Madam Speaker: Please, be seated! Hon. Mrs Dookun-Luchoomun!

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): Madam Speaker, I stand before the House, a very proud Member of this Government - a Government, Madam Speaker, which has kept its promise to the people of the Republic of Mauritius to make the fight against corruption and corrupt practices its priority.

Madame la présidente, ce gouvernement avait promis d’assainir le pays et tient sa promesse aujourd’hui en apportant au Parlement the Good Governance and Integrity Reporting Bill. Madam Speaker, I must, at the very outset, congratulate my colleague Minister Bhadain not only for the presentation of this Bill but also for having gone the extra mile out to explain to the various segments of the population, to different stakeholders, the essence of the Bill. He has gone as far as bringing amendments so as to allay the apprehensions of some people.

Madam Speaker, I have also taken time to go through some of the apprehensions, the criticisms, the objections expressed from different quarters. Everybody expects systems, institutions and persons to reflect a high degree of integrity in their several dealings. The move globally today is for more openness in society and open societies thrive on the establishment of mechanisms, the formulation of laws and regulations for investigating possible breaches of ethical conduct. The time has, indeed, come for Mauritius to have such an enabling legislation.

And what does this legislation propose? What it proposes, Madam Speaker, is something very straightforward. In the first place, the Integrity Reporting Services Agency with the power invested in it will request explanations regarding the ownership of property, the source of funds, and thus, at this very first point, there are already two safeguards that need to be stressed and are inbuilt in the Bill.

**Safeguard No. 1**

This request will only apply to those persons having wealth or property ‘that is disproportionate to (their) emoluments and other income’ and whose source cannot be satisfactorily accounted for.

Any person who can explain the source that may well be legitimate - through inheritance and other means - has absolutely nothing to worry about.
This Bill will not affect people who have worked hard, often over a lifetime and have acquired property in a manner that is quite legitimate.

Nor should we forget to remind ourselves of the threshold of Rs10 m. set by the hon. Minister, again, to allay the fears of people.

Évidemment, une personne qui a la conscience tranquille, qui a la capacité de justifier ses excédents ne devrait pas s’inquiéter parce que cette loi ne l’inquiétera nullement.

Safeguard No. 2:

Madam Speaker, the person from whom explanations are being sought will have 21 days within which to comply. And the onus is on the person to provide these explanations by way of an affidavit.

It is only in a case where there is no reply at all that a Disclosure Order can be resorted to - I need hardly state that it would be preferable for anyone to give the reply rather than to wait for a Disclosure Order and to forward a response - any response for that matter, Madam Speaker.

It is only after all enquiries will have been completed by the agency that it reports the matter to the Integrity Reporting Board which then gets into play.

Safeguard No. 3:

The Integrity Reporting Board will have a Chairperson who will be no less than a retired Judge of the Supreme Court from the Commonwealth, and then we come to the crux of the matter: it is only after the Chairperson of the Board along with his two other members or assessors will have decided that an application is for an Unexplained Wealth Order is needed, then only would the Agency be allowed to apply to the Judge in Chambers for this Order and it is only when the Judge in Chambers is satisfied that wealth is unexplained, then only will such an Order be issued.

What we need to retain here is that the Board is not mandated to apply any sanctions whatsoever: it will leave it to the Supreme Court to decide on the ultimate sanctions.

Madam Speaker, that is what this Bill is all about. Disons-le tout de suite, il n’y a aucune mainmise du gouvernement dans le processus. L’Éxécutif n’a rien à faire avec le processus. Le gouvernement n’est pas non plus avide de saisir les biens d’autrui. Il s’agit encore moins de ‘vendetta politique’ comme certains voudraient le faire croire. Et, fort heureusement, notre système judiciaire est toujours perçu comme étant non-arbitraire et jouit toujours de la confiance de la population. Les gens honnêtes avec des biens
légitimement acquis n’ont absolument rien à craindre, Madame la présidente. Tout se fera dans la transparence et au niveau légal.

Cette auguste assemblée aura également constaté qu’à aucun moment, la personne appelée à soumettre des explications, ne passe par un interrogatoire comme c’est le cas pour la PoCA. Il n’y a pas d’emprisonnement pour celui qui refuse de fournir les explications recherchées et ces explications, Madame la présidente, je viens de le dire, doivent être formellement rédigées by way of an affidavit. Et c’est tout! À aucun moment, cette personne ne sera appelée à fournir des explications de vive voix. À aucun moment, cette personne ne sera interrogée. Cela parce que le tout passera par l’aspect civil de la loi et non par la partie criminelle.

Madame la présidente, c’est bien de noter aussi que même s’il arrive à être prouvé qu’une personne détient des biens non expliqués, la personne ne risque pas la prison. It is simply a case of civil confiscation - confiscation of ill-gotten wealth and, at times, it will also be possible for them to give the monetary equivalence. It is an action, Madam Speaker, against ill-gotten property and not against the person.

Madam Speaker, we all know there exists a powerful correlation between bad governance and corruption. Transparency International’s Annual reports consistently show that the most corrupt countries are those that lack sound institutional governance capacity.

Obviously, different countries have their several ways of working out their good governance and transparency policies. For example, in Morocco in 2007, the Government established a new Financial Investigation Unit answerable to the Office of the Prime Minister. It had the mandate to receive, analyse and disseminate information on suspicious transactions and collect data on money-laundering operations.

Other countries have laws and, to address money-laundering, decrees, to establish agencies to track down corruption cases and many other ways. But we should not, therefore, be surprised that even the Sustainable Development Goals to which the Global community has subscribed in September last, the Global Sustainable Development goals formulate a new development paradigm that focuses, inter alia, on Accountability. We thus now have a premium that has been placed on a stand-alone Goal 6, that of ‘Governance’ which reads thus – “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”

It has also major indicators relating to the reduction of illicit financial flows, the reduction of corruption and bribery in all their forms and the development of effective, accountable and transparent institutions.
Madam Speaker, I will now view this Bill from a different lens -. I will look at it from the perspective of education. The Ministry of Education has been invested with the responsibility to, among other things, promote a value-based education. We have not simply to cater for the cognitive development of our children, but also their overall development. We want them to claim their legitimate place in society as tomorrow’s adults with a sound moral compass.

Education, Madam Speaker, is expected to inculcate in our children and youth a mindset change, a culture that extols meritocracy, work ethics and selflessness as basic to flourishing life chances.

Le but premier de l’éducation, Madame la présidente, c’est effectivement d’inculquer chez nos apprenants et nos jeunes une nouvelle façon de voir les choses. C’est également d’inculquer un état d’esprit, une culture qui prône la méritocratie, un sens d’éthique et encore, un altruisme pour un mieux-être et un mieux-vivre.

C’est une nouvelle mentalité que nous nous devons d’instaurer dans cette jeunesse qui est à la recherche de ses repères, d’un code de conduite sain pour animer leur existence.

We want them to grow as persons instilled with the positive values of hard work and rewards obtained at the cost of ‘sweat of the brow’.

We encourage learners to recognise and appreciate the virtue of patience and results obtained through sheer dint of effort. However, Madam Speaker, over the last decade or more, our youth have been made to believe that easy wins are a normal part of the game, that values and integrity play second fiddle to these quick gains. The model that they have been exposed to is that the end justifies the means, even if the means are foul. Our young people have, in short, lost their moral bearings. *Ils ont perdu leurs repères*, Madame la présidente.

The situation does not apply to the youth alone. People have been exposed to a major contradiction, particularly unveiled over the past years. It has been the contradiction between discourse and action. It has been the contradiction between professed intents and promises and actual reality and practices. Thus, on one side, people have been sloganeered and fed on such diets as those notorious equality of opportunities, democratisation of the economy of this and that, and yet what did they get on the other hand? Nothing!

On the other hand, Madam Speaker, and in actual practice, cronyism, nepotism and favouritism have been blatantly rearing the hydra heads. They dictated who derived wealth from private and nebulous, mostly illicit, sources and who made ostentatious display of same. *Certains, Madame la présidente, sont devenus milliardaires en quelques mois.*
The larger interests of the nation were sacrificed at the altar of the personal interests of a privileged few.

Madam Speaker, we have come to a major turning point in our history. Ours is an educated population that now demands greater accountability from all those placed in a position of importance and power. The greatest risk lies in the temptation to make an abuse of the power and position vested by society as it has been in the last regime. Such a risk has to be curtailed. I must say should be eliminated.

This Bill will provide a mechanism by which these errors might be eliminated. I believe, Madam Speaker, it would be wrong to say that this Bill goes against….

(Interruptions)

Madam Speaker: Hon. Soodhun, sorry! You are just interrupting the lady! Please!

Mrs Dookun-Luchoomun: … the interests of the people or that it will be used as a political tool. After all, even we, hon. Members of this National Assembly, will be subjected to this Bill, to this law, when this Act becomes a law. And you will agree that we are not likely to vote for a Bill that will hold a jeopardy against us.

This Bill keeps all these dimensions in view. It aims at cracking down on those who have vitiated the system in the past by going back to the preceding seven years and forestalls and nips in the bud any temptation that might arise to vitiate the system.

Madam Speaker, those who have been abusing the system, making it suit their own convenience; those who have gathered illicit, ill-gotten wealth are those who need to fear.

This piece of legislation will help us write the wrongs that have prevailed so far.

Madam Speaker, the Constitution guarantees the right of people to property. This right is being maintained. We are nowhere trying to undermine entrepreneurship and profit motive. Nobody is being discouraged from taking risks. Indeed, we should not be risk averse, economies thrive on such risk taking, but there is one crucial and ethical conditionality. People have to learn, to operate within the confines of clear, legal parameters and norms.

Madame la présidente, en décembre de l’année dernière, ce gouvernement a eu un mandat clair et explicit d’assainir, d’épurer le pays. Depuis, on se donne constamment les moyens de le faire. Ce projet de loi va effectivement et aussi dans cette direction. Bien entendu, on peut comprendre que cela pose problème pour certains, que cela engendre
des appréhensions. C’est effectivement la raison des garde-fous préconisés par le projet de loi.

Madame la présidente, on juge une société de par sa capacité de mettre en exergue la bonne gouvernance. Celle-ci devient une marque, une caractéristique démontrant le niveau de développement qu’on a atteint. L’inverse, c’est-à-dire la mauvaise gouvernance nous mènerait vers des précipices à la Enron, à la Mart beaucoup plus proche de nous à la Sunkai, Whitedot et la BAI.

Nous devons comprendre que nous avons un devoir, un devoir de faire comprendre aux gens qu’on ne peut plus accepter ou trouver acceptable des gens qui refusent de payer leur taxe. Faudrait comprendre qu’on ne peut plus se permettre d’exhiber, de montrer d’une façon shameful, comme on le dit, des biens mal acquis. Et là, je voudrais faire allusion à ce qu’avait dit l’honorable Ramano au cours de son intervention. Il a cité plusieurs points très Il nous faut changer de mentalité. Il nous faut apprendre que nous devons vivre d’après les paramètres de la loi et que payer sa taxe n’a rien de terrible, c’est un devoir et on doit le faire.

valables, mais quand il vient nous dire qu’il trouve normal que quelqu’un qui a pu accumuler des richesses parce que tout simplement il avait oublié ou il n’a pas pu payer sa taxe, que la personne-puisque cela se fait d’après les lois de la MRA–puisse négocier avec la MRA et par la suite payer la taxe qu’il devait même au prix d’une pénalité, que ce sont des choses acceptables. Non! Quand l’honorable Ramano vient nous dire que les self-employed or the professional, the doctor, the lawyer who has failed to pay his tax could eventually pay it and pay penalty if it is needed, does he think about le malheureux salarié qui, lui, n’a pas d’autre option que de payer sa taxe. Il nous faut changer de mentalité. Il nous faut apprendre qu’en nous devons vivre d’après les paramètres de la loi et que payer sa taxe n’a rien de terrible, c’est un devoir et on doit le faire.

Madame la présidente, je pense qu’il est temps que la mentalité change dans notre pays. Il est temps qu’on donne les repaires à nos jeunes, il nous faut être des modèles pour ces jeunes. Il nous faut, nous autres, au Parlement, arriver à mettre sur pied des mécanismes, à venir avec des projets de loi pour assainir la situation et donner des repaires à nos jeunes. Nous avons une responsabilité, un devoir de reddition des comptes aux générations qui nous suivent. Assumons-là cette responsabilité et soyons dignes et fiers de la faire!
Merci, Madame la présidente.

(9.41 p.m.)