur de présider ce comité.

L'honorable Dr. Boolell avait fait un travail intense au niveau de ce comité, ainsi que l'honorable Bodha, ainsi que l'honorable Ganoo, qui étaient tous les trois membres, qui sont toujours membres de l'Assemblée, et d'autres comme Madun Dulloo, Emmanuel Leung Shing, et nous avons fait un gros travail et nous avons ensemble produit le rapport du *Select Committee*, qui peut servir de *guideline*.

Quand on lit ce rapport, on voit en ligne droite, en droiture, aujourd'hui, l'aboutissement de ce que nous avons préconisé depuis l'an 2000, mais qui fut fait petit à petit, parce que l'on ne pouvait pas brusquer les choses dans cette bataille contre le blanchiment de l'argent, contre la fraude et la corruption. Il y a eu 27 *sittings*. Le rapport fut soumis le 18 décembre 2001, et finalement, il y eut le *Prevention of Corruption Bill* le 4 février 2002 ; le POCA qui aujourd'hui meurt de sa belle mort avec le *Bill* que nous présentons aujourd'hui.

Le même jour fut présenté le *Financial Intelligence and Anti-Money Laundering Bill* qui va mener au *FIU*, et qui va continuer de faire ces opérations même après ce *Bill* d'aujourd'hui. Avec le temps, plusieurs autres législations se sont greffées, et il y a eu des problèmes. Par exemple, une institution qui vient dire qu'elle ne peut pas donner des informations à une autre institution parce qu'il y a une clause de confidentialité dans sa loi. Le résultat, c'est que les enquêtes étaient bloquées. Cette loi vient guérir ce problème parce qu'il y aura qu'une seule commission.

Mais encore pire, nos anciennes lois n'étaient pas équipées. C'étaient des lois du début du XXI^e siècle. Elles n'étaient pas équipées à combattre l'évolution des trafiquants pendant ces deux dernières décennies. On avait bien tenté, mais aujourd'hui, avec les moyens technologiques, la technologie a pris le dessus. Ces criminels ne sont plus les criminels d'autres temps. Aujourd'hui, ce sont des criminels à col 'orangés', même pas col blanc. Ils sont hyper puissants, hyper riches, hyper équipés. Et on vient me dire, ce que j'ai entendu, que le *big brother is at your doorstep! Big criminals are threatening your sons and daughters!* Partout dans le monde, il faut protéger les victimes et s'il y a des dérapages, la cour de justice viendra rétablir. Donc, la surveillance électronique est devenue aujourd'hui obligatoire.

Le bureau des avocats ? Le bureau des avocats n'est pas devenu un monastère où l'on garde les bibles que les hérétiques n'ont pas le droit de toucher. Le bureau des avocats n'est pas un sanctuaire pour cacher des documents, ni aucun bureau d'ailleurs. Il faut avoir ce pouvoir ! Partout dans le monde, nous savons très bien comment l'IRA, Daech, les organisations terroristes sont en train, parce qu'il faut les combattre, et ces organisations survivent que parce qu'ils ont des moyens. Ce sont ces moyens qu'il faut attaquer ! Il faut

attaquer le crime là où cela fait mal. Dans la poche ! C'est pour cela que c'est important, nécessaire, et même utile d'avoir d'abord mis dans ce projet de loi cette clause sur la surveillance qui doit être utilisée judicieusement. Judicieusement je dis parce qu'on a attaqué, avant même d'avoir le prochain directeur général, on a fini de décider que ce sera M. Navin Beekarry. C'est l'opposition qui le dit ! Ça me fait penser comment à l'époque du discours sur l'ECO, le Premier ministre d'alors avait dit '*we don't know who she is going to be.*'

Nous, nous ne savons pas qui ce sera. Il y a des arguments qui ont été présentés, je ne les partage pas. Par exemple, le leader de l'opposition vient nous dire mettons un chef juge ou bien un *Judicial and Legal Officer, Service Commission*. Comment peut-on demander au judiciaire de venir nommer un membre de l'exécutif finalement, indépendant qui va avoir à venir défendre son *case* devant cette même personne qui l'a nommé. Je vois cela assez difficile à comprendre dans mon esprit cartésien. Nous avons essayé avec l'*Appointments Committee* en l'an 2000, cela n'a pas marché. Inutile de montrer le doigt et de blâmer qui que ce soit, mais les faits sont là. Le leader de l'opposition d'alors, aujourd'hui leader du Parti travailliste, s'absentait régulièrement et paralysait le comité. On va tout essayer, mais finalement, dans notre système, le système du Premier ministre, après tout, le Premier ministre est élu par le peuple pour travailler. Et s'il fait mal son travail, aux prochaines élections, on lui réglera son compte. C'est aussi simple que ça !

Accountability, oui. Il faut que le directeur général et la commission soient comptables envers une autorité supérieure. Je viendrai plus tard au DPP qui est supposé être *under the control of no other person or authority*. Le directeur général de l'*ICAC* était *accountable* en l'an 2000 sous le *POCA*. *He was accountable to the Operations Review Committee*. Il avait des comptes à rendre devant ce comité qui n'était pas composé de n'importe qui, et il avait à expliquer ses actions et ses inactions.

Qu'est-ce qu'on a fait en 2006 ? Première chose que le Parti travailliste a faite a été d'abolir l'*Operations Review Committee* afin que l'*ICAC* soit sous la férule du Premier ministre, directement sous ses ordres, sans avoir à rendre compte à qui que ce soit. Et aujourd'hui, vous avez le culot de me parler d'*accountability* ?

(Interruptions)

Mais...

An hon. Member: ... *ban millions...*

An hon. Member: *Vantar!*

The Prime Minister: 20 milliards...

Mr Collendavelloo: Et on me parle de l'affaire *Medpoint*. On vient me dire : regardez l'affaire *Medpoint*. L'affaire *Medpoint* c'est clair. L'*ICAC* avait pris une position contre l'honorable Pravind Jugnauth, alors accusé de corruption. Ils avaient plaidé contre lui en Cour suprême. Le *DPP* fait appel au Conseil privé. Au Conseil privé, l'*ICAC* retient les services d'un *QC* anglais. Le *QC* donne une opinion et il vient dire : 'Eh vous-là, vous ne voyez pas que votre thèse ne tient pas debout ? Ce type est innocent et vous êtes en train de dire qu'il est coupable.' Et il donne un conseil et il dit : ' premièrement, vous changez votre position. Deuxièmement, vous, M. Beekarry, vous venez au Conseil privé, comme ça si le Conseil privé vous demande des questions, vous êtes là pour répondre'.

Mr Armance: Mr Speaker, Sir, on a point of order!

Mrs Luchmun Roy: *Lesli koze!*

(Interruptions)

Mr Dhunoo: *Gagn dimal!*

Hon. Members: *Gagn dimal!*

Mr Speaker: Order! Order!

(Interruptions)

Order! Order, both sides of the House! Order!

Mrs Luchmun Roy: *Gagn dimal!*

(Interruptions)

Mr Speaker: Order, both sides of the House!

(Interruptions)

Order, both sides of the House!

Mrs Luchmun Roy: *Zot gagn dimal!*

Mr Speaker: What is your point of order?

Mr Armance: Mr Speaker, Sir, I believe that the hon. Collendavelloo has already exceeded the time that was agreed between the Whips!

(Interruptions)

Mr Speaker: You may continue!

An hon. Member: *Aret fer tapaz!*

Mr Collendavello: I am sorry. I am sure that some of my friends will give additional time so that I can continue.

(Interruptions)

Hon. Members: Yes.

Mr Dhunoo: *Ena 20 minit pou mwa!*

Mr Collendavello: Et puis, l'avocat change d'idée comme si les *Lords* du *Privy Council* en voyant Navin Beekarry auront peur, ils vont changer immédiatement.

Mais que s'est-il passé dans l'affaire Dayal ? Exactement la même chose ! Pétition électorale ! Ils prennent un grand point sur la *MBC* et ils vont au Conseil privé, et l'avocat qui prend ce dossier leur dit : Eh vous là, vous ne voyez pas que vous êtes tombés sur la tête ? Il n'y a pas de corruption, the *bribery* dans cette histoire-là. Il dit : on retire le point sur la *MBC*. Là, personne ne trouve rien à dire. Ça arrive tous les jours qu'un avocat ait une opinion et qu'un autre avocat ait une opinion contraire.

L'appointment ? Regardez la *National Crime Agency* ! Qui c'est qui nomme le directeur général ? Le *Home Secretary* ; Suella Braverman a nommé le dernier directeur général. C'est tout à fait normal ; on a besoin de quelqu'un pour nommer quelqu'un d'autre.

Mon dernier point, parce qu'il y en a d'autres, mais celui-ci je pense qu'il faut exploser ce mythe sur le *Prosecution Commission Bill*. Je suis fatigué d'entendre cette litanie : nous avons eu le courage de démissionner ; nous avons ...

(Interruptions)

L'affaire est simple ! Il y avait un monsieur qui s'appelait M. Raju Mohit. Il avait poursuivi en *Private Prosecution* l'honorable Paul Bérenger ici présent. Et la Cour suprême, le *DPP*, avait arrêté la poursuite, à juste raison. Il va en Cour suprême et la Cour suprême dit : non, le *DPP* n'est sous le contrôle de personne, vous ne pouvez pas venir attaquer le *DPP* en *Judicial Review*. Il va au Conseil privé et le Conseil privé dit : non, le *DPP* n'est pas au-dessus de la loi !

Vous pouvez attaquer, parce que demain, il y a un crime où une femme se fait violer ou il y a un hold-up, le *DPP* décide de ne pas poursuivre. Comme on a accusé que la *FCC* allait le faire, le *DPP* décide de ne pas aller de l'avant. La victime n'a aucun recours ? Il y a eu le cas – je connais plusieurs cas, mais je vais citer un – d'une fille qui tue son beau-père et elle dit à la police que son beau-père avait essayé de la toucher ; peut-être vrai, peut-être pas vrai. Mais c'est au juge de décider ! Le *DPP* décide de croire la fille

sans même l'entendre, sans même la voir, et on discontinu le procès, les *criminal proceedings*. La famille de la victime n'a aucun recours ? La victime d'un viol dont l'accusé n'est pas poursuivi, son seul recours c'est le *Judicial Review* qui coûte au bas mot R 200 000.

Sir Anerood Jugnauth à l'époque avait dit : non, allons mettre trois juges pour revoir des décisions pareilles. Comme ça les victimes pourront avoir accès à un *Judicial Review* sans avoir à payer un sou. C'était ça le *Prosecution Commission Bill* ! Seulement, ça a été tourné d'une autre façon, et pour des raisons qui ne sont pas l'objet du présent débat, ce qui s'est passé c'est qu'il y a eu un acte de courage extraordinaire et le *Bill* n'a pas pu passer. Je ne suis pas d'accord du tout avec la vision que le leader de l'opposition a exposée. Au contraire, le *Prosecution Commission Bill* était un bon projet de loi qui allait protéger les victimes d'erreur, parce que le *DPP*, oui, une grande personne, un grand personnage, mais il n'est pas exempté d'erreurs. Il n'est pas *above the law*.

Et il faut avoir une *Review Commission* et moi, j'espère qu'un jour, il y aura un gouvernement qui reviendra avec un *Prosecution Bill* où Anerood Jugnauth malheureusement n'a pas voulu aller au Parlement. Moi, je lui avais parlé, je lui avais dit : allons de l'avant. Voyons qui va voter pour et qui va voter contre. Mais avec sa sagesse - ok. Mais moi aussi je suis sage. Donc, cela c'est sur le *review* pour répondre à l'honorable Dr. Boolell.

On a parlé du *DPP*. Il y a un argument qui n'a pas été fait aujourd'hui, mais qui je suis sûr sera fait au cours des débats parce que je l'ai entendu au radio. C'est que 'ah, on va arrêter des gens', on va mettre sur *provisional charge* et puis ce ne sera qu'au procès que le *DPP* pourra intervenir. Ce n'est pas vrai. Si le *Financial Crimes Commission* arrête quelqu'un, l'emmène en cours, le *DPP* pourra toujours intervenir parce que ce sera et la *Commission*, et l'accusé seront sous le contrôle de la cour du magistrat.

Donc, que dire pour conclure ? Oui, il y a des précautions à prendre. Oui, il ne faut pas qu'on se serve de l'outil de surveillance pour aller vérifier ce que le copain de ma fille fait lorsqu'il a terminé l'école. Oui, il faut éviter les excès, mais cela est dans tous les projets de loi. Oui, il ne faut pas que le directeur général vienne excéder ces pouvoirs, mais nous avons l'*Operations Review Committee*. Il faut faire confiance aux institutions.

C'est pour cela, M. le président, pour conclure, moi je vais féliciter le Premier ministre, lui dire que moi et nous, au ML, nous vous donnons tout notre appui pour le *Financial Crimes Commission*.

Mr Speaker: Hon. Members, before suspending the Sitting, I will invite the Whips to adjust the time. 10 minutes in excess, so please adjust the time.

I will suspend the Sitting for one hour!

At 8.14 p.m., the Sitting was suspended.

On resuming at 9.17 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated! MP Mohamed!

(9.16 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):
Thank you, Mr Speaker, Sir.

I have listened with a lot of interest to the intervention of the hon. Prime Minister and the other hon. Members of the National Assembly who followed his intervention. I have also listened with a lot of interest to the trip down memory lane that hon. Ivan Collendavelloo embarked upon and I must say that he has said a few things that I would tend to agree with, for instance, when he made reference and he said that in French and I quote him –

« Comment peut-on demander au judiciaire [The Judicial and Legal Service Commission] de nommer un membre de l'exécutif ? »

You see, that is an admission on the part of a seasoned Member of the Bar as well as a seasoned Member of the National of Assembly whom I have a lot of respect for. Basically, what he is saying and that is indeed for me a very important thing that I ask friends on all sides of the House to take note that he is saying that the nomination of the Director General is in fact the nomination of a Member of the Executive.

So, that is *où le bât blesse* and if he says that the Judicial Legal Service Commission cannot proceed *avec la nomination*, he therefore agrees that therein, there is a problem and there is therefore the need – because when I have listened to everyone – there is the need for us to find another method by which such a nomination can take place but then again, the hon. Prime Minister has, in a very intelligent manner, refrained and not responded to the following question that exists in the members of the public and the question is as follows: why remove the Director of Public Prosecutions from the whole equation? That is the question because the least that I would have expected and the least that a civil society would expect is for the hon. Prime Minister to come here today and tell us: has he had consultations with the Director of Public Prosecutions? Has the Government not thought it fit that there should have been consultations, if it were not for

him, for any other reason he may have not to want to the DPP? But, shouldn't the DPP have been consulted at least by the Attorney General? Should not the DPP have been consulted at least by *le Secrétaire du Cabinet* or the Solicitor General and if such consultations did take place, what was his reaction?

This is what we need to know because we have all been talking about the powers of the DPP. According to some Members of the House, eating away some of the powers of the DPP but, we are therefore entitled to expect that a Government that respects the provisions of the Constitution and understands the parameters and meaning of the word 'consultation' would at least tell us whether they have met with the DPP and shared views, and if so, what were his views, and if they have not met with the DPP, why not. We expect to know.

You see, Mr Speaker, Sir, let me quote a very important person in legislature. He said a few things and I listened very carefully and wrote down verbatim what he said –

“In fact, Mr Speaker, Sir, I, when I looked at the case file, because, because [he said it twice] when I look at the case file all the evidence, I say all and I am speaking as lawyer, they are not only damning. All of them go in one direction. There is absolutely no contradiction from Police officers and other witnesses.”

Those are the words of an influential Member of this National Assembly - the hon. Prime Minister, the words that he pronounced this morning. And it is very important to analyse those words in the context of the presentation of this Bill. The hon. Prime Minister makes reference to him having seen the case file. What is the meaning of a case file? And I observed the hon. Prime Minister, went across the recording, paused, went back, paused, and looked at each shot. I must admit you were well-dressed this morning as you are now so I enjoyed watching, but that was not the reason why I was watching, Sir. The reason I was watching is because of what you were saying, *cela m'a interpellé* because, then, I saw you lift a file which was not in front of you, where you were reading from. I saw you lift another file and said “when I looked at the case file”, and then he held the file. So my question is, Mr Speaker, Sir: what is the case file that he was referring to? Because the only case file I know - because he said he was speaking as a lawyer - as lawyers, you see, he had a very successful career as a politician and to glorify his successful career, he is now Prime Minister. Congratulations! I spent more time at the bar practising as a lawyer. So, all lawyers as him would know what a case file is. A case file is in fact a police case file. If it is not, tell me the contrary when you have the time to intervene and clarify because right now in my mind and in the minds of the public, you said you saw the case file, and I equate case file with a police file. And you went as far as to say, I quote –

“I say all, and I am speaking as a lawyer, all the evidence.”

So, he saw all the evidence. What is in a case file? In a case file, there lies evidence. It is not in the Prime Minister’s file that you have evidence; it is in the police file. Therefore, if the police file has evidence, how the hell did it end up in front of the Prime Minister’s hand? How?

Therefore, it is logical to conclude that he has had access to the police file. If I am wrong, forgive me but this is what it says to me, because he said, “I saw all the evidence”. He went on to say: “there is absolutely no contradiction from Police Officers and other witnesses”. Therefore, the Prime Minister has had access to witnesses’ statements in order for him to say there is no contradiction. How can he have access to witness’ statements if it was not remitted to him by the Commissioner of Police? Think! I pause, I shudder because this means that the general rule provided for in the Constitution that says that the role of the Commissioner of Police is not to be under the control of any authority but to simply, if at all, take general policy issues. That is all the Prime Minister can do to the Commissioner of Police - general policy. But general policy does not mean that he can go and see what witnesses’ statements contain.

Mr Speaker: So...

Mr Mohamed: General policy does not mean that!

Mr Speaker: I got your point.

Mr Mohamed: Good! I tried to make it legible.

Mr Speaker: And you are concentrating too much...

Mr Mohamed: On the Prime Minister?

Mr Speaker: ... outside the subject. The subject is you have a Bill.

Mr Mohamed: I am coming. I am explaining; I am connecting it now.

Mr Speaker: You have taken almost 5 minutes.

Mr Mohamed: Very good! I have got 5 minutes extra because hon. Collendavelloo granted me that.

Mr Speaker: So, I am afraid...

An hon. Member: Ah bon?

Mr Mohamed: Oh yes, he did! Oh, yes! Oh, yes! Oh, yes! Oh, yes!

An hon. Member: No way!

Mr Speaker: I am afraid you are wasting your time.

Mr Mohamed: No, I am not wasting my time. It is my speech.

Mr Speaker: Go directly to the Bill!

Mr Mohamed: I am being relevant.

Mr Speaker: My instruction: go directly to the Bill!

Mr Mohamed: You cannot instruct me what to speak about. This is my speech, not yours. Now, as I am saying...

Mr Speaker: Come on! Come on!

Mr Mohamed: Come on, what?

Mr Speaker: This is lack of respect to the Chair!

Mr Mohamed: I am telling you...

Mr Speaker: I am giving you my ruling! You have to concentrate on the Bill!

Mr Mohamed: I am!

Mr Speaker: You have been talking too much on that point!

Mr Mohamed: Okay.

Mr Speaker: Whether you have a point or not, the Prime Minister will reply to you.

Mr Mohamed: Okay.

Mr Speaker: But you are concentrating too much on that point and you keep on discussing with the Chair.

Mr Mohamed: So, you understood. So, I will move on therefore.

Mr Speaker: Apologise for that first!

Mr Mohamed: I apologise for whatever you want.

Mr Speaker: I am happy you apologised.

Mr Mohamed: Do you want me to apologise for anything else? Tell me, I will apologise as a series. Tell me.

Mr Speaker: Apologise for what you did wrong!

Mr Mohamed: Okay.

Mr X. L. Duval: Apologise in advance.

Mr Mohamed: In advance as well?

Mr X. L. Duval: Apologise in advance.

Mr Mohamed: Anything. Tell me.

Mr Speaker: Apologise to the Leader of the Opposition!

Mr Mohamed: Oh, he is a good friend of mine, you are not.

Mr Speaker: Apologise!

Mr Mohamed: I do not have to apologise to a friend.

Mr Speaker: Apologise to him.

Mr Mohamed: He is a friend, I do not need to apologise. To you, I apologise since you are not a friend.

Mr Speaker: You are wasting your time!

Mr Mohamed: You are taking my time!

Mr Speaker: You are wasting your time!

Mr Mohamed: You are taking my time!

Mr X. L. Duval: In advance.

Mr Speaker: Apologise and continue!

Mr Mohamed: I am not apologising again. I have done enough of apology! Come on!

Mr Speaker: You have already apologised?

Mr Mohamed: I have already done it! You love the word!

Mr Speaker: Go ahead!

Mr Mohamed: Record it!

Mr Speaker: Go ahead!

Mr Mohamed: Play it over and over again!

Mr Speaker: Oh, come on! Now, you are going too far!

Mr Mohamed: Apologise again?

Mr Speaker: I will stop you! I will stop you! Mind your language and you should know that you are talking to the Chair...

Mr Mohamed: Yes.

Mr Speaker: ...and you have respect!

Mr Mohamed: Yes.

Mr Speaker: Apologise once more!

Mr Mohamed: Apologies.

(Interruptions)

Happy?

Mr Speaker: Very happy!

Mr Mohamed: Thank you, so am I.

So, why do I connect the Prime Minister with this Bill? Because he has an aversion and he has expressed his aversion for the Office of the Director of Public Prosecutions.

The Prime Minister: Mr Speaker, Sir, on a point of order. I have not expressed any aversion for the Office of the DPP. In my answer to the question that was put to me this morning, I have only stated the facts with regard to the case.

Mr X. L. Duval: That is not a point of order.

The Prime Minister: Then what is it? Are you a barrister now? You want to...

Mr Mohamed: That is an explanation.

The Prime Minister: So, the hon. Member cannot say that I...

Mr Speaker: No, what is happening? What is happening? Are you the Speaker?

Mr Mohamed: I am not giving way.

Mr Speaker: No, are you the Speaker?

Mr X. L. Duval: He is talking to me.

Mr Speaker: He is talking to the Speaker.

Mr X. L. Duval: He is talking to...

Mr Speaker: No, no, no. He is talking to the Speaker.

Mr X. L. Duval: Okay, I apologise.

Mr Speaker: He looked at you. Apologise! You apologise!

Mr X. L. Duval: I already apologised. I apologise in advance.

Mr Speaker: Yes.

Mr X. L. Duval: Yes.

Mr Speaker: You better do that!

The Prime Minister: So, Mr Speaker, Sir, on a point of order.

(Interruptions)

Mr Speaker: Wait!

The Prime Minister: I have not expressed any aversion...

(Interruptions)

Mr Speaker: Oh, what is happening?

Mr X. L. Duval: I am apologising.

Mr Speaker: Please leave the House! Leave the House!

Mrs Mayotte: *Deor!*

Mr X. L. Duval: Why?

Mr Speaker: Disrespect! Leave the House!

An hon. Member: *Deor!*

Mr Speaker: I am ordering you to leave the House!

An hon. Member: *Deor!*

(Interruptions)

Mr Speaker: I am ordering you to leave the House!

(Interruptions)

An hon. Member: *Deor!*

Mr Speaker: I am ordering you to leave the House!

(Interruptions)

I am ordering you! Serjeant-at-Arms, do your work!

(Interruptions)

Mr X. L. Duval: Next week also? Next week?

Mr Speaker: Please!

Mr X. L. Duval: What about next week?

Mr Speaker: Please, go take some fresh air! So, there was a point of order.

The Prime Minister: I was saying, Mr Speaker, Sir, that I have not expressed any aversion to the Office of the DPP or to the DPP himself. When I was replying to a question this morning, I was only stating the facts of the case.

Mr Speaker: I heard this point. So, do not refer to that. Please go to the Bill!

Mr Mohamed: I am going to the Bill. That was not a point of order; that is a point of explanation, and I take it, I will try to move on.

Mr Speaker: You have your own opinion.

Mr Mohamed: I am entitled to it.

Mr Speaker: You know the Prime Minister has got the right to make a point of order.

Mr Mohamed: I am saying that I am moving on, Sir.

Mr Speaker: I am the Speaker...

Mr Mohamed: I am moving on.

Mr Speaker: ...and you are doing the work of the Speaker.

Mr Mohamed: I am moving on.

Mr Speaker: You are eating your own time!

Mr Mohamed: You are eating my time!

Mr Speaker: You are eating your own time!

Mr Mohamed: So, let's eat it together!

Mr Speaker: So, this is the last warning I am giving you! Try to behave yourself! This is the last warning I am giving you!

Mr Mohamed: Yes, Sir.

So, let me now refer to a very important document and here, where I differ with the hon. Collendavelloo is as follows. You see, he goes on to explain that from his understanding, the DPP is not above the law and he goes on to justify the Prosecutions Commission; and he goes on to justify that there should be the possibility of having judicial review; and that was the whole purpose. But then, again, you know, let me refer to your ruling, Mr Speaker Sir, to your ruling.

Mr Speaker: You don't have to refer to my ruling!

Mr Mohamed: That is part of my speech.

Mr Speaker: You don't have to refer to my ruling!

Dr. Boolell: *Ki sa komeraz la sa?*

Mr Speaker: You don't have to refer to my ruling! Make your speech!

Mr Mohamed: But that is part of my speech, Sir.

Mr Speaker: Make your speech directly, don't refer to my ruling!

(Interruptions)

This is my instruction!

Mr Mohamed: Okay.

Dr. Boolell: *Kiete sa?*

Mr Speaker: Go and read the Standing Orders!

Mr Mohamed: I will not refer to your ruling; I will not. I will not.

So, according to Erskin May - I will refer to Erskin May - in any debate, a Member is required to declare any relevant pecuniary interest or benefit of whatever nature, not only pecuniary, whether direct or indirect that they may have had, may have or may be expecting to have.

I think that as seasoned member of the Bar and of this Assembly, hon. Collendavelloo should have declared his interest since he has a matter pending before the ICAC! And I would agree with what is in Erskine May. Now, how many Members on the other side have to declare their interests? So, the issue is not therefore who can prosecute or who will not prosecute. That is not the issue!

You see, when my late father used to say 'in their madness, there is method,' let me say what he meant by that. You see, the issue here is not who is entitled to prosecute and who is not; it is not that the issue because I agree with the hon. Prime Minister that the DPP retains the right to discontinue proceedings. I totally agree with section 72(3) (b) and (c). *Je n'ai pas de problème avec.* But the issue is, with the coming up of this law – let us go and break down for all to understand what happens –, all members of Government who have any enquiry pending against them at the level of ICAC will obviously have to face the law as it is today. The matter will have to be referred to the Director of Public Prosecutions – from memory, it is under section 82 of the Prevention of Corruption Act – the authority that has the *dernier mot* whether to prosecute or not is indeed, under the actual law, the Director of Public Prosecutions.

But with the advent of this law, it will no longer be a constitutional position, that of the DPP who decides to institute proceedings. He will no longer have that power! He will no longer have access to the files; he will no longer have the right in this statute to call for the file! No! It will be a political appointee chosen by the Prime Minister with the stamp of the President and supposed consultation with the Leader of the Opposition: ‘hello, I have decided this, there we go. Thank you.’

So, with the advent of this new law, many will be saved by the gong! Through the operation of statute, can you imagine, Mr Speaker, Sir, what the hon. Prime Minister is proposing? That if the DPP decides not to go ahead, to discontinue proceedings, to stop proceedings, he will have to give explanations and he can even have judicial review! But if the Director General does not institute proceedings, no explanations! So, if he does not institute proceedings against hon. Collendavelloo, no explanation is required, no judicial review, no aggrieved party! If he does not institute proceedings in the Molnupiravir matter, he does not institute proceedings in the Grand Bassin matter, in everything concerning whoever reported there – there are so many, I cannot even remember them – the Kistnen matter, everything, you cannot go for judicial review! If the Prime Minister is serious, why does he not return it to the DPP to be the sole authority to decide? He owes an explanation to the country! Why not?

When the hon. Minister of Social Integration, Social Security and National Solidarity comes up with recommendations internationally, I listened to her. She said supposedly what they were doing, was under the cover of recommendations. Wrong! It has never been recommended that the DPP should be removed with that constitutional right to decide to prosecute, to institute proceedings. So, what will happen therefore? Right now, I am happy that hon. Collendavelloo said clearly, and I will say those two things: ‘for him, even if there is a provisional charge, the DPP with this new proposed legislation will have a right to intervene and take over.’ I agree with him because this is what the law says, because this is what authorities say. This is basically what is the proposition in the cases of, and I will quote –

- a. Lee Wai Chung v ICAC;
- b. Dvorski v Croatia before the European Court of Human Rights, and most importantly,
- c. Assange of the European Court of Human Rights which clearly state, very simply, that “proceedings start from the moment that someone [in Mauritius at least] is provisionally charged.”

Proceedings start then! Therefore, if proceedings start then, I agree with hon. Collendavelloo that the DPP will be entitled to intervene from the moment there is a provisional charge and you cannot stop him!

However, where the problem lies: how can the DPP intervene in the blind, in the dark when he does not have the file? He has no right to call for the file. Therefore, if the Prime Minister agrees with hon. Collendavelloo, unless he disagrees, *que le DPP peut intervenir du moment où il y a, ce que l'on appelle, un provisional charge*, that he clarifies that in the law! Make it clear that the DPP is entitled to intervene! At least, if he does not want to clarify it, say it here for posterity, for Hansard to print it out and for any superior courts later on to see the intention of the legislator was not to remove that right from the Director of Public Prosecutions! But if the Prime Minister refuses to, he will therefore confirm there is disagreement between him and hon. Collendavelloo! If he refuses to clarify, he will confirm there is disagreement between him and hon. Collendavelloo! Which is which? *Deux sons de cloche au sein d'un gouvernement!*

But then, hon. Collendavelloo talks about judicial review? In the case of *Malhotra v DPP* – this is a case that hon. Collendavelloo should know, hon. Obeegadoo should know, hon. Ganoo, who is not here, should know – it was clearly established that going for judicial review against the decision of the DPP not to prosecute or to discontinue; all this is not an appeal/decision, and the court cannot replace the DPP. It is only the process, the legality of the process that is being reviewed. This is judicial review! So, let us not fool the people by making them believe that judicial review means that. Judicial review is of a decision and it is established by the Privy Council in the case of *Mohit*. It does not mean that you can come and replace by another decision, the decision of the DPP. It means that the law lords or the judges can only go as far as to decide on the legality of the process. That is judicial review! *Et ce n'est pas comme dans une Cour d'appel, de renverser la décision.*

Alors, M. le président, the Prime Minister, in my view, will have to explain to the people how according to section 66 of this Bill – and this is something which is really worrying – where it says, there is no need for reasonable suspicion, section 66(1) that surveillance is allowed. Hon. Utem and other friends talked about that. What is the description of surveillance, the definition of surveillance which is at section 66(8) (b) of this Bill? Surveillance means “the continual act of monitoring, observing or listening to a person (...).” *Est-ce qu'on peut comprendre ce que le Premier ministre nous propose, M. le président? Le Premier ministre vient de l'avant avec le support de tous ses autres collègues, ministres et députés, pour justifier qu'il est autorisé, sans avoir de raison, de*

causes raisonnables, sans avoir reasonable suspicion, *sans cette nécessité parce que cela n'est pas précisé* in section 66(1), without the authorisation of a Judge in Chambers, he can go and *faire* surveillance, listening to someone !

And what does it say here? “(...) from a public place, with the likely result of obtaining private information about that person or another person.” *Cela veut dire que* you, them, us, people outside, they will be able to listen to what we say and without reasonable suspicion?

If the Prime Minister disagrees with me, why does he not, just like in subsection 2, where the word ‘reasonable grounds’ are used, why are reasonable grounds not used in subsection 1? Why is there a difference?

So, you go to the Judge in Chambers, you tell the Judge in Chambers: ‘now I have listened, now I have monitored, now I have listened without your permission and I now want your permission to go and investigate even further and listening even closer.’ This time, you are going to have bedroom buddies! They can even come in your bedroom! Here, in a public place, you are walking along, they can record you. You are talking on the road; they record you without the permission! And it does not say here for the purpose of preventing, detecting an offence. *Il n'y a pas de* reasonable suspicion *là*. It can be an innocent person. So, they come and say: ‘oh I just want to detect.’

But then, again, this is the Prime Minister who tells us that he does not want to do anything against human rights. If he is serious, there is no reason not to believe him. Why does he not come and clarify his intentions by adding the word ‘reasonable grounds’? Why does he not come and tell us that we have the right to apply for judicial review against the decision of the Director General? Do that at least! But then, again, the whole ploy of this Government is to ensure that cases are stuffed in a drawer and that prosecutions never happen at the eve of general elections. That is the ploy of this Government!

If Machiavelli wanted to know what Machiavelli was, they could come here and see before them! We have fantastic people here who show us how to be better than Machiavelli! Under the guise of statutory provisions, they remove the DPP from the equation solely to block prosecution. That is why I say that my reading of Erskine May says that hon. Collendavelloo should have declared his interest. Once upon a time, in 2015, he was Vice-Prime Minister and he rightly called me to order when he said that I should have declared my interest and not put a question on the BAI affair. He was right because I was a lawyer in there and I bowed to what he said. But if he said it to me, he forgets that he should give himself that advice? He forgets that then when it suits him?

Then he forgets! I look up to him and I am sad today that he has shown that for some bizarre reasons, he has forgotten the lesson he gave me!

In those days, in 2015, I spoke to my late senior, Yousuf Mohamed, and he said: ‘Ivan Collendavelloo was right. You should not have talked about this because you were a lawyer there.’ That is the respect Senior Counsel had for another Senior Counsel. Today, *où sont les principes? Où sont les leçons ? La démocratie, on la détruit quand on le veut ! La démocratie n’est pas nécessairement et seulement simplement le droit de voter ou le droit d’exprimer son opinion, mais c’est aussi de ne pas appoint political friends in order to cover up cases. That is the problem.*

When you look at a document published – and I will conclude on that – by the European Union, you see, whatever I am saying is going to be entering one ear and then going out of the other ear. What I am saying here, today, this law should not even be in the hands of any Prime Minister, including the next! The next Prime Minister, Dr. Ramgoolam, has no right to have a law like that at his hand!

Hon. Members: Ha ha ha!

(Interruptions)

Mr Mohamed: Watch my words! He has no right to have this, because you know what is the difference between you and I, Mr Speaker, Sir? The difference between you and I, friends, is that I am not someone who basically changes my tune because I am in the Opposition or Government! I say that no Labour Party government is entitled to have a law like that! No MMM government, no alliance government should have this despicable Act in their hands! It should be thrown out! It should be kicked out! And we undertake to throw it out!

The Venice Report of the European Commission in Strasbourg on 15 March 2011 - what was said in that Venice Report? It says at page 6 of the report, the Venice Commission goes to talk about “political interference in prosecution,” like here. The report points out that if “Modern Western Europe has largely avoided the problem of abusive prosecution in recent times, this is largely because mechanisms have been adopted to ensure that improper political pressure is not brought to bear in the matter of a criminal prosecution.”

The Commission points out that “in totalitarians states or in modern dictatorship criminal prosecutions have been and continue to be used as a tool of repression and corruption. However, as the Commission states, the existence of systems of democratic

control does not give a complete answer to the problem of politically inspired prosecutions.”

Mauritius is creating history indeed. It is not about political prosecution; it is about political cover-up!

Thank you very much.

Mr Speaker: Hon. Mrs Luchmun Roy!

(9.47 p.m.)

Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue): Thank you, Mr Speaker, Sir, for giving me the opportunity to lend my voice to such an important piece of legislation.

Mr Speaker, Sir, I have been listening carefully to Members of both sides of the House. I would say that, at the very outset, I am not a lawyer. So, I will not be able to give any lecture in the House. However, one thing that I can say is that the show must go on! So, we need to clap, clap, clap for the shows that have been going on and on.

Mr Speaker, Sir, as a young elected Member of the House, I have some questions as well. But before coming to the questions, I hope these would be answered by Members of the other side who have been very boldly putting questions towards our hon. Prime Minister. The Explanatory Memorandum of the Financial Crimes Commission states clearly the why and the purpose of this legislation. It states clearly that it is to provide for the establishment of the Financial Crimes Commission which will be the apex agency in Mauritius to detect, investigate and prosecute financial crime such as corruption offences, money laundering offences, fraud offences, the financing of drug dealing offences and any other ancillary offence.

When you go into the details and into the clauses, you can see that it is very well worked out and is very detailed as well, and it mentions about the Chief Legal Adviser, the financial crimes such as corruption offences, money laundering and other offences which have been added as well.

So, my question before getting into the gist of the Bill itself, Mr Speaker, Sir, is we just heard some Members on the other side putting questions about the role of the DPP, but we just experienced *comment justement noyer le poisson*. The hon. Member who spoke right before me, referred to the speech of the hon. Prime Minister this morning, answering a PQ with regard to his hon. colleague, hon. Ehsan Juman. He came forward with questioning about the report, questioning about the documents being produced into

the House, but what he fails to mention is that his colleague did accept, he personally posted on Facebook and I quote from the same source...

The Prime Minister: He confessed.

Mrs Luchmun Roy: He confessed, exactly! He confessed and he posted on his page –

« Il ne m'a fallu que 5 minutes entre 11 00 et 11 07 ce matin du 5 janvier pour entrer au port jusqu'à la rade où un navire débarquait du charbon sans que la sécurité ne m'arrête. »

He confessed it! There were all the proofs that were there to get him incriminated. So, what was decided by the DPP? That there was no case!

Mr Mohamed: I object!

Mrs Luchmun Roy: And, Mr Speaker, Sir,...

Mr Mohamed: On a point of order! On a point of order!

Mrs Luchmun Roy: I am not giving way!

Mr Mohamed: On a point of order!

Mrs Luchmun Roy: I am not giving way!

Mr Speaker: Hold on, point of order.

Mr Bérenger: *Ki pena pou give way...*

Mr Mohamed: On a point of order! On a point of order! The hon. Member has no right to question the decision of the DPP unless she does so by substantive motion. That is the Standing Orders.

An hon. Member: *Al lir Standing Orders!*

Mr Mohamed: She has no right to do so. None! That is Standing Orders!

Mr Speaker: The hon. Member is not questioning the decision of the DPP! Go ahead!

Mrs Luchmun Roy: Mr Speaker, Sir, I am only setting the background of the why today we need to vote this Bill. This is my question towards the Members of the Opposition. This is the question that I am putting forward to the Members of the public which are following the debate which is very much important to the House.

So, this is a simple case where an hon. Member who said it openly, who has confessed that he did something wrong and alongside that, the hon. Prime Minister did

give figures of people who were convicted for the same thing but the DPP found it right, deemed it right...

(Interruptions)

Mr Mohamed: There you go! There you go!

Mrs Luchmun Roy: This is setting the background, hon. Member!

Mr Mohamed: She said it again! She is saying it again!

Mr Speaker: You listen! Do not interrupt!

(Interruptions)

Mrs Luchmun Roy: He said there is no case!

Mr Speaker: Do not interrupt!

Mrs Luchmun Roy: So, I have more questions now. So, now you want us to say that we cannot challenge a decision and, hon. Ivan Collendavelloo said it right, if someone has been raped and the DPP sees there is no case, no one questions the DPP. There is no one who can actually go and ask questions about what the DPP has done, whether it is right or wrong.

Furthermore, Mr Speaker, Sir, allow me to put some questions forward. All the Members who have been talking on the other side of the House, no one dares to mention about the coffers with 220 million dollars! No one mentions this. Is this good governance? And, you want us to believe what you are teaching us in this House? Come on!

(Interruptions)

As you said, and furthermore, what is more humiliating what I heard right now, as a young Parliamentarian, I am not a seasoned Parliamentarian, I am not lecturer and I am not a lawyer but you cannot come to the House and say 'like bedroom buddies'. We, on this side of the House, we do not have tea parties with the Director of ICAC, someone called I.M. Just go and check whose bed buddy it was.

(Interruptions)

So please, you need to check it first, and...

Mr Speaker: Careful!

Mrs Luchmun Roy: And, Mr Speaker, Sir, *220 millions de dollars dans les coffres*, no one dares to mention it, not even hon. Dr. Boolell and we have some Members on the other side...

(Interruptions)

Mr Speaker: Can you please leave the House?

Mr Mohamed: Me?

(Interruptions)

Mr Speaker: Yes, you are challenging my authority!

Mr Mohamed: I am not!

Mr Speaker: You are challenging my authority!

Mr Mohamed: I apologise!

Mr Speaker: No excuse! Go out!

Mr Mohamed: Please, forgive me!

Mr Speaker: Go out! You are looking for that!

(Interruptions)

Mr Mohamed: Please...

Mr Speaker: You are looking for that!

Mr Mohamed: No, I swear.

Mr Speaker: I am ordering you to go out!

Mr R. Duval: *Zot envi met li deor pa gagn drwa fer sa !*

Mr Mohamed: I want to stay, Mr Speaker, Sir!

Mr Speaker: Go out!

Mr R. Duval: *Dominer appel sa !*

Mr Mohamed: I am sad to leave.

Mr Speaker: You continue!

Mrs Luchmun Roy: Thank you, Mr Speaker, Sir. I have some more questions. There is one political party which claims to be *latet haute, lame prop!* Why are you scared today? Let me put the question forward. There was a Bill which came to the House which was rejected for the electoral financing. Why did they refuse to vote for the Bill? I have a question. Where are the 10 million provided to the MMM party by the BAI? We are talking about good governance today. This Bill is here to really...

(Interruptions)

...see all the loopholes that we have in our system, Mr Speaker, Sir.

I have more questions regarding this one which will make people understand why we need to support it. When we are talking about corruption, there is also bribery in it. The same hon. Member who trespassed the Port area was also the same Member who gave Rs200 or Rs100 to a Police officer. So, it is all in the Bill! Do we need to justify that and say 'no because we are in the Opposition, we are just doing *démagogie*'? *Non*, these are facts and it has been there in the Hansard as well, Mr Speaker, Sir.

So, they are coming to give the lessons of good governance, bribery, corruption, *les dollars, latet haute, lame prop*. So, they are the ones giving us and...

(Interruptions)

...let me just add one more before moving to the Bill.

Mr Juman: *Guet dan to kote!*

(Interruptions)

Mrs Luchmun Roy: Macaroni, let us talk about the macaroni as well, bribery!

Mr Juman: *Koz stag party!*

(Interruptions)

Mrs Luchmun Roy: And, they dare to come here and to give us lessons.

An hon. Member: *Quel culot!*

(Interruptions)

Mrs Luchmun Roy: And, you know what is even funnier? The hon. Member Shakeel Mohamed just mentioned about declaring your interest when you are putting a question or when you are actually participating in a debate. So, I think hon. Joanna Bérenger should have declared her interest in Omnicane company before putting any question to this House. So, the rules apply to them also. So, hon. Shakeel Mohamed should have shared it *avec ses consœurs*. *Voilà!*

Moving on to the Bill right now, Mr Speaker, Sir, as I said it *les donneurs de leçons*, they are everywhere once they are on the Opposition seat. So, Mr Speaker, Sir, today it is a very important day as we are debating about the democracy, the transparency of our country and we are talking about the financial sector. The hon. Prime Minister and the hon. Minister Seeruttun as well as hon. Ivan Collendavelloo talked very extensively, giving more details about what is happening and also the powers of the ICAC as well.

However, Mr Speaker, Sir, hon. Shakeel Mohamed questioned the democracy. Let me just take you down to 2002 when the POCA was brought to the House but prior to that there was the Economic Crime and Anti Money Laundering Bill in 2000 which had as object the establishment of an Economic Crime Office headed by a Director to investigate into suspicious transactions, money laundering and serious economy. In 2002, when the Prevention of Corruption Bill was introduced by the then Prime Minister, Sir Anerood Jugnauth, the object was to strengthen the law on corruption and fraud by introducing a new corruption offence which would be punished by severe penalties.

Mr Speaker, Sir, however, in 2005 when the Labour Party Government took office, there were two amendments – one in 2005 and the second one in 2006. So the very first thing that that then Prime Minister did was abolishing the Appointments Committee of the ICAC and during his second reading on September 2005, the then Prime Minister said –

“The Appointments Committee of the ICAC was designed for specific functions and it was designed to guarantee the independence within the Institution. I think we all agree that the Appointments Committee has failed to do that. In fact, the Committee has not acted despite numerous requests being submitted to its Chair and the failure of this committee to act is one of the reasons for today’s amendments.”

Mr Speaker, Sir, this amendment clearly joins what the hon. Ivan Collendavelloo said because at that very point in time, they already had someone to be appointed as the Director of ICAC and this is where the ‘bedroom buddies’ enter for the Labour Party Government.

Mr Speaker, Sir, allow me to also highlight the section 142 (b), (c) and (d) Prosecution. We have been hearing this in all spheres, whether it has been on the media, written or radios. They have been talking about the powers of the DPP being diminished and giving power to the Commission. However, let me direct all the Members present here that it is clearly stated in the section 142 where it says the following –

“(1) (a) Following the conclusion of an investigation and the receipt of a report under section 58, the Commission may institute such criminal proceedings as it may consider appropriate for any offence under this Act or the Declaration of Assets Act.

(b) The institution of criminal proceedings by the Commission under paragraph (a) shall be without prejudice to the powers [shall be, I repeat it, shall be without prejudice to the powers] Director of Public Prosecutions

vested in him to the exclusion of any other person or authority under section 72(3)(b) and (c) of the Constitution to take over, continue or discontinue such criminal proceedings.”

It boils down to the same question once again. If there has been injustice, if there has been anything which been wronged, no one questions the DPP. No one can actually challenge the decision of the DPP. However, it stays the same but the Commission has the right to bring forward new point of views, new ideas as well and give a second chance to anyone who feels *que son droit a été lésé*, and also as mentioned by hon. Ivan Collendavelloo, the DPP cannot be over and above the law and we also know who has been the DPP in the past years and why. The question once again, why has the hon. Member Ehsan Juman been acquitted, has no case against him by that then DPP? So, this is a question which the population is asking. Everyone wants to know the answer.

So, Mr Speaker, Sir, as a conclusion right now because I am giving my remaining time to the hon. Member Ivan Collendavelloo, I am sharing my time with him. To conclude, Mr Speaker, Sir, this Bill is a testimony of our commitment in transparency and democracy, Mr Speaker, Sir, and it is a visionary step towards an ethical society, a Bill should be over and above politics, and it is paving its way for a safe investment state.

Mr Speaker, Sir, I would once again say that we fully support the Bill on this side of the House. Thank you for your attention.

Mr Nuckcheddy: Bravo!

Mr Speaker: MP Dr. Aumeer!

(10.00 p.m.)

Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central): Merci, M. le président. Si j’ai à résumer les débats et ce qui a été dit par celle qui m’a précédé, je citerai une citation de Honoré de Balzac –

« La flatterie n’émane jamais des grandes âmes, elle est l’apanage des petits esprits qui réussissent à se rapetisser encore pour mieux entrer dans la sphère vitale (...) »

Mr Speaker: Allow me to interrupt you. Please withdraw that quotation!

Dr. Boolell: Why?

Mr Speaker: You don’t ask me why! You withdraw that quotation ‘*petits esprits*’ or...

Dr. Aumeer: Okay, I will not continue.

Mr Speaker: You will be the *petit esprit* in this case. Withdraw that!

Mr Nuckcheddy: Trop arrogant!

Dr. Aumeer: Okay, I withdraw.

Mr Speaker: Withdraw that and you continue!

Dr. Aumeer: Withdraw. Okay.

Mr Speaker: Withdraw and you continue, if not, I will stop you. The next one would be...

Dr. Aumeer: Okay, I withdraw!

Mr Speaker: Oh, okay.

Dr. Aumeer: I have said it twice.

Mrs Luchmun Roy: ...apologise also...

Mr Speaker: Continue!

Dr. Aumeer: M. le président, un projet de loi très complexe avec des visées politiques très précises, un projet de loi qui suscite beaucoup d'appréhensions de plusieurs partenaires de la société civile. Et, récemment, dans une de ses déclarations publiques, le Premier ministre lui-même a dit que ceux qui ont quelque chose à cacher ou ont fait quelque chose de mal, ils doivent avoir peur. La pertinence veut que tous ces acteurs de la société civile, les professionnels du barreau et extraparlamentaires montent au créneau pour dénoncer la politisation de cette mégastucture. Tout ce monde ne peut-être des bandits financiers !

M. le président, la question qui vient à l'esprit concernant la mise en place du *Financial Crimes Commission* et son agenda, est-ce qu'il s'agit d'assurer une plus grande coordination entre les organismes chargés de l'application de la loi, y compris le partenariat public et privé pour lutter contre la criminalité financière ? Ou s'agit-il de moyens d'utiliser le *Financial Crimes Commission* comme une arme par le biais d'une approche autocratique pour tout contrôler en tant que chef de l'exécutif en attaquant l'État de droit qui est basé sur le principe sacré de la séparation du pouvoir, l'exécutif, le législatif et le judiciaire ? Ou tout simplement faire en sorte qu'un garçon aux yeux bleus soit à la tête d'une telle superstructure pour surveiller de très près les opposants du régime ? L'avenir nous le dira.

M. le président, en prélude à ce projet de loi, n'oublions pas quelques faits intéressants. Un rapide rappel de l'une des structures existantes, à savoir l'ICAC, sur qui

5,993 cas seulement, 127 cas ont abouti à des poursuites réussies, qui me pousse à dire que cette institution, qui devait fêter ses 20 ans d'existence, va peut-être disparaître dû à son palmarès très peu flatteur. Pourquoi l'ICAC n'a pas donné les résultats escomptés, en particulier la performance inapte de l'ICAC pour prendre à partie que ceux qui se trouvent dans les sphères du pouvoir ? Tout simplement pas de procès pour les agresseurs de haut niveau.

M. le président, des affaires très métissées qui n'ont pas vu d'issue en particulier jusqu'à maintenant : le Saint Louis *Gate*, le Angus Road *Gate*, la poursuite bâclée du Monupiravir, l'enquête sur les papiers de Kistnen, l'affaire Franklin, la fameuse *Stag Party*, l'octroi d'un bail à Dayot et Mangin à Grand Bassin. Et il ne faut pas oublier qui est à la tête de l'ICAC, lui-même qui s'est fait tout petit pendant le procès du *Privy Council* concernant l'affaire Med Point et sa fameuse volte-face malgré l'explication tant expliquée par l'honorable Collendavelloo.

M. le président, si pour réduire la lourdeur et lenteur administrative et être aux normes des instances régulatrices financières internationales, une telle structure, englobant les différentes agences, créée pour lutter contre le crime financier et la corruption, est nécessaire, je dirai tant mieux. Mais cette mégastructure comprend plusieurs divisions avec des attributions spécifiques aura certes des conséquences majeures avec l'abolition de plusieurs lois en vigueur dans la lutte contre le crime financier, mais pour aussi entraîner le démantèlement de plusieurs agences chargées de lutter contre la corruption, l'ICAC, l'*Asset Recovery Investigation Division* de la FIU et le *Intergrity Reporting Services Agency*, et la création de plusieurs d'autres commissions.

M. le président, la section 167 du *Financial Crimes Commission* est très importante pour ceux déjà employés à l'ICAC et le département de la FIU. Ils éprouvent la frayeur, l'angoisse, l'appréhension au triangle de Réduit. La crainte de perte d'emploi dans ces agences mentionnées ne doit pas être minimisée, car déjà la perception que seulement ceux qui sont proches du directeur désigné sont rassurés de faire partie de cette nouvelle structure.

M. le président, quid des *high-profile cases* ? Recommencerait-il à zéro ou changerait-il les enquêteurs ? Le flou persiste. Ce fameux cas Álvaro Sobrinho avec ses milliards douteux qui a pu contourner les mailles des agences censées de traquer le blanchiment d'argent seulement parce qu'on lui a regardé dans les yeux. Qu'advient-il du *Serenity Gate* ? Quid d'autres *high-profile cases* qui sont des adversaires qui étaient des amis et sont devenus adversaires du pouvoir en place, par exemple les Singh, ces enquêtes

par tout ce qu'on pourrait donner les pouvoirs au directeur général connaîtront peut-être un fameux coup d'accélérateur avec les pouvoirs accrus.

Si la loi est perçue comme la loi *ad hominem*, comme un expert constitutionnaliste l'a déclaré, bien sûr, pour celui qui vous hante les esprits de l'autre côté de la Chambre, car chaque mardi avec des questions plantées sur lui est nul doute dans leur viseur et il vous laisse croire qu'il sera encore persécuté. Il ne faut pas oublier le *colourable device* qui fut essayé dans le passé pour que le leader du Parti travailliste perde son siège au Parlement.

M. le président, les différentes divisions de la *Financial Crimes Commission*, leur composition devront avoir l'approbation du Premier ministre et donc seraient tous des nommés politiques dans leurs domaines respectifs. Il n'y a aucune indication dans ce projet de loi que la nomination se ferait dans la transparence ou par appel de candidatures. Evidemment, dépendant du profil sur qui on enquête, est-ce que ces différentes divisions seront indépendantes ou *answerable to who nominated them* et non pas utiliser l'organisme pour mener la vie dure aux opposants politiques ?

M. le président, je parlerai de la nomination du directeur général. Sa nomination serait faite suite aux recommandations comme dans le passé par le Premier ministre ou Président de la République après consultation. C'est du *benchmark*, c'est du *rubber stamping*. Mais pourquoi pas avoir, comme auparavant, un *Appointments Committee* ou, j'irai plus loin, le *Judicial Legal and Commission* pour apporter plus de transparence et respect dans la nomination du directeur général ? La *Financial Crimes Commission* sera sous le contrôle absolu d'un nommé politique en comparaison, alors que le DPP est nommé par le *Judicial Legal and Commission* et son indépendance est assurée. Les qualifications qui sont dites pour être directeur général du FCC donnent l'impression que c'est taillé sur mesure pour un très proche du régime qui se frotte déjà les mains, car la section 10, sous-section 2 ressemble étrangement, je dis étrangement, au profil de celui qui déjà occupe un poste très important dans une des agences liées au combat de la lutte contre le crime financier et dont son palmarès n'est pas flatteur du tout.

Une des attributions du *Parliamentary Committee* serait le *termination of appointment of the Director-General* sous la section 1 (a), grosse négligence, irrégularités, mauvaise conduite. Mais cela ne va jamais arriver, car le *Chairperson* est nommé par le Premier ministre et avec la majorité de cinq sur quatre, il serait toujours en position majoritaire. C'est de la poudre aux yeux ! Le Premier ministre reste au final la personne qui dirigera la *Financial Crimes Commission*.

M. le président, les pouvoirs du directeur général, la section 6 du projet de loi, donne tous les pouvoirs d'arrestation si le directeur général soupçonne une personne d'être impliquée dans un crime financier ou d'autres délits tombant sous la loi du FCC ou la *Declaration of Assets Act*. Donc, le rôle du DPP est effacé au profit du directeur général désigné de la *Financial Crimes Commission*. Contrairement avec l'ICAC, il fallait absolument, et je dis absolument, passer par le DPP pour entamer des poursuites.

M. le président, il n'y a aucun doute que ce projet de loi vise à créer un organisme parallèle avec le DPP, une façon déguisée d'usurper et de réduire le rôle et le pouvoir du DPP qui ne, l'oublions pas, est protégé par l'article 72 de Constitution.

En référence à ce qu'a dit le Premier ministre ce matin, lors du PMQT, il faisait référence au communiqué de l'office du DPP, particulièrement au cas où il y avait des communiqués –

- 1) L'appel Medpoint au Privy Council ;
- 2) Le State Trading Corporation *Against* Anil Baichoo with Navin Ramgoolam et de,
- 3) *No further action* dans le cas de l'honorable Eshan Juman et la DPP.

Donc, c'est clair pourquoi on veut museler le DPP. On ne veut pas qu'il y a son droit à la parole. Est-ce la façon du gouvernement de régler son différend avec le DPP en lui enlevant certains de ses prérogatives. Je n'ai pas la réponse mais la réponse viendrait après l'institution du Financial Crimes Commission.

M. le président, quel est le but de donner tous ces pouvoirs au directeur général ? Ils veulent avoir une mainmise sur la charge provisoire. Ils ne veulent pas que le DPP ait un droit de regard. C'est la fin de l'état de droit. Le Financial Crimes Commission va elle-même décider d'enquêter et poursuivre ; une situation incestueuse et partisane. Le pouvoir d'arrêter ceux dont il sera ordonné de le faire et de ne pas arrêter ceux qu'ils ne veulent pas arrêter. Le grand danger c'est qu'il sera possible d'arrêter facilement des opposants politiques et de loger des charges provisoires contre eux. Déjà, sans le Financial Crimes Commission, on a vu comment du jour au lendemain l'ancien CEO du Mauritius Telecom qui était le '*bed buddy*', s'est retrouvé au centre des plusieurs enquêtes et maintenant, avec tous ces pouvoirs, je crains pour la liberté de tous.

La Financial Crimes Commission ne sera pas redevable envers personne selon notre texte de loi mais on n'est pas dupe. Biensûr, *he will have and he will be answerable to his master who willfully and purposely nominated him.*

Mr Speaker, Sir, such autocratic approach raises the fundamental question about the balance of power and the safeguarding of democratic principles, not only from the Opposition and the pre-press but also, from the lawyers and civil society at large. The privileges between clients and barristers major concerns are being raised. Mr Speaker, Sir, the conflict between the DPP's Office and the office of the Commissioner of Police paints a concerning picture with the ICAC.

Le *timing* de ce loi est indécent et maladroit car déjà une affaire est en court entre le CP et le DPP. Il aurait fallu attendre que cette affaire soit entendue. M. le président, laissez-moi parler maintenant – j'ai eu l'occasion d'écouter l'expertise d'un Senior Counsel sur le Deferred Prosecution Commission. Qui ne se rappelle pas de l'urgence d'introduire ce projet de loi à la veille de la fête de Noël mais qui ne s'attendait pas à la réplique de l'honorable Xavier Duval, alors Deputy Prime Minister ait démissionné.

Aujourd'hui, nous assistons aux manèges subtils d'introduire le Deferred Prosecution Bill de manière déguisée par le *backdoor* mais de manière encore plus dangereuse. Le Financial Crimes Commission Bill est présenté comme une loi ordinaire qui ne cite qu'une majorité de cinq votes alors qu'elle a une touche constitutionnelle. Voilà le *colorable device* qui est servi par ceux en faveur de ce projet et leur loi semble avoir bien retenue la leçon de l'épisode Public Prosecution Bill de 2016 où il fallait avoir trois-quarts de la majorité des votes. La contestation, si on le fait, pourrait le même temps que le cas Seegum et entretemps, beaucoup de personnes subiront les frais. Vous, mes collègues de l'autre côté de la Chambre, prenez vos responsabilités car rien et rien ne vous sauvera quand l'intérêt des autres primeront et vous serez sacrifié sur l'autel. Demandez à l'honorable Collendavelloo et le PPS Dhaliah qui en sont des exemples. La roue tourne.

Mr Speaker, Sir, there shall be three committees – Parliamentary Committee, Operations Review Committee and National Coordination Committee. Where is the independence? Saying there is a check and balance when it is inexistent, when all the committees are under the grip of the one person who will nominate them under recommendation obviously. Mr Speaker, Sir, I will just go through certain aspects of the Bill, amendments to legislations. Amending the Bail Act has only one motive. The Director General of the Financial Crimes Commission is to be given power to restrict movement of an accused who is being investigated or probably charged under the Financial Crimes Commission. This is a very dangerous authority, given in the hands of a political nominee. And, make no mistake, it will certainly be used against political opponents.

Mr Speaker: Try to conclude!

Dr. Aumeer: Surely. The second amendment is about the Court's Act and the third amendment is the Criminal Appeal Act; all of which the Director General of the Financial Crimes Commission is being authority to intervene. Previously, it was only the Commissioner of Police and the DPP.

En conclusion, je ne peins pas d'illusion à l'indépendance de cette nouvelle entité surtout quand il y a plusieurs enquêtes sur des personnes aux pouvoirs qui attendent d'être dépoussiérées mais dont, leur sort sera maintenant entre les mains d'un nommé politique, avec des pouvoirs extraordinaire. De ce fait, je voterai contre ce projet de loi qui va à l'encontre même de la justice universelle comme dirait ce fameux dialecte de notre langue creole –

«Avan ti ena ICAC, maintenant FFC ; blanc bonnet, bonnet blanc. »

Mr Speaker: Hon. Mrs Diolle !

(10.17p.m)

Mrs T. Diolle (Fourth Member for Belle Rose & Quatre Bornes): M. le président, la société civile a, à des nombreuses reprises, fait ressortir que le trafic de drogue ne recule pas suffisamment et cela, malgré les gros efforts de saisies et d'interception de drogues par la police. Les institutions internationales, les forces de l'ordre et la société civile sont unanimes. A dire qu'il faut s'attaquer au financement de ce fléau pour faire ralentir le trafic de drogue et de sur quoi, toute autre activité illicite reliée à ce trafic.

En ce faisant, M. le président, a la possibilité pour les trafiquants de jouir de revenus de ce business illicite. Dans trop de cas, ces trafiquants ont démontré qu'ils ont plus des moyens et peuvent, avec leurs argents, avoir une longueur d'avance sur les forces de l'ordre. La corruption et le blanchiment d'argent relié à ce trafic nécessite une réaction musclée et notre Premier ministre introduit le Financial Crimes Commission Bill en s'alignant sur les pratiques internationales.

M. le président, en ce qui concerne le comité parlementaire de l'ICAC, il est nécessaire de répondre au leader de l'opposition et la présidente du comité parlementaire veut faire ressortir que le comité est constitué de cinq membres du gouvernement et quatre membres de l'opposition mais que les quatre membres de l'opposition ont démissionné sans aucune justification. Pour que le comité siège, il faut un quorum de cinq membres. L'opposition nous a privés de ses quatre membres. Des sièges qui sont restées vacantes puisque le leader de l'opposition lui-même ne remplit pas ces vacances. Le comité a eu à fonctionner dans ces conditions. La présidente du comité parlementaire de l'ICAC ne

perçoit pas de privilèges *a contrario* du président du PAC, c'est-à-dire pas de rémunération, pas de voiture, pas de bureau et pas de secrétaire. La provision de la POCA qui donne la possibilité au comité parlementaire de faire un rapport de recommandation n'est plus applicable depuis l'amendement qui a été apporté à la POCA par le régime PTr-PMSD en 2006.

Donc, M. le président, c'était nécessaire de rectifier ces faussetés qui ont été dites plus tôt. En ce qui concerne le projet de loi, M. le président, il semblerait que beaucoup appréhendent un potentiel abus de la Financial Crimes Commission et pensent que cela dérogera à nos principes et valeurs de démocratie libérale. Dans le cas présent, comment est-ce que les provisions de cette loi dérogent-elles drastiquement de ces valeurs ? Je me suis efforcée à étudier et à comprendre l'esprit de cette loi et de la nouvelle structure institutionnelle qui nous ait proposée. Je suis arrivée à la conclusion que l'esprit de cette loi s'aligne à celle du principe de séparation des pouvoirs dans le cadre d'une démocratie libérale.

En tant que membre du comité parlementaire de l'ICAC, je peux témoigner qu'il nous a été rapporté à plusieurs reprises que le temps que demande la *prosecution* a été décrié par les membres de l'institution elle-même. Ils pensent que le temps de réaction de la poursuite dans le domaine d'activité de la corruption et du crime financier affecte grandement l'efficacité de l'ICAC et pour témoins, les membres qui ont démissionné du comité parlementaire de l'ICAC ont souvent participé à ces débats avec nous, au sein du comité.

L'honorable Dr. Farhad Aumeer a tout à fait raison. Le nombre de cas de l'ICAC qui ont abouti à la *prosecution* est insatisfaisant, d'où la nécessité de la Financial Crimes Commission d'avoir la possibilité d'intenter la poursuite quand nécessaire.

M. le président, ceci est cohérent avec la réintroduction du *Operations Review Committee* qui aura pour fonction d'introduire un nouvel *internal accountability mechanism*. C'est à mon tour, M. le président, de citer quelqu'un. Ce n'est pas Voltaire, pas Machiavel, pas Honoré de Balzac, mais Montesquieu. Puisque nous parlons de séparation de pouvoir et de principes et valeurs démocratiques –

« Pour qu'on ne puisse abuser du pouvoir, il faut que, par la disposition des choses, le pouvoir arrête le pouvoir. »

L'*Operations Review Committee* aura pour mandat de revoir et questionner tous les cas qui datent de plus d'un an, les cas où les suspects sont restés en *bail* pendant plus d'un an, mais aussi n'importe quel cas qui est sous investigation. L'ICAC a souvent été

qualifié de *washing machine*, de *cover-up machine* et la raison principale étant le manque de *internal mechanisms*, M. le président.

Permettez-moi de rappeler que cet *Operations Review Committee* est essentiel pour rétablir la confiance. Un comité qui sera présidé par un ancien juge ou un cadre de la profession légale. Ceci est aligné avec l'objectif qui est d'accélérer la procédure de la poursuite afin de résoudre les cas dans un temps raisonnable. Ce comité a le pouvoir de questionner et de rendre *accountable* n'importe quel officier de la *Financial Crimes Commission*, y compris le directeur. Ils auront droit à un mandat de trois ans qui donnent suffisamment de temps de travailler sans être vulnérable aux pressions externes.

Cet *internal mechanism*, M. le président, permet d'ajouter un *additional accountability mechanism*, mécanisme qui a été enlevé par le précédent régime. Quand le leader de l'opposition affirme que cet organisme n'aura *only an advisory role*, c'est une déclaration qui ne prend pas en considération que la loi prévoit un secrétaire nommé pour assurer l'implémentation des décisions et non des conseils du comité. Donc, c'est assez évident que l'*Operations Review Committee* n'a pas un *advisory role*, c'est un *decision making body*.

L'introduction de la *Financial Crimes Commission* dans le territoire de la poursuite semble susciter beaucoup de réactions. Cependant, cela semble être de façon injustifiée, être perçu comme une attaque au pouvoir du DPP. Le DPP garde le *upper hand*. Il peut faire valoir son pouvoir constitutionnel qui est de *takeover, continue, or discontinue criminal proceedings* du *Financial Crimes Division*. Il peut faire valoir son pouvoir au *Financial Crimes Division* de la Cour suprême. S'il a des raisons sérieuses de douter de l'intégrité de l'enquête et de la poursuite par la *Financial Crimes Commission*, il peut aller de l'avant. La section 142 n'affecte pas le pouvoir constitutionnel du DPP, mais libéralise le domaine de la poursuite. J'interprète que le DPP lui-même est un *safeguard* contre la *Financial Crimes Commission* dans ce cas. Il maintient son rôle de *safeguard*.

M. le président, l'autre aspect sur lequel je voulais mettre l'accent, c'est l'introduction du *private public partnership* et l'introduction de la protection des *whistleblowers*. Et cette protection des *whistleblowers* va devoir suivre le protocole établi par les Nations Unies. L'apport du secteur privé et la considération donnée à ce secteur démontre la démarche libérale de ce projet de loi. L'esprit de cette loi permet au pouvoir d'être un plus grand rempart au pouvoir à la différence que les mécanismes mis sur pied se trouvent plus au *grassroot* et tout au long du procédé de la *Financial Crimes Commission*.

M. le président, s'il y a une erreur que je pense que tout gouvernement commet, ce n'est pas celle de la poursuite, mais c'est celle de ne pas suffisamment élaborer et

d'investir sur l'éducation et la sensibilisation contre la corruption et le crime financier. La lutte contre le crime financier et la corruption, c'est avant tout un changement d'attitude de la société. La répression à elle ne suffit pas. La protection des *whistleblowers* à elle ne suffit pas. Il faut qu'il y ait une culture de dénonciation et de refus de la corruption et du crime financier. Il faut qu'avec l'introduction du *partnership* entre les secteurs privé et public, qu'il y ait beaucoup plus de partenariat pour le travail d'éducation et de sensibilisation.

Un exemple est les *social attitude surveys* qui doivent être réintroduits à notre système. Ce sont des *surveys* qui mesurent la confiance dans les institutions, mais aussi la culture publique prédominante dans la société. Nous ne parlons pas de culture religieuse ou ancestrale, mais d'attitude face aux gros problèmes de société comme, par exemple, comment est-ce que la population perçoit la corruption, réagit face à la corruption, au trafic humain et au trafic de drogue. Ces données sont essentielles pour une campagne de sensibilisation et d'éducation efficace. Une campagne qui changerait l'attitude négative prévalente face à ces problèmes.

M. le président, pour conclure, je pense que l'esprit de cette loi est loin d'être celle d'attaquer la séparation de pouvoir. Mais je pense que c'est une réaction musclée, un problème en gangrène nos institutions, notre société et notre économie. Je constate une libéralisation de la participation de plus de membres de la société civile et du secteur privé dans le procédé de la *Financial Crimes Commission*. Cependant, toute bonne intention ou super institution ne saura être efficace et avoir le résultat espéré sans un changement d'attitude profond dans notre société. Celle-ci ne peut que se faire à travers l'éducation et la sensibilisation, M. le président. J'ai terminé.

Mr Speaker: MP Ms J. Bérenger!

(10.27 p.m.)

Ms J. Bérenger (First Member for Vacoas & Floréal): Nous sommes tous ici d'accord sur une chose, la lutte contre les crimes financiers nécessite une structure plus efficiente. C'est bien d'ailleurs la raison pour laquelle un de mes collègues avait posé la question de savoir quand est-ce que le *Financial Crimes Commission Bill* allait être présenté au Parlement. L'honorable Seeruttun avait fait référence à cela avant moi.

Et oui, bien évidemment, que la question avait été posée parce que justement nous sommes tous en faveur d'une structure plus efficiente pour combattre les crimes financiers. Mais c'est justement le contenu de cette loi est la méthode utilisée par le gouvernement pour la faire voter qui pose problème ici.

D'abord, parce que ce projet de loi est voté en quatrième vitesse pendant que toute la population a la tête dans les activités de fin d'année. Et ensuite parce que c'est un monstre qui est en train d'être créé à travers cette mégastucture qui regroupera sous le même toit, l'*ICAC*, l'*Asset Recovery Investigation Division* et l'*Integrity Reporting Service Agency*.

À la tête de cette superstructure, un super homme, avec des supers pouvoirs qui est mis sur un pied d'égalité avec le Commissaire de police et le *DPP*, mais qui est nommé par le Premier ministre. Et il est bien là le problème.

Bien que la section 4 veuille prétendre un semblant d'indépendance, la section 10 prévoit, elle, que le directeur de la *Financial Crimes Commission* sera nommé par le Premier ministre. Donc, le directeur général sera redevable envers le Premier ministre et non pas envers les contribuables, ni envers qui que ce soit d'ailleurs. C'est d'ailleurs le Premier ministre qui décidera aussi de son salaire et on sait que jusqu'à l'heure, le salaire du directeur de l'*ICAC* n'a toujours pas été officiellement révélé malgré plusieurs questions à ce sujet. Il faut dire que c'est quand même le comble pour une institution qui cherche à promouvoir la transparence.

Ce sont donc ici les mêmes erreurs qui se répètent, qu'il s'agit du semblant de redevabilité et ici, c'est uniquement envers le comité parlementaire que cette commission serait redevable, mais on sait que les pouvoirs du comité parlementaire sont très minimes. D'ailleurs, comme le rappelle le leader de l'opposition un peu plus tôt, le comité parlementaire actuel n'a pas siégé depuis mai. Donc, ce comité parlementaire a été inutile et c'est certainement d'ailleurs la raison pour laquelle son existence a été maintenue et n'a pas été améliorée.

Ou alors, qu'il s'agit de la méthode de nomination du directeur, les mêmes erreurs sont en train d'être répétées. Au lieu de rendre plus efficiente l'institution chargée de lutter contre la corruption, la nomination du directeur aurait donc dû être faite par consensus des trois personnalités de l'État. Les trois plus importantes que sont le président, le Leader de l'opposition, le Premier ministre comme c'était le cas quand la *PoCA* fut adoptée en 2002 ou à la limite par le *Judicial and Legal Services Commission* comme c'est le cas pour le *DPP*, ce qui assure donc son indépendance.

L'autre problème est bien évidemment la trop grande concentration de pouvoirs entre les mains du directeur général de la *Financial Crimes Commission*. Le projet de loi donne à la commission le pouvoir de détecter les crimes financiers à travers la section 6, de faire les enquêtes, de procéder à des arrestations, d'initier des poursuites sans passer par le bureau du *DPP* selon la section 142 alignée à (1)(a) et même de contester ou pas la

liberté conditionnelle. Mais, ce sera quoi la prochaine étape ? Il ne reste plus qu'au MSM de créer son propre tribunal, d'y nommer quelques agents pour y siéger, deux, trois 'jackets verts' comme on les appelle ces jours-ci et *kontrol tou zot mem* ! Il n'y aura plus de limites.

Ce projet de loi permet une concentration de pouvoirs d'enquête et de poursuites entre les mains d'une même autorité, ce qui est totalement contraire à la séparation des pouvoirs et à l'esprit même de la démocratie. Et d'ailleurs, si je ne me trompe pas, à travers le *Select Committee* qui avait été mis sur pied pour proposer le premier *draft* de la *PoCA*, qui avait été d'ailleurs fait mention un peu plus tôt par l'honorable Collendavelloo, tous ceux qui faisaient partie y compris l'honorable Collendavelloo avaient insisté sur le fait que tous les dossiers devaient aller au bureau du *DPP* et que l'*ICAC* ne devait pas enquêter et poursuivre. Mais, ça étrangement l'honorable Collendavelloo n'en a pas fait mention. Ça a été complètement mis de côté. Je me demande qu'est-ce qui a changé depuis.

Ce n'est pas pour rien qu'au moment de la création du bureau du *DPP* en 1964, l'expert constitutionnel de Smith avait souligné l'importance de protéger la justice criminelle en isolant tout le processus de poursuite des considérations politiques du pouvoir exécutif. Monsieur de Smith n'était pas un idiot je pense, il avait certainement des raisons évidentes pour lesquelles il avait dit cela. Actuellement, on le sait c'est la police ou l'*ICAC* qui détecte, qui enquête et le *DPP* initie les poursuites en cour, et c'est là le rempart contre les abus. Le *DPP* s'assure de vérifier si l'accusation tient la route ou pas. Le *DPP* a la compétence, a l'expérience, a l'indépendance pour cela. Jusqu'ici, cette provision permettait donc au bureau du *DPP* d'agir comme contrepoids face aux excès et manquements de la police, de l'*ICAC*, de la *FIU* etc. Et, on sait combien ils sont nombreux ces manquements malheureusement, mais voilà qu'il est ici concurrencé par les pouvoirs du directeur général de la *Financial Crimes Commission* qui devient une sorte de *DPP* déguisé en ce qu'il s'agit des crimes et délits financiers.

Et, le Premier ministre avait fait mention un peu plus tôt des recommandations de la *FATF* et de l'*ESAAMLG*, mais nulle part il n'est écrit que ces institutions ont préconisé que les pouvoirs du *DPP* doivent être concurrencés par ceux du directeur de la *Financial Crimes Commission* et nulle part il est écrit que la *Financial Crimes Commission* doit pouvoir enquêter et poursuivre ou ne pas poursuivre. La *PoCA* prévoyait spécifiquement dans l'article 47 que l'*ICAC* doit se tourner vers le *DPP* pour les affaires qui ne seront pas poursuivies après l'enquête préliminaire. Cette disposition n'existe plus ! Pourquoi ? Pour permettre de glisser tranquillement les dossiers dans les tiroirs sans que personne ne le

sache et surtout sans que le *DPP* ne demande de poursuivre l'affaire, pour s'assurer que le *DPP* ne puisse pas demander de poursuivre l'affaire, et on sait qu'ils sont nombreux les dossiers où les membres du gouvernement sont mis en cause et qui dorment dans les tiroirs de l'*ICAC*. Ils ont été mentionnés avant moi d'ailleurs.

Donc, ce geste de faire disparaître l'obligation d'informer le Directeur des poursuites publiques des affaires qui ne seront pas poursuivies en dit long sur les intentions de ce gouvernement et sur le futur fonctionnement de la *Financial Crimes Commission* qui n'aura donc plus besoin de signifier le *DPP* qu'il n'y aura pas de poursuites sur certains dossiers. Donc, bye bye l'affaire Angus Road ! Bye bye l'affaire Kistnen ! Bye bye l'affaire Pack & Blister ! Bye bye *Bet 365*, Sobrinho, *stag party*, Molnupiravir ! On n'en entendra plus parler. La *Financial Crimes Commission* se dépêchera de clore ses dossiers sans aucune justification et sans aucune redevabilité et c'est comme cela que le gouvernement veut combattre la corruption.

Et, pourtant même le *Courts Act* insiste sur le fait que tous les cas envoyés à la Cour intermédiaire doivent être référés par le *DPP* et mis à part les cas où il a délégué ses pouvoirs, tous les dossiers doivent être soumis au *DPP* pour sa décision de poursuivre ou pas. Plusieurs lois, y compris l'*ICTA* précisent que le consentement du *DPP* est obligatoire *sine qua non* pour avoir l'assurance justement que des poursuites inappropriées n'aient pas lieu. Pourquoi déroger à cela ? D'autant plus qu'ici il s'agit d'infractions très graves comme la fraude, la corruption, le blanchiment d'argent, la cybercriminalité, le trafic de drogue entre autres. Il ne reste donc au *DPP* que le pouvoir d'arrêter une poursuite abusive, mais encore faut-il qu'il ait accès au dossier, encore faut-il qu'il ait accès aux informations et ce projet de loi cherche donc à contourner la section 72 de la constitution à travers une simple loi. En clair, le gouvernement cherche à diminuer le rôle et l'importance du *DPP*. Pourquoi ? À qui profite le crime ici ? Au gouvernement évidemment !

Le projet de loi empiète sur les pouvoirs de poursuites d'une instance indépendante comme le bureau du *DPP*, pouvoirs garantis par la section 72 de la Constitution pour ainsi créer une institution pouvant initier des poursuites sous le pouvoir de l'exécutif. Donc, quelle est évidemment la crainte de tout un chacun ? La crainte est bien évidemment au vu des pratiques du gouvernement la persécution des opposants politiques, la crainte est que cela ouvre la voie à des abus de pouvoir envers tous ceux et celles qui n'approuvent pas la politique du MSM. La crainte ce sont les arrestations arbitraires basées sur les charges provisoires bancales, la crainte ce sont les détentions prolongées en prison, la crainte c'est la saisie des avoirs d'un suspect. Et le temps que cela prendra pour que le *DPP* arrête une

poursuite abusive, l'atteinte à la réputation de la personne sera déjà faite et ce sont des droits fondamentaux qui seront bafoués entre-temps. La crainte c'est aussi le risque de conflit entre les institutions puisque comme je le disais ce projet de loi met la police, la *Financial Crimes Commission*, le *DPP* sur le même niveau d'autorité et l'on sait qu'il y a actuellement un cas devant la Cour justement pour définir qui entre le Commissaire de police et le *DPP* a le pouvoir de poursuivre et de libérer les suspects sous caution.

Mais, voilà que le gouvernement se dépêche de venir avec cette loi, méprisant ainsi complètement l'autorité de la Cour. Et, il faut dire que c'est la première fois que l'on voit une telle situation, que l'on assiste à une crise des deux institutions peut-être les plus importantes du pays. Pour le bien de la démocratie du pays, il aurait fallu une bonne relation, une coopération, un respect mutuel entre ces institutions mais c'est tout le contraire qu'on voit malheureusement. Donc, le risque ici est clair que l'on voit encore le *DPP* devoir passer son temps à arrêter les poursuites qui ne tiendraient pas la route et à devoir répondre aux objections de la *Financial Crimes Commission* comme c'était le cas tout dernièrement entre le Commissaire de police et le *DPP*, ce qui a mené au cas en Cour justement. Ce serait une perte de temps et qui dit perte de temps dit perte d'argent pour les contribuables, démocratie affaiblie et citoyens lésés dans leur intérêts.

Parmi les supers pouvoirs qui seront entre les mains de ce nommé politique, je n'aurais malheureusement pas le temps de venir sur tous ses pouvoirs mais il y a les pouvoirs de surveillance permettant l'intrusion dans la vie privée des Mauriciens et Mauriciennes et le pouvoir d'interception des communications à travers la section 66, et ceux aussi longtemps que la commission le voudra. C'est encore une fois le manque de garde-fous qui effraie. Le manque de garde-fous pour s'assurer que les moyens d'utilisés soient proportionnés et que le droit à la vie privée qui est un droit constitutionnel soit préservé. Il est donc inconcevable à notre sens de mettre autant de pouvoirs entre les mains d'un nommé politique.

J'aimerais dire quelques mots en troisième lieu et ce sera ma dernière partie concernant l'emploi des personnes travaillant pour l'*ICAC*, l'*ARID*, et l'*IRSA*, et cela concerne la section 167.

On le sait ce sont les personnes employées par la *Financial Crimes Commission* qui feront les enquêtes. Et dans la section 167, on apprend que les personnes employées par les institutions concernées, c'est-à-dire l'*ICAC*, l'*ARID*, et l'*IRSA*, se verront transférer sous la *Financial Crimes Commission* selon les mêmes termes et conditions actuelles, jusqu'ici tout va bien. Mais la sous-section 5, vient dire que l'emploi de ces mêmes personnes, sous la nouvelle Commission, prendra fin après 180 jours. Ensuite, sous la

sous-section 6, il est précisé qu'elles pourront être employées de nouveau selon les mêmes conditions qu'avant ou selon de nouvelles conditions.

Cela signifie que la Commission après avoir permis à tous ceux et celles qui ont été transférées sous son autorité de garder leur emploi, après 180 jours, la Commission aura la liberté de décider qui restera et qui ne restera pas sans aucune justification. Quelle est l'intention ici ? Pourquoi mettre fin au contrat de travail de ces personnes pour ensuite les embaucher de nouveau, embaucher certaines personnes de nouveau ? Est-ce qu'il s'agit là d'un filtrage pour pouvoir contrôler aussi les employés de la Commission et s'assurer que ceux et celles qui y travaillent seront dociles et répondront aux ordres de *La Kwizin* ? Je ne vois nulle autre explication ici. S'il y en a une je voudrais bien qu'on me la donne. Il n'y a aucun critère dans la loi définissant ceux qui resteront ou ceux qui ne resteront pas et la Commission n'a besoin de donner aucune raison. Elle n'a pas besoin de dire pourquoi elle met un terme au contrat de certains employés, ce qui ne respecte absolument pas l'esprit du *Workers' Rights Act* dont le but est évidemment de protéger les droits des travailleurs.

Et ce raisonnement est valable également pour la section 7 (5) (a) où il est mentionné que « *on the advice of the Prime Minister* ». Donc, sous recommandation du Premier ministre, le Président de la *Financial Crimes Commission* peut mettre fin au contrat d'un Commissaire pour *breach of trust*. C'est un terme qui est habituellement utilisé dans le cas des entreprises où il y a une relation employée-employeur, comme l'a fait d'ailleurs ressortir le leader de l'opposition. Mais quelle indépendance auront ces officiers s'ils sont ici sous la perpétuelle menace de perdre leurs emplois ? Et je me demande ici quelle pourrait être la raison d'une rupture de confiance. Rupture de confiance entre qui et qui ? Est-ce qu'il y aurait rupture de confiance parce qu'un Commissaire ferait fi des ordres de *La Kwizin* ? Qu'on nous explique quels sont les cas pourraient être assimilés à une rupture de confiance. Ce qui paraît clair en tout cas, c'est que la Commission a un pouvoir absolu de *hire and fire* et que ceci est contraire à la philosophie du *Workers' Rights Act*.

Je terminerai en disant que le gouvernement avait là l'occasion d'améliorer le projet de loi actuel, de créer justement une structure plus efficiente en venant de l'avant avec un projet de loi moderne, prenant en considération la complexité et l'étendue des crimes financiers à l'échelle mondiale, prenant en considération aussi les nouvelles technologies et surtout les bonnes pratiques de transparence et d'indépendance. Mais au lieu de cela nous avons devant nous un projet de loi qui ne respecte ni le peuple, ni la Constitution, ni l'État de droit, et c'est bien la raison pour laquelle nous ne voterons pas pour ce projet de loi et que nous la révoquerons une fois au gouvernement. Merci.

Mr Speaker: Hon. Ms Jutton!

(10.44 p.m.)

Ms T. Jutton (Second Member for Vieux Grand Port & Rose Belle): Thank you.

M. le président, après le discours ou dirais-je le show de l'honorable Mohamed un peu plus tôt dans la Chambre, je pensais que l'honorable Bérenger aurait commencé son discours par déclarer ses intérêts par rapport à Omnicane mais hélas et je reviendrai à ses propos un peu plus tard dans mon discours.

M. le président, allow me to start the speech on the Financial Crimes Commission with this quote from a report which has been recently published by the Deloitte Group International, I quote –

“There is growing consensus that the current global framework for fighting financial crime is not as effective as it could be, and that more needs to be done at the international, regional and national levels to help identify and stem the flow of illicit finance – an activity which supports some of the worst problems confronting society today, including terrorism, sexual exploitation, modern slavery, wildlife poaching and drug smuggling.”

Mr Speaker, Sir, it is an undeniable fact that financial crimes largely contribute to societal ills and verily threaten the financial stability and financial inclusion of any nation. This is why, Mr Speaker, Sir, I am grateful to have the opportunity to be able to bring my humble contribution to the debates brought by the hon. Prime Minister on this Bill tonight, the Financial Crimes Commission Bill.

On the global map, the very objectives of the Financial Action Task Force, the FATF, revolve around ensuring effective implementation of legal, regulatory and operational measures for combatting money laundering, terrorist financing and other related threats to the integrity of the international financial ecosystem and in this very respect, the FATF has developed a series of recommendations. And as mentioned earlier by hon. Seeruttun and the hon. Prime Minister, Mauritius, being part of the Eastern and Southern Africa Anti-Money Laundering Group, the ESAAMLG, has been called to adopt and implement the 40 recommendations of the FATF and to apply anti-money laundering measures to be able to combat the financing of terrorism and as well as to implement any other measures to ensure that the multilateral agreements and initiatives relevant for the prevention and control of laundering from proceeds of serious crimes and financing of terrorism as well as proliferation of weapons of mass destruction.

Mr Speaker, Sir, I will not go again through the details of the past reports of the FATF as the hon. Prime Minister has extensively spoken about same. But, yes, as he said earlier in the House, from the *fait accompli* which the Government inherited at the time and the failure of the former regime to engage in remedial compliance measures. But since this Government took over in 2015, under the strong leadership of the hon. Prime Minister himself, the creation of a Financial Crimes Commission was actually included in the Government Programme itself, and this Government has been working assiduously to be able to bring about bold reforms.

Mr Speaker, Sir, since the publication of the 2018 report of the FATF, listing Mauritius in its Grey List, this Government – especially, I would like here to commend my colleague and *colistier*, hon. Seeruttun, the Minister of Financial Services and Good Governance – has left no stone unturned in turning things around. Through the relentless efforts of this Government spearheaded by the hon. Prime Minister himself, Mauritius has been able to exit the Grey List within 18 months, which is a record in terms of duration. Today, being compliant with 35 out of the 40 recommendations, Mauritius has actually become a partner in helping the FATF achieve its objectives and our professionals are today actively engaged as ESAAMLG reviewers across Africa. The hon. Prime Minister and hon. Seeruttun mentioned details about it earlier in the House. But, Mr Speaker, Sir, let me remind the House and our people that our nation's rise as an international financial centre of good repute is not merely a stroke of luck, it is the fruit of assiduous labour, strategic vision and an unwavering commitment to combatting financial crimes in all its forms.

Mr Speaker, Sir, it is precisely at this juncture, to be able to sustain our commitment and to keep the religious fight against financial crimes on, that today this Bill has been tabled by the hon. Prime Minister. The FCC will be the apex body to detect, investigate and prosecute financial crimes.

It will henceforth be the new legal framework replacing the Prevention of the Corruption Act, the Asset Recovery Act, the Good Governance and Integrity Reporting Act and Part II of the Financial Intelligence and Anti-Money Laundering Act which will be repealed. And all this, Mr Speaker, Sir, is not *comme par hasard*. As I mentioned earlier, it was in the vision of the Prime Minister to fortify the country's position as a trusted and reputable financial jurisdiction on the global map.

Mr Speaker, Sir, rigor, discipline, collaboration, diligence, all these have been exerted for the setting up of the FCC to stand and make our nation more resilient. As mentioned by the Prime Minister earlier, a national committee was set up under the chair

of the Financial Secretary and extensive consultations were carried out by this national committee. Hon. Dr. Boolell earlier said that the hon. Prime Minister did not mention with whom consultations were held, maybe he was not listening. But let me remind him what the Prime Minister has stated that when the first draft was ready, it was circulated and a second set of wide consultations were carried out but it is good to note that the Ministry of Finance, Economic Planning and Development, the Ministry of Financial Services and Good Governance, the Office of the DPP, the Police Department, ICAC, the FIU, the IRSA were all involved and as he mentioned, all submissions have been carefully analysed.

M. le président, depuis la semaine dernière quand ce projet de loi fut apporté en première lecture dans cette Chambre, les critiques n'ont cessé de pleuvoir. Alors que certains qualifient la FCC comme très dangereuse, d'autres osent parler de philosophie dictatoriale et leur campagne d'instiller la peur dans la tête de la population n'arrête pas. Et l'honorable Dr. Boolell parlait justement de déjà-vu. Ben oui, c'est du déjà-vu parce qu'à chaque fois que ce gouvernement vient à l'avant avec un projet de loi, des insinuations telles quelles ne manquent pas. Que c'était pendant le COVID Bill quand on avait apporté ce projet de loi pour pouvoir protéger la population à la Chambre, que ce soit le Cyber Crime Bill, que ce soit le IBA Act, les membres de l'autre côté de la Chambre n'ont cessé de semer la psychose dans l'esprit de la population.

Mr Speaker, Sir, with the unprecedented or if I dare say, the appalling speed with which financial crimes are being devised and destroying lives, I am shocked how some hon. Members on the other side of the House dare to say that this Bill should be thrown to the dustbin but here, Mr Speaker, Sir, on this side of the House, we have taken the oath to combat financial crimes and the hon. Prime Minister has been very bold in his statements earlier in this House.

So, if we all know what can be the effects of financial crimes, I don't know if hon. Members on the other side of the House understand or realise the disastrous effects of financial crimes or the money from illicit proceeds and how these can touch the lives of our children in this country or I don't know if they realise or they accepted or they are tolerant of it but I believe that it is our duty to all come together to stop this mafia. Then, why this fear? What are you afraid of? *Des billets neufs dans les coffres-forts* or should I say that it takes courage to bring reforms and being bold is not everyone's cup of tea?

Mr Speaker, Sir, I will not take long on the different sections of the Bill because of the time constraint but I just wish to say that as per section 6 of this Bill which enlists the functions and powers of the Commission, the list is very comprehensive detailing the

responsibilities and the various units being set from the Financing of Drug Dealing Investigation Unit, the Declaration of Assets Unit, the Unexplained Wealth Unit amongst others and the Education And Prevention Division as well as the Legal Division, all these, I believe, are part of the holistic approach which has actually been recommended by the ESAAMLG 2018 Evaluation Report in Mauritius. This is also in line with the recommendations of the Commission of Enquiry on Drug Trafficking which recommended more coordinated means and encourages more collaboration.

Mr Speaker, Sir, the FCC will now be empowered with the necessary tools, bodies, resources to be able to do this coordination and collaboration and as an umbrella body, will be equipped with a new robust and harmonised structure which will serve to enhance the effectiveness of the system. The United Nations recommendations on drugs and crimes had also put forward proposals for the setting up of a centrally managed entity. Hence, the FCC is a testament to our Government's determination to stamp out corruption and financial crimes from every corner of this country.

Mr Speaker, Sir, what I like about the Education and Prevention Division in this Bill is actually the preventive research part, that is, research undertaken to assess the causes which can give rise to financial crimes and the underlying consequences on, for instance, the social and economic structure of the country. Much effort is also being deployed in the early detection of financial crimes and analyses the best ways to be able to eradicate them and review existing practices and procedures.

Just like hon. Mrs Diolle mentioned earlier in the House, there will also be wide sensitisation campaigns which will be carried out, both with the public and the private sector. And it is a fact that many people are not informed about what verily constitutes financial crimes. Hence, this Bill will serve to reinforce public campaigns alerting the public on dangers of financial crimes and also help them to understand the complete reporting mechanism for same.

It is also a fact, Mr Speaker, Sir, that today, most of our kids, our teenagers, our youth spend so much time on their phones, Internet, and social media and the risks of financial crimes are very inherent therein. As mentioned by the hon. Prime Minister earlier, we are now faced with new breeds of criminals and new forms of electronic frauds and new types of financial crimes scam; our kids may not even be aware of the dangers lurking ahead. This Bill is innovative in as it goes as far as reaching this core curriculum so as to educate our children on the dangers of financial crimes.

Hence, the FCC aims at creating a culture of compliance and capacity building. It will provide training programmes, workshops and guidance with knowledge and also on

tools which can be necessary to detect, prevent and report suspicious activities effectively. This Bill also highlights the coordination and collaboration with law enforcement agencies and aims at facilitating prompt exchange of intelligence, scientific and technical information and the conduct of joint operations which are geared towards the eradication of financial crimes. It demonstrates that the FCC's work cannot be confined only within Mauritius borders. Through bilateral and multilateral engagements, international corporations will be fostered and exchanging information and expertise with global counterparts will be key. This collaborative approach will strengthen our ability to combat transnational financial crimes and hence, emphasising our commitment to global financial stability.

Mr Speaker, Sir, the nomination of the Director General of the FCC has been the centre of various debates and the main criticism till now has been that the latter will be chosen by the Prime Minister but the Bill lays it clearly that the Director General will be nominated by the President of the Republic as advised by the PM in consultation with the Leader of the Opposition. And earlier, the Prime Minister reminded the House that this has been the standard procedure since 2006, since the abolition of the Operations Committee.

M. le président, j'ai entendu les louanges par l'honorable Bérenger un peu plus tôt sur les compétences, l'expérience et la capabilité du *DPP*, mais j'ai aussi une question, avant même que le Directeur de la *FCC* soit nommé on juge déjà ses compétences et on compare ses compétences a celles du *DPP*. Je ne doute pas les compétences du *DPP* mais juger sans même savoir qui va être le directeur et quelles compétences il va avoir, la question se pose.

J'ai aussi entendu les membres de l'autre côté de la Chambre marteler que ce projet de loi évoque des possibles défis constitutionnels. Bien sûr en parlant de l'article 72 de la Constitution un peu plus tôt, que ce soit l'honorable Mohamed ou l'honorable Bérenger et d'autres membres de l'autre côté de la Chambre, ils ont évoqué cette possibilité. Mais comme l'a justement expliqué l'honorable Premier ministre, il a réitéré à la Chambre que les pouvoirs constitutionnels du *DPP* comme conférer par l'article 72 de la Constitution ne seront guère affectés. D'ailleurs en cas de poursuite, le *DPP* pourra à n'importe quel moment intervenir.

D'ailleurs comme l'a si bien expliqué l'honorable Collendavelloo un peu plus tôt sous formes d'anecdotes et d'exemples, en cas de décision de poursuite ou même d'abandon de poursuite, quand la concentration de pouvoir et de décider est dans la main du *DPP*, *tou bon mem* ? Mais comme l'a dit l'honorable Collendavelloo, personne n'est au-delà de la loi, même pas le *DPP*.

So, Mr Speaker, Sir, I will just quickly conclude. To conclude, Mr Speaker, Sir, the FCC will be what I believe the bulwark against the pernicious threats of financial crimes thereby spearheading the preservation of our financial system's integrity and fostering an environment conducive to sustainable economic development. Through its multipronged approach englobing early detection, regulation, prevention and public-private collaboration, the FCC will be instrumental in taking Mauritius to new heights, as a jurisdiction of choice for global investors and businesses. And I truly believe that the FCC will stand as a beacon of integrity and resilience allowing our country to continue to shine as a paragon of financial integrity and good governance and therefore, I fully support this Bill. Thank you.

Mr Speaker: MP Dr. Gungapersad!

(11.03 p.m.)

Dr. M. Gungapersad (Second Member for Grand Baie & Poudre d'Or): Thank you, Mr Speaker, Sir.

After having heard some Members on the other side of the House and at the end of the day they will try it, to prove that on the other side of the House we have those who want to fight financial crimes, they are those with clean hands, they are those who will make sure they uproot financial crimes from the society. And on this side of the House, they will try to show through their speeches and interventions that we are against the uprooting, the combat against financial crimes. This is not so.

I heard a seasoned politician, hon. Seeruttun, earlier and recently the orator who spoke before me, hon. Jutton, basically what are they saying, what is their discourse? That this Opposition who are intervening, are instilling fear in the public. Hon. Jutton went on further by saying *qu'on est en train de semer la psychose. On est en train de semer la psychose ! Si psychose il y a, c'est un produit de la cuisine MSM qui est fort d'en produire des recettes pareilles. Qui traumatise la population de temps à autres avec ses lois rétrogrades, anti-démocratiques, anti-constitutionnelles. Et on a vu dans le cas de Seegum comment cette loi était anti constitutionnelle.*

Les membres de la profession légale, les représentants de la société civile et bien que l'opposition parlementaire et extra parlementaire se mobilisent et parlent d'une seule voix. Merci, la cuisine MSM, vous avez eu ce courage de nous réunir et vous parlez de division ! Merci !

Cette loi a interpellé des intellectuels, des juristes, des membres de la société civiles, ce n'est pas nous qui avons créé la psychose, *instilling fear* comme disent certains de l'autre côté de la Chambre.

Commençons par un éclairage d'un sociologue citoyen a écrit sur ce projet de loi –

« L'heure est à la mise en place et la mise en œuvre rapide avec tous les moyens nécessaire d'une stratégie ayant pour objectif d'unir toutes les forces attachées aux valeurs et principes fondamentaux de la démocratie pour bloquer la concrétisation de ce projet de loi si dangereux pour la séparation des pouvoirs et la garantie des droits citoyen, fondement de la république mauricienne. »

An hon. Member : *Ti pe marse avek enn radar !*

An hon. Member : *Radar laem pou kone la !*

Dr. Gungapersad : C'est bien de se moquer de l'opinion des gens ! Ils sont très forts là-dessus parce que seulement eux qui ont raison ! *They live in the Devils paradigm, let them live !*

Je continue ce que le sociologue dit :

« nous ne nous trompons pas, nous sommes en guerre contre les fossoyeurs de la république mauricienne démocratique. PKJ n'a pas été mandaté lors des dernières élections de 2019 de porter ce projet de loi »

et il va plus loin. Et li va plus loin et il dit qu'avec le *Financial Crimes Commission* :

« PKJ veut se doter d'une puissante tronçonneuse pour tenter d'en finir avec les oppositions et d'installer une autocratie et régner en autocrate absolu. »

Pas seulement lui qui va dire ça, tout à l'heure je vais faire référence à V-Dem.

Il faut écouter ce que les gens disent, ici ou ailleurs. Et ça ils n'aiment pas. Pourquoi ? Parce que ICAC disait quoi : *'nou pa guet figir'*.

Mais qu'est-ce que le Premier ministre est en train de dire ? Lorsqu'on est en train de montrer des vérités qui font mal, il dit à l'honorable Ehsan Juman : *al guet to figir*. Et cette loi-là va plus loin !

The Prime Minister : Condamné !

Dr. Gungapersad: Chez vous aussi il y a des condamnés, M. le Premier ministre !

Allez veiller ! Chez vous aussi il y a des condamnés qui sont assis parmi vous !

Mr Juman: *Tonn touy dimounn.*

Dr. Gungapersad: Parmi vous !

Mr Speaker: Order!

Dr. Gungapersad: Mais ça ce n'est pas le débat ; je continue.

Mr Speaker: Order both sides of the House! Order! Concentrate on the Bill!

Dr. Gungapersad: FCC va plus loin. Ce n'est pas seulement *guet figir*. *Pou guet laptop, pou gueter ki pe arrive dan lakaz, pou gueter ki pe arrive dan twalet, pou gueter ki pe arrive partou. Bhai louke ! Radar ! C'est ça qu'ils aiment ! Radar ! Il place des radars dans des places stratégiques. C'est ça leurs apanages. C'est ça qu'ils aiment.*

Mr Speaker: Order!

Mrs Koonjoo-Shah: Mr Speaker, Sir, I have a point of order.

Mr Speaker: Who has a point of order?

Mrs Koonjoo-Shah: I do. I just heard hon. Ehsan Juman say to the Prime Minister '*Tone touy dimounn*'.

An hon. Member: Ben c'est vrai!

Mr Juman: Li vrai!

Mrs Luchmun Roy: La honte!

Mr Speaker: You have to apologise!

Mr Juman: It's true!

Mr Speaker: You have to apologise!

Mr Juman: It's true!

Mr Speaker: No discussion!

Mr Juman: It is true, Mr Speaker, Sir!

Mr Speaker: It is true?

Mr Juman: Yes!

Mr Speaker: I am naming you for that. If you say it is true, I am naming you for that.

Mrs Luchmun Roy: Shame!

Mr Juman: But it is public domain!

Mr Speaker: So, you are named. Withdraw from the Chamber!

Mrs Luchmun Roy: *Quel niveau ! Apre pe koz niveau ar nou !*

(Interruptions)

Mr Speaker: Withdraw! No discussion! Withdraw! You are named!

The Prime Minister: *Al dir sa dehor!*

Mr Juman: C'est vrai!

Mr Speaker: Get out from here, I say! Sergeant-at-arms!

The Prime Minister: *Al dir sa dehor!*

Mr Speaker: Sergeant-at-arms, take care of the gentleman!

The Prime Minister: *Mo met twa au defi. Si to enn zom, al dir sa dehor!*

Mr Juman: Fausse sa ?

Dr. Boolell: Vrai!

Mr Juman: Non, fausse sa ?

Mr Speaker: No further discussions! Move out from here!

Mr Juman: *Bachara !*

Mrs Luchmun Roy: Quel niveau!

(Interruptions)

La honte ! Corrompu ! Allégation !

The Prime Minister: *Nek zot kone fer allégation !*

Mrs Luchmun Roy: La honte !

(Interruptions)

Mr Speaker: Don't discuss any more, you have been named! You have been named! Get out from here!

Mrs Luchmun Roy: Corrompu !

Mr Speaker: Get out from here!

Dr. Gungapersad: Je continue, M. le président. Et je vais citer une autre personne. Cette fois-ci, un juriste ; Richard Rault –

« La future *Financial Crimes Commission* est dans la droite ligne de l'agenda du MSM : la mainmise sur les institutions. Si le regroupement sous un seul toit des compétences de l'*ICAC*, de l'*IRSA* et de l'*ARID* est souhaitable aux plans financier

et administratif, en revanche l'indépendance de la future *FCC* est totalement sous cloche. »

Mr Speaker, Sir, we are trying to show that this Bill has certain parts, certain sections which go counter to what is being professed in this House, and Richard Rault tries to explain it –

« Comprenez qu'actuellement, il n'y a obligation pour l'ICAC de communiquer le dossier qu'en fin d'investigations. Le DPP ne peut demander, contrairement à ce qui se pratique pour les dossiers qui sont entre les mains de la police, le dossier et ainsi réclamer des compléments d'enquête. C'est cette disposition qui aura permis à Beekarry de dormir sur des dossiers défavorables au gouvernement. »

Mr Speaker: No. I stop you. I reserve the right to stop you and preventing you from continuing your speech if you continue along that line.

Dr. Gungapersad: Which line, Sir?

Mr Speaker: Be careful of what you say in this House!

Dr. Gungapersad: Which line, Sir? Which line?

Mr Speaker: I have nothing to prove to you! You correct your speech and you continue!

Dr. Gungapersad: I am talking on the Bill! It is freedom of speech!

Mr Speaker: There is freedom of speech; there is limit of freedom of speech, and you cannot insinuate things which are not accurate!

Dr. Gungapersad: I am going to validate it! I am going to validate it! And if it is not validated, you expel me! I challenge you now!

Mrs Luchmun Roy: You cannot challenge the Chair!

(Interruptions)

Mr Speaker: What are you saying?

(Interruptions)

Dr. Gungapersad: I am going to validate it!

Mr Speaker: Stop! I suspend your speech! I move to the next orator!

Dr. Gungapersad: This is a shame!

Hon. Members: Shame!

Ms Anquetil: Bravo Mahen!

Mr Speaker: The next orator would be...

Hon. Members: Shame!

Mr Speaker: The next orator would be hon. Ramchurrun!

(Interruptions)

You get out! You get out from here!

(Interruptions)

Mr Speaker: I am naming you! I am naming you!

Dr. Gungapersad: Name me! Name me!

Ms J. Bérenger: Bravo Mahen!

Mrs Luchmun Roy: Shame!

Dr. Gungapersad: You are a shame, and we will never be like this!

Ms J. Bérenger: Bravo Mahen!

Mr Speaker: I am naming you! Serjeant-at-Arms, take this man out! Serjeant-at-Arms, you have police duties; police powers!

Don't assault the policeman!

Dr. Gungapersad: I am not...

Mr Speaker: Don't assault any policeman here!

Dr. Gungapersad: You are a shame to the nation!

Mr Speaker: No Member has the right to assault any policeman! Carry him away! Carry him away!

Dr. Gungapersad: You are a shame to the nation! I got elected, unlike you! I am not a *chatwa*!

Mr Speaker: Carry him away! Get out!

Hon. Ramchurrun!

(11.15 p.m.)

Mr P. Ramchurrun (Third Member for Savanne & Black River): Thank you, Mr Speaker, Sir.

Mr Speaker, Sir, tonight, the echo of the Opposition sounds strangely familiar. Their speeches recall a time gone by during debates over changing the Independent Broadcast Authority Act. Their objective then, as today, was to sow fear, revolt and psychosis among the population. However, since this Bill passed in 2021, let us take a look at the reality of the predictions they made. How many of these prophecies have come true? How many arrests and closures of private radios? People should recall how many closures of private radio stations have actually taken place. Facts often speak louder than words, Mr Speaker, Sir, and it is crucial to evaluate the relevance of their predictions in light of the reality we are living today. We have just seen the drama going on on the other side, and this has been throughout the four years I have been sitting in this august Assembly.

Mr Speaker, Sir, it is with immense pleasure and humility, even at this time of the hour, that I am addressing this august Assembly on the Financial Crimes Commission Bill. Indeed, Mr Speaker, Sir, the hon. Prime Minister should be heartily congratulated for presenting a long-awaited Bill, maybe not for the Opposition but for the whole population and for the sake of this country, for this Government which aims at transforming the prevention, combating and investigations of financial crimes in Mauritius. Undoubtedly, undeniably, through this Bill, we are equipping our country with one of the most advanced financial crime legislative and operational frameworks in Africa.

Our country has already achieved tangible results through the ground-breaking set-up of the Financial Crimes Division of the Supreme Court in 2020, which has considerably impacted the successful prosecution of a number of cases. In fact, the streamlining of financial crimes at the Supreme Court allows specialised hearings of corruption and money laundering cases by erasing the backlog of cases at the Supreme Court. However, Mr Speaker, Sir, the Financial Crimes Division was only one piece of the puzzle, and the most important piece is the investigation and prosecution which has, unfortunately, not been properly aligned over the last few years.

During the debates today, Mr Speaker, Sir, we have been hearing, we will hear, and we just heard at length from the '*nanye pa bon*' Opposition which, I am sure, will come up with all angles – some have already proved it – of statistics to demonstrate that the ICAC and other financial crimes combating institutions have not performed. In fact, as a Member of the Parliamentary Committee on ICAC, I have seen the amount of work which has been delivered by the hardworking staff of the ICAC, and I do thank those officers for their service and loyalty to the country, and their dedication to their profession in spite of the difficult conditions. It would be extremely unfair and biased to argue that

the ICAC has not been performing as the evidence suggests the contrary. This is, unfortunately, very much a narrative we have to expect from the Opposition Members.

However, Mr Speaker, Sir, the real question should be whether the ICAC is being allowed to be as effective as possible through its operations. The answer is, unfortunately, no. Opposition Members who were once part of the ICAC Parliamentary Committee knew perfectly the impediments being faced by the ICAC investigators and prosecutors.

But unfortunately, their political narrative of portraying the ICAC as a non-performing organisation was stronger for them. Unfortunately, Mr Speaker, Sir. It is thus important to disclose the challenges being faced by the ICAC.

I have also taken care to listen to the media interventions of certain Opposition Members on the same topic and for once, we can agree. In fact, apart from the Assets Recovery Investigation Division, from the Financial Intelligence Unit and the Integrity Reporting Services Agency, the ICAC also operates within a complex web of institutions which also include the Mauritius Revenue Authority, the Financial Services Commission, the Gambling Regulatory Authority as well as the Police, where all institutions are individually combating financial crimes.

Inevitably, the ICAC and other institutions have to operate under non-aligned legal frameworks and all Ministries, which led to challenges in the sharing of information, alignments on legal positions and risk of non-cooperation, which has been blatantly visible on many occasion in court cases. Unfortunately, who benefits in such cases? It is the *provision*, as we say, who waits and watches different law enforcement authorities tear each other apart while their cases are being left for years in our courts. Ultimately, it is at the detriment of the taxpayers who have to fund long cases without any results, but who are also victims daylight robberies from financial criminals. Mr Speaker, Sir, this can no longer continue and only a unified, focused and aligned organisation can unblock the situation.

However, after hearing the Opposition, they are insistent that the only solution is the setting up of a UK-style Serious Fraud Office, which they argue will solve all the issues being faced by the ICAC, including those of completing agendas and unaligned legal frameworks. Unfortunately, this is a typical position of the Opposition which shows their purely political and unthought narrative.

Let us look in more details the Serious Fraud Office whose set up was legislated in 1987. The very purpose of the Serious Fraud Office was prescribed by the Lord Roskill Report in 1986 and that was to ensure that a single authority conducts both investigation

and prosecution of the fraud cases, which is also the case for the Financial Crimes Commission. Moreover, as a bond network, the umbrella organisation representing 317 international development organisations, which confirm that the Serious Fraud Office met three of the basic tenants of anti-fraud and corruption, namely –

- (i) the investigation and prosecution teams should be combined in the same agency;
- (ii) corruption must be a top priority for that agency and not simply one amongst many, and lastly
- (iii) that there must be a specialist corruption team.

Interestingly, the Financial Crimes Commission also meets all these three; three conditions are in fact very similar in purpose and in action. Thus, Mr Speaker, Sir, given that the SFO and the Financial Crimes Commission (FCC) operate in a similar fashion, is the Opposition's issues with the Financial Crimes Commission truly relevant and warranted? The simple answer is no obviously. Their obsession with Serious Fraud Office is a mere illusion which they dream of, but cannot be achieved.

Mr Speaker, Sir, so what is the real problem of the Opposition Members with the Financial Crimes Commission? *La main prop, latet haute?* Their main issue, I guess, is the timing. Mr Speaker, Sir, they have been talking the talk for more than 20 years now, an illusion they take from their shelves prior to each election and which they forget once in power. Contrary to this Government, our Prime Minister, hon. Pravind Kumar Jugnauth has walked the talk and is delivering on his engagements to the population.

Moreover, Mr Speaker, Sir, the Opposition Members are seriously scaring the population. They are instilling fear, well said by hon. Dr. Gungapersad, they are really instilling fear, scaring the population, from mere citizens to individual and small businesses. Mr Speaker, Sir, if someone has to be scared, it is not the population, as the Financial Crimes Commission is a steamroller, Mr Speaker, Sir, with a powerful engine which will leave no stone unturned to *kas lerin*, as we say, of the criminals. Those who are to be scared are those who cannot explain their amassed wealth in their coffers, *dans les coffres-forts*. Those who *inn soutir ek finans* drug traffickers for years while they were in power. Drug trafficking is a huge business for some and though the Finance and Drug Dealing Investigation Unit, a unique and dedicated team, the Financial Crimes Commission will strike these drug investors at the very core. Perhaps that is what scares them, Mr Speaker, Sir. And really they should be scared. When you hear all these cases on

the Opposition side, drug trafficking, drug traffickers, money in coffers, unexplained wealth. This is what they fear of, Mr Speaker, Sir.

Their other problem, Mr Speaker, Sir, is the nomination of the Director General of the Financial Crimes Commission. If one compares the Director-General of ICAC requirements and that of the FCC's Director General requirements, it is clear that the FCC has more stringent requirements. Why so? Only because we need the best qualified person for this position! The Opposition talks about bringing only a foreigner to their dream Serious Fraud Office, which they think will solve all the problems instantly. The hon. Prime Minister is, through the FCC, focusing on the results for the population and the country rather than the Opposition who are already offering the job to foreigners. They have also followed the basic principle of dissociating the office and the person. The FCC will combine the best independent talents of the country who will diligently conduct their investigations and prosecutions as it is grossly unfair, but also unfortunately typical of the Opposition...

(Interruptions)

Mr Speaker: Order there! No conversations!

Mr Ramchurrun: ... to prejudge before they even start their jobs. Mr Speaker, Sir, this Bill has proven how the Opposition is in a state of disarray and they are desperately looking for imaginary arguments to try and pin down the Financial Crimes Commission. May they rest assured that their attempts are futile.

Mr Speaker, Sir, as the Opposition is drooling out of sync to flout us, let it be clear that the hon. Pravind Kumar Jugnauth single-handedly silenced the critics on the other side of the House today.

Mr Speaker, Sir, hon. Pravind Kumar Jugnauth is committed to break the coffers and the pockets, *les poches* of financial criminals, and the Financial Crimes Commission will ensure that the country is fully equipped to protect the interest of the country and the entire population.

Mr Speaker, Sir, I am done. Thank you.

Mr Speaker: Hon. Members, I will suspend the Sitting for some minutes.

At 11.31p.m., the Sitting was suspended.

On resuming at 11.49 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated.

ANNOUNCEMENT

HON. JUMAN - NAMING

Hon. Members, I named hon. Juman earlier for his grossly disorderly conduct and for disregarding the authority of the Chair.

MOTIONS - S.O. 17(3) & S.O. 29(1)

The Prime Minister: Mr Speaker, Sir, in view of your decision to name the hon. Juman, I beg, under Standing Order 17(3), to take the time of the House for urgent business.

Mr Toussaint seconded.

The motion was, on question put, agreed to.

The Prime Minister: Mr Speaker, Sir, having obtained your permission, I beg to move under Standing Order 29(1), to present a motion without notice.

Mr Toussaint seconded.

The motion was, on question put, agreed to.

The Prime Minister: Mr Speaker, Sir, in view of your decision to name the hon. Juman, I beg to move that the hon. Juman be suspended from the service of the Assembly for today's Sitting and the next two Sittings unless unreserved apologies are tendered to the House.

Mr Toussaint seconded.

The motion was, on question put, agreed to.

ANNOUNCEMENT

HON. DR. GUNGAPERSAD – NAMING

Mr Speaker: Hon. Members, I named Dr. the Honourable Gungapersad earlier for his grossly disorderly behaviour, for challenging the authority of the Chair and for using abusive words towards the Chair.

MOTIONS – S.O. 17(3) & S.O. 29(1)

The Prime Minister: Mr Speaker, Sir, in view of your decision to name Dr. the hon. Gungapersad, I beg under Standing Order 17(3) to take the time of the House for urgent business.

The Deputy Prime Minister seconded.

The motion was, on question put, agreed to.

The Prime Minister: Mr Speaker, Sir, having obtained your permission, I beg to move under Standing Order 29(1) to present a motion without notice.

The Deputy Prime Minister seconded.

The motion was, on question put, agreed to.

The Prime Minister: Mr Speaker, Sir, in view of your decision to name Dr. the hon. Gungapersad, I beg to move that Dr. the hon. Gungapersad be suspended from the service of the Assembly for today's sitting and the next four sittings unless unreserved apologies are tendered to the House.

The Deputy Prime Minister seconded.

The motion was, on question put, agreed to.

Mr Speaker: The next orator: MP Woochit!

(11.53 p.m.)

Mr R. Woochit (Third Member for Pamplémousses & Triolet): Thank you, Mr Speaker, Sir. I feel it is my utmost duty and responsibility to offer my address on this Bill to this august Assembly and to the public at large.

The Explanatory Memorandum of this Bill speaks of lofty ideals motivating the current Government and the aims intended to be achieved by introducing this Bill. However, there are hidden agendas and sinister motives behind this piece of legislation. Several provisions contained therein are highly questionable as they constitute frontal attacks on the powers of the Director of Public Prosecutions and they intend to strengthen political intrusion and interference in the enforcement of the laws of the Republic of Mauritius.

Mr Speaker, Sir, I first propose to address the House on section 10(2)(e) of the Bill which reads as follows –

“(2) The Director-General shall be a person who –

(e) has served in an anti-corruption body at a senior level for a period of at least 5 years and has wide knowledge and experience at national and international level in the field of financial crimes.”

Mr Speaker, Sir, I should confess I was very blissful when I perused section 10 (2) (a), (b) and (c) of this Bill which open the gate to the appointment of a person who has served as Judge of the Supreme Court to the post of a Director- General. I think all my

countrymen who adore democracy, impartiality, independence, integrity would be happy and elated to see a retired Judge at the head of an institution whose aim is to combat financial crimes. This would bring a ray of hope in the otherwise current bleak and gloomy environment. It would be almost impossible for the *Prince du jour* to pressurise a retired Judge to take decisions just to please them.

But, my bliss, Mr Speaker, Sir, was short-lived when I came across section 10 (2) (e) of this Bill which I quoted above. It is crystal clear that this paragraph has been introduced in this Bill to pave the way for the current Director-General of the Independent Commission against Corruption to be appointed as Director-General of the Financial Crimes Commission. Mr Speaker, Sir, section 10(2)(e) of this Bill is tailor made for Mr N. B. There is no doubt about it. Who does not know the closeness of Mr N. B. with the current Government? There are so many files against *des proches du pouvoir* which are accumulating dust in morbid drawers at le Réduit Triangle. Is the Mauritian population prepared and ready to live the same experience with Mr N. B. at the head of the Financial Crimes Commission? This is the question, Mr Speaker, Sir. I am hereby making an earnest appeal to the hon. Prime Minister to kindly and seriously consider the removal of section 10(2)(e) from this Bill if he does not want the contemplated Financial Crimes Commission to become an abject political tool to pester political opponents. I am sure and certain that there must be other persons as capable, if not more capable, than the said Mr N. B. on Mauritian soil.

Mr Speaker, Sir, I will now turn to the mode of appointment of the Director-General of the contemplated Financial Crimes Commission. According to section 10 (1) of this Bill, it is the Prime Minister who decides all. The President of the Republic will appoint but upon the advice of the Prime Minister after consultation with the Leader of the Opposition. The Prime Minister is above all a politician, *un homme de parti*. He will no doubt choose a person who will tow his line at the head of the contemplated Financial Crimes Commission save and except if a retired Judge of the Supreme Court is ultimately chosen. This Bill militates in favour of an overconcentration of powers in the hands of one man, that is, the Director-General. The appointment of the Director-General of the contemplated Financial Crimes Commission cannot be left in the hands of a politician. This will not be in line with the sacrosanct principles of a vibrant and respected democracy,

Mr Speaker, Sir. I am making an earnest appeal to the hon. Prime Minister to review section 10(1) of this Bill and kindly consider the possibility of entrusting the

appointment of the Director-General in the hands of an independent and impartial body. If this is not done, we will run the risk of being called *une république bananière*.

Mr Speaker, Sir, I am taking strong exception to the provisions of section 10(3)(a) of this Bill. Once again, it is the Prime Minister who is called upon to fix the terms and conditions of appointment of the Director-General of the contemplated Financial Crimes Commission. Section 10(3)(b) stipulates that –

“(3) The Director-General shall –
(b) be eligible for reappointment.”

And, what about the appointment of the four Commissioners who will sit on the Commissions, Mr Speaker, Sir?

According to section 7(3)(a) of this Bill, it is the Prime Minister who decides whom he will appoint and on what terms and conditions. The same rule will apply for their reappointment as per section 7(3)(b). It goes without saying that it is the Prime Minister who will decide both about appointment and reappointment. The President of the Republic can but will not oppose. Consultation with the Leader of the Opposition is a mere *clause de style, M. le président*, as the Prime Minister will decide everything about who will rule the Commission. What impartiality and independence of action can we expect from the contemplated Financial Crimes Commission?

In these circumstances, what is the importance of section 4(3) of this Bill which reads as follows –

“(3) Subject to this Act, the Commission shall, in the discharge of its functions and exercise of its powers, not be under the direction or control of any person or authority.”

Mr Speaker, Sir, I am mandated to say that the application of section 10(1) and (3)(a) and (b) and section 7(3)(a) and (b) of this Bill will turn section 4(3) of this Bill into ridicule and will dilute its effect. I am humbly inviting the hon. Prime Minister to review all the provisions related to the appointment and reappointment of the Director General and the Commissioners.

Mr Speaker, Sir, I would now like to make some observations on the provisions of section 5(1)(e) of this Bill which stipulates that, and I quote –

“(1) There shall be, within the Commission –

- (e) such other Division as the Commission may, with the approval of the Minister, set up, and such Division shall have such functions and powers as the Commission may determine.”

Mr Speaker, Sir, Parliament will pass the Financial Crimes Commission Bill bestowing upon the Financial Crimes Commission specific powers to investigate into designated offenses and to institute criminal proceedings against *qui de droit*.

Section 5(1)(a) of this Bill shall create an Investigation Division which shall discharge such functions and powers conferred upon it by section 6(1)(c) and (d) and section 5(1)(b) of this Bill shall create an Asset Recovery Division which shall discharge such functions and powers conferred upon it by section 6(1)(e), (f) and (g) and section 5(1)(c) of this Bill shall create an Education and Preventive Division which shall discharge such functions and powers conferred upon it by section 6(1)(h), and last, section 5(1)(e) empowers the Commission to create other Divisions with the approval of the hon. Prime Minister.

So far so good, Mr Speaker, Sir, but it will be appropriate in a democracy to leave it to the five appointees to determine the functions and the powers of all the new Divisions. Is it correct, Mr Speaker, Sir? No. This Bill is silent on the functions and powers of new Divisions created subsequently. Parliament confers powers, but, here, five appointees will decide about the powers of new Divisions. No delimitations have been provided in this Bill. What will happen in case of abuse of power, Mr Speaker, Sir? This sends chills down the spine. It is germane and pertinent to review section 5(1)(e) of this Bill and a mechanism must be earmarked to oversee and limit the functions, especially the powers of new Divisions created by the Financial Crimes Commission.

Mr Speaker, Sir, my last subject of address would be the provisions of section 6(1)(i) of this Bill, that is, the powers conferred to the Financial Crimes Commission to, and I quote –

“(i) (...) prosecute financial crimes and any other offence under this Act and the Declaration of Assets Act;”

Criminal proceedings will be instituted straightaway by the Financial Crimes Commission without passing through the Office of the Director of Public Prosecutions.

Mr Speaker, Sir, the Office of the Director of Public Prosecutions is a constitutional body and its independence, impartiality and integrity cannot be impeached. The Office of the Director of Public Prosecutions represents the pride of the Mauritian nation. Now, will criminal proceedings be decided by five appointees of the hon. Prime

Minister? I do not hesitate to say that this is a veiled attempt to dilute the constitutional powers of the Director of Public Prosecutions. This is a frontal attack on the constitutional right of Mauritians to have an independent and impartial body which decides on criminal prosecutions. Section 6(1)(i) of this Bill is unconstitutional and should be removed forthwith, Mr Speaker, Sir.

Before I end, Mr Speaker, Sir, though not all the provisions of this Bill are objectionable, yet it is my considered view that the sections of this Bill which I have enumerated require urgent attention as they violate the principles of democracy, fairness, impartiality and independence. I am not against innovation, Mr Speaker, Sir, but I am opposed to laws which offend the Constitution and which are designed to be used as a political tool to harass and cause prejudice to the citizens who do not toe the line of the Government of the day.

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Dr. Ramdhany!

(00.08 a.m.)

Dr. Ramdhany: Mr Speaker, Sir, I move for the adjournment of the debate.

Mr Ramano seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Prime Minister: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Friday 15 December 2023 at 3.00 p.m.

The Deputy Prime Minister seconded.

Question put and agreed to.

Mr Speaker: The House stands adjourned! Adjournment matter! None?

At 00.09 a.m., the Assembly was, on its rising, adjourned to Friday 15 December 2023 at 3.00 p.m.