



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**FIRST SESSION**

**FRIDAY 19 AUGUST 2016**

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## THE CABINET

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

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

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

**PRINCIPAL OFFICERS AND OFFICIALS**

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

**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 29 of 2016**

**Sitting of 19 August 2016**

**The Assembly met in the Assembly House, Port Louis at 3.00 p.m.**

**The National Anthem was played**

*(Madam Speaker in the Chair)*

## ANNOUNCEMENT

### 47<sup>TH</sup> CPA AFRICA REGION CONFERENCE – MAURITIUS HOSTING

**Madam Speaker:** Hon. Members, I am pleased to announce that the Mauritius National Assembly will be hosting the 47<sup>th</sup> Commonwealth Parliamentary Association Africa Region Conference from 22 to 27 August 2016 at the Intercontinental Hotel, in Balaclava under the theme “Africa and the Sustainable Development Goals: The Role of Parliaments”.

Some 350 delegates from the other 17 National Branches and 18 Sub-Branched are participating thereto.

As I am currently the President of the CPA Africa Region, I have nominated the hon. Deputy Speaker to lead the Mauritian delegation which will comprise of the following hon. Members -

- (i) Hon. Baloomoody,
- (ii) Hon. Mrs Jadoo-Jaunbocus, and
- (iii) Hon. Rutnah.

In addition, the following hon. Members have been nominated to attend the Conference as Observers –

1. Hon. Jhugroo,
2. Hon. Hurreeram,
3. Hon. Jahangeer,
4. Hon. Dr. Joomaye,
5. Hon. Osman Mahomed,
6. Hon. Mrs Monty
7. Hon. Mrs Sewocksingh,
8. Hon. Dr. Sorefan,

Moreover, I have also invited the Chairperson and two Members of the Rodrigues Regional Assembly to attend the said Conference as Observers.

Hon. Members, you are all kindly invited to attend the Opening Ceremony of the CPA Regional Conference which will be held on Wednesday 24 August next at 11.00 hours at the Intercontinental Hotel, in Balaclava.

I am pleased to announce that the Rt. hon. Prime Minister has kindly agreed to deliver the Opening Address.

Alongside this Conference, the Mauritius National Assembly will also be hosting the 7<sup>th</sup> Commonwealth Women Parliamentarian Africa Region Conference on 24 August next and which is being convened by hon. Mrs Boygah in her capacity as Member of the CWP Africa Region Steering Committee.

Thank you.

### **PAPERS LAID**

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

**A. Prime Minister's Office –**

- (a) Status Report on the National Development Unit Projects for Financial Year 2015 – 2016 as at 31 July 2016.
- (b) List of Projects of the National Development Unit for Financial Year 2016 – 2017 as at 31 July 2016.
- (c) The National Flag (Standard Size and Dimension, Colour Codes and Materials) Regulations 2016. (Government Notice No. 174 of 2016).

**B. Ministry of Finance and Economic Development –**

The Sugar Insurance Fund (Amendment of Schedule) Regulations 2016. (Government Notice No. 176 of 2016)

**C. Attorney General's Office –**

The *Institutions Agréées* (Amendment) Regulations 2016. (Government Notice No. 175 of 2016)

**D. Ministry of Industry, Commerce and Consumer Protection –**

- (a) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 22) Regulations 2016. (Government Notice No. 177 of 2016)



- (b) The Consumer Protection (Control of Sale of Imported Live Animals for Home Slaughter) (Amendment) Regulations 2016. (Government Notice No. 178 of 2016)

**ORAL ANSWER TO QUESTION  
FOOT AND MOUTH DISEASE – OUTBREAK**

**The Leader of the Opposition (Mr P. Bérenger)** (*by Private Notice*) asked the Minister of Agro-Industry and Food Security whether, in regard to the recent outbreak of the Foot and Mouth Disease, he will state the population of cattle, sheep, goats and pigs in Rodrigues and in mainland Mauritius respectively, as at June 2016, indicating –

- (a) the number thereof culled as at to date;
- (b) if the breeders thereof in Rodrigues and in mainland Mauritius will receive the same compensation;
- (c) if the ban on imports thereof from Rodrigues will be effective for three years and the breeders thereof will receive assistance in relation thereto, and
- (d) if the responsibilities have now been established on the manner in which the ban issued on 29 July 2016 was handled and the imports thereof from Rodrigues were disembarked on 01 August, 2016.

**Mr Seeruttun:** Madam Speaker, I would, first of all, wish to inform the House that the Division of Veterinary Services of my Ministry normally exercises a very strict control to ensure that live animals and meat imported in Mauritius originate from countries where there are no contagious diseases.

In fact, before issuing import permits for live animals and meat, an Import Permit Committee thoroughly examines all applications and pays special attention to conditions prevailing in the exporting countries, particularly in regard to prevalence of diseases.

In view of this surveillance, Mauritius has been, except for the outbreak of African Swine Fever in 2007, spared from serious infectious animal diseases over a long period of time. It has been brought to my notice, today itself, that there was an outbreak of the Foot and Mouth Disease in Mauritius in 1916, 100 years ago.

We were, therefore, taken aback by the occurrence of the Foot and Mouth Disease in Rodrigues and eventually in Mauritius. The Fact-Finding Committee, which the Government has agreed to set up, will surely shed light on the possible causes of the entry of this disease in Rodrigues. My Ministry is presently finalising the terms of reference for the Fact-Finding Committee which will also be called upon to situate responsibility regarding the importation of the consignment of the infected cattle from Rodrigues on 01 August 2016.

Madam Speaker, my Ministry has been very quick to react to ensure that the disease does not spread over the whole island, which would have been a major tragedy for our livestock sector.

The consignment of infected animals which reached Mauritius in cattle containers on 01 August 2016 was immediately transferred to the Richelieu Quarantine Station where the animals were kept under observation.

Farm harbouring animals imported in a previous consignment from Rodrigues on 15 July 2016 were regularly monitored to detect any signs of the disease.

As soon as symptoms of the disease were detected and analysis of blood samples at the Animal Health Laboratory in Réduit has established the presence of the disease, decision was taken to cull all the animals at Richelieu Quarantine Station and in some farms at Vallée des Prêtres and Cité La Cure.

This week, culling has been done in infected farms at Highlands and Notre Dame. An infected animal at Camp La Boue, Terre Rouge was culled yesterday.

In all, some 681 animals have been culled so far in Mauritius.

Blood samples as well as sera and epithelial tissue samples have been sent for analysis in laboratories in South Africa and France which are reference laboratories approved by the *Office International des Epizooties*, an international organisation responsible for animal welfare. According to the latest reports, both laboratories have now confirmed that the serotype of the virus is of type <0>.

Results of analysis of samples taken from Rodrigues on Monday last will be received from Botswana Vaccine Institute by this evening. The vaccination campaign will start on Monday after receipt of the 20,000 available doses of vaccines during the weekend and 10,000 of these vaccines will be sent to Rodrigues.

My Ministry has made a request for assistance to the FAO to help us cope with the current situation. The FAO has agreed to provide necessary assistance. A formal application under the Technical Cooperation Programme is being prepared, as per established procedures and will be submitted to the FAO shortly.

The Indian Ocean Commission has also agreed to extend assistance to us to deal with this problem. I had a meeting today with the Health and Surveillance Unit of the IOC whereby technical assistance had been obtained for a team of foreign veterinary officers to help us in the implementation of the vaccination campaign.

Madam Speaker, it is also relevant for me to mention that I had a meeting with the President and representatives of the Jummah Mosque yesterday in the context of the forthcoming Eid-UI-Adha festival. A number of issues have been discussed and decisions taken to ensure that the festival takes place in the best conditions.

Madam Speaker, with regard to part (a) (i) of the question, I am informed that as at June 2016, the overall population of cattle, sheep/goats and pigs is as follows -

(i) In Rodrigues -

Cattle: 11,000,

Sheep and goats: 29,000

Pigs: 10,000

(ii) In Mauritius -

Cattle: 6,447

Sheep/goats: 28,804

Pigs: 21,235

Regarding part (a) (ii) of the question, I am informed that 2,216 animals have been culled in Rodrigues as at to date. As regards Mauritius, 681 animals have been culled as at yesterday.

With regard to part (b) (ii) of the question, the quantum of compensation payable for Mauritius takes into consideration several parameters, namely –

- (i) the market value of the local animals;
- (ii) freight charges incurred for import;
- (iii) the cost of feed incurred by breeders, and
- (iv) age, sex and species of the animals.

I am tabling the different rates worked out to compensate breeders and importers in Mauritius.

With regard to Rodrigues, I understand from the Rodriguan Authorities that the Rodrigues Regional Assembly has, at its meeting held today, decided to align the compensation payable to Rodriguan breeders with those approved for Mauritius.

Madam Speaker, the proposed ban of 3 years to be imposed on all imports from Rodrigues is in line with norms prescribed by the World Organisation for Animal Health (OIE) and is a mandatory requirement for a country to regain its disease freedom status.

The vaccination programme to be undertaken shortly in Mauritius and in Rodrigues will have to be effected over a total period of 30 months approximately, and in 4 phases including: a primary dose, followed by a booster dose after 21 days, a second booster dose after 4 months and lastly 3 additional doses at 6 months' intervals. During the vaccination programme, the disease status both in Mauritius and in Rodrigues will be closely monitored and if found to be under control and free from the disease, a decision may be taken to lift the ban imposed on Rodrigues earlier than the 3 years' period.

As regards compensation payable to breeders in the wake of the disease, I wish to point out that the Rodrigues Regional Assembly is an autonomous body which has its own Commission of Agriculture and its own Veterinary Services. As such, although we do provide assistance to Rodrigues as and when required, we do not *per se* have a '*droit de regard*' on the internal policies of Rodrigues.

However, Madam Speaker, Cabinet, has, at its meeting today, decided to set up a Ministerial Committee under the chairmanship of the Minister of Finance and Economic Development, for the relaunching of the livestock sector in Mauritius and Rodrigues. The Committee will comprise the following Ministers -

- (i) Minister of Youth and Sports;

- (ii) Minister of Local Government;
- (iii) Minister of Social Integration and Economic Empowerment;
- (iv) Minister of Agro-industry and Food Security;
- (v) Minister of Business, Enterprise and Cooperatives, and
- (vi) Minister of Environment.

As regards the last part of the question, it is relevant to mention that the shipment of the animals was authorised by the Veterinary Officer of Rodrigues. The cattle-containers were off-loaded in the Port once health clearance was obtained. The clearance of the Veterinary Services in Mauritius was required for the importers to take delivery of the animals in the Port area. This clearance was not given as it was suspected that the animals might have been affected by the disease, hence, the instructions issued by the DVS to Rodrigues on 29 July not to embark the animals on the MV Anna. As a precautionary measure, all the animals had to be transported to Richelieu Quarantine Station to be placed under observation. I cannot, at this stage, say whether I am satisfied or not regarding the manner in which the importation was made. The Fact-Finding Committee will, as I indicated earlier, shed light on this matter.

**Mr Bérenger:** The hon. Minister provided us with figures that I will look at carefully. I have heard again a reference to the number of animals culled to date in Rodrigues and Mauritius and not a breakdown. Is this because we do not have at this stage the breakdown in terms of the different animals concerned?

**Mr Seeruttun:** In fact, the breakdown is as follows –

- for Rodrigues - 699 cattle, 1,272 sheep and goats and 245 pigs, and
- for Mauritius - 257 cattle, 275 sheep and goats and 149 pigs.

**Mr Bérenger:** Has the Ministry worked out an estimate at this stage of how many different animals will have to be culled before the problem is under control?

**Mr Seeruttun:** In fact, as and when animals are showing signs of this disease - we are going through a selective mode of culling - we are culling the animals. We hope now, with the coming of the vaccines, that we are going to start the campaign as from Monday. Then, we will be able to save all those who have been in contact with those animals that were

infected. So, hopefully, this will reduce the number of animals that have to be culled once the vaccines are being injected.

**Mr Bérenger:** In reply to my PNQ on 09 August 2016, Madam Speaker, the hon. Minister said that he too was shocked when reading in the Press of the conditions in which the animals in Rodrigues were culled. Do we know more? Is it confirmed that these terrible things happen and has this stopped, that is, culling by cutting throats?

**Mr Seeruttun:** Madam Speaker, rightly said, from what we read on the paper, the way things were being apparently carried out in Rodrigues looked to be inhumane. I was there in Rodrigues last Saturday. I had meetings with all those concerned. I did put the question to those concerned and the reply that I got was: “That’s the way the cattle are slaughtered in Rodrigues.” That is what they do every Saturday when they go for the sale of meat. At the time when that disease was detected and with the limited resources that they had, they had recourse to that way of doing the culling. That is why we provided them with two additional Veterinarians from Mauritius. And since, they have also obtained all the injections to *endormir* the cattle. The day I was there, they confirmed to me that this is no more the practice. They are doing the same that we do here, that is, *endormir les animaux* before they are culled.

**Mr Bérenger:** Madam Speaker, if you will allow me to congratulate the Rodrigues Regional Assembly which has decided, if I heard the hon. Minister correctly, today to align the compensation because I am sure the hon. Minister will agree with me that this was a very unhealthy situation; creating a lot of frustration in Rodrigues. I congratulate the Rodrigues Regional Assembly. Of course, we respect the autonomy of the Rodrigues, the Regional Assembly and so on, but I am reading the Cabinet communiqué of 12 August, I quote -

“Cabinet has agreed to the payment of a compensation to breeders (...)”.

Does that include an additional effort because we respect the autonomy of Rodrigues, but this is an exceptional matter; or do we expect the Rodrigues Regional Assembly to use only its normal funds to align the compensation; or does this Cabinet decision in mainland Mauritius include a sum to help the Rodrigues Regional Assembly align the compensation?

**Mr Seeruttun:** With regard to the compensation that has been announced, for the time being, it is being paid out of the fund from their own budget. But, as I have mentioned in my reply earlier on, we have set up a Ministerial Committee to look at all the issues with

regard to that problem and it has been chaired by the Minister of Finance and Economic Development. We will probably also look at other issues in terms of assistance that can be provided to the Rodriguans as well.

**Mr Bérenger:** I think I heard the hon. Minister say that every effort will be carried out to reduce that period of three years, which was announced in reply to my PNQ: 'we have for scientific reasons to have a period of three years'. Now, I understand that it could be reduced. Can I have a precision on what the Ministry, or the specialist concerned, is going to base itself, if ever, to come to a decision to reduce that period of three years?

**Mr Seeruttun:** In fact, during that period that we are going to vaccinate the animals, we will have to carry out tests periodically to see whether they still give signs of the presence of that disease in the bodies of those animals. So, if the results show that there is no sign of that particular disease then we can declare the island being free from the FMD.

**Mr Bérenger:** Different from compensation is - during that period of three years, less than three years or whatever period - assistance to the breeders in Rodrigues because there will be a ban for a given period on import of animals from Rodrigues. We fully respect the autonomy of the Rodrigues Regional Assembly, but is there any proposal from their end because again this is a national issue, to set up any scheme for assistance to those breeders?

**Mr Seeruttun:** Madam Speaker, that is where this Committee will look into all those issues and come up with some recommendations.

**Mr Bérenger:** In the last part of my question, Madam Speaker, I think I heard the hon. Minister say that the authorities in Rodrigues directed not to embark those animals that landed on 01 of August - I am quoting from memory. Now, what disturbed me is that the hon. Minister did place on the Table of the Assembly the exchanges of correspondence. Has it been pointed out to the officers, hon. Minister, that they only recommended? They did not direct! The hon. Minister mentioned 'directions'. I am disturbed by the fact that they were not directed not to embark. They said: "it is recommended", and that took place from our end at 10 in the morning. I must say the Rodrigues Officer was very quick. At 12.43 p.m. he replied and, rightly so, being a civil servant, he said: "I am seeking approval from higher quarters." Does not the hon. Minister think that there has been a lapse there? There has been no follow-up within hours that could have stopped that embarkation. Does the hon. Minister have the date and time on which finally those animals were embarked?

**Mr Seeruttun:** The date and the time, I don't have it with me now, but I can find it out. The thing that I have gathered from the Chief Veterinary of the Ministry is that the mail clearly stated out that we are banning any importation of animals from Rodrigues and they should not embark any animal from thereon.

**Mr Bérenger:** There has been opinion by professionals, one retired official from the Veterinary Services, saying that those animals should have been kept on board and should not have been disembarked. Do your officers advise you in the same manner or are you satisfied that what took place had to take place, that is, sending them to Richelieu?

**Mr Seeruttun:** At the time that the consignment arrived in Mauritius on 01 of August, tests that were carried out to confirm or not the existence of the disease showed negative results. Secondly, what I am told is that the animals arrived in containers because it is not a cattle carrier. Apart from animals, there are also other stuff that are embarked on that ship. If we had to send back the ship, we should have waited for the disembarkment of all the other items which were on board of that ship. It would have taken probably up to 9 days. As the animals had already stayed for 48 hours in the containers, it would have been inhumane to let them in that container for so long. So, that is why the decision was taken that the containers were lifted and sent to the Quarantine Station at Richelieu. They were not disembarked, put on vehicles and transferred to the Quarantine Station. They were transferred as they were on the ship, that is, in the containers themselves. So, there was no contact at the Port area up until they got to the Quarantine Station.

**Mr Bérenger:** I am puzzled, Madam Speaker - before I leave the floor to others - by this reference to containers. Is it the normal practice for animals to be exported from Rodrigues to Mauritius in containers? I must say I have never heard of that.

**Mr Seeruttun:** It is in containers, but with some openings.

*(Interruptions)*

I am told it is as per IATA requirements.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** The hon. Minister mentioned in his reply that he had meetings with representatives of Jummah Mosque in view of the incoming Eid-UI-Adha festival. So, may I just seek two clarifications? First, will all the cattle have to be slaughtered in the



slaughterhouse and to the extent that they can be slaughtered at home, will the Veterinary Services issue a certificate to all purchasers to certify that this is clean and it can be slaughtered at home?

**Mr Seeruttun:** Madam Speaker, we did have a long discussion yesterday with representatives of the Jummah Mosque and one of the proposals that we made was that in the region of Vallée des Prêtres and Cité La Cure, given that the area is mostly affected by this disease, those people who are going to practice the Qurbani, we are recommending that, instead of doing the slaughtering at their own place, they do it at the Mauritius Meat Authority. The MMA is trying to come up with some kind of proposals to finalise with the representatives of Jummah Mosque shortly to see how we can go about because they won't be able to cater for the whole island. In other areas where there is no problem, slaughtering will be done as usual, but under strict surveillance. We have proposed that all those breeders who are going to sell their animals for that particular event, they have to, first, be registered with the Veterinary Services of my Ministry, have a certificate of health of the animals to make sure that all animals that are going to be used for that particular event are free from the disease.

**Mr Mahomed:** My question pertains to the 21,000 doses of vaccination that are going to reach our shore this weekend. It is confirmed that it is of type 'O', but we also read that the viruses contain several strains. Now, the vaccination that is going to reach the country this weekend, is it of a spectrum that is wide enough to cater for all those possible strains because the first time the vaccination was not appropriate.

**Mr Seeruttun:** In fact, Madam Speaker, we have confirmation that the strain is the type 'O' strain and we have also been able to identify from which region. The origin is from the Middle East and South Asia. That's the test that we just obtained this afternoon from the France laboratory. The vaccines that we have ordered is going to address the 'O' strain. So, that's why we have ordered that particular vaccine. The one that we ordered last week was...

*(Interruptions)*

**Madam Speaker:** Order! Order!

**Mr Seeruttun:** The one that we ordered previously was supposed to address the SAT 1, SAT 2 based on the result that we got from the Lab in South Africa. These are being dealt with to have them sent back.

**Dr. Sorefan:** The best way to prevent the propagation of such a disease is how we dispose of those culled animals. May we know from the hon. Minister how those animals are being disposed of and whether incinerators have been sought from friendly countries, because to my scientific knowledge, the best way is to incinerate all the animals, to get on a free basis incinerators to get rid of the animals?

**Mr Seeruttun:** Madam Speaker, there are different ways of disposing of the carcasses of those animals and one is what we are doing, that is, bury the carcasses. The other could have been to burn the carcasses. But we are in an island where the farms are found in residential areas and we have been told that it would not be environmentally correct to go for that way of disposing of the carcasses, it is not the right way because we are surrounded by residential premises. Looking at whether we have contacted friendly countries to resort to incinerator facilities, well, this would have taken, you would imagine, some time. Time is against us!

**Mr Baloomoody:** The hon. Minister just mentioned that we are on a campaign of vaccination, and the earliest we finished that campaign, the better. We have a shortage of veterinarians in the services, this is why we are calling assistance from outside. Can I ask the hon. Minister whether he is prepared to call for the Mauritian Veterinarians in the private practice to come and assist so that we get on quickly with the vaccination?

**Mr Seeruttun:** Madam Speaker, I did mention last time that we have also already contacted the private vets. I have talked myself personally to the Chairperson of the Vet Council and I know my Ministry has already established contact with them and they are willing to give a helping hand. I have also mentioned that the COI is willing to provide us with Vets from Madagascar. They are willing to come as soon as possible. This also is another venue we are looking at and whether to explore that venue as well to get additional resources to help us in that campaign.

**Mr Ganoo:** Madam Speaker, mention is made in the last Cabinet decision which was published last week that assistance has been sought from the FAO. Can I ask the hon. Minister what is the nature of the assistance which has been sought and whether it is forthcoming?

**Mr Seeruttun:** In terms of assistance, we have asked for technical and financial. Already, we have obtained a reply and I mentioned earlier on that a Technical Cooperation Programme is being worked out and we will send to the FAO to get that assistance.

Concerning the IRC, they are also willing to provide in terms of vaccines freely to us in that programme to combat that disease.

**Madam Speaker:** Yes, last question, hon. Leader of the Opposition.

**Mr Bérenger:** I heard the hon. Minister say that the Terms of Reference of the Fact-Finding Committee to be chaired by a sitting Magistrate are being worked out. Can I know from the hon. Minister whether the green light of the Chief Justice, of the required authorities, whether the Magistrate will be appointed as soon as the Terms of Reference are ready or whether we are going to wait for the current crisis to cool down before the Fact-Finding Committee is appointed, which I don't think would be a good thing?

**Mr Seeruttun:** Madam Speaker, we will do it at the earliest.

**Madam Speaker:** Time is over!

## MOTION

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

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

**The Deputy Prime Minister rose and seconded.**

*Question put and agreed to*

(3.35 p.m.)

## STATEMENTS BY MINISTERS

### APOLLO BRAMWELL HOSPITAL – EMPLOYEES - CONTRACT

**The Minister of Finance and Economic Development (Mr P. Jugnauth):** Madam Speaker, with your permission, I will make a statement on issues raised at adjournment by hon. Reza Uteem on 11 August 2016.

The issues raised were as follows -

- (i) Omega Ark had undertaken to take all the employees of the Apollo Hospital on board on the same terms and conditions. This has created confusion in the minds of staff of other three companies involved;
- (ii) Not all employees have received contracts of employment;

- (iii) Even those who have received contracts of employment, the terms and conditions are not the same as existing terms. Furthermore, some of the terms are contrary to Employment Rights Act, and
- (iv) Termination of employment of a staff at the Apollo Bramwell Nursing School by the Special Administrator.

Madam Speaker, I am informed that since the start of its operations in 2009, the staff of the following three companies have never been the employees of Apollo Bramwell Hospital. However, the Apollo Bramwell Hospital had recourse to the services of the three companies. Following the collapse of the ex-BAI Group, these companies are now being managed on a day-to-day basis by the appointed Special Administrator, Mr Yacoob Ramtoola.

The three companies are as follows –

- (i) Bramwell Catering Co Ltd - which prepares food for patients, expatriate staff of the Hospital and other companies within the BAI Group;
- (ii) Metropolis Bramser Laboratory Services (Mtius) Ltd - which offers Laboratory Services, and
- (iii) Apollo Bramwell Nursing School Co Ltd - which provides training of nurses for the Hospital.

The Special Administrator has the responsibility to ultimately find potential buyers for these three companies.

Madam Speaker, with regard to the sale of the business of the Apollo Bramwell Hospital, it was agreed, in the Asset Purchase Agreement, that -

- (i) only employees of the Apollo Bramwell Hospital will be employed by Omega Ark, and
- (ii) Omega Ark will continue to avail itself of the services of the three companies.

The employees of these three companies were fully aware that they were not party to the eventual takeover of the Apollo Bramwell Hospital by Omega Ark and therefore the

question of confusion prevailing in the minds of the employees of these three companies should not arise.

In fact, the disposal of Apollo Bramwell Hospital by NIC Healthcare Ltd and the responsibility of the Special Administrator with regard to the above three companies are distinct matters.

Madam Speaker, with regard to re-employment of the staff of the Apollo Bramwell Hospital, I am informed that, as at date, all 686 employees have been offered a contract of employment by Omega Ark.

Madam Speaker, following representations made by the Union, today I met the representatives of the *Confédération des Travailleurs du Secteur Privé (CTSP)* in my office.

Their principal grievances are in respect of certain clauses that are contained in the new contract of employment which have been offered to the employees. The Union is of the view that these clauses are against the employment laws of Mauritius.

I have given the Union the assurance that officers of my Ministry and those of the Ministry of Labour, Industrial Relations, Employment and Training will work in close collaboration to review the clauses mentioned by them.

Madam Speaker, with regard to the said employee of the Nursing School whose contract was terminated by the Special Administrator, I am informed that the matter was discussed with the Special Administrator and the latter has agreed to find an acceptable solution.

Thank you.

**Madam Speaker:** Hon. Minister of Labour, Industrial Relations, Employment and Training!

#### **MAURITIUS SHIPPING CORPORATION LTD – PART-TIME WORKERS**

**The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callichurn):** Madam Speaker, with your permission, I would like to make a statement on the issue of reduction of 16 part-time workers at the Mauritius Shipping Corporation Ltd (MSCL) raised by hon. Osman Mahomed at Adjournment Time on Friday 12 August 2016.

My Ministry received a letter dated 04 August 2016 wherein the Corporation notified its intention to lay off 16 terminal workers employed on a part-time pensionable basis since 2008.

Management of MSCL has given the following reasons to explain the laying off of these workers -

- (a) With the sale of MSCL passenger cum cargo vessel M/V Mauritius Pride in September 2014, the level of activity of the said company at the passenger terminal has been considerably reduced and coupled with the fact that passengers prefer to travel by air rather than by sea, it is now handling 2,400 passengers annually as compared to 42,000 passengers in 2013.
- (b) There will be a new passenger terminal at the cruise jetty in the near future to cater for all passengers disembarking in Mauritius, i.e. cruise vessels and MSCL vessel's passengers in line with the Mauritius Ports Authority's (MPA) Master Plan.
- (c) The MPA has recently decided to take over the operations of the passenger terminal from MSCL with effect from end of April 2016 and is reluctant to recruit these terminal workers.

I am informed that the date of termination of employment of these workers has not yet been determined by the management as a matter of fact and it is still under consideration on humanitarian ground.

I have also been informed that the hours of work and wages of the redundant workers are as follows –

<u>Category</u>	<u>Hours of Work</u>	<u>Monthly Wages</u>
Terminal Attendant	9.00 to 14.00 hours – 5 hours  (5 days a week)	Rs11,500

Security Guard/Gate Keeper	7.00 to 16.00 hours - 9 hours in a month (1 day per month)		Rs15,500
Security Guard	7.00 to 16.00 hours (1 day per month)		Rs13,300
Terminal Attendant/ Luggage Porter	4 hours per day (2 days per month)		Rs14,600

Therefore, at the request of the Union, my Ministry has held two meetings with the management of MSCL on 13 May and 06 June 2016. Parties have agreed to discuss the matter at their own level and stated that in case the dispute is not resolved, they would revert back to my Ministry.

As the matter has not yet been resolved, Management of MSCL has now requested the intervention of my Ministry to explore other avenues for a settlement. A meeting has been fixed on 23 August 2016 with the parties concerned to that effect.

Thank you.

## **PUBLIC BILLS**

### *Third Reading*

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

**Madam Speaker:** Before the debates will start on the Protection of Elderly Persons (Amendment) Bill (No. XV of 2016) since I find that there is a long list of orators, I wish to draw the attention of hon. Members that we are debating an Amendment Bill and debate is restricted to the amendment. Therefore, in accordance with Standing Order 42 regarding the relevancy in debates, I will request hon. Members to restrict their interventions on the Amendment which is before the House today.

*Second Reading*

**THE PROTECTION OF ELDERLY PERSONS (AMENDMENT) BILL**

**(NO. XV OF 2016)**

*Order for Second Reading read.*

**The Minister of Social Security, National Solidarity and Reform Institutions (Mrs F. Jeewa-Daureeawoo):** Madam Speaker, with your permission, I move that The Protection of Elderly Persons (Amendment) Bill (No. XV of 2016) be read a second time.

The amendment that is being proposed today has a laudable purpose. I am indeed pleased to bring forward this Amendment to the Protection of Elderly Persons Act 2005 with a view to enhancing the level of protection and security to the elderly persons.

Our task does not end with the successful passing of an Act of Parliament, Madam Speaker. The Protection of Elderly Persons Act 2005 was proclaimed with effect on 01 September 2006. The aim was to set up a legal and administrative framework to provide greater protection and assistance to the elderly persons.

However, over time, we have realised the dreadful reality of the increasingly despicable conditions prevailing in the life of our elderly persons. A number of cases of abuse against elderly persons have been reported to my Ministry as at date. We all know how many cases may have been nipped in the bud and remain unreported for various known reasons.

It is indeed heartbreaking to note that most of the abuses are committed by family members, acquaintances, neighbours and so on. The causes of elderly abuse are very often linked with the stress associated in providing care and assistance to frail and highly dependent elderly people. Abusers have a total misconception that violence is a means to obtain a desired benefit or to solve a problem.



Although my Ministry has worked on a series of measures to enhance the level of protection of and security to the elderly, it was high time that the Protection of Elderly Persons Act 2005 be amended to reflect the seriousness of this highly crucial and sensitive matter. Our task is to ultimately ensure that the various policies we want to achieve behind the implementation of the Act are truly attained. We need to ensure that the elderly persons of our society, the founding pillars of the country's foundation live in decent and safe conditions. They undeniably deserve that much.

Madam Speaker, we receive complaints through hotlines 172 and 199 via the Elderly Watch through Regional Social Security Offices via Senior Citizens Associations, through Police complaints, through the Family Support Bureau, the Citizens Advice Bureau and through complaint letters. Complaints are also made by family members, neighbours and other acquaintances. To deal with these complaints, we adopt the intervention procedures as required by the circumstances of each individual complaint. Our intervention procedures include mediation, counselling and family conferencing.

In order to successfully achieve the end result, it is obvious that the officers from the Elderly Persons' Protection Unit need to get in touch with the victims and also with the alleged perpetrator. There are, however, cases where the alleged perpetrators show deliberate unwillingness to cooperate. They can neither be contacted during visits nor do they respond to convocation. This results in undue delays and obstruction in taking remedial actions. Therefore, it can rightly be said that the difficulties faced by the officers to contact alleged perpetrators have placed a clog in the wheel of timely protection provided to the elderly persons who are the victims of abuse. The main impediment lies in the paucity of the powers of the officers to officially call the alleged perpetrator to attend to their office for intervention procedures. This is where the first amendment being proposed today is relevant.

By amending section 7 of the Protection of Elderly Persons Act 2005, the Protection of Elderly Persons (Amendment) Bill 2016 provides that the officers of the Elderly Persons' Protection Unit will now be empowered to cause the alleged perpetrator to be summoned to appear in person before the Higher Social Security Officer, in order to provide information with regard to any complaint made or on behalf of any elderly persons against him. The summons, as proposed in the Schedule to the Bill, will be issued as a last resort in cases where the alleged perpetrator refuses to attend after having been officially convened in writing to meet the officer concerned of the Ministry.

The amendment to section 7 of the Protection of Elderly Persons Act 2005 is intrinsically linked to the proposed amendment to section 11 of the said Act. A well-known philosopher has once said that the law without sanction is a mere request. I am, therefore, also proposing to attach a sanction for those who fail to comply with the requirements of the summons.

Therefore, section 11 of the Protection of Elderly Persons Act 2005 will be amended to add a new subsection providing for the offence of failing to comply with a summons issued by the Ministry on an alleged perpetrator of abuse on an elderly person. I must say that this amendment will pave the way towards more effective enforcement of the law protecting the elderly citizens of our country. It will serve as a deterrent factor preventing further abuse. In addition, the amendment will not only promote a more timely resolution of disputes involving elderly persons, but may also lead to a possible elimination of elderly abuse.

The next amendment, Madam Speaker, I am proposing today, is the increase of the membership of the Managing Committee of every Elderly Watch from a maximum of seven to a new maximum of 10 persons.

Before elaborating further on this particular amendment, I wish to highlight that the Elderly Watch is, indeed, an important institution assisting in the organisation of public awareness and sensitisation campaigns on the rights of the elderly and elder abuse prevention. It also reports cases of abuse in its respective region, and more importantly, endowed with its knowledge of the elders, it assists the officers in the intervention procedures.

As at now, 20 Elderly Watch have been set up in five different regions in Mauritius and four have been set up in Rodrigues. Each unit is administered by a Managing Committee of not more than seven persons.

Increasing the number of members of the Managing Committee from seven to 10 will undoubtedly enable the strengthening of the proactive approach for a wider participation, guaranteeing more effective protection of the elderly persons. It will also reinforce the reactive approach in reporting and counselling on reported cases. Effective organisation and management of the Elderly Watch will bear even more positive impacts on the protection of our elderly people.

I need to draw the attention of the House that, in Rodrigues, equal attention is being paid to the need for effective actions to curb down the extent of elderly abuse. Therefore, the

amendments being proposed will not only benefit the Mauritian population, but will also assist in the protection of the elderly population in Rodrigues too. Rodrigues will have to adjust its human resource structure to cater for the implementation of these amendments, especially the one regarding the serving of summons by a designated officer who will stand as an Officer-in-Charge.

The proposed amendments are also in line with the Government Programme 2015-2019 which stipulates, among others, I quote –

“Caring for the most vulnerable ones and empowering for individual and collective advancement are topmost priorities in making Mauritius a better place to live. A key consideration of the Government during its mandate will be to reduce the gap between the rich and the poor, promote social justice, economic empowerment and national unity, and protect the elderly and vulnerable ones.”

As a responsible Government, we need to provide our elderly population with a required security and protection. We are deploying all possible resources to enhance the quality of life of this vulnerable segment of our population. Through our relentless and concerted efforts, we will certainly succeed in curtailing the growing upsurge in the number of elderly abuse cases. We are, undoubtedly, inching towards the creation of a much better society.

With these words, Madam Speaker, I commend the Protection of Elderly Persons (Amendment) Bill (No. XV of 2016) to the House.

**Mrs Dookun-Luchoomun rose and seconded.**

**Madam Speaker:** Dr. Joomaye!

(3.56 p.m.)

**Dr. Z. Joomaye (Second Member for Rivière des Anguilles & Souillac):** Thank you, Madam Speaker. I stand here today to debate specifically on the proposed amendments to the Protection of Elderly Persons Act of 2005.

These amendments propose to reinforce the protection of our elderly. First and foremost, I must say that we, on this side of the House, totally adhere to the idea, and we completely agree that these amendments be voted.

Anyone with some common sense cannot be against protecting our elderly persons. Mauritius, Madam Speaker, does not have any natural resources. All that we have achieved until now, we owe it to the hard work of our elders.

This generation of seniors that we have nowadays are those who changed the face of our country from a developing country to a leading economy in Africa. They are those who believed in tertiary education for their children. We must pay tribute to their discipline in daily life.

Their culture of putting work first before leisure, and their way of upholding their values that has made Mauritius today a harmonious, stable, prosperous and tolerant society. From an almost exclusive agricultural economy to a diversified, multi-sectorial based economy, each and every of our elders are the minds and hands that have achieved the economic miracle. Where we were and where we are, we need to learn from them, and especially be grateful to them and now it is our payback time. That is what we are talking about.

We have an ageing population. In 2015, life expectancy for both sexes was on average 74.5 years. It is a challenge for any country to properly address this issue. We need to ensure that the rights of our seniors be safeguarded. These are –

- Rights to dignity, freedom from abuse, neglect and exploitation;
- Right to freedom from discrimination, right to adequate health care,
- Right to maintenance;
- Right to material assistance;
- Right to property;
- Right to participation in society, and
- Right to work, if they are so willing.

Madam Speaker, the Protection of Elderly Persons Act 2005 has laid the foundation of a good framework to protect the seniors from potential threats of daily life. To fully achieve this objective, we need everybody on board. It is a question of national solidarity.

We fully agree that Section 7 of the Principal Act be amended for the Officer-in-Charge of the Unit to issue summons. We agree as well that the Managing Committee of the Elderly Watch be brought to a total of ten persons.

A new subsection is being added to section 11 which deals with Offences. It is now an offence where a person to whom a summons to appear or give information has been served not to react accordingly. This will definitely help and goes along with the spirit of this Act that is being amended today. However, Madam Speaker, the Protection of Elderly Act 2005 is not perfect and ultimate. Amending these sections is good, but not enough. This Act has its weaknesses. We need to think ahead; we need to learn from what is being done elsewhere.

Recently, Madam Speaker, there has been a judgement in France in the Liliane Bettencourt case, a French billionaire, first fortune of France and owner of L'Oreal Cosmetics. In her late 70's and suffering from Alzheimer's disease, she has been under the influence and control of a network of advisers, personal assistants who abuse her confidence and, upon their advice, wilfully, donated and spent huge sums of money on them. French Court of Justice in 2015, in that case, sentenced several persons to imprisonment and fine for abuse of weakness, *abus de faiblesse*. This specific offence is not in our law and this should have been remedied.

Nowadays, the biggest threat to an elderly is financial abuse. In developed countries, Madam Speaker, people over 50 years control as much as 70% of national wealth. They have become the target of fraudsters. It is a crime to deprive older adults of their resources and ultimately their independence. The role of the elderly watch should be extended to that effect as well. Anyone who sees signs of theft, fraud, misuse of an elderly assets or credit, or use of undue influence to control same, should be able to alert the system.

Banks and financial institutions should be taken on board and be given specific assignments as regard to monitoring the finances of the elders. Any change of financial pattern should be treated as a warning sign. These changes of unusual activity in elders' banks accounts, including large and frequent withdrawals or removal from ATM, all transfer of money which cannot be explained by a senior customer. All these should be treated with a different perspective in view of protecting our elders' wealth. Any of these should lead to a suspicious transaction report to be addressed to a dedicated office which would need to be created. The legal provisions of this office should have been included in this Act. This is where we are failing all of us. As I said earlier, Madam Speaker, protection of the elderly is a question of national solidarity. It is the duty of the State, the family and also the third party, caretakers.

It is the role of the Ministry to run awareness programmes on how elders can be abused and how anyone can become a whistle-blower, who might change the life of a senior who is being abused.

I will end on this note and I thank you, Madam Speaker, for your attention.

(4.04 p.m.)

**The Minister of Gender Equality, Child Development and Family Welfare (Mrs A. Perraud):** Madam Speaker, the protection of the elderly ranks high on the Agenda of this Government and to that effect a key consideration during our mandate as spelt out in the Government Programme 2015-2019 is to reduce the gap between the rich and the poor, promote social justice, economic empowerment and national unity, and protect the elderly and vulnerable ones. Government has also pledged to provide special support care to elderly persons with disabilities and those living alone as part of its strategy to provide a '*service de proximité*' to them.

Madam Speaker, I wish to congratulate my colleague, the hon. Minister of Social Security, National Solidarity and Reform Institutions, hon. Mrs Jeewa-Daureeawoo, for introducing the Protection of Elderly (Amendment) Act 2016 to amend the Protection of Elderly Persons Act to better contribute to the protection of the elderly in Mauritius, in line with our mandate.

Madam Speaker, it is common knowledge that worldwide, and including Mauritius, elderly persons may be subjected to the following forms of abuse -

- (i) financial abuse;
- (ii) psychological abuse;
- (iii) neglect;
- (iv) verbal;
- (v) emotional abuse, and
- (vi) sexual/physical abuse.

The protection from the Elderly Act was passed in 2005 and promulgated in 2006. We now stand in this House, eleven years after the introduction of this Act to amend it to provide for the following –

- (i) To give powers to the Officer-in-Charge of the Elderly Protection Unit in the exercise of his duties to summon any person against whom a complaint of abusing an elderly person has been made, to provide oral or written information in that regard. Failure to comply with the summons will entail a fine of not less than Rs5,000 and not exceeding Rs10,000 and to imprisonment for a term not exceeding six months. A schedule has been provided for in the Act in that regard, and
- (ii) Furthermore, provision is made for ten persons for the Managing Committee, which previously comprised of seven persons.

Madam Speaker, this Bill brings to light the stark reality of some of our elderly. I would wish to bring to your attention a few statistics. For the year 2015, out of 71 interim Protection Orders issued, 9 were issued to males aged 60 and above. Out of 1,215 interim Protection Orders issued in the same year, 46 were issued to women aged 60 and above. Out of 43 Protection issued in the same period, 11 were males aged 60 and over, and 34 were issued to females aged 60 and above, out of a total 826 in the same category.

For the year 2016, figures have been made available from the Family Welfare and Protection Unit of the Ministry. Allow me to circulate the statistics, Madam Speaker. These statistics, at my Ministry, appear to be only the tip of the iceberg, with regard to the unreported cases of domestic violence perpetrated against the elderly, often by their family members, sadly. The Family Welfare and Protection Unit of my Ministry offers the following services to men, women, children, including the elderly –

**(1) First Hand Counselling.**

Family Counselling Officers and Family Welfare and Protection Officers provide victims of domestic violence with information such as –

- what are their rights;
- the law pertaining to domestic violence, and
- services offered by the Family Service Bureaux.

**(2) Psychological Counselling.**

Victims and perpetrators undergo psychotherapy sessions in strict confidentiality with Psychologists.

**(3) Legal Advice.**

A Legal Resource person provides victims and perpetrators of gender-based violence, including domestic violence with information on matters pertaining to legal issues.

**(4) Assistance to victims of domestic violence for application of Court Orders under the PDVA.**

Family Welfare and Protection Officers assist victims of domestic violence to the nearest District Court for application of Protection/Occupation/Tenancy Orders under the Protection from Domestic Violence Act (PDVA).

Madam Speaker, strengthening inter-generational relations is essential at this point. National and Regional programmes are conducted across the island by the Family Welfare and Protection Unit of my Ministry, with a view to bridge the gap among the three generations and concurrently sensitise them on the importance of the inter-generation relationship programme. The objectives are to –

- (i) build a strong relationship between children, parents and grandparents through communication and sharing;
- (ii) enhance a sense of family belonging and security;
- (iii) promote high value for family and traditions thereby creating a source of wisdom and stability;

Madam Speaker, I wish to underline the service to the elderly, ensured by the Police Family Protection Unit (PFPU), whose responsibilities, amongst other things, consist of the following –

- receive such problems and listen to the victims;
- investigate into the matter;
- arrange for investigations and coordinate investigations in cases of gender-based domestic violence, elderly abuse and family conflicts.

The policy strategies are made up of prevention, protection and prosecution.

Madam Speaker, allow me to refer to an Independent Expert, Mrs Rosa Kornfeld-Matte, on the enjoyment of all human rights by older persons...



**Madam Speaker:** Can I just intervene, hon. Minister! Don't open the debate, please! We are not talking generally of protection of elderly persons, but, as I said, right at the beginning, we have got an amendment. Can you make your arguments in relation to the amendment which is being brought to this legislation?

**Mrs Perraud:** Thank you, Madam Speaker. I will restrict myself to the amendment.

So, Mrs Rosa made, *inter alia*, the following recommendations in respect of the protection of elderly persons regarding safeguards and also monitoring mechanisms, inspections. These recommendations could be taken on board while developing strategies to enhance the level of protection of our elderly.

The Elderly Persons Act 2005 and its amendment are crucial steps to providing adequate protection to older persons against ill-treatment, be it physical, verbal, emotional harassment or financial prejudice.

I wish my colleague, the hon. Minister of Social Security, National Solidarity and Reform Institutions all the success with this new piece of legislation.

Thank you, Madam Speaker.

(4.12 p.m.)

**Mrs R. Jadoo-Jaunbocus (Second Member for Port Louis South & Port Louis Central):** Madam Speaker, as I was wondering what to say to this piece of amendment to the legislation, I came across this - through the papers - small anecdote. It is not very long, bearing in mind the lapse of time that we have to intervene. Sitting alone in an old armchair in a one-bedroom flat of the ground floor of a large multi-occupancy building with deteriorating eyesight, limited mobility indoors in a partly torn pyjamas, exuding a strong smell of urine, recovering from a second suicide attempt, was an old man there, suffering from severe depression. He asked: 'Who has invented old age with all its worries?'

This is how often old age is seen from the elder person's point of view and this is what this piece of law is, at all costs, trying to steer it away from such feeling and avoid its consequences.

Abuse of elder persons by family members dates back to ancient times, Madam Speaker. Until there have been initiatives to address child abuse and domestic violence in the

last quarter of the 20<sup>th</sup> century, this issue of elder abuse was a private matter and it was hidden from the public view.

However, with time, elder abuse became viewed as a social welfare issue and, subsequently, it became a problem of ageing. Like other forms of violence, it became identified as a form of family violence. From then on, it became a public health and a criminal justice concern.

As elders become physically frail with associated problems such as physical mobility, dementia, they suffer from Alzheimer, hearing impairment, sight impairment, they become very trying for the people who care for them and they also open themselves up to potential abuse. There are several pieces of legislation, for instance, the Elderly Act 2005 which deals with that. There is the Protection from Domestic Violence Act which has been amended in the course of time in order to address that in the form of Protection Order as the hon. Minister Perraud, Minister of Gender Equality, Child Development and Family Welfare, has just explained. But this piece of law, what it does this amendment is very crucial. It might appear as three minor, shall I say, proposed amendments, but, in fact, it has a huge impact. What it does, it recognises that often the old persons will not want to go to Court to seek redress. This amendment hits the problem on the head and comes away to tackle the problem.

We may have the Protection from Domestic Violence Act, we may have the Act of going to the Police Station consigning a declaration, but we must look, as hon. Mrs Jeewa-Daureeawoo, the Minister has seen it. What she has seen is the old person would not want to leave her house, go to the Police Station, consign a declaration, go to Court. The Criminal Justice System takes time, the Protection from Domestic Violence Act, they have to go and swear an affidavit, but once they go to Court, there are several court appearances. Finally the elder person who is dependent on the very person who may have been the perpetrator of the violence, of the abuse, of the neglect, of the violent act, will say: 'No, I do not want to go ahead.' Because we are dealing with an age group of persons who actually are very protective of the family structure; they will suffer, they will submit, but still they will not denounce.

And that's what the hon. Minister, in amending section 7 of the Act 2005, has done. She has nipped the problem in the bud, she has identified the problem and she has come to this House and said: 'Let us give the officers powers!' And powers to do what!? We may think what is the power, just to summon a person to her office as and when required as he may be directed and provide such information as may be necessary. But this is a very

powerful and very meaningful amendment. What it does, it takes the officer into the household in a manner to speak and convey that person to come and face the law, face the authority.

The mere fact that there is this authority to summon someone who might be a perpetrator of abuse to the office of her Ministry, gives the loud message that you cannot carry on with abuse behaviour any more. You will have to come and explain, just because one has to come and explain we know how this can act as a deterrent. The hon. Minister has acknowledged that and has given her officers the power wherever there are cases of abuse. As it is the case with the labour law, the Labour officer can, in cases of breach of Labour Act, convene the employer and the employee for mediation. Likewise the officer from her Ministry can convene that person to answer for the act and, knowing that one has to come and explain, knowing that one has to give information that, in itself, will be a major deterrent and will reduce elder violence.

Then again, if that person ignores those powers, as the hon. Minister has said, the piece of legislation will not stand on its own. It will have the power and the sanction of inflicting a fine not less than Rs5,000 and not exceeding Rs10,000. The mere fact that there will be this hanging like the sword of Damocles above the head of that potential perpetrator or the person who can hold information will act as a catalyst for that person to run to the office and give the explanation. This is very important.

In fact, why do we need to address the issue of the abuse amongst the elderly urgently, it is because we have an ageing population as we know and, with time, this ageing population will even increase. As said by the United Nations independent expert, just referred to by hon. Minister Perraud, what she has found is that, in Mauritius, we have a population, that was in 2015, of about 1.2 million out of which 13 per cent are 60 years old and above and the figure is projected to reach from 13 per cent to 30 per cent in 2050! This is a huge climb and, in terms of ageing society, she says that Mauritius is facing challenges that are very similar to those of developed countries. Yet, she says, that we need to bear in mind we are a developing country. Mauritius is leading by example, she goes on to say. She was impressed to learn that the Government is spending about 50 per cent, through the Ministry concerned, of its budget on social services, including free health and education which also benefit all the persons. She said that, put in a context of a developing country, Mauritius is doing quite well.

As regards the amendment of increasing the Elderly Watch Committee, this again is very commendable in as much as it was, as the law provided, seven people maximum. Now it has gone on to ten which increases, first of all, the powers of the Committee, the number of members of the Committee and will lead to more productive work. It will act as a better pressure and working Committee because one of the ways to assist and to deal with elder abuse, as has been done in Japan and in other countries of the world, in the United States, is having such kind of elderly watch or calling centres or drop-in-centres in order to give an opportunity to the elderly to give evidence about abuse either anonymously or through disclosure.

Therefore, once more I shall say, it might be a three-line or four-line amendment but it has a huge impact on the care of elderly and I really must congratulate the hon. Minister because it is this attention, this very thorough examination of details and how can we actually reduce cases of abuse without being too intrusive. This is a way of doing it through attention to details and I, therefore, once again congratulate the Minister on this.

Thank you, Madam Speaker.

*(Interruptions)*

**Madam Speaker:** I suspend the sitting for half an hour!

*At 4.25 p.m. the sitting was suspended.*

*On resuming at 5.13 with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. Tarolah!

**Mr K. Tarolah (Third Member for Montagne Blanche & Grand River South East):** Madam Speaker, today we are considering some amendments in our legislation to protect the elderly from neglect and abuse. I wish to congratulate the hon. Mrs Jeewa-Daureeawoo, for such a laudable initiative because very often in the news or in our surroundings, we hear about different forms of abuses our elderly are victims of.

Madam Speaker, nowadays our elderly has become unpaid labour. Their contributions in some cases are not valuable and not recognised by their children, surroundings and at times societies in general. However, what matters is how effective they are in still performing the

majority of the house chores, laundry, cooking and on top of that taking care of the grandchildren at a time where they should be enjoying their old-age period.

Madam Speaker, I would say, it is time to put a stop. Believe it or not, many of them are neglected and abused. We often notice that though being verbally abused, many are physically abused and surprisingly they are financially abused. When we speak of financially abused, I am talking of foregoing their signatures, misusing their personal cheques, credit cards or accounts and stealing cash, income cheques or household goods. Some of them do not even have the luxury to enjoy their old-age pension, they are deprived of the liberty to manage their own money and when they get their pension, they do not know how to spend it.

Madam Speaker, it is time that persons who neglect and abuse emotionally, physically and financially any older person know that we are amending the laws. I hope that our elderly will seize the law and make their complaints to the necessary institutions and to the Senior Citizen Council. In Mauritius of 2016, we should be capable of ensuring the safety and well-being of our older persons. We need to be more sensitive to their needs. Madam Speaker, by amending our laws, we are showing that we are capable of dealing effectively with the plight of older persons.

The establishment of a more efficient framework will definitely empower and protect our elderly. They deserve having their rights, well-being, safety and security maintained. With such amendments of laws, *gouvernement Lepep* is ensuring once again that the dignity and rights of our elderly is respected and protected. Remember, as soon as the Government came into power, we have increased the pension of our senior citizens.

*(Interruptions)*

**Madam Speaker:** Hon. Tarolah, what does that have to do with the Bill? I have said right at the beginning and I am repeating it over and over again, don't enlarge the debates on this Bill. Come to the point with the amendment which is being brought to the Bill.

**Mr Tarolah:** Thank you, Madam Speaker. We must not forget the social, cultural and economic contributions of our elders. At their age, instead of being abused, we should ensure that they have access to information by education and training. It is said, Madam Speaker, that the mind is the fastest thing in the world while the heaviest one remains.

Madam Speaker, it is necessary to effect changes to existing laws relating to older persons because we want to empower them to live meaningfully and constructively in our society. Protecting our elderly from abuse has to be one of the major concerns of each and every one of us. We must not sit and do nothing when we notice that old persons are being abused in their homes, in relative homes and even in the hands of those responsible for their care. Every suspecting case where an elderly person is at risk from a neglectful caregiver or being preyed upon financially, it must be spoken up. Generally our elders become more physically frail and they are less able to stand up, to bullying or fight back if attacked. We have come through some cases of rape of our elderly in the recent years. Many seniors around the world are being abused, harmed in some substantial way often by people who are directly responsible for their care. If many cases have gone unreported, we are now enforcing the laws to give a clear-cut indication to the abusers that we are having an eye on them and the price to pay will be heavy.

Madam Speaker, when we are talking about the abuse on the elderly we must not forget the healthcare fraud and abusers. They are often victims of unethical doctors, nurses, hospital personnel and other professional care providers. They are often charged for healthcare which has not really been provided. Madam Speaker, it is difficult to be an elderly when age brings with it infirmities and dependence. We will end up being old ones one day. We definitely do not want to be lashed out by our children, relatives or caregivers. I invite every Mauritian to denounce any form of abuse over our elderly. We must keep our eyes and ears open. Each elder abuse report is a snapshot of what is going on.

Madam Speaker, I wish to end my speech with the quote of Tia Walter, who nicely said, I quote -

“To Care for those who once cared for us is one of the highest honours.”

And that is what we are exactly doing here. Thank you for your attention.

**Madam Speaker:** Hon. Boissézon!

(5.16 p.m)

**Mr E. Boissézon (Third Member for La Caverne & Phoenix):** Madame la présidente, je vous remercie de me permettre d'intervenir lors des débats relatifs au projet de loi *The Protection of Elderly Persons (Amendment) Bill (No. XV of 2016)*. Je serai très bref.

En 2005, *the Protection of Elderly Persons Act 2005* et le *Residential Care Homes Act 2003* sont deux lois qui furent promulguées en marge de la déclaration politique et le plan international de Madrid sur le vieillissement adopté en 2002. Cette déclaration démontrait la volonté des Etats à réaffirmer leur volonté de promouvoir le bien-être et la sécurité des personnes âgées. Depuis que la loi fut promulguée, l'environnement familial a changé d'où la nécessité de revisiter la loi, l'espérance de vie a augmenté. Le mode de vie des jeunes a changé. Dans le passé, le vieillissement de la population constitue un problème surtout pour les pays développés. Aujourd'hui, il prend de l'ampleur dans le monde entier. À Maurice, l'espérance de vie a évolué de façon significative avec un pourcentage de personnes âgées de plus de 60 ans de 8.3 % en 1990, 13.7 % en 2015 et une projection de 23.6 % et 28.2 % en 2035 et 2050.

Les jeunes qui se mariaient auparavant vivaient avec leurs parents qui créaient des *extended families*, aujourd'hui ils préfèrent vivre seuls et les deux personnes travaillent. Ainsi, les aînés sont livrés à eux-mêmes, soit seuls dans leurs maisons ou dans des maisons de retraite. Ils éprouvent un sentiment d'impuissance et de vulnérabilité. Ainsi, ils deviennent les proies des personnes mal intentionnées. Les exemples ne manquent pas. En 2014, un jeune de 34 ans a agressé sa grand-mère. En septembre 2015, un neveu a agressé sa tante et, en 2016, Maurice est réveillé sous le choc: une personne âgée de 80 ans a été victime de jeunes lors d'un cambriolage.

Ceux qui habitent avec leurs parents sont souvent maltraités, devenant même un fardeau pour ceux-ci. Ceux qui habitent dans des maisons de retraite se plaignent du mauvais traitement...

**Madam Speaker:** Hon. Boissézon, can I just interrupt you for one minute and draw your attention to Standing Order 42 (1), which stipulates –

“42. (1) Debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment (...)”

I have given leeway to hon. Members to introduce the subject matter, but you should bear in mind that the amendments which are being brought relate mainly to the question of issuing a summon and the second amendment is with regard to increasing the number as regards the elderly watch. So, if you could, while intervening, bring in light those two main issues in the amendments which are being brought.

**Mr Boissézon:** Oui, Madame la présidente. Je vois que –

*“The object of this Bill is to amend the Protection of Elderly Persons Act to enhance the level of protection of, and security to, the elderly.”*

Et là je dresse un tableau de la situation actuelle et je viendrai sur les points. Ayant fait un survol succinct de l'état des situations de sécurité et du bien-être de nos aînés, nous voyons l'importance d'un contrôle plus strict, et vu la complexité du sujet, nous avons besoin d'une surveillance rapprochée et d'une proximité d'où l'importance des comités '*Elderly Watch*'. Nous nous apprêtons à amender la loi pour augmenter le nombre du *management committee* de sept à dix et je félicite la ministre de la Sécurité sociale concernant les fonctions du *Elderly Watch*.

Quelles sont ces fonctions du *Elderly Watch*? Il est reproché à ces comités qu'ils s'occupent beaucoup plus du bien-être que de la sécurité, que les régions sous leur tutelle sont trop vastes pour un suivi rapproché; le manque de communication et le manque de formation.

En regardant la loi principale, à la section 8 (2) qui va être amendé –

*“provide support to families that need assistance and protection for elderly persons;”*

A Maurice, le nombre d'abus rapporté est stable. Mais nous devons nous préparer à prévenir toute augmentation vu que le nombre de personnes âgées augmentent. Les familles doivent être prises en charge, former et se préparer avant même que les parents âgés atteignent l'état nécessitant une surveillance de pointe.

L'observatoire de vieillesse du ministère de la Sécurité sociale propose le besoin de former des *respite carers* pour aider les personnes qui s'occupent des parents âgés. Le nombre de personnes qui s'occupent d'un aîné augmentent. Certaines personnes sont sur le qui-vive pendant toute la journée pour ne pas dire 24 sur 7. Au bout d'un certain temps, ces personnes sont fatiguées, exténuées, accablées et deviennent dépressives, d'où le besoin d'un *respite care*, c'est-à-dire, d'une assistance temporaire pour la surveillance des personnes âgées pendant que les parents se reposent et se détendent.

J'ai fait mention du nombre de dames ayant subi un abus, qui aujourd'hui est le double de celui des hommes. Il faut un *gender approach*. La surveillance des dames ne doit pas seulement être axée sur leur santé et bien-être mais aussi sur leur sécurité.



Madame la présidente – la section 8(2)-

“(c) endeavour to prevent acts of abuse on elderly persons;

(d) report cases of repeated abuse of an elderly person to an officer of the  
Unit.”

Ces deux sections sont inter-liées. Les membres des comités de *Elderly Watch* doivent s’assurer qu’il y ait plus de proximité entre eux et des personnes âgées pour savoir qui sont ceux qui sont abusés et négligés dont les traces sont visibles, bleus, souffrance subite, linges délabrés, ecchymoses. Créer un très grand sentiment de confiance, un espace d’intimité qui amènerait les personnes victimes à se confier en toute liberté. Et surtout cela permettrait de détecter les cas suspects. Pour cette dimension de leurs tâches, ils doivent être formés. Ils doivent être formés pour détecter les changements d’attitude des vieux. Quand une personne âgée cesse de parler et répond en monosyllabes ou encore quand elle ne regarde plus son interlocuteur dans les yeux, c’est le symptôme d’un tiraillement psychologique et d’un souci difficile à s’en débarrasser.

Madame la présidente, ayant élaboré sur les points précédents, je suis pour le besoin d’augmenter le nombre de membres des comités de gestion de *Elderly Watch* d’une part, de leur formation et surtout au niveau national, une vaste campagne de sensibilisation pour expliquer le besoin de protéger les personnes âgées et l’augmentation de *Elderly Watch*.

Je terminerai en remerciant nos aînés qui ont eu la sagesse de travailler et de prendre les décisions qu’il fallait pour nous offrir ce bel état où nous vivons. Montrons notre reconnaissance et soyons un exemple pour la génération montante.

Merci, Madame la présidente.

(5.25 p.m)

**Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or):** Thank you, Madam Speaker, for this opportunity to comment on this Bill. Madam Speaker, I think the amendments that are in front of this House today - there are three amendments to the Protection of Elderly Persons Act of 2005 as proclaimed in 2006 – reiterate, firstly, the increase in the number of persons, members of the managing committee from seven to ten. The two other amendments which relate to further powers to the Elderly Persons Protection

Unit's officers for the issue of summons, and finally, the third amendment relates to the issue of an additional provision and the offences which were not there before.

Madam Speaker, let us have a look at the original Act and I am going to intervene today on two issues. One is on the structure. One among the important structures where changes are being brought is the Elderly Watch, and secondly, I will also intervene on the issue of institutional settings, like residential homes where there is no adequate provision in the law for their protection...

**Madam Speaker:** Hon. Rughoobur, I interrupt here again, just to tell you that the question of structure of institutional homes won't fall in the ambit of this Bill.

**Mr Rughoobur:** Madam Speaker, when I will come to the second part of my intervention, it will be related to the changes that are being brought in the Act and the definition of 'person'.

Let me take the first issue of structures. Madam Speaker, there are three important institutions in the original Act: the Monitoring Committee for the Elderly; the Elderly Watch, and the Elderly Protection Unit. The Monitoring Committee has got important functions. Let me quote from the Act the two important functions of the Monitoring Committee, which are –

- “(a) to supervise the operations of the Unit - that is, the elderly persons protection aid - and of every Elderly Watch and give its officers such directions of a general character as it may deem necessary;
- (b) to provide adequate resources and facilities for the proper operation of the Unit and of every Elderly Watch.”

Madam Speaker, I must say here that I have been closely involved in social activities; I have been a member of the District Council in the North; I am now an elected member of Grand'Baie & Poudre d'Or constituency. I have never heard about this Elderly Watch structure. Today, we are debating the impact of the changes we are about to bring; increasing the members from seven to ten, and the extent to which it is going to contribute in protecting our elderly. It is a very positive move, and I fully support the initiative of the Ministry. When I have a look at the functions of this Elderly Watch, it's much more interesting. Let us have a look at what the Act says about the Elderly Watch functions –

- “(a) promote the welfare of the elderly persons in the region for which it is responsible;
- (b) provide support to families that need assistance and protection for elderly persons;
- (c) endeavour to prevent acts of abuse on elderly persons, and
- (d) report cases of repeated abuse of an elderly person to an officer of the Unit.”

Madam Speaker, we have Senior Citizens Associations around Mauritius. The point that I want to make with this amendment, although I welcome this amendment of increasing the number of members, I believe it is not adequate, it is not sufficient. The questions that we have to ask ourselves are about the Committee itself, where the appointment of members is in the hands of the Minister and representatives of the Senior Citizens Council. The question that I have to ask first is how many members are appointed by the Minister and how many members are appointed by representatives of the Senior Citizens Council. This is not clear in the Act. There are other *interrogations* that I have with this Elderly Watch. I must say that, when I look at the function, I see that the structure is a very good one. It has to be here, it has to work in close collaboration with local authorities, with CAB Office, with the senior citizens in the various regions. This particular structure is appointed by the Monitoring Committee, and I quote –

“There shall be in every region designated by the Monitoring Committee an Elderly Watch.”

I would like to ask Members of the House how many among us have ever heard - because this has been proclaimed in 2006, almost nine to ten years – about this Elderly Watch. *On est régulièrement sollicité* for sponsors by senior citizens, but in my political career and also as a social worker, this is the first time that I come across this structure. But it is a very good initiative by the Ministry that they are trying to give it the necessary resources, the necessary drive, so as to ensure that we promote the protection of the elderly. But, *quelques questions*, Madam Speaker, that I have, among which –

- (i) Apart from increasing the number of members, I would like to know in which regions they are situated today, because I don’t see them in my constituency. They should be there, but I think they have to be, as I said earlier, reorganised.
- (ii) What are the logistics and resources available to them, to allow them to operate effectively and at optimum?

- (iii) How do they collaborate with the senior citizens associations in the region they are located?
- (iv) How are their members appointed?
- (v) What are the means through which the Monitoring Committee keeps track of the work and performance on site?

Only this morning, Madam Speaker, I was in a committee in the District Council of Rivière du Rempart, where we were discussing about crimes, and there has been an excellent decision by the Commissioner of Police to introduce what we call 'hand-hold policing'. Apart from the amendments that are being brought, one of the suggestions that I will have for the Minister is to include a representative of the Police Department as well in the Committee. We are increasing it by three members. I think we will have room to include a representative from the Police Department. So, I'll request the hon. Minister to kindly consider the proposal that I will be having.

Madam Speaker, the second issue that I wanted to address is institutional setting, but I will come to offences. We are amending the Act and we are talking of summons, we are talking of powers to officers of the Elderly Persons Protection Unit. What I was trying to explain, Madam Speaker, earlier, is that I believe that, with the amendments that we are bringing, we have to look at the objective. The objective is to protect the elderly. But, in these amendments, when we talk of offences, we talk of 'offences by a person.' I am not well-versed in law, but I believe that there is a major shortcoming, because there is no proper definition of what we mean by 'a person' in the Act. This brings about the big question of when we talk of a person committing an offence. Is it an individual? Is it a domestic person or can we refer to a person as an institution?

I must, here, Madam Speaker, in this debate, shed light on a major problem that we lately got in our constituency, namely in Petit Raffray, with elderly persons; the Gandhi Ashram of Petit Raffray, which was set up more than 50 years back. And only last year, after the change in the management committee of the Ashram...

**Madam Speaker:** No! Hon. Rughoobur, again, I draw your attention to the fact that whatever arguments you are bringing does not fall within the ambit of the amendments to this Act. I just draw your attention to the main points, which are being debated today and the amendments to the different sections of the Act. So, I will kindly request you to bring back the debate to the essence of this Bill.

**Mr Rughoobur:** Thank you, Madam Speaker. Madam Speaker, what I wanted to explain is that we are giving powers to the Elderly Protection Unit, but they don't have powers to enter an institution like, for example, a Home for an Elderly; this is what I wanted to explain. These amendments are being brought, but we have to go into the spirit of the law; we have to go into the reasons for which these amendments are being brought. Now, my point is that, with these amendments, there is a need to define clearly what we mean by a 'person' and, Madam Speaker, it is in this spirit that I wanted to explain the plight of those people, those elderly at the Gandhi Ashram, who, unfortunately - if this is not in line with the Standing Order, then, I refrain from elaborating further on this.

Therefore, Madam Speaker, before concluding, there are two important issues which I would like to raise. Firstly, this issue of Elderly Watch, which I consider to be a very important structure, and the proposals that I have raised, I would request the hon. Minister to take them on board, and, secondly, to ponder on the issue of definition of 'person' in the Act.

Thank you, Madam Speaker.

**Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien):** Madam Speaker, I promise to be very brief in my intervention. Let me say, right from the outset, that as regards the amendments in relation to the increase in the number of persons that sit on the Managing Committee of the Elderly Watch, I have no problem. In fact, the greater the number the merrier and it renders the Elderly Watch Unit more effective.

However, I have some qualms with regard to the two amendments to sections 7 and 11 with regard to the issue of the summons, as well as criminalising the act of not attending the summons. So, my argument will be centred on these two amendments.

I do agree, and I have no doubt, that the hon. Minister has very good intentions in coming up with those amendments. We are all concerned about the protection of our elderly. However, I have to say that as far as these two amendments are concerned, in my opinion, these amendments are insufficient and inadequate and I will explain why.

If I may be allowed, I would like to go to some statistics very briefly. Firstly, the percentage of the population that are aged 60 and over. In 1972, the percentage was about 5.6%. That is according to the latest report of 2015 that just came out. It was conducted by the Central Statistics Office. In 2015/16, we have about 14.8%, nearly 15% of our population who are 60 and above. And we are expecting that in 2050, it will go up to 28.2%. So, we all

agree that we have an ageing population and it is good that we bring about changes towards legislation so as to protect those elderly.

The second statistics that I am going to refer to is about the percentage of persons of 60 and above who have been subjected to some form of abuse. And this is according to a latest report by the Ministry of Social Security itself. According to that report, it would appear that in 2013 – the latest figure that I managed to get – there were about 544 cases. Out of those 544 cases, you would be surprised to note that the number of cases that were brought to Court for prosecution is only one. That was in 2016. So, out of all these cases that were reported, only one case was brought before our Court of Law under this particular legislation. So, I think it is justified when we look at the Statistics for us, today, to come up with appropriate amendments.

Let me go directly to the amendments with regard to section 7. It concerns the investigatory power of the Elderly Persons Protection Unit. There is a problem. Apparently, these officers cannot use their powers effectively because as the law stands, they can only request someone to come to the Unit for investigation. And these persons are not forced under the law to attend. So, the hon. Minister has come up with an excellent idea to issue a summons upon those persons that are required for investigation, making it mandatory for them to attend. The problem is, if the person comes and seeks advice from me as a lawyer, I'll tell him: "Listen, you have a right to keep silent. You attend, you abide by the summons. If you don't abide with the summons, you don't attend, you will be committing an offence, because, now, it is proposed to criminalise that act if you don't attend." But I'll also tell him: "But, under the Constitution, you have a right to remain silent. You go, you sit down and you don't speak. And you come back." So, Madam Speaker, how are we rendering the powers of that officer effective? And I said it on the last occasion when we were debating, Madam Speaker, the law on the Independent Police Commission. I said it; I referred to the powers under the ICAC. We have to be careful; this power of summoning should not be used against suspected accused persons. They are used to gather information. They are used to call in witnesses, to get information from them. You call in the family members, get information from them, then you use that information, you give it to the Police for the Police to conduct the inquiry, then the person is prosecuted if there is a charge against him. This is how the power should be used and this is how ICAC uses that power. I will refer to that particular section again. I referred to it on the last occasion. It is a very powerful tool, which I believe the hon. Minister should ponder upon. It refers to section 50, Powers of the Commission – I

am referring to the ICAC – to examine persons. So, where the Commission decides to proceed with further investigations, he can order a person to attend, asks him to produce books, documents, to give information, etc. And that person may refuse, because he has got a right to remain silent. But then, there is a further provision which allows the Commission, upon consultation with the DPP's Office to grant immunity to that person, telling him: "Listen, whatever information you are going to give, we are not going to use that in a Court of Law against you. We are going to use this as information to be able to conduct our investigation." These are the powers which should have been included in that piece of legislation in order to empower those officers in the Protection Unit for them to be able to conduct their investigation.

Very briefly, I will refer to the offences. I will just ask the hon. Minister to ponder upon some of those offences. The offences are restricted to some acts of ill-treatment as well as mental and emotional harassment. We should ponder upon one importance act. It is about discrimination.

Every day we see the elders being discriminated on the ground of age, access to work. Very frequently, we will see in vacancies, if you are above 40, even in the civil service if you are above 40, you are not allowed to apply for a particular type of work. But this is against the law. This is discriminatory. Why don't we criminalise an act of discrimination against our elders? These are the situations that I invite the hon. Minister to ponder upon. For example, an elderly person going to the bank, asking for a loan, he is denied such a loan because he is above 60. An elderly person asking for a health insurance, he will not get it because he is above 60. So, these are types of discriminations that I think should be criminalised.

There is also exploitation. Very frequently, we see families exploiting our elders just to get financial gains from them. So, these are the two situations which I will invite the hon. Minister to ponder upon.

I have made my point, Madam Speaker, just in a nutshell, it is a good intention from the hon. Minister to come up with the amendment, but then in my humble opinion they are not adequate.

Thank you.

**Madam Speaker:** Hon. Rutnah!

(5.49 p.m.)

**Mr S. Rutnah (Third Member for Piton & Rivière du Rempart):** Thank you, Madam Speaker. Madam Speaker, the hon. Member who originally brought the main Act in this House in 2005, is the then hon. S. Lauthan, who was a good man and, if I may say, he is still a good man! I had the opportunity of meeting him a few times and exchanging with him certain views. The Act that he presented in this House then reflects exactly on the man's character. He cared for the elderly. He cared for people.

When I listened to my learned friend, hon. Ramful about the criticisms that he has raised, I have made a few points that this Act is insufficient and inadequate. Let me remind him, he is today standing as a Member of the Labour Party. Let me remind him and everybody in this House that in 2005, when the then Minister was presenting the Bill in the House, the then Leader of the Opposition - we know who - was not even sitting there.

*(Interruptions)*

His leader! He was not even there.

*(Interruptions)*

**Madam Speaker:** No comments!

**Mr Rutnah:** Not only in relation to this Bill. Whenever the then Government was presenting any Bill relating to the welfare of our population, for example, the welfare of the elderly or the welfare of labourer, he was not here. For example, the then Leader of the Opposition was not there when the then Government was presenting the Financial Intelligence and Anti-Money Laundering Bill.

**Madam Speaker:** Hon. Rutnah, come back to the Bill, please! Others have to talk.

**Mr Rutnah:** I am coming.

**Madam Speaker:** No, I have given you some leeway to introduce your comments, but then, please, come to the essence of the Bill as hon. Ramful has done!

**Mr Rutnah:** I am grateful for your guidance, Madam Speaker.

Today, what the hon. Minister is presenting to this House is to help those who are in need of our help. Since 2005, a lot has happened in this country and law has to evolve. We



have a duty towards our elderly. We have a duty towards our mothers and our fathers. It reminds me of the quotation in the King James Bible –

“Honour thy father and thy mother that thy days may be lengthened upon the land which the LORD thy God gives thee.”

We have that duty and I am grateful to the hon. Minister today for having presented this Bill in which we deal with some very serious issues in our society. As background, let me remind everybody in this House, and I thank the Rt. hon. Prime Minister now, he was Prime Minister then in 2001. On 31 May 2001, the Rt. hon. Prime Minister launched the ‘Ageing in Dignity’. It was as a result of the action plan that was put in place as a result of the involvement of many Ministries and senior citizens organisations and other communities involved, and you had the vision in 2001 that our elderly needs protection. The ‘Ageing in Dignity’ which the Prime Minister then launched, was internationally acclaimed, even by the international community that we were then well advanced of the Madrid International Plan for Action on Ageing.

Today, what is happening in this House is we are amending sections 7, 8 and 11 of the main Act. Section 7 is empowering officers to issue summons rather than requiring a person to come to their office or to an authority where that person can give an explanation as to an allegation that is levelled against someone. Now, what is the difference in the word ‘requirement’ and the terms that are going to be included now, that is, a ‘summons’. When we require someone to come, which means that it is not mandatory and this is where I differ from what my very able and learned friend, hon. Ramful, said that when you require someone to come, it is not mandatory, which means that if there is an allegation, he says: ‘I do not want to come’. It is worse than exercising his right of silence. I don’t want to come. Go and see what you want to do! But when you empower an officer to issue a summons and when you don’t respect that summons, a warrant of arrest can be issued against you. So, this is the difference.

Now, if he goes there and tries to exercise his right to silence, there is law about this and as lawyers we should know. I know for a fact that we do not have the equivalent of the Criminal Justice & Public Order Act 1994 as in England and Wales where sections 33 to 36 give the right to defendant to exercise the right of silence. However, if those who exercise their right of silence, then a Judge or a Magistrate can draw adverse inference. In our country, we have not reached that level yet. However, if there is an allegation made, those who are

prosecuting that allegation can bring all evidence to Court or to any authority where there is going to be a litigation and prove the case against the defendant if he has exercised his right of silence and if he could not reasonably then give an explanation. Then, the evidence brought will be able to prove the case against the defendant. So, there is no need for explicit mention of right to silence or the person's right to self-discrimination under the Constitution of Mauritius is baffled. This is not the case. We are not in the realm really of actually threading into the rights of any defendant to exercise the right of silence.

I also listened to hon. Ramful. He said that the issue of summons can be used by officers without making enough inquiries. But no, that cannot be the case! As the hon. Minister pointed out during her discourse the issue of a summons is only going to be the last resort. Today we should make it clear, the intention of Parliament is not to bring amendments in order to indiscriminately go and issue summons against people against whom allegations have been made, but it is only going to be a last resort action when all enquiries have been completed, and it is obvious that there is a *prima facie* case or there is a case that can be established against someone; it is only then that the summons could be issued. That is the question of last resort.

Coming to section 8 where the hon. Minister proposes to increase the number of people sitting on the Committee from 7 to 10 is, obviously, a very good initiative. Why is this so? It is because it is like quorum. Generally, elderly people tend to get sick sometimes or they have to go on excursions or they have commitments and they can't attend the Committee. If there is not going to be enough people, enough opinion aired about an action that is proposed; that is not going to be really democratic. In the circumstances, where from seven to ten, if two or three people cannot attend, then they will be able to continue with a committee and decide in a democratic manner.

I have to deal with one thing. My friend, hon. Dr. Joomaye states that he totally adheres to the amendment which goes along with a spirit of what is intended today in the House. He has expressed some concern about financial abuse, but the issue relating to financial abuse has already been dealt with in the main Act. If I can refer hon. Members to Section 11 of the main Act, it has already made provision for pecuniary loss. So, therefore, there should not be any difficulty about the financial abuse that hon. Dr. Joomaye has expressed concern about.

Obviously, section 11 which is being amendment by adding the new section is to ensure that those, who do not comply with the provision of the summons, are dealt with in a manner that reflect the breach that they have committed otherwise what is the point of having a provision in the law to issue a summons and the person simply does not turn up on the day of the summons. So, it is important to bring sanctions again those who refuse to attend whenever they are required to come and explain about an unauthorised act.

Madam Speaker, I must say that, in this House, during the tenure of this Government so far, we have brought serious legislations. For example, we have brought the Domestic Violence Act. In the Domestic Violence Act, there is provision also that whomsoever commits an act of a domestic violence under the same roof, that person can be subjected to the penalty that is provided in the Domestic Violence Act and in this Act also, the amendment is consonant with what we have done in previous legislation. This shows the consistency of Government in bringing legislation to modernise our legislation so that our people are protected especially our old, elderly, vulnerable people.

On this note, Madam Speaker, I thank you for giving me the opportunity to address this House today.

(6.03 p.m.)

**Mr J. F. François (First Member for Rodrigues):** Madam Speaker, it is with a deep sense of respect and responsibility towards our elderly that I will contribute to the debate and support this Bill which has, as objective: “to amend the Protection of Elderly Persons Act to enhance the level of protection of, and security to, the elderly.”

Our elders have the constitutional right to be treated with dignity and respect, to make their own decisions and choices, to live in a safe environment and to have access to legal protection. This needs to be addressed and well addressed in the face of our fast changing societal environment, and I believe this is part of what the hon. Minister is bringing about through the proposed amendment today. I congratulate her for that.

Madam Speaker, the proposed amendment to section 7(4) is by deleting the word ‘require’ and replacing it by the words “issue a summons, in the form set out in the Schedule, to”, gives powers for a Higher Social Security Officer to summon a person. This amendment brings a new mechanism of rapidity, efficiency and professionalism to tackle cases of abuse

on our elderly. I believe, Madam Speaker, Government's commitment to tackle abuse on our elderly people today reflects the UN 18<sup>th</sup> principle for older persons adopted in 1991.

Our Republic's vision is for a healthy, lively and active ageing population. Madam Speaker, you will agree with me that, as our population ages, and our Republic is modernising, the rates of abuse on older people are expected to increase. Allow me to refer to available statistics where in Rodrigues, there are 4,552 elders for 2016 as a date, out of a population of around 41,000 individuals, that is, 11% of our population are elders. From reported cases of elderly abuse in Rodrigues, I have been informed that the statistics show, in 2010: 52 cases; 2011: 38 cases; 2012: 69; 2013: 22; 2014: 11; 2015: 5 and 2016: 13 as at date. Despite these small numbers, for us one case is too many. It is worth to be noted that elderly abuse is complex, multidimensional and understanding the extent of abuse on older people is sometimes difficult to identify being given the complexity of our society today, Madam Speaker.

Madam Speaker, while the law protects our elders, you will be surprised that some people think they can get richer by exploiting our elders. And this is where our public officers should be able to stop that and with this power to summons, they would be able to stop these people. During my regular site visits, Madam Speaker, many elders do complain about the ordeal to financial abuse from their relatives and carers. However, one particular case that has struck me was the poor living condition of a retired pensionable public worker with his wife.

Despite his retirement pension and their Rs5,200 monthly pensions which amount to around Rs15,000 monthly as household income, their living conditions are pitiful. Through an enquiry, Madam Speaker, if you will allow me in that line just to substantiate what I am saying, I was informed that these poor people are victims of *casseurs*, unlicensed borrowers. I use this leeway to raise this point. Why? Because this poor family, they are refunding *casseurs* so many instalments over the years. Madam Speaker, this amendment should and would allow public officers to summon relatives, but not the *casseurs*. This is where I seize the opportunity to humbly request for a full-fledged enquiry to be carried out so as to put a full stop to these illegal abusers and societal ills.

Madam Speaker, basically, we all know neglect pertains to failures by those carers or responsible persons to provide the necessity of life to older persons. Despite they are cashing their carer's allowance of Rs3,000 monthly - there are visible indicators out there, I remember going to someone's house and I won't say whether it is in Rodrigues or in

Mauritius - food have been place within reach next to the bedside of the old person with no carers, no one around and no supervision. My question is, Madam Speaker, how many of these cases of neglect are being truly reported today? This is where I believe the new powers given to the public officers to summon these people are quite crucial. And worst, Madam Speaker, there is this case of infliction of mental stress on our elders. It is common where those elders are being treated as children, engaging in emotional blackmailing and preventing contact with the outside world.

We know, the cases of abuse today, Madam Speaker, where some of our elders suffer with the problem of dementia syndromes. They are usually treated as prisoners - I use a strong word - within their rooms. And again, this is where this amendment gives powers to the public officers and higher social security officers. It will be crucial to have more powers to deal with these cases and not to allow our elders to live in such situations or conditions of being slaves to carers or relatives or whoever is looking after them. In that context, Madam Speaker, allow me to seize this opportunity to make the following recommendations. In support of the proposed amendment, I believe there is need to put in place an education strategy for our society and caring values for our elders. Educating and raising community awareness to the problem is essential to fostering an intolerance of elder abuse. Further amendments, Madam Speaker, need also to be made to allow- and this is important- almost everyone to report to an institution if they have reasonable cause to believe an old person is being abused or neglected by a carer or by himself or herself.

The persons who can report, I think, should take into consideration those persons who have direct contact to these elders. For example, I will just name some: doctors, medical practitioners, counsellors, police officers, bank tellers, bank managers. Why is that, Madam Speaker? It is because, basically, today anyone should be able to report any case of abuse to the social security officers and they did not have to wait to be summoned by a social security officer to explain any case of abuse. I think this is very important. This is because anyone can simply use their eyes and their ears to observe unusual signs that could mean abuse such as burns, bruises, being beaten and I won't name the entire list.

Madame la présidente, je vais être bref. Avant de conclure, permettez-moi de mentionner quelques mots sur Rodrigues, vu que ce projet de loi s'appliquera aussi à Rodrigues. Je constate que dans la société Rodriguaise, une de nos valeurs fondamentales est d'aimer nos grands-parents. *Content nou grand dimounes.*

Nous adoptons l'approche que chaque citoyen ne doit pas voir une personne âgée comme un problème mais comme une richesse de nos valeurs humaines. Pour nous, à Rodrigues, les personnes âgées dépendantes ont droit au respect absolu de leur liberté d'adulte et de leur dignité d'être humain comme a si bien mentionné l'honorable Rutnah *who talked about dignity of elders*.

Madame la présidente, une société qui ne peut s'occuper dignement de ses aînés est une société décadente. Il est bon de souligner qu'à Rodrigues si jamais une personne âgée est maltraitée, c'est considérée comme une honte pour la famille Rodriguaise. Les amendements apportés par l'honorable Madame Jeewa-Daureeawoo vont dans la direction que Rodrigues s'engage pour nos aînés car nos aînés sont toujours considérés comme le ciment de la base familiale et sociétale de Rodrigues. C'est là une des raisons pourquoi la plupart des personnes âgées sont prises en charge par un *carer* qui est souvent un membre de la famille et sont redevables envers les officiers de la Sécurité Sociale.

Madame la présidente, au-delà des *carers*, l'Assemblée Régionale de Rodrigues a recruté quatre professionnels *carers* qui ont suivi des formations en collaboration avec le ministère de la Sécurité Sociale au *Mauritius Institute of Health*. Ils ont la responsabilité de circuler tout autour de l'île Rodrigues pour aider les *carers* malgré leur bonne volonté de mieux encadrer les personnes âgées. C'est dans cette même ligne que la Commission qui s'occupe des personnes âgées à Rodrigues d'une manière innovante et en même temps de sauvegarder nos valeurs traditionnelles est en train de construire un *Respite Centre* à L'Union à Rodrigues comme une espace spéciale pour nos aînés et il est impératif que la Commission de la Sécurité Sociale à Rodrigues augmente leur ressource humaine. Et le but de ce centre, Madame la présidente, pour terminer, c'est d'offrir une espace moderne afin de permettre aux *carers*/parents de respirer un peu pendant que les personnes âgées dépendantes sont prises en charge, dans un premier temps pendant 15 jours au maximum, par l'État dans ce centre.

Madame la présidente, pour terminer sur ce point, ce centre agira comme centre de formation pour toutes les personnes qui bénéficieront de *carer's allowance* à l'avenir.

Madam Speaker, I also seize this opportunity to humbly request the hon. Minister to consider amending the Act with regard to the existing provisions for Rodrigues, mainly in sections 4, 5, 6 and 7 to consolidate the Protection of Elderly Persons Act 2005 and its effectiveness in the context of Rodrigues.

Madam Speaker, to conclude I only hope that the proposed amendments will allow officers to deal rapidly and efficiently to tackle cases of abuse on our elderly and that our Community be more vigilant and value our elders to free our society from any form of elderly abuse while the officers have more powers to deal with cases of abuse.

Long live our elders, Madam Speaker. May God bless them and protect them all. I thank you for your attention.

**Madam Speaker:** Hon. Toussaint!

(6.16 p.m.)

**Mr J. C Toussaint (Second Member for Curepipe & Midlands):** *Thank you, Madam Speaker.* Je vais être très bref parce que, arrivé en dernier, presque tout a été dit et je ne vais pas perdre le temps de mes honorables amis.

D'abord, permettez-moi de féliciter l'honorable Madame Jeewa-Daureeawoo qui fait un excellent travail et qui a à cœur les personnes âgées, qui a à cœur ceux qui sont dans le plus besoin dans la société.

Après une bonne dizaine d'années il était très important d'apporter ces quelques amendements parce que, bien sûr, tout change, les choses évoluent et il faut avancer avec le temps. Ces amendements viennent pour apporter plus de protection, plus d'efficacité et plus de résultats. Nos personnes âgées en ont besoin et plusieurs parmi nous l'avons dit que c'est grâce à eux que nous sommes là aujourd'hui et ils ont contribué à ce que notre pays est devenu aujourd'hui et ils méritent toute la protection nécessaire.

Ce projet de loi d'amender certaines sections est un signal fort pour ceux qui dans la société ne voient pas leur *grands dimounes* comme des êtres humains et qui ne font pas honneur à ces gens. Alors ce projet de loi va leur dire: attention! La loi est là et elle vous surveille de près et si vous allez contre, il faudra payer le prix.

Je profite aussi de ce moment pour faire un appel aux plus jeunes, il n'est pas nécessaire de mettre des lois et des lois mais il faut que les humains, les jeunes, la nouvelle génération puissent comprendre que nos aînés sont des êtres humains et que c'est grâce à eux que nous sommes là et *que demain zott tour pou arriver!* C'est très important. Alors j'espère que la jeunesse d'aujourd'hui entende tout ce qui a été dit ici, entende cet appel et qu'ils ne voudraient pas que, plus tard, ils soient maltraités à leur tour.

Je profite de l'occasion aussi pour féliciter les nombreuses associations de troisième âge qui font un travail extraordinaire et tout cela, bien sûr, en parallèle avec ce que la loi prévoit. Il y a aussi donc des associations qui s'occupent de leurs aînés. Chez nous il y en a beaucoup et on est souvent avec eux. Il y a aussi la force policière qui fait un travail exceptionnel surtout dans notre circonscription, ils vont vers les personnes âgées qui sont seules à la maison. Ils prennent contact, ils leur parlent et ils leur apportent le soutien nécessaire.

Comme je l'ai dit je vais être très bref. N'oublions pas que pour Tino Rossi la vie commence à 60 ans! Et j'encouragerai mes honorables amis d'aller voir le texte de Tino Rossi, cela en vaut la peine. Comme je l'ai dit je vais être très bref et je souhaite de tout cœur que ces amendements apportent plus de protection à nos *dadas*, nos *chachis*, nos *khalas*, aux *popos* et à nos *grand mounes* en général de la République de Maurice.

Merci beaucoup, Madame la présidente.

(6.21 p.m.)

**Ms M. Sewocksingh (Third Member for Curepipe & Midlands):** At the very outset, allow me, Madam Speaker, to thank the hon. Minister, Mrs Jeewa-Daureeawoo, to bring this Bill to the House and I would also like to congratulate her for the outstanding job that she is doing. Madam Speaker, I will be very brief today as I promised the hon. Chief Whip that I will take only two minutes of the House.

*(Interruptions)*

Today, we are talking about the elderly people. It is a very serious, sensitive and valuable matter. No matter the ethnicity, culture, gender, creed or religion, Madam Speaker, mature adulthood has a very important role in our society. They are the pillars of our society. They have left their footprints in what we do and what the nation is today. They have worked hard in their lives to raise their families. They are a source of wisdom and they are the examples of today's generation. But, unfortunately, Madam Speaker, time has made some of them frail and vulnerable sometimes less able to cope with the day to day life and they become *les proies de la société*. Sometimes they are being abused by their own environment and by their close ones.



Some common abuses, Madam Speaker, which my other colleagues have already mentioned, I am not going to go into details, are the physical, emotional neglect, financial, sexual abuse, health care and so on. But, Madam Speaker, abuses are abuses and their impact can be very severe on our elderly people.

My very good friend and colleague, hon. François, gave figures on the number of abuses, but there are some cases that are not reported for some reasons or the other and the elderly people suffer in silence. Not later than a few days ago, Madam Speaker, I will just briefly take a case which I came across on the social media...

**Madam Speaker:** But, is the case of the hon. Member related to the amendment?

**Ms Sewocksingh:** Yes.

**Madam Speaker:** Relate it to the amendment, please!

**Ms Sewocksingh:** Where a mother has been beaten by her son because of money that she kept for her medical treatment. Madam Speaker, today we are bringing amendments to the Protection of the Elderly Act. This proves the commitment and seriousness of this Government. This Government does not let down its citizens and this Government has not missed any opportunity to ease the life of the elderly people.

Madam Speaker, this piece of amendment can be just in a few lines, but it means a lot. It means a lot as it will bring a major change in the lives of the elderly people. As we can see, officers will have more authority to protect our senior citizens. Hon. Rutnah has clearly given the definition – I am not going to say it again, he has already given a very clear definition on the issue of the importance of a summons.

Another effort that this Ministry is bringing by this amendment, Madam Speaker, is the increase in the members of the Managing Committee of the Elderly Watch. Again, this shows the commitment of this Ministry and that they want to make sure that this Committee will function very efficiently.

Another pertinent amendment, Madam Speaker, is that now if a person commits an act of abuse on an elderly person, this Bill proposes a conviction to be liable to a fine not exceeding Rs50,000 and an imprisonment not exceeding two years.

Madam Speaker, just to conclude, these are all the measures that are being taken and these measures will definitely bring our citizens free from danger and violence. Each of us has the responsibility towards our senior citizens. It is our duty to protect them.

Before I end, I would like to pay tribute to all these elderly people who have strived a lot to make our nation, our country, the pride of the Indian Ocean, today we call it the Key and the Star of the Indian Ocean. Today, I have the opportunity to thank them.

Madam Speaker, I think my two minutes have already lapsed, with due respect, I support this Bill and I commend it.

**Madam Speaker:** Hon. Minister!

(6.27 p.m.)

**Mrs F. Jeewa-Daureeawoo:** Madam Speaker, you will have to bear with me as my summing-up will be a bit lengthy with regard to the number of interveners. We have today been favoured with exchange of views and opinions on a matter which concerns the elderly people of our society. The main objective of the Bill is to further strengthen the existing legislation framework in an attempt to better protect our elderly people so that they can evolve in a just and safe society. I value the input of each and every Member who has intervened on this particular Bill and made constructive criticisms. Madam Speaker, I will refrain from commenting on views expressed by hon. Members who have navigated outside the ambit of the Bill.

Coming to the intervention of hon. Dr. Joomaye, I must say that the intervention is a very constructive one. He has made some good points, but maybe I will need to clarify some of the points which he mentioned. Abuse has been defined under section 2 of the Act as meaning an act of abuse referred to in section 11. Now, when we have a look at section 11, which deals with offences, you can see that section 11(1) (c) states –

“intentionally causes pecuniary loss or material prejudice to an elderly person.”

It is good noting also that section 11 (1) (b) is wide-ranging and covers many *cas de figure*.

Coming to the issue of awareness campaign, sensitisation programmes on elderly protection are carried out on a regular basis by the Elderly Persons Production Unit of the

Ministry, the Social Welfare Division, and the Senior Citizens Council, as part of their core activities.

Coming to the intervention of hon. Rughoobur, I think we need to distinguish between the Monitoring Committee and the Elderly Watch. We are here, in the amendment, referring to the Elderly Watch, which operates more like a squad by actually going out to look into reported cases of elderly abuse, gather relevant information and provide counselling services and guidance to permit that cases are resolved in an amicable manner and through mutual understanding. It is only in cases where there is reason to believe that the abuse is criminal that the matter is referred to the appropriate institution.

With regard to the second point that the hon. Member has made, under the Residential Care Home Act, officers of the Ministry, more precisely from the Welfare and Elderly Persons Unit of the Ministry, are authorised to access any charitable institution for reasons of inspection and even to look into suspected cases of abuse. This instrument is used whenever there is need to do so. Therefore, we cannot say that institutions are not covered when it comes to protection and security of our elderly people.

Coming to the intervention of hon. Ramful, the whole purpose of the summons is to call upon any person to appear before the Higher Social Security Officer, to provide such written or oral information, as may be necessary, in relation to a complaint made against that person with respect to an elderly person. In an event any person who turns up, following the issue of summons, does not provide the necessary information as required, well, the matter will be referred to the appropriate authorities for an enquiry to be conducted if need be. The summons is meant primarily to draw and collect information and not for the purpose of levelling any accusation against the persons summoned. This should be clear. We favour amicable arrangement to confrontation, thus mediation and counselling are resorted to only where there is reason to believe that the abuse is of a serious nature. It is only then that the case will be referred to the appropriate authorities.

With regard to the intervention of our friend, hon. François, the point raised about the need for education and sensitisation campaign is well noted. I wish to inform the House that it is already being done and will be accentuated, as spelt out in the National Strategy and Action Plan on Ageing 2016-2020.

With regard to the second point made, the Solicitor General has already been requested to amend those particular sections of the Act to reflect the specificities of Rodrigues through the revisions of the law. The Rodrigues Regional Assembly has been officially informed of this.

Let me end by saying that this is a very important Bill because here we are dealing with the protection, security of our elderly people. Let me assure the House that my Ministry will look into the constructive points made by all hon. Members of the House, be it on the Government or Opposition side. I will not hesitate to come forward with any amendments, if need be, for the better protection and security of our elderly people.

Thank you.

*Question put and agreed to.*

*Bill read a second time and committed.*

### **COMMITTEE STAGE**

*(Madam Speaker in the Chair)*

*The Protection of Elderly Persons (Amendment) Bill (No. XV of 2016) was considered and agreed to.*

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

#### *Third Reading*

*On motion made and seconded, the Protection of Elderly Persons (Amendment) Bill (No. XV of 2016) was read the third time and passed.*

(6.36 p.m.)

#### *Second Reading*

### **THE PUBLIC OFFICERS' PROTECTION (AMENDMENT) BILL**

**(No. XVI of 2016)**

*Order for Second Reading read.*

**The Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management (Mr A. Wong Yen Cheong):** Madam Speaker, with your permission, I move that the Public Officers' Protection (Amendment) Bill (No. XVI of 2016) be read a second time.

As the House is aware, the Public Officers' Protection Act, which was enacted in December 1957, makes provision for the protection of public officers working in Ministries, Departments and offices of local authorities in the discharge of their duties.

In fact, section 3 of the Act provides that any person who, by force or violence, resists or opposes, molests, hinders or obstructs a public officer in the performance of his duty commits an offence and, on convention, is liable to a fine not exceeding Rs10,000 and to an imprisonment for a term not exceeding three months. Hon. Members will agree with me that this Act, which has been amended on five occasions, needs to be further amended to be in line with our firm commitment to protect public officers while on duty, so that they operate in a secure and safer workplace.

Madam Speaker, I wish to inform the House that lately we have been experiencing an increased number of cases of assault and violence against Public Officers, more particularly those dealing with members of the public, while in the execution of their duties in accordance with prevailing rules and regulations.

I am informed that there are many cases of assault/molestation against public officers in the Police Department, for example, between 2013 to 2015, a total of 473 cases were reported; while for period January to June 2016 only, there had been 95 cases. There are also cases reported by the Ministry of Health and Quality of Life, the Ministry of Gender Equality, Child Development and Family Welfare, the Ministry of Education and Human Resources, Tertiary Education & Scientific Research, the Ministry of Public Infrastructure and Land Transport and Fire Services, amongst others.

Madam Speaker, with a view to providing a strong deterrent to persons who are minded to assault Public Officers, I am proposing to bring amendments to section 3 of the Public Officers' Protection Act 1957, so as to make the penalties harsher.

In fact, the need for this Bill was highlighted by the Ministry of Health and Quality of Life, which drew the attention of my Ministry of several cases of assault against doctors and nurses in hospital premises, and the need for urgent action to address this issue. This was backed by the representations from medical and nurses associations, who pointed out that

existing provisions were not adequate enough as a deterrent. In this perspective, I am proposing that the quantum of fine to be imposed on any person causing hindrance to the smooth running of government business be increased from Rs10,000 to Rs100,000, and the term of imprisonment from 3 months to 2 years.

Madam Speaker, let me point out that the proposed Public Officers' Protection (Amendment) Bill will also entail consequential amendment to Section 159 of The Criminal Code Act 1838, which sanctions any assault/violence directed against a Member of the Cabinet or of the National Assembly or a Magistrate or Judge, in the exercise of his functions or on account of such functions, or against a ministerial officer, an agent of the civil or military authorities or any person entrusted with a public duty or where committed in relation thereto. Accordingly, the quantum of fine imposable under Section 159 of the Code is being increased from Rs25,000 to Rs100,000.

Madam Speaker, with the proposed amendments, the Public Officers' Protection (Amendment) Bill will empower our Courts to administer higher penalties/sanctions with a view to eliminating the number of cases of assault against Public Officers on duty.

Madam Speaker, I am fully conscious that increasing the penalty alone will not suffice to eliminate all cases of assaults against public officers. I strongly believe that the focus should also be on preventive measures. In this respect my Ministry (through the Civil Service College, Mauritius) has already embarked on a series of training programmes geared towards "Customer Service Excellence". Three hundred officers from across the Civil Service have already been trained. Moreover the Civil Service College, Mauritius has already mounted a new training course on "Handling of difficult Customers" which will be launched shortly. As such our officers will be trained to be prepared psychologically to handle difficult situations.

I wish to highlight that the Employment Rights Act 2008, as subsequently amended, caters for employees of both the public and private sectors, and also provides that any person who assaults either verbally, sexually or physically any person in the exercise of his functions, risks paying a fine of Rs75,000 and a maximum imprisonment sentence of two years. I have already taken up the matter with my colleague, the hon. Minister of Labour, Industrial Relations, Employment and Training, who will bring the consequential amendment to the Employment Rights Act as regards the quantum of the fine so as to bring it at par with the proposed amendment to the Public Officers' Protection Bill.

Madam Speaker, hon. Members will agree with me that Police Officers, Medical and Health Officers, Nursing Officers, Educators, and Officers of the Child Development Unit, among others, will not be able to perform their duties effectively in a threatening workplace.

The amendments proposed confirm that we have the interest of our public officers at heart and we wish to empower them to offer a quality service to the members of the public. I strongly feel that they should operate in a working environment where they feel they are safe and secure.

On the other hand, this Amendment does not preclude the legal proceedings against public officers for abuse of power provided such proceedings are instituted within two years from date of occurrence.

Madam Speaker, Government is committed to provide protection to its public officers, who are its agents, in the implementation of public policy and Government decisions, maintenance and enforcement of law and order, and provision of enhanced services to our citizens.

Madam Speaker, to conclude, I stress that Public officers whose primary duty is to serve the public, should be able to work in a safe environment and their workplace should not be a place where they are under threat of assault by members of the public.

Madam Speaker, with these words, I now commend the Public Officers' Protection (Amendment) Bill 2016 to the House.

Thank you.

**Mr Callychurn rose and seconded.**

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Madam Speaker, I have listened carefully to the hon. Minister and we all agree that workers, be it in the Civil Service, in the public sector and in the private sector should not only have a safe environment for work but they should feel safe in their work as well.

Madam Speaker, what we are doing today is increasing the penalty with regard to assaulting Public Officers. This is only one step we are taking to improve the service.

Like I said, we are for a proper and safe environment for Public Officers to work, but the question is: why are we coming with this Bill today? Why have we found it necessary to increase the penalty, and why there is an increase with regard to molesting Public Officers? Have we done a study to find out why? Have we done a study to find out the cause? You mentioned the hospital, you mentioned the police, those especially working with the members of the public? Have we done a study to find out why before coming to increase the penalty?

And I am one who believes that just by increasing the penalty does not reduce the crime rate! We are not against that, but we are saying, why are we coming here, today, without doing a ground work, when we know what is happening everywhere; when we know what are the services that the public are having from the public sector.

Madam Speaker, have we conducted a survey in the hospitals to find out why doctors and nurses are being assaulted, not all, but some? The majority of the civil servants do their work properly. But what about when it comes to service, public relation with the members of the public! When you listen to the radio every day – I am sure all of us listen to the radio – the number of complaints you hear from members of the public, from the service they receive from Public officers. I was wondering, while preparing my speech, why do we need a special law to protect especially the public officers. So, I say, let me go to Hansard to see when we introduced that Bill what were the reasons in 1957. You will be surprised, Madam Speaker, that there has never been a debate in the House with regard to that Bill.

There was a Public Officer Ordinance in 1957, and then on 20 December 1957, the *Procureur général* moves, and says -

“Sir, I beg to move that the Bill ‘to make provision for the protection of certain persons acting in the execution of statutory and other public duties’ be read a second time.

Sir, this is purely editing. There is no change in the law for purely technical, legal reasons the provisions which were contained in the interpretation ordinance have been abstracted therefrom and reproduced in this Bill.”

There was no debate. We just took what the Colonial Officers gave us and make it an Act before knowing whether it will fit the purpose of our country. Up till today, you rightly said, there have been amendments when we have never had a full debate of why we need that Bill. Like I said, we know what is happening. We all, as Members of Parliament, must have received so many complaints, be it with regard to the people attending hospital, the way they are treated by the nurses, by the doctors, not even telling patients why your father has been admitted. They are going to have an operation on somebody, they don't even give the details and inform you what will be the consequence and they don't tell you after the operation what has happened. People die in hospitals; they are informed hours and hours later. So, these are issues that we should address with regard to public officers.



Like I said, there is no doubt the majority do their best, but the Police – I had the opportunity to say this when we debated the Police Complaints Commission. In these six months’ training they are having, are they trained how to deal with members of the public? I’ll just give you one example which happened to me and it is good that you know it. We are given a car as Chairperson of the PAC. The first time I drove that car, I was going from Port Louis to Curepipe; it was a Saturday evening. There was a checkpoint. So, the Police Officer signalled me to stop the car, which I did. He came with his torch, he looked at the windscreen, but the official car doesn’t have *l’assurance, déclaration*. He asked me: “*Eta, kott tonn gagn sa loto la ?*” *Kott tonn gagn sa loto la! Kott to declarasion! Kott to l’assurance!*” I was surprised, the first time I was having that car. I said probably I was wrong. Fortunately, his superior who was a sergeant came. He said: “*Alle labas toi! Alle labas toi!*” He apologised to me and said: “Sorry! He is young.” Fortunately, I am a good man.

*(Interruptions)*

It’s true! The way they speak to people!

Another example I’ll give you which happened in a Police Station. I was giving a statement with a client inside there. There was ‘*le comptoir*’- as the hon. Minister, my good friend, used to call it – and the lady was outside in waiting. There was another lady. Now, when you give the declaration, they type it on the computer, it goes online. That lady was typing the declaration of that complainant. And from a distance nearly 6 to 7 feet, she asked: “*Eh, madame, ki lage ou ena? Qui lage ou ena! Et ou la, madame, pe coze are ou la, qui lage ou ena!* » Shouting in that Police Station asking a woman about her age! I intervened, I told the officer: “Would you have been happy if I asked you loudly what is your age? You are a woman like the other woman!” So, this is the problem.

You have mentioned how many statistics, how many cases. But, we have to make a study, like many countries have done, be it in South Africa, in Dublin recently; in UK they are bringing a study to see how public servants have to deal with members of the public. We must recognise that the public’s right is to access to information concerning themselves and their close relatives. You have to give information. Now, today, many public officials are reluctant to give information because – and I don’t blame them in certain cases – there is no code of conduct. They don’t know what information to release and what information not to release. They are afraid that tomorrow if they release information, they might be called at the Headquarters of the Central CID. So, we need a good proper code of conduct.

*(Interruptions)*

Yes, from everybody. You have a very good example. It is not easy; we just have to go on the Internet and search. Look what other countries have done! In Dublin, they just have one, South Africa; they have a very excellent one. I refer to the Civil Service Code of Standards and Behaviour of Dublin. They go to each Ministry and each sector, what a nurse should disclose to the patient, what a doctor should say to the patient, how you should handle them, how you should give information.

Today, if you want to go to one of the Civil Service Office to ask information, you have to go four or five times. Just to transfer from one car owner to another car owner, you have to go to four offices and they all give your different description what documents you have to give, you give to NTA, they tell you to bring that, *pou alle tire gage*, you have to bring another one, they tell you it's not your car, now bring the Identity Card of your wife, it's on the name of your wife, you don't tell you the first time. So, you have to go four to five times. In most offices, I see when you go there, you are giving them a burden. *Pe alle fatigue zott!* They don't see you as a customer. They say: "Look at the queue here! *Guette sa la queue la! Ouf!*" When you are queuing and waiting in the queue. So, we have to change that mentality.

*(Interruptions)*

You mentioned it, but, unfortunately, there is nothing done, even the school of Civil Service, two days' course, two weeks' course, is not enough. There must be legal statutory duty. This code of conduct, in Ireland, you have not only the code of conduct, you have a special Act which they call - and it has legal implication - they have an Act called "The Standard in Public Office Act". Under this Act, there is a code of conduct and this code of conduct, a breach of it, can lead to disciplinary action. We should not be only one sided.

So, what I am proposing - and this is very good - the Mission of that Code of Conduct

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"The mission of the Civil Service is the achievement of an excellent service for Government and the other institutions of State as well as for the public as citizens and users of public service, based on principles of integrity, impartiality, effectiveness, equity and accountability."

This is the Civil Service that we need.

When it comes to dealing with the public, look what it says –

“Observe appropriate behaviour at work by -

- dealing with the public sympathetically, fairly and promptly, and
- treating their colleagues with respect.”

This is what we expect!

We keep giving them protection, I don't know why. Now, we have increased the fine. The hon. Minister mentioned: ‘Yes, they can be made available provided we sue them within two years.’ *C'est aberrant!* If a Civil Servant commits an offence, commits a case of negligence which has cost life – I know cases where this has cost life, baby has died, mother has died – because of the long procedure with regard to the Judicial Enquiry, two years have lapsed, you cannot prosecute.

The State Law Officer will take the point and rightly so! Rightly so, two years have gone, you cannot prosecute. So, they are protected, they commit an offence, by their negligence people have died, we have had death, because the enquiry, the institution takes their time, we cannot prosecute them. Why this protection to them? Why these two years? If I commit a crime today, it is for life, any time, we have cases even after 19 years, we have prosecuted people. Why the public officer has to be protected that much?

So, we have to review that, if you want to have a standard, a good public officer, we have to – like I have said for the Police as well, the Standing Orders of the Police have to be enforced and they have to be punished in case of breaching the Standing Orders, not just do it like that. So many cases have been dismissed in Court because the Police Officers have abused their power, having confession under brutality, it was not a fair enquiry, this is breach of the Standing Orders; no action has been taken following judgment. I have never seen action taken in cases. I and my friend, hon. Collendavelloo, we have appeared in so many cases, set aside confession, no enquiry against these Police Officers.

In fact, some have been promoted. We don't want violence. Those who commit violence have to be punished especially if it is against some person who has left his home to come and earn his living, be it in the private or public sector. We are protecting the public sector, okay. I don't know why because there has been no debate. Up to today we will never know we have just borrowed the legislation from our colonial masters. It is our statute book,

it has to be here. Why do public officers have this special category and, on the other hand, they don't have any law or regulation which enforce them to do their work properly?

So, I think this is a proper occasion and I am very sad that we are not coming to a second amendment to remove that barrier of 2 years or if they want to remove, increase it to 5, 6 or 10 years because a judicial enquiry or a Police enquiry takes more than two years now. You should come forward and increase it. It was six months before. In 1992, I think, we increased it to 2 years, but, now with so many cases and so many activities, people are more aware of their rights, there are more cases reported - I am not saying more cases of negligence - the Court and the Police take more time to do the enquiry, so we should review those 2 years bar to prosecute.

Madam Speaker, what am I proposing now? Okay the fine has gone up. Like I said, by just increasing the fine, it does not necessarily reduce the number of offences. We have seen that in so many cases, drug being one of them. We have a very severe law for drugs, but drug is increasing. For larceny with violence, we have increased the fine but every day it is increasing. Women and men are being attacked; their chains are being taken away because when people commit that act *sur le tas*, they don't realise the consequences. We have to see what provoked them to do it. I propose that a proper study be done and a proper training be given to our civil servants. Moreover, we should have a code of conduct which is enforceable so that they can be made aware of what are their rights and their limits.

To conclude, Madam Speaker, we agree that the civil servants must be and feel safe at his or her place of work, but I will go even further, not only the civil servants also those working in the private sector. However, we must work towards a Civil Service where the civil servant will always be polite, helpful and reasonably accessible in his or her dealings with members of the public at all times, treating members of the public as customers who are entitled to receive a high standard of service. This is what we expect from civil servants and this is the civil service that the hon. Minister should aim for not just come and increase the fine because there has been an increase in violence. We have to see what is the cause, why do we have it, and it happens most specifically in hospitals and in the Police. So, I end up, I am done, Madam Speaker.

(7.01 p.m.)

**Madam Speaker:** Hon. Rutnah!

**Mr S. Rutnah (Third Member for Piton & Rivière du Rempart):** Madam Speaker, I heard very intently my learned friend, hon. Baloomoody, and the points that he has made, and true it is to say that the present legislation is an inheritance of the colonial days. During the colonial days, the fine was Rs500 and thereafter the fine was increased in 1991 to Rs10,000. The prison sentence was also increased from six months to a higher number of months. What this legislation is proposing is to increase the fine to Rs100,000 and to increase the terms of imprisonment by not exceeding two years.

Hon. Baloomoody quite rightly asked why coming with the Bill today, why increase in molesting public officers. Let me remind everybody in the House. We said, during our campaign, that we are going to be tough on crime, tough on the causes of crime and tough on criminals. This is a strong signal that this Government is sending to those who think that they are going to walk into a hospital or a Police Station or any place where any civil servant is offering his services to act like thugs...

*(Interruptions)*

Yes, the Rt. hon. Prime Minister is always tough on crime. He is prompting me and I usually value whatever comments he makes. True it is that it should have been a fine with a term of imprisonment. Again, we are now sending the signal to those who think that they are going to go to public officers and they are going to assault, molest or abuse these officers.

Let me say something, we, as Members of Parliament, have to be like a role model. We are here to set example to the society, to the youths, to those who are outside the House. We know we had a former Prime Minister who was openly insulting and abusing all his Parliamentarians, all his Ministers. On certain occasions, even in the House, Members of the Opposition, while walking out of the House...

**Madam Speaker:** Please, refrain from making these comments! Come to the point.

**Mr Rutnah:** No, I am giving examples - they were inviting other MPs to come outside. This is the kind of behaviour that should not be condoned. True it is to say that certain civil servants in hospitals, even Police officers, do not have the requisite standard of manners that is ordinarily expected of a normal human being, normal human behaviour. But what do we do? If someone behaves in an inhumane manner, if someone behaves in a manner which is below the standard ordinarily expected of a person who is working for the Government, are we going to retaliate by using violence? Two wrongs does not make a right.

There are authorities to complain. There are places where we can go to complain, but we cannot allow people to use violence otherwise this is a society is going to run into chaos.

So, we have to regulate the conduct of people. We have to. If we don't, then we are going to fail in our duty to protect our people and the society. I agree with the proposition that hon. Baloomoody made in relation to section 4 of the Act, but today we are not debating any amendment on section 4. I anticipate, in the very near future, consideration could be given to carry out a proper exercise study into the limitation period of two years and I am not going to say anything on the limitation period.

Madam Speaker, today it is our duty to ensure that this society evolves, that there is a change in behaviour, a change in mentality. To change the behaviour and mentality, quite rightly, as hon. Minister Wong Yen Cheong said, an increase in penalty will not be sufficient.

That is why he has introduced the Customer Service Excellence courses. There is, for the first time under this Government, the college of Civil Service that is going to train those who will be recruited in the Civil Service and from now on the improvement is assured. But what we require from people, what we require from society, what we require from our children who are growing in society is that there should be a minimum standard of respect. This is the signal that this House is sending today. The minimum standard of respect should always prevail.

On this note thank you, Madam Speaker.

**Madam Speaker:** Hon. Sesungkur!

(7.08 p.m.)

**Mr D. Sesungkur (First Member for Montagne Blanche & GRSE):** Madam Speaker, I will be very brief. It is a privilege to intervene on one of the oldest piece of legislation of our motherland. I have listened carefully to the hon. Minister who has presented the amendment. I have also listened carefully to hon. Baloomoody who, in all fairness, has made very good points.

We are not here to promote violence, assault against public officers, but at the same time we need to think carefully. We need to reflect on the problem which the hon. Minister has elaborated, the growing violence, assault against public officers. We want to have a public administration system which functions. We want to have public servants who feel safe

and comfortable to serve the public, but that same time, we need to ask ourselves, why the public oftentimes react like this. This is the question. The hon. Minister has said that he wants to toughen the law and he admits that by toughening the law, this will not solve the problem. He has said that he has taken a number of measures to improve the efficiency of the civil servants by giving them training. He has mentioned a number of cases of assault against public servants, Police officers, doctors and paramedical staff, but the question we should ask ourselves: We are training 300 civil servants, I suppose, on a yearly basis, but we have more than 80,000 civil servants. At this rate, I think we will have a big problem of improving the whole service. We should know what kind of training we are giving to these civil servants. Is it high level training like management and all these things or are we aiming at simple things like giving them soft skills like we said communication skills, skills to manage difficult situations?

These are the things that we need to give them. Things like how to tackle awkward situations. These are things that I think we should also take into consideration so that we bring down this situation of violence against civil servants. The question also is: how far can we go to protect public officers? We have mentioned cases of doctors and paramedical staff who are assaulted, but at the same time, we should compare their situation with those who are in the private sector. How do they manage with these kinds of situation? They are also exposed, but they are not as protected as the public officers. So, we need to develop new techniques. I have seen in certain private medical clinics, they take appropriate actions, they educate the people by putting signboards like, for example, “stress will not help you!” “You do not have to be violent!” So, these are kinds of situation of *dissuasion* for the public not to react in a violent way. One of the things that we can do is to adopt these kinds of techniques so that we can reduce the problem of assault and violence.

I have also listened carefully to hon. Baloomoody, probably there is one point he has not made. We know the case of provocation and abusive languages. There is one very common situation that we face. The hon. Member has mentioned that there is a Code of Ethics for civil servants. The Code of Ethics talks about political impartiality and it goes on saying -

“Whatever be their own political beliefs, Public officers owe loyalty to the Government of the day. They should always serve the Government of the day. Public

officers should observe political neutrality in their day-to-day function and avoid activities likely to impair these kinds of situation.”

But what do we see? Oftentimes we see certain civil servants openly show their political affinity which can create situations where *il y a des affrontements*. So, these kinds of situation should not be allowed. If we can eliminate these kinds of situation by promoting good code of ethics, good conduct, by training them, by giving them soft skills, we can eliminate a lot of these kinds of situation. I also agree that we need to have an appropriate complaints mechanism in place. We should not just blame the public. We should have appropriate complaints mechanism. The complaints should be addressed within a reasonable delay so that we can eliminate those kinds of vociferation, those kinds of uproar that we hear on radio every day. It is because the public is dissatisfied by the service that they go on radio. At times, public servants get confronted to people who are bad-tempered and who cannot control themselves, that is why this brings us to these kinds of situation.

I think there are three levels of action. Of course, the hon. Minister wants us to toughen the law, but at the same time, I think, since the colonial days we have not had a very deep reflection about what kind of public service we want to have and how we can ensure that the public servants offer a good service to the public, what kind of training we want to give them so that we can improve the overall image of our service, of our public administration and, of course, appropriate complaints mechanism?

Thank you very much, Madam Speaker.

**Madam Speaker:** Hon. Mrs Jadoo-Jaunbocus!

(7.17 p.m.)

**Mrs R. Jadoo-Jaunbocus (Second Member for Port Louis South & Port Louis Central):** I thank, Madam Speaker, for giving me the opportunity to intervene very briefly, to add my views and my points to this piece of amendment to this Act, the Public Officers’ Protection (Amendment) Bill.

In fact, violence against the Police, we all know, is very much there. I came in the middle of the argument of hon. Baloomoody who talked a lot as an experienced law practitioner having the encounter with the Police or how sometimes indeed, their attitude can be towards the public.



Indeed, we are very much aware of that. That is one of the reasons why in the electoral campaign in the manifesto and in the Government Programme, this Government has decided to tackle the issue of the way the Police have been trained; the way we deal with the Police and the way we are going to train our future Police officers.

In fact, it is common, as it has been said that often police officers do not know how to deal with the public and how to address the public due to lack of training. That may result in a reaction because, as researchers in the States, in the United Kingdom, when you go through research, research tells you sometimes violence against Police is not only because of the consequence of the act of the officer, but also the way the officer deals with the public, and the way he reacts to the situation. That is very important. But at the same time what do we have to consider? We have to bear in mind the consideration and the training that this Government gives to a Police officer.

Before talking about anything else, it is apt that I refer to the Budget Speech of hon. Pravind Jugnauth, 'A New Era of Development' at paragraph 202, under the heading of 'Mauritius Police Force'. What does he say? What action is this Government going to take concerning the Police?

Coming to the Police Force, the hon. Minister has allocated a sum of Rs8.7 billion in regard to this Department and what does he say at paragraph 201 –

“Provision has been made for recruiting 900 additional Police Constables and 30 additional cadet officers”

In addition to all the officers that have so far been recruited since this Government came into Office, we are having now 900 in this year and 30 additional Cadets. That means 939. This shows the commitment to strengthen, empower the Police Force. When this Government is talking about reducing violence, reducing the risk of danger, talking about public safety; it gives its commitment and it says: “additional police officers on top of what have been recruited last year and beginning of this year.”

Now, at paragraph 202 which is most relevant and will answer the concerns of hon. Baloomoody and also those expressed by hon. Rutnah, it is –

“A new training strategy will also be elaborated and provision has been made for a modern Police Academy at the Réduit-Ebène area.”

This is very relevant. When we say that: “Yes, our police officers do not know how to deal with the public”, I did not raise this issue just because for the mere essence and mere point of debating, and saying this is a problem, but because we have found a solution. The Rt. hon. Prime Minister had talked about it all throughout the electoral campaign. He had talked a lot about reforms he wanted to bring and one of the things that ‘*l’Alliance Lepep*’ has put very much forward and given faith and courage to police officers was that we are coming with the Police Academy. Why? The reason is because indeed we have a lot of faith and expectations from our Police officers, but also we cannot tell them: “Go on the battlefield and fight a battle”, without giving them the necessary training, the necessary equipment, the necessary tool. All this has been catered for and now once we do that and once we are doing that, hon. Minister Alain Wong Yen Cheong comes and say: “We have to protect our Police also. In addition of giving them training, we have to protect them, to ensure that people do not deal with our Police officers in a most disrespectful manner.” We talked about the way Police officers talked to the individuals, but have we seen how Mauritians addressed the Police officers? Especially, I have to say, I have to join hon. Rutnah on this.

I have seen it myself so many times when Police officer stops an individual, what he says is just like that – I am sorry for you seeing this kind of gesture in Parliament, but it is that - “*mo pou bouge twa là, mo pou coze ek to patron là, mo pou coze ar intel là*”. This is how sometimes public deal with our Police officers. Utter lack of respect! They go and threaten and they also go and commit all kinds of acts thinking: “He is a Police officer, he is a Police servant. I will just talk to his boss and I will just use my political power, political contacts - as is commonly used in Mauritius - and just get him transferred”. Why? It is because the Police officer is enforcing what he is supposed to do: the law. He is ensuring safety in the community. He is ensuring that law and order is respected. It is because that he is being threatened, “*taler mo fer to papa coz ar twa là*”. This is not said in a respectful manner. This is often said in a very disrespectful and provocative manner. What does the Police officer do? He has to stay calm and he has to deal with insult.

Often in riots, in public gatherings, they are insulted, rude words are being used towards them, swear words are often used towards them and they have to keep their calm. This is not fair. I have always, as a law practitioner, said that we need to give respect to our Police officers and what we give is what we get. I am being shown that the time guillotine is coming on me, so I will speed up! What we give is what we get! That is why we have to say to them in the law. I congratulate the hon. Wong Yen Cheong for saying that in the

legislation: “Yes, Police officers, we are taking you seriously”. What we are doing is that, we are saying: “should someone come and assault you, should someone use violence and molest you - it is an old fashioned term, a very Victorian word, the word ‘molestation’ - but it says when someone come and uses force against the Police officers, instead of just a trivial Rs10,000 maximum fine, you shall now be liable to a minimum of Rs10,000, not a maximum which is a serious sum of money and it will go up to Rs100,000.” So, that gives the message loud and clear. The term of imprisonment of three months is being replaced by terms of imprisonment of two years. So, this is very much in line.

I just need to propose one minor amendment to the legislation and then I will be done. That is why I wanted to participate to the debates today. When we talk about amendment to the main Act Section 3 (a) and (b), (b) relates, in fact, to the main offence of violence as molestation with violence as opposed to when there is absence of violence. This is what I wanted to urge the hon. Minister to consider section 3 of the main Act, subsection 2. What we are saying to the public is this and we cannot do that. We are saying to the public – most humbly I suggest – “If you use violence, we inflict a penalty of Rs100,000 and we send you away in prison for 2 years maximum”. But we say: “You can come and insult the Police and the fine remains the same Rs3,000”. Most humbly, I say: “let us have the two subsections correlate to one another.” Therefore, when we look at the penalty at subsection (2), then what we have to do is make it commensurate with the offence or violence so that we are saying: “You cannot touch our Police officers, not just violently, but also verbally.” That is what I wanted to say.

So, I thank you and I know I have exceeded my time.

**Madam Speaker:** Hon. Benydin!

(7.27 p.m.)

**Mr T. Benydin (First Member for La Caverne & Phoenix):** Thank you, Madam Speaker. I have the disadvantage of having been for quite a number of years, a civil servant, a public officer and I also headed an important Federation of civil servants for quite a number of years. But I have always defended the civil servants, the public officers. And in my capacity before, as an international trade unionist, I have travelled in many countries, but yet when you compare you will still see that our civil service, our public service in Mauritius, there are a lot of improvements.

No Government, no society can function without an efficient Public Service. I think that it is very easy to criticise. The aim of this legislation is to protect the civil servants. But we are not here to make – as we say – *un procès des fonctionnaires* because in the Police Force or in other sectors, you have a few people maybe who do not do their jobs as they should do, but we cannot generalise. But I know, I think the Rt. hon. Prime Minister and even hon. Members on the Opposition side know that there are many competent civil servants.

No reforms can be overhauled. You cannot bring reforms without an efficient public service. I, myself, participated, as member of the Jury, in the Public Service Excellence Award. It has always been chaired by somebody in the private sector. I remember, before starting the first meeting, the Chair who comes from the private sector said, “Oh! It is still the same thing, for example, at the Registrar General, where there is chaos?” But I told him, “When you are going to visit, then you will have a different mind about the public service.” In fact, when he came back, he said, “Mr Benydin, you were right. There are things that have changed in the civil service.”

It’s not that the amendments that will be brought will change everything, but, as has been said by my colleagues, it will give the right signal that you cannot molest public officers in the performance of their duties. We have to respect. Even the Police Force. We have to respect! Respect the man or the woman! Respect the uniform of the Police officer! You must respect him, and then he will respect you. Maybe, for some who are not doing their duty correctly the Police Academy, as has been said, will be here.

With regard to the Civil Service College, we cannot train all the 80,000 civil servants at a time; otherwise, the civil service will not function. So, there are stages, programmes which we have to follow to prepare the civil servants to perform. I can spell out clearly: whom are we recruiting today in the public service? Most of the young are over qualified; they are already trained; they have been to universities! So, I think what they get in the civil service is a plus. The Civil Service College will train them as public officers. I think they have the advantage of having been to universities. These are certain issues that are very pertinent. I wanted to contribute, so that we can have a better civil service, because it has been my hobbyhorse. Even the PSC should be reformed, reviewed. Why cannot the PSC have also an advisory unit, a sort of complaints unit? Anybody can complain, and then, together, with the Office of the Ombudsperson, we can try to see how we can change things.

We have many things to say, but we will never accept, for example, that teachers are being molested. In the education sector, we have noticed increasing violence. There is violence against Police officers, in the health sector and other sectors where citizens are in direct contact with public officers. I think that the public should not lose sight of the fact that their welfare depends to a great extent on public officers, on whose shoulders rest the implementation of Government policies and public welfare programmes.

I am trying to cut short of my speech, Madam Speaker. But the problem is that when I was in the trade union movement and attended conferences, my colleagues used to say - I think it applies also to the politician -, “You know at what time you are going to start speaking, but you don’t know at what time you are going to end.” This is the problem.

As PPS, we have spoken about amendments, about reforms, and I think that we should give a new look to the CABs, for example. People can also go and complain if they see things wrong. Don’t just go and complain to the radios, to the press. People can go and also complain to the CABs, and then we can see how to improve and amend things.

Madam Speaker, a society is judged by the behaviour of its fellow citizens. Values and norms are, however, transmitted through the socialisation process. Even the education sector is one means to inculcate moral values, so that we can respect everybody. We build a society based on values and respect for the civil service.

On this note, I would like to end my intervention by congratulating the hon. Minister and wish all the public service well. Thank you.

(7.33 p.m.)

**Mr Wong Yen Cheong:** Madam Speaker, allow me at the very outset to convey my heartfelt thanks to my colleagues who have supported me in this endeavour, and to all those on both sides of the House who have intervened on the Bill.

I have listened carefully to all those who have intervened, and I am pleased to note that there is consensus in this House on the need to protect our public officers in the discharge of their duties.

Madam Speaker, I have noted all comments and views expressed by different hon. Members, and I reiterate that the amendments proposed will definitely act as a deterrent and will help to eliminate cases of assault against public officers.

The House will agree with me that *un cas d'agression est un cas de trop*. We cannot condone any case of assault against our public officers. As regards the points raised by different Members, especially by hon. Baloomoody, I wish to reassure him that all efforts will be made by my Ministry to address the issue raised by him, and I wish to point out that my Ministry has already embarked upon several initiatives such as Mystery Shopping to gather information on site, Customer Satisfaction Survey, Code of Ethics for public officers, Customer Charters. Moreover, through the Civil Service College, my Ministry is conducting competency-based training with focus on customer care, managing difficult situations, handling grievances of customers.

Madam Speaker, our philosophy is clear and unambiguous. We want to protect our public officers on duty and at the same time ensure that they are fully equipped to cope with difficult situations at the workplace. In this respect, I undertake to ensure that the preventive measures taken by my Ministry are sustained with a view to preparing our public officers psychologically to handle difficult situations.

Je peux assurer, Madame la présidente, qu'il y aura un suivi continu et assidu par mon ministère.

As an endnote, I wish to make a humble appeal to all hon. Members of this House. Let us seize this goal and opportunity to consolidate the legislation, with in mind the prime objective of protection of public officers. I believe that we are here, in this House, and we are here to set example, as rightly said by hon. Baloomoody. We should start by us, who have been elected by the public. I hope that, in this House, we will have plenty of discipline, we will never hear phrases like '*tombe dehors*', and provocation on both sides of the House – I mean all of us.

Thank you, Madam Speaker.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*The Public Officers' Protection (Amendment) Bill (No. XVI of 2016) was considered and agreed to.*

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

*Third Reading*

*On motion made and seconded, the Public Officers' Protection (Amendment) Bill (No. XVI of 2016) was read the third time and passed.*

**ADJOURNMENT**

**The Prime Minister:** Madam Speaker, I beg to move that this Assembly do now adjourn to Wednesday 31 August 2016 at 11.30 a.m.

**Mr Sinatambou rose and seconded.**

*Question put and agreed to.*

**Madam Speaker:** The House stands adjourned. Hon. Bhagwan!

(7.39 p.m.)

**MATTERS RAISED**

**LE MORNE – KITE SURFING COMPETITION**

**Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière):** Thank you, Madam Speaker. I have something urgent to raise concerning three Ministers, that of Tourism, Environment and Arts and Culture.

Madame je voudrais partager la colère d'un grand nombre de mauriciens qui aiment leur pays et surtout nos lagons. Je suis sûr que le ministre de l'Environnement est au courant qu'il y a une compétition internationale de *kite surf* qui est prévue du 05 au 15 septembre 2016 au Morne qui va être organisée par des étrangers, mais nous avons été informés qu'un des partenaires est le ministère du Tourisme et la *MTPA*.

Madame la présidente, nous comprenons que notre pays a besoin du tourisme pour grandir économiquement mais pas au détriment de nos lagons. Peut-être que ceux qui sont ici se souviennent qu'en 2013 il y avait une compétition semblable et on avait construit un échafaudage de 8 mètres de haut dans le lagon du Morne, alors que c'est une zone protégée de l'*UNESCO*, étant donné que le lagon du Morne tombe dans le *buffer zone* du *World Heritage Sites*.

Il y a eu beaucoup de protestations, des articles de presse, des manifestations et il y a même eu une injonction et les autorités d'alors avaient pris la décision de ne pas aller de l'avant.

Madame la présidente, on a été informé que cette fois-ci, il y a la possibilité qu'il y ait une décision qu'ils vont construire un échafaudage de 8 mètres dans le lagon. On nous a fait comprendre que les gens ont protesté et – je ne sais pas si l'honorable Wong Yen Cheong ou le ministre de l'Environnement sont au courant – j'ai été informé qu'on va installer un échafaudage cette fois-ci, pas sur le front de mer mais sur les pirogues. Madame la présidente, installer un échafaudage de 8 mètres sur des pirogues est pratiquement impossible. On se demande comment ils comptent le faire et, au cas qu'ils n'arrivent pas à le faire, qu'elle sera leur plan B.

Mon appel au gouvernement est de surveiller à ce qu'il n'y ait pas une répétition de ce qui s'est passé en 2013 car déjà il y a eu perte de vie quelques jours de cela au niveau de cette activité de *kite surfing* dans le sud et que pour la protection de nos lagons et pour la préservation de l'environnement - je me fais le porte-parole des habitants de l'endroit et de ceux qui aiment l'environnement - de surveiller à ce qu'il n'y ait pas la construction de cet échafaudage dans le lagon du Morne. Merci.

**The Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management (Mr A. Wong Yen Cheong):** Madame la présidente, j'ai bien écouté les doléances. Nous allons faire un suivi et, autant que je sache, je crois que ce sont des gens qui sont des experts, néanmoins nous allons bien suivre la situation. Merci.

**Madam Speaker:** Hon. Rughoobur !

(7.42 p.m.)

#### **MINISTRY OF HEALTH AND QUALITY OF LIFE – KIDNEY TRANSPLANT - POLICY**

**Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or):** I have a request for the Ministry of Health and Quality of Life. I got representations once again from people of my constituency relating to the issue of transplant of kidney organs following renal failure. There is an absence of communication at the level of the Ministry on what is the new



policy on this issue, and whether the treatment will be done locally or whether patients will be sent abroad. Since February this year, the treatment is not being done in hospitals for the transplant of kidney organs.

So, my request is, if the substantive Minister could be conveyed with this issue and if the Ministry could communicate and enlighten the country as to what is its policy on this issue of transplant. Thank you.

**The Minister of Local Government (Dr. A. Husnoo):** Yes, Madam Speaker, I am going to pass on the message to the Ministry of Health and Quality of Life. Actually, we have discussed this problem before. There are different aspects of it, the cadaveric transfer, the familial or those who may buy it as well. So, it is very complicated and we are going to look into it. But, I will pass on the message of the hon. Member to the Minister. Thank you.

**Madam Speaker:** Hon. Ramful!

(7.44 p.m.)

#### **PLAINE MAGNIEN - FOOTBALL GROUND**

**Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien):** I have an issue concerning the Ministry of Local Government. It concerns the Plaine Magnien football ground.

The football ground was closed for a few years and there were renovation works. It was upgraded and, apparently, it has now been handed over from the NDU to the relevant local authority which is the Grand Port/Savanne District Council.

Unfortunately, there are numerous complaints concerning the condition of the football pitch itself. If you go there after a rainy day, you would think that you are at a swimming pool! The goal post itself has not been properly aligned and the lightings are not working. So, may I request the hon. Minister to kindly look into the matter? Thank you.

**The Minister of Local Government (Dr. A. Husnoo):** Madam Speaker, I will look into it and I will talk to the Chief Executive in the south. Thank you.

**Madam Speaker:** Yes, hon. Osman Mahomed!

**VALLÉE PITOT - EIDGAH REGION – PUBLIC TRANSPORT**

**Mr O. Mahomed (Third Member for Port Louis South and Port Louis Central):**

Madam Speaker, I have an issue that concerns the hon. Minister of Public Infrastructure and Land Transport, but he is not here today. It is about the transportation by bus in part of my constituency, especially at Vallée Pitot in the Eidgah region which is no longer served by public transportation.

I have been told by my constituents that for several years there was a bus service numbered 115 that used to travel people from Cité Vallijee through Tranquebar and Vallée Pitot at the Eidgah region and then to Plaine Verte. I am further told that this service has been stopped for about 15 months now.

Well, there are many reasons for this. I believe mainly economical but, this is causing hardship to school children, the sick, the disabled and also the elderly. It is a pleasant coincidence that today we have discussed about the protection of the elderly in the House.

My plea this evening is for the hon. Minister of Public Infrastructure and Land Transport to kindly consider the possibility of reinstating back that line 115 or to have some other lines extended so as to serve the Eidgah region in Vallée Pitot on social and humanitarian ground. I thank him for his collaboration.

Thank you.

**The Minister of Technology, Communication and Innovation (Mr E. Sinatambou):** Madam Speaker, I have taken good note of the problem raised by the hon. Member and I will transmit it to the Minister concerned.

*At 7.50 p.m. the Assembly was, on its rising adjourned to Wednesday 31 August 2016 at 11.30 a.m.*