

**NATIONAL ASSEMBLY OF
SEYCHELLES**

Tuesday 14th December, 2021

The Assembly met at 9am

National Anthem

Moment of Reflection

Mr Speaker in the Chair

MR SPEAKER

Bonzour tou Manm Onorab, nou *staff* ki asiste nou ozordi, nou manm piblik, oditer, telespektater ki swiv nou. Mersi pou avek nou pou ankor en lazournen travay.

Bon nou a konmans nou sesyon ozordi avek en prezantasyon rapor *Media, Youth and Culture Committee* par son Chairman Onorab Wavel Woodcock. Onorab mon a donn ou laparol.

HON WAVEL WOODCOCK

Mersi Mr Speaker. Bonzour Speaker, tou Manm e tou dimoun ki a lekout. Mr Speaker mon pou tre bref avek mon rapor, par lefe ki i annan en kantite travay pou nou fer sa de zour ki vini.

Mr Speaker Komite Lasanble pou Medya, Lazenek Kiltir (MYCC) i prezant rapor lo vizit ki sa komite ti fer lo Zil Pros lo Praslin ek La

Digue, Vandredi le 15 e Sanmdi le 16 Oktob 2021.

Komite MYCC i annan manda pou *monitor*, analiz Polisi e i annan *oversight* lo administrasyon e zesyon Bidze bann Departman Gouvernman ki relye avek Medya, Lazenek Kiltir par lefe ki nou komite i annan sa *oversight* lo bann *ministerial portfolio* ki zer Medya, Lazenek Kiltir.

Ti enportan fer sa vizit lo Zil Pros Praslin, La Digue pou ganny en pli bon apersi konprenezon lo bann progre, limitasyon, kontrent, e loportinite bann Departman ki relye ek Medya, Lazenek Kiltir lo sa de zil.

Mr Speaker nou'n fer plizyer vizit e miting lo Praslin avek La Digue. Nou'n vizit *dove center* ki ti pe ganny zere par APDAR, apre ki ti pe zisteman apre in ganny transfer anba Minister pou Lasante.

E detrwa konsep in ganny souleve, ki nou pou adrese avek antite konsernen. Nou'n vizit osi bann diferan lenfrastruktir NSC ki konpri *sport complex* La Digue osi *watersport center* Grand Anse avek bann lenfrastruktir NSC osi lo Grand Anse.

Bann *main* kontrent i konsern renovasyon kontrent mankman *staff* e lezot size ankor ki sa osi ou'n zisteman

zwenn avek *CEO NSC* pou nou fer resorti tou sa bann *issues*. Nou'n osi vizit *SBC Praslin* nou annan miting avek plizyer bann *NGOs* bann *CSOs* ki travay prosman avek medya avek lazenes e osi avek kiltir.

Nou'n zwenn bann diferan Federasyon Artis zisteman lo Praslin nou'n zwenn avek (*PARFE*). La Digue nou'n zwenn avek plizyer bann artizan, bann artis pou diskit bann *issues* ki zot annan kot i konsern mankman kyos, landrwa pou zot *display* zot bann travay.

Nou'n osi vizit toulede biro *SNYC* lo Praslin e lo La Digue e nou'n osi fer vizit kot Ile Eve *Swimming Pool*, kot ankor bann kontrent i kot i konsern *maintenance* e bann resours sirtou pou bann atlet lo Praslin;- bann diferan *sport watersport*, *judo*, *karate* e bann lezot *sport* lo Praslin.

Mr Speaker tou sa bann detay i ganny souleve dan sa rapor, ki mon pe soumet avek Lasanble an se moman, e zot a ganny tou bann detay e bann rekomandasyon ki nou'n fer.

E nou komite i reste angaze pou nou kontinyen travay, avek tou bann parti prenan e pou nou kontinyen zwenn avek bann diferan Departman e Minister, pou nou soulev e adres sa bann size ki ti ganny fer resorti dan sa vizit, ki nou komite ti fer lo

Praslin avek La Digue. Avek sa de mo Mr Speaker mon prezant sa rapor avek ou avek Lasanble. Mersi bokou.

MR SPEAKER

Mersi Onorab Woodcock pou ou rapor. E mersi pou ou ek ou Komite pou zot travay. Madanm Clerk nou a prosed avek *First Reading Public Bills*.

MADAM CLERK

Mersi Mr Speaker. Bonzour Mr Speaker. Bonzour tou bann Manm e tou dimoun ki a lekout. I annan de *Bill* ki pe ganny prezante. *This Act may be cited as the Anti-Corruption (Amendment) (No. 3) Act, 2021.*

This Act may be cited as The International Business Companies Act and Other Related Laws (Amendment) Act, 2021 and save as otherwise provided, the provisions of this Act shall come into force at once. Mersi Mr Speaker.

MR SPEAKER

Mersi Madanm Clerk. Nou pou prosede avek *Second Reading* plizyer *Public Bills* swivan. Me an lakordans avek *Order 25* nou pe konmans donn presedans en Mosyon prezante par Onorab *Leader Biznes Gouvernman* Onorab Georges. Onorab Georges nou pare.

HON BERNARD GEORGES

Mersi Mr Speaker. Bonzour Mr Speaker. Bonzour bann koleg Manm. E bonzour tou bann dimoun ki pe swiv nou dan lakour. Mr Speaker sa Mosyon devan nou i en *Supplementary Appropriation Motion* e i lir konm swivan;

This Assembly resolves to approve a supplementary estimate of Seychelles Rupees R86million 895thousand 362 and 15cents fot the year 2020 laid before the Assembly in accordance with Article 154 (6) (b) of the Constitution.

Mr Speaker parey i pratik Lasanble en *Supplementary Appropriation Motion*.

MR SPEAKER

Onorab Georges nou ou prezante apre nou a pran *secondment or?*

HON BERNARD GEORGES

Mr Speaker mersi. Mon ti pou kontinyen me ou annan rezon les mon poz la e nou a regarde si Mosyon i ganny segonde avan. Mersi.

MR SPEAKER

Nou a segonn Mosyon silvouple. Onorab Arissol.

HON SANDY ARISSOL

Bonzour Mr Speaker. Bonzour tou bann Manm. Bonzour tou dimoun ki a lekout. Mr Speaker mon ti a kontan

segonn Mosyon anmennen par Onorab Georges. Mersi.

MR SPEAKER

Mersi. Onorab Georges ou kapab kontinyen. Nou a ekout ou Mosyon.

HON BERNARD GEORGES

Mersi Mr Speaker. Mr Speaker parey mon ti pe dir in pratik sa Lasanble pou deba ganny fer lo Staz Mosyon dan en *Supplementary Appropriation* e non pa dan Staz *Second Reading of the Supplementray Appropriation Bill*.

Alor ozordi mon ava avek ou permisyon prezant mon Mosyon e si Manm i enterese nou ava fer deba lo sa Mosyon bomaten. Sa se pratik ki Lasanble in adopte. E tou bann Manm i annan biro Clerk, Sekretarya in fer sirkile en, en *schedule* sa bann depans ki mon pou pas lo la ozordi.

Mr Speaker sa Mosyon pe fer en demann parey mon'n dir avek Lasanble pou aprouv en Bidze Siplemanter pou lannen 2020, swivan lodit ki'n konplete pou regulariz bann depans an plis ki Gouvernman in fer dan lannen 2020.

Sa demann parey mon'n dir, i vin swivan rapor Oditer Zeneral ki in fer lo kont Gouvernman pou lannen 2020. E parey mon'n osi dir

en sonm 86.9milyon in ganny depanse par bann diferan Departman Gouvernman, an plis ki zot Bidze ki ti'n deza ganny aprouve par Lasanble Nasyonal a lafen 2019.

Parey Konstitisyon i obliz nou sa demann pe ganny fer konman en Mosyon e parey mon'n dir taler en *Supplementary Appropriation Bill*, pou ganny mete devan Lasanble pou laprouvasyon an akord avek Lartik 154 (7) nou Konstitisyon.

E an akord avek sa Lartik, sa *Supplementary Appropriation Bill* pou bezwen vin devan nou sa lannen 2021, setadir avan ki nou aret *Sitting* sa semenn. Akoz sa *excess expenditure* i pou lannen 2020.

Sa enn Mosyon pe ganny fer pou regulariz depans ki'n deza ganny fer e sa Mosyon i ganny anmennen anba Lartik 154(6)(b) parey son Mosyon i dir. Akoz depans in fini ganny fer e non pa an avans sa bann depans.

Parey bann Manm i konnen anba Lartik 154(6) i annan de lenstans kot Egzekitiv i kapab vin devan Lasanble pou demann en *Supplementary Appropriation* ; - enn se avan i depanse lot se apre ki in fini depanse.

E sa, sa Lasanble in dir plizyer fwa dan lepase, ki nou

preferans se ki Egzekitiv i vin devan nou avan zot depanse, e non pa vin devan nou apre. Me i annan bann sirkonstans e sa enn i enn sa bann sirkonstans.

E annou pa bliye lannen 2020 ti en lannen kot ti annan de Gouvernman isi Sesel, enn ziska, enn ziska Oktob epi enn depi Oktob ziska Desanm.

Dan serten sirkonstans larzan i bezwen ganny depanse avan ki Gouvernman i kapab vin devan Lasanble pou demann en lotorizasyon Lasanble, pou fer sa depans.

Sa sonm ki nou pe debat lo la ozordi Mr Speaker, sa sonm ki dan sa Mosyon i prensipalman bann don bann *Grants* ki Gouvernman in rikorde pandan lannen 2020, ki serten pa ti'n bidzete e serten provizyon bidzeter pa ti ase pou kouver bann depans.

Depans anver bann don napa okenn lenpak lo nou pozisyon fiskal. Akoz sa se pa en depans ki Gouvernman in fer dan larzan *Consolidated Fund* san permisyon Lasanble. Me se en larzan *Grant* ki in depanse.

Dan sa sonm i annan zis 38sou – mon-mon repete zis 38sou, ki relye avek depans an plis par Egzekitiv. E sa se pou *Seychelles Human Rights Commission* e son rezon prensipal ki in depans sa 38sou an plis, se akoz letan

transfer ti ganny fer dan zot kont avek Labank Komersyal, larzan ti ganny *rounded-off* e Oditer Zeneral parey i son manda in *spot* sa.

E in met sa konman en *overspending*, sa ki fer ki nou bezwen rektifye sa par sa sonm adisyonnèl dan sa *Supplementary Appropriation* ozordi. Apard sa tou bann lezot sonm parey mon ava eksplike la, i relye avek bann *overspending* lo bann *Grants* ki nou'n gannyen ki Gouvernman in gannyen avek bann pei deor.

Sa sonm adisyonnèl i en total parey mon'n dir R86.895 milyon e i ganny reparti konm swivan - parey zot ava war lo *schedule* ki Minister Finans atraver Sekretarya in sirkile.

Premyerman Departman Komers 24.6milyon ki relye avek proze *11th EDF* finansè par Linyon Ewopeen, *EU*.

Dezyenmman, Departman Ladefans 5.9milyon ki ti al anver peyman proze Radar finansè par Gouvernman Lenn.

Trwazyenm, SBC R46.3milyon pou konstruksyon nouvo *SBC House*.

An 2020 Mr Speaker Gouvernman ti fer 90poursan sa depans parey kontra ti'n preskri, me sa don sa i en don ki ganny kategorize konman *benefits in kind*, e set en proze

parey nou tou nou konnen ki ganny finansè par Gouvernman *La Chine*.

Katriyenmman Komisyon Lenerzi Sesel en sonm 7.1milyon anver proze *Democratising Solar PV* ki ganny finansè par Gouvernman Lenn.

Senkyenmman, Lotorite Lasante Piblik en sonm 1.5milyon, pou son proze *Child Development Study* finansè par *Rochester University*.

Sizyenm, *Regional Centre* pou en sonm 1.3milyon pou proze *training* ki'n ganny finansè par *UNODC* e osi proze *Maritime Coordination at Sea* i ganny finansè par Linyon Ewopeen avek Komisyon Losean Endyen.

Setyenm, Biro Mer Lavil pou en sonm R170mil ki kouver peyman anba proze Met Lalimyer dan Lavil pou Nwel - rafal Nwel. Biro Mer Lavil ti osi ganny serten donasyon avek *businessman* anvil me sa, sa sonm i enn ki ti bezwen pou ekler lavil pou lafet Nwel.

Wityenm, Biro Statistik R11mil ki al anver proze ki *UN* ti finansè pou sa lofis fer en *assessment* lannen pase, lo bann lenpak *Covid*. E Mr Speaker *last but not least* 38sou pou *Human Rights Commission*.

Mr Speaker parey mon'n dir Minis Finans Minis Hassan pou vin devan Lasanble sa semenn, pou prezant sa *Supplementary Appropriation Bill*, lo depans an plis ki Gouvernman in fer dan lannen 2020.

Pou le moman mon prezan mon rekomandasyon avek Lasanble pou sa rezolisyon ganny laprouvasyon Lasanble Nasyonal bomaten. Mr Speaker *I beg to move*. Mersi.

MR SPEAKER

Mersi Onorab Georges. Manm ki ti a kontan entervenir lo sa Mosyon zot annan laparol la. Nou napa entervansyon alor nou kapab pran vot direkteman.

Mersi Onorab Pillay mon pa'n war ou dan kote. Onorab Pillay ou annan laparol.

HON SEBASTIEN PILLAY

Mersi Mr Speaker bonzour. E bonzour tou dimoun ki a lekout. Byensir bonzour tou koleg Onorab. Mr Speaker mwan mon napa gran lentervansyon *per se* me selman sa ki mon ti a kontan ganny en detrwa klarifikasyon lo la atraver Minister Finans.

Nou konpran sa metodoloji *Grant* dan Bidze kot larzan i annan en *net effects* si i antre i ganny kalkile, si i pa antre i pa ganny

kalkile. Me selman sa ki nou ti a kontan ganny en pe plis detay lo la si Minister Finans pe port latansyon, mon krwar zot pe port latansyon lo sa ki nou pe dir ozordi bomaten, se ki zis pou donn nou serten detay lo *management* sa bann *Grant* atraver sa bann antite ki sipoze benefisye dan sa bann *areas* spesifik.

Par egzamp pou sa *11th EDF* nou ti a kontan konnen kwa ki'n ganny depanse anba sa *11th EDF*. E anba sa *Seychelles Broadcasting Corporation* sa nou konnen probableman i annan pou fer avek sa *building*, ki nou ti koz lo la dan Bidze *regarding SBC*.

E an se ki konsern *Seychelles Energy Commission* i menm zafer ;- *the over overspending relates to Democratizing of Solar PV Project funded by the Government of India*.

Mr Speaker nou pa pou kapab fer gran deba lo la akoz sa bann detay an sa ki konsern sa bann *Grants* nou pou napa akoz sa i al dan bann antite spesifik e apre i ganny depanse.

So nou ti ava fer en pledwari avek Minister Finans ler zot vini pou donn nou sa bann detay. Mersi.

MR SPEAKER

Mersi Onorab Pillay. Onorab Gill.

HON CHURCHILL GILL

Mersi Mr Speaker. Bonzour tou Manm e tou dimoun a lekout. Mon osi mon ti a swete ki ler Minis Finans i vini zis i donn nou en lesplikasyon, akoz parey nou konnen tou bann *Grant* ler Bidze pe fer i ganny mete dan Bidze.

E sa i akimil a en serten sonm pou sa peryod Bidze. E dan sa ki'n ganny prezante avek nou, i kler ki i annan bokou depans ki'n mont par lao.

Ki Minister Finans ti a bon eksplik Lasanble ki sa bann depans an plis, vi ki sa Bidze 2020 ti'n fini prozekte *Grant*, si sa bann *Grant* in vin dan letan 2020 me selman pou letan zot ti *relate* ek -

Sorry si sa bann *Grant* in vin dan letan 2021, me selman zot ti *relate* 2020, alors in met zot dan 2020. Zis pou nou kapab konpran sa bann *Grant* kan ki ti antre an konparezon avek sa ki ti prozekte. Mersi.

MR SPEAKER

Mersi Onorab. Nou ava aport sa bann demann a latansyon Minis. Mon napa ankor lot entervenans, alor mon ava demann Onorab Georges eski ou annan okenn *concluding remarks wrapping-up*?

HON BERNARD GEORGES

Mersi Mr Speaker. Annefe Mr Speaker ou'n fer mon *concluding remark* e mon remersye ou. Sete pou fer sir ki ler Minis i vini i ava annan sa bann detay, pou ki i kapab donn leksplikasyon bann Manm lo sa bann pwen ki'n ganny leve.

Avek sa Mr Speaker mon remersye ou e mon napa okenn lezot keksoz pou dir. Mersi.

MR SPEAKER

Byen. Nou a pran vot lo sa Mosyon. Manm ki an faver lev lanmen silvouple? Mersi. Okenn Manm ki vot kont? Lo Mosyon Onorab Georges ki lir ;

The Assembly resolves to approve a Supplementary estimate of Seychelles Rupees R86, 895, 362.15 for the year 2020 laid before the Assembly in accordance with Article 154 (6) (b) of the Constitution.

22 Manm in vot pour, 0 Manm in vot kont e 9 Manm in *abstain*. Donk sa Mosyon in aprouve par Lasanble. Madanm Clerk? Bon a se pwen nou pou prosede avek *Second Reading Public Bills*.

E mon pe swiv lord ki Minister Finans in endik nou ki zot ti ava kontan ganny sa bann *Bills*. Nou konmans avek *Anti-Corruption (Amendment) Bill, 2021*.

Madanm raporter ou ava apel delegasyon ki pe atann silvouple.

MR SPEAKER

Bonzour e byenveni Minis Naadir Hassan, Minis pou Finans, Ekonomik e Komers. E dan delegasyon Minis, Mr Patrick Payet *Secretary of State* dan sa Minister. Lo kote *Anti-Corruption Commission*, Mrs May De Silva son *Commissioner*.

E lo kot *Registrar General* Mrs Wendy Pierre, *Registrar General*. Nou annan osi - non nou napa zofisye *AG's Office* ki la prezan pou le moman. Me mon konpran i annan ki pou zwenn nou byento.

Nou lo *Anti-Corruption (Amendment) Bill, 2021*. Onorab Georges mon krwar nou bezwen komans avek *Motion to waive 7 days notice* pou *Second Reading*.

HON BERNARD GEORGES

Sertennman Mr Speaker, mersi. Mr Speaker anba *Order 97(1)* nou *Standing Orders*, mon oule *move* pou ganny permisyon pou sispann *order 69(1)* pou permet ki *the Anti-Corruption (Amendment) Bill, 2021* i ganny lir en Dezyenm Fwa malgre ki sa peryod 7 zour depi ki in ganny lir en

Premye Fwa pa ankor pase. Mersi.

MR SPEAKER

Mersi. Nou a ganny segonnman? Onorab Andy Arissol.

HON SANDY ARISSOL

Mersi Mr Speaker, mon oule segonn Mosyon propoze par Onorab Georges pou nou ganny sa permisyon. Mersi.

MR SPEAKER

Mersi. Nou a pran vot lo sa Mosyon. Manm ki an faver lev lanmen silvouple? Manm ki kont? Mersi. Vot lo Mosyon *to waive 7 days notice for Second Reading of Anti-Corruption (Amendment) Bill, 2021, 22* Manm in vot pour, 0 kont e 10 abstansyon.

Donk sa Mosyon in aprouve par Lasanble e nou a kapab prosed avek *Second Reading* sa *Bill*. Minis ou a komans avek lentrodiksyon. Byen, wi mon pe mank en lepa. Onorab Georges nou bezwen pran Mosyon pou *Second Reading* sa *Bill*.

HON BERNARD GEORGES

Mersi Mr Speaker. Mr Speaker anba *Order 69(2)*, mon *move* ki *the Anti-Corruption (amendment) Bill, 2021*, i ganny lir en Dezyenm Fwa.

Mersi.

MR SPEAKER

Mersi. Nou a ganny segonde silvouple? Onorab Arissol.

HON SANDY ARISSOL

Mr Speaker, Mosyon i ganny segonde. Mersi.

MR SPEAKER

Mersi. Minis la nou a kapab pas lo ou lentrodiksyon.

MINISTER NAADIR HASSAN

Mr Speaker, Onorab *Leader* Lopozisyon, Onorab *Leader* Zafer Gouvernman, bann Manm Onorab Lasanble Nasyonal, tou dimoun ki pe ekoute, bonzour.

Mr Speaker, Lalwa Anti-Koripsyon 2016 ti etabli Komisyon kont Koripsyon, ACCS, pou fer lenvestigasyon, detekte e anpes okenn bann pratik koripsyon.

Sa Lalwa ti ganny amande an 2020, pou permet ACCS fer lenvestigasyon kont bann *case* blansisaz larzan, ki i annan laspe koripsyon ladan.

Sa Prozedlwa ki devan nou ozordi, i pou permet ACCS fer lenvestigasyon bann lofans anba *Penal Code* ki annan bann pratik koripsyon. Alors nou pe donn plis sipor ACCS, pou permet sa Komisyon fer son travay pli byen.

Mr Speaker nou pe osi propoz lamannman avek

seksyon 64 pou met li anliny avek bann norm internasyonal. Mr Speaker nou osi pe propoz bann lezot lamannman pou amelyor prosedir kordinasyon ant bann lezot Lotorite ek ACCS.

Sa Prozedlwa pe osi donn pouvwar Rezistrar Zeneral avek bann lezot Lotorite Piblik pou pa anrezistre oubyen stanp okenn dokiman ki relye avek okenn propriyete, si i annan okenn lenformasyon ki sa propriyete ou propriyeter konsernan i anba lenvestigasyon par ACCS.

Registrar Zeneral avek lezot Lotorite Piblik pou bezwen travay konzwentman avek ACCS pou sa prosedir.

Mr Speaker, pou ki sa bann sanzman Polisi i vin legal, e ki nou Lalwa kont koripsyon i vin pli azour avek realite ozordi,

mon pe prezant sa bann lamannman avek Lasanble Nasyonal pou zot konsiderasyon e laprouvasyon, atraver sa Prozedlwa *Anti-Corruption (Amendment)* 2021. Mersi Mr Speaker.

MR SPEAKER

Mersi. Nou a pran deba lo *general merits of the Bill*. E nou ava envit entervansyon bann Manm. Onorab Henrie i ava komanse.

HON GERVAIS HENRIE

Mersi Mr Speaker. Bonzour tou dimoun. Mr Speaker par lefet ki Komisyon Anti-Koripsyon i en lenstitisyon ase nouvo dan nou pei, i normal ki detanzantan zot vin devan nou avek en propozisyon pou amann zot Lalwa.

Anfen ki i anbelir pouvwar ki zot annan. Pouvwar legal ouswa pou asire ki zot fonksyonman e efikasite i vin pli efektiv. E i annan en konsansis dan sa Lasanble Nasyonal.

Sa ki mwan mon kapab rapel, depi 2016 ki nou'n toultan siporte. Akoz lalit kont koripsyon, blansisaz larzan, profi ki dimoun i fer avek bann krim organize;- par egzanp drog, lavant zarm, i dwatet, i merit konsern tou Seselwa.

So mon pa pe ekspekte alor ki ozordi i dwatet diferan dan fason ki nou regard sa lamannman ki devan nou. Pou la senp rezon ki koripsyon i responsabilite tou dimoun.

E Mr Speaker ki mannyer mon vwar li se ki, propozisyon pli enteresan se par lefe ki i met en obligasyon lo lezot antite pou donn en koudmen ACCS dan son travay.

Akoz i pa dwatet toultan, ouswa toulezour konsern ACCS tousel pou lalit kont

bann fleo ki pe - koripsyon, ouswa kot dimoun i profite pou anrisi zot lekor lo par detourn bann Fon Piblik e ki ti pe ronz nou sosyete.

Si nou pa pran en lapros lager antoure kont sa fleo, i pou fer ki i pou kontinyelman annan en lenpak, ouswa en zimaz negativ lo nou pei. E ki sa i afekte partikilyerman konfidans bann investiser dan Sesel.

E nou konnen poudir in deza annan lapel ki tou sitwayen i donn en koudmen dan lager kont koripsyon. Donn bann Lotorite en koudmen. La mon vwar ki sa Lalwa i pe obliz osi bann antite pou donn en koudmen.

Alor, dezormen, sa bann antite pa devret pe travay an izolasyon e dir si i annan en problem ACCS dil avek li tousel. Zot dwatet pe donn li en koudmen.

E sa lamannman i pe montre ki nou pei i serye dan lalit kont koripsyon, ou sa detournman Fon Piblik. E ki sa ladministrasyon ki o pouvwar ozordi, i pare pou pran bann aksyon konkret pou realiz sa demars ki koman en pei nou aranz nou kad legal, pou fer sir ki sa sityasyon i ganny adrese.

E mon ava konsyan, serten remark ki dimoun a dir be akoz sa *Bill* in vin la? Baze lo bann sityasyon ki pe arive

dan la realite. Me Mr Speaker, mon'n fer en resers pou vwar.

Akoz bann rekomandasyon ki bann antite, bann lorganizasyon nasyonal i met lo Sesel, pou fer sir ki ou *legal framework* i *up to the standard*.

E depi 2012 mon'n *come across* en lartik kot ti pe annan sa bann rekomandasyon lo Lotorite Seselwa pou dir asire ki ou *legal framework* i kouver tou bann *loopholes* ki kapab annan.

Donk depi 2012, e la nou 2021. Savedir lannen prosen ti pou fer 10an depi ki sa konversasyon pe arive dan *corridors of power* pou nou fer sir ki tou bann *loopholes* i ganny frenmen.

Donk nou merit regard li koumsa, se ki lentansyon letan nou donn pouvwar ki ozordi nou pou donn ACCS atraver sa 3, atraver bann provizyon prensipal ki sa Lalwa pe fer, se ki kolektivman koman en Nasyon nou pe dir annou lit kont sa problemn.

E yer *Bills Committee* letan nou'n zwenn, nou'n diskit longman *whether* son langaz legal ti apropiye e i annan lamannman ki'n ganny fer, pou asire ki lobzektif, merit, lentansyon, langazman nasyonal pou lit kont sa sityasyon, i reste primordyal.

E apre annou asire ki son langaz legal i pa kree bann konplikasyon. Be alor bann *test* i *ok* pou nou kapab pran sa risk.

E mon ava *borrow* en fraz *from* ansyen Prezidan Danny Faure. En risk kalkile ki nou ava regarde son lenplimantasyon, e si i annan problemn ACCS ava retourn devan Lasanble, nou ava re-amande, re aziste.

So mon napa difikilte ozordi personnelman, lo lapar bann dimoun Mont Buxton ki'n konfye mwan responsabilite pou reprezant zot dan Lasanble, pou mwan siport sa Mosyon, sa Prozedlwa, propozisyon lamannman ki devan Lasanble Nasyonal Mr Speaker.

E sa ki mon ava dir avek bann dimoun se ki i pa konsern bann dimoun ki napa lentansyon en zour dan zot lavi detourn Fon Piblik.

Sa i pe dil avek en kous nou sosyete, ki zot, zot pare pou pran - *to go down this path*.

E nou ki nou fer, nou reste debout an silans e presidir soutir sa bann keksoz ki arive o tour nou e ki afekte nou endividuelman?

Parske letan Fon Piblik i ganny detournen i afekte abilite Leta pou investir dan bann kominote ki sakenn de

nou isi ki'n ganny elekte direkteman, i reprezante.

E zis yer swar par egzanp mon'n swiv *interview* Mrs De Sylva dan Tet a Tet avek mon zanmi Patsy. E dan en deklarasyon ki in fer se ki *estimate* sityasyon SBFA R86 milyon pei in kapab perdi.

Be R85 milyon ki i reprezante? Ler mon get sa provizyon ki pe dir ki bann Lotorite Piblik enkli Rezistrar Zeneral ki la avek nou ozordi son lofis. Mon pe mazin osi *SLA, Licensing Authority, SMSA, ACCS*.

Ler nou get zot Bidze ki nou donn zot toulezan, R85milyon Mr Speaker i reprezant Bidze 5an pou *SLA*. I reprezant Bidze 6an pou *SMSA*. I reprezant Bidze 4an pou *ACCS*.

E pou lofis Rezistrar Zeneral i reprezant Bidze 4an, zis sa bann antite. So, alor i annan sa nesesite pou zot tou travay ansanm e donn en koudmen.

Par egzanp zot asiz ansanm, bokou zot sa bann *heads of* sa bann lorganizasyon lo sa Komite Nasyonal *AML/CFT*. Donk pou mwan zot deza sipoze annan en relasyon travay, kot zot sipoze dan tout konfidansyalite zot responsabilite ki zot annan, partaz serten lenformasyon e

donn en koudmen;- pe regard keksoz dan menm loptik.

Donk, mon napa difikilte Mr Speaker, ditou pou siport sa proze lamannman ki devan nou. E akoz mon war poudir i ranforsi nou mesaz koman en pei, ki la lot kont koripsyon e detournman Fon Piblik i en azanda Nasyonal ki, (mon a *borrow* en lot mo la, *from* en dimoun ki kontan dir sa lo televizyon) miltisektoryal.

Donk diferan antite pe lager ansanm pou menm bi. E avan ki nou demann sosyete sivil lo sa gran piblik pou donn en koudmen, me bann antite, bann Lotorite Piblik zot pran zot responsabilite.

Me *having said that* Mr Speaker, mon pa kapab mank loportinite pou dir, akoz Minis Finans i la, ler nou donn sa kalite responsabilite sa bann antite, nou met en travay an plis lo zot.

E alor lezot bezwen ganny resours, an term resours finansyel. *Recruitment* bann zofisye ki kapab fer sa bann travay *compliance* e *monitor* ki pe pase, pou zot kapab *effectively* desarz zot responsabilite.

E 2 zot ki la zot in vini pou Bidze, zot in dir sa konversasyon. Donk mon siport zot lo la. E alor sa ki mon ti anvi dir Mr Speaker. E mon pou donn mon sipor sa lamannman. Mersi.

MR SPEAKER

Mersi Onorab Henrie. Mon a remersye bann Manm pou gard limit 10 minit dan zot lentervansyon. Onorab Cosgrow ou annan laparol.

HON WALLACE COSGROW

Mersi Mr Speaker. Bonzour Mr Speaker. Bonzour Minis. Bonzour tou profesyonnel devan lo latab. Bonzour tou Manm MNA. Bonzour tou Manm piblik.

Mr Speaker, parey mon ti fer resorti dan mon lentervansyon Bidze letan ACCS ti vin devan Lasanble, mon ti remersi Mrs de Sylva pou sa travay ki i pe fer e ki Komisyon an zeneral pe fer pou lager kont koripsyon.

E mon ti asir mon sipor pou sa travay ki i pe fer. E se dan sanmenm loptik ozordi ki mon pe pran laparol pou mwan koz en pti pe lo sa *Bill* ki devan nou.

Annefe mon pou antre en pti pe dan sa ki Onorab ki'n koz avan mwan, Onorab Henrie in dir. Si nou mazin byen, *Bill* orizinal, ACCS ti ganny prezante an 2016. Sa letan ti en ansyen Gouvernman ki ti la, en diferan Gouvernman.

E i ti ganny aprouve par en Lasanble ki ti en lot mazorite sa letan. Ki ti lot kote latab ki ti dan Lopoziyon.

So i annan – mon kapab dakor ki i ti annan e konsansis lo kote Lezislatif sa letan ki ti ganny dirize par en Lopoziyon avek Gouvernman sa letan, pou nou *fight* koripsyon e pou nou tir koripsyon dan nou sosyete.

I en travay kolektiv. I en travay ki nou tou nou annan konsansis lo la. E parey Onorab in dir, i en travay ki nou devret pe fer ansanm.

Me an dizan sa osi Mr Speaker, i enportan ki ler nou pe fer sa travay, nou fer sa travay dan en fason ki byen. E letan nou amann bann Lalwa, nou amann bann Lalwa pou nou kapab donn sa zouti, sa pouvwar Komisyon, pou li kapab fer sir ki i fer son travay byen e ki i *successful* dan sa ki i pe fer.

Nou pa kapab donn li serten pouvwar apre ki i anmar son lanmen akoz pouvwar pa kler, ouswa pouvwar si oule i riske kree serten difikilte pou li *down the line* ler i pe egzers son travay.

Mon dir sa Mr Speaker bomaten, akoz yer mon ti *attend* osi en parti *Bills Committee* e en parti diskisyon lo sa Lalwa ki devan nou. E enn bann pwen kontansyon parey in ganny dir, i lo seksyon 60.

Seksyon 60 ki koz lo pouvwar ki donn Registrar Zeneral pou met serten

temporary (mon pa oule dir *seizure*) me selman *temporary stop* lo okenn tranzaksyon ki ganny fer a nivo son lofis, si i sispekte or i annan rezon pou krwar ki i annan en *case* ki pe ganny *investigate* par Biro Anti-Koripsyon.

E ki i santi i annan serten petet transfer ki pou al ganny fer, or ki pe ganny fer lo propriyete, lo bann drwa, lo *asset*, lo bann diferan keksoz, ki petet sa dimoun ki pe ganny *investigate* i annan.

Pou mwan Mr Chair, Mr Speaker, sa pou mwan i pa en problem. Pou mwan mon krwar sa i normal. E mon krwar si i pou donn lafors Komisyon Anti-Koripsyon, mon krwar i enportan ki sa bann keksoz i kapab ganny fer.

Me, parey mon ti fer resorti yer dan diskisyon, e mon oule fer resorti ozordi dan Lasanble Nasyonal, lafason ki nou fer li i enportan.

Ozordi sa Lalwa ki la, sa lamannman dan Lalwa i pe fer provizyon pou ki Rezistrar i kapab akte baze lo en lenformasyon ki li i annan. I pa neserman en lenformasyon ki sorti kot Biro Anti-Koripsyon.

E la nou dan deba, nou ti pe koz lo par egzanp si Rezistrar i war en serten - par egzanp en *news item* konsernan en endividi ki pe

ganny *investigate*. Mon pa konnen si apre deba in al lot direksyon. Me selman sete sa.

The gist of sa deba sete ki si Rezistrar i annan rezon pou krwar ki poudir en tranzaksyon i bezwen ganny fer arete, *then* i kapab fer li.

Me Lalwa i dir ki i bezwen apre, avan 3 zour or *within* 3 zour, i bezwen fer sir i kontakte Komisyon Anti-Koripsyon e *ascertain* ki sa i le ka. E Anti-Koripsyon i annan en serten letan pou li kapab *reply* Rezistrar e zot kapab fer bann *process*.

Le problem i vin ek sa zafer '*reasonable grounds*.' *Now*, konmsi, eski nou pou akte - eski nou pou akte lo, konmsi en sityasyon kot i pa sorti direktman ofisyelman kot Anti-Koripsyon? Sa i mon konsern. Petet nouvo deba ki zot in gannyen zot in ganny serten lamannman ladan. Me si sa i le ka, *then* mon ava ekout zot bann diskisyon apre.

Me solman mwan mon santi ki sa i bezwen sorti direktman kot *CEO* Anti-Koripsyon pou donn sa lenstriksyon. Akoz se li ki konn son *case*, li ki konnen ki mannyer keksoz pe deroule.

So Mr Chair mon annan en lot seksyon ki mon anvi koz lo la en pti pe. E sa i annan relasyon avek seksyon 64.

Kot Biro Anti-Koripsyon i osi kapab reprezant son lekor

pour, ouswa servi en profesyonnel pou reprezant li Ankour. Ouswa en *Attorney-at-Law* ouswa bann lezot profesyonnel.

Now, ler nou pran sa nou met li dan konteks ozordi, nou war, e mon ti demann sa keston pandan bann letan Bidze. Nou war ki i annan ozordi lezot profesyonnel pe travay avek Biro Anti-Koripsyon.

E i annan sa bann profesyonnel ki pa'n neserman Seselwa. E ozordi mon santi sa provizyon Lalwa petet i pe vin en pti pe *retrospective* pou kapab, petet mon mal.

Me selman sa ki mwan mon santi ler mon pe lir sa, *retrospective* pou kapab sey regulariz en pti pe bann *events* ki'n arive. E prezan nou pe fer provizyon Lalwa pou *cater* pou sa ki'n arive.

E petet Minis apre i ava kapab reponn mwan lo la si sa i le ka. Me solman mon krwar nou devret pran en pti pe pli *proactive*. Petet prepar nou lekor avan e akte dapre Lalwa.

E si ti annan nesosite pou fer par egzanp, annan serten lezot dimoun reprezant Biro Anti-Koripsyon Ankour. *Then* sa ti ava'n fini an akordans avek Lalwa.

So Mr Speaker mwan mon 2 konsern i dan sa 2 seksyon. Me selman an dizan

sa, si nou'n kapab ganny klarifye en pti pe lo la - an dizan sa, mon dakor ki nou bezwen travay ansanm pou lit kont koripsyon.

E parey in ganny dir, koripsyon, larzan ki'n ganny pran dan Fon Piblik i kree problem *down the line* pou bann lenvestisman ki ti a kapab ganny fer pou piblik Seselwa.

So as long as ki nou kapab dakor ki bann keksoz ki pe ganny anmennen dan sa Lalwa, i pe ganny anmennen pou de byen. *Then* mon napa gran problem.

Me solman mon anvi ki sa i 2 pwen ki mon'n fer i ganny klarifye en pti pe, ki mannyer nou pou *apply* li dan la pratik. Avek sa Mr Speaker, mon ava aret la e petet mon ava kontribye si i annan okenn langaz pou sanze dan staz teknik. Mersi.

MR SPEAKER

Mersi Onorab. Nou a ekout Onorab John Hoareau.

HON JOHN HOAREAU

Mersi Mr Speaker. Bonzour Mr Speaker. Bonzour tou Manm, bonzour Minis ek ou lekip. Bonzour tou dimoun a lekout.

Mr Speaker bann lamannman ki'n ganny propoze dan sa Prozedlwa, pe donn pli aminisyon Rezistrar Zeneral e bann lezot bann

Lotorite Piblik parey *Licensing*, *SMSA*, *SFA*, Lotorite Servis Finansyel.

Setadir bann ki anrezistre, sa ki nou apel propriyete mobilye, oubyen propriyete imobilyer, oubyen bann *Trust Funds*, pou ede konbat koripsyon.

Mr Speaker, konba kont koripsyon i en lager antoure. Parey Komisyoner Anti-Koripsyon ti fer mon rapel zour Bidze, i dir nou san en lapros kordinen, nou pa pou kapab ekspekte sikse.

Sa *Bill* i enn ki pou servi sa moman, e osi pou servi bann letan ki pe vini. Nou kontan dir sa dikton an Kreol, “lakord ki anmar bef rouz i anmar osi bef nwanr.” Alor nou bezwen reste prop, ler nou pran en responsabilite dan lofis piblik.

I en Lalwa ki pou sa ki'n arive dan lepase, e pli enportan pou anpes sa ki'n arive repet son lekor, dan lefitir.

Mr Speaker sa Lalwa i anliny avek sa ki nou apel *good governance*, latransparans e rann kont. Pour nou kapab konpran tre byen merit sa lamannman, fodre ki nou konpran, ki fason Lalwa i ete an se moman. Ki nou pe sanze, ki mannyer nou pe amelyor li.

Anba 84(1) *Land Registration Act*, i donn

lotorizasyon, Rezistrar Zeneral, pou li kapab restrikt laplikasyon transfer. Me sa fodre fer byen konpran i zis, pour bann later ki tonm anba nouvo rezis.

Alor ler en propriyeter i vin transfer en later, ki pa anba nouvo rezis, anba nouvo *Land Registration Act*, vedir nouvo rezis, oubyen ki sa later i pe ganny transfer par *transmission of death* oubyen en propriyete ki anba en lakonpanyen ; - oubyen en propriyete ki annan en *lease* lo la, lanmen Rezistrar Zeneral, i reste anmare.

I bezwen anrezistre sa transfer, menm si i annan lenformasyon rezonnab, ki sa propriyete i anba lenvestigasyon. Sa i en *loophole*, ki vreman serye. Akoz en dimoun i kapab transfer later, menm si i anba lenvestigasyon, koripsyon.

Avek sa lamannman, ki pe ganny propoze, Rezistrar Zeneral, oubyen nenport Lotorite Piblik ki anrezistre propriyete. I kapab bato, i kapab loto, i kapab later, larzan, lakaz, batiman, i kapab retar sa lanrezistremman pou anpes sa propriyeter ki anba lenvestigasyon dispoz sa propriyete vitman.

Sa lanrezistremman i kapab tarde par 3 zour. E la, Rezistrar Zeneral i a rod en lakonfirmasyon avek Anti-

Koripsyon. E apre sa, si sa lenvestigasyon, i enn ki reel, sa retar i kapab ogmante par 30 zour, san ki i donn okenn rezon.

Petet lamannman ki'n ganny propoze ki'n ganny sirkile dir, san ki i donn okenn rezon pou donn sa kliyan okenn *tipoff*, lo sa retar.

Sa dan li menm i pou ede pou kit konfidansyalite sa lenformasyon lo lenvestigasyon. Akoz si ou pe *investigate* en dimoun, an menm i pa e fer sa bann keksoz, ou pa kapab fer li konnen poudir ou pe *investigate* li.

I pou fer sa keksoz pli vit, i pou *dispoze* son bann *assets*, dan en fason ki pli tar i pou vin difisil pou ou kapab *recover* sa bann *assets*.

Mr Speaker, anba *Clause 63(c)* sa Prozedlwa. I pe osi donn Komisyon Anti-Koripsyon pouwar pou *assign* en dimoun, ki pa neseserman en Avoka. Me ki kalifye, oubyen li menm li Komisyoner avek lotorizasyon pou prosekit bann ka koripsyon.

Sa dimoun pou bezwen pret serman devan Sef Ziz, oubyen en Ziz Lakour Siprenm. Sa pou rann sa lorganizasyon pli efektiv. E petet redwir kou operasyonnel, e lezot depans relye avek prosedir ler ou anploy en Avoka, oubyen bann

lezot kou ki asosye avek prosekisyon.

Mr Speaker sa Prozedlwa i enn ki pou amelyor lafason ki bann Lotorite Piblik e Rezistrar Zeneral i kordinen, e ede pou konbat sa mons ki nou apel koripsyon.

Mr Speaker, mon pa pou long lo sa size, me mon a remersi ou. Mersi.

MR SPEAKER

Mersi. Mon pas laparol Onorab Loze.

HON JOHAN LOZE

Mersi Mr Speaker. Mr Speaker mon kontan ki ozordi bomaten enn bann premye entervenans, in fer kler ki lo sa size anti-koripsyon, in annan en konsansis dan sa Lasanble depi lannen 2016. Menm si nou *proceed* apre poudir ki Komisyon Anti-Koripsyon i nouvo - i pa nouvo, in la depi lannen 2016.

Me lenportans mesaz se ki, sa bann travay dan sa Lasanble in ganny fer annakor. In toultan annan en *across the isle consensus*, ki nou fer li ansanm dan en fason bipartisan.

E nou pa'n zanmen annan bann gran lager e diskord isi dan sa Lasanble, letan i ariv pou lager kont koripsyon dan nou pei. I annan bann dezakor ki nou kapab annan lo prensip, lo

mo, lo bann *wording*. E sa nou bezwen trouv en *way forward* lo sa bann keksoz.

I annan bann pti dezakor tradisyonnèl, ki nou'n toultan annan. *LDS*, par lepase, in toultan montre ledwa lo nou letan nou'n pas en *Bill* san dele letan, kot nou'n bezwen *waive* dele letan normal.

Mon krwar la ki zot dan gouvèrnans, zot pe aprann serten leson. Zot pe aprann ki manner i fer pou gouvèrn en pei. Ki zot menm zot aprezan zot bezwen vini, refer menm keksoz. Ki nou agree avek zot. Nou konpran.

Nou pa pou montre ledwa lo zot, nou pa pou obzèkte. Akoz i bann nesèsite, i bann realite, ki zot bezwen fer fas avek, ozordi ki zot dan gouvèrnans pei.

E egalman in annan dimoun dan lendistri ki'n ganny dir en kantite keksoz par lepase, par zot parti. Ki ozordi *as we progress, as we go along*, sirtou bann dimoun dan diferan lendistri pou aprann ki bann keksoz ki'n ganny fer dan lepase, ti normal, ti ann akordans.

E ozordi zot menn zot vini, zot in dir. Depi 2012, i annan bann lenpozisyon ki'n ganny mete dan nou pei, annakor avek bann *framework, AML/CFT*. Ki nou'n komans fer. Nou'n fer anmezir, e ki zot aprezan zot

pe kontiny sa bann travay. Menm si dan lepase zot ti obzèkte.

E zot ti dir bokou keksoz, be ozordi nou konpran. Nou pou travay ansanm avek zot, nou pou travay annakor avek zot.

E se sa ki mon ti dir, dan mon *speech* Bidze, mon ti dir dimoun atann. Esper Desanm i annan bann *Bills* ki pe vini, la kot zot pou vwar ki savedir travay ansanm. E nou pare pou travay ansanm avek zot, parske nou toultan fer li, kot i nesèser, e kot ki bon pou nou pei.

Mr Speaker, 64(B) "*Subject to article 76 of the Constitution, the Commission may discontinue any proceedings instituted under section 64, at any stage before the delivery of the judgement by the Court.*" Sa pou bezwen ganny eksplike *Minister*.

Pou bezwen ganny eksplike e ganny eklèrsi avek nou pep. Mon pe dir eksplike, mon pa pe dir ki bezwen ganny tire ouswa, mwan personnelman mon annan problemm avek.

Be i en keksoz ki pou bezwen ganny eksplike. I pou bezwen ganny eksplike ozordi. E probableman zot bezwen fer legzersis e eksplik li ankòr.

Akoz sa provizyon ki la, *harks back to Charita*. Se sa *issue* ki pou leve avek sa. Kot

Charita ti annan provizyon legal, kot en personn i kapab *turn state's evidence*. En akize i kapab *turn state's evidence*. La nou annan nou en lot keksoz, ki vini, kot “*any proceedings instituted under section 64, at any stage before the delivery of the judgement by the Court.*”

So i bezwen leksplikasyon. Nou pep pou bezwen konpran byen, kwa egzaktaman ki zot pe sey fer. Ki lentansyon ACCS par deryer. E rezon mon pe dir, lentansyon ...

MR SPEAKER

... en moman. En moman Onorab. Avan ou al pli lwen, ou'n mansyonn en ka. Mon krwar i pou pli apropiye ki sa deba i kontinyen san mansyon ka spesifik, ki Ankour.

Mon krwar nou kapab fer bann pwen ki neser san sa. Mersi ou a kontinyen.

HON JOHAN LOZE

Mon pa pe koz ka ki Ankour. Mon pe koz lo en vye *case*, ki son ...

MR SPEAKER

... wi, nenport.

HON JOHAN LOZE

... ki son *shadow*, ki'n arive dan sa vye *case* ...

MR SPEAKER

Nenport, nenport *case*.

HON JOHAN LOZE

... ki kapab ganny *thrown over*. En keksoz ...

MR SPEAKER

Nenport, *case*.

HON JOHAN LOZE

... ki son lentansyon pa move.

MR SPEAKER

Onorab kontinyen.

HON JOHAN LOZE

So be mon ti'n fini nonmen. Ti'n fini *anyway*. So mon lot pwen ki mon annan pou fer, se sa enn ki Onorab Cosgrow in al en pe an detay ladan, lo kekyon *Registrar*. Sa bout “*on his, or her own motion restrict the registration or stamping of any instrument.*”

Sa nou bezwen trouv en fason. Akoz nou lentansyon isi anndan ozordi, se pou *empower ACCS*, e donn li zouti ki li i bezwen pou fer son travay. A la menm enstan koman Lezislater, nou pa kapab kree en sityasyon kot demen prezonpsyon linosans en sitwayen Sesel i ganny pyetin lo la.

E sa sitwayen Sesel i vire, i montre ledwa lo Lasanble e tou son bann Manm. E i dir avek nou poudir nou ki'n kree sa sityasyon lenzistis. Nou ki'n anmenn sa lo li, par

lafason ki nou nou'n mal fer nou travay.

So nou bezwen *find a way forward* ki pou *accommodate both ACCS*. E sa pilye Konstitisyon Sesel ki dir ki pou annan en prezonpsyon linosans lo en nenport endividi, Sesel, Seselwa ki ganny okenn - ki ganny akize, ki ganny met dan bok.

So ACCS li en;- i bezwen eksplik son lentansyon kler pou Seselwa konpran. E nou Lasanble par nou bann travay ki nou annan pou fer, nou bezwen *find a way forward* ki nou kapab viv avek nou tou. Ki kapab permet nou tou agree e bouz devan avek en bon fason al an avan, avek sa travay ki devan nou la ozordi.

Mon le tou dimoun i konpran byen. Nou napa lobzeksyon. Nou napa okenn gran dezakor antre nou. E i annan keksoz ki bann pti dezakor, bann pti dezagreman, bann pti kestyon ki nou annan.

Sirtou konsernan zot lentansyon lo serten keksoz ki nou, pa pe vreman met devan pou retard travay. Akoz mon konnen zot annan bokou pou fer. Nou konnen bann lendilzans ki larealite Sesel pe enpoz lo zot ozordi.

So not to be petty, alors nou pou gard serten keksoz. Me bann lesansyel nou kestyonnen, e nou egzize ki zot

eksplike. Pa eksplik pou nou, be eksplik pou pep Seselwa ganny en konpran, kler, lo kwa ki zot anvi fer. E kwa ki lentansyon par deryer. Mersi Mr Speaker.

MR SPEAKER

Mersi Onorab. Mon rekonnèt prezans 2 zofisyè ki'n zwenn nou, Mr Srinivasa Rao - *Assistant Principal Legal Draftsperson* dan *AGs Office*. E osi Ms May-Paule Rabat *Policy and Compliance Coordinator* dan ACCS.

Mersi pou zot prezans. Pou kontinyen, mon a pas laparol Onorab Clifford Andre.

HON CLIFFORD ANDRE

Mersi Mr Speaker. Bonzour Minis, delegasyon, tou Manm Onorab e dimoun ki a lekout. Mr Speaker Lalwa ki enn nou manda konman en Lasanble, i bann eleman ki dinamik.

I pa pou normal si nou fer en Lalwa apre nou kit li la, letan keksoz dan lemonn pe kontinyelman evolye pran en lot dimansyon e nou, nou reste avek en Lalwa.

Anti-Koripsyon in ganny kree avek en bi pou li konbat kont koripsyon. E nou tou nou devwar se pou konbat kont koripsyon. E pou nou pa siport koripsyon, akoz i annan bann kou ki vin avek, ki nou

pei i perdi e an retour se nou ki perdi.

Mr Speaker sa Lalwa ki devan nou, i pe ganny anmennen avek bi pou fer nenport ki dimoun i ganny en responsabilite e ki annan akse avek fasilite - nou dir fasilite akoz i kapab ou pe fasilite en program, en tranzaksyon. Pou nou pa fer li dan en fason ki nou pei ki pou perdi e nou, nou pou ganny larzan anba lata.

I annan bokou keksoz dan nou pei. Nou bezwen et fran Mr Speaker ki'n arive kot investiser in vini, e nou vwar li son proze pe ganny *delay* oubyen menm Seselwa proze pe ganny *delay*, i bezwen pey anba lata pou serten proze pase oubyen serten proze i ganny pase avek bi pou pran larzan.

So sa i bann keksoz ki pa devret arive dan lezot pei. Letan ou pran responsabilite - ok Minis Finans i la. Minis Finans i annan akse avek nou finans. Finans pep Seselwa. Fodre ki pa ki en Minis oubyen en lot dimoun dan son Departman i letan nou, nou ganny en keksoz oubyen i annan en sityasyon ki nou pe vwar nou pe servi nou pouvwar, pou nou akse sa larzan.

Yer nou'n ganny dir dan Lasanble letan ansyen Minis

Finans ti vini ti dir nou poudir *SBFA* i apepre 80milyon.

Yer nou'n tann Mrs De Sylva in dir nou e mwan mon'n ekout sa *interview* avek bokou pasyon. Mon'n tann dir i annan 85. Konmsi mon'n dir i annan 5milyon an plis;- ki kekfw ki in vwar sa bann envestigasyon.

Me sa i montre nou poudir letan i annan en pozisyon Lotorite, nou pa devret *misappropriate, oubyen mishandled*, oubyen pran larzan piblik, oubyen donn nou galan larzan piblik, kennsel en *loan* bomaten, pran en lot apre midi. I bann keksoz ki nou pa devret fer akoz labi pouvwar i apele sa.

E parey *the saying goes* i dir ou koumsa "pa les" - "*don't let power gets to the head.*"

E letan nou pe get sa bann lamannman Mr Speaker ki'n anmennen, Onorab Loze in koz lo '*discontinuance of a case*' - 64B. Mr Speaker sa i en keksoz in dan Lalwa. I dan Lalwa kot en *case* i kapab ganny anmennen kont en dimoun, me i kapab annan diferan rezon akoz en *case* i ganny diskontinyen.

I kapab annan en *plea bargain*. I kapab annan temwen ki mor, i kapab annan dokiman ki nepli relevan.

So sa i en pouvwar ki *Attorney Zeneral* a ler aktyel i annan, e mon pa vwar okenn

konsern e problem pou donn sa Lotorite avek Anti-Koripsyon. Akoz si pe fer prosekisyon, i bezwen annan menm pouvwar avek en *prosecuting authority* ki dan sa konteks *Attorney Zeneral* ki anmenn bann *case* lo lapar repiblik, pou li osi tir bann *case* si i vwar i neserer.

Me sa mon asire ki i pa en pouvwar ki pou ganny egzerse dan son mazorite. Nou konnen poudir i pe anmenn en *case*. E letan pou fer lenvestigasyon pou anmenn en *case*, ou bezwen annan ou bann levidans e i rar ki sa pou ganny egzerse.

Me selman i en keksoz ki ou bezwen donner. E sa pouvwar i osi egziste si en dimoun in ganny Lotorite avek en Lakour pou li fer *private criminal prosecution*. Anba Lalwa ou kapab fer sa. Me selman ou kapab osi tir sa *case* si ou vwar ou pa pe al okenn par, oubyen ou pa pe ou pa pou *attend* sa bi ki ou ti anvi.

So mon ti anvi eksplik sa, akoz dan mon profesyon, mon'n fer leksperyans avek sa provizyon Lalwa. E mon krwar i enportan ki okenn *prosecuting authority* i ganny sa pouvwar, akoz ou pa kapab zis *institute* apre i pa'n donn ou sa pouvwar.

Prezan si ou vwar ou kapab ou bezwen tire ou pa kapab tire.

Alors mon vwar son relevans ki in ganny mete la.

Letan nou pou vin lo konteks Rezistrar Zeneral, i kler ki nou'n -. Nou'n annan en diskisyon vreman, vreman enteresan dan prezans bann *sponsor*. Kontrer mon ti ava kontan remersi tou bann Manm ki'n pran zot letan yer, e pou *attend Bills Committee*, kot zot in vwar nou'n esey adres bann konsern ki'n relevan. Rezistrar Zeneral ti la, Mrs De Silva ti la, SS Payet ti la e lezot Manm *Bills Committee* ek bann ki'n vini, nou ti ava kontan dir zot mersi.

E nou'n sey rod en mwayen pou nou *accommodate* bann konsern ki'n ganny leve. Me parey Onorab Henrie in dir, letan nou pe esey *accommodate* sa bann konsern ki, eski Rezistrar Zeneral lo li menm i kapab fer serten keksoz?

I santi ki oubyen bann lezot antite pa zis Rezistrar Zeneral, be lezot Lotorite ki konsernen avek rezistremann bann dokiman parey loto, later, lakaz, bato ensidswit. Ki mannyer zot, zot kapab letan zot annan serten lenformasyon? E byensir sa bann lenformasyon an vi ki ACCS son tim i ptipti e se sa ki

nou bezwen vwar. Nou bezwen vwar *magnitude of bann case* koripsyon, pou nou kapab *beef up* resours imen, finansyel ki ACCS i bezwen pou li kapab dil avek sa bann *case* ki nou konman pep Seselwa, nou oule zot dil avek.

Alors dan sa bann konteks sa bann Lotorite zot, zot si zot annan serten konesans, i dir ki zot kapab tenir - i pa dir ou i pe *freeze* oubyen i pa pe fer. Me i pe tenir serten dokiman ki ti'n kapab ganny anrezistre.

Akoz nou bezwen onnet avek nou lekor, ki letan dimoun i *involve* avek *corruptive practice* i sey fer mannyer remet sa larzan dan bann lezot *assets*. Apre si i konnen i annan *investigation* kont li, i pou sey rod en fason pou li *dispose of* sa bann *assets*. Transfer sa bann *assets* lo bann lezot dimoun, pas pase pas pase ensidswit, ki posibleman finalman *access* pou sa propriyete retourn avek kot i sipoze ete, i vin pli difisil.

Me selman par kont napa nanryen dan Lalwa ki anpes en tranzaksyon ki'n ganny pase si i ganny vwar konman en tranzaksyon ki pa ti'n devret ganny pase, oubyen en tranzaksyon ki relye avek larzan sal. Savedir nou pe dir *money laundering*, fer en aplikasyon avek Lakour pou sezi sa *assets*! Napa nanryen

Lalwa i kler, Lalwa i la e i kapab ganny egzerse.

Me selman an vi ki *magnitude* serten *case*, i enportan ki nou donn sa Lotorite avan, oubyen letan i annan konesans serten lenvestigasyon pou li kapab met en *temporary* - nou apel sa en *temporary freeze* lo okenn tranzaksyon an referans avek sa bann dokiman.

I kapab pa tou ki i pou gannyen. Pa tou ki pou annan pou li vin avek, me selman apre i bezwen al konfirm sa avek Komisyon Anti-Koripsyon.

So i pa senpleman relye avek en lenvestigasyon. Me selman i bezwen konnen poudir i annan en lenvestigasyon an referans avek ki pe ganny fer plito par Anti-Koripsyon.

So mwan letan mon pe gete, i pa en i pa en keksoz ki parler ou dir i dezirab, me selman nou bezwen fer. Me parey in ganny dir nou bezwen larger antoure kont Koripsyon.

Nou konman en Lasanble nou bezwen pas bann Lalwa ki pou ed sa bann antite pou *strengthen* zot pozisyon. E sa bann antite zot menm, zot bezwen fer sa travay ki nou nou'n donn zot pou fer.

E si i annan lamannman pou fer, zot bezwen vin kot nou, al kot Gouvernman an

premye lye, apre vin kot nou, eksplik nou akoz sa bann keksoz i bezwen ganny fer.

MR SPEAKER

Ou'n ariv 10 minit Onorab.

HON CLIFFORD ANDRE

Mr Speaker mon pe al terminen la.

MR SPEAKER

Mersi wi.

HON CLIFFORD ANDRE

Mr Speaker zis pou nou koz lo lenvestisman, mon pa krwar letan ou annan en *Anti-Corruption Commission* ki annan ledan, nou ti dir donn li ledan pou li morde, e sa pou anpes lenvestisman. O kontrè Mr Speaker i pou ankouraz lenvestisman.

Avek sa detrwa mo Mr Speaker, mon oule donn mon lasirans Minis e ACCS ki mon pou sipòrt sa lamannman. E i annan bann lamannman ki nou'n fer lo la ki pa sibstansyel nou'n sirkile, ki pran konsiderasyon sa ki Onorab Cosgrow ti dir.

Avek sa de mo Mr Speaker mon ti ava kontan remersye ou. Mersi.

MR SPEAKER

Mersi Onorab. Mon ava apel Onorab Sebastien Pillay.

HON SEBASTIEN PILLAY

Mersi Mr Speaker. Bonzour e bonzour delegasyon Minister Finans ki la, Komisyoner e *Registrar General*, SS Payet. Mersi Mr Speaker pou donn mwan laparol bomaten.

Akoz mon krwar ki nou bi bomaten se fer sir ki ler Komisyon Anti-Koripsyon i sorti devan nou la ozordi, nou'n donn li e Lalwa ki solid, me en Lalwa osi ki pa anmenn Komisyon Anti-Koripsyon dan en sityasyon, kot si i pou anmenn aksyon kot okenn endividi son aksyon li menm i kapab ganny *challenge* anba Konstitisyon.

E kree - si oule annan en - vin *counterproductive* dan travay ki nou pe investir nou lekor pou fer la dan bomaten.

Premyerman Mr Speaker mon oule konmans lo serten premiz. Mon bann premiz ki mon pou konmans lo la Mr Speaker, premyerman i relye avek Lartik 19 nou Konstitisyon, Lartik 26 nou Konstitisyon e Lartik 27 nou Konstitisyon.

Premyerman Lartik 19 i dir nou koumsa poudir okenn dimoun ki'n ganny sarze ek en lofans, i annan en drwa ziska sa sarz i ganny retire, *to offer a hearing* dan en letan rezonnab, me par en Lakour ki endepandan, e enparsyal ki'n ganny etabli par Lalwa.

Sa i enportan, aköz sa i enn bann drwa fondamantal ki sak sitwayen i annan. E si nou get byen sa Lartik, sa Lartik i koz lo en sarz ki'n ganny mete. Mon pou al direk prezan dan nou largiman an se ki konsern serten provizyon lamannman sa Lalwa ki nou pe fer la.

E annou regard par egzantp provizyon lamannman ki i annan pou fer avek sa restriksyon ki nou pe demann Rezistrar pou mete lo en propriyete, baze lo si i annan soupson ki sa i kapab en *case* ki pe al devan Komisyon Anti-Koripsyon, oubyen i en lenvestigasyon?

Fodre nou a note ki sa lamannman pa koz lo en sarz ki'n ganny mete kont sa dimoun. I koz lo en lenvestigasyon.

So for all intent and purposes, sa dimoun i ankor inosan. Prezan si nou vin anba Lartik 26 Konstitisyon, anba Lartik 26 tou dimoun i annan drwa annan propriyete e pou li *dispose* son propriyete ki li i annan.

Now mon konpran aköz sa lamannman i bezwen vini. Me nou bezwen fer sir konman Lasanble, ki nou donn *the best* lamannman Komisyon Anti-Koripsyon ler i sorti la.

Rezon mon dir sa aköz si nou regard Lartik 26 e nou bezwen lir li avek Lartik 27 e

nou pou vwar e Lartik 27 i garanti tou sitwayen menm proteksyon devan Lalwa.

Si en sitwayen ki pa ankor sarze i ganny *presume innocent*, aköz alors en sitwayen ki pe ganny *investigate* par Komisyon Anti-Koripsyon pa ganny *presume innocent* e son bann d drwa pa ganny respekte parey?

Sa i vin en problem pou nou, aköz si nou get byen en lenvestigasyon an se ki konsern koripsyon, e en sarz ki konsern koripsyon i en sarz ki anmenn en *threshold in terms of* - pa zis kriminalite - me en *threshold* - en lenpak repitasyonnel lo pwennvi repitasyon sa dimoun i enn ki tre signifikan.

E i signifikan pou nou e i relevan pou nou deba, aköz sa i pou anmenn nou pou konsider en lot provizyon legal ki'n ganny mete, e sa se sa diskisyon otour lartik 76 nou Konstitisyon ki'n ganny met devan nou.

So si nou pran premye lye Mr Speaker, sa premye provizyon lamannman ki koz lo sa restriksyon ki Rezistrar i bezwen mete. Ler nou regard Lalwa ki permet anrezistremant later, e la kot mon krwar poudir Gouvernman pa'n fer en travay konpreansiv an se ki konsern sa lamannman ki zot pe anmennen.

Ti devret annan en provizyon ki anmennen lamannman, an se ki konsern restriksyon anba Lalwa *Land Registration*.

Akoz anba sa Lalwa i dir ou pou prevansyon okenn frod oubyen en *improper dealings*, oubyen anba okenn *sufficient cause*, Rezistrar i kapab met en – an kourt i kapab met en restriksyon. Ok pou en peryod, *occurrence* eksetera.

Me ki sa i dir ou, i dir ou poudir ki sa dimoun ki sa restriksyon in ganny mete kont li, i annan toultan en drwa pou li fer en *appeal*, oubyen rod en rekour.

E si nou swiv an se ki konsern kosyon, restriksyon - tousala i annan en *right* pou en dimoun fer en *appeal* avek Rezistrar, ki li menm i antite legal kree anba Lalwa.

Zisteman paret Komisyon Anti-Koripsyon. E se la kot mon prevwar i riske annan en konfli e en *challenge*.

Akoz en keksoz ki nou bezwen veye, en dimoun *ok* meton en dimoun in fer koripsyon e in anrisi son lekor atraver koripsyon;- i annan larzan, i annan mwayen pou li fer vini *the best* Avoka. E *the best* Avoka pou *challenge* tou pwen legal. E enn bann pwen legal ki vreman serye toultan ki en *case* i kapab tonbe lo la, se en pwen konstitisyonnel.

E mon santi poudir menm ler mon pe regard provizyon lamannman ki'n ganny fer par *Bills Committee* (mon remerci *Bills Committee*) pou sey rod sa *middle of the way solution*.

Mon santi pou mwan poudir i kree serten difikilte e i ekspoz - e la mon bezwen dir i ekspoz Komisyon Anti-Koripsyon, aköz la li i pou bezwen *divulge* lenformasyon.

Akoz se li ki vin sa *initiator* sa restriksyon. I pa Rezistrar ki *initiate* sa restriksyon, se li ki bezwen *initiate* sa restriksyon!

E nou tou nou konnen lenformasyon si i konsern en *case* koripsyon, i kapab *jeopardize* the *successful Commission* of sa *case*.

E nou bezwen fer sir konman Lasanble bomaten. Annou pa zis ferm lizye e dir nou pe pas zis en Lalwa, nou pe donn Komisyon Anti-Koripsyon. Non. Annou gete si nou pa pe ekspoz Komisyon Anti-Koripsyon dan en fason ki pa neserer, e kot nou kapab *strengthen* sa bann lamannman ki pe vin devan nou.

So pou mwan mon krwar i bezwen annan en lesplikasyon *from panel*, lo ki mannyer nou pou *go about* sa zafer sa restriksyon. Me sa ki osi enportan, se ki ler sa restriksyon i ganny mete,

Rezistrar pa kapab zis initilman;- par egzanp si later Onorab Georges pa anrezistre sa tranzaksyon. I pou bezwen met an ekrire.

I pou bezwen fer rantre sa restriksyon. Akoz sa i *equal treatment* anba Lalwa ki en dimoun ki son *case* pe ganny *investigate* par Komisyon Anti-Koripsyon, en dimoun ki pe ganny *investigate* pou trafik drog, en dimoun ki pa'n fer okenn lofans.

Until ki zot ganny sarze pou sa bann lofans zot *presume innocent*. E *until* ki zot ganny *convicted* sa bann lofans tou le trwa i annan menm drwa.

Se sa nou problem nou annan. E nou bi nou ozordi se fer sir poudir *whatever* aksyon Komisyon Anti-Koripsyon i anmennen dan son travay, nou pa ekspoz Komisyon Anti-Koripsyon initilman *from* en *blow back* - en *push back* sorti kot sa endividi ki dapre li i sipoze pe *investigate*.

E mon krwar i pou enportan ki nou regard byen sa Komisyon legal e nou etabli en *way forward* avek sa. E mwan mon anvi rod en *way forward*. Mon anvi asire ki mon konpran, lentansyon Komisyon Anti-Koripsyon. Akoz lentansyon lo lot kote, se pou si par egzanp en endividi i konnen i pe al *investigate* par Komisyon Anti-Koripsyon, i

annan en propriyete ki *dispose of* sa propriyete, akoz Lalwa i permet i fer li.

E zour Komisyon Anti-Koripsyon pou vin rod sa propriyete, in fini ganny *dispose of*. So mon krwar Lasanble i apresye difikilte ki nou ladan, lo en kote en pwen i vini e pwennvi legal konstitisyonnel eksetera, me dan en lot kote travay ki Komisyon i bezwen fer.

E nou, nou bezwen rod sa balans ki permet ki si en *asset* in ganny *acquired* atraver koripsyon, sa *asset* i kapab - aksyon i kapab ganny mete lo sa *asset* pou ki sa *asset* pa sorti.

E nou konnen poudir later i enn bann *assets* i kapab ganny servi. I kapab ganny servi. En dimoun i kapab servi sa larzan ki'n gannyen atraver bann aksyon koripsyon pou aste later, pou aste *building* pou fer *whatever, whatever, whatever*.

Sa napa okenn referans avek okenn *case* ki Ankour, me i annan referans avek nenport ki sityasyon ki pou *involve* en Komisyon Anti-Koripsyon. Parey par egzanp nou'n vwar an *Sud Afrique* an se ki konsern *Public Protectors Office* ler i ti pe *investigate* Prezidan Zuma.

So sa i mon premye pwen an relasyon ek premye provizyon lamannman Mr

Speaker. Prezan ler mon desann e la mon pou eksprim ankor enn fwa serten konsern avek Komisyon.

Ler nou vin lo *criminal proceedings*. E nou vwar *instituted as referred to as Republic Versus or Anti-Corruption Commission Versus* -.

Ou konnen ki mon pa oule e mon pou dir fran mon pa oule. Mon pa oule ekspoz Komisyon *from en cause of action* an retour en *case* ki pa'n *successfully completed*.

Komisyon Anti-Koripsyon i anmenn sa *case* lo *behalf* Larepiblik Sesel pa lo son *own revolution*.

Mon krwar nou bezwen *careful* la *Commissioner*. Akoz ou bezwen protez Komisyon! Ou pa ekspoz li initilman. En *case* ki Komisyon i gannyen kont li, i met *in jeopardy* okenn lezot *case* ki pou anmennen kont li! Me en *case* ki Larepiblik i gannyen kont li, sa i Larepiblik ki pe fer son travay.

E mon krwar i enportan pou nou sitye byen nou largiman ozordi bomaten Mr Speaker, akoz nou bi se fer sir nou annan en Komisyon Anti-Koripsyon ki kapab kontinyen fonksyonnen, e non pa pe pas son letan pe lager kont bann *counter suit* ki kapab annan kont li Ankour. *This is*

important pou nou konsidere bomaten.

E ler mon vin lo sa pwen '*discontinuance of proceedings*' anba Lartik 76, mon krwar nou pou bezwen etabli en *way forward* ek sa zafer la. Ler mon lir Lartik 76 mwan i aplik pou - i an relasyon avek bann ka kot *Attorney Zeneral* pa *involve* e ki in ganny *instituted* par en Lotorite.

Me Lartik 76 i osi dir nou ki sa i bezwen ganny fer *with the leave of the Court*. E ki i manke dan sa provizyon.

Met apar largiman ki'n ganny anmennen par Onorab Loze, mon konsern i se ki *once* Komisyon in *institute proceedings*;- par egzanp meton in *instituted proceedings* ant Onorab Andre, repitasyon Onorab Andre in fini ganny afekte, Komisyon i vini demen i dir *ok* mon napa levidans, mon pou tir mon *case* kont li.

Repitasyon in fini ganny afekte. Me parkont si i annan en *prima facie case* e i annan levidans kont ou, e Komisyon *still* anvi tir son *case* kont ou, sa i bezwen ganny fer anba *entame* an aplikasyon devan Lakour.

I bezwen annan en prosedir akoz sa la, ler in ganny mete la, akoz in dir ou menm *Attorney Zeneral* i kapab "*discontinue at any stage before judgement is*

delivered by including proceedings.”

Konstitisyon in donn *Attorney Zeneral* sa privilez, me i pa donn lezot antite sa privilez. Akoz ler ou lir Lartik 76 petet mon lenterpretasyon, nou kapab fer annan en pe plis deba lo la, *‘prevent the withdrawal of those proceedings’* par *‘dissent of that person’s authority or with leave of the Court.’*”

Mon pa konnen si lespri sa lartik sete ki se *Attorney Zeneral* ki pe akt lo *behalf* sa Lotorite. Mon pa konnen si sete sa lespri sa lartik ki bann *framers* nou Konstitisyon ti pe anmennen. Ou konpran?

E se pou sa rezon ki sa i *tie in* ek sa lot provizyon anler ki dir *Attorney Zeneral* i kapab tir sa. So sa antite i kapab dir ek *Attorney Zeneral* mon pe tir mon *case*, ki ou’n mete kont tel endividi.

Akoz nou, nou’n al en *step* pli devan avek nou Lalwa nou. Ki nou’n fer letan nou ti amann Lalwa an 2019 si mon pa tronpe nou ti donn *prosecutorial powers* Komisyon. *Which was very good* - trez enportan.

Akoz Komisyon pa ti bezwen depan lo okenn endividi, si i santi poudir i annan en *case* ki i bezwen anmenn devan. E sa ti met Komisyon *directly in the line of*

fire an se ki konsern en *case*. Me selman ...

MR SPEAKER

Onorab ou’n ganny 10 minit. Me selman mon akord ou ankor detrwa akoz privilez *Leader* Lopozisyon. *Please get into the end please. Thank you.*

HON SEBASTIEN PILLAY

Mersi Mr Speaker. Mon pa pou long. *Ok*, en keksoz ki nou bezwen veye e la mon vin lo sa *size prosecutorial powers* akoz letan i pa dan nou faver. Mon pa tro faver en dimoun ki pa kalifye *as an Attorney*, pou anmenn en prosekisyon pou Komisyon.

Ankor enn fwa pou mwan mon santi ou pe ekskoz Komisyon tro bokou. Mon krwar ki - akoz nou bezwen pran li an konteks, sa dimoun ki pou vin lager kot Komisyon, i en dimoun ki pou annan resours, e ki pou kapab rod *the best and brightest* pou vin defann li. E mon krwar ou devret annan *the best and brightest* ki pe pran en *case* pou anmenn devan.

Mon pa pe dir poudir en dimoun pa pou kapab anmenn en prosekisyon. Be selman mon pe depan lo bann avoka ki'n lager dan bann *case* kriminel la anndan, pou donn nou zot pwennvi petet atraver *Committee Stage*.

Be selman mon santi poudir mon dakor ek sa provizyon, akoz sa provizyon mon plito war li *as an abundance of caution*. Ler mon lir seksyon 64 parey nou ti amenn li avan Komisyon - petet Onorab Cosgrow mon konpran largiman ki i ti pe anmennen. Komisyon i annan sa pouwar deza, so sa mon krwar i en *abundance of caution*, akoz nou pe enkli lezot eleman ki kapab anmenn sa *case*.

Me selman mon santi ki nou pa devret ekspoz Komisyoner, ek Komisyon ler nou pe anmenn en *case*. I toultan bezwen annan - mon pa konnen si Onorab Georges pou dakor avek mwan, akoz in koz lo - mon krwar in koz lo son lamannman ki in anmennen.

Mon bi se fer sir poudir toultan *between* Komisyon avek sa *case* i bezwen annan en *buffer*. Akoz si napa en *buffer* en Komisyon i ganny pri *directly* ladan, okenn aksyon ki ganny anmennen kot Komisyon i kapab limit son abilite pou li kontinyen *pursue* en *case*.

So mon krwar sa i en keksoz ki nou pou bezwen gete. So an rezimen Mr Speaker, ler mon'n regard sa bann Lalwa ek sa bann lamannman, mon konpran rezondet akoz Komisyon Anti-

Koripsyon in anmenn sa bann lamannman.

Mon pa pou koz lo *retrospectivity of the law*, akoz mon krwar Konstitisyon i kler lo la. Me sa ki enportan, e ki mon oule en mesaz ki mon oule kit avek tou dimoun se ki, mon pou donner sipor sa bann lamannman, me nou pou bezwen fer li fer sir ki nou fer li dan en fason pli solid posib, ler i kit Lasanble e propoz bann *consequential amendments* ki bezwen ganny fer dan bann lezot provizyon Lalwa. Sa i pou enportan.

Me dezyenmman e mon ti a kontan lans en lapel ek tou dimoun pou konpran ki en dimoun ki'n ganny sarze pou koripsyon, i parey en dimoun ki'n ganny sarze pou en lofans drog, en lofans kriminel e i pou resevwar menm drwa, menm tretman anba Lalwa.

Son *incarceration* pou bezwen annan en fason *dignified* e i pou bezwen ganny trete ek dignite;- son bann drwa konstitisyonnel pou bezwen *still* ganny respekte. E pou napa en *attempt* kot ou'n *lock* en dimoun e *throw away the key*. *This will not happen!*

Akoz zour ki nou komans pran keksoz koumsa, sanmenm sa zour ki nou pou desann dan en - si oule, nou pou retourn dan en letap ki ler ou lir sa ki par lao nou Lasanble, savedir "*servng a*

modern democracy”, *you will no longer be a modern democracy*. Nou pou pe regress!

Avek sa Mr Speaker mon pou donn mon sipor sa bann provizyon lamannman, *provided* ki nou kapab, zot merit i la, *provided* ki nou kapab tou i *tweak* li e fer li vin en pe pli solid - en pe pli *robust*. E regarde ki mannyer sa bann diferan mayon sa bann Lalwa i kapab mars byen ansanm. Mersi Mr Speaker.

MR SPEAKER

Mersi Onorab. Nou a termin deba avek Onorab Georges avan nou pran en poz.

HON BERNARD GEORGES

Mersi Mr Speaker. Mr Speaker mon pa pou long. Annefe i pa ti mon lentansyon entervenir lo sa *Bill*. Me mon krwar i annan enn de kestyon ki'n ganny leve, ki obliz mwan pou fer en pti lentervansyon.

Mon kontan Mr Speaker lapant deba bomaten. Mon vreman, mon vreman kontan kot bann Manm in eksprim zot konsern. E i byen pou en Lalwa parey sa enn ki tou Manm i ganny loportinite met zot konsern devan, dan en fason ki *panel* ava kapab rezourd sa bann konsern.

Annefe sa Lalwa i en Lalwa senp;- plito i en lamannman senp i pe rod

annefe 3 keksoz. Premyerman donn en levantay pli larz avek ACCS pour bann lofans ki i kapab pourswiv.

Dezyenmman donn li posibilite pou li anmenn, pou plito elarzi son posibilite pou li fer son prosekisyon personnelman *including* atraver bann dimoun ki pa Avoka.

E trwazyenmman, i annan sa sityasyon bouton *pause* par *Registrar General* ou plito bann Lotorite, *Statutory Authorities*, bann Lotorite Piblik lo sityasyon later oubyen propriyete ki kapab pe ganny *disposed*.

Annefe se sa senpleman sa 3 lamannman ki sa lamannman pe anmennen avek Lalwa. E parey in ganny dir mon souskri antyerman a sa lespri. En Lalwa parey *Anti-Corruption* i en Lalwa dinamik. I bezwen ganny amande pou sibvenir a bann legzizans ki arive anmezir ki i pe komans son travay. Ou plito anmezir ki son travay pe devlope.

Donk napa naryen nefas avek lefet ki tanzantan an 2017, 2019 e la ankor 2021 nou vin anmenn bann amannman a sa Lalwa. Mr Speaker les mwan, permet mwan premye pwen ki mon'n tous lo la ozordi, setadir lekstansyon, *pouvwar prosecutorial powers* mon

krwar pa i annan gran deba lo la, sa i plito kler.

An sa ki konsern trwazyenm pwen, sa setadir lekel ki kapab pourswiv en *case ACCS*? Mon krwar annan de fwa nou fer nou lekor tor ler nou sey kit tou keksoz dan lanmen Avoka.

ACCS, Anti-Corruption Commission i annan en rol ase etrwat. I dil avek bann lofans ki annan pou fer avek koripsyon. I dil avek en *narrow criminal bend* setou! I pa bezwen al an deor tousala. Son manda se sa bann lofans ki annan pou fer ou ki posibleman annan pou fer avek koripsyon.

En Avoka ler i vin en Avoka in aprann en kantite lezot Lalwa ki napa naryen pou fer natirelman avek *crime*. E donk se pour sa rezon ki bokou pei e an partikilye *Royaume Uni L'Angleterre* dan *National Crime Agency*, i permet ki bann dimoun, bann *expert in the corruption field* ki pa neserman bann Avoka, i i kapab pourswiv bann lofans.

E mon krwar isi nou pa devret vin pli Rwayalis ki Lerwa. Si i annan en dimoun ki spesyalize dan son *field* en *forensic investigator* ki'n fer travay, napa en pli bon dimoun ki pou kapab met sa bann levidans devan Lakour ki li, *instead of* bezwen eksplik tousala en Avoka.

Parey nou'n ganny dir bokou, dan bokou, bokou ka set en keksoz ki fodre nou rapel nou lekor toultan, en kliyan ler i vin kot en Avoka i konn 100poursan son *case*.

Ler i eksplik avek son Avoka, Avoka i aprann zis apepre 75poursan son *case* akoz i pa kapab konn tou bann detay. E ler Avoka i al Ankour e i met *case* devan Lakour atraver bann temwen, Ziz i ganny apepre 50poursan sa *case*.

E by the time ki Ziz i ekrir son zizman i pe dil avek mwens ki 50poursan sa ki sa kliyan li i konnen. E mon krwar se sa en pti pe lespri ki nou devret pe regard sa ladan ozordi. *Let the best people who are well-versed in the job do it!* Mon pa vwar en problemm avek sa neserman.

I annan sa pwen ki'n ganny souleve apropo Lartik 76 nou Konstitisyon, se sa pouvwar ki sa lamannman pe donn ACCS pou li *withdraw* en prosekisyon ler in komanse.

E Onorab *Leader* Lopozisyon i annan en pwen, ler i dir ki Lartik 76 nou Konstitisyon i dir ki - anfen i dir 2 keksoz, premyerman i dir ki ler *Attorney General* in *institute* en prosekisyon. *Attorney General* i kapab *at any time withdraw* sa at *any time* san ki i bezwen demann permisyon personn.

Me i annan en lot provizyon, zis apre ki dir ki se ler en lot lenstisyon e non pa *Attorney General* ki'n *institute* en prosekisyon - sa lot lenstisyon i kapab *withdraw* sa prosekisyon at *any time but with leave of the Court*.

Alor ACCS nou pe donn li permisyon la, nou'n donn li permisyon pou komanse, la ozordi nou pe donn li permisyon pou *withdraw* en prosekisyon. Me i *still* bezwen fer li *with the leave of the Court*. Eski sa i devret antre dan sa Lalwa? Mon pa krwar Mr Speaker. Mon krwar se sa rezon ki sa lartik, sa seksyon ki dil avek sa dan sa lamannman e sa se seksyon 64C subsection 2, i dir "*subject to Article 76 of the Constitution*."

Alor ler en prosekisyon ki'n ganny *instituted* ... ACCS i pe ganny *withdraw*, i bezwen fer li *subject to section 76* e sa i dir ki i bezwen ganny *leave of the Court* pou fer li. Donk mon krwar ki sa osi i ganny *taken care of*.

Mon vin en pti kou lo sa - Mr Speaker konsyan ki letan pe taye, mon vin en pti kou lo sa konsern ki'n ganny souleve par plizyer Manm lo prezonpsyon linosans, ek nou pa devret pe fer en keksoz ki kapab vin anti-konstitisyonnel.

E i en konsern enportan. E mon kontan ki sa konsern in ganny souleve, akoz i or nou pou *focus* lo *the constitutionality* of sa ki nou pe fer.

Premyerman Mr Speaker prezonpsyon linosans ki ganny trouve dan - annefe i pa en prezonpsyon linosans anba Lartik 19 nou Konstitisyon, *it's a declaration of innocence*. I mete kler. 19(2) "*every person who is charged with an offence is innocent until the person is proved or has pleaded guilty*." I pa mete is *presumed innocent - is innocent*.

Alor set en deklarasyon linosans e non pa en prezonpsyon linosans parey i egziste *L'Angleterre*. Donk ou inosan, *but* parey tou bann Lartik Konstitisyon eksepte 2, i annan derogasyon. Ou pa kapab dir "Be mon inosan, alor pa aret mwan."

Ou pa kapab dir "mon inosan pa met mwan dan kaso pou 24erdtan." Ou pa kapab dir mon inosan, alor mon bezwen ganny *bail*, akoz mon *presumption of innocence*.

Ou prezonpsyon linosans i la. Ou deklarasyon linosans i la, me i *subject to* bann derogasyon ki annan. E sa pa en leksepsyon. En derogasyon se parey nou ava vwar taler, an sa ki konsern Lotorite ki nou pe donn *Registrar General* ozordi anba Lartik 26, set en

derogasyon ki permet kantmenm ou annan ou drwa propriyete, i permet ou drwa ganny sispann dan serten lenstans.

E si nou regard tre byen Lartik 26 ki Onorab *Leader* Lopozisyon in mansyonnen, nou ava vwar ki enn bann lenstans se 26(2)(d) ki drwa la propriyete i ganny sispann ler sa propriyete *is reasonably suspected of being acquired by the proceeds of drug trafficking or serious crime, ok?* Ki Anti-Koripsyon ki koripsyon *is one*. Parey nou'n konpran dan sa bann detrwa dernyen zour.

Donk ankor enn fwa mon pa krwar ki i annan - i byen ki i annan en konsern, me mon pa krwar ki sa konsern i zistifye, oubyen ki i pou anmenn okenn aksyon ki ganny pran pou vin en aksyon anti-konstitisyonnèl.

Fodre pa Mr Speaker, e la nou bezwen konsyan koman en Lasanble akòz i nou rol, fodre pa nou les derogasyon parey mon fek large la vin pli for ki Lalwa, vin pli for li en drwa konstitisyonnèl.

I en tandans ki nou kapab toultan tonm ladan. E ane premye 10an apre Konstitisyon depi 1993 ziska dizon 2003, 2005 Lakour Konstitisyonnèl ti toultan soulev bann derogasyon i fer zot vin pli for ki bann drwa. E sa in retard nou bann

devlopman konstitisyonnèl bokou e nou ozordi nou pa devret tonm dan sa latrap malgre sa ki mon fek dir la.

Alor nou bezwen toultan konsyan. E se pour sa rezon ki mon'n dir taler mon kontan la fason ki sa deba in deroule, akòz sa bann konsern in ganny met devan, pou nou kapab adres zot e fer konpran ki nou pa pe al an derout bann drwa ki Konstitisyon in donn nou.

E mon retourn finalman Mr Speaker briyevman lo sa size *Registrar General*. Ozordi anba *ACCS Act* mannyer i ete, anba seksyon 60 i annan en pouvwar pou *Registrar General* anba direksyon Komisyon Anti-Koripsyon, pou li pran mezir kont *registration* okenn later.

Donk sa i la, me solman sa fodre i sorti kot *Anti-Corruption Commission*. Fodre i ganny son lord sorti kot *Anti-Corruption Commission*.

Sa ki nou pe fer ozordi se nou pe elarzi sa pouvwar ki *Registrar General* i anmennen. I pa bezwen premyerman pran lord zis avek *Anti-Corruption Commission*. I kapab ganny sa lenformasyon *from any other source* e set en lenformasyon kredib e rezonnab ki i bezwen azir lo la.

Dezyenmman i pa pe blok okenn anrezistremman parey zot ava vwar. Sel keksoz

ki i pe fer se i pe pez bouton *pause* pou 3 zour. Ler sa dokiman i vin avan ki i pez en bouton *pause* e i demann avek Komisyon Anti-Koripsyon, eski zot annan en lanket? E Anti-Koripsyon i bezwen dir ki ankor dan 3 zour *yes or no*, lanket pe kontinyen.

E *if the answer is no* la papye i *proceed*. *If the answer is yes* la prezan i ava met en restriksyon. Ankor enn fwa zis pou 30 zour. So i pa eternal. E i en derogasyon ki zistifyab anba Lartik 26, akoz nou pe dil avek en *serious crime* ki anti-koripsyon. Alor mon krwar i antre tre byen dan sa loptik.

E finalman i pa zis *Registrar General* - sa pouwar ki nou pe donner la ozordi i *osi to statutory bodies*.

Konmela la i *public bodies* me taler i ava annan en lamannman ki pou ganny sizere, ki pou fer li vin *statutory bodies*. So, pa zis *Registrar* me *Licensing* e okenn lezot lenstans dan pei, ki tanzantan ganny demande pou fer en *transfer of shares*, oubyen en transfer of veikil or *whatever* i kapab annan menm pouwar.

Donk Mr Speaker mon a remersye ou pou sa letan ki ou'n donn mwan bomaten. Mon repete ki bann konsern ki ganny souleve se bann konsern zistifyab. E mon

kontan. Me mon *hope* ki mon pti lentervansyon i ava kapab satisfere bann Manm ki sa bann konsern in ganny pran an kont. Mersi Mr Speaker.

MR SPEAKER

Mersi Onorab Georges. Nou a pran poz la e nou a rebran avek repons Minis 11er 15. Mersi.

(BREAK)

MR SPEAKER

Mon ava demann Minis pou fer son repons lo deba silvouple.

MINISTER NAADIR HASSAN

Mersi Mr Speaker. Premyerman mon ti ava kontan *acknowledge* tou sipor an zeneral ki mon santi sa lamannman in gannyen avek bann Manm Lasanble.

E mon note ki i annan enn de konsern ki'n leve. Spesifikman lo bann eleman *how constitutional* bann amannman i ete.

E mon krwar Onorab *Leader* Gouvernman in fer en louvraz ase konpreansiv pou adres sa bann *issues*. Me zis mon ava *go over it very quickly* pou adres sa bann konsern.

Me si i annan okenn kestyon pli detaye, nou kapab pran li dan *Committee Stage* kot *the Commissioner* i kapab eksplik an plis detay.

Lo enn bann premye kestyon ki'n leve, se lo *constitutionality in terms of* bann restriksyon ki kapab ganny mete par Rezistrar.

E mon krwar *Leader Zafer Gouvernman* in eksplik sa byen. Ki wi, i annan serten privilez ki Konstitisyon i donnen *in terms of* proteksyon.

Me i annan derogasyon ki vin avek. E derogasyon sirtou lo bann lofans ki ganny *deemed as serious crimes*. E dan Konstitisyon seksyon 26(2)(d) i donn sa bann derogasyon.

Lo konsernan *extension of prosecutorial powers*. Nou annan seksyon 76(4)(c) ki donn Lotorite sa pouvwar pou *extend* sa bann pouvwar ki pe ganny mete dan sa bann lamannman.

76(4)(c)(a) kot ki dir ki *the case can be withdrawn* (a) i dir "*by any other persons or authority.*" So sa lamannman li osi pe konfirm, i anliny avek sa seksyon dan Konstitisyon.

Lo konsernan bann dimoun ki kapab anmenn en *case on behalf of ACCS*. Seksyon 64C i donn sa konfor ki *any* dimoun ki ganny propoze par ACCS i bezwen *the consent of the Chief Justice* pou li ganny otorize pou reprezant ACCS.

E *Chief Justice of course* i bezwen pran an konsiderasyon bann diferan

kalifikasyon e lekspertiz sa dimoun.

En lot pwen ki mon ti ava leve lo sa diskisyon lo *whether it is ACCS ek Republic*. E la mon krwar i kler ki *both ACCS* i kapab anmenn sa *case* lo li menm *as the Commission*.

Me osi *the Republic through the AG's Office can bring a case on behalf of ACCS*. E tou lede i ok.

E lo sa konsern ki si i *expose ACCS*. Seksyon 84 *of the Anti-Corruption Act* i donn proteksyon ACCS e son bann *staff*, pou nenport ki aksyon ki zot in pran *in good faith*.

So avek sa mon krwar mon'n adres bann konsern ki'n ganny leve. Me si i annan diskisyon en pe pli detaye or kestyon ki leve Mr Speaker, mon ti *welcome* pou pran sa dan *Committee Stage* kot bann lezot Manm *panel* i kapab partisip. Mersi.

MR SPEAKER

Tre byen. Mersi Minis. Nou ava pran vot lo merit zeneral sa *Bill*. Manm ki an faver lev lanmen silvouple? Mersi. Mon krwar tou Manm in vote.

Vot lo *general merit of the Anti-Corruption (Amendment) (No. 3) Bill, 2021*. 28 Manm in vot pour, 0 kont e 0 abstansyon.

Bill in aprouve lo *general merit*. E Madanm

Clerk i ava fer *Formal Second Reading*.

MADAM CLERK

Mersi Mr Speaker. *A Bill for an Act to amend the Anti-Corruption Act, 2016.*

Mersi Mr Speaker.

MR SPEAKER

Mersi. *Sergeant* nou ava pas dan Staz Komite.

E *Bills Committee* lekel ki pou *lead* nou ozordi? Son Chairman Onorab Andre? E nou ava zis swiv son bann lamannman. E nou ava al anliny pou lezot lamannman e klarifikasyon.

Onorab Andre.

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair i annan en sirkilasyon lamannman an referans avek *Clause 2*, ki ti pe koz lo (2A). Nou'n sirkil sa, i pa en lamannman sibstansyel ki demann sa 72 erdtan.

Me nou'n sirkil sa pou *at least ease of reference* pou bann Manm, pou zot vwar kote nou pe ale.

(2A) prenon konsiderasyon sa bann konsern ki'n ganny leve an referans avek *Registrar General*, ki mannyer i fer pouvwar. Nou'n sey travay lo la. E i lir koumsa. Mon ava fer sa pou benefis manm piblik ki deor. I lir koumsa: -

Nou'n *insert* "Notwithstanding any other law, where the Registrar General or any other statutory authority responsible for the registration of property or stamping of instruments under any law, has received reasonable information that an investigation by the Commission is ongoing in respect of a property or rights therein, or a proprietor of a property or rights therein registered with the Registrar General or the authority".

Sorry "or the statutory authority - the Registrar General or the statutory authority shall: -

(a) On his, her or its own motion, and without the need to inform the proprietor or the proprietor's agent, delay the registration or stamping of any instrument or disposition, disposal of, or dealing with the property, pending confirmation or otherwise under paragraph (b)" an (b) "seek confirmation of the investigation from the Commission."

(2B)(b) i pou lir koumsa Mr Chair. "A request for confirmation under subsection (2A) (b) shall be made within 3 days of the information coming to the knowledge of the Registrar General or the statutory authority and the Commission shall within a period of 3 days from the date

of receipt of the request inform the Registrar General or the statutory authority whether the investigation is proceeding or otherwise.”

So i pe kit li en pe ouver. Ki nou kapab annan bann fleksibilite an menm tan.

MR SPEAKER

Stop en pti moman. Dan mon versyon, mon pa konnen si i parey dan pou ou, “within a period of three days” i manke. Of soz. Ou pe insert sa?

HON CLIFFORD ANDRE

Sa ki pou....

MR SPEAKER

Oubyen i korek mannyer ou annan?

HON CLIFFORD ANDRE

I annan wi *“in the period of three days.”*

MR SPEAKER

Ok. Petet mon annan en vye versyon. *Carry on. Thank you.*

HON CLIFFORD ANDRE

Nou al lo 2C *“where the Commission confirms the investigation under subsection” (2A)(b) “the Registrar General or the statutory authority responsible for the registration of property shall, without the need to inform the proprietor or the proprietor’s agent, delay the*

registration, disposition or the disposal of, or dealing with the property or any other transaction related thereto for a period of 30 days from the date of such confirmation unless the Commission directs otherwise.”

Sa i an referans avek sa ki nou annan.

MR SPEAKER

Ou le fini avek (d) apre nou ava zis pran?

HON CLIFFORD ANDRE

Wi, wi mon ava fini avek (d) Mr Chair.

(d) Nou dir *“after section 64 of the principal Act the following sections shall be inserted.”*

Institution of proceedings ki 64A. Nou napa okenn lamannman an referans avek sa.

MR SPEAKER

Nou ava *stop* la en pti moman. Nou ava regarde si tou zafer i kler.

Onorab Pillay ou anvi adres keksoz la anler?

HON SEBASTIEN PILLAY

Mersi Mr Chairman. An relasyon avek (2C) mon pe regarde anler dan (2A) nou’n koz lo *statutory authority responsible for registration of property or stamping of instruments.*

Eski *as an abundance of caution* dan (2C), nou pa bezwen azoute or eski i neserer pou azoute *of property or stamping of instruments* osi la?

MR SPEAKER

Bills Committee, panel zot reaksyon? Yes Onorab Andre.

HON CLIFFORD ANDRE

Mr Chair, mon pa war okenn rezon akoz nou pa kapab. Akoz zis pou fer *consistent*. So napa okenn problem. Mon pa krwar. Prezan nou ava get *panel*.

MR SPEAKER

Minis in sinyal la i *ok*. *Thank you*. Yes Onorab Pillay.

HON SEBASTIEN PILLAY

Mersi Mr Chairmen. Petet zis briyevman, eski nou kapab ganny en *commitment* Minis, e la mon pou demann le 2 Avoka isi anndan pou *weigh in* lo sa propozisyon.

Ler nou regard seksyon 84 dan Lalwa *Land Registration Act* - la nou pe koz *pirman Land Registration Act*, nou vwar prosedir ki Rezistrar i bezwen swiv, an relasyon avek en restriksyon.

Mon ti ava propoze ki Gouvernman i osi konsidere *going forward*, zis pou nou *ring fence* sa Lalwa an relasyon

avek Komisyon Anti-Koripsyon.

Pou propoz en *proviso* - pa en *proviso* me en lamannman anba seksyon 84. Ki dir "*notwithstanding anything written in section 84 the Registrar shall as per section*" - An relasyon ek Lalwa ACCS. - "*delay the registration*" of sa.

Akoz 84 i dir li ki prosedir i bezwen swiv ler in fer e restriksyon. Me sa enn ki la i pe donn li en lot prosedir pou li swiv. Mon krwar sa osi i pou neserer pou nou *ring fence* sa 2 Lalwa.

Mon pa konnen si Minis i kapab donn nou en *commitment* ki sa i kapab ganny gete.

MR SPEAKER

Minus oubyen *Registrar General*. Yes, Onorab Georges ou ava al premye?

HON BERNARD GEORGES

Mersi Mr Chair. Annefe se en pwen ki'n ganny souleve yer par *Registrar General*. Akoz i annan en lobligasyon anba 84 ler i anrezistre en restriksyon kont en later, pou li enform sa parti osi. Me etandonnen ki nou'n retir "*restrict*", nou'n nepli annan "*restrict*" la. Nou zis dir "*delay*". Alor 84 *does not click in*.

Tou sa ki i fer i "*delay*" e i pa pe "*restrict*." Sansan nou

ti pou bezwen fer en *cross reference to 84*.

Alor nou'n tir sa mo "restrict" e nou'n gard zis "delay."

MR SPEAKER

Onorab Pillay.

HON SEBASTIEN PILLAY

Mersi Mr Chairman. Mr Chairman avek mon *thinking* i se ki Komisyon i bezwen kapab akte vit dan okenn sityasyon, kot i santi poudir *disposal of an asset is in pending*.

Mon pe sizere ki Gouvernman i konsider ki manner nou kapab *tweak Land Registration Act*, pou fer ki - akoz napa en provizyon pou 'delay' anba *Land Registration Act per se right now*.

Me nou kapab entrodwir sa provizyon si i an relasyon ek sa. Akoz si ou lir 84 lo komansman, i kler 84 i dir ou menm lo son prop *cognizance* Rezistrar i kapab anmenn en restriksyon.

Me zis selman son *mode of informing*. E sa i ava anmenn nou anliny avek derogasyon ki annan anba Konstitisyon ki Minis in mansyonnen dan son sa.

I pa pou konsern Sa Lalwa *per se*. Me i pou konsern *ring fence* Lavwa *Land Registration Act in the future*.

Sa i zis en propozisyon Mr Chairman. Mersi.

MR SPEAKER

Thank you. Onorab Andre.

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair i annan bokou Lalwa - parey yer letan nou ti pe diskite, nou ti war i annan letan ou pe fer *private criminal prosecution* osi.

Me selman letan nou'n diskite, nou'n vwar ki poudir la sa lamannman ki pe vini i konsern Anti-Koripsyon. So sa ki i pe mete ladan.

E ladan i dir *without informing the party*. So i pe donn - nou pe kre serten lobligasyon ki *Registrar General* i ganny serten proteksyon. Akoz Lalwa ki pe dir ki manner nou pou fer.

Mon konpran ki ou pe dir. Be selman sa i tonm anba lezot Lalwa. So, mon ti ava prefere nou al avek sa ki nou annan la pou nou kapab permet donn en *wisdom tooth to the Anti-Corruption Commission*. Mersi Mr-

MR SPEAKER

Mersi. Dapre sa ki mon konpran ou anliny avek Onorab Pillay lo la? Onorab Georges.

HON BERNARD GEORGES

Mersi Mr Chair. Mr Chair mon ti ava osi kontan *remind* Lasanble, ki i annan seksyon 3 of the *Principal Act*, ki dir ki *the Principal Act trump every other law*.

E i dir “*The provisions of this Act shall notwithstanding anything in consistent in any other written law prevail to the extent of that inconsistency.*”

Alor li i *ring fence* tou bann lezot Lalwa. E i pran le devan lo la. Pandan ki mon annan *mic* Mr Chair. Avan ki Onorab Andre i kontinyen. Mon ti ava kontan propoz en lamannman, en *simple amendment* ki’n ganny raport a mon latansyon par *panel*.

E sa se dan (c) ki nou pe regarde la. *Section 64 of the Principal Act*. Ler nou ti fer lamannman, enn bann lamannman sa lannen.

Nou pa ti sanz *marginal note*. Nou ti donn *prosecutorial powers to the ACCS*. Me nou'n gard *marginal note* ki dir *prosecution* par *Attorney General*.

Alor avek ou permisyon, mon ti a kontan *move* dan *Clause 2 (c)* kot i met “*in section 64 of the Principal Act*” mon *move to add* “*the marginal note shall be repealed and replaced by-*” quote “*prosecution by Commission.*” Unquote. And ...

Apre i kontinyen parey. So i en pti amannman. Mersi.

MR SPEAKER

Wi. Okenn reaksyon? Onorab Pillay.

HON SEBASTIEN PILLAY

Mr Chairman i korek sa. Akoz mon pe get sa lamannman ki nou ti fer, sa ti lamannman an 2019 ki nou ti donn *prosecutorial powers*, ki korek.

Me zis ler Onorab Georges pe koz *marginal note*, mon pe zis tyeke. Mon pa konnen si nou ti osi sanz *marginal note* an relasyon avek *section 52 (a)*.

I ti donn *police powers* *Chief Executive Officer*, me nou ti pe donn *police powers* prezan Komisyoner.

Mon pa konnen si nou ti - akoz ler mon pe get bann *repeal* lamannman, mon ti krwar nou ti sanz *only in the main Act*. Sa osi i en keksoz ki bezwen ganny konsidere *going forward as well*. Sanze? Ok.

MR SPEAKER

Thank you. Well premye okenn -? *Panel* okenn reaksyon lo propozisyon Onorab Georges? I ti *insert* - *yes* Madanm Registrar?

REGISTRAR GENERAL **WENDY PIERRE**

Thank you, Mr Chair. Bonzour tou Onorab. Ok so just kekfwa pou donn en konfor Onorab Pillay pou lenformasyon.

Nou'n *initiate en review of the Land Registration Act. Similarly, avek bann lezot Lalwa ki kapab tous later avek lezot propriyete ki ganny anrezistre kot nou.*

So avek bann devlopman la ki pe *happen and you know - part of sa exercise* nou kapab pran tousala an konsiderasyon. E si nou bezwen amenn okenn *consequential amendments* dan sa bann Lalwa pou fer ki nou konsistan, nou *in sync* avek tou sa ki pe arive.

Then we will look at it and work on it. Thank you, Mr Chair.

MR SPEAKER

Thank you. Well mon ti ava still kontan settle sa pwen dan sa Lalwa. Insertion ki Onorab George in propoze. SS Payet in nod assent.

So, *Bills Committee* pa'n obzekte. Nou a kontinyen.

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair, nou al lo 64C, *sub (4)*. E li i pou lir koumsa "A *qualified person who is not an Attorney-At-Law shall before assuming the duties of his or her office, take and subscribe to the oath of office in relation to such office under the Official Oaths Act (Cap. 153) before the Chief Justice or a Judge of the Supreme Court.*"

Nou al lo *sub (6)* dan trwazyenm laliny pou nou *add 'and' after (5)* e nou met en *comma after Commission*.

Mr Chair sa i bann lamannman ki nou'n fer dan sa dokiman. Mersi.

MR SPEAKER

Ok, pou sa 2. Mersi. Onorab Georges, wi ou pe adres sa?

HON BERNARD GEORGES

Mersi Mr Chair. Non, mon dakor avek sa. Mon pe fer en propozisyon lamannman ki'n ganny porte par nou latansyon par Madanm Pierre, *Registrar General* dan *sub-Clause (5)* avek (6). Dan tou lede kot *Registrar appears for the first time* azout " *of the Supreme Court.*" *Just to distinguish between the Registrar General.*

So, dan senkyenm laliny dan *sub (5)* e dan dezyenm laliny dan *sub (6)* azout '*of the Supreme Court*' apre '*Registrar*' *only were it occurs the first time*. Dan tou lede ka i annan en dezyenm *appearance of Registrar*. Me sa i kapab reste koman *Registrar because it obviously means the Registrar of the Supreme Court* san ki nou bezwen *repeat* li ankor. Mersi.

MR SPEAKER

Thank you. Lo sa bann *amendments, any comments?* Onorab Pillay.

HON SEBASTIEN PILLAY

Yes, Mr Chair. Mr Chair, lo 64C(2) mon pe sey - mon pa konnen si zis in vin *as a abundance of caution* ki Komisyon in met la. Me selman mon vwar nou'n met sa lamannman ki *Subject to article 76 of the Constitution and in the exercise of the powers conferred upon the Commission under subsection (1), the Commission shall not be subject to the direction and control of any other person.*"

Article 76 i – reference Article 76 i mainly in reference Komisyon kapab anmenn *proceedings, institute proceedings e apre withdraw* sa bann *proceedings*. Eski Komisyon pe dir nou koumsa poudir zot pe met sa pou zot *reinforce* lotonomi Komisyon, an relasyon avek swazir lekel dimoun ki pou pran son case. *Is that what the Commission, intent of the Commission is here?*

MR SPEAKER

Thank you. Eski i annan en leksplikasyon? Yes Madanm *Commissioner*.

COMMISSIONER OF ACCS**MAY DE SILVA**

Mersi Onorab. Si ou regard anba seksyon 4(2), i zis pe *flow from that*. Akoz sa Komisyon *"shall not be subject to the*

direction or control of any person or authority. "

So, i pe *flow from that* anba son manda *as an independent establishment*. Ya.

MR SPEAKER

Yes Onorab Georges.

HON BERNARD GEORGES

Mersi Mr Chair. Mon sispekte osi ki sa *subject to Article 76* i oule dir ki akoz ler zot oule *withdraw*, zot bezwen demann Lakour. Alors *apart from that they are not under the direction and control of any other authority*. Mon krwar se sa ki zot pe sey dir.

Me pandan ki mon annan laparol, mon pe regard 76(11) nou Konstitisyon. *It's not before us today*, ki i permet en *military court* ganny etabli and *prosecution with all the military courts*, san ki i pas par *Attorney General*. Mon mazine ki ler nou amann Konstitisyon nou pou bezwen azout *Anti-Corruption Commission* osi dan Lartik 76(11). Me i pa devan nou ozordi, alors i pa afekte nou.

MR SPEAKER

Note. Yes Onorab Pillay.

HON SEBASTIEN PILLAY

Mersi Mr Chairman. Annefe Onorab Georges in pran *gist* mon largiman avan ki mon fini

fer li. Rezon pou sa sete zisteman sa akoz 11 i fer kler, akoz nou donn *Attorney General* sa pouwar konstitisyonnèl, i fer kler kote son derogasyon i vini.

Me selman zis en pti keston petet ki mon ti a kontan ACCS reponn. Dan swazir sa dimoun ki pou fer sa travay, eski se zis Komisyoner ki pou swazir sa dimoun, oubyen eski ou pou etabli en sistenm kot sa dimoun i ganny swazir? Akoz mwan toultan mon pwennvi se annan en *buffer* ant Komisyoner avek *the ultimate result*. Toultan se sa.

Akoz mon santi poudir proteksyon sa lenstitisyon akoz Sa Komisyoner i sitan - son rol manner i ete, manner nou'n *redesign* Komisyon i vremen enportan. I bezwen annan en *buffer*.

So, petet klarifye pou mwan ki prosedir ki lentansyon zot annan pou pran pou i ava annan, si i annan en *challenge, whatever* ki kapab vini, toultan i pou annan ki ava annan en prosedir ki ava ganny etabli ki manner sa dimoun i ganny pran pou fer tel travay. Mersi.

MR SPEAKER

Thank you. Commissioner ou a klarifye.

COMMISSIONER OF ACCS

MAY DE SILVA

Mersi Onorab. Wi, nou annan en eksper ki an se moman in ganny *funded* avek *EU*. I en prosekiter ki sipoze pe arive, ki pe al *set up* nou *Legal Unit*. Sa i sa bann keksoz ki zot pou regarde lo kote prosedir. Si fodre met dan regilasyon nou ava fer sa osi - wi.

MR SPEAKER

Thank you. Panel ti annan lezot lamannman zot pa'n lev okenn reaksyon lo la. So, mon ekspekte tou keksoz i kler. Mersi. *SS Payet* in nod. Byen, nou'n ariv o-bou bann *amendments* e nou a kapab aksepte sa bann e nou a retourn dan Staz Lasanble pou *Third Reading*.

Onorab *Leader* Biznes Gouvernman, mon apel ou pou *Third Reading*.

HON BERNARD GEORGES

Mersi Mr Speaker. Mr Speaker, anba *Order 76(1)* mon *move* ki *the Anti-Corruption (Amendment) (No.3) Bill as amended* i ganny lir en Trwazyenm Fwa. Mersi.

MR SPEAKER

Mersi. Nou a ganny segonnman lo sa Mosyon? Onorab Hoareau a segonde.

HON JOHN HOAREAU

Mersi Mr Chair mon pe segonn sa Mosyon. Mersi.

MR SPEAKER

Mersi, nou a pran vot lo sa *Bill*. Manm ki an faver lev lanmen silvouple? *Thank you*, tou Manm in vote.

Vot lo *Formal Third Reading of the Anti- Corruption (Amendment) (No.3) Bill, 2021 as amended*, 30 Manm in vot pou, 0 kont e 0 abstansyon. *Bill* in aprouve lo *Third Reading* e mon a demann Madanm Clerk pou fer *Third Reading*.

MADAM CLERK

Mersi Mr Speaker. *This Act may be cited as the Anti-Corruption (Amendment) (No.3) Act, 2021*. Mersi Mr Speaker.

MR SPEAKER

Mersi. Avek sa mon deklare ki sa *Bill* in pas Lasanble. Bon nou'n apresye partisipasyon bann zofisye lo kote Minister, lo kote ACCS e osi Madanm Registrar.

Lekel ki pou kit nou an se moman. Mon krwar *Commissioner* avek Madanm Registrar zot a kapab fer zot depar. Mon remersi zot e bonn kontinyasyon dan zot travay. E osi Ms Rabat osi pe kit nou. Mersi.

(Mrs De Silva and her delegation was excused from the House)

MR SPEAKER

Mersi nou a pran en poz *sanitizing* avan nou pran en lot delegasyon silvouple.

(technical break)

MR SPEAKER

Bonzour e byenveni nou delegasyon pou travay lo *Licenses Bill*. Mon annan plezir *welcome* Mr Richard Rampal, *Director of Financial Inverstigation Unit*, Mrs Debra Port Louis son *Deputy Director* e osi Mrs Sylvie Faure son *Manager Legal and Policy Unit*. Onorab Georges nou a pran Mosyon pou *waive 7 days notice*.

HON BERNARD GEORGES

Mr Mr Speaker. Welcome Mr Rampal, asistan. Mr Speaker anba *Order (77)1* nou *Standing Orders* mon oule *move* pour ganny ou permisyon pou sispann *Order 69(1)* afen pour permet ki *the Licenses (Amendment) Bill, 2021* i ganny li en Dezyenm Fwa malgre ki sa peryod 7 zour depi ki in ganny li en Premye Fwa pa ankor ekspire. Mersi.

MR SPEAKER

Mersi. Mon a ganny segonnman silvouple? Onorab Naidu.

HON SATHYA NAIDU

Mersi Mr Speaker. Mosyon i ganny segonde.

MR SPEAKER

Mersi. Manm ki an faver lev lanmen silvouple? Mersi. Manm ki kont? Lo Mosyon pour *waive 7 days requirement for the Second Reading of the Licenses (Amendment) Bill, 2021*, 17 Manm in vot pour 0 kot e 12 Manm in *abstain*. Sa Mosyon in aprouve. Prezan nou kapab prosede lo Mosyon pour *Second Reading*. Onorab Georges.

HON BERNARD GEORGES

Mersi Mr Speaker. Mr Speaker anba *Order (69)2 mon move ki the Licenses (Amendment) 2021* i ganny li en Dezyenm Fwa. Mersi.

MR SPEAKER

Mersi. Segonnman silvouple? Onorab Naidu.

HON SATHYA NAIDU

Mosyon i ganny segonde Mr Speaker.

MR SPEAKER

Thank you. Minis ou lentrodiksyon lo sa *Bill*.

MINISTER NAADIR HASSAN

Mersi Mr Speaker. Mr Speaker ozordi mon pe prezant avek Lasanble Nasyonal lamannman dan Lalwa

laysenns. Rezon prensipal pour sa bann lamannman i vize ver langazman Sesel pou vin azour avek standar *Financial Action Taskforce (FATF)*, pour promouvwar lenplimantasyon bann mezir pou konbat bann aktivite ki lye avek blansisaz larzan.

Rekomandasyon 28 i relye avek regilasyon bann biznes e profesyon ki dezinyen konman *non-financial*;- sa ki an lot mon nou apel zot *Designated Non-Financial Businesses and Profession (DNFPBs)*.

Dan premye *schedule part C* dan Lalwa Anti-Blansisaz Larzan e pour lit kont finansman terorizm (*AML/CFT*), i liste sa bann Biznes e profesyon. Par egzanp i annan *accounts*, Avoka ek Noter, *Real Estate Agents* e kazino zis pour nonm enn de. Seksyon 55 (3) e 4 Lalwa *AML/CFT* i dir ki *Unit Lentelizans Finansyel (FIU)* i sa Lotorite ki responsab pour siperviz e anforse *compliance* par bann provizyon dan Lalwa ki relye avek *DNFPBs*.

Eksepte kazino ek *trust* ki tonm anba sipervizyon Lotorite Servis Finansyel (*FSA*). *FIU* i osi sa Lotorite ki sirvey sa bann *DNFPBs* dan Lalwa Prevansyon Terorizm.

Sepandan *FIU* i pa sa Lotorite ki donn *license* sa bann aktivite *DNFPBs*.

Rekomandasyon 28(4) *FATF* i demande ki nou bezwen met kontrol letan nouvo Biznes pe fer zot aplikasyon dan sa bann sektè, ki enkli bann *fit and proper checks*, pou nou protez nou sistenm finansyel kont okenn labi par bann kriminel.

Mr Speaker pou rekomandasyon 28 nou'n klase koman *partially compliant*. Alors nou pe propoz Amannman dan Lalwa laysenns pou permet Lotorite *License (SLA)* pou verifiye ki bann aplikan anba sektè *DNFPBs* napa okenn rikord kriminel asosye avek bann aktivite kriminel.

An dot mo i permet *SLA* pou travay konzwentman *FIU*, ou swa bann lezot antite pou fer sa *fit and proper check*. Mr Speaker sa pou aplike pour selman bann *DNFPBs* ki pa tonm anba okenn lezot lazans. Par egzanp i pa pou enkli Avoka ki son *license* i tonm anba Zidisyer.

Definisyon *DNFPBs* anba sa Prozedlwa pou parey definisyon anba Lalwa *AML/CFT*. E osi definisyon *beneficial owners* anba sa Prozedlwa pou parey definisyon anba Lalwa *beneficial ownership*.

Mr Speaker pou ki sa bann sanzman Polisi i vin legal e ki Sesel i reste an konformite avek son bann langazman anver kominote

enternasyonal, mon pe prezant sa bann lamannman avek Lasanble Nasyonal pour zot konsiderasyon e laprouvasyon atraver sa Prozedlwa *Licenses (Amendment) 2021*. Mersi Mr Speaker.

MR SPEAKER

Mersi Minis. Bon lasal i ouver pour lentervansyon bann Manm lo deba. Onorab Pillay ou anvi al premye?

HON SEBASTIEN PILLAY

Wi. Mersi Mr Speaker. Bonzour Delegasyon *FIU* ki la. Mon konpran lamannman, mon konpran nou *l'enjeu* ki nou annan avek *Financial Action Taskforce*. Me selman mon le demann serten klarifikasyon avek *FIU* lo zot abilite si oule, an sa ki konsern sa ki sa Lalwa pe demande.

Basically sa Lalwa i vin parey en *fit and proper exercise* sa, e pou fer sir ki sa dimoun i *fit and proper* pour li kapab ganny sa *license*. E Minis in dir nou tou bann kategori, bann *DNFBPs* parey rekomandasyon *FATF* i koz lo la, mon mazine i annan referans avek rekomandasyon *28* oubyen 24 si mon pa tronpe ki koz lo la.

FIU i sipoze deza pe *populate* son bann *database* ki i annan. Eski *FIU* ozordi i

annan en *database* ki dir nou tou sa bann *DNFBPs* ki sipoze pe fer sa bann fonksyon. Eski ou annan sa *database*? Ok?

Prezan si *FIU* napa sa *database FIU* i sipoze antre anba en *Memorandum of Understanding* avek sa bann antite. *Now* sa ki mon pe war mwan e mon santi sa i mon konsern, *obviously* mon pou siporte sa lamannman akoz i neserer. I neserer akoz si non Sesel pour dan *deregulated* ankor.

Selman mon problem se ki nou pou *end up* parey Maurice. Nou pou pe tik en bwat, ki an realite ler i riske fer en *assessment* e vwar si nou pe kapab enplimant sa ki nou'n tik dan sa bwat, nou pou war nou pe *fall short*!

E mon ti a kontan ganny reasirans avek *FIU* ki sa i le ka akoz sa i pa depan zis lo *FIU* prezan, i depan lo bann lezot antite.

E si mon lir byen nou pe koz lo *Licensing Authority* ki bezwen antre dan en *memorandum of understanding* avek *FIU* pour *verify* bann *antecedents of the applicants for license regarding criminal records associated with criminal activities so they *instill* controlling interest - bla bla bla bla bla.*

Pour *FATF* zot *main issue* la se *money laundering, tax evasion - well tax avoidance*

basically. Zot main issue se sa. *Now* probableman pour *criminal and whatever antecedents* ou pou kapab gannyen. Be an relasyon avek lezot lenformasyon, eski sa bann Lotorite ki ou pou al rod lenformasyon avek i annan sa lenformasyon pou donn ou?

Kot si i pe tonm anba en Minister *whatever* pour li donn sa *license* e si zot pou annan sa lenformasyon? E prezan nou vin lo sa size bann *DNFBPs* par egzanp. Annou pran par egzanp bann Avoka, ok? Bann Avoka i annan en *compliance issue* ki zot in bezwen met an plas, e lekel ki - *as a reporting entity* koman en Avoka i report ek lekel li?

I bezwen pe *report* ek *FIU* osi. *Why not* ki zot in ganny enkli la? Akoz *license* se Lakour ki donner. Konpran?

Be la la i *raise* en konsern pour nou la. Akoz si - annou get par egzanp Sesel, lekel bann tranzaksyon ki pli valer in *terms of monetary value*? Enn bann tranzaksyon ki tou dimoun *will come to mind* se bann tranzaksyon later. Tranzaksyon propriyete - *immovable property*.

So ki mannyer ki *FIU* pour kapab *capture* sa dan son *fit and proper exercise*, akoz *FIU* pa kapab anpes en *license* ganny *issued* avek en Avoka li. Akoz Lakour, Zidisyer i

endepandan. *So how do you capture that as a DNFBP?*

Akoz sak ziridiksyon restriksyon i annan bann *jurisdictional context* ki diferan. Pour Sesel bann Avoka i zwe en rol prominan akoz bann tranzaksyon i bezwen pas atraver bann Avoka. E si mon pa tronpe nou ti'n demann osi bann Avoka pour annan en *compliance officer within* zot lofis. Probableman sa bann Avoka zot pour zot menm *compliance officer*.

E the same thing will apply to money changers, same thing will apply to tou sa bann antite ki vini. So re-asirans ki mon le gannyen Mr Speaker se, eski ler nou pe fer sa nou pa pe zis tik en bwat? *Me in terms of* lenplimantasyon nou pe kapab al enplimant sa Lalwa parey fodre, akoz *it just takes one transaction*.

I pran en tranzaksyon ki al mal e i ase pour nou retourn back to *square one* an se ki konsern *deregulation* avek bann antite an deor. Mon a termin avek *the usual* largiman Mr Speaker e sa epi respektif of Gouvernman e mon pou met sa devan *FIU* ankor en fwa e mon met sa devan Minister Finans.

Nou ziridiksyon son diferans ki i annan - e son *threat* ki ganny ekspoze avek,

nou pa pou kapab kontinyen annan zis en *administrative FIU*. *It is clear! It is there, it is evident and* nou pou bezwen kontinyen *change the goalpost and we will not make it*.

Mon Konnen Minis i annan en pozisyon diferan lo la. Mon konnen petet Mr Rampal i annan en pozisyon diferan, be mon pe get lamannman ki pe vini la dan *AML Act* i kler ki *we will no longer...* Nou pa pou *survive within* sa *jurisdictional battle*, ki egziste avek bann zafer *regulatory* - bann keksoz regilatwar ki pe ganny mete lo nou!

The only type of FIU ki pou *survive within our context is a hybrid FIU*. E nou pou bezwen konmans *think about* sa, akoz *the threat to our jurisdiction is such* ki nou pa pou zanmen kapab ganny sa *trust* avek sa bann Lotorite aletranze, *until* ki nou fer sa *step*.

E la i enportan ki *IAC* i angaz li osi dan bann largiman, e bann *meeting* ki i gannyen avek bann *counterparts* - sirtou Linyon Eropeen - pou vwar ki zot zot panse lo sa konteks.

Akoz i enportan pour nou sa, e nou bezwen asire ki nou kapab *at least going forward*, nou pa vwar nou pe bezwen kontinyelman pe fer *world police* pour en lot dimoun. As

oppose to nou menm nou kapab *enjoy* sa sistenm ki nou nou'n kree. Mersi Mr Speaker.

MR SPEAKER

Thank you.

HON JOHN HOAREAU

Mersi Mr Speaker. Mr Speaker lemond i en vilaz global e sa lamannman ki nou pe anmennen ozordi avek *Licenses Act* i fer nou realize ankor enn fwa pou dir sa i le ka.

Par egzanp ler nou get *OECD Organisation for Economic Corporation Development*. Li i en lorganizasyon mondyal me an menm tan i en *watchdog* pour bann zafer – bann krim finansyel parey *money laundering*.

Alor i fer ki keksoz ki nou fer Sesel i annan son reperkisyon osi dan lezot pei.

Mr Speaker atraver *OECD* i annan en *regional body* ki apel *ESAAMLG*, li i *engage* avek en *Financial Action Taskforce* ki li i prodwir i fer bann evalyasyon lo bann pei dan sa rezyon e i *produce* bann *report* lo sa bann pei.

Lo son bann *assessment* i kapab donn sa pei *compliant*, *partly compliant* oubyen *non-compliant* avek bann rekomandasyon oubyen bann lalis kriter, ki permet en pei

operate e permet sa ki nou apel *correspondence banking* ki mon pou koz lo la en pti pe apre.

Mr Speaker atraver bann rekomandasyon *Mutual Evaluation Report (MER)* in fer ki nou'n bezwen ranforsi bann Lalwa pour nou bann Lenstiti nou bann Lotorite lokal, pour nou kapab met nou anliny avek sa ki *OECD* i demann nou.

Se pour se la rezon ki *Licensing* pe ganny sa ranforsisman par sa Lalwa, pou fer sir ki fer bann *due diligence* lo son kliyan, atraver bann prosedir ki pou ganny etabli par *FIU* anba en *memorandum of understanding*.

Sa i pou anpes okenn bann *beneficial owners* pour bann lakonpanyen oubyen bann biznes ki tonm anba *DNFBP* - dan sa kategori parey in ganny dir i annan bann *accountant*, bann *business accounting firm* ensidswit.

Alor pour bann ki annan bann *criminal records* ki asosye avek *proceeds of crimes* e blansisaz larzan, sa pou fer sir ki sa kategori dimoun pa kapab kontinyen *operate*, oubyen zot pa kapab kontinyen kre nouvo Biznes ki pe blansisaz larzan.

Alor lenportans pou met nou Lalwa anliny avek sa rekomandasyon parey mon'n

dir, i annan pou fer avek nou *correspondence banking*. Ozordi zour tou nou *trade* tou nou bann *international commerce* nou bezwen pey aletranze.

Nou bezwen fer peyman pour *scholarship* nou bezwen pey komodite aletranze. Nou annan bann servis banker enternasyonal. Touris osi ki vin isi i bezwen pey zot bann servis atraver zot kart ensidswit.

Nou pe antre dan en sistenm *cash free* me selman nou pe servi plis *plastic money*. Plito bann tranzaksyon lo kart. E pour sa kapab ganny fer, fodre ki bann labank i annan relasyon enternasyonal avek bann lezot labank.

Si nou pa met sa bann rekomandasyon dan nou Lalwa nou pou annan *risk* pou ganny mete lo *black list*. E Sesel an se moman parey in ganny dir i lo en *grey list*. Vedir nou *partially compliant* lo serten bann rekomandasyon, me pa tou.

E alor sa Lalwa pe fer nou vin pli anliny, pe fer nou kapab ogmant konfidans dan nou sekter finansyel. Pe osi donn nou en pli bon repitasyon osi enternasyonal.

Mon konnen ki i annan bokou koze lo lipokrizi ki annan lo kote *OECD*. Bokou bann pei ki form parti sa

lorganizasyon, bann gro pei, zot osi petet dan serten ka pa tou keksoz ki zot *compliant* avek.

Me selman nou bann pti pei nou toultan ganny *overrule* par serten sa bann gro pei lo sa domenn. Alor nou napa swa. Nou bezwen met anliny nou *financial system*, pour ki nou kapab kontinyen protez nou *correspondence banking*.

Alor Mr Speaker avek sa mon pou siport sa Lalwa ki pou permet ki *Licensing* i kapab fer bann *due diligence* lo sa bann *firms*, oubyen lo sa bann biznes ki tonm dan sa kategori *DNFBP*. So ki finalman nou pei i avan kontinyen progresse.

Nou ava kontinyen benefisye avek tou sa bann lavantaz ki nou relasyon banker i annan, avek bann lezot labank enternasyonal. Avek sa mon a remersi Mr Speaker.

MR SPEAKER

Mersi Onorab. Entervansyon swivan, Onorab Loze.

HON JOHAN LOZE

Mersi Mr Speaker. Mr Speaker *you do this dance for long enough* e evantelman ou apresye enormite sa travay ki devan nou. Ou apresye e ou devlop en respe pour sa bann teknisyen, ki pe lager avek sa

bann *issues* toulezour mon kapab dir.

Mon asire zot pa *meet* toulezour be selman zot bezwen pe – i dan zot konsiderasyon *on a daily basis*. Mon pou menm dir ki konman en Gouvernman zot *lucky*. Zot sanse ki devan zot an fas avek zot i annan en Lopoziyon ki'n pas atraver sa.

Nou konnen e nou konpran e nou pare pou ede dan sa bann sityasyon, akoz i bon pour pei. Me a la menm enstan i pa fasil sa! En ta travay e mon konpran difikilte ki zot annan. Zis ou al lo *website FATF*, ou get sa seri kominikasyon ki annan resaman, nou pe dil lo *DNFBPs*.

Dernyen mon krwar ti le 10 Novanm 20/21. *‘These explanatory material accompany FATF minor amendments to its standards with respect to designated non-financial businesses and professions. ‘*

Nou pe regulariz en konponan dan nou Lalwa, baze lo rekomandasyon ki mon pa asire egzaktaman kan i date. Be selman la devan mwan mon war en ta ankor ki zot in fer sorti *and as late as last month*.

E zot la devan ki pe asize lo *panel*, zot bezwen dil ek sa zot! Sa i louvraz ki devan zot, zot bezwen *handle* sa, zot ki

bezwen anmenn li evantuelman devan nou Lasanble, pour ganny met annord, ganny regularize e domestike konman Lalwa Sesel.

Mon pe dir zot sa pour montre lapresyasyon ki nou annan pour sa travay enorm ki zot pe fer, e pour kominike osi avek nou pep ki sa i pa en travay fasil sa. I pa en travay fasil.

Onorab Hoareau in tous brievman lo *correspondence banking*. Be sa zafer *correspondence banking* i bezwen ganny kominike an term diri ek pwason lo lasyet nou pep, pou dimoun konpran. Ki si sa bann travay pa ganny fer, si sa bann keksoz pa ganny domestike e met an pratik dan nou Lalwa lokal, nou kart pa pou pase.

Nou pa pou ale *Dubai!* Nou pa pou ale *Water World* al zwe avek marswen laba nou, akoz nou kart pa pou ganny aksepte. Tranzaksyon peyman banker, transfer banker pa pou ganny fer, lenportasyon pou napa!

Mon konnen petet mon pe *sound* en pe alarmis, selman nou bezwen konmans dir li dan term ki dimoun i konpran. Nou aret *sugar-coat!* Nou aret met pti lalimyer ek girlann lo la kantmenm i letan Nwel. In ler petet pour dimoun konpran, be akoz sa bann

zans laba dan Lasanble sak fwa i ariv Desanm ver lafen lannen, i annan tou sa bann Lalwa ki zot asize konmsi bann bon dalon?

Zot in lager 12 mwan selman sak fwa Desanm sa bann Lalwa i vini zot tou zot asize –“Wi ou konnen, ou konnen.”

Be la, la rezon ki nou konnen! Pou napa diri lo lasyet si nou pa fer sa travay ki la ansanm koman Seselwa! Koman Lezislater Lasanble Nasyonal Sesel! Akoz *at the end of the day* se sa ki ekri lo *building*, se sa ki lo batiman. Lasanble Nasyonal Sesel. Napa Lasanble Nasyonal LDS ni Lasanble Nasyonal US e nou tou nou Manm Lasanble Nasyonal Sesel!

E *this is what i boils down to*. Sov nanm nou pei a *little at a time*. E mon respe zot pour sa travay ki zot, zot fer laba devan. Selman mon pa respe lefe ki zot pa kominik enormite zot *task* parey zot devret avek lepep Seselwa.

Akoz finalman sa dimoun dan bazar li i pa konpran nou problem li. I pa konpran akoz Minis i bezwen vin la devan, sipliy ek Lasanble pour pas sa bann keksoz.

E i pli konfize ankor akoz tou lede kote Lasanble i asize pe ‘*chou choute*’ kanmarad. Konfizyon total! E mon asire zot pe ganny *text* egalman

parey mwan ki pe demande be ki arive laba ek zot?

Be benefis nou tou! Benefis nou fanmir, nou tou koman en pep se sa ki *enjeu* la. E tou le lannen i parey.

So mon tir mon sapo avek zot parey mon’n dir e nou bezwen kontinyen fer sa travay, ansanm. E mon pa konnen si i annan en *way forward* ki nou kapab get *ahead* en pti pe *of* sa bann zafer la.

Parey mon dir zot mon en gran manman lalis ankor. E sak fwa ou tous enn tousala ou war en bann *PDF documents* pour ou *download*. Mon krwar si mon konmanse mon pou ranpli mon masin plen avek! Be en ta travay. Mersi Mr Speaker.

MR SPEAKER

Mersi Onorab. Nou a apel Onorab Georges.

HON BERNARD GEORGES

Mersi Mr Speaker. Mr Speaker mon annan zis de pti pwen tre, tre bref pou fer. Premyerman mon ti a kontan adres en pwen ki Onorab *Leader* Lopoziyon in souleve, e sa se an sa ki konsern *licensing* bann domenn ki kekfw pa devret pe ganny revwar par sa Lalwa.

E in mansyonn domenn Avoka. E selon mon konprenezon Onorab *Leader* Lopoziyon pe dir be i pa

vremen apropiye pour en lenstitisyon parey Lakour, ou Sef Ziz ki pe donn *license* en Avoka pour li pas atraver *FIU* pour *FIU* fer en *background check* eksetera lo kriminalite okenn Manm.

Mon pa konnen si se sa larepons, me mwan mon vwar en *proviso* dan *Clause 2. The propose new section 20 capital A*. Son *proviso* i dir ki sa provizyon pa pou aplike pour bann *non-financial businesses* e profesyon ki pa tonm anba *regulatory ambit* en Minister, oubyen en Departman *whatever*. Alor mon mazine ki i *exclude*.

Setadir ki *FIU* pa pou bezwen al regard dan sa bann lenstitisyon. Me mon soulev sa selman, aköz set en pwen ki'n egzers mon latansyon ler Onorab *Leader* Lopozisyon in fer.

2enm keksoz e sa se en – mon pe rod en konfor avek *FIU* e mon'n mansyonn sa dan lepase Mr Speaker. Enn bann problem ki nou'n vwar par lepase e mon ava koz spesifikman lo *Seychelles Investment Bureau (SIB)* ek laplikasyon pour sanksyon par bann etranze ki anvi aste later.

Dan bokou ka ler laplikasyon in ganny fer kot *SIB*, *SIB* in dir zot anvi azir vit e *up to them* zot ti a fer en desizyon *within 2 or 3 days*.

Me etandonnen ki zot bezwen anvoy en *background check* pou ganny fer par *FIU* zot bezwen donn 40 zour *to allow this to happen*.

Donn mwan konfor silvouple ki sa nepli leka. *That. E* zot kapab fer sa bann *background check* si zot ganny demande, bokou pli vit ki sa so *that the Ease of Doing Business* pa soufer.

E dezyenman ki avek sa nouvo demann ki nou pe demann zot anba sa Lalwa, sa lamannman ki nou pa pou *add to zot burden* pour fer ki letan i ava *extend* pour bann dimoun, ki pe rod en *license* oubyen en lot Lotorite. Mersi Mr Speaker.

MR SPEAKER

Mersi Onorab Georges. Nou'n ariv a lafen deba e Minis a fer son repons.

MINISTER NAADIR HASSAN

Mersi Mr Speaker. Mersi tou bann Manm Onorab ki'n koze. Ankor mon apresye sipor tou lede kote latab pour lamannman dan sa bann Lalwa pou anmenn li a zour avek standar enternasyonal.

E komanter ki Onorab Loze in pase se ki, i enn bann moman ase rar kot tou lede kot i siport Lalwa ki Gouvernman pe anmennen. E sa i en keksoz ki mon'n toultan koz bokou lo la ki nou travay

dan lentere Nasyonal. So mon antyerman dakor poudir sa louvraz i en louvraz ki ase difisil.

Annefe ler nou ti konmans koz *correspondence banking*;- annefe ti 2014 sa konversasyon ti konmanse. Kot Labank Santral ti konmans koz lo la. E ti napa bokou konprenezon *at the time outside* Labank Santral, the *issue of correspondence banking* e danze ki i ti annan.

E annefe an 2015 nou ti prezan en papye ek *Cabinet* lo bann mezir ki bezwen ganny pran. E tou sa bann keksoz ki'n arive apre, i an konsekans sa papye ti ganny *submit to Cabinet*.

E ozordi nou vwar nou, nou pe *improve in terms of* nou repitasyon dan lemonn finansyer. So sa i en louvraz ki kontinyen. Me pli ale ki ou pou remarke se ki bokou nou bann Lalwa pou vin azour, so *the number of amendments* pou diminyen.

Me i pou toultan annan akoz sa *area* i enn ki dinamik e keksoz i toultan arive. Me nou pa antisipe ki son lentansite pou parey dan sa moman ki nou'n ladan dan sa dernyen 2, 3 lannen.

Me keksoz ki pli enportan *as* nou anmenn nou Lalwa azour, i annan sa lot bout ki nou annan defayans. I sa bout ki koz lo *effectiveness*. E

effectiveness li i pli difisil ankor, akoz ou bezwen fer sir ki ou bann Lenstitisyon pe vremen pran aksyon pou anpes blansisaz larzan.

Lo bann kestyon spesifik ki'n monte, ki Onorab *Leader* Lopoziyon in mansyonnen lo *fit and proper*. Mon krwar i enportan *first of all* pour nou tir okenn konfizyon *between fit and proper and* lobligasyon *reporting*. Ok?

Lobligasyon *reporting* i deza la li. Tou *DNFPBs* i bezwen *report to the FIU* anba *AML Act*. So sa lobligasyon i deza la. Sa lamannman li i pe entrodwir *fit and proper*. *Basically* ki i pe dir ou tou antite ki ganny *licensed by SLA* ki en *DNFPB* ou bezwen ganny en '*fit and proper*' *approval*, pou ou antre dan sa domenn ki in mansyonnen. E ki *fit and proper* i mean?

Fit and proper i mean poudir enn ou rikord ou napa okenn rikord kriminel.

2enm ou annan leksperyans ek lekspertiz pou ou antre dan sa domenn. So sa i en *fit and proper*. k?

E ki mannyer *fit and proper* i ganny fer se ki, sa antite ki li i annan sa *ultimate responsibility* i bezwen tyek avek diferan sours *whether it's public sources or confidential sources* ki nou annan *access* avek, pou dir be ou, ou *fit and*

proper pou ou antre dan sa domenn.

Ou pa poz en danze pou *area* ki ou pe al ladan. So sa i senpleman ki sa Lalwa pe anmennen. E *one of the reason* ki Zidisyer, Avoka pa'n ganny *included* i senpleman akoz *lawyers'* pa ganny *license* anba *SLA*. I tonm anba Rezistrar kot Zidisyer.

Me i pou bezwen osi annan en *mechanism* ki ganny anmennen dan le fitir, ki i fer sa *fit and proper within the context of how the judiciary system* i marse. Sa osi pou bezwen vini me i pa kapab vin anba Lalwa *Licensing* akoz *Licensing* pa *license lawyers*.

Lo zis en komanter anpasan lo kote kalite *FIU*. Mon pa partikilyerman okenn pozisyon for lo ki kalite *FIU* nou annan. Nenport ki model *FIU can work, as long* ki ou'n dir poudir *this is the model we have chosen, this is then* ki manner nou enplimant li. I pou marse si i annan komitman pou fer li marse. So i mon komanter zeneral lo sa *issue*.

Regarding the issue of sanksyon - dan Staz Komite mon ava *allow FIU* pou reponn sa keston. So avek sa Mr Speaker mon ti a kontan ankor remerci bann Manm pou zot sipor e rekomann *approval* of sa bann lamannman. Mersi.

MR SPEAKER

Mersi Minis. Nou ava pran vot lo *general merit of the Bill*. Manm ki an faver lev lanmen silvouple? Mersi. Vot lo *general merit of the Licenses (Amendment) Bill, 2021* 30 Manm in vot pour, 0 kont, 0 abstansyon. Sa *Bill* in aprouve lo *general merit*. Madanm Clerk i ava fer *Formal Second Reading*.

MADANM CLERK

A Bill for an Act to amend the Licenses Act (Cap 1.113). Mersi Mr Speaker.

MR SPEAKER

Mersi. Nou ava pas dan Staz Komite. *Sergeant-At-Arms. Bills Committee* lekel ki diriz nou? Onorab Andre.

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair parey nou ti deza ganny gidans avek *ABC*, e nou'n osi diskite avek *panel* yer letan nou'n annan *Bills Committee*. I annan zis bann pti *insertion* ek bann *deletes* ki nou'n fini pas dan *track version*. Tou Manm i annan. So nou pa pou al lo la enn par enn e i napa eleman sibstansyel.

Alors mon ti a kontan ki *panel* i konfirman bann *insertions* ek bann *deletions* ki nou fer, i an konformite avek sa ki nou ti diskite. E zot in

ganny en *track version* zot osi. E se sa ki nou'n deside yer dan *meeting Bills Committee*, ki mannyer nou pou prosede. Mersi.

MR SPEAKER

Onorab Pillay nou ava zis atann. *Panel* i adres sa e apre Minis Direkter *FIU* i kapab adres sa pwen ki ou ti leve taler.

MINISTER NAADIR HASSAN

Mersi Mr Chair. Wi Onorab nou *ok* avek bann *insertions* ek *deletion* ki'n ganny fer. Mersi. Mon ava pas laparol avek Direkter.

MR SPEAKER

Direkter.

DIRECTOR FIU RICHARD RAMPAL

Mersi Mr Chair. Bonzour tou bann Manm Onorab e tou dimoun a lekout. Petet mon ava demande konmsi si zot le en reaksyon an zeneral lo ki'n ganny sanksyon.

Ok, mon ava pran lo kote sanksyon zis pou donn zot en re-asirans premyerman lo nouvo laranzman ki pe ganny fer. I zis nou pe formaliz dan gad legal.

An se moman nou deza annan *MOU* avek *SLA* ki nou ti'n fini sinyen depi Desanm 2020. E anba sa modalite ki nou pe travay ladan, *FIU* i pran

li 6 zour pou li konsider aplikasyon.

E an total zot pran *SLA* enkli ki letan *FIU* i pran pou *process* aplikasyon i 14 zour. Me se ki konsern zis pou donn sa re-asirans ki i pa pou koz *delay* an plis, akoz *SLA* zot deza annan en dele letan pou zot *process* bann aplikasyon. E alor sa *norm* ki nou'n travay ansanm, nou fer sir ki i pa *exceed* sa 14 zour.

E se ki konsern sanksyon ek *SIB* osi tou nou annan en laranzman *through* osi en *MOU* avek *SIB* espesyalman, kot nou pe travay lo en lapros de faz. Inisyalman nou donn zot en reaksyon ler nou fer nou bann *checks* lo bann lenformasyon ki nou, nou annan.

Nou donn zot en inisyal repons ver 4 zour. E *phase 2* lenstans ki i merite, akoz nou pou servi *SIB*. *SIB* trwa kar ditan sa ki pe vini i bann *foreign investors* e ou pa neserman kapab tap ou *local database*, pou ou kapab konn lenformasyon, *background* lo sa bann endividi.

So i *involve* kot nou bezwen fer bann *open searches*. Nou bezwen *liaise* avek *counterpart*. E dan bann lenstans koumsa li i pran nou petet ver 14 zour, pou nou donn en keksoz, en reaksyon

ase kredib lo en *investor* ki'n ganny mete devan nou. Mersi.

MR SPEAKER

Thank you Director. Onorab Pillay.

HON SEBASTIEN PILLAY

Mersi Mr Chair. Mr Chair mon oule regard en keksoz ki mon santi petet pou mwan, i en *anomaly* dan sa Lalwa. Ki premyerman Direkter fek koz ek nou lo en *memorandum of understanding*, ki i deza annan, me ki Lalwa pe dir li i bezwen annan.

So sa pou mwan deza mon war i en *anomaly*. Ou deza annan en *memorandum of understanding or is that a new memorandum of understanding?* Premyerman.

Dezyenm keksoz si nou pran seksyon 20A(1) i annan en *proviso* ki dir ki zisteman parey Onorab Georges ti pe koz lo la, ki pwen ki mon ti souleve, serten bann biznes e profesyon ki pa tonm dan sa *ambit*. Par egzanp bann *legal practitioners* pa pou tonm ladan.

Me ler nou desann anba, ler nou desann anba nou vin kot seksyon 4. E seksyon 4 i dir nou lekspresyon "...*designated non-financial business of profession, shall have the meaning*" ki annan anba *AML/CFT Act* ki enkli Avoka e tou lezot.

Akoz anba *FATF BNFBBPs* i enkli Avoka. *Exactly! Look at this it says this sub section. So I think the reference is 20A (1) shall not apply to BNFBBPs ki pa regulate, ki pa registered par sa. Me what about 20A(2)? ... really the proviso applies to subsection 1. Does the proviso applies to subsection 3, subsection 2 onwards?*

MR SPEAKER

Annou adres sa pwen. *Panel* oubyen *LGB?* Zot komanter si zot annan. Minis.

MINISTER NAADIR HASSAN

Mersi Mr Chair. Si mon'n konpran byen ou kestyon e mon pe lir dezyenm paragraf 20A (1). I dir ou "*provided that the subsection shall be applicable only to designated non-financial business and profession, which does not fall under the regulatory ambit of the Department, or Department or Agency or any other law in force.*"

So la i pe donn ou esklizyon ok? E lo 2 sa *issue of memorandum of understanding. You can have a memorandum of understanding without the legal requirements for it. So de lenstisyon i antre lo MOU without being obliged to have one.*

Sa *requirement* la ki pe fer i pe fer li vin en *legal*

obligation prezan. *You don't have a choice anymore* ou bezwen annan. So avan i ti en *mutual understanding* pou dir nou antre dan MOU ok, volonter. *Now* in fer li vin en *issue* legal mandatwar pou ou antre dan MOU. Mwan mon lir li koumsa. Mersi.

MR SPEAKER

Yes Onorab Pillay.

HON SEBASTIEN PILLAY

Ok ou *proviso* anler dan mon lopinyon i devret anba i pa devret kot i ete. Akoz si ou pou pran ou seksyon 4. Seksyon 4 i pe dir ou sa seksyon i aplikab pou tou BNFbps enkli *lawyers*.

Me ou *proviso* anler *which relates to subsection 1* i dir ou *provided* ki sa *subsection will not apply to* bann ki pa *regulated by* sa. So mon largiman i se ki ou devret annan sa *proviso* apre sa bann seksyon. *That's the issue*.

Akoz *the way I see it* la-. Par egzanp, si en *lawyer* i annan en *beneficial interest* dan en konpanyen, i pou *come up* atraver en *test*. Me selman pa ou ki pe donn li *license*.

MR SPEAKER

Thank you. Lekel ki pare pou adrese? *Director? Panel* mon pa tro konpran. *Director* yes.

DIRECTOR FIU RICHARD RAMPAL

Mr Chair *quick discussion* ki nou pe fer la, nou mazine *it's a drafting preference*. Petet nou ava les bann *legal person* diriz nou en pe *in terms of like how it should it*. Me selman lensansyalite i *you all know* ki lentansyon is, pou *generally capture BNFbps* me selman pou annan en egzanpsyon pou serten *specific one in the case is lawyers*. *Thank you*.

MR SPEAKER

Ou le dir ou *Deputy Director* oubyen ou pe dir *AG's Office* ki pou adrese *Director?*

DIRECTOR FIU RICHARD RAMPAL

Petet *AG's Office*.

MR SPEAKER

AG's Office Mr Rao *you are ready to address that?* Me atann en pti moman *will see how we can do this*. *One second*. Eski mon kapab propoze ki nou kontinyen avek serten lezot pwen si i annan. Apre a lafen Mr Rao i ava pran plas? Onorab Georges wi.

HON BERNARD GEORGES

Mersi Mr Chair. Annefe mon ti ava *without presuming to be a legal draftsperson*, mon ti ava kekfwa reponn sa dan lafason swivan;- *Sub 4, 5 and 6 it all*

definition section. Se pour sa rezon zot in met a lafen.

Me they could have been easily at the beginning. Ou ti'n kapab konmans 20A avek 4, 5 ek 6 e dir 'for the purpose of and then going to meat. But the drafting style is ki ou konmans avek the legal provision, apre ou gard bann definisyon at the end.

Alor mon krwar se pour sa rezon ki sa in vin la. Me the substantive point ki Onorab Leader Lopoziyon pe leve, mon krwar in ganny adrese. The proviso wherever it is i dir ki ler i annan en lot Lalwa ki pe dil avek en license, this law doesn't apply.

Basically se sa ki i pe dir. So sa enn pou apply zis ler napa en lot Lalwa which is doing the same job. E dan tou ler i annan enn then this doesn't apply. And that mon war li kler dan lafason ki in ganny drafte Mr Chair. Me mon annan enn de lezot pwen pou mwan leve. Mon pa konnen si ou anvi mon lev li la?

MR SPEAKER

Wi mon krwar annou fini avek ou pwen. Apre nou ava fer sanzman.

HON BERNARD GEORGES

Wi i annan de lezot pti pwen. License dan sa Amendment Bill in ganny eple avek en 's' and that's the American spelling.

License in the Licenses Act i L-I-C-E-N-C-E.

Alor mon ti'n propoze ki nou sanz li la e mon ankor pe propoze me AG – anfen, the note says 'AG was representative informed that the word license with an 's' has been used because it is being used as a noun. But actually if it is used as a noun it should be 'c' and not 's.'

Alor mon pa konpran sa largiman. My point is without attempting to be clever for the sake of consistency nou servi 'C-E' dan the Principal Act, nou devret servi 'C-E' dan sa enn Act osi. Premye pwen.

Dezyenm pwen i ti'n annan en insertion dan 20A sub-Clause 2, setting out the procedure. Basically a memorandum of understanding setting out the procedure. E the insertion ti'n mete apre dan enn, de, trwa, kat, senk dan sizyenm laliny apre Department or Agency.

Me mon vwar ki Bills Committee in propoze or and panel in propoze bouz li pli devan e met li anler. The problem with that is it reads badly.

Akoz si nou kit li anler e mon konpran zot in met li anler aköz zot anvi ki i kalifye memorandum of understanding. But the problem is with that ler ou met

li i pou lir *“the authority shall enter into memorandum of understanding which sets out the procedure,”* apre *“with the Financial Intelligence Unit.”* I kas sa fraz.

So unless there is a strong sense, mwan mon ti ava propoze ki i reste anba apre Ministry, Department or Agency. It will read better that way. Mersi.

MR SPEAKER

Thank you. Panel i ava adres sa de pwen si zot oule.

DIRECTOR FIU RICHARD RAMPAL

Thank you Mr Chair. Zis en reaksyon on the second point. Ki diskisyon ti pe ganny fer i ki petet si apre, i donn petet sa lenpresyon, lopinyon ki avek AG’s Office i donn lenpresyon ki nou pou al set bann prosedir dan regilasyon.

E alor nou ti anvi fer sir ki i annan en wording ki montre klerman ki prosedir ki pou ganny set, i pou anba sa MOU, me non pa anba regilasyon ki’n ganny pibliye.

So si nou ganny en rekonfor ki then i kler ki - by the way konmsi inisyalman i ti pe ganny read, i pou dir ki pou ganny set anba sa MOU, nou napa any lobzeksyon lo la.

MR SPEAKER

Yes Onorab Andre.

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair menm sityasyon ki nou pe analize la, se sanmenm sa ki nou ti analize yer. Prezan letan nou ti’n analiz reprezantan Attorney Zeneral - mwan personnelman mon ti napa okenn preferans.

Me selman reprezantan Attorney Zeneral in propoz sa ki nou’n mete la. Prezan si e panel ti ok avek. Prezan mon pa konpran si nou pe dir nou pe retourn ankor lo ki manner i ti ete, annefe panel i ava dir nou, i ava eksplik nou ankor.

Me selman sete sa dan lespri pou nou kapab accommodate bann konsern ki ti ganny souleve, sete sanmenm sa ki Attorney Zeneral - I mean reprezantan Attorney Zeneral ki fer drafting ti’n propoz ki manner nou’n anmenn devan Lasanble. Mon ti a kontan kekfw nou pran en desizyon en pti pe lo la.

MR SPEAKER

Wi Onorab Georges ou ti a kontan osi diskit sa pwen avek reprezantan Attorney General. Ok? Lot klarifikasyon, Onorab Pillay?

HON SEBASTIEN PILLAY

Mersi Mr Chairman. Mon pe zis aport latansyon panel sub section 6. Mon prezimen zot pe

mean for the purposes of sub section 3 not subsection 4 non? Akoz subsection 3 ki mansyonn designated competent authority. Sub section 4 i mansyonn definisyon DNFBP. So mon presume zot in fer i en fot la nou korize nou met subsection 3. Dakor?

MR SPEAKER

Panel? Is that clear?

DIRECTOR FIU RICHARD RAMPAL

Yes.

MR SPEAKER

Thank you. Panel in aksepte sa. Okenn lot klarifikasyon? Byen nou pou pran sa de pwen ki zot in raise pou reprezantan Attorney General. Nou a permet sanz plas ant Mr Rao and Mrs Port-Louis will change places. We will have a short technical break pou sanitizing silvouple.

(technical break)

MR SPEAKER

Mr Rao are you comfortable with Creole? Have you followed the points or would you like the points repeated in English?

ASSISTANT PRINCIPAL LEGAL DRAFTSPERSON SRINIVASA RAO

I can't understand the Creole. It is better if it can be explained in English.

MR SPEAKER

Onorab Pillay ou ava konmans avek ou premye pwen.

HON SEBASTIEN PILLAY

Thank you Mr Chairman. My concern is with 20A(1) whereby the proviso talks about the subsection which is applicable. Either I would be more comfortable with the proviso saying 'provided that this section, the whole section does not apply and shall be applicable only to the DNFBPS and professions which does not fall under the regulatory ambit of any other ministry.'
As it reads you are talking about the subsections. So I presume the reference is to sub section 1.

MR SPEAKER

Thank you.

ASSISTANT PRINCIPAL LEGAL DRAFTSPERSON SRINIVASA RAO

In fact this procedure has been included to categorize the designated nonbanking financial businesses and professions into two categories. One category is which is covered under regulatory ambit, and the second category

is which is not covered under the regulatory ambit.

This proviso is applicable only those who are not covered under any regulatory ambit. Therefore it is applicable in sub section 1 only. And so far as subsection 2 and 3 are concern as LGB explained, these are all procedural in nature and this proviso cannot be applied for procedural aspects.

MR SPEAKER

Onorab Pillay yes?

HON SEBASTIEN PILLAY

Yes I understand that and I do understand the ambit of the proviso because as it relates for example to the regulatory authority of financial institutions. It will be the Central Bank as it relates to lawyers. It would be the Supreme Court, it will be the Chief Justice right? We understand that.

But if you read subsection 20A(2). And you read the memorandum of understanding with the Licensing Authority. There is going to be crossover in terms of licenses that are going to be asked by individuals or entities, in relation to whatever activities they are going to do.

Now my concern - my question is why not have the proviso at the end of the section - the whole section 20A rather

than have the proviso at the beginning of the subsection?

That is what I am checking. I am ready have concern regarding the DNFBPs which falls under the ambit of the Central Bank and the Supreme Court, but I'll wait to hear what you have to say.

MR SPEAKER

Yes Mr Rao if you would -

**ASSISTANT PRINCIPAL
LEGAL DRAFTSPERSON
SRINIVASA RAO**

As per the general legislative practice if we are putting the proviso at the end of the sections, it will be applicable for all the provisions - all the provisions. Subsections 1 to 6. But we want to apply this proviso only for the licensing part that is subsection 1 alone.

MR SPEAKER

Ok. Well Onorab Pillay, panel and the Bills Committee are satisfied that the law is workable as it is. We'll go along with that. Last point please. Thank you.

HON SEBASTIEN PILLAY

Thank you Mr Speaker. You see the issue with this law and SS Payet knows exactly where I am coming from, because I have been interacting with these laws for a very long time Mr Speaker. And in fact when

the Minister was preparing the report which he didn't mentioned, it was his report.

And the report was on the issue of correspondent banking. And the first time I met the Minister was in the corridors of the Central Bank at the time. He would recall that. We had so many issues with these laws that getting something wrong - just a small thing wrong, causes us to go back to the drawing board. I will leave it at that Mr Speaker.

I know the AG's Office is looking at it at a legislative perspective. I am looking at it from a functional perspective. Thank you.

MR SPEAKER

Thank you. The Bills Committee has given its assent. Onorab Georges would you like to state your point to Mr Rao?

HON BERNARD GEORGES

I would Mr Chair thank you very much. Mr Rao I have two issues, one is the spelling of license with an 's'. The Principal Act speaks of licence with a 'c' throughout. And I see that in this draft its spelled L-I-C-E-N-S-E everywhere and I was moving for consistency we go back to 'C-E.' That's the first point.

Second point is in 20A sub 2, where setting out the

procedures has been moved to just after memorandum of understanding. I understand the idea which is you want it to simply qualify memorandum of understanding, by saying which was set out the procedures. And I understand that.

The problem is you then have 4 lines before you get back to what the procedures are, which is to verify the antecedents of the applicants for a license etc. And I was proposing it will read better if we left it where it was;- namely in line 6 after Ministry or Departments or Agency.

Then you have setting out the procedures and then it's qualified by 'to verify the antecedents of the applicants' etc. I think it will read better in my humble opinion. Thank you.

MR SPEAKER

I think the first point is settled. It's more in line with British English. Second point Mr Rao.

ASSISTANT PRINCIPAL LEGAL DRAFTSPERSON SRINIVASA RAO

Thank you Chair for permitting me to answer for this question. I agree for both the amendments as suggested by LGB.

MR SPEAKER

Is that settled? Ok. Thank you. We are settled. Bon nou ava pran lot klarifikasyon e nou ava repas dan staz Lasanble ou nou prosede avek Third Reading. LGB mon ava demann ou pou anmenn Mosyon pou Third Reading.

HON BERNARD GEORGES

Mersi Mr Speaker. Mr Speaker anba Order 76 (1) mon move ki *the Licences (Amendment) 2021 as amended* i ganny lir en Trwazyenm Fwa. Mersi.

MR SPEAKER

Mersi. Mon ava ganny segonnman silvouple? Onorab Naidu ti'n lev lanmen premye wi.

HON SATHYA NAIDU

Mosyon i ganny segonde.

MR SPEAKER

Mersi. Manm a vot lo *Third Reading*. Manm ki an faver lev lanmen silvouple? Mersi okenn Manm ki vot kont?

Vot lo *Formal Third Reading of the Licences (Amendment) Bill, 2021 as amended*. 29 Manm in vot pour, 0 kont, 0 abstansyon. Sa *Bill* in aprouve lo *Third Reading* e Madanm Clerk a fer *Third Reading*.

MADANM CLERK

Mersi Mr Speaker. *This Act may be cited as a Licences*

(Amendment) Act 2021 and shall come into operation on such date as the Minister for Finance may by notice published in the Gazette, appoint. Mersi Mr Speaker.

MR SPEAKER

Mersi Madanm Clerk e avek sa *the Bill is passed*. Bon nou'n ariv la pou bomaten e nou deza dan apre midi. Mon a remersye bann zofisye pou zot partisipasyon. E mon remarke ki laplipar zot pe retournen apre midi eksepte petet Madanm Faure mon krwar, e Madanm Port-Louis. Donk mersi e bon depar pou zot. Nou ava rebran travay 2edmi. Mersi.

(BREAK)

MR SPEAKER

Bonn apre midi tou dimoun, nou Manm, nou *staff* e nou piblik an deor. Nou pou kontinyen avek *Custody, Management and Disposal of Seized Forfeited or Confiscated Properties Bill, 2021*. Madanm raporter nou ava apel delegasyon silvouple.

Bon, bonn apre midi ankor Minis Hassan, Sekreter Deta Mr Patrick Payet. Mr Richard Rampal *Director FIU*, e nou annan osi avek nou ankor Mr Srinivasa Rao *Assistant Principal Legal Draftsperson, AG's Office*.

E lo latab ofisyel akote, nou annan Mrs Sylvie Faure *Manager Legal and Policy - FIU*, e Mrs May-Paule Rabat *Policy and Compliance Coordinator - ACCS*. Mersi zot pou zot partisipasyon.

Nou komans avek *LGB*, nou bezwen komans ankor avek en mosyon pou *waive 7 days' notice*.

HON BERNARD GEORGE

Mersi Mr Speaker. Bonn apre midi Mr Speaker. Bonn apre midi Minis ek ou delegasyon. Bonn apre midi tou bann koleg Onorab e tou bann dimoun ki pe swiv nou travay.

Mr Speaker anba *Order 97 (1)* nou *Standing Orders*, mon oule *move* pou ganny ou permisyon pou sispann *Order 69(1)*, pou permet ki *the Custody, Management and Disposal of Seized Forfeited or Confiscated Properties Bill, 2021* i ganny lir en Dezyenm Fwa malgre ki sa peryod 7 zour, depi ki in ganny pou Premye Fwa pa ankor ekspire. Mersi Mr Speaker.

MR SPEAKER

Mersi. Nou a ganny en *secondment please?* Onorab Esparon.

HON REGINA ESPARON

Mersi Mr Speaker, Mosyon in ganny segonde.

MR SPEAKER

Mersi. Mosyon in ganny segonde e Manm ki an faver lev lanmen *please? Thank you*, Manm ki kont? Vot lo Mosyon pou *waive 7 days requirement for the Second Reading of the Custody, Management and Disposal of Seized Forfeited or Confiscated Properties Bill, 2021, 22* manm in vot pour, 0 kont e 7 abstansyon.

Alor nou Mosyon in aprouve par Lasanble, e nou a pas lo Mosyon pou *Second Reading*. Onorab *LGB?*

HON BERNARD GEORGES

Mersi Mr Speaker. Mr Speaker anba *Order 69(2)* mon *move* ki *the Custody, Management and Disposal of Seized Forfeited or Confiscated Properties Bill, 2021* i ganny lir en Dezyenm Fwa. Mersi.

MR SPEAKER

Mersi. Nou a ganny segonnman, Onorab Esparon.

HON REGINA ESPARON

Mersi Mr Speaker, mon segonn Mosyon ki dan *the Custody, Management and Disposal of Seized Forfeited or Confiscated Properties Bill, 2021* i ganny lir en Dezyenm Fwa. Mersi.

MR SPEAKER

Mersi. Nou ganny segonde. Avek sa Minis, ou lentrodiksyon lo sa *Bill* silvouple?

MINISTER NAADIR HASSAN

Mersi Mr Speaker. Mr Speaker, Onorab *Leader* Lopozisyon, Onorab *Leader* zafer Gouvernman, Manm Onorab Lasanble Nasyonal, tou dimoun ki pe ekoute, bonn apre midi.

Mr Speaker ozordi mon pe vin devan zot, pou prezant avek Lasanble Nasyonal en nouvo Prozedlwa, lo en striktir pou nou annan en *Custody Management* e *dispose* bann propriyete ki nou'n konfiske, ouswa sezi.

Sa Prozedlwa pou fer nou vin azour avek standar *FATF*, spesifikman rekomandasyon 4 e 38, ki relye avek lasezi, e bann mezir provizyonnel e osi bann lasezi atraver *mutual legal assistance*.

Sesel i *partially compliance* lo rekomandasyon 4, par kont lo rekomandasyon 38.3 son klasman i part limit. Alor Mr Speaker sa Prozedlwa pou met nou an konformite, e standar *FATF*.

Sa Prozedlwa pe etabli en *Asset Management Unit* dan Minister responsab pou Finans. Ozordi tou bann antite ki annan rol pou sezi okenn byen parey *ACCS*, *SRC*, *Lapolis*, *Lotorite Lapes* e bann

lezot antite, zot annan bann striktir an plas pou zer, e dispoz bann byen.

Me i pa toultan en striktir a la oter. Nou'n war dan le pase, ki nou'n bezwen pey plis konpansasyon pou bann ka. Akoz la fason ki nou'n zer sa bann byen, ki ti dan lanmen bann antite.

Alors, nou pe anmenn en striktir pli kordinen, ki sa se, *Asset Management Unit* dan Minister Finans, a responsab pou zer e dispoz sa bann byen. E les bann antite fer zot fonksyon primer koman bann *law enforcement agencies*.

Souvandfwa nou'n vwar tou bann antite pe bezwen rod Bidze, pou met en striktir an plas. Ouswa en landrwa pou zot met sa bann byen ki zot in sezi.

Alors sa *Asset Management Unit*, pou bezwen travay konzwentman avek bann antite dan sa prosedir, letan en byen in ganny sezi.

Seksyon 4 sa Prozedlwa i mansyonn bann fonksyon sa *Asset Management Unit*. Son rol i osi pou travay ek Biro Prokirer Zeneral letan i annan bann byen ki bezwen ganny kordinen avek bann lezot pei.

Anba sa Prozedlwa bann antite pou bezwen apwent en zofisye pou travay dan en fason kordinen, avek sa *Asset Management Unit*.

Sa zofisye pou bezwen donn sa *unit* bann lenformasyon lo bann propriyete ki'n ganny *freeze*, *sezi*, *forfeiture* ouswa konfiske. Sa Prozedlwa pe osi fer ki Minis responsab pou Finans, i kapab met an plas bann regilasyon pou preskrir bann prosedir, pou rode, idantifye. E evalye bann propriyete ki kapab ganny konfiske.

Minis responsab pou Finans, pou osi kapab preskrir dan regilasyon, bann prosedir pou mentenir e zer, ouswa dispoz sa bann propriyete. Mon rekonnèt i pa pou en louvraz fasil. Me nou pou ganny lasistans avek nou bann partner, pou met an plas en striktir ki annan la transparans, e osi rann kont.

Mr Speaker ozordi dan Lalwa Anti-Blansisaz Larzan, e pou lit kont finansman terorizm, e *AML-CFT* seksyon 93 e 94 i fer provizyon, pou kreasyon en fon apele *Asset Recovery Fund*.

Sa fon i ganny administre par Minister Finans, e ladan pou ganny kredite bann larzan ki'n ganny sezi anba sa Lalwa. E si i relevan bann apropriyasyon anba Bidze. Bi sa fon, se pou ed bann viktim ki'n ganny afekte, par blansisaz larzan ou finansman teoriz.

Pou onor bann depans relye avek *recovery*,

management e dispoz bann propriyete. E osi pou finansman bann proze kominoter. Sa de provizyon pou ganny mete dan seksyon 11 e 12 sa Prozedlwa.

Mr Speaker nou rekonnèt ki nou ti pe travay, lo sa Prozedlwa en pe letan. Nou'n pran en pe letan anvi ki nou ti pe diskrit avek nou bann partner, e fer sir sa Prozedlwa i an konformite avek bann rekomandasyon *FATF*.

Mr Speaker nou pe prezant avek Lasanble Nasyonal, pou zot konsiderasyon e laprouvasyon atraver sa Prozedlwa *Custody, Management and Disposal of Seized Forfeited or Confiscated Properties Bill, 2021*. Mersi Mr Speaker.

MR SPEAKER

Mersi Minis. Nou pare pou deba lo sa *Bill*. Manm ki pou entervenir? Onorab Cosgrow i kapab komanse.

HON WALLACE COSGROW

Mersi Mr Chair. Mersi Mr Speaker. Mr Speaker apremidi mon anvi pran laparol pou fer en pti lentervansyon lo sa Mosyon Lalwa ki devan nou Lasanble ozordi.

Annefe parey Minis in dir, lalwa i devan nou Lasanble pou en rezon, aköz i bann rekomandasyon *FATF* e *ESAAMLG*, kot nou bezwen fer

nou vin *compliant*, pou ki nou pa resevwar bann sanksyon apre, ki *non-compliance* i vin avek.

Me nou osi la avek sa morso Lalwa, parey Minis in dir, in pran en pe letan pou travay lo la, e i en Lalwa ki a mon avi i vremen enportan. Sirtou ozordi kot nou annan bann lenstitisyon, ki nou'n etabli, bann nouvo lenstitisyon. Par egzanp ACCS, FIU;- bann lenstitisyon ki dil avek bann keksoz par egzanp teoriz.

Bann keksoz par egzanp koripsyon, blansisaz larzan, e tou sa. So, sa Lalwa mon krwar i met en pti pe lord dan tou sa bann zafer, kot ler en *asset* i ganny sezi. Or en *asset* or *funds* ki'n ganny sezi, dan en ka kriminel in ganny komet. Par egzanp parey mon'n dir blansisaz larzan, koripsyon.

Ouswa menm bann lezot ka. Par egzanp Minis in koz Minis in koz lo la sezisman par SFA. Par egzanp i annan en bato in vin lapas ilegal dan nou delo teritoryal. E in ganny tyonbo, e Lakour in vwar ki pou dir sa *asset*, i bezwen ganny *seize*.

So, sa bann zafer ti en pti pe partou, eparpiye partou. Now, sa Lalwa i fer provizyon pou kree en lorganizasyon, gouvènmantal dan Minister Finans, pou *take care of* tou sa

bann lenstans. Avek tou sa bann lenstitisyon, kot i annan en la sezisman ki ganny fer.

Dan serten lezot pei, mon pa konnen si zot annan en *governmental organisation* ki dil avek tousala, me mon konnen sertenman i annan bann lorganizasyon ki servi bann *Asset Management Company*, kot zot pran sa *asset* ki zot in *seize*, zot met dan lanmen sa *Asset Management Company* or lorganizasyon.

E sa lorganizasyon li i zer sa bann sa – sirtou si bann *asset* ki pa *movable* par egzanp lakaz, kot tan ki ou pa ankor fini *dispose of* sa *case*. I *still* annan serten antretenir ki ou bezwen antretenir, pou anpes sa *asset* tonm dan en leta delapide. Kot apre valer sa *asset* i tonm en kantite, ki ou pa kapab *recover* sa larzan. Or ou pa kapab ganny sa valer ki ou ti pou gannyen, ler ou *dispose of* sa *asset*.

Me nou, nou opte pou al en sistenm kot ou annan en lorganizasyon gouvènmantal ki pou ganny larzan, mon sipoze. E la mon anvi fer resorti ki, letan nou'n diskit Bidze 2022, nou pa'n diskit en *initial funds* pou sa striktir dan Minister Finans.

E aköz mon asire ki komansman bann letan ki zot pa ankor *seize* okenn larzan. Okenn fon, okenn *asset* o

komansman, zot pou bezwen en fon pou kapab sirtou fer *asset management*. E petet ler Minis i donn son larepons taler, i a kapab donn nou en lide ki mannyer zot pou ganny resours, pou komans sa legzersis.

Akoz mon asire apre ler pou annan bann keksoz ki antre, zot ava kapab servi sa fon parey zot in dir pou kapab *manage* sa bann *asset*. Me pli enportan *well* osi enportan se lekspertiz Minis, lekspertiz pou kapab fer sa louvraz.

Akoz sa normalman i pa – parey mon'n dir dan serten pei zot servi *Asset Management Companies*, ki zot annan lekspertiz pou *manage* bann diferan kalite *asset*.

E zot fer sa of *course* pou en profi, e zot kapab *run* sa bann zafer. Be lekspertiz petet dan Minister, si i Minis i kapab dir nou kote zot pou ganny sa bann lekspertiz?

E kan mannyer zot pou *go about initially* avek sa *process*?

Epi Minis si zot kapab dir nou ki mannyer par egzantp zot, zot pou annan – lekel ki pou fer sa bann lasezi? Eski sa bann lasezi i reste avek sa bann lorganizasyon? Ouswa sa *unit* li menm li ki pou osi antre dan bann lasezi bann *asset*?

Apre i annan sa lot eleman kot i annan bann *asset*, par egzantp an deor pei. Si dan Sesel in komet en lofans dan Sesel, pou mwan i en pti pe pli fasil. Me si petet sa dimoun i annan *asset* an deor pei, ki mannyer eski sa *unit* li i pou kapab *liaise* avek sa bann diferan antite?

Or ki mannyer i ganny akse avek sa bann *asset* ki an deor pei? Me an dizan sa Mr Speaker, mon krwar avek tou sa bann demars parey mon'n dir o konmansman - avek tou sa bann lorganizasyon, ki'n ganny kree i annan nesesite pou annan en striktir organize, pou kapab zer sa bann *asset*.

E pou kapab zer larzan. E pran sa bann larzan osi ki'n ganny fer dan bann ka krim - si mon kapab met li koumsa. E donn en - partaz sa avek bann dimoun ki'n ganny afekte avek krim. E dan sa ka si Sesel, si koripsyon, pep Seselwa, si teoriz, *whoever* group pe ganny afekte. Si drog, *whoever* group pe ganny afekte.

So, mon krwar i enportan annan en striktir organize, pou nou kapab dil avek sa bann sityasyon. Lide par deryer Lalwa pou mwan mon war li i *ok*. Me zis ou bezwen fer sir, ler nou pe enplimant sa, nou annan tou sa bann

striktir an plas dan Minister Finans, dan sa *unit*.

E i annan sa *proper* kordinasyon avek tou sa bann lorganizasyon, ki pe fer sa bann *seizures*.

So avek sa Mr Speaker mon krwar mon'n sey fer mon lekor kler, en pti pe lo petet ki nou ti a kontan war ler sa lalwa i vin operasyonnel.

Avek sa, mon ava aret la Mr Speaker, e nou ava diskrit pli tar dan bann lezot deliberasyon. Si i annan nesesite. Mersi.

MR SPEAKER

Mersi Onorab pou sa bann pwen. Entervansyon Onorab Henrie.

HON GERVAIS HENRIE

Mersi Mr Speaker. Bonn apre midi tou dimoun. Mr Speaker Bill ki devan nou i apel *Custody, Management and Disposal of Seized Forfeited or Confiscated Properties Bill, 2021*.

Zis sa ki mon'n lir la i en *mouthful*, e pou bokou dimoun zot ava pe rode, be konmsi kwa ki nou pe koz lo la. E nou bezwen sey senplifye e permet dimoun, sitye li dan sa zafer.

Parske i enportan sa. I vremen enportan ki annan en antite, en *unit whatever they want to call it*, ki regard sa zafer.

Dapre en estimasyon ki ti fer 10 an pase, mon'n sey rod lenformasyon en pe pli resan. E mon pa'n kapab trouve. Nasyon Zini pe dir ki bann pei, ki pe devlope i perdi ant 20 a 40 bilyon Dolar Ameriken sak lannen. Ki reprezant ant 20 a 40 pousan to lenvestisman dan devlopman.

Ki mannyer zot perdi sa larzan? I annan diferan fason, nou ava retourn lo la en pti kou. Me sa i larzan, sa larzan i byen piblik. E i ti kapab ganny servi pou adres la povrete. Met a dispozisyon piblik bann servis desan, e akseptab. Ki zot ava santi zot lavi i ganny amelyore.

Plizoumwen sa bann larzan i kapab ler i perdi, reste la, dimoun i servi dan sa pei menm. Me souvan i transfer i al aletranze. I ganny kasyet dan bann kont parfwa *offshore*, swa par bann zofisye piblik, e i annan konplisite osi bann dimoun dan sekter prive, ki fasilite sa bann tranzaksyon.

E la kot konplisite bann labank, bann biro desanz, nou bezwen get zot en pe pre. E fodre pa ki nou krwar, pou dir Sesel nou ptipti e sa bann keksoz konmsi, pa'n arive. Ouswa pa pe arive.

Asset Recovery Mr Speaker i en prosesis pou reklanm, e fer retournen bann byen Leta ki'n ganny vole dan en pei kot zot in ganny pran.

Sa prosesis i enkli swiv kot larzan in ale. Met lasezi lo la, konfiske e fer retournen, ouswa parey mon dir repa triye.

I en prosesis ki parfwa long, ki kapab pran letan, ki *complex*, e ki souvan enplik plizyer bann ziridiksyon. I annan en Konvansyon Nasyon Zini kont koripsyon, ki fer provizyon pou bann byen ki ganny pran mal apropo. I retourn dan bann pei ki ganny afekte, menm bann target devlopman soutenab ki mye koni koman *SDGs*.

Partikilyerman *goal* 16.4 e osi en langazman, ki plizyer pei Afriken ti sinyen an *Addis Ababa* an 2015, in fer ekspre pou adres sa size.

E ankor enn fwa parey mon ti dir bomaten, bokou sa bann Lalwa ki pe vini la, ki nou pe diskite depi bomaten e apremidi ouswa demen i en bann lalwa ki – ouswa seri amannman ki pa pe ganny fer pou adres en size la.

Depi an Zen 2012 ti pe annan sa bann konsey, pou ki Sesel i ranforsi son bann *kad legal*, e bous tou bann trou ki permet detournman fon piblik.

E pli nou pran plis letan pou re kouver sa bann byen, ki nou pei in perdi. I fer sa bann mon rapel zot en pti group elitis, koronpi dan nou sosyete. I fer

ki pli zot *get away with it*, zot krwar zot vin *untouchable*, e zot souzestim - zot souzestim pouwar Gouvernman. Ki dabor in ganny elekte pou reprezant nou lepep Seselwa. E zer nou byen, byen.

Donk pou Sesel kontinyen ganny resours pou li kapab adres bann size, parey lapovrete. Donn dimoun swen lasante e ledikasyon ki o nivo. Fer sir tou dimoun i annan travay. Nou bezwen dil avek sa bann zafer.

Akoz si nou pa kapab adrese i kit en lenpak negativ, letan byen piblik i kontinyelman ganny - sirtou resours finansyel i kontinyen ganny vole. E parey mon ti pe dir lipokrizi dan sa zafer, se souvan fwa bann labank, ki gard sa larzan. Zot *bank* sa larzan, e zot, zot benefisye avek lentere.

E souvan fwa zot dan bann pei kot ou ti ava ekspekte pou dir zot ti pou ede volonterman. Me sa i pa neserman leka. E letan nou koz byen piblik Mr Speaker, avan ki nou al tro lwen.

Donk souvan fwa i annan gro sonm ki ganny vole, e sa bann sonm i ganny kit pei. I kapab pli tar retournen ki aste byen. I kapab letan en dimoun pe siny bann gro kontra, sepaman si nou pe al konble lanmer pou fer bann zil. I

annan bann dil ki ganny fer, kot gous i ganny peye.

I annan bann transfer propriyete Gouvernman lo bann pri ki bokou pli ba. Be annou pa mazin zis laba anler. I annan bann pti ka. Par egzanp resaman ti annan *FA4JR*. Si en lakonpanyen i fer fo deklarasyon? I pran larzan ki pa devret pran, i garde. Ler ou al gete, ou dir be entel pa ti devret gannyen li.

So i kapab osi pti gin koumsa. *STC* lot zour lekel sa antite ki ti vin la *ASP*? Ti dir ki i annan sepaman konbyen mil Roupri an term *cash* dan *card* *STC* ki pa'n ganny *claim*. Be eski vremen sa bann non ti egziste?

Bann benefis sosyal ki'n ganny donnen dan le pase. Eski tou sa bann dimoun ti egziste? Akoz si en dimoun ki dan en pozisyon lotorite i kree ne fo non, e i anvoy R5mil tou le mwan. Be dan 1 an 60mil dan 5 an 300mil.

So annou pa zis get laba anler, ki dir en boug in vol sepaman konbyen milyon. I tousala. I bann fason ki dezormen si ti pou annan en odit dan *FA4GR* Sesel, ki mannyer in pase. Nou retournen nou dir ek sa bann dimoun, non, ou pa ti *deserve*, rann nou, nou larzan. Pa ti pou ou sa, ou a rann!

Donk mon pe get li koumsa, pou ki dimoun i

konpran kwa ki nou pe koz lo la. E alor i enportan ki i annan en landrwa santral ki zer sa sityasyon.

Donk Mr Speaker koman en pei nou bezwen komans sa demars, sa traze. Pou asire ki zanmen ankor sa ki'n arive kot nou'n ganny vole, ouswa ki nou ganny vole a lavenir fodre pa ki sa i arive. Nou bezwen *above board*.

Donk si nou pe kree en antite, nou bezwen asire pou dir, parey mon ti pe dir bomaten, i bezwen annan resours apropiye, ki ganny mete swa pou zot kapab *recruit* travayer nesaser. Konpetan dayer, e apre lezot *resource* si zot gannyen.

E i enportan ki nou osi fer lenvestisman ladan, akoz zot dir ou matematikman, sak Roupri ki ou depanse pou *trace* sa bann *lost, stolen assets*, ou kapab ganny R20 an retour, donk apre tou i pa en move lenvestisman.

Mon rapel letan nou ti lot kote latab en fwa, Dirizan Lopoziyon sa letan Prezidan Larepiblik ti pe dir, si zanmen nou pou vin o pouvwar, nou a pare pou nou investir larzan, pou kapab fer larzan retourn Sesel. Akoz apre tou nou tou, nou pou benefisyé. E sa i byen, e mon siport li lo la.

Donk ki nou bezwen apartir ozordi, pou asire ki sa *Bill* ki i annan en tit a *mouthful*

title, nou bezwen dabor annan volonte politik, pou fer sa keksoz bouze. Nou bezwen asire ki tou bann regleman ki kont blansisaz larzan, pe ganny swiv.

Pou ki dayer nou pa bezwen pli tar pe vwar nou, pe tay avek bann *assets* dan plis ki en ziridiksyon, e i difisil trouve. Nou bezwen asir konpetans bann dimoun ki pe travay dan sa domenn, pou swiv, pou rode, pou detekte kote sa larzan i ete.

Nou bezwen lasistans atraver bann *mutual legal assistance*, avek bann lorganizasyon ou pei vwazen, ki nou'n annan sa lagreman avek. Nou bezwen asir bon kominikasyon ant tou bann parti konsernen. Parey nou ti pe dir bomaten ki personn pa travay an izolasyon.

Me pli enportan Mr Speaker, nou bezwen annan la transparans, e rann kont dan sa prosis. Pou ki piblik i satisfè pou dir, konbyen byen nou'n nobou fer retournen. Ler in sezi, konbyen in sezi, lekel sa bann byen ouswa ki'n ganny konfiske. So, ki annan en transparans.

Donk dan son lalwa li menm, yer i en pwen ki mon ti pe fer resorti dan *Bill Committee*, i ti pou byen ki *explicitly somewhere* i dir, ki i annan en rapor anyel ki ganny

fer lo sa size. Kot i annan la transparans.

E osi, dan son *summing-up*, mon ti ava kontan ki Minis i re asir nou, par lefet ki sa *unit* ki pe vin parti son Minister. E Onorab Cosgrow dan son prezantasyon i dir, fason ki dan bann lezot landrwa in ganny *set-up*.

Bokou pei wi, i en *Board* presidir endepandan avek *the Executive Branch of Government*. E sertennman pa en Minister, e donk i ganny vwar koman endepandan. I ganny vwar konmkwa i pa pe fer *political witch-hunt*. I ganny vwar konmkwa i pe fer son travay dan *fairness*.

E pou nou Sesel lefe ki i en premye pa, olye ki al kree en lot lenstitisyon. Mon konpran si nou pe sey fer plis avek sa pti gin ki nou annan. Donk mon ava pare to take a *chance on the unit*, regarde ki mannyer i ete.

E parey mon'n dir ki sa Lasanble mon krwar, si i en keksoz ki bon pou Sesel. Nou pa merit ezite, pou ankouraz okenn bann lamannman, pou fer li pli byen. E nou annan bann pei ki bann pti ziridiksyon parey nou, ki nou kapab regard legzanp, ki mannyer pou zot i marse.

Maurice i annan enn sa *Asset Management* lorganizasyon. *Malta* i annan

enn. Donk nou annan bann legzanp ki nou kapab gete anmezir ki letan i ale, pou vwar ki mannyer pou nou pe marse. E fer sir ki, i osi efektiv.

Donk avek sa de mo Mr Speaker mon pou dir ki mon napa ezitasyon pou donn mon sipor sa Prozedlwa. Mersi.

MR SPEAKER

Mersi Onorab. Lentervansyon swivan, Onorab Loze.

HON JOHAN LOZE

Mersi Mr Speaker. Mr Speaker mon krwar a sa pwen Minis pou bezwen sorti e fer en *statement* kler lo si sa Lalwa pe ganny anmennen pou adres serten sityasyon ki kouran dan pei. Ouswa si sa Lalwa pe ganny anmennen dan kad senpleman nou bann lobligasyon e *AML/CFT*. Sa i pa akoz mwan.

I senpleman akoz i annan Manm ki'n dir sa Lalwa pa pe ganny anmennen pou adres sityasyon kouran. Apre i *go on* pou *describe* an detay sityasyon ki kouran an se moman dan pei.

So si sa Lalwa pe ganny anmennen pou adres spesifikman serten keksoz ki pe pase dan pei *right now*, mon krwar *this is the moment* pou sorti kler e dir. Parske Manm i deza pe dekrir kler pou tou dimoun Sesel tandé, bann keksoz ki pe pase dan pei dan

deba lo sa Lalwa. So Minis mon krwar ou pou bezwen sorti e fer en *statement* kler lo sa size pou lepep Seselwa konpran.

Mr Speaker yer dan deba dan *Bills Committee*, mon ti lev en konsern ki mwan mon ti annan anba 11(3) spesifikman. I dir "*the Minister may by regulations regulate the administration and management of the asset recovery fund.*"

Back then mon ti ganny en larepons. Zot ti eksplik mwan poudir Minis li i tonm anba *l'égide* Komite *AML/CFT* Nasyonal, *NAC* mon krwar i apele. *NAC*. E so Minis li osi i pou tonm anba direktiv *NAC*. *Is that correct* Minister? So akoz mwan mon ti pe demann sa yer. Mon ti santi ki nou bezwen en serten nivo proteksyon pou Minis.

Non pa konman Minis li menm e non pa konman en antite politik. Me plito pou sa travay ki ganny fer. Ki demen bann lakizasyon politik, *political witch-hunt* a ganny separe. E keksoz ki mwan mon ti leve yer sete ki probableman i bezwen annan en *buffer between the Minister and* ladministrasyon sa fon li menm. *The asset recovery fund.*

E ki mon pe dir la Mr Speaker, nou vwar *further*" *the asset management unit shall*

devise policies and procedures with the approval of the Minister” ankor.

Further.

“The Minister may by regulations prescribed the procedures to trace, identify, and evaluate the property which is subjected to for forfeiture or confiscation. The Minister may by regulations describe the procedures to manage and maintain or dispose of the properties which was subjected to seizures forfeiture confiscation.

So nou vwar i en pe the Minister heavy. Mwan personelman mon santi that this exposes the Minister e i en febles dan sa morso Lezislasyon. Mon pa pe lev sa zis la. Mon ti leve yer dan Bills Committee. La petet mon’n al en pti pe pli an detay.

I en febles dan sa morso Lezislasyon akoz it taints the work in a sense avek en ten politik. The Minister i en political appointee. His office is a political appointment. So mon pa santi sa bann bout the Minister, the Minister, the Minister ki annan pou fer avek la sezi larzan, en disposal of assets i fer lazistis sa Bill ki devan nou. E i pou fer lazistis sa travay ki devan nou.

So mon santi ki petet nou pou bezwen evantyelman rod en fason pou adres sa size. So

mon pa konnen si Minis pou le donn son komanter lo la.

Lot pwen ki mon ti annan i anba 6(1) mon krwar; “Notwithstanding any other law in force, the asset management unit shall take all necessary steps to prevent the availability of funds or assets, to the designated persons under the prevention of Terrorism Act (Cap. 179) and the regulations made thereunder.”

So mon konpran en pe ki pe dir. Mon vwar in ganny ekrir dan la negativ. Selman mon ti a kontan zot zis eksplik nou byen ki lentansyon par deryer sa. Eksplike pou tou dimoun konpran si posib. Mon pa konnen si SS Payet ti a ganny en sans koze at some point pou eksplik nou sa 6(1) silvouple.

Further ki mon ti annan –

MR SPEAKER

Be bon ou kapab arete Onorab.

HON JOHAN LOZE

Non Mr Speaker!

MR SPEAKER

Ok.

HON JOHAN LOZE

Ok G. “To take steps which will not allow the opposite parties to file applications, which may prevent the

Republic to take actions to freeze, seize or recover the property that is liable for forfeiture or confiscation.”

Sa osi mon vwar zot in ekrir li dan la negativ. ‘*Which will not allow the opposite parties to file applications which may prevent the Republic.*’

Be akoz en dimoun napa drwa *file application which may prevent the Republic to take actions to freeze*, si i pe *file* en laplikasyon legal devan Lakour? Akoz ou bezwen-?

Sa *unit* li i bezwen form parti son fonksyon pou pran aksyon. Mon sel *issue* se la fason ki in ganny ekrir. Mon a konpran si i pou zot pa fer gaf - pa fer gaf ki anpes sa bann aksyon koumsa *occur*. Be prezan mon pe rode ki sa pe sey dir, ki lentansyon. Si pe sey dir sa e si sa ki’n ganny dir egzaktaman la, mon napa okenn move lentansyon par deryer mon keston. Mon pe zis kestonnen, si sa egzaktaman ki zot pe sey dir.

Bon *personnelman* mwan mon napa gran *issues* avek sa mwan. Mon *one way or the other it is neither here nor there*. Anba *AML/CFT* i bezwen ganny pase. Bann rekomandasyon i kler. Pei i bezwen fer sa sansan, nou pe ganny *deregulated* dan bann fason negativ, ki nou pa ti a

kontan vwar pe arive avek nou.

Be selman parey mon’n dir swivan komanter serten Manm, mon ti a kontan Minis i ete kler si sa en morso Lezislasyon ki nou’n anmennen akoz *AML/CFT*?

Ouswa si nou’n anmenn li akoz nou anvi sezi byen serten dimoun ki an se moman zot sityasyon i *À La Une* dan pei. E sa pa akoz mwan mon’n anvi demann sa keston, me swivan bann keksoz ki’n ganny dir la dan Lasanble. Mersi Mr Speaker.

MR SPEAKER

Mersi Onorab. Onorab Andre.

HON CLIFFORD ANDRE

Mersi Mr Speaker. Bonn apre midi Minis avek ou delegasyon, tou Manm, tou dimoun a lekout. Mr Speaker sa Lalwa ki devan nou i e loportinite pou esey asiste avek bann *assets* ki’n ganny sezi, e pou rod fason pli meyer pou *dispose* oubyen *manage* sa bann *assets*.

Akoz i enportan Mr Speaker? Akoz parfwa nou vwar ki bann ka Ankour i pran letan. Akoz i annan bokou, e Lakour i pran letan pou li ekoute. Letan en ka i fini dan Lakour Siprenm i annan son letan ki sa dimoun i fer rapel. E sa osi i pran en lot letan konsiderab pou kapab pase.

E alors si Lakour Siprenm in ordonnen ki *assets* i ganny sezi, i pa zis kapab ganny kite dan soley. E ki son valer i depresye. Oubyen en lakaz parey in ganny dir i tonm dan rin. Ki fer ki son valer i tonbe e letan in ariv ler pou vann, sa valer ki i ti annan I pa parey.

Alors en *unit* Mr Speaker ki pe kordin tousala, aköz parey nou'n ganny dir i annan diferan *unit* ki li son rol se ale fer lasezi. Fer aplikasyon devan Lakour fer lasezi. E la nou pou donn osi dan lezot Lalwa ki pe vini, sa menm fonksyon avek Anti-Koripsyon.

So i pou annan sa bann laspe ki zot bezwen fer pou zot fer zot travay efikas. E pou fer sir ki en *case*, letan pep Seselwa in mandat en lorganizasyon pou fer, letan i sezi i annan valer ki atase avek. Ki nou kapab re ganny sa larzan dan nou pei.

Me mon konsern lo la se ler nou pe get *receipts* avek *disbursement from ARF*. Mr Speaker letan nou get seksyon 12 i dir ki poudir Minis :- "*the Minister may authorise payment out of ARF to compensate victim who suffered loses as a result of offences on a perspective law in force.*"

Mon ti a kontan ganny en klarifikasyon, aköz dan sa menm sa seksyon i dir ki

poudir, letan nou ariv 'h', i dir – so Minis; "*pay compensation ordered by the court.*"

Mon konsernen aköz Minis i pa Lakour. Letan en *case* i ganny anmenn Ankour e sa *assets* pou'n ganny sezi, i pou'n ganny vann. E i pou deza annan en lord Lakour ki pou'n fer an referans avek si i annan en *case* ladan.

So eski Minis li i pou donn viktim sa larzan avan *case* i fini ganny ekoute? Oubyen *now who will ... that the victim?* Minis pa kapab decide sa. I pou bezwen -. Mwan mon santi ki I pou bezwen esper Lakour donn en *compensation*. Apre li i ava ordonn peyman sa larzan sorti dan sa fon.

So eski i neser nou kit sa bout kot Minis li i pou *compensate? Minister cannot compensate the victim!* E letan nou pe get ankor dan sa Lalwa i dir Minister "*may authorise payment out of the ARF with the approval of the Cabinet*," savedir *with the approval of the Cabinet,*" returned *assets to the original owner.*" Me mon santi la nou bezwen get sa byen. Aköz *Cabinet is not the Court.*

Attorney Zeneral si i anmenn en *case* Ankour, e nou pe koz lo *assets management* la nou. *Manage* sa bann *assets*. So in anmenn en *case* Ankour, eski *Cabinet*

pou ordonnen ki poudir Minis ou pey sa – oubyen *return the assets* parey in dir to the – *return assets to the original owner*.

Eski nou pe dir dan sa konteks eski letan in ganny pran dizon Onorab Sathya in vann mwan en *assets* e mwan mon'n vann Onorab Hoareau. Be sa *case* i Ankour, konmsi akoz *Cabinet* ki pou dir rann Onorab Sathya kan *case* i Ankour? Esper Lakour fini, oubyen letan in fini Lakour pou'n fini fer en lord li. So eski nou pa pe –

Parey Onorab Loze i dir mon tant pou mwan konpran e dakor, akoz eski nou pa pe met Egzekitiv dan en pozisyon kot demen zot rol oubyen zot lendepandans in ganny *compromise*?

I enportan pou nou gete e sa larzan mwan personnelman mon pa krwar nou devret – me selman mon ti a kontan en leksplikasyon. Kekfwa Minis i donn mwan.

E si nou kapab tonm lo en konpromi, mon krwar nou kapab tir serten larzan ki pou ganny peye. Akoz Lakour finalman ki *compensate the victim*, e ki dir ki poudir okenn tranzaksyon ki'n ganny fer i *null and void*.

Bomaten nou'n koz lo donn pouvwar Ant-Koripsyon e donn pouvwar Rezistrar Zeneral pou li kapab *delay* en

prosesis. Si i annan en lenvestigasyon par Anti-Koripsyon.

So avek sa detrwa mo Mr Speaker *an grosso modo* mon pare pou mwan donn mon sipor pou en Lalwa parey, akoz i pou ed nou pa pey konpansasyon. Oubyen pey mwens konpansasyon dan sa konteks. Be selman sa detrwa eleman ki mon'n leve mon ti a kontan i ganny adrese. Mersi Mr Speaker.

MR SPEAKER

Mersi Onorab. Bon aprezan mon a kapab apel Minis pou donn son larepons lo deba.

MINISTER NAADIR HASSAN

Mersi Mr Speaker. Mersi bann Onorab pou zot lentervansyon. Pou reponn bann kestyon ki'n monte Onorab Cosgrow ti'n mansyonn ki model *Asset Management Unit* ki annan dan lemonn. E nou desizyon pou al avek sa enn model mon mazine.

Desizyon deryer sa se i annan diferan model of ki mannyer ou kapab striktir ou *asset management unit*. Me nou'n santi dan konteks Sesel ki *within the existing structure* ki nou annan ki fason pli fasil pou konmans sa.

E sa ki'n fer poudir be *ok* i annan serten *specific resources* dan Minister Finans e ki nou kapab *build* lo la. Pou

nou kapab *set-up* sa *structure*. *Get it up and running*. *And then further down the line* si i annan en nesesite pou *tweak* pou re aranze nou kapab fer li. Be selman sa i fason pli practical ki nou kapab konmanse.

In terms of the role specific asset management companies i zwe, mon krwar i enportan pou note ki *the unit itself can use the expertise of bann specific management companies*.

Parey en *outsourcing* si i annan en *specific case* ki *require* serten lekspertiz pou *manage* sa *asset*, *this is outsourced under the oversight of the asset management unit*. Lo kote- kestyon in monte en kantite lo resours E mon la for pou fer sa marse nou bezwen annan resours. E *given* nou sityasyon bidzeter ankor nou bezwen mazine ki mannyer nou konmans li avek *minimum* resours ki nou kapab fer li marse.

Aprè nou kontinyen *build* li *up*. E pou le moman nou'n fer provizyon pou 4 dimoun pou konmans avek. Me osi i annan travay pe ganny fer ki mannyer nou kapab *pull resources from other law enforcement agencies* pou nou provizyon sa.

E sa osi i *apply* pou lo kote lenfrastruktir. I annan serten lenfrastruktir *all over*

the place, ki mannyer nou kapab *pull* sa *together* e met li *coordinated* anba en *unit*. *So it is about* ki mannyer nou kapab fer *the most* avek sa ki nou deza annan, *until* nou kapab kontinyelman *build-up* sa *unit*.

Lo kote kestyon ki'n leve lekel ki responsab pou *seized assets*? Mon krwar premyerman i reste responsabilite bann *law enforcement agencies* ki zot, zot annan sa rol primer.

Me *the unit itself* i travay mannyer Lalwa in ganny drafte an kordinasyon ek sa bann *unit* lo sa travay. So i en travay kordinen me rol primer i reste bann *law enforcement agencies*.

Lo kote *asset outside of Seychelles* normalman prosedir i ganny *follow* se en *mutual legal assistance*, ki *basically* ou pe rod lasistans sa lot pei *in terms of return of serten assets or lenformasyon* ki ou pe rode. So sa *unit* osi i responsab pou li ansanm ek Biro *Attorney Zeneral* pou *link up* e travay pou nou bann *assets* ki'n ganny sa - ki an deor Sesel.

En lot keksoz ki'n monte mon krwar mon'n reponn *regarding* aköz dan Minister, sa mon'n reponn. Sa kestyon ki Onorab Loze i mansyonnen se eski sa Lalwa in ganny met an plas pou en sityasyon

spesifik, ouswa i en Lalwa ki ti pou vini lo li menm.

Mon krwar larepons i kler. Sa Lalwa parey in ganny mansyonnen pe ganny travay lo la pou plis ki 1an/2an. E savedir i pa'n ganny met la pou en rezon spesifik. In ganny mete ki dan levennman kot i annan aksyon ki ganny pran i annan asset ki ganny seized.

E nou annan en striktir kordinen ki kapab ensure the best value. I reste for the Government and the people of Seychelles. Me selman mon krwar i apropiye ki lala kot nou pe vwar bann devlopman ki sa Lalwa i an plas. Me sa Lalwa i pou la pou nenport ki case. So sa i ava mon komanter lo la. Lo kote kestyon ki'n monte lo pouvwar Minis in terms of, in terms of bann prosedir e regilasyon, sa mon krwar i en normal process kot the Minister is ultimately responsible for putting in place prosedir e regilasyon.

Me parey dan bann lezot Lalwa AML kot the Minister usually i ganny advised by the National AML Committee, mon pou napa okenn lobzeksyon si sa i ganny azoute. Mon krwar i ava azout i ava met en pe plis sa latransparans.

Me selman procedure wise this is the way it's gonna work se, ou annan the National AML Committee ki li i

pou fer son rekomandasyon to the Minister, ki i al kot Cabinet and then i ganny met an plas.

Dernyen kestyon ki'n monte lo seksyon 12(2) spesifikman lo (a) and (d) mon konpran konsern ki Onorab in fer monte regarding (a) ki dir "the Minister may authorise payments out of the fund to compensate victims." E (d) "with the approval of Cabinet return assess the original owner. "

Mon pou napa lobzeksyon si sa i ganny mete i ganny qualify with the authorisation of the Court, something ki empower the Executive to act. Mon pou napa lobzeksyon sa i en keksoz ki nou kapab diskite.

So an gro mon krwar mon'n tous lo tou bann kestyon ki'n leve. Mersi Mr Speaker.

MR SPEAKER

Byen, mersi Minis. Mon apel bann Manm pou vot lo merit zeneral sa Bill lo Second Reading. Manm ki an faver lev lanmen silvouple? Byen tou Manm in vote. Vot lo general merit of The Custody, Management and Disposal of Seized Forfeited or Confiscated Properties Bill, 2021, 27 Manm in vot pour, 0 kont, 0 abstansyon. Bill in aprouve lo Second Reading. Madanm

Clerk i a fer *Formal Second Reading*.

MADAM CLERK

Mersi Mr Speaker. *A Bill for an Act for The Custody, Management and Disposal of the Seized Forfeited or Confiscated Properties for the matters connected therewith or incidental thereto.* Mersi Mr Speaker.

MR SPEAKER

Mersi Madanm Clerk. Nou a pas dan Staz Komite pou klarifikasyon ek amannman. *Chairman ou a lead the way.*

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair dan nou annan *Bills Committee* parey in ganny dir mon krwar i annan sa zafer Angle dan seksyon 4 in *American English* avek *English itself right*.

Dan seksyon 4 (a) *realize* i annan en ‘z’ - *realizable sorry* i annan en ‘z’. Mr Rao i a dir nou. Me selman tou bann lezot dan sa seksyon 4 Mr Chair nou’n annan bann *deletion* ek bann *additions* ki *panel* avek *Bills Committee* in tonm dakor.

So mon ti ava zis kekfwa demann *panel* zot *approval*, an referans avek seksyon 4, kot nou ti annan bann *deletion* ek bann *insertion* ki nou’n tonm dakor. Akoz mon pa oule pas lo enn, akoz i annan bokou

mon pa oule pas lo enn par enn. Mersi.

MR SPEAKER

Wi *panel* nou’n kapab *settle* lo seksyon 4. Yes Minis in ok. Onorab Georges i annan en pwen.

HON BERNARD GEORGES

Wi mersi Mr Chair. Mr Chair annefe i pa mon pwen me i pwen ki Onorab Loze in *raise* apropo 4 (g). E mon pa konnen si nou’n ganny en, en desizyon lo la. Akoz pwen ki’n fer sorti se mon pa konnen si i anvi *move* en lamannman.

Me in fer en pwen valab akoz mannyer i ete la “*so as not to allow other parties takes step not to allow the parties to file application that may prevent the Republic from taking actions to freeze,*” eksetera.

Mon krwar ki nou devret pas en pti git letan pou regard sa, akoz *now that the point has been raised* nou bezwen rezourd li dan en fason oubyen en lot.

Mon mazine ler nou regard *to file applications* wi malerezman Onorab ki’n fer sa pwen, pa dan Lasanble mon pa konnen si okenn -

MR SPEAKER

I pa dan lasal be ki opsyon ou ti pe war Onorab Georges?

HON BERNARD GEORGES

Be mon bezwen *drill down on* dan sa ki *panel* ti anvi. Anfen mon mazine en sizesyon se olye ‘*so as to not allow the parties to file application*’ nou kapab dir ‘*so as to prevent other parties from taking action to prevent the Republic*’ i ava en pe pli *broad* san ki i pe dir *the unit* i kapab anpes dimoun pran aksyon pou anpes Gouvernman fer serten keksoz ki kapab paret *objectionable*. Me mon ti a kontan *panel*.

MR SPEAKER

Thank you.

HON BERNARD GEORGES

Me selman i annan en lot keksoz. Mr Rao in fer nou konpran yer ki sa langaz in fini ganny aksepte par FATF eksetera. E nou zot pa anvi ki nou sanz tro bokou, akoz nou pou riske ganny problemm avek zot. Alors i pou sa rezon ki mon pa kapab mon pa pe *move* en *amendment*, me mon ti a kontan zot konsiderasyon lo sa pwen ki’n ganny leve.

MR SPEAKER

Ok. Annou regard lentansyon *panel*. Ou ankor lo menm pwen Onorab Henrie? Wi.

HON GERVAIS HENRIE

Wi Mr Chair mersi. Akoz letan mwan mon’n lir sa bomaten letan mon’n war sa bout ‘*will*

not allow the opposite parties to file’ in *jump out at me* solman ki mannyer mon’n lir li se ki *will take steps*, i se ki si i annan en aplikasyon ki *the opposite parties i fer take step* i se ki zot pou annan en *counter legal argument*. Mwan mon’n lir li koumsa be eski mon lenterpretasyon i pa osi senp.

Akoz si pou mon sa i sa mon pa war akoz nou pa merit gard koumsa. Mersi.

MR SPEAKER

Mersi. Annou ekout *panel* si zot annan en pwennvi. *Panel* sa ki anvi adrese zis sinyal mon silvouple. Minis Mr Rao pou adrese. Mr Rao.

**ASSISTANT PRINCIPAL
LEGAL DRAFTSPERSON
SRINIVASA RAO**

Thank you so much for the opportunity for me to explain on this Clause. In fact - in fact there may be counter claims with regard to certain properties that in the Republic is trying to freeze the properties.

*To reduce the allegations of filling counter claims, this provision is being incorporated. Suppose if *multiphase* rules are there they will file an application stating that we are having right to all the property so it cannot be frozen.*

MR SPEAKER

Sorry, annou les Onorab Andre avan akoz i ti'n lev lanmen.

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair mon osi la an, an regardan sa, sa provizyon dan Lalwa mon pa krwar sa *unit* i devret anpes en dimoun file aplikasyon.

Akoz letan nou pe get li la manner in ganny ekrire, e se sanmenm sa ki i pe dir "*takes steps which will not allow the other party to file application.*" Zot bezwen pran bann mezir ki si en dimoun akoz Lakour i permet ou fer okenn aplikasyon.

En mert in ganny komet i pa anpes en Avoka lo par son kliyan pou file pou en *bail*. Sa ou pa kapab anpes li. I a file son *bail*, Lakour i a refiz li *bail*. Ou konpran ou? Se sa ki mon be letan mon pe get la konmsi ou, ou pou pran mezir pou anpes sa dimoun *file*.

Me sa i en landrwa kot ou pe afekte son drwa konstitisyonnèl. E Mr Rao pe dir pou *mitigate*. So mon krwar si nou kapab rod en *wording*. Mon konpran LGB ki manner nou'n dir ki poudir FATF in dir nou zot in dakor avek sa *wording* oubyen zot in propoz sa *wording*.

But if the wording then demen nou al Ankour en dimoun i petisyon

Constitutional Court e Constitutional Court i dir be wording is not correct. So nou bezwen get li byen ki zot, zot mitigate bann sikonstans kot ler en dimoun in fayle en laplikasyon ki i posib i pa ganny sa laplikasyon.

So nou bezwen get li dan sa laliny mon krwar, akoz sa i annan en provizyon konstitisyonnèl avek ki en pe serye. Mersi.

MR SPEAKER

Onorab Georges. Yes.

HON BERNARD GEORGES

Mersi Mr Chair. Mr Chair anefe sa provizyon li i pa donn okenn Lotorite lo *the unit* pou li fer sa. I donn li posibilite pou li fer me i pa oule dir ki akoz i pou fayle en laplikasyon pou anpes en lot ki Lakour *or whoever* pou otomatikman pou aksepte son laplikasyon.

So this is just an enabling provision. It's not a legally binding and mandatory provisions. I pa akoz i la ki otomatikman it's going to succeed. Me mon konpran ki sa langaz i riske koz serten problem to the objective reader.

I think we can achieve the same purpose by using more temperate language. And I would suggest for Mr Rao's benefit that we say something

like “to take steps to prevent other parties from acting to stop the Republic to taking actions to freeze” eksetera.

So basically the notion is that the unit will be able to prevent steps to dissipate but not necessarily say that this will be done in a manner that will stop the others from exercising the legal right, if you see what I mean.

And it may be that the language is not the best, but it’s the only thing I can think of right now.

MR SPEAKER

Be Onorab Georges dan sa ka si sa ki ou pe intend akoz ou pa dir “to take steps against other parties seeking to file applications which may “and so on.

HON BERNARD GEORGES

I think that’s very good suggestion Mr Chair. Bearing in mind that the ESAAMLG might be sensitive to a change.

MR SPEAKER

Yes Mr Rao.

**ASSISTANT PRINCIPAL
LEGAL DRAFTSPERSON
SRINIVASA RAO**

We can see the terminology prevent filing frivolous application Sir – “to prevent from filling frivolous application” Sir.

MR SPEAKER

Yes Onorab Georges yes.

HON BERNARD GEORGES

I don’t think it’s only frivolous application. I think what you want to stop them is to file serious application, not only frivolous ones. You don’t want to you want to give the unit the right to embargo somebody from taking an action to invade the whole thrust of the Act.

I think that’s the idea Mr Speaker can you repeat your proposal, I’d like to consider that?

MR SPEAKER

Yes it was “to take steps against other parties seeking to file applications which may prevent...” If that is the idea that all you doing is giving it power to counter any steps that other parties may take. Yes Onorab Georges.

HON BERNARD GEORGES

I think you’ve hit the nail on the head Mr Speaker. Why don’t we say “to take steps to counter...”

MR SPEAKER

To counter yes.

HON BERNARD GEORGES

“... applications by other parties seeking to prevent...”

MR SPEAKER

Let, let the panel. Sorry Onorab Andre ti'n lev lanmen ou ankor lo menm pwen?

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair sa ki Onorab Georges in propoze mon krwar i fer plis sans ki sa ki la e alors si sa ki i pe propoze mon pou segonn sa. Mersi.

MR SPEAKER

Thank you. Panel what's your opinion? Yes Onorab Loze wi sorry prezan ki mon war ou lanmen.

HON JOHAN LOZE

Mersi Mr Speaker. Mr Speaker mon krwar counter i pli palatable ki prevent. Prevent i annan en laspe kaladyonm avek ki ou pe vin kas zenou sa dimoun, ki li i pe egzers son drwa legal.

Tandis ki counter pou ou kontre, ou osi ou pe fer en demars legal. Tandis ki sa zafer prevent la pa ti asiz ditou byen. Mersi Mr Speaker.

MR SPEAKER

Thank you. Dan sa ka ou anlany avek sa ki Onorab Andre in dir. Panel nou ankor pe esper zot reaksyon.

**ASSISTANT PRINCIPAL
LEGAL DRAFTSPERSON
SRINIVASA RAO**

Yes I agree with the formulation that has been made in this form to say: "to take steps against other parties seeking to file applications which may counter the Republic from taking actions to freeze, seize or recover property that is liable for forfeiture or confiscation." It's ok, Sir.

MR SPEAKER

Onorab Georges.

HON BERNARD GEORGES

I think I see the Leader of the Opposition has raised his hands. The proposal that I have here is: "to take steps to counter actions taken by other parties seeking to prevent the Republic from" etcetera.

MR SPEAKER

Panel Director in nod assent. Minis in dakor. Ok, let's take we take that onboard? Napa lot-? Yes Onorab Pillay oule adres sa.

HON SEBASTIEN PILLAY

Yes mon ti le zis - zis mon ti want to ensure so we agreed on' countering' and not 'against' other parties ?

MR SPEAKER

Yes the word counter - yes to counter.

HON SEBASTIEN PILLAY

Ok but I feel something that has been lost in translation because whilst I was listening to this debate, your focus should not be on the person, it should be on the application. You are countering the application not the person.

I need you to understand that. So if - the proposal can we get the proposal again Mr Chairman?

MR SPEAKER

Onorab Andre.

HON CLIFFORD ANDRE

Mr Chair, menm si nou pe met sa la mon krwar sa i zis pou ed sa *unit*, pou li pran bann mezir, akoz *no matter what* si en dimoun i fayle aplikasyon Lakour pou donn ou sa loportinite pou ou reponn sa aplikasyon, e ou ava zistifye akoz sa aplikasyon pa devret ganny fer.

Lesansyel ki mannyer ti mete avan sete, konmsi pou anpes en dimoun file en aplikasyon. La nou pe dir ki poudir sa dimoun i kapab fayle son aplikasyon e sa *unit* li i bezwen pran bann mezir - mon konpran ki ou pe dir konsernan sa aplikasyon - pran bann mezir;- be letan nou pe dir sa dimoun i sa dimoun ki pou fayle aplikasyon. *Even if it's the person or the application pou mwan i neither here nor there.*

Me selman Lakour *no matter what* menm si nou pa met li ladan, i pou donn ou sa loportinite pou ou reponn. Mersi.

MR SPEAKER

Ok mon krwar Bills Committee Chairman in fer son final soz lo la. Panel do you want to re visit? Onorab Georges ou anvi azoute?

HON BERNARD GEORGES

Onorab *Leader* Lopozisyon in fer en pwen, mon krwar son pwen se *remove reference to other parties. So the proposal is: "to take steps to counter action" and then we'll either leave or remove taken 'by the parties. '*

But "to take steps to counter actions to prevent the Republic from taking steps to freeze" - sorry yes, "to take steps to counter actions taken by other parties with seeking to prevent the Republic from..." etcetera.

MR SPEAKER

Ok panel you accept this as the final wording? Ok thank you. Onorab Andre ou a move on please.

HON CLIFFORD ANDRE

Yes mersi Mr Chair. Mr Chair ankor lo seksyon 5 i bann sorry Mr Chair nou pa ti'n lo seksyon 4 nou pa ti'n - *panel*

pa ti'n dir nou zafer *realizable* whether they are going to use an 's' or a 'z.' 'Zot pa'n nou pa'n permet zot to tous sa enn.

MR SPEAKER

Panel it's a question of the 'z' instead of 's' British versus American basically. Yes Mr Rao.

ASSISTANT LEGAL SRINIVASA RAO **PRINCIPAL DRAFTSPERSON**

In fact under the AML Act we have defined realizable property ;- realizable property whereas - wherein we have used 'z.' So to sync with the AML Act let us go with the 'z.'

HON CLIFFORD ANDRE

Ok mon a kontinyen Mr Chair. Lo seksyon 5 parey nou ti'n agree dan nou miting yer bann insertion ek bann deletion, nou'n agree avek panel. So mon ava zis les panel Mr Chair konfirm nou lagreman lo seksyon 5.

MR SPEAKER

Thank you. Panel. Agreed Onorab. Onorab Georges i annan en pwen.

HON BERNARD GEORGES

Mersi Mr Chair. Mr Chair mwan mon ti annan en lot pwen me mon pa'n anv'i fer li taler mon prefere fer li la. Si nou regard Clause 5 ok, taking

over properties by Asset Management Unit.

Every Ministry and Departman upon freezing eksetera. E set en pwen ki'n souleve taler. What about, bann assets ki'n ganny frozen by the Court, oubyen ki'n ganny forfeited by the Court? Akoz en Court i pa en Ministry or Department. If the unit if the ARF - sorry the AM, (AMU_ Asset Management Unit i pou pran all which ki mon krwar son lentansyon.

I pou pran tou, tou propriyete ki'n ganny frozen or, or seized or confiscated what about those frozen or confiscated by the Court? Taler pwen in ganny fer e nou pou war li kot i annan en lamannman ki pe ganny propoze pou bann assets kot en receiver in fini ganny apwente.

And that's usually atraver Lakour Civil Confiscation eksetera COGA. But what about la, eski i lentansyon pou ki sa bann assets osi ki ganny pran avek Lakour ki pou al- ?

If I understand it correctly the Asset Management Unit i pou the repository of all properties that have been seized wherever. E sa set en tre bon lentansyon - one-stop shop in one central place, tou keksoz i la sa nou konpran

parfetman and it's a great idea.

Eski nou pa devret azout osi anything that's forfeited by order of the Court? Mersi.

MR SPEAKER

Thank you. Onorab Pillay ou lo sa pwen.

HON SEBASTIEN PILLAY

Yes Mr Chairman. On this point there something else that we have to take into consideration. We recently amended the law in regards to receivership and the appointment of receivers.

Now following on Honorable Georges's argument, to me this creates a conflict. If you take for example the FCIU on the Proceeds of Crime Act ok? It will make an application to the Court to cease or forfeit certain assets in relation to certain investigations which is it is carrying out, the same as we do the ACCS.

Now but both are law enforcement agencies both have a law enforcement mandate and function.

And the assets are forfeited through a Court order. So if your intention is to have a repository of all forfeited assets, how is your repository going to transcend the barrier between what has been

judicially forfeited or what has not been judicially forfeited?

To me it creates a conflict because we had a long argument on the whole issue of appointing receivers and how the Court should appoint receivers in relation to forfeited assets.

And how these assets are going to be disposed of or dealt with in the future. It makes it complicated. The way I see it, it makes it complicated.

I do not see how the Ministry of Finance Mr Chairman, which is to me an administrative body, how it's going to function within a quasi legal judicial framework? To me it's a bit complex.

MR SPEAKER

Panel? Yes Minister.

MINISTER NADDY HASSAN

Thank you Mr Chair. Onorab llo sa size mwan mannyer mon lir li the unit itself is not entering that lespas legal li. Li i pe manage, dispose bann assets. So li son fonksyon is to kolabor e travay ek bann lezot LEAs ki li i annan sa law enforcement laspe avek.

And tou keksoz ki ganny sezi in a way i mon pe think out loud la se i bezwen kot Lakour in entervenir la mazorite letan. Mon pe sey mazin en sityasyon kot

Lakour li menm li pa'n entervenir. Fodre - *yeah*.

MR SPEAKER

Yes Onorab Pillay.

HON SEBASTIEN PILLAY

Wi mon oule alert Minis lo en morso Lalwa ki pou mwan i *raise* en pti pe - ki fer li en pti pe - sanmenm sa ki fer li en pti pe *abrasive* la. *"To act as the primary mechanism for managing when necessary disposing of property frozen, seized forfeited or confiscated."*

It's a very wide power, me selman ou ti'n deza vin devan nou e demann nou appointment of receivers. Ou'n deza anmenn en Lalwa devan nou, ki ti koz lo appointment of receivers in relation to forfeited asset ki ti pe ganny siporte par National AML/CFT Committee - into - pou servi en parol ki Onorab Georges i kontan servi - who's going to be the dog and who's going to be the tail in relation to this? Mon konpran ki Gouvernman i le fer - I understand.

But how do we achieve that in order for us to be able to do that? Because pou mwan la it raises a en i annan en konfli the way I see it.

MR SPEAKER

Thank you. Onorab Andre.

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair si mon kapab esey asiste. Sa i en pwen annefe ou war en repetisyon *Bills Committee* ki nou ti fer yer. Selman zis i malere ki le de *Leaders* pa ti la. Me ki mon kapab sey anmenn devan, se ki kekfw nou bezwen rod en landrwa ladan poudir sa *Management Unit* i kordin bann *receivers* ki'n ganny apwente.

Akoz i deza annan en lord parey i pe ganny dir - parey mon ti dir yer ki Lakour in dir en *receiver*. E en *receiver* se pou li *dispose of the property* e pran sa bann *proceeds* met dan en kont. Demen si Lakour i demann li, i dir wi mon ti ganny 2milyon, 3milyon, 10milyon avek sa *proceeds* ki nou ti pran.

So parey Onorab Pillay pe dir mwan osi mon konpran ki poudir se pou kordin sa bann aktivite ki demen si i annan en kestyon oubyen *issue* i annan en *entity* - en *one-stop shop* ki konnen ki mannyer i pou reponn sa.

Me mon'n war nou'n met sa. Annefe nou'n sey avek, avek *panel* nou'n sey met, nou'n sey met serten sa bann konsern dan seksyon 15. Kot in - zis pou ou benefis Mr Chair mon a pas ladan ;

"Notwithstanding any other provisions of this Act, if a receiver has already been

appointed by the Court under any other law in force in the Republic for disposal of any property, the receiver so appointed shall coordinate with the Assets Management Unit for disposal of such property, and the proceeds of sale of such property shall be credited to the Assets Recovery Fund.”

So i dan en lesey pou sey kordin sa, sey met sa ansanm ki nou'n travay lo sa bout. Kekfwa akoz nou pa ti ankor ariv lo la ki nou pa pe war ki manner nou pe bouz devan. Avek sa Mr Speaker, mersi.

MR SPEAKER

Thank you. Onorab Georges.

HON BERNARD GEORGES

Mersi Mr Chair. Mr Chair mon krwar Minis i annan rezon dan son repons. *Effectively* sa ki nou pe fer la, nou pe fer en *central repository of all seized, confiscated and frozen assets.*

E sa se *Asset Management Unit.* Napa okenn problem ek sa. *That's easy.*

Sa ki nou pe dil avek la se, lekel sa bann Lotorite ki pou *freeze* e ki pou donn sa *asset into the custody of the unit?*

E i annan de keksoz la ; - enn se ki nou pa'n pran an kont Lakour konman enn sa bann Lotorite ki kapab *freeze.* E sa mon krwar nou kapab dil

avek relativman senpleman. E en lot se ler Lakour i apwent en *receiver to take possession* ki manner sa *receiver* pou *interface* avek *the Asset Management Unit.*

E sa mon krwar Onorab Andre fek eksplik tre byen dan sa propozisyon lamannman ki zot pe mete.

Mwan mon sel propozisyon la se olye met *every Ministry or Department* ki nou servi en *generic word* parey '*every authority upon freezing*' eksetera, ki ava *include* Lakour. I ava annan en lobligasyon le moman ki i *freeze, seize or forfeit* pou *provide* sa *data and to transfer the custody into the unit.* Mon krwar se sa ki mon pe rode *for the time being.* Mersi.

MR SPEAKER

Wi sa i a rezourd omwen en pwen la. *Panel the proposition is 'every authority.'*

HON BERNARD GEORGES

Or, or we can even say every Ministry, Department or authority. Mon napa okenn problem. *We can have. More is always better than less.*

MR SPEAKER

Minis oule donn pozisyon *panel?*

MINISTER NADDY HASSAN

Thank you Mr Chair. Nou ok pou include the word 'authority' pou azoute. Ok mersi. In addition.

MR SPEAKER

So every Ministry, Department or authority that's the last proposition. Ok then, thank you.

HON BERNARD GEORGES

And to be totally transparent Mr Speaker we will have to have the same word in 4 (b) 'to collaborate with Ministries, Departments and authorities. Ok? Mersi.

MR SPEAKER

Thank you. Panel is ok rest of Members ok. Onorab Andre ou a continue. Yes ou ankor lo la Onorab Pillay.

HON SEBASTIEN PILLAY

Wi nou ankor, nou ankor lo sa seksyon aköz, sa ki Onorab Georges pe anmennen, i pou anmenn dan en fason zenerik rol sa *Asset Management Unit* pou li akt dan en fason pou li kordinen.

Be son Lalwa i al plis ki sa. I al pli devan e *it talks about the disposal of those assets* osi. Se la kot mon annan en *issue*. Annou pran par egzanp seksyon 8 *POCA* ozordi - *FCIU* i kapab fer aplikasyon anba *POCA* pou li apwent en *receiver*. Se sa ki ou

pe vin avek dan lamannman ki ou pe propoze.

Me *still* i pa retir lefe ki sa *unit* pou mwan ler mon pe regard li i pe akt an deor *remit* en *unit* administratif. Aköz i senpleman en *unit* dan Minister Finans. I pa en *body* ki annan en rol legal pou li zve vizavi sa bann *assets*. Se sa ki mon konsernen avek.

E mon santi poudir nou riske pe fer ditor bann, bann antite ki annan en lagreman *binding in terms of* lesanz lenformasyon avek bann lezot group enternasyonal.

Par egzanp *FIU* zis - zis pou mwan fini *FIU* par egzanp;- *FIU* ki sipoze en *interface* avek *Egmont Group* i pa *Assets Unit whatever, ok?* So be selman provizyon ki ou annan se ki ou pe menm dir li i pou *assist investigative measures*.

Si i ti pou zis en *custodian of assets* mon konpran, be *it's not just a custodian of assets it's more than that. Read the objects and reason the functions*. Mon pa konnen si Onorab Andre zot in konsider dan miting *Bills Committee*.

MR SPEAKER

Yeah Onorab Andre ou a kapab adrese.

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair ankor se sa bann keksoz ki nou'n koz lo la yer. Kote lesansyel ki nou ti ganny eksplike se, letan Lalwa i pase de la letan en *unit* oubyen *MDA* i fer aplikasyon devan Lakour ,e zot si zot demande ki *the Management Unit* dan Minister Finans i ganny apwente konman *receiver*.

So Lakour i a fer lord, akoz Lakour i demann ou ki sennla oule ganny apwente? Kekfwa i ava dir mon pa konnen, SS Payet oubyen *whoever* dan Minister i a responsab sa li i a ganny apwente konman *receiver*.

So se sanmenm sa ki nou ti pe dir nou annan sa konsern e se sanmenm sa nou'n adres sa konsern. E *once* ki nou, nou pas sa Lalwa, letan zot fer zot aplikasyon Ankour, i pou en aplikasyon ki pran an konsiderasyon sa bann keksoz ki ladan. Mersi.

MR SPEAKER

SS Payet wi.

SS PATRICK PAYET

Mersi Mr Chair. Mersi bann konsern ki bann Onorab pe mete *cette* apre midi. Kekfwa zis pou elarzi en pe kekfwa pou adres en pe bann *issues* ki mon krwar ki nou'n diskite yer avek *Bills Committee*.

Pou nou letan nou war parey bann *law enforcement*

agencies nou, nou anvi ki zot konsantre zot *core* fonksyon ki zot sipoze pe fer. So letan ou regarde ;- par egzanp letan nou get *FCIU* ozordi ouswa *ACCS*, souvandfwa kekfwa ou pou war zot, zot pe perdi letan zis pou rod en landrwa, pou zot *manage asset* ki letan ou regarde enl ot lenstitisyon sa *Asset Management Unit* avek kordinasyon avek zot.

Me sa bann *law enforcement agency* zot, zot a kapab servi zot letan resours ki zot annan pou zot kapab deservi zot *core* fonksyon. Ki nou'n war par egzanp dan lefase parey Minis in adrese dan son *opening statement* i annan akoz kekfwa zot pa'n annan letan pou fer sa bann *maintenance* avek sa bann *asset*, ouswa pou rod sa resours ki zot sipoze pe fer, ou war ki sa bann *assets* in ganny *depleted*.

E Gouvernman in bezwen pey an plis. Me an menm tan osi si par egzanp Gouvernman ki deside kekfwa kit keksoz ki mannyer i ete ozordi, ou pou war ki Gouvernman i bezwen *inject more* resours partou dan bann lenstitisyon.

Me sanmenm sa ki propozisyon se sa *Asset Management Unit*, i pa pou kapab travay dan izolasyon. I bezwen travay an kordinasyon

avek sa bann *law enforcement agencies*.

Par egzanp letan ACCS pe *seize* en *asset*, li i bezwen kapab al Ankour avek ACCS e fer sir ki bann *paperwork* i annord, avan letan i *take over* sa *asset*. So sa en pe lentansyon, propozisyon, e diskisyon ki nou'n gannyen avek *Bills Committee*, pou donn Lasanble sa konfor e lepep Seselwa, ki vre i en nouvo *unit* ki Minister Finans pe pran.

Me selman nou konnen ozordi i egziste dan bann lenstitisyon. I annan bann resours ki nou pou *tap-in*. Kekfwa transfer en pe sa bann *staff* ki annan. I annan bann striktir ki ozordi ki egziste pran li met li dan sa rol kordinasyon ki nou anvizaze. Mersi.

MR SPEAKER

Mersi. Onorab Pillay amwen ki ou annan en landrwa spesifik ki ou anvi servi sizer en *amendment* oubyen swa - mon krwar nou pou bezwen *move on* aköz sa ki ou, ou pe dir i sanble mwan i al *against* sa ki *the intention* ki *panel e Bills Committee* in arive.

Mon a pran pwen Onorab Georges avan. Selman nou pou bezwen *move on* la.

HON BERNARD GEORGES

Mersi Mr Chair. Mr Chair mon ti anvi ed mon koleg *Leader*. E son pwen i valab. I pa en -. *It's a fair point* ki i pe leve. Me mon krwar *the* larepons se sa - mwan mon napa okenn problemm avek lefe ki sa *unit* i dan Minister Finans, e non pa en Lazans separe. Pa neserman aköz mon asiz lo sa kote latab. Non. Me aköz malgre ki sa *unit* pou kapab *interact* avek bann lezot Lazans.

Malgre ki i pou kapab *interact* avek *Attorney General*, malgre ki i pou kapab *interact* avek bann ; - i pou kapab donn lord pou sezi eksetera, i pa kapab fer nanryen li tousel. *That's the thing. It has to act through another mandated Agency* tel parey;- *FCIU*, tel parey *FIU*, tel parey *Lapolis*, tel parey *ACCS*, eksetera.

And I think this is the - se sa gardfou ki Onorab *Leader* Lopozisyon pe rode. I napa okenn pouvwar li apard *from give directions*, ede donn lenformasyon *and then manage and dispose*.

I pa kapab fer nanryen li menm, pou al sezi. *That has to be done by somebody else*. Mersi.

MR SPEAKER

Mersi. Minis.

MINISTER NADDY HASSAN

Mersi Mr Chair. Zis pou elabor en pe lo sa bann pwen ki *LGB* in mete. Si ou get sa bann mo ki'n ganny servi
 'to collaborate',
 'to support',
 'to maintain',
 'takes steps',
 'to assist.'

Mon krwar tou sa bann mo i konsistan avek *in terms* ek son rol lo - ki tonm en pti pe deor *managing and maintaining the asset*. I en rol kolaboratif *assisting law enforcement*. Mersi.

MR SPEAKER

Ok. Onorab Pillay wi.

HON SEBASTIEN PILLAY

Mon konpran, Mr Chairman mon konpran ou irzans e oule bouze ek sa Lalwa. Me selman ou bezwen apresye lefe ki nou pa'n ganny bokou letan pou nou kapab al *in-depth* pou nou kapab konpar sa Lalwa avek bann lezot provizyon legal ozordi, ki dil avek *forfeiture of assets*.

E sa ki mon pe realize se ki menm Gouvernman pa'n fer sa travay. Mon ti ava espekte alors par egzanp ki anba *Proceeds of Crime Act*, Gouvernman ti'n osi entrodwir *Assets Management Unit* as en konponan *office leadership* anba sa Lalwa!

Ki ler en aplikasyon i ganny fer devan Lakour pou

vest en seized asset i pa ganny *vest* dan en *receiver* ki Lakour pou determinen, me i ava vin *the primary receiver* lo lapar *FCIU*.

Par egzanp *FCIU* pa pou fer en aplikasyon anba en lot Lalwa apard ki *Proceeds of Crime Act*. E mon pa'n ganny letan pou mwan kapab prepar en lamannman lo la, akoz la ki mon pe konpran *the jinks of* sa deba.

So mwan mon ti ava sizere, Gouvernman i le pas sa Lalwa, akoz petet i annan *management of assets* e mon konpran sa ki *SS* pe dir.

I annan *assets* ki ganny sezi, si mon *management* pa ganny fer, i *depreciate in value*. Si *case* i *turn out otherwise*, Gouvernman i riske pey domaz. E lo lot kote valer ek sa *asset* i *depreciate* e Gouvernman i perdi larzan. *In any case* Gouvernman i perdi.

Mon pa le Gouvernman i perdi mwan, me selman mon le, mon le ki Lasanble i pran konsyans, dernyen *Clause* ki nou'n mete anba son fonksyon, se ki nou'n koz lo i annan drwa li fer nenport kwa ki annan pou fer avek *seized assets*.

Mwan mon krwar sa *Clause* i tro *wide*, nou devret tire sa *Clause*. Me mon pa'n anmenn lamannman, so avek parey ou'n dir - mon ava *move on* avek mo kosyon ki mon'n

donn Lotorite ki zot bezwen fer lezot lamannman, pou fer sa Lalwa ganny lavi, akoz i pou ganny en *challenge*.

E nou pa ti a kontan ki ler i ganny *challenge* i perdi, akoz se nou Lasanble ki'n pas sa Lalwa. Mersi.

MR SPEAKER

Ok mersi. Mon krwar avek propozisyon Onorab Pillay nou kapab *move on*. Onorab Andre ou ankor annan pwen.

HON CLIFFORD ANDRE

Yes mersi. Nou pe pas lo bann lamannman, mersi Mr Chair. Mon a pran 6 ek 7 ansanm. Li osi annan bann *insertion* ek bann *deletion* ki nou agree avek *panel*. Mon a zis les zot konfirm sa de Mr Chair. Mersi.

MR SPEAKER

Yes. *Panel* bann amannman ki zot in ganny notifie i korek. Onorab Andre *carry on*.

HON CLIFFORD ANDRE

Mersi Mr Chair. Mon a pran 8, 9, 10 ansanm, akoz 10 akoz zot osi zot ptipti - bann lamannman ankor bann *insertion* ek bann *deletion*, nou'n agree avek *panel* yer, zis mon ti a permet zot pou konfirmen ki se sa ki nou'n agree yer. Mersi.

MR SPEAKER

Ok 8, 9, 10 *nice little section there?* Onorab Andre Minis in dir i *ok*.

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair mon pou pran 11 li tousel akoz 12 mon mazine pou annan en pe konsern lo la. 11 ankor i annan bann *insertion* avek *deletion* ki nou ti'n agree yer dan *Bills Committee*. Mon ava permet ou konfirm sa avek *panel*. Mersi.

MR SPEAKER

Panel ou a konfirmen nou lo 11. Ok Onorab Andre.

HON CLIFFORD ANDRE

Mr Chair lo 12 kot nou ti pe koz lo *receipt* avek *disbursement of ARF*. Letan nou pe gete parey mon'n dir Minis li i otoriz peyman *out to compensate victims*. E ki mannyer Minis i fer sa, ki mannyer i kalkil sa, mon krwar sa i annan konsern. Akoz parey Minis in dir sa bann *assets* i an rezilta avek en *case* ki deza Ankour.

Oubyen ki Lakour ki'n donn en lord. Oubyen parey nou pe dir i annan bann *receivership* ki'n ganny apwente, e ki zot, zot in sezi zot pou *dispose* sa bann *assets* pou annan en kordinasyon.

So ki baz ki Minis pou servi pou kalkil konpansasyon

mwan mon ti a sizere ki nou, nou *delete* sa enn, me selman nou pa ti'n met li dan *Bills Committee* letan mon'n war mon'n dir sa.

E letan nou pe get *(c) 2 (c)* i dir *allocate funds to the Attorney General's Office to meet the expenses of the prosecution division*. Me i ganny larzan avek Lasanble li akoz nou bezwen donn li ankor larzan? O kontrer sa larzan mwan mon ti a prefere ki sa *Management Unit, Assets Management Unit* i servi sa pou li, pou li fer fonksyonnen sa *unit* en pe pli efikas.

Akoz *no matter what the Republic is always the official Government legal person* ki fer bann aplikasyon. E annefe - annefe Mr Chair *Attorney General* pa peye pou aplikasyon avek Lakour. I pa peye.

Tandis ki en *private citizen* i peye pou en aplikasyon. So ki mannyer ou pe *reimburse* li oubyen ou pe donn li keksoz, ki i pa pe fer depans? Zis mon a pas lo sa bann lezot ki mon ti dir - apre *pay compensation* e sa zafer *approval with Cabinet*.

(h) Nou dir *compensation by an order of the Court* - ki mon dakor sa enn akoz Lakour pou donn en lord e Minis kekfwa i *authorising officer* ki pou sanksyon sa bann peyman.

So mon ti a kontan kekfwa nou, nou tous lo sa e nou gete ki mannyer nou kapab dil avek. Mersi Mr Chair.

MR SPEAKER

Annou sey regard li enn par enn premye ou pe sizere *delete (a)* konpletman. *Panel* premye lo la?

MINISTER NADDY HASSAN

Mersi Mr Chair. Lo *12 (2)(a)* premye mon pe mazin *whether rather than delete* si nou *qualify* anba ki sironstans ki konpansasyon i kapab ganny peye?

MR SPEAKER

Yes Onorab Andre.

HON CLIFFORD ANDRE

Mon konpran ou Minis. Be selman ki mannyer ou kalkil sa konpansasyon? Menm si ou pe dir *qualify* ki mannyer ou kalkil konpansasyon? Prezan si mwan mon satisfè sa viktim i satisfè ki poudir oubyen i santi ki ou, ou pa'n *compensate* li *adequately*, i al Ankour ankor e i ganny ankor de fwa plis oubyen en sityasyon i leve.

So mon pe sey protez ou en pti pe an menm tan pou montre ou kote. Mersi.

MR SPEAKER

Thank you. Panel back to you. Ok nou ti pe atann panel be Onorab Pillay si oule sa pwen ou kapab adrese apre.

HON SEBASTIEN PILLAY

Yes mon lo sa pwen Mr Chairman. Mr Chairman mon pe get nou *Public Finance Management Act*. Mon pe osi get bann lezot Lalwa ki gid lafason ki nou *manage* bann fon. E la nou pe kree en fon ki pou anba *the sole management of the Minister*. Eski i pou annan en *dedicated authority* ki donnen dan *management of sa fon is another thing*.

Me lo sa pwen ki Onorab Andre in *raise* i en pwen enportan sa. Ou pa kapab annan ou en sityasyon kot nou annan diferan kalite fason ki konpansasyon pou ganny determinen pou viktim. I bezwen annan zis enn.

E mon krwar Minis sa - mwan mon santi an zeneral sa Lalwa pe *overreach* e *overstep*. E i pou, i pou *bound* pou rankontre konpleksite . Ozordi Gouvernman i annan en mazorite absolli zot pou *still* pas sa Lalwa.

Mon krwar sa (a) i devret pe sorti - i pa kapab reste la. I pa fer sans i la. Mersi Mr Chairman.

MR SPEAKER

Thank you. Minis si ou'n pare wi.

MINISTER NADDY HASSAN

Mersi Mr Chair. Onorab mon pa tro antyerman dakor poudir *the sa proposed law* i pe *overreach*. Me selman lo, lo 12 (2)(a) ler mwan mon pe get li mon dakor lo sa bout ki poudir ki i nou kapab *delete (a)* akoz nou deza annan konpansasyon *order by a Court, as the last Clause in (h)*.

So ou pa kapab annan de fason pey konpansasyon. So mwan mon pou napa lobzeksyon ki (a) i kapab ganny *delete*. Mersi.

MR SPEAKER

Onorab Pillay wi.

HON SEBASTIEN PILLAY

Mon, mon dezyenm pwen ki mon annan se sa size *allocate funds to the Attorney General's Office to meet expenses of the prosecution division*. Ou'n fini tire sa?

MR SPEAKER

Minis wi.

MINISTER NADDY HASSAN

Mersi Mr Chair. Lo sa pwen - lo sa pwen mon krwar i enportan pou note - *yes*. Si ou get (c) avek (e) tou lede i pe dir ou '*allocate funds or supplement the resources*.' E mon krwar i enportan pou mazin son laspe pratik. E sa i en keksoz ki nou, nou'n war

dan travay ki enn ki ACCS pe fer an se moman.

Se ki ou annan serten *case* ki devlope, ki ou bezwen plis resours ki ou'n ganny *allocated* avek. *And that is resours ki pa recurrent.* I en resours ki baze lo en *case* spesifik. E si ou get (c) ek (d)* i pe (c) avek (e) ki i pe dir ou se ki i pe donn ou sa manda poudir be sa larzan - bann larzan ki'n ganny anmase anba sa fon, *can be used by those Agencies to do work related to *frozen assets** - asset ki'n ganny sezi. Mersi.

MR SPEAKER

Onorab Andre.

HON CLIFFORD ANDRE

Mr Chair mon'n ekout Minis, pa neserman mon dakor avek sa ki i pe dir aköz letan en Bidze i vini pou *Attorney General* dan Lasanble avek en prozeksyon ki i pe fer en serten norm proseksyon.

E saler i saler ki ganny mete de kote pou pey tou sa bann *staff* kot *Attorney General*. Ki mon pe dir Minis *the Government, the Attorney General doesn't pay* pou en laplikasyon ki pe fayle Ankour.

So (non-non ekout mon Minis) ki mon pe sey dir i napa depans ki'n fer, aköz saler son *staff* i deza dan son Bidze. Alors ki i pa pe fayle aplikasyon, savedir i pou

napa-. Ou pa pou kapab dir depans. Ki mannyer i pou fer depans aköz i pa pe fer depans?

So se sa ki mon pe sey konpran aköz ou poudir ou pou *reimburse* li - lo ki kalite depans? Letan nou pe get sa i dir "*allocate funds to the Attorney General's Department to meet the expenses of the prosecution division.*" Savedir i pa vin kot Lasanble alors zot ki pou donn li sa larzan? Mersi.

MR SPEAKER

Thank you. Minis.

MINISTER NADDY HASSAN

Mersi Mr Chair. Non ler nou pe koz *resources allocated* i pa neserman saler - wi. Saler on *the existing payroll* i *fixed*, me *the cost associated with specific cases* i napa pou fer ek saler li.

I *additional resources* that you *require specific to a case.*

(Off-Mic)

MINISTER NADDY HASSAN

Non, *there is a cost. Maybe* mon a pas ek SS kekfwa i a kapab donn ou bann legzanp pratik ki bann kou ki vin avek en *specific case.* Mersi.

MR SPEAKER

Onorab Pillay wi? *Sorry SS*
premye wi. *Yes SS.*

SS PATRICK PAYET

Mersi Mr Chair. Mr Chair kekfwa letan nou pe regard li keksoz i evolye. Mon konnen par egzanp vre lentansyon ler nou gete, par egzanp dan sirkonstans ki Bidze in fini ganny *allocate* e dan sirkonstans annou get parey nou bann par egzanp letan nou pe get *(c)* avek *(e)*.

Si i annan en *case* spesifik ki zot bezwen spesifik konsiltan pou travay avek zot pou zot kapab anmenn sa bann *case* Ankour. E lanmenm la ki nou krwar ki definitivman nou pou bezwen donn zot sa bann resours adisyonnèl.

Par egzanp ;- ozordi par egzanp si nou'n vin devan Lasanble par egzanp avek ACCS vre Gouvernman i pe met sa resours adisyonnèl.

Me selman si - akòz ACCS li kekfwa par egzanp ouswa *FCIU*, ouswa menm *SRC* letan zot pe fer zot bann envestigasyon, zot bezwen kekfwa bann spesifik *expert* dan sa *field* ki zot pe anmenn sa *case*.

Lanmenm la ki nou krwar ki zot kapab *tap in* dan sa fon. I pou annan son prosedir pou zot *follow*. I pa pou zis akòz zot pa'n ganny Bidze, nou sipoze donn zot

30milyon e Gouvernman in *allocate* zis 22milyon sa 8milyon nou pou *tap* dan sa fon.

I pou annan bann prosedir ki nou bezwen agree avek zot *through the National AML/CFT Committee* ki vremen kler. E latransparans ki Lasanble osi i kapab konnen e dimoun i okouran. E pou parey zot konnen sa fon pou ganny odite.

E nou'n met en lot provizyon e diskisyon parey Onorab Henrie in mansyonnen yer, ki mannyer nou pou fer li annan sa latransparans e *accountability* dan sa fon.

So mon krwar nou panse nou ki sa provizyon ki nou'n mete *for (c)* avek *(e)* menm si ki nou pou senplemant resours ki nou pe donn bann lezot *law enforcement agencies* me i spesifik letan zot annan bann *case* ki zot pe travay lo la, ki zot bezwen sa resours adisyonnèl. Mersi.

MR SPEAKER

Ok thank you. Nou pou bezwen avanse lo la. Onorab Andre wi.

HON CLIFFORD ANDRE

Mr Chair. Avek lentansyon pou nou avanse sa ki SS in dir mon konpran e mon dakor. Me sa ki'n ekrir la pa sa ki i pe dir, akòz sa ki'n ekrir la i dir

“allocate funds to the Attorney General’s Office to meet the expenses of the prosecution division.”

It’s not what he is saying. So si nou dir konmsi Minis ‘may approve pou refund oubyen to fund an expert’. Ou konnen. Konmsi annou met li -. Dan sa lespri ki ou pe dir mon totalman dakor, me selman manner i ekrir i pa sa ki ou, ou pe dir la.

E mon pa tro, tro dakor avek ki manner in ekrir, me selman mon dakor avek sa ki ou pe dir ki nou bezwen ed li letan i bezwen en expert. Me selman letan nou pe get Lalwa la par lefe ki Mr... I mean Onorab in dir mwan supplements the resources. Nou annan la - i mete ladan “supplement the resources to any law enforcement Agency, Ministry or Department ki Attorney General i tonm ladan dan Department. Supervisory authority under the AML/CFT Act or the FIU.

So i deza annan ankor provizyon ki tonm anba 12;- anba 12 (2) (e), anba 12 (2) (e). So nou bezwen - mwan mon santi nou bezwen kit enn. Nou a tir enn. E mwan si ou ti pou demann mwan mon ti pou sizere ki nou tir (c) nou kit (e).

Akoz (e) i pou permet Minis pou fer sa egzakteman sa ki ou’n dir la.

MR SPEAKER

Yes Minis.

MINISTER NADDY HASSAN

Mersi Mr Chair. Onorab mon ok mon mazine dan (e) ‘supplement other resources to law enforcement agency, Ministry or Department, supervisory authority. I a kouver Department of Legal Affairs ladan. So mon ok pou-mersi.

MR SPEAKER

Thank you Minis in fer en compromise la. Onorab Georges.

HON BERNARD GEORGES

Mersi Mr Chair. Mon pa dakor Mr Chair. Mon pa krwar ki nou devret fer okenn compromise - with respect - ni la, ni dan 12 (2) (a). Akoz sa se bann keksoz ki, ki diferan. 12 (2)(a) compensate victims; 12(2)(h) payment compensation by the Court, e i tre diferan.

I posib ki Lakour pa pou fer en lord pou compensate en viktim, me ki Minis dan son diskresyon i war ki i merit donn en konpansasyon en viktim. E mon pa war akoz nou bezwen anmar son lanmen.

We are here to ... Nou, nou dyob konman en Lasanble, se pou annan en oversight lo travay Egzekitiv. Se pa pou micro manage en

Minis. E mon pa krwar ki nou pe fer nou lekor loner, ler nou pe sey *restrict* bann pouvwar ki nou donn en Minis.

E fodre pa ki nou tonm dan latrap ki souvan nou fer konman Seselwa, pou dir ki si nou pe pas en Lalwa la ki pou legaliz *abortion*, tou madanm ansent pou al fer en *abortion*.

E i pa *it doesn't follow*. E mon krwar ki e se sa ki sa latrap ki nou pe tonm ladan. Pa aköz nou donn Minis en pouvwar ki sak fwa i pou annan en viktim i pou al rod en larzan pou al pey en viktim. E sak fwa ki *Attorney General* i demann li, i pou donn en pe larzan.

Mon krwar *each of these items is separate* e zot tou zot annan zot pwennvi. E mon dakor avek *SS lo Attorney General's Office*. Aköz annou pran en legzanp la, e mon konnen nou pa anvi koz lo en legzanp, be annou *assume* ki dan sa ki pe arive la ozordi, *Attorney General* in demande fer sa travay e i ti vire i dir *sorry* mon napa kapasite. *I'm fully subscribed* tou mon bann Avoka i Ankour tou lazournen *I just can't look at it*.

Ou bezwen kapab trouv en fason. Ou pa'n konnen lan pase ki ti pou annan sa gro prosekisyon ki pe vini. *But you've got to be able to...* E si i annan en *forfeiture* ki pou pran letan, i bezwen kapab -

Minis i bezwen kapab fer en *quid pro quo*. Ki nou bezwen les li avek pouvwar pou fer sa mwaye non ki nou annan *oversight* lo li, e si in al pey en larzan malapropo - aköz *in any event* nou pou ganny en (parey nou a war taler) nou pou ganny en rapor a lafen sak lannen.

La nou al *take action against the Minister in our oversight role*. Be nou pa kapab *tie his hands or her hands or whoever the Minister will be ahead of time*.

Alor mon pa *subscribe* Mr Speaker e mon pa ti a kontan ki Lasanble i restrikte bann pouvwar anba 12(2). Mon pa'n ganny *convince* par okenn largiman apre midi *that we should either do away with 12 (2) (a) or 12 (2) (c)*. Mersi.

MR SPEAKER

Thank you. Ok Onorab Pillay.

HON SEBASTIEN PILLAY

Mersi Mr Chairman. Mon pa konnen konbyen madanm ansent ki pe al fer aborsyon, selman lo sa ki mon pe gete la mwan mon war sa, ankor enn fw, mon poudir Minis pe *overreach in terms of* sa ki i pe ganny dir anba pou fer anba Lalwa.

Premyerman enn, ti annan en menm provizyon ki ti egziste anba en lot kont ki ti ganny odite per Oditer Zeneral

apre ti vin size pou *FIU*. E ti annan menm prosedir ki ti ganny servi pou apwent bann Avoka, ki sanmenm Gouvernman ozordi, ki ler ti dan Lopozisyon zot pa dakor ek sa kalite sistenm.

E zot ti fer *do away* avek. E largiman prensipal sete ki larzan i ganny aprouve dan Bidze. La ozordi nou retourn menm provizyon e an plis, an plis anba sa lamannman, anba sa Lalwa, menm *community projects* Minis i kapab aprouve pou ganny fer anba *Asset Recovery Fund!*

Me nou deza annan en Bidze pou *Local Government*. Ki manner Lasanble li prezan li ki aprouv Bidze anba Konstitisyon, pou *keep track* avek finans Gouvernman si finans Gouvernman pe antre sorti par diferan kont?

This section largiman prensipal *is against the Constitution*. I kont Konstitisyon. I kont Konstitisyon pou le senp rezon ki par egzanp ou pe *appropriate* larzan pou ganny servi par bann antite, ki an deor apropriyasyon ki Lasanble Nasyonal in fer, ki pa pou ni vin atraver *Supplementary Budget* e ki pa pou ni aparet lo liv ki sa bann antite pou prezante konman zot Bidze final.

E pou mwan mon santi poudir *this is a travesty of*

justice in relation, to the Constitution in relation to the National Assembly. En lot pwen enportan ki nou bezwen mazine dan sa largiman Mr Chairman se ki, Lalwa *FIU* ozordi i dir li lekel son bann *source of funds* ki sipoze gannnen.

Mon war li drol ki Direkter *FIU* pe tonm dakor avek sa, aköz nou ti annan en gran largiman lo ki bann *source of funds* ki *FIU* i sipoze gannnen. E napa okenn mansyon ki son *funds* i kapab sorti dan *Asset Recovery Fund*. Lalwa *ACCS* i fer kler ki bann *source of funding* ki *ACCS* i sipoze gannnen, tel konman *Attorney General* kote son larzan i sorti dan Bidze.

So mon pa konnen aköz ki nou bezwen kre *this super entity* e donn en larzan Minis e Minis prezan i vin sitan benevol ki pou donn larzan *left, right and center* tou dimoun!

I say this is wrong! E i menm kont *PFM Act at the end of the day*. *What is the essence of the PFM Act?* Pou kontrol bann depans Gouvernman, pou annan en regularizasyon dan depans Gouvernman.

Eski ou pe dir mwan poudir Minis - dapre Onorab Georges - *out of* son prop *recognisance* pou deside pou pey konpansasyon en dimoun, kan napa en determinasyon

manner konpansasyon pou ganny fer?

Be ou pou ouver en laport! Ou pou ouver en laport! En laport serye ki tou dimoun pou vin rod konpansasyon ek Gouvernman. I nou rol konman Lasanble pou fer en *check* lo la.

And then mwan en keksoz ki mon war pa devret dan sa Lalwa *also, authorise payment for community projects training, and training.* Be i pa son *ambit* sa! Ki manner Oditer Zeneral pou kapab odit kont Gouvernman e konnen ki pozisyon fiskal final nou'n depanse lo *community project*, si en pe *project* ti'n ganny fer anba ARF, en pe *project* ti'n ganny fer isi laba?

Mr Chairman mwan mon krwar sa seksyon *we need to have a real think about this* sa. Akoz avan nou pas sa Lalwa nou pe- sa ki nou ti dir nou pe tire e ki i ganny servi konman en topik diskisyon dan bokou deba dan Lasanble, zafer FIU eksetera, *is exactly what is being returned.*

Menm parey. Napa diferans. E Minis pou dir mwan taler - i ava dir mon poudir petet en lot Gouvernman. *Irrespective! If it was wrong, then it's wrong now!*

MR SPEAKER

Mersi. Mon ti a en pwen ki Onorab Pillay in leve se, si ou permet mwan fer en pwen avek son dernyen pwen lo (*g*). Se si bann depans ki Minis i kapab fer, bann alokasyon ki Minis i kapab fer *should go away from the business of the fund.*

Parske sa enn lo *community project obviously is out of the ambit of the fund's responsibility.* Tandis ki lezot - *compensate victim, allocate money pou prosecution is related to the soz.* So sa en pwen ki mon ti ava envit Lasanble konsidere. Mon a pran Onorab Andre premye apre Onorab Georges.

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair mon konpran e parey ou'n dir mwan osi mon santi kekfw nou devret get sa zafer *community project.* Me akoz ki ou konnen Onorab Georges in dir si ou fer Lalwa kont *abortion*, i pa vedir tou madanm ki ansent ki pou al fer *abortion.*

I lenvers osi. I pa vedir ki tou madanm ki ansent ki *en voie de famille* pa pou al fer *abortion!* *The reverse is also correct. That's the law!* Sanmenm sa ou war dan en Lakour i annan defans prosekisyon avek en Ziz.

Ki enn i met en pozisyon, lot i met en lot pozisyon - pa neserman zot dakor ek kanmarad. Mon kapab pa dakor ek Onorab Georges me selman mon zanmi ek li, lo en pwen ki i met devan.

Me ki mwan mon pe sey dir ki letan nou pe dir *Attorney General*, mwan letan mon gete Minis in tant pou war en pti pe ki nou pe dir. Letan nou pe dir i, kekfwa Onorab Pillay i ava dir akoz i annan '*or the FIU*' sa en lot deba.

Me selman letan nou dir '*supplement the resources.*' Ki savedir '*supplement*' nou pe *top up* oubyen ou pe ed li. *Is a Ministry or Department.* E ki *Attorney General* i tonm anba la. Mwan pou mwan mon war i *qualify* san dir ki poudir ou pou *allocate funds* e letan ou dir *allocate funds* i pa ni dir ou en *refund*.

I dir ou *allocate funds to *the Attorney General* to meet the prosecution division - expenses of the prosecution division.* E letan nou dir Speaker ou'n dir ki poudir *compensate victims* - e *compensate victims* sanmenm sa ki mon ti pe demande.

Ou konnen letan ou pe etidye, letan mwan mon ti pe etidye *L'Angleterre* i annan en *quantum* - i apel *quantum* ki mannyer ou *qualify* dan *quantum*.

I annan bann kriter ki *qualify* dan *quantum* e letan nou pe gete Lakour i lenstitisyon pli apropiye pou *qualify quantum* ki sa dimoun pou gannyen. E la i dir ou *pay compensation ordered by the Court.*

So the Court i the competent authority pou li kapab *order* ki sa viktim, dan sa sityasyon i ganny peye en serten sonm larzan. E prezan sa i pou anmenn nou ankor letan nou poudir "*with the approval of the Cabinet return assets to the original owner.*" Sa ankor i *debatable*.

Me selman mon pare pou mon *concede*. Demen en lot dimoun i ava anmenn en lot zafer. I *neither here nor there*. Me selman sa de mwan mon *of the opinion* ki nou kapab tire, akoz i annan lot eleman ladan ki pe konsider sa bann zafer.

Nou pa kapab met tou keksoz nek nou donnen parey nou dir si Minis be si i pa pou servi akfer nou pe mete? Nou pe travay lo en Lalwa akoz i annan en sityasyon devan nou. Oubyen i annan en kantite sityasyon devan nou ki nou pe dil avek.

Nou pa kapab zis fer en Lalwa pou nou met li la dormi. Nou'n tro fer sa dan lepase fodre pa nou fer li ankor! Mersi Mr Speaker.

MR SPEAKER

Thank you. Minis les mon a permet Onorab Georges pou fer son pwen avan, koumsa ou a kapab adres *whatever has been raised.* Onorab Georges.

HON BERNARD GEORGES

Mersi Mr Speaker. Mr Speaker nou oubliyen keksoz, ki sa Lalwa i dir ki sa kont *Asset Recovery Fund* pou ganny odite par Oditer Zeneral ok? *It's in 11 (4)* e nou'n azoute ki toulezan en rapor pou ganny anvoy devan sa Lasanble, akoz nou en Lasanble *oversight* e nou pou war.

Me sa ki pli enteresan e annan de fwa Mr Speaker Lasanble i fer mwan riye. Si nou regard sa *Clause 12* la ok e nou'n fini ganny montre dan sanmenm sa Lalwa, i dir nou ki *the Asset Recovery Fund* i ava sa enn ki'n fini ganny etabli anba seksyon 93 of the *AML/CFT Act* ki nou menm nou, nou ti pase.

E ou konnen kwa seksyon 93 *identical to* sa ki nou pe debat ozordi. Selman ou konnen ki nou'n fer? Lannen pase nou tou nou'n vote, personn pa'n lev okenn pwen. Akoz? Kekfwa Minis Finans ti en lot Minis Finans sa lepok, e nou pa'n war okenn problemm avek tou sa bann pouwar ki nou pe donn li.

Me ozordi menm pouwar nou obzekte! *Come on guys let's be real!* I 4.32 apre midi. Pa akoz ki nou'n tonm dakor lannen pase, ki fodre nou tonm dakor sa lannen.

Me fodre nou annan en bon, en largiman akoz sa ki nou'n fer lannen pase nou pa kapab fer li sa lannen *texto word for word.* *Let's be reasonable. Let's act like a grown up Assembly!* Mersi Mr Speaker.

MR SPEAKER

Mersi. Minis ou tour.

MINISTER NADDY HASSAN

Mersi Mr Chair. Annefe Mr Chair sa mon ti dan *AML Act* e sa ki Onorab *LGB* in leve i egzaktaman pwen ki mon ti pe al leve. Annefe mwan mon menm mon'n bliye poudir tou sa ki dan sa Lalwa i annefe *preski word for word* 95poursan sa ki dan *part 11* dan *Anti-Money Laundering Act* ki koz lo *Asset Recovery Fund.*

E mon osi prezan mon konmans sirprann ki la en sel kou tou sa bann keksoz i annan *issues with.* Me selman kekfwa ti a bon mon ti ava eksplik en pe lentansyon deryer bokou sa bann *Clause in terms of funds that are paid from the ARF.*

Si nou pe koz lo *community projects* ek *training*, sa i lye avek annou get en legzanp. I annan problemm larzan ki ganny sezi *as a result of drug trafficking*. Nou tou nou konnen ki poudir *drug trafficking* i koz problemm kominote.

So ou pe servi *funds recovered directly from* en lofans ki koz *community problems*, pou investir *back* dan lakominote. Ou pe koz ou lo *training* nou bezwen *train* diferan laspe diferan lenstitisyon dan sa lager kont diferan lofans ki annan pou ki *lead to money laundering*.

So ou ganny tou. *At the end of the day* ler ou get lentansyon tou sa *Clause* se *how do we use money that is derived from certain offences that leads to money laundering*, direkteman *back into* son lenpak lo lasosyete?

That's the intention of those Clauses. E mon krwar i enportan pou konpran, pou konpran sa. I pa en keksoz ouver poudir Minis pou fer sa, Minis pou fer sa.

Because tou sa keksoz ki mete la, i annan pou fer *directly back to the offence that caused the money laundering to happen*. Mersi Mr Chair.

MR SPEAKER

Onorab Pillay.

HON SEBASTIEN PILLAY

Mersi Mr Chair. Ou konnen mon kontan ler Onorab Georges i servi sa largiman lannen pase nou ti pas sa Lalwa e nanryen nou pa ti dir lo la. E sa lannen nou pou repas li ankor e nanryen nou pa poudir lo la.

Si nou aksepte sa lozik savedir nou tou nou devret viv nou lavi parey e fer menm keksoz toulezour *ok*? Non! Si nou regard sa Lalwa orizinal ler nou ti pas li, *ok* e nou pran li *to texto*, nou'n met li dan sa lamannman, *ok*?

Nou ti pas sa le 6 Mars 2020. Mwan le 6 Mars 2020 mon pa ti Dirizan Lopoziyon sa letan *ok*? E mwan ozordi mon largiman ki mwan mon pe fer e ki menm Speaker Lasanble Nasyonal in war malgre sa largiman ki Minis pe avanse.

Si nou pou fer keksoz pli byen, akoz sa ki nou'n fer nou pe dir nou pe *strengthen* sa ki nou annan. Me si nou pe *strengthen* sa ki nou annan, si en keksoz ki'n sap nou an 2020, nou pa kapab les li sap nou an 2021.

Be nou'n *come up with the argument*. *The argument* i se ki par egzanp ou pa kapab annan ou en *fund* ki *extra budget outside of the budget* e ki prezan pozisyon fiskal final bann antite ki sipoze - par egzanp bann Minister ou pa

pou konnen akòz zot in ganny larzan *ARF*.

E kan ou pou konnen zis ler *ARF* i *submit* son rapor ek Lasanble Nasyonal. Ki manner, ki manner nou Lasanble Nasyonal nou pou bezwen al fer *oversight*? E zisteman akòz nou pa ankò amande nou bann Lalwa pou nou kapab fer sa.

E mwan mon le vin lo en pwen, en pwen fondamantal la nou en? Get dan sa Lalwa ki dir nou bann *funds* pou ki *FIU* i sipoze gannyen. Par egzanp i kòz lo *Grants*, i kòz lo donasyon ki Gouvernman i sipoze donn li. Eski sa bann *supplement to* son resours la i vin konman donasyon? I vin konman *Grant* ki Gouvernman pou donn li?

Akòz i annan trwa *source of funding* ki nou'n donn *FIU*. Nou'n donn li *appropriation*. Nou'n donn li mon krwar *Grants*, apre in dir *donations* ki i kapab gannyen.

E tousala nou ti fer kler, akòz? akòz nou le ki *FIU* dan son fonksyon pa kapab ganny enfliyanse, par okenn antite an deor. Sa ou premye largiman.

Si ti annan en lenkonsistans ki nou pa'n war an 2020, i pa vèdir si nou war sa lenkonsistans an 2021 nou devret les li pase. Mwan mon krwar Mr Chairman nou bezwen fer en *rethink* lo sa

provizyon. E mon santi poudir bann propozisyon ki *Bills Committee* pe avanse *in terms of* serten seksyon, i bezwen tonbe, i pa pou afekte Minis dan okenn fason.

Minis i *still* kapab pran sa larzan remet dan *Consolidated Fund* refer li antre dan Bidze *Attorney General*. Refer li antre dan Bidze *FIU*. Refer li antre partou.

I pou napa problem ek sa. Be selman pou annan serten landrwa ki mon santi poudir serten Bidze nou pa pou kapab *allow*, ki nou annan sa sitan *wide open space* lo la. Mersi Mr Chairman.

MR SPEAKER

Mersi. Minis wi?

MINISTER NADDY HASSAN

Mersi Mr Chair. I annan de konsep ki mon le fer kler la. Premye i annan en persepsyon ki pe ganny kree poudir ki sa Lalwa, sa bann provizyon i *something* ki Sesel in kree.

Sa Lalwa ler ti ganny drafte - anefè *back then* ler i ti ankò dan *AML Act* i baze lo bann prensip enternasyonal e bann *best practice* dan *asset management*. E si menm ou get ti annan *the model law* pou *Commonwealth* avèk Lazans *UN* ki'n drafte, sa bann *best practice* i sorti ladan.

Savedir ki mon le fer kler sa i pa en keksoz ki Sesel in kree sa. I baze lo bann fondamantal *in terms of best practice* in ganny reserse. Sa premye.

Dezyenm donn mwan en minit. (*Sorry* mon'n perdi mon dezyenm pwen). Mon a tenir lanmenm Mr Speaker apre mon - sa i a retournen. Mersi.

MR SPEAKER

Bon okenn lot entervansyon lo la? *Well* mon war li en pozisyon en pe difisil. I sanble mwan swa ki Lasanble i bezwen fer, se si zot pou gard sa seksyon avek son bann *Clause* oubyen, si zot vreman anvi sanze.

Si nou pou sanze nou pou bezwen pran vot lo enn par enn. Mon pa konnen. Onorab Henrie ou-? Mwan mon pe rod en mannyer rezourd sa diskisyon pou nou-

Nou'n fini kouver *merit of one or the other*. Annou rod en mannyer ki mannyer nou pou rezourd diferans ki i annan.

HON GERVAIS HENRIE

Wi mersi Mr Chair. Annefe si nou tire, mon pe demann mon lekor ki pou abouti nou, aköz vre dan mon pe get Lalwa *AML Act 5 of 2020 almost identical the wording*. So si nou tir dan sa enn devan nou la Minis i *still* annan sa opsyon laba.

So for purpose of consistency, nou kit li parey e apre pou mwan i retourn lo lefe ki pou nou gard sa *consistency*. Me si demen nou santi poudir merit ganny tir dan tou lede nou tire. Mon pa war akfer nou bezwen tir dan enn la e kit lot. *So we leave it the same*.

MR SPEAKER

Thank you. Okenn obzeksyon ek sa propozisyon ki Onorab Henrie i pe avanse. Wi Onorab Pillay.

HON SEBASTIEN PILLAY

Mersi Mr Chairman. Mr Chairman i annan en rezon akzo sa pe sorti kot i ete laba, i pe vin la. Sa *AML/CFT Committee* bann antite enternasyonal *whilst* i *recognise* li, i pa pran li *as seriously as* i pou pran sa bann antite spesifikman.

Dan lesans ki i pou espekte lobligasyon *reporting* travay ganny fer par bann spesifik *entities*. Si par egzantp mwan mon *OECD* mon pou espekte li par egzantp *FIU* pe fer son louvraz, mon pou espekte *Central Bank* pe fer son louvraz mon pe espekte lot i fer son louvraz.

Kot i ti ete laba anba sa Lalwa malgre ki Minis i annan sa, i pa fer plis sans ki kot i ete la. Nou pa pe dir tir *the Clause*

an antye, nou pe dir *trim down* bann keksoz ki dan sa *Clause*.

Par egzanp - par egzanp, mon propozisyon mwan sa *size community projects* annou tir li dan sa *Clause ok?* Ou kapab par egzanp anmenn *training* pou koz lo *training in relation to AML/CFT, or training in relation to assets forfeiture*. I bezwen *something* ki relate to sa.

Me sa bann *training in any case* pou ganny fer dan sa *supplement* ki ou pou donn sa bann *Ministries or Departments*. Si nou pare – si mon pare pou mon viv avek *supplement resources* ki ou pou donn lezot antite, *then* retir sa larzan an plis ki ou pou donn *Attorney General !*

Akoz zis sa - Mr Chairman zis sa *supplement of resources of any law enforcement agency* i kouver ou *training* pou sa *law enforcement agency*, aköz si *FCIU* napa larzan pou anvoy *training* son dimoun *training L'Angleterre*, ou anvoy li.

Si *FIU* napa larzan pou rod en - pou anmenn en *forensic expert*, ou rod li. Aköz ou deza pe *supplement* sa bann *resources* ou konpran? E ou pe *supplement* li. Ou pa pe *additionally* donn li *resource*, ki i sipoze vin *properly* atraver *supplementary budget*.

Mon ti ava propoze ki sa *Clause (c)* i tonbe e sa *Clause - sa Clause (a)* osi mon santi i devret tonbe, aköz i pa fer sans pou Minis *on his own cognisance* deside pou li pey konpansasyon.

I bezwen annan en prosedir ki Gouvernman i servi pou pey konpansasyon. Aköz sansan nou pou ouver laport e mon ti ava propoze ki sa dernyen - sa *Clause* ki konsern *community projects* sa osi i tonbe.

Nou annan en antite ki sipoze pe fer bann proze kominoter. Sa antite li i ava vin kot Minister Finans, i ava rod son larzan kot Minister Finans, pou li fer son proze kominoter.

I a bezwen annan *somebody* ki nou *hold accountable* pou sa *community project*. Vwala mon sizesyon Mr Chairman, ki kapab bouz nou pli devan.

MR SPEAKER

Wi, me ki mannyer nou pou akt lo la? Onorab Andre wi ki ou pe propoze ou.

HON CLIFFORD ANDRE

Mr Chair mersi. Mon propoze ki pou nou bouz devan Onorab Henrie in dir ki poudir i deza egziste dan *AML/CFT Act*; - savedir i deza annan - Minis i kapab egzers sa dan en

landrwa si i annan. I deza en Lalwa.

Alors si nou bouz devan san sa la, mon pa war okenn domaz ki i pou fer. Selman parey *proposal* se ki annou met en pe la, nou a ekskli de bout ladan oubyen trwa bout ladan. Mon pa tro an faver tou le trwa me selman *at least* de.

Me selman annou rod en fason pou nou bouz devan, pa aköz nou'n fer en keksoz. Aköz si nou, si nou pans koumsa, savedir annou pa bezwen anmenn okenn lamannman Lalwa, aköz nou'n fini pas sa Lalwa depi lannen pase oubyen semenn pase.

Be i annan Lalwa ki nou pe anmennen nou'n fer 2 mwan nou pe retourn avek pou nou aranze. Aköz i annan i dinamik, dinamik nou bezwen fer li. Alors annou dan lespri konpromi, pou nou kapab avans devan, aköz i annan en lopinyon lot kote, i annan menm lopinyon lo nou kote, i annan diferan lopinyon lo nou kote.

E mwan mon krwar nou kapab fer en Lalwa ki pli byen pou benefis nou pei, pa aköz nou annan en Lalwa ki annan serten provizyon, ki zis nou dir nou'n pran nou'n met la e nou tonm dakor avek.

Mon asir ou si nou get avek, avek *ESAAMLG* oubyen *FATF*, zot dir pou dir wi nou kapab eksklir sa de provizyon

ki nou pe dir. Aköz i annan dan sanmenm sa seksyon ki kapab ganny *invoked* pou li fer sa travay ki sa pe dir. Mersi.

MR SPEAKER

Thank you. SS in lev lanmen wi SS oule avans en pwen.

SS PATRICK PAYET

Mersi Mr Chair. Mr Chair kekfwa lentansyon tou kou parey mon'n mansyonnen, se par egzanp letan nou pe regard *community project* - letan nou ti pe diskite dan *National AML/CFT Committee*.

Par egzanp parey Minister in mansyonnen bann dimoun ki ganny afekte avek *drug related issues*. Par egzanp si nou war ki nou ti bezwen asiste pou rekonstrir kekfwa sa batiman ki Lasante i anvi.

So i ti demann lentansyon ki nou ti anvi. Me selman kekfwa mon konnen nou annan en *Clause* anba 11 (3) ki dir ki *'the Minister may by regulation regulate the administration and management of the ARF.'*

Kekfwa si nou kit sa bann provizyon *as it is*, e apre nou pli detay li, pou met li en pe pli *specific* dan regilasyon pou met son lankadremman ki siport en pe lentansyon Gouvernman ki i anvi. Mon ti anvi met sa Mr Chair. *Thank you.*

MR SPEAKER

Well ziska konmela sel provizyon konkret ki nou'n annan, se ki nou gard li mannyer i ete la. Retir serten Clause ou'n propoz (a) avek (g) right?

HON SEBASTIEN PILLAY

Mon'n propoz retir (a), (g) avek (e) as well si mon pa tronpe - yeah.

MR SPEAKER

Ok annou les Minis koze avan, apre si nou bezwen pran en vot nou a pran en vot. Minis.

MINISTER NADDY HASSAN

Mersi Mr Chair. Spesifikman lo Clause (g) sa mon pa tro an faver, aköz parey mon'n eksplike poudir i annan en rezondet valab deryer Clause (g). Pou Clause (c) sa mon mazine nou kapab met li ansanm avek Clause, Clause (e) sa mon napa gran obzeksyon.

*Me selman lo (g) mon mazine i enportan pou kite aköz i enportan pou war poudir ki larzan ki'n gannyen dan bann aktivite ki afekte lakominote, nou war direktman kot sa larzan i *go back to fixing the community*. Sa i en stement enportan pou fer sa. Mersi.*

MR SPEAKER

Mersi. Onorab Georges ou pwen.

HON BERNARD GEORGES

*Mersi Mr Chair. Mr Chair mon, mon pa an faver ki nou *tamper* avek okenn keksoz la. Aköz i - Mon pa krwar ki - anfen personnelman mon pa war ki i annan okenn largiman *objectionable* kont - ki'n ganny anmennen ki fer sa telman *objectionable* ki nou bezwen pran en aksyon imedya.*

*Par kont mon krwar SS dan son sazes in, in fer en tre bon propozisyon e kekfwam mon ava propoz en keksoz ki Manm a kapab aksepte ozordi. E sa se dan 12 (2) dan son *chapeau* pou mete *'the Minister may, subject to regulations, authorise payments out of the ARF.'**

*Dan sa ka i ava fors Minis pou fer *regulations* ki i ganny drwa pou fer anba 11 (3) parey SS in dir, me osi anba 14, i a fer *regulations* poudir dan ki sirkonstans bann peyman i kapab ganny fer.*

*E sa donk nou ava annan en drwa de regar lo tou sa bann *S.I.* letan zot vin isi. Kekfwam sa i ava permet nou restrikte en pe sa marz manev ki nou pe donn Minis ozordi. Mersi.*

MR SPEAKER

Mersi. Wi Onorab Pillay.

HON SEBASTIEN PILLAY

Mr Chairman. *In that case mwan mon pou demande ki nou azout provizyon seksyon 32 anba PFM Act ki annan pou fer avek accounting and reporting.*

Seksyon 32 in dir poudir *“details of all accounts maintained in respect of the Consolidated Fund, any other funds established and other accounts showing amounts received and spent in that year compared to estimated amounts.”* Ok?

Akoz *basically* la ki nou pe fer nou annan en fon ki *extra budget* e ki nou pa war li nou pou war li zis ler ou anmenn ou sa. Vi ki si ou annan en lobligasyon anba PFM pou fer reporting, ou a fer ou reporting parey PFM i demande an relasyon ek sa kont osi. I pa ava vin diferan.

MR SPEAKER

So me sa i en lot Lalwa. Nou pa pe soz li la?

HON SEBASTIEN PILLAY

Non mon pa pe soz li la Mr Chairman aköz *basically* mon'n fini war poudir, mon pa pou kapab sanz nanryen, aköz mannyer Onorab Georges pe koze, in deside sa i son fason travay ansanm ki li i le fer. Ok mon dakor ek sa, napa problem.

Mwan sa ki mon le fer mon le propoze ki nou azout en seksyon ki *‘the accounting and reporting of the ARF shall be as per the Public Finance Management Act’* parey in mete dan Lalwa.

MR SPEAKER

Tre byen.

HON SEBASTIEN PILLAY

Nou'n fini deza enkli Oditer Zeneral anba Lartik Konstitisyon, nou ava osi enkli son *accounting and reporting*. Aköz Mr Chairman mon oule remind ou *part 7 accounting and reporting PFM Act* i dir ou *“the Minister is accountable to the National Assembly for the revenue collected and the use of public funds for all intended purposes.”*

Seksyon 28 nou PFM Act sa bann larzan ki al anba ARF i vin *public funds once* zot antre dan sa kont. Mersi Mr Chairman.

MR SPEAKER

Kote pou antre dan *amendment* la dan PFM Act?

HON SEBASTIEN PILLAY

Mon pe propoze Mr Chairman ki sa lamannman i ganny mete konman dernyen seksyon, vi ki i fini ek (g) nou a met en seksyon (h)? Wi.

MR SPEAKER

Tre byen annou-. Mon pa anvi, mon pa anvi propoz bann vot ki inital - bann vot ki sa. *LGB* in fer son propozisyon e mon santi poudir *if we put it to a vote*, son kote i pou gannyen.

So si mon zis kapab asire avek *panel* e avek Lasanble si sa propozisyon ki in fer la dan 12(2) "*the Minister may authorise*" ki ou'n dir la Onorab Georges, repet sa pou nou silvouple.

HON BERNARD GEORGES

Mr Chair mersi. *'The Minister may, in accordance with regulations made under this Act, authorise payments out of the ARF to'* eksetera.

MR SPEAKER

Ok. Is this acceptable to panel and the Members? Tre byen panel in dakor. Members' pa'n raise obzeksyon. So let's put that in. That's it. Prezan, Onorab Georges si oule adres pwen ki Onorab Pillay in fer?

HON BERNARD GEORGES

Mr Chair mon pa krwar ki i neser e mon ava eksplike aköz. Aköz si nou regard 12 (3) nou war ki sa larzan la, Minis pa kapab depans li manner i anvi. Sa ki i bezwen fer, se i bezwen fer en provizyon a lafen sak lannen lo ki manner i pou al pey sa larzan *provision*.

It's not - i pa depanse apre i vin dir nou. I bezwen fer en provizyon avan ki i pou al depanse e zot in servi byen sa mo provizyon.

So a lafen sak lannen i bezwen fer en provizyon lo ki manner i pou al depans sa larzan anba 12(2) e tou larestan i pou met dan *Consolidated Fund*.

E ler nou pou war propozisyon (4) 3 mwan apre lafen lannen;- setadir 3 mwan apre ki in fer sa provizyon, i pou bezwen anvoy en rapor devan nou, devan sa Lasanble *ok* e pou ganny odite. E la nou ava war egzaktaman ki provizyon in fer.

So nou pou annan en, en *complete oversight*. Avan menm ki i depans en larzan nou, nou pou konnen konbyen in met dekote e pou ki rezon. *So I don't see* ki manner i pou kapab pa swiv bann regleman *Public Finance Act*. Mersi.

MR SPEAKER

Mersi. Nou kapab les sa lanmenm.

HON SEBASTIEN PILLAY

Mon pou oblize les li lanmenm, aköz mon pa kapab - mon napa mazorite pou sanz sa ki pe ganny dir. Me selman *a word of warning* - ou konnen letan nou ti *devise* e re entrodwir *PFM Act*, nou rapel byen poudir nou ti *do away*

avek en kantite bann *suspense account*, bann fon eksetera, so that we have one streamline budgeting process.

So that we know exactly what is being spend in one area. Lasanble pou al konn spending after the fact la, aköz Minis napa okenn lobligasyon pou vin dir nou, pandan sa lannen mon annan lentansyon donn tel antite tel kantite larzan.

I pa poudir nou sa li ok ? E mwan mon pa pou konnen kan i pe al donner mwan. So mwan mon problem i ek sa mwan. So- e la nou pa pe koz en pti git larzan, nou pe koz bann fon ki ganny sezi (koriz mwan si mon mal) menm dan bann kont ki annan pou fer ek avek *offshore* eksetera.

So en ta larzan sa! So mon pa kapab sanze, so lot kote pa pe dakor ek propozisyon lamannman nou ava les li parey i été, nou ava gete.

MR SPEAKER

Your warning is noted. Mon krwar nou kapab settle sa la. Onorab Andre ou annan lot pwen? Ou annan lot *amendment* pou fer ?

HON CLIFFORD ANDRE

Wi Mr Chair. Nou annan pou nou – Nou annan dan 12 (4) nou annan bann *insertion*. Nou'n insert a new subsection

(4) rather mon ava lir aköz sa i en new. I 'the Minsiter shall not later than 3 months after the end of the financial year prepare an annual report on the activities of the Assets Management Unit during that year, and submit an annual report to the National Assembly and the Auditor General shall prepare a statement of accounts, on the Assets Management Unit in accordance with section 151 of the Constitution (Cap. 42)'

So sa i enn bann *insertion* ki nou'n mete ansanm avek - Annefe nou ti ansanm avek *panel* yer letan nou ti- Mon a zis les zot konfirman Mr Chair epi nou a - ? Mersi.

MR SPEAKER

Panel. Yes Onorab Pillay.

HON SEBASTIEN PILLAY

Mon pe gete eski i sipoze *Article 151 or 158* sa? Aköz Oditer Zeneral i fer son travay anba - *Is it 154 or 158 pa 151* selman. 151 i *about Consolidated Fund.*

MR SPEAKER

Yes Onorab Georges.

HON BERNARD GEORGES

Mersi Mr Chair. Mr Chair sa lamannman i ganny mon sipor. Me mon ti ava propoz de pti lamannman to it.

Premyerman *‘the Minister shall not later than 3 months after the end of the financial year prepare an annual on the activities of the AMU during that year, and submit a copy of the report to the National Assembly,’*

Nou pa bezwen repet *an annual report* akòz in fini prepare - ‘; *and the Auditor General shall’* - mon pa krwar *the Auditor General* i prepare *a statement of accounts*. Sa set en kontab ki fer.

‘And the Auditor General shall audit the accounts of the Asset Management Unit in accordance with section 158 of the Constitution (Cap. 42)’. *That’s my proposal*. Mersi.

MR SPEAKER

Panel? Yes les Onorab Pillay.

HON SEBASTIEN PILLAY

Yeah and one more insertion ki mon oule fer. Eski nou kapab demande ki lafason ki ARF pou kit son kont, *it would be as per Article 158 of the Constitution*. Eski nou’n mete sa en lot landrwa?

MR SPEAKER

Panel? Yes SS.

SS PATRICK PAYET

Mr Chair. Wi dan provizyon 11(4) nou’n mete ki i *“shall be audited in accordance with 158.”* Apre in adisyon ankor

dan sa lot provizyon ki *Bills Committee* ki nou’n diskite 12 (4) e osi nou’n mansyonn ankor 158. So nou ankor nou dakor avek provizyon. Mersi.

MR SPEAKER

Ok. So propozisyon Onorab Georges pou *re wording* in ganny aksepté. *Ok?* Tre byen. Onorab Andre.

HON CLIFFORD ANDRE

Mersi Mr Chair. Mr Chair dernyen lamannman mon ti’n pas lo la letan nou ti pe koze taler - 15 kot nou dir i annan en *new subsection (2)* ki pou lir koumsa.

‘Notwithstanding any other provisions of this Act if a receiver has already been appointed by the Court under any other law in force in the Republic for the disposal of any property, the receiver so appointed shall coordinate with the Assets Management Unit for disposal of such property and the proceeds of sale of such property shall be credited to the Assets Recovery Fund.’ Sa i bann lamannman ki nou annan Mr Chair mersi.

MR SPEAKER

Panel ou annan sa dernyen paragraf. Yes Minis in dakor avek sa. *Ok* sa i dernyen lamannman. Napa okenn lot klarifikasyon? Onorab Georges.

HON BERNARD GEORGES

Amendment to the amendment
Mr Chair. Mon pe demann en kestyon epi mon pe fer en propozisyon. *‘Notwithstanding any other provision of this Act if a receiver has already’*.

Mwan mon pa ti pou met *‘already’* akoz i posib ki dan en ka apre sa Lalwa i pase *that a receiver is appointed*. E mon krwar nou bezwen kouven sa osi e non pa zis bann ki’n deza ganny apwente.

So mon ti a met *“Notwithstanding any other provision of this Act if a receiver has been appointed by the Court under any other law in force in the Republic to take custody and dispose of property”*.

Akoz *the receiver doesn’t just dispose, but it takes custody of the property first*. Alor mon ti a met *‘to take custody and dispose of any property the receiver’* eksetera, eksetera. Mersi.

MR SPEAKER

Panel? Yes ok this is accepted. Bon nou’n terminen avek amannman klarifikasyon. Nou a repas dan Staz Lasanble pou *Third Reading*. LGB ou ava anmenn Mosyon pou *Third Reading* silvouple.

HON BERNARD GEORGES

Mersi Mr Speaker. Mr Speaker anba *Order 76 (1)* nou *Standing Orders* mon move ki *The Custody, Management and Disposal of Seized Forfeited or Confiscated Properties Bill, 2021 as amended* i ganny lir en Trwazyenm Fwa. Mersi.

MR SPEAKER

Mersi. Mon a ganny segonnman lo sa Mosyon. Onorab Esparon.

HON REGINA ESPARON

Mersi Mr Speaker. Mosyon in ganny segonde.

MR SPEAKER

Mersi. Nou a pran vot lo Mosyon. Manm ki an faver lev lanmen silvouple? Mersi. Okenn Manm ki vot kont? Lo Mosyon pou *Formal Third Reading of The Custody, Management and Disposal of Seized Forfeited or Confiscated Properties Bill, 2021 as amended*.

28 Manm in vot pour, 0 kont e 2 abstansyon. Donk sa *Bill* in aprouve par Lasanble e Madanm Clerk i a fer *Formal Third Reading*.

MADAM CLERK

Mersi Mr Speaker. *This Act may be cited as The Custody, Management and Disposal of Seized Forfeited or Confiscated Properties Act, 2021 and it shall come into operation on*

such date as the Minister may by notice in the Gazette, appoint and different dates may be appointed for different provisions of the Act. Mersi Mr Speaker.

MR SPEAKER

Thank you. Alor the Bill is passed. Bon mon a remersye tou dimoun pou zot partisipasyon dan sa travay. Mon kontan ki ozordi nou'n ganny sa bann Bills, nou'n ganny en bon degre inanimite lo sa bann Bills.

Minis ek ou delegasyon mersi bokou e mon swet zot bon kontinyasyon. Nou ava *adjourn* la e nou a rebran travay demen *matin* 9er lo *Second Reading* ankor lezot *Bill. Adjourn.*

(ADJOURNMENT)