



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**(UNREVISED)**

**FIRST SESSION**

**TUESDAY 17 JULY 2018**

**CONTENTS**

**PAPERS LAID**

**QUESTIONS** (*Oral*)

**MOTION**

**STATEMENTS BY MINISTERS**

**BILLS** (*public*)

**ADJOURNMENT**

## THE CABINET

**(Formed by Hon. Pravind Kumar Jugnauth)**

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
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 Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives

Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance
Hon. Mrs Roubina Jadoo-Jaunbocus	Minister of Gender Equality, Child Development and Family Welfare

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**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 23 of 2018**

**Sitting of Tuesday 17 July 2018**

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

**The National Anthem was played**

*(Madam Speaker in the Chair)*

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

A. **Office of the Speaker**

Declaration of Interest by the Honourable Third Member for Rivière des Anguilles and Souillac (Mr. Ahmad Bashir Jahangeer) in relation to PQ B/636.  
(In Original)

B. **Prime Minister's Office**

(a) Certificate of Urgency in respect of The Finance (Miscellaneous Provisions) Bill (No. XI of 2018). (In Original)

(b) The Annual Report 2016-2017 of the Mauritius Revenue Authority.

(c) The Annual and Audited Accounts of the Report of the Permanent Resident Investment Fund for the year ended 30 June 2017.

C. **Minister Mentor's Office, Ministry of Defence and Ministry for Rodrigues**

The Audited Financial Statements of the Discharged Persons' Aid Committee for the year ended 30 June 2017.

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

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 24) Regulations 2018. (Government Notice No. 86 of 2018)

E. **Ministry of Financial Services, and Good Governance**

The Annual Report of the Financial Reporting Council for the 18 months' period ended 30 June 2017.

## ORAL ANSWERS TO QUESTIONS

### LAW AND ORDER

**The Leader of the Opposition (Mr X. L. Duval)** (*by Private Notice*) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to murder and theft, he will, for the benefit of the House, obtain from the Commissioner of Police, in the light of the figures published by Statistics Mauritius regarding Crime, Justice and Security Statistics, if –

- (a) he has looked into the causes of the –
  - (i) substantial increase in the number thereof, and
  - (ii) rise in the reoffenders rate from 59% in 2014 to 69% in 2017, and
- (b) the manner in which police inquiries in relation thereto are carried out.

**Sir Anerood Jugnauth:** Madam Speaker, I am sorry for being a bit late because the original question was rectified, and apparently it was sent a bit late. That is why it took more time.

Madam Speaker, as I stated in my intervention on the Appropriation Bill 2018/2019, Law and Order is a top priority for this Government.

Crime and criminal activities around the world keep changing. It implies a huge responsibility and is not a subject that should be left to the Police alone.

It has a triangular engagement -

- (i) responsibility of the Police themselves,
- (ii) commitment of the authorities, and
- (iii) active involvement of the community.

Besides enforcement, this Government has also come up with a number of social measures to provide the necessary framework to ensure a crime free society.

To deal with modern complexity of policing, the Mauritius Police Force has formulated its Strategic Policing Plan which hinges on five main pillars which are as follows

-

- (i) improving quality of life;
- (ii) enhancing service delivery;
- (iii) increasing speed of intervention;
- (iv) honing investigation techniques and detection skills, and
- (v) combating trafficking and use of illegal drugs.



Madam Speaker, furthermore, as part of the Public Sector Transformation Plan 2018-2025, the Police Department has designed the road map to transform its services to meet the present and future needs and expectations of the people of the Republic of Mauritius. The Plan focuses on -

- (i) local policing - by tailoring the policing deployment to meet the community diverse needs;
- (ii) work force planning - by attracting and retaining qualified professionals;
- (iii) digital policing - by making it easier to contact the Police and providing real-time intelligence to Police;
- (iv) enabling service delivery - by adopting a holistic policing approach and enhancing the capacity building of the human capital, and
- (v) improving capabilities of specialised units - by strengthening collaboration/cooperation among Police adjuncts and other essential services for effective responses to public emergencies.

Madam Speaker, let me now highlight some key measures already implemented with a view to tackling Law and Order issues in the country –

1. 78 Police Stations and the Central Criminal Investigation Department have been equipped with 744 CCTV cameras and audio recording systems.
2. An Anti-Robbery Squad has been set up with special teams in all Police Divisions.
3. Detection rate in all reported cases of crime increased from 32.7% in 2016/2017 to 44% in 2017/2018.
4. The Traffic Police performed 44,940 speed checks with the fixed speed detector cameras.
5. A transport squad has been set up with the ERS.
6. 153,758 persons have been sensitised by the Police with regard to crime prevention, road safety, drugs-related offences, domestic violence, juvenile offences, child protection and community policing.
7. The operational functioning of Police Hot Line 148 has been reengineered and a Facebook account has been created to encourage the public to inform the Police of suspicious activities in their neighbourhood.
8. 3,461 Police Officers have been trained in line with the forthcoming Police and Criminal Evidence legislation.

9. Drugs of a total market value of Rs416 m. have been seized from July 2017 to April 2018 by the Anti-Drug and Smuggling Unit which is the outcome, amongst others, of the tightening of security and detection measures at the port and airport.
10. Partnership has been sealed with Business Operators to effectively fight crime by intelligence sharing.
11. Targeted crack down operations are being carried out by local Police jointly with other adjuncts of the Force such as ERS, SSU, GIPM, ADSU, CID, Helicopter Squadron, NCG Commando and Police Dogs in all Police Divisions.
12. Foot and mobile patrols have been reinforced all over the island especially in crime prone areas.
13. Police have reengineered its concept of 'Hot Spot Policing' and 'Sector-based Policing'. Such concept which is aimed at improving Police visibility in public places and enhancing Police proximity with members of the public are now being carried out in a structured manner.
14. *Police du Tourisme* is working in close collaboration with the law enforcement officials of the Ministry of Tourism and External Communications to prevent larceny on tourists.
15. Police have strengthened their relationships with representatives of the community through Community Policing Forums and door-to-door policing and they are sharing information on suspicious activities occurring in their neighbourhood.
16. Police are making extensive use of modern technology – CCTV and drones to prevent and detect offences.
17. Road Blocks and Vehicle Check Points are being carried out daily at odd hours where suspicious persons and drivers of vehicles are being questioned and systematically checked.

Madam Speaker, as the House is aware the Safe City Project is being implemented to empower the Police with state-of-the-art technology to better fight crimes.

For this financial year, not only will we be recruiting 1,000 additional Police Constables but we will provide to our Police Force managerial tools, vehicles, modern technological equipment for security and disaster management, including IT logistics as well

as additional sea-going assets to ensure a more effective and efficient policing onshore and at sea.

Madam Speaker, as regards part (a)(i) of the question, I wish to inform the House that there has not been any substantial increase in the number of cases of murder and theft being claimed by the hon. Leader of the Opposition. The figures speak for themselves.

In 2009, the number of murders stood at 35, whereas in 2017, it was 31. In 2016, there have been 19 cases.

In 2009, the reported number of cases of larceny was 3,584, whereas the number for 2017 was 3,495.

The overall number of crimes in 2007 was 6,591 with a crime rate of 5.4 %. In 2017, the overall number of crimes was 5,622 with a crime rate of 4.6 %.

Moreover, as clearly indicated in the report of Statistics Mauritius, more than half of international homicides were committed in private households where the Police has no direct control. The Leader of Opposition will agree with me that we cannot have a Policeman in every household.

Also, it is very important to highlight that Police is opening more avenues for people to come and report crimes. Moreover, new crimes are being reported such as Money Laundering and Cybercrime, among others.

Madam Speaker, with regard to part (a)(ii) of the question, I am informed that the main cause of reoffending is drug-related which in itself is a very complex issue.

I wish to inform the House that the Police and other concerned Government Departments are taking several measures with a view to preventing re-offending. Some of these measures include –

- (i) A preventive strategy has been developed whereby potential offenders are being closely monitored with a view to ascertaining whether they are living a honest and decent life.
- (ii) There are several rehabilitative measures implemented in the Prisons which include courses in Moral Values, Music, Gardening, Tailoring and Cookery.

We have also reformed our detainee remission system to do away with automatic remission and introduced earned remission in a bid to focus more on rehabilitation.

Madam Speaker, with regard to part (b) of the question, I wish to inform the House that Police enquiries are conducted in a fair, impartial and well-structured manner in strict compliance with established standards operating procedures and protocols under the Police Standing Orders and the Police Instructions Manual, copies of which have been issued not

only to every Police Officer irrespective of their posting, but also to other institutions such as the Office of the Director of the Public Prosecutions, the Attorney-General's Office, the National Human Rights Commission, and the Independent Police Complaints Commission.

The above institutions have an oversight interface with the Police to ensure that there is no deviation from the standard established practice. Enquiries into important cases are generally referred to the Office of the Director of the Public Prosecutions for advice before prosecution.

As a matter of information, all Police Officers are regularly trained in the conduct of investigation. The last Workshop on Investigations was held on 27 June 2018 where some 350 Police Officers had the opportunity to benefit from the experience of a Senior State Counsel.

I must emphasise that currently there is a cohort of 21 Police Officers from the Djibouti National Police being trained in best practices of investigations by the Mauritius Police Force.

Madam Speaker, this Government is committed to tackle the Law and Order issues and, as I have already stated in this House, solutions and results will come through dedication and commitment of the Police as well as technology and innovation.

**Mr X. L. Duval:** Madam Speaker, crime and security is the major preoccupation of the Mauritian population. According to Afrobarometer, it was the third most important worry of the population. Now, unfortunately, crime rates which were falling steadily since 2009 – which the Rt. hon. Minister Mentor took - down to 2014, steady falls, especially in all types of theft, have risen dramatically, worryingly since 2014. What is going wrong?

I would like to ask the Rt. hon. Minister Mentor what is going wrong, why has robbery, from 2014 onwards to here, steadily increased, year by year to almost double the figure of 2014? Why has robbery, I mentioned robbery almost doubling, burglary increased by 70% since 2014, which was falling before that under the previous Commissioner of Police, and the same for theft in general? Why is that? That is the question that everybody is asking.

**Sir Anerood Jugnauth:** I have been told by the Commissioner of Police that this is so because most of these offences are drug-related offences.

**Mr X. L. Duval:** Madam Speaker, the same for murder by the way, 31 murders in this year, and I would like to offer my sympathy to Mr Shyam Ramgoolam's family, who died, he was murdered only yesterday.

Now, 31 murders in 2017, 19 murders last year, 19 murders in 2015, 19 murders in 2014, Madam Speaker! I would like to ask the Rt. hon. Minister Mentor, why this increase - a jump hike - in murder last year?

**Sir Anerood Jugnauth:** Well, in my answer, I quoted figures before 2014 which were higher than what we are having today. So, it fluctuates. But, obviously, we are not happy with the situation and the Police, under my instruction, is doing everything possible in order to minimise the situation.

**Mr X. L. Duval:** Obviously, it is not working, Madam Speaker. I would like to ask the Rt. hon. Minister Mentor whether, as Minister responsible for the Police, he has read the recently published Drug Observatory Report, as he said himself that it is connected to the drug issue.

**Sir Anerood Jugnauth:** Well, I have looked at it, but, so far as drug is concerned, we are not under the previous Government in which the PMSD formed part, drug was tolerated in this country; no action was taken, in fact, no Commission of Inquiry. But we are tackling the problem. The amount of drug that is being seized, was it so before that? So, it's easy to blame others, but they should look at themselves in the mirror.

**Mr X. L. Duval:** Madam Speaker, if you go by the Drug Observatory Report, the number of people admitted to public hospitals for drug abuse, overdose - this is the only figure we have, because we don't know how many drug addicts there are. But we know how many have been admitted to public hospitals. Madam Speaker, that went up again in 2016, over 2015, by 66% and 2017 by another nearly 50%. I would like to ask the Rt. hon. Minister Mentor what is happening with the drug issue. All these drugs are being seized, we agree - mostly by MRA by the way. We agree. What is the reason why there are so many more drug addicts in the country going to the hospitals? Why?

**Sir Anerood Jugnauth:** Well, this question should be put to the population, and especially to parents who have no control whatsoever now on their children and many of them are having recourse to drugs.

**Mr X. L. Duval:** Madam Speaker, is not it the truth that whereas the Police is concentrating on *gandia* and all that, anyone in the drug control situation would tell you that it is synthetic drugs and new types of drugs which are affecting the population. Indeed in the Drug Observatory Report, the Rt. hon. Minister Mentor said he has read it, he will know that 44% of the people admitted now are for new drugs. So, the fight against synthetic drugs appears to be totally lost by the Police.

**Sir Anerood Jugnauth:** Well, everything possible is being done and the Police, I have been told, is trying to get new instruments to be able to detect the synthetic drugs because this is something new and we must confess that the Police did not have all the necessary tools in order to detect this synthetic drug.

**Mr X. L. Duval:** Madam Speaker, we all agree that the fight against drugs and the crimes related to drugs is not just a punishment; it has also to do with rehabilitation and disintoxication. Was not the closure of NATReSA a big mistake? Was not the stopping of the Methadone, which has been introduced, I understand, was a big mistake, Madam Speaker? I would like to ask the Rt. hon. Minister Mentor whether he has found out that it is the young people now, 51% of people who have been arrested are young people, and that is the situation. So, the drugs are with us to stay unless we do rehabilitation, unless we do disintoxication properly, and there are only four centres that Government has.

**Sir Anerood Jugnauth:** Well, rehabilitation is being done; everything possible is being done, but, of course, the Police does not have all the necessary tools to fight the synthetic drugs and we must have some patience.

**Mr X. L. Duval:** Madam Speaker, 51% of the people arrested are under 24 at the moment so far as drugs are concerned and we are losing the fight against drugs according to figures published by the Government itself. Madam Speaker, I would like to ask the Rt. hon. Minister Mentor what is being done to reduce the time between arrest and prosecution, which is hugely responsible for the drop in guilty verdicts, because people forget, they change their minds, etc.?

**Sir Anerood Jugnauth:** Well, we have no control on the Judiciary. They take their time, we have to accept it.

**Mr X. L. Duval:** Madam Speaker, we are talking about the dangerous cocktail and explosive cocktail. Crime going up and guilty verdicts delivered by the Court going down from 2014 at 84%, now 73% only. And part of that reason must be the time taken for the inquiry itself. Forget the Courts, we know the Rt. hon. Minister Mentor is not responsible for the Courts directly, but what is the reason for such a long delay with the inquiry and what is he doing about reducing that delay?

**Sir Anerood Jugnauth:** Well, there is not long delay in the inquiry. There are certain procedures that should be followed, it is being done and, in most cases, the file is sent to the DPP; the DPP advises and, very often, even at the DPP, they take quite some time.

**Mr X. L. Duval:** Madam Speaker, I would like to ask the Rt. hon. Minister Mentor, the Attorney General said on 03 February –

*«Les procédures sont dépassées dans la lutte contre la criminalité.»*

And he promised the Police and Criminal Justice Bill for March. It is four months ago. May we know, as Minister for the Police, where is the Police and Criminal Justice Bill, please?

**Sir Anerood Jugnauth:** Well, I understand it is coming. It is on the way.

**Mr X. L. Duval:** Maybe we should ring the bell also for that. Madam Speaker, is the Rt. hon. Minister Mentor aware of the tremendous infighting in the Police Force at the moment with these denunciations and anonymous letters flying around everywhere between the DCPs themselves, and even against the Commissioner of Police? Is he aware of that and what is being done to bring the team spirit back into the Police Force, especially in the highest ranks?

**Sir Anerood Jugnauth:** Well, I suppose we must get an Ombudsman for the Police.

**Mr X. L. Duval:** Yes, he should maybe, because is the Rt. hon. Minister Mentor aware that in the last Afrobarometer Study, trust in the Police Force has fallen to just 50% of the population? That is, 50% of the population do not believe in the Police, 50% do. What is being done by the present Commissioner of Police, by the Rt. hon. Minister Mentor himself to increase trust in the Police?

**Sir Anerood Jugnauth:** Well, if that is so, I think, the whole blame is on the previous Government, they did nothing.

**Mr X. L. Duval:** Madam Speaker, things are getting much worse under him and it is the first time we have a dedicated Police Minister, and it is getting much worse. It is easily proven, including robbery and theft that has taken *l'ascenseur*. Madam Speaker, let's come to reoffending rate! It has also gone up. It should have been going down. It has gone up from 59% in 2014 to 69%, 10% increase, Madam Speaker. I would like to ask the Rt. hon. Minister Mentor, and let's not do politics on this one, what is genuinely being done to stop nearly 70 out of every 100 offenders reoffending and being readmitted to prison? What is genuinely being done? Forget about the hype or the literature that you have been writing and come to the facts, what is genuinely being done?

**Sir Anerood Jugnauth:** I have given a list of all the steps that are being taken and they are all being taken genuinely.

**Mr X. L. Duval:** Madam Speaker, the list given has resulted in a rise in theft, a rise in robbery, a fall in conviction rate, guilty verdicts and a rise in reoffending rate. Something, obviously, is going wrong and I would like to ask the Rt. hon. Minister Mentor whether the Certificate of Character which came up was amended slightly for the private sector only

recently, ought not to be done away with as in UK, except for very specific jobs to do with children, for instance, whether the certificate should not be done away, whether there should not be adequate *accompagnement* and counselling, and reinsertion because reoffending prisoners and convicts, Madam Speaker, are real danger to this nation.

**Sir Anerood Jugnauth:** I have already answered all this, what is being done. I cannot see what we can do more. Counselling? We will go house to house to counsel?

**Mr X. L. Duval:** Yes!

**Sir Anerood Jugnauth:** Were you doing it?

**Mr X. L. Duval:** Yes! It was better before. The Rt. hon. Minister Mentor asked me; I think it was better before. This is the truth of the matter. He has to accept it. This is the truth of the matter. Madam Speaker, as far as sentencing policy is concerned, whether something should not be done about that because that is also legislation. Because the Drug Observatory Report states that – it has to do with drugs - people who have been sent to prison in 2017, 68% were for possession of drugs. That is on page 9 of the Report if he would like to look at this. Is not that creating criminals from people who are sick, who are consuming drugs and when they come out of prison, they become hardened criminals? So, is not it time to look at the sentencing procedure as Monseigneur Piat, as everybody, all the religious groups, etc. have asked for?

**Sir Anerood Jugnauth:** First of all, we must deal with traffickers, and so far as I am concerned, I would have reintroduced death sentence for traffickers.

**Mr X. L. Duval:** We are talking about possession, Madam Speaker. I would like to ask the Rt. hon. Minister Mentor, this is possession; you know there is a difference between possession and trafficking?

**Sir Anerood Jugnauth:** If there is no trafficking, there is no possession.

**Mr X. L. Duval:** Madam Speaker, the question to the Rt. hon. Minister Mentor, which is a serious question, is a question whether or not we should stop sentencing people for possession of drugs? That is the question.

**Sir Anerood Jugnauth:** I think we should keep on sentencing and the sentence must become more severe.

**Mr X. L. Duval:** And we will get the same result that we are getting now; a tremendous increase of which this Government should be ashamed of, Madam Speaker, relating to the increase in criminality over the last three years, really, Madam Speaker. Madam Speaker, let me ask the Rt. hon. Minister Mentor – sorry, it was the bell, I think.

**Madam Speaker:** The hon. Leader of the Opposition has two more minutes to go.



**Mr X. L. Duval:** Yes, thank you. Madam Speaker, I do not know whether my colleagues have any questions?

**Madam Speaker:** Yes, they do have. Hon. Uteem!

**Mr Uteem:** Yes, thank you, Madam Speaker. As the question relates to murder, can I know from the Rt. hon. Minister Mentor how many cases of murder are still unresolved by the Police to date?

**Sir Anerood Jugnauth:** How many cases are still pending?

**Mr Uteem:** Unresolved.

**Sir Anerood Jugnauth:** Inquiry?

**Mr Uteem:** Unresolved.

**Sir Anerood Jugnauth:** What is meant by unresolved? The inquiry is not complete yet?

**Mr Uteem:** No prosecution is lodged against suspects.

**Sir Anerood Jugnauth:** No prosecution!

*(Interruptions)*

Well, it seems we do not have the answer right now. Can the hon. Member, please, come with a specific question?

**Madam Speaker:** Hon. Baloomoody!

**Mr Baloomoody:** Madam Speaker, coming to the issue of reoffenders, according to section 57 of the Reform Institutions Act, there should be, at the prison, a Discharged Persons' Aid Committee and one of its functions is to use its endeavours to produce employment for persons who have been discharged and to rehabilitate this person. According to my information, this Discharged Persons' Aid Committee does not exist at the prison or if it exists, it exists on paper. It is not functioning. Can I ask the Rt. hon. Minister Mentor what is being done with regard to that committee and this will help those prisoners who are going out to live in society honestly?

**Sir Anerood Jugnauth:** Well, I will look into it.

**Madam Speaker:** Hon. Leader of the Opposition, you have the last question.

**Mr X. L. Duval:** Madam Speaker, I would like to ask the Rt. hon. Minister Mentor - I am sure he knows the famous saying: 'Government should be tough on crime and tough on the causes of crime' and for everyone who knows the subject, the two go together - given the increase in the crime rate, theft, robbery and all that, Madam Speaker, whether it is not time to relook at the causes of crime?

*(Interruptions)*

Okay, let us have a Commission of Inquiry on the causes of crime and let us see that because otherwise, Madam Speaker, why not, we are going *aux enfers*.

**Sir Anerood Jugnauth:** Well, we are very much concerned with the situation. I have said in the answer that Police is taking all steps so that crime number is reduced. What else can be done, we will naturally consider, and we are prepared to take all necessary steps in order to get a crime-free society.

**Madam Speaker:** Time is over! Hon. Members, the Table has been advised that PQ B/618 in regard to the Trafficking in Persons Report of the Department of State of the United States of America will be replied by the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues. PQ No. B/619 has been withdrawn. Hon. Uteem!

### **MAUBANK HOLDINGS LTD – GOVERNMENT SHARES**

**(No. B/614) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the MauBank Holdings Ltd., he will state –

- (a) the aggregate amount of money Government has directly or indirectly, since 2015 to date, injected therein by way of equity or loan, and
- (b) if Government proposes to sell the shares it directly or indirectly holds therein.

**The Ag. Prime Minister:** Madam Speaker, I am informed that the aggregate amount of money injected by Government in MauBank Holdings Ltd since 2015 to date is Rs1,606.1 m. Government has also given an advance of a total of Rs63 m. which will be cleared when the Holdings generate income.

Regarding part (b), I am informed that MauBank Holdings Ltd, which was incorporated on 03 September 2015, is wholly owned by Government.

MauBank Holdings Ltd owns 99.96 per cent of MauBank Ltd. At this stage, it is not proposed to sell any stake in MauBank Holdings Ltd.

**Madam Speaker:** Yes, hon. Uteem!

**Mr Uteem:** Madam Speaker, according to public information at the Registrar of Companies, MauBank Holdings Ltd. acquired 5.7 billion shares in MauBank Ltd. in December 2016 for a consideration of Rs5.2 billion. So, may I know from the hon. Ag. Prime

Minister what is the source of that fund and where did MauBank Holdings Ltd. get Rs5 billion to inject in MauBank Ltd.?

**The Ag. Prime Minister:** The hon. Member is looking for investment into MauBank. Investment by MauBank Holdings Ltd is Rs1.6 m. transferred from former National Commercial Bank Ltd: Rs700 and MauBank got a loan from SBM to bridge the finance.

**Mr Uteem:** Can I know from the hon. Ag. Prime Minister when he said MauBank, does he mean MauBank Holdings obtained a bridging loan from the State Bank?

**The Ag. Prime Minister:** Yes.

**Mr Uteem:** If so, can we know the amount and the terms of that loan?

**The Ag. Prime Minister:** On 28 March 2017, MauBank Holdings Ltd. took a loan, bridging finance of Rs3 billion at an interest rate of 3% per annum from the State Bank of Mauritius and this was guaranteed by Government.

**Mr Uteem:** MauBank Holdings Ltd is the major shareholder of MauBank Ltd. Is MauBank Holdings Ltd., as shareholder, considering disposing of the shares that it holds in MauBank?

**The Ag. Prime Minister:** As I have answered in my original reply, it is not proposed to sell any stake in MauBank Holdings Ltd.

**Mr Uteem:** My question is: is MauBank Holdings Ltd proposing to sell the stake that it has in MauBank?

**The Ag. Prime Minister:** Not at this stage.

**Madam Speaker:** Hon. Ms Sewocksingh!

**Ms Sewocksingh:** Madam Speaker, can the hon. Ag. Prime Minister inform the House if Hinduja Group is still on with the negotiation or is there any other group that is interested in buying the shares of MauBank Ltd?

**The Ag. Prime Minister:** Well, I think this was answered two or three weeks ago. I am not aware of any development in this matter. I am being told that this information cannot be disclosed at this stage.

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

**MBC - NEWS BULLETIN**

**(No. B/615) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain therefrom, information as to if the post of Director-General thereof has been filled and, if so, indicate if he has discussed the issue of the transmission of the news bulletin in a fair and balanced manner in strict compliance with the provisions of the Mauritius Broadcasting Corporation Act therewith and with the Chairperson of the Board thereof.

**The Ag. Prime Minister:** Madam Speaker, the post of Director-General of the Mauritius Broadcasting Corporation is vacant since 29 April 2018.

In accordance with section 13 of the MBC Act, the hon. Prime Minister has appointed Mr M.N.S. Ramsurrun, to be in charge of the organisation, pending the appointment of a Director-General.

I am not aware whether the substantive Prime Minister has discussed the issue of transmission of news bulletins with the Chairman or the Officer-in-Charge of the MBC.

However, I am informed by the Officer-in-Charge of the MBC that the Corporation is complying with the requirements of the MBC Act and the Independent Broadcasting Authority Act and the news bulletins broadcast by the Corporation is done in a fair and balanced manner. Items of news, both local and foreign, are included in the bulletins on the basis of their newsworthiness.

**Mr Bhagwan:** Since the Prime Minister is not here, I will come with a substantive question concerning the person to be appointed as Director-General. Can the hon. Ag. Prime Minister inform the House whether he has been made aware what is happening despite we have now the live coverage, every Tuesday evening, the MBC do some editing. Before 2014 I used to use the terms 'somebody will see'. Before 2014, *il y avait quelqu'un qui utilisait* his scissors just to cut the voices, reduce the voices of the Members of Opposition. Is the Ag. Prime Minister aware that every Tuesday now, the voices of the Members of Opposition are completely erased? So, is he prepared to discuss with the Officer-in-Charge to see to it that, at

least, as far as Parliament is concerned, that the voices – *nous sommes devenus muets* pour la MBC?

**The Ag. Prime Minister:** I do not know how scissors can reduce voices.

*(Interruptions)*

I see to cut out the Opposition. There is under the law a Complaints Committee. There is the Supreme Court as well.

*(Interruptions)*

We cannot say ‘*ah*’ for the Supreme Court.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. Can the hon. Deputy Prime Minister state whether with a view to actually modernising the MBC, thereby making it a global public broadcaster, that Mr Peter Block of Westminster University is actually, currently conducting some courses with high ranking official of the MBC so that the services can be improved?

**The Ag. Prime Minister:** Well I am sure that the MBC is doing everything to try and modernise the station in all the fields of dissemination of information, culture and all the other matters which have to be looked into by the MBC. With regard to Mr Block, I am not aware of what is happening.

**Madam Speaker:** Hon. Bhagwan, you have a last question!

**Mr Bhagwan:** The public is paying more than Rs100 m. to the MBC TV. Is the Ag. Prime Minister satisfied that the public is having what they are paying in terms of service from the MBC TV, which has been turned into a *champ de bataille* there?

**The Ag. Prime Minister:** All this is a matter of opinion. I am not going to enter into a warfare on the appreciation that I have of the programs of the MBC. I have my personal opinion; the hon. Member may have his, of course.

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

#### **ECONOMIC DEVELOPMENT BOARD - COMPOSITION**

**(No. B/616) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the

Economic Development Board, he will, for the benefit of the House, obtain therefrom, information as to the terms and conditions of appointment of the Chairperson and members thereof, indicating if he is in presence of representations for a review of the composition thereof and, if so, if consideration will be given thereto.

**The Ag. Prime Minister:** Madam Speaker, I am tabling the information on the terms and conditions of appointment of the Chairperson and Members of the Economic Development Board.

As regards the second part of the question, I am informed that no representation for the review of the composition of the Board has been received at the level of the Prime Minister's Office.

**Mr Bhagwan:** Madam Speaker, it has been hardly advertised in the Press and even among civil servants that this Economic Development Board has now become an 'Economic Development Monster' in the hands of certain privileged people. So, is the Ag. Prime Minister ready to discuss, as Deputy Prime Minister, with his colleague Prime Minister, with regard to this 'Economic Development Monster'?

**The Ag. Prime Minister:** Insofar as I am concerned, I will not enter into discussions with regard to the composition of the Board with the Prime Minister at this stage, as I see no reason to do so. Let me table the information. Now, with regard to the Board being a monster, I leave it to the responsibility of the Member who is now getting on a spree of using all sorts of words which I do not think are warranted in the circumstances.

**Mr Bhagwan:** I assume my responsibility, I have never changed side, I am still in the area. This is the opinion of the hon. Ag. Prime Minister.

*(Interruptions)*

He would not make me afraid. I am not afraid of his voice or whatever.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** I am paid to do the job, I am doing what I think I have to do. I do not take any lessons from anybody. Madam Speaker, since the creation of this Economic Development Board, is the Ag. Prime Minister aware that the EDB has not been able to prepare a comprehensive operational website up to now? Since its creation, this Economic Development Board has not been able to prepare a full and comprehensive operational website, and to the detriment of investors, there have been complaints by investors – public

means the Press and outside. So, is the Ag. Prime Minister aware of that and what action Government, the Ministry of Finance intends to take to redress the situation?

**The Ag. Prime Minister:** Of course, there are teething troubles, this is a start-up, the website has been put into operation. The hon. Member can look at it if he takes the trouble of putting his laptop on or his iPad, and then the CEO is going to be recruited. I do not see any problem in there, except in the minds of some people who do not like taking lessons.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker the Economic Development Board has a very important role to play as the hon. Ag. Prime Minister knows. He also advises Government on policy matter. So, does the hon. Ag. Prime Minister find it normal that out of the 8 Directors - he has just circulated the list - on the Economic Development Board, there is only one civil servant? The Board is controlled by the private sector and this is the Board which is going to deliver passport according to this Government. Does the hon. Ag. Prime Minister find it normal to give so much power in the hands of appointees from the private sector?

**The Ag. Prime Minister:** In a recent Bill, I heard criticism that there were too many people from the public sector, now it is the contrary. Well, the Cabinet decides as a matter of policy how that Board should be composed. In the light of experience of what we gather, Cabinet will decide. We will take note, of course, of the hon. Member's point of view, but I do not believe that the Board dominated by civil servants is going to do much for Economic Development. Question of balance, I agree, but that is a decision which has been taken.

**Madam Speaker:** Hon. Barbier!

#### **DBM – FISHERMEN – LOANS**

**(No. B/617) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the fishermen whose boats have been lost or destroyed during the prevalence of cyclonic conditions, he will, for the benefit of the House, obtain from the Development Bank of Mauritius Ltd., information as to if consideration will be given for the writing-off of the loans contracted by the said fishermen in relation to their respective boats.

**The Ag. Prime Minister:** Madam Speaker, Government has devised a number of schemes to provide for full or partial waiver of interest and capital to alleviate the financial difficulties of fishers who have been unable to service their loans with DBM.

I wish to reassure the House that DBM will continue to assist fishermen who are in financial difficulties.

**Madam Speaker:** Hon. Barbier!

**Mr Barbier:** In fact, I am aware of cases of fishermen who have had their boat destroyed during the cyclonic conditions and until now they are paying back their loans to the DBM. They cannot afford to have a second one, so they are paying without being able to continue to work. So, I do not know whether the Ag. Prime Minister gets me well. Can the hon. Ag. Prime Minister let the House know in these specific cases, which specific measures the bank has taken towards these fishermen?

**The Ag. Prime Minister:** As far as I recall, I am not too sure, but what I recall is that when DBM gives a loan for the boats, the fishers are encouraged, the lenders are encouraged, to take an insurance policy and that would reimburse the loans. So, I am a bit surprised that this situation could arise. But if there are specific cases, please let me know because I am very interested in this and I would pursue together with the hon. Member on specific cases.

**Mr Barbier:** May I know whether there is no statistics, no figures at all at the DBM concerning these types of cases?

**The Ag. Prime Minister:** Well, this is why I have said, if there are specific cases of which the hon. Member seems to be aware, I am interested in doing it together with him in order to try and alleviate what can be alleviated.

**Mr Barbier:** I am surprised, Madam Speaker, being given that I put this question, I am sorry why the Bank did not provide the information to the Ag. Prime Minister.

**The Ag. Prime Minister:** Well, let me say, as at present - let me make it clear - there is no representation of which I am aware that the DBM has received in that sense. In other words, this is why I have said if there is a specific case of which the hon. Member is aware, please, raise it with me just afterwards. We shall look into it. We are not aware of any such case.



**TRAFFICKING IN PERSONS REPORT – GOVERNMENT POLICY**

**(No. B/618) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether he will state if he has taken cognizance of the Trafficking in Persons Report dated June 2018 of the Department of State of the United States of America and, if so, indicate the actions Government proposes to take to meet the minimum standards required for the elimination of human trafficking in Mauritius.

*(Withdrawn)*

**MOZAMBIQUE – LAND CONCESSION - BENEFICIARIES**

**(No. B/619) Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the concession of about 100,000 hectares of land received by the Government of Mauritius from the Government of Mozambique, he will give the names of the beneficiaries thereof, indicating in each case, where matters stand as to the projects approved for implementation thereat.

*(Withdrawn)*

**COMMERCIAL BANKS – OPENING DAYS**

**(No. B/620) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the commercial banks, he will, for the benefit of the House, obtain from the Bank of Mauritius, information as to if consideration will be given for measures to be taken for the branches thereof to be open to the public on Saturdays and, if so, when and, if not, why not.

**The Ag. Prime Minister:** Madam Speaker, I am informed by the Bank of Mauritius that as per instructions issued by the Bank of Mauritius, commercial banks are required to stay open to the public for a minimum of 32 hours per week. Presently, the commercial banks

determine their core hours that they would be opened to the public, with the approval of the Bank of Mauritius.

The decision to open for banking services on Saturdays primarily depends on the specific requirements of the bank's customers. Moreover, the business hours of commercial banks on week days have been extended to cater for the banking service requirements of the general public. In that respect, some banks are opened for extended hours on Fridays.

At the same time, commercial banks have provided other options to customers for conducting banking transactions, through ATMs, Point of Sale, Mobile Banking and Internet Banking. It may be highlighted that transactions conducted through these channels have been increasing over the years and are expected to continue to increase with the rapid development in technology.

**Mr Abbas Mamode:** Being given that businesses are carried out on Saturdays and even on Sundays, the hon. Ag. Prime Minister will agree with me that even in the US banks are opened even on Sundays.

**Madam Speaker:** What is your question?

**Mr Abbas Mamode:** So, being given the profits that the banks are making and the businesses running on Saturdays, does it not make sense that banks may be opened on Saturdays also?

**The Ag. Prime Minister:** Whether it makes sense or not is a matter for the Bank of Mauritius to determine together with the banks. I am not going to express an opinion on this.

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

#### **ECONOMIC DEVELOPMENT BOARD – CEO - RECRUITMENT**

(No. B/621) **Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Economic Development Board, he will, for the benefit of the House, obtain therefrom, information as to where matters stand as to the recruitment of the Chief Executive Officer thereof.

**The Ag. Prime Minister:** Madam Speaker, I wish to refer the hon. Member to the reply made by the hon. Prime Minister to Parliamentary Question B/4, at the sitting of 27

March 2018, in which he stated that a recruitment firm of international repute, namely, Heidrick and Struggles, had been enlisted to recruit a Chief Executive Officer (CEO) with the right experience and capacity, to drive the EDB. Advertisement to that effect had been published in early March 2018, in local newspapers as well as in the “Economist”. The deadline for the submission of applications to the firm was 23 March 2018.

Subsequently, following appraisal and interview carried out by Heidrick and Struggles from 04 to 16 May 2018, the latter submitted a shortlist of 5 candidates to the EDB for interview by the Board. Accordingly, a first round of interview has been conducted by the Board between 01 to 15 June 2018. No final decision has yet been taken by the Board.

**Mr Armance:** Madam Speaker, does the Ag. Prime Minister find this normal that since November 2017, it has been announced that the EDB will recruit a CEO, and eight months after, this organisation, which is a very important one, is still running without a proper CEO, and this was announced that the merger will be done under the eyes and supervision of a new CEO? Does he find this normal?

**The Ag. Prime Minister:** Well, I don’t find it abnormal. These things are serious. We are not dealing with any small firm. These things are serious and must be taken seriously. And if we want to be serious in the work that we are doing, we have to go about it seriously, and not in a jokingly manner.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** I would like to know from the Ag. Prime Minister if he is aware that Mr A. C. and Mr G. C. travelled to South Africa to do the interview of a potential CEO. Is this true, and if this true, has this gentleman got the permission of the Board to travel to South Africa for the interviews?

**The Ag. Prime Minister:** Yes, of course. They did travel. They had interviews. Let me just say about abnormality. In the meantime, the EDB is under the care of a Deputy CEO who is already in post and he is looking after the administrative matters of the Board. With regard to the departure, yes, it is true. As part of the interview process, one candidate was interviewed in Mauritius; two candidates were interviewed in Mauritius by Skype and two candidates were interviewed *in situ* in South Africa after the Board’s approval. And this also I find normal.

**Madam Speaker:** Hon. Adrien Duval!

**Mr Armance:** I have got a last question, Madam Speaker.

**Madam Speaker:** Hon. Adrien Duval, and then I will come to you.

**Mr A. Duval:** Thank you, Madam Speaker. Can the hon. Ag. Prime Minister tell us then, why is it that the current Ag. CEO of the EDB, the former CEO of the BOI, under what criteria does he not qualify for being the CEO now of the EDB, and secondly, whether he is aware that ...

**Madam Speaker:** No! One question at a time!

**Mr A. Duval:** It is connected, Madam Speaker. Since the announcement of the EDB and its creation, there has been a complete slow down of the activities under the supervision of the BOI. And, unless and until we have a substantive CEO, this slow down will continue.

**The Ag. Prime Minister:** Well, the simple answer to the first question is that the Deputy CEO has not applied for the post of CEO. The second question, I don't know what it is.

*(Interruptions)*

Slow down? No, there is no slow down.

**Madam Speaker:** Yes, hon. Armance!

**Mr Armance:** In his answer, the Ag Prime Minister mentioned that there has been a short list now. Will he table the list of all the shortlisted candidates for this post?

**The Ag. Prime Minister:** I am certainly not going to do anything of the sort!

*(Interruptions)*

**Madam Speaker:** Hon. Dr. Boolell, last question!

**Dr. Boolell:** Will the Ag. Prime Minister state what were the costs of the trips undertaken by the two gentlemen in respect of the recruitment exercise? My information is that it can be as high as Rs7 m.

**The Ag. Prime Minister:** I am not sure whether your information on a trip to South Africa could be that way. I have not looked into it, but if the hon. Member would care to ask a specific question, there is no problem at all to disclose.

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

**Mr Armance:** P.Q. No. B/622!

**Mr Ganoo:** Madam Speaker, on a point of order!

**Madam Speaker:** Yes!

**Mr Ganoo:** Madam Speaker, I have raised my hand 10 times since this morning and you seem never to see me. I consider this unfair and a discrimination. Madam Speaker, you cannot not see me at all times!

*(Interruptions)*

**Madam Speaker:** Yes.

**Mr Ganoo:** Since the PNQ, I have raised my hand.

**Madam Speaker:** Yes. Please, sit down!

*(Interruptions)*

Please, sit down!

*(Interruptions)*

Please, sit down! Hon. Member, you have been in this august Assembly for several years and you know very well what the Standing Orders say. I need not quote the Standing Orders for you, but it is for the Speaker to decide on the relevance and the number of questions which are asked on a particular topic.

*(Interruptions)*

**Mr Ganoo:** Madam Speaker, it is not possible that you could not have seen me ten times ...

*(Interruptions)*

**Madam Speaker:** It is not a point of order!

*(Interruptions)*

Please, sit down!

*(Interruptions)*

Please, sit down! This is not a point of order and you cannot challenge. There is no debate on the the ruling of the Speaker. We proceed on the next question.

*(Interruptions)*

**Mr Ganoo:** This is unfair and a discrimination.

**Madam Speaker:** Please, sit down!

*(Interruptions)*

Next question, hon. Armanca!

*(Interruptions)*

Please, sit down!

**Mr Ganoo:** Instead of protecting the right of....

*(Interruptions)*

**Madam Speaker:** Please, sit down! Next question!

*(Interruptions)*

Please, sit down!

*(Interruptions)*

**Mr Ganoo:** We all have the same right in this House!

**Madam Speaker:** Hon. Ganoo, please sit down!

*(Interruptions)*

You cannot!

*(Interruptions)*

Please sit down! Hon. Ganoo, please sit down! There is no debate on the ruling of the Speaker. You are out of touch of Standing Orders if you are saying so and I won't debate on this. Next question, hon. Armance!

*(Interruptions)*

I will order you out!

*(Interruptions)*

Hon. Ganoo, please! Please!

*(Interruptions)*

**Mr Ganoo:** Standing Orders....

**Madam Speaker:** I will order you out if you continue. Next question, hon. Armance!

*(Interruptions)*

**Mr Ganoo:** Madam Speaker, you have ...

*(Interruptions)*

**Madam Speaker:** Please, sit down! You don't challenge my authority!

*(Interruptions)*

If you continue, hon. Ganoo, I order you out!

*(Interruptions)*

Hon. Ganoo, I order you out!

*(Interruptions)*

Hon. Ganoo, I have said I order you out!

*(Interruptions)*

If now you are challenging my authority, hon. Ganoo, I give you a last chance, otherwise we will have to take action as appropriate. The Standing Orders are very clear on the rights of the Speaker. The Standing Orders are very clear on the right of each hon. Member. I feel personally that the hon. Member's place is inside Parliament and not outside, and if you do not know the Standing Orders, Standing Order 26 (1), I will quote. It says that it is for the Speaker to decide on the relevance, the number and the timing that I give on each question. I do not have any more explanation to give to you. I have already ordered you out since you have challenged the authority of the Chair. So, it is up to you to decide whether you want this or you want further sanctions.

**Mr Ganoo:** I have not challenged the authority of the House. I have expressed my opinion. As a Member of the House, I have the right to ask questions and it is not possible, since this morning, you have not seen me at all raising my hand.

*(Interruptions)*

**Madam Speaker:** I would not allow you. I have ordered you out. Hon. Ganoo, I remind you, once again, of another Standing Order, the Standing Order 39 (10) which says that –

“The discretion of the Speaker in calling Members to address the Assembly cannot be challenged.”

So, are you prepared to accept that sanction of being ordered out or do you want more severe sanctions? It is up to the hon. Member to decide.

*(Interruptions)*

**Mr Ganoo:** I will say it again. I am here by the will of the people, I have the right as a Member to ask questions, and this is what I have done, and I have expressed my opinion that you are not allowing me to ask questions since this morning.

**Madam Speaker:** No. I won't - hon. Ganoo, I have quoted the Standing Orders several times to you. I am being very patient and I have told you that there is a discipline in this House. There needs to be a discipline in this House and the discipline is according to the Standing Orders. I apply the Standing Orders. I am taking the patience of saying this because I believe that everybody should know that discipline is according to the Standing Orders. Are you prepared, last time, I am asking, otherwise then we will have to take sanctions.



*(Interruptions)*

No? Okay.

I have given you a few minutes to consult your colleagues, I understand that you are not prepared to go out, I have ordered you out. So, hon. Ganoo, I will have to take further sanctions and I suspend the sitting so that we come back with the sanctions to be taken against you.

*At 12.47 p.m., the sitting was suspended.*

*On resuming at 1.15 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. First Member for Savanne and Black River, hon. Ganoo, in view of your conduct towards the Chair, I am naming you.

### **MOTION**

#### **URGENT BUSINESS UNDER S.O. 17(3)**

**The Ag. Prime Minister:** Madam Speaker, in view of your decision to name the hon. First Member for Savanne and Black River, hon. Ganoo, I beg under the Standing Order 17(3) to take the time of the House for urgent business.

**Sir Anerood Jugnauth rose and seconded.**

*Question put and agreed to.*

#### **SUSPENSION OF S.O. 29(1)**

**The Ag. Prime Minister:** Madam Speaker, having obtained your permission, I beg to move under Standing Order 29(1) to present a motion without notice.

**Sir Anerood Jugnauth rose and seconded.**

*Question put and agreed to.*

**The Ag. Prime Minister:** Madam Speaker, in view of your decision to name the hon. First Member for Savanne and Black River, hon. Ganoo, I beg to move that the hon. First Member for Savanne and Black River, hon. Ganoo, be suspended from the service of the Assembly for today's and the next two sittings.

**Sir Anerood Jugnauth rose and seconded.**

*Question put and agreed to.*

**Mr Ganoo:** Madam Speaker, on a point of order!

**Madam Speaker:** I suspend the sitting for one and a half hours. I will take the point of order afterwards.

*At 1.17 p.m., the sitting was suspended.*

*On resuming at 2.50 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. Members, the Table has been advised that PQ No. B/646 in regard to the Surinam MITD Training Centre will be replied by the hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research. PQs B/634 and B/637 have been withdrawn. Hon. Rughoobur!

### **ROAD DEVELOPMENT AUTHORITY – FORMER DIRECTOR & DEPUTY DIRECTOR – SUSPENSION**

**(No. B/628) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the disciplinary committee instituted against the former director and deputy director of the Road Development Authority, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the outcome thereof, indicating the amount of compensation, if any, paid thereto as at to date.

**Mr Bodha:** Madam Speaker, I am informed by the Road Development Authority that no disciplinary committee had been instituted against the former General Manager and Deputy General Manager of the RDA. They were, in fact, suspended from their respective office with effect from 10 August 2015 on grounds of reasonable suspicion for, *inter alia*, failing to manage, supervise and/or monitor certain contracts including the Terre Rouge-Verdun, the Ring Road and failing to reasonably exercise supervisory control of the affairs of the Authority.

Both officers informed in writing of their wish to exercise their right to retire at the age of sixty. The RDA requested for legal assistance from the State Law Office which advised that the right to retire cannot be withheld from them in law. Accordingly, the RDA Board approved their retirement on the grounds of age of the former General Manager on 13 August 2015 and the former Deputy General Manager on 02 April 2016. They were paid their

retirement benefits in accordance with the prevailing Pay Research Bureau Report. The question of payment of compensation therefore does not arise.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** May I know from the hon. Minister whether there was actually, a disciplinary committee or an inquiry conducted and presided by one Mr Avinash Sunassee and what were the outcomes of that inquiry?

**Mr Bodha:** Madam Speaker, there was no disciplinary committee against them. There was a first inquiry and there was a second investigative committee chaired by *Maître* Sunassee and there were about 9, 000 pages of contract. So, they are going to deliver their report in the days to come.

**Mr Rughoobur:** Well, at the same time, Madam Speaker, following the suspension of those 2 cadres, it was announced that there was going to be an inquiry upon these contracts that were awarded by the RDA from 2010 until that time. May I know from the hon. Minister what has been the status and whether a report was received?

**Mr Bodha:** In fact, the inquiry was to address all the contracts between 2010 and 2014. This is the report which is coming in the days to come.

**Mr Rughoobur:** The hon. Minister will recall that there were also two other Engineers who were suspended and now that we know that *ils ont été blanchis*, will the hon. Minister try to find out what this triggers? We already know that there is a serious problem of having people of expertise at the level of management of such institution. Will the hon. Minister investigate and try to shed some light as to who was at fault really when decision was taken to suspend those two cadres of the RDA?

**Mr Bodha:** In fact, what happened, they were suspended. There was a Disciplinary Committee. They were found guilty, but then they went on appeal. On appeal, the Appeal Committee decided that there was no case against them. So, they have been reinstated. Now, they form part of the RDA. I think there were a number of questions which were raised on both sides of the House and the fact that there is no case against them, they have been given new responsibilities within the RDA.

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

**NTC - CEO - APPOINTMENT**

**(No. B/629) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain therefrom, information as to the reasons why the post of Chief Executive Officer thereof has not been filled as at to date.

**Mr Bodha:** Madam Speaker, section 7 of the National Transport Corporation Act provides for the appointment of a Chief Executive Officer who is also known as the General Manager of the Corporation.

The General Manager is appointed by the NTC Board and with my approval, on such terms and conditions as it may determine. The current General Manager was appointed for a year with effect from 29 June 2017. Before the expiry of his contract which was on 28 June 2018, he has made a request for revised terms and conditions of employment.

He is still in post and the Board will soon consider the renewal of his contract on mutually agreeable terms and conditions with the advice from the PRB.

**Madam Speaker:** Yes, hon. Rughoobur!

**Mr Rughoobur:** Thank you, Madam Speaker. Well, replying to a question on the NTC, the hon. Minister gave an indication of the turnover of the company, which is almost more than Rs1 billion. Will the hon. Minister kindly consider the possibility of appointing a full-fledged CEO who has the expertise in the field of management based on the size of the organisation and the challenges that the transport industry is facing, whether years before or even now?

**Mr Bodha:** Madam Speaker, we have had series of problems with the general management. We know that there were series of managers who have been appointed. Now, we have somebody who has been there for a year. We have a new team. I think that with the advent of the Metro Express and the interface between the bus transport and the Metro System, I do not think it would be a good thing to come in with somebody else now to learn about the organisation. But we are giving him a very good team and the Chairperson, who is himself a Manager, will be able to assist him, so that we can address the challenges that the hon. Member has mentioned.

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

**Mr Rughoobur:** The hon. Minister replying to a question, PQ B/964 only in 2016, spoke about the need for fundamental reforms and as rightly stated in the Budget 2016/2017. Will the hon. Minister comment on the turnaround plan that was supposed to be implemented? I am asking this because they need a leadership at the level of the CNT. It appears that there is a poor leadership at the level of the NTC. Will the hon. Minister be able to implement what was...

**Mr Bodha:** Madam Speaker, the CNT is one of the players on the whole national public transport scheme. In fact, we are trying to overhaul the whole scheme together with a new re-engineering of Rs2 billion public transport subsidies. So, the CNT is working on a turnaround plan in the light of this major overhauling of the public transport system. We had a survey and a study made by the PricewaterhouseCoopers which is giving us some guidelines as to how to proceed. The most important thing will be how to re-engineer the whole national network where there is the interface between the Metro and the buses system because, as we know, the Metro system will have an impact on the CNT and the other companies.

**Madam Speaker:** The Table has just been informed that PQ B/618 has been withdrawn, and also that it is PQ B/654 which has been withdrawn instead of PQ B/634 and PQ B/635 also has been withdrawn.

Yes, hon. Rughoobur, next question!

#### **NTC – ACCOUNTS & FINANCIAL STATEMENTS**

**(No. B/630) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain therefrom, information as to the accounts thereof for the past three years, indicating the –

- (a) net surplus/deficit thereof, and
- (b) names of the auditors thereof.

**Mr Bodha:** Madam Speaker, I am informed by the National Transport Corporation that the Financial Statements of the Corporation for the year ending 31 December 2013 have already been audited and the Financial Statements for the year ending 31 December 2014 have been submitted for auditing.

I am further informed that in October 2013, a new Oracle based Enterprise Resource Planning (ERP) system was installed. It went live in February 2014 and the data input for the accounts started. However, the team operating the system encountered several difficulties in data input, configuration and processing and hence the accounts for 2014 could not be finalised then.

After consultations with the auditor of the Corporation, the accounts of 2014 were prepared on Excel format and submitted for auditing.

Madam Speaker, the problems related to the Oracle system have now been attended to and the accounts for 2015, 2016/17 and 2017/18 are being processed.

I am informed that the finalisation of the accounts would be completed by the end of this year, subject to the Oracle system not encountering new problems.

At operational level, the net cash flow of the Corporation was plus Rs87 m. at June 2017, plus Rs90 m. at June 2018. For the year ending 30 June 2019, the Corporation is expecting to close with a net cash flow of Rs92 m.

Madam Speaker, in respect of part (b) of the question, I am informed that the accounts of the Corporation are audited by the National Audit Office.

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** Thank you, Madam Speaker. From the last (15.00.52) auditor's report, we note that there is a capital interest of Rs448 m. that the National Transport Authority owed the Government. They are gradually paying Rs10,000 only on the interest. May I know - with the absence of the auditor's report – how an evaluation of the performance of the organisation is being carried out by the management at the level of the NTC?

**Mr Bodha:** Well, I have explained that as regards the audit, we had a problem in 2013 and 2014 with the Oracle system. So, now the problems have been attended to. As regards the financial management of the company, I have given the figures as regards the positive cash flow. There has been a regular monitoring of revenue, so that we have an increase in revenue over the years and that there has been also a regular monitoring of expenses because of all that the CNT has been spending. The CNT also paid on its own funds the purchase of 150 new buses.

The other thing that I would like to say is that recently since 2014, there have been two major increases as regards expenditure –

- (i) there was the salary increase which was decided by the National Remuneration Board in a collective bargaining in the industry, and
- (ii) the price of diesel has gone up and this has impacted on the expenses.

We have tried to see to it that the cash flow is positive as from 2017, which is the case up to now.

**Mr Rughoobur:** Yes, I can understand the situation resulting from the problem that the hon. Minister has with the Oracle system. As the hon. Minister in an earlier PQ that I put to him, I think last year, undertook to issue management accounts on a regular basis to have...

**Madam Speaker:** Can you ask your question, hon. Rughoobur?

**Mr Rughoobur:** Yes. May I know from the hon. Minister if this is the case now that regular management accounts are being issued to ensure that performance is evaluated?

**Mr Bodha:** This is exactly what I have answered, Madam Speaker. Hopefully, we are having the finalisation of the accounts for 2016/2017 and 2017/2018 by the end of this year.

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

#### **TRADE & ACCOUNT DEFICITS – YEAR 2017**

**(No. B/631) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the trade deficit and current account deficit, he will state the actual figures thereof for the year 2017, indicating the measures currently being taken to improve same.

**Mr Gungah:** Madam Speaker, exports in 2017 totalled Rs81.3 billion while for the same year imports amounted to Rs181 billion, thus leaving a trade deficit of Rs99.7 billion. This negative trade performance is explained mostly by lower exports of textile and clothing products, lower re-exports of telecommunications equipment, and an increase in imports of petroleum products, road vehicles, electrical equipment and power generating machinery.

The current account deficits stood at Rs30.1 billion in 2017. This comprised an unfavourable trade balance of Rs99.7 billion and a net surplus of Rs69.6 billion from receipts and transfers.

Madam Speaker, as stated in my reply to Parliamentary Question B/67 dated 03 April 2018, Government has taken a number of measures to address the problem and encourage exports.

First, we came up with the Speed to Market Scheme, applicable as from 01 April 2017 for the textile and apparel sector. As from 01 July 2017, the Scheme was subsequently extended to jewellery, medical devices, fruits, flowers, vegetables and chilled fish. Government further extended the Scheme to articles of leather, footwear, watches and fabric plush toys, effective as from 21 August 2017. Exporters benefit from a subsidy of 40% on air freight cost. This Scheme has, so far, benefitted some 153 companies.

Secondly, Madam Speaker, the Exchange Rate Support Scheme (ERSS) was set in place as from September 2017 to compensate exporters for revenue foregone due to depreciation of the American Dollar. Under this scheme some 2,400 claims have been received.

Thirdly, to encourage exports to Africa, we maintained the Freight Rebate Scheme which was set up in 2014. The Scheme which initially catered for 5 ports of Africa was later extended to 45 ports and opened to all shipping lines as from 10 July 2015. The Scheme, which involves a refund of 25% of sea freight costs, has benefitted 56 companies.

Moreover, Madam Speaker, Budget 2017/2018 provided for profits of domestic companies from exports of goods to be taxed at 3% instead of 15%. Furthermore, an 8-year income tax holiday was also introduced for newly set up companies engaged in the manufacturing of pharmaceutical products, medical devices and high-tech products.

Furthermore, the 8-year work permit holiday for expatriate workers in the Export Oriented Enterprises has been extended to all manufacturing activities.

Apart from the schemes and incentives just mentioned above, we are actively pursuing trade negotiations on the Comprehensive Economic Cooperation and Partnership Agreement (the CECPA) with India, the Mauritius-China Free Trade Area, the Tripartite and Continental Free Trade Area at the regional level.

Madam Speaker, Government has taken the initiative to present a number of measures that will impact import, especially as regards the Food Importation Bill. Some measures are –

- (i) Introduction of a sheltered farming scheme to boost the production of food crops.
- (ii) New financial support to planters and livestock breeders under the food security programme, and



(iii) The provision of grant facilities to fishermen to increase their fish catch.

**Madam Speaker:** Hon. Minister, you have already taken 5 minutes for this reply. I would request you now to circulate your reply rather because you have already taken 5 minutes.

*(Interruptions)*

I think it would be appropriate for you to circulate the reply.

Yes, hon. Ramful!

**Mr Ramful:** Thank you, Madam Speaker. The figures on trade deficit give us an indication about the state of our economy and despite the numerous measures that have been mentioned by the Minister, I see that there has been year in, year out an increase in the trade deficit. Will the hon. Minister agree that all the measures that have been taken by Government over the past few years have all failed?

**Mr Gungah:** No, Madam Speaker, I don't agree because the measures that have been taken by this Government have started yielding positive results. In fact, I must say that the official figures from Statistics Mauritius have shown that the value of export for the Export Oriented Enterprises Sector which stood at Rs9.39 billion over the period January to March has increased by 4.9% to reach Rs9.85 billion over the corresponding period in 2018, and we are confident that this trend will be maintained.

**Mr Ramful:** In the last Budget, it has been announced that import substitution industries will be identified in certain specific sectors to deal with the problem of trade deficit. Can I know concretely what are the sectors that have been identified?

**Mr Gungah:** Madam Speaker, we are still working on different sectors and it will be premature for me for the time being to give more information on these sectors.

### **OLD GRAND PORT POLICE STATION – WPC T - TRANSFER**

**(No. B/632) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the WPC T., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if she has made a complaint of political interference against the Chairperson of the Village Council of Bois des Amourettes with regard to her transfer from the Grand Port Police Station to the Plaine Magnien Police Station and finally to the Mahebourg Police Station, and, if so, indicate if an inquiry has been initiated thereinto and the outcome thereof.

**Sir Anerood Jugnauth:** Madam Speaker, I am informed by the Commissioner of Police that on 13 July 2018, the Police received a letter from the President of the Police Officers Solidarity Union, referring a complaint from WPC T. The latter has complained that she has been transferred from Old Grand Port Police Station on the basis that she has earlier contravened the Chairperson of the Village Council of Bois des Amourettes for a road traffic offence.

On the same day, the matter has been referred to the Central CID for an enquiry into the circumstances leading to the transfer of the WPC.

Madam Speaker, I will ensure that strict actions be taken against any responsible Police officer if the enquiry reveals misconduct and/or abuse of power by him or her. In the meantime, I am informed by the Commissioner of Police that the WPC has been transferred back to her original posting at Old Grand Port Police Station.

In this case, my personal impression is that she has been punished because she booked a Chairman of a Village Council, and this cannot be tolerated. I have told that to the Commissioner of Police that action must be taken.

**Mr Ramful:** Can the Rt. hon. Minister Mentor confirm that it was following this PQ, that is, this Saturday, that the WPC was transferred back to Old Grand Port Police Station and, secondly, can the Rt. hon. Minister Mentor also confirm that the contravention in relation to which the village councillor was booked, that case was lodged only this Friday, following this PQ?

**Sir Anerood Jugnauth:** Well, I don't know when the case has been lodged; I don't know the exact date of the answer. What I have is that she has been transferred back and I am not aware whether there is any case pending in the meantime, but I know that enquiry had been on.

#### **MEDICAL NEGLIGENCE - APRIL 2017 – 17.07.18**

**(No. B/633) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Health and Quality of Life whether, in regard to medical negligence, he will state the number of cases thereof reported to his Ministry and for the benefit of the House, obtain from the Medical Council, information as to the number thereof reported thereat since April 2017 to date, indicating the number thereof in respect of which actions have been initiated against medical practitioners and/or medical staff members.

**Dr. Husnoo:** Madam Speaker, the information is being compiled and will be tabled at the National Assembly.

**Madam Speaker:** Hon. Ramful!

**Mr Ramful:** Can the hon. Minister confirm whether when there is a complaint to the Medical Council, if the complainant is made aware of the outcome of the enquiry?

**Dr. Husnoo:** As far as we are concerned, whenever we get a complaint, we take it seriously and we enquire about it. Whenever I get a complaint personally, I do enquire about it personally. It depends. If it is found that there is something serious, we inform the parent obviously.

**Mr Ramful:** I don't know if the hon. Minister has looked at the figures properly, but I have some information. It would seem, according to the figures, that those medical practitioners, have a kind of immunity from disciplinary action. Is there a problem with the composition of the Medical Council? Is the hon. Minister going to look into the matter?

**Dr. Husnoo:** As you know, the Medical Council does not fall under me. It is a kind of a private institution. I mean, you have elected members and only some of them are nominated by me. So, it is difficult for me to give them instructions what to do. But as far as I am concerned, there is no immunity. You must have seen the action I have taken previously a few months ago. Whenever there is negligence, I do my investigation and if I have to take action, I do take action.

**Madam Speaker:** Hon. Ms Sewocksingh!

**Ms Sewocksingh:** Can the hon. Minister indicate to the House in which public hospital there has been more medical negligence?

**Dr. Husnoo:** Sorry, it is a bit difficult for me to answer that question. I have to get the figures and then we will know exactly.

**Madam Speaker:** Hon. Baloomoody, you have a question!

**Mr Baloomoody:** One of the concerns of victims of alleged medical negligence cases is that they do not get access to their personal file at the hospital or if they request for a copy of their file, it is very often refused. Can I ask the hon. Minister to look into the matter? Because, after all, it is their file! It is their inputs which are in the file. It is their personal file. Why is it that the hospital refuses to give them their file?

**Dr. Husnoo:** Actually, when somebody asks about his condition, we give him a report. We do not give the file. It is not the policy now. But we can discuss it in the future.

**Madam Speaker:** Last question!

**Mr Ramful:** Although the Medical Council is not answerable to the hon. Minister, but then when you look at the law, the way the members are elected, there are 14 members who are elected by their own peers.

**Madam Speaker:** Yes, the hon. Member must ask his question!

**Mr Ramful:** And they are being asked to take disciplinary decisions against those same medical practitioners. Now, will the hon. Minister have a look at the law again and to see if he can come up with amendments on the way the members of the Medical Council are elected?

**Dr. Husnoo:** As the hon. Member mentioned, I mean, some of the members are from the medical profession itself. You are right. But members of the civil society are also appointed, but we can have a look at it.

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

#### **CWA – PIPE REPLACEMENT - CONTRACTORS**

**(No. B/634) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the laying of water pipes since 2015 to date, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the names of the contractors therefor, indicating the –

- (a) respective contract value thereof, and
- (b) number of litigations, if any, that have arisen in the course of the implementation thereof.

**The Ag. Prime Minister:** Madam Speaker, I am informed by the Central Water Authority that since 2015, it has awarded 33 contracts for pipe replacement for the amount of Rs3.2 billion.

I am tabling the list of projects, the contractors and the contract value of each project.

With regard to litigation, I am informed that there is litigation in respect of the contract for pipe replacement in John Kennedy Street, Vacoas and the contract for

replacement of mains in Lislet Geoffroy Street, Curepipe. The dispute has been referred to Dispute Adjudication Board as per the conditions of the contract for tabling.

**Madam Speaker:** Yes, hon. Jahangeer!

**Mr Jahangeer:** Thank you, Madam Speaker. Is the hon. Ag. Prime Minister aware that litigation is mainly due to the Project Engineer signing for variation work and then when it comes for invoicing, the Financial Department refuses to do so?

**The Ag. Prime Minister:** Well, if there is litigation and it is before the Dispute Arbitration Board, I think it is not in order for people to give information in public and for me to just reply. This is Parliament. This is not any other forum.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** Yes, in relation to laying of pipes, I do not know whether the Ag. Prime Minister has the information to the number of kilometres of pipes that have been laid by CWA to date, and also since he gave the figure of Rs2 billion whether he has the value of the cases of litigation?

**The Ag. Prime Minister:** I do not have the kilometres, but if the question is asked I will supply. For the litigation, I think I have it, but I am not too sure. Well, I have the kilometres; I shall just table them in a few minutes. With regard to the value of the litigation – well, length for pipes: 226.2 kilometres in total - I do not have the information.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. May I know from the hon. Ag. Prime Minister, out of all these contracts, in how many contracts were there cost overruns and what is the aggregate amount of money paid to the contractors out of cost overrun?

**The Ag. Prime Minister:** There are a few contracts where there have been cost overruns from the original cost estimates. I do not have the details now. If the hon. Member puts a substantive question, I will do so.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** Can I know from the Ag. Prime Minister whether after the laying of the pipes, whether within the specification of the contract, re-instatement of the old parts of

the roads where pipes have been renewed form part of the contract, if not, what action is being taken by the CWA to see to it that roads are re-instated within the limited norms?

**The Ag. Prime Minister:** I understand there are contractual provisions for re-instatement.

**Madam Speaker:** Hon. Jahangeer!

#### **GRIS GRIS/SOULLAC – WAVE ENERGY – PILOT PROJECT**

**(No. B/635) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Technology, Communication and Innovation whether, in regard to the implementation of a pilot project for the conversion of wave energy into electricity at Gris Gris/Souillac, he will state where matters stand.

*(Withdrawn)*

#### **CEB - COMBINED CYCLE GAS TURBINE POWER PLANT - TENDER**

**(No. B/636) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Design, Supply, Installation, Testing and Commissioning of a Combined Cycle Gas Turbine Power Plant at Fort George (CCGT Reference CPB/76/2017), he will, for the benefit of the House, obtain from the Central Electricity Board, information as to where matters stand.

**The Ag. Prime Minister:** Madam Speaker, I am informed by the Central Electricity Board that after obtaining the approval of the Central Procurement Board, it launched the bid for the Design, Supply, Installation, Testing and Commissioning of the Combined Cycle Gas Turbine Power Plant at Fort George on 08 February, 2018. At the closing date on 06 June 2018, the Central Procurement Board had received nine bids. The evaluation is presently being carried out.

**Madam Speaker:** Yes, hon. Jahangeer!

**Mr Jahangeer:** Thank you, Madam Speaker. Is the Ag. Prime Minister aware that one of the bidders, namely a Greek Company METKA, should have been disqualified right from the beginning for the following reasons –

- as per PPA Act disqualification for non-declaration of any litigation, and also
- as per general condition of CEB tender document, page 105, termination by employer, obstructive practice Part AA?

I am tabling all these which are extracts from the tender document itself. METKA should have been disqualified because they have litigation...

**Madam Speaker:** Hon. Jahangeer, you have already asked your question! Please, allow the Ag. Prime Minister to answer and then you will come with your second question!

**Mr Jahangeer:** The question is not finished yet.

...with Ghana and with the Greece Government for paying bribe to the utility of Greece: 250,000 euros.

**The Ag. Prime Minister:** Well, the Central Procurement Board must surely be looking into this. I would urge the hon. Member to forward all information he has to the Central Procurement Board, including the information he has on TSK.

**Madam Speaker:** Hon. Armance!

**Mr Armance:** Madam Speaker, during the Committee of Supply, the hon. Deputy Prime Minister mentioned that there will be a report prior to the implementation of the project. May I know from him whether this report has been done, and, if yes, if he can table a copy in the House so that we can purview the report?

**The Ag. Prime Minister:** During the Committee of Supply, I said such a thing! CEB was not even part of the Budget. So, how could I have made a statement during Committee of Supply on this? I think the hon. Member...

**Mr Armance:** If I can rephrase my question: is there a report that the Ag. Prime Minister is doing prior to the implementation of this project? Is the Ag. Prime Minister calculating all the risks?

**Madam Speaker:** Has there been a report?

**The Ag. Prime Minister:** Oh, yes, that is the question! Do not say I said it in Committee of Supply!

**Madam Speaker:** This is a different question.

**The Ag. Prime Minister:** The question is whether there was a report...

*(Interruptions)*

**Madam Speaker:** Hon. Ms Sewocksingh, you will have the floor, you will have the opportunity to talk! Please! Yes.

*(Interruptions)*

**The Ag. Prime Minister:** To the two hon. Members, we have answered the two questions at the same time. Well, the report was laid before the Assembly. It was clearly made subject to PQs.

**Madam Speaker:** Hon. Jahangeer!

**Mr Jahangeer:** Thank you, Madam Speaker. Is the Ag. Prime Minister aware that referring again to the general conditions of CEB tender document clause 15 - Termination by Employer, footnote No. 6, there has been attempt to influence the procurement process due to the visit of the son of the owner of METKA, namely Mr Mytilineos on 18 June and 19 June at the hotel of Dinarobin. And also Mr Georgios Giannakis from 09 to 13 June, a Civil Engineer who has nothing to do with the project, came and met high officials of CEB.

**The Ag. Prime Minister:** No. There was the Africa Energy Forum where 2000 people from all over the world came. We were there, Government was there, CEB was there and so were many people, except VIPs and there was exchange of information. I am not aware who met whom within the 2000 people. I know whom I met and there is nothing sinister about it.

**Madam Speaker:** The hon. Member has a last question?

**Mr Jahangeer:** In view of the importance of this project, namely, the project costs around Rs8,000 m. of *l'argent des contribuables*, may I kindly request the hon. Ag. Prime Minister to have a proper examining body, not to have the actual participant in the Evaluating Bid Committee who has been, two years ago, on the European Joyride to Europe at the invitation of EDF?

**The Ag. Prime Minister:** Well, I don't know about all these. It is easy to make bendy allegations now that we are on the camera. I don't know about all this. What I know...



*(Interruptions)*

Well, please! What I know is that I have nothing to do with it, neither CEB. It is before the Central Procurement Board. Now, if anyone is unhappy about what the Central Procurement Board does, we can write to them, we can go to the IRP. The hon. Member is familiar with the procedure of the IRP. So, everyone can do this. I am not going to get involved in the Central Procurement Board, therefore, the request which the hon. Member has made is, unfortunately, turned down.

**Madam Speaker:** Last question, hon. Ms Sewocksingh.

**Ms Sewocksingh:** May I ask the hon. Ag. Prime Minister if there has been a report on the Liquefied Natural Gas as it has been promised?

**The Ag. Prime Minister:** I have just said that there was a report. I have two pages of it which have been tabled at the Assembly. It is there. After this, following this World Bank Report, there was a committee which was set up, the work is going on and this committee has finally appointed a Consultant. The Consultant is working and as soon as he finishes his report, his report will be examined and we will see whether it is good or not good, and feasible to make it public. We will make sure that your request is attended to, contrary to the last request.

#### **SPORTS ARBITRATION TRIBUNAL – CASES LODGED**

**(No. B/637) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Sports Arbitration Tribunal, he will, for the benefit of the House, obtain therefrom, the list of cases lodged therewith since January 2015 to date, indicating in each case, the outcome thereof.

*(Withdrawn)*

**Madam Speaker:** Hon. Uteem, next question!

#### **PERSAND ROYAL CO. LTD - OYSTER FARMING PROJECT**

**(No. B/638) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the authorisation granted to Persand Royal Co. Ltd. to use the Petit Barachois, at Poudre d'Or, he will state the terms and conditions thereof, indicating if any one of them has been unilaterally varied and, if so, indicate the reasons therefor.

**Mr Koonjoo:** Madam Speaker, I am informed that on 14 March 2013, the then Ministry of Fisheries received an application from the company Persand Royal Co. Ltd. regarding the proposed implementation of an Oyster Farming Project at a site situated in the region of Merville, Grand Gaube. The project proposal was analysed by technical officers of the Ministry who recommended that authorisation be granted for implementation thereof on a pilot basis for a period of three years. However, following consultations with all stakeholders, the site identified by the company was not found to be suitable. Further surveys were undertaken by officers of the Ministry together with the promoter, following which the site at *Petit Barachois* at Poudre d'Or, which is vested in my Ministry, was found to be appropriate for the project. Subsequently, on 09 January 2014, a letter was issued to the company Persand Royal Co. Ltd. authorising the latter to implement the Oyster Farming Project at *Petit Barachois*, Poudre d'Or, on a pilot basis for a period of three years, jointly with the Aquaculture Division of the Albion Fisheries Research Centre. A series of fifteen conditions were attached to the authorised letter, one of which was that the *barachois* shall remain the property of then Ministry of Fisheries. I am tabling a copy of the list of conditions.

Madam Speaker, the conditions attached to the authorisation letter issued to Persand Royal Co. Ltd. also include a clause which reads as follows, and I quote –

“The above conditions may be amended and new conditions may be added at any time, should a need arise.”

In the light of this condition, amendments were brought to the conditions on two occasions, as follows –

- i. on 25 January 2016, following a request from the company, the authorisation period granted in January 2014 was extended to an additional period of three years, that is, up to January 2020;
- ii. on 24 March 2017, upon consultation with the Attorney-General's Office, my Ministry informed the company Persand Royal Co. Ltd. of a new condition whereby it would have to provide an access to the company Mauricoast Ltd. to which an authorisation has been granted, in September 2015, for the implementation of a Sea Cucumber Farming Project at a site adjacent to the one allocated to Persand Royal Co. Ltd.

I wish to point out that there is only one access to both sites and a gate has been erected thereat by Persand Royal Co. Ltd. since November 2014, thereby denying access to the representatives of the Mauricoast Co. Ltd. to the site allocated to them. This has become a source of conflict between the two companies. It is in this context that the new condition was added to the authorisation granted to Persand Royal Co. Ltd.

**Madam Speaker:** Hon. Minister, I think you have finished with your reply.

**Mr Koonjoo:** Yes, I have finished.

**Madam Speaker:** Okay! Hon. Uteem!

**Mr Uteem:** Yes, I have a couple of supplementary questions. The first one, Madam Speaker, would the hon. Minister tell us why is it that Persand Royal Co. Ltd. has been granted only a lease of three years, renewable for another three years, meaning six years whereas for the *Grand Barachois* which is just next door, Mauricoast, the company owned by the husband of hon. Mrs Boygah, has been granted an unlimited lease?

**Mr Koonjoo:** Madam Speaker, there was a grant of three years for Persand Royal Co. Ltd. and for Mauricoast it was for five years. It depends on the size of the *Barachois* and it also depends on how much money each company is investing.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** The hon. Minister mentioned that there was a dispute as to the access to the sea. Isn't the hon. Minister aware that on 03 April 2017, following an action entered by Mauricoast against Persand Royal Co. Ltd. precisely to have access, and I quote –

“Miss Ambroisine states that there is no live issue” and the Judge says: “Being given that the applicant - meaning Mauricoast - has been given an access to the *barachois*, there is no live issue.”

So, as at April 2017, in the Court, before the unilateral modification of the *bail*, the Court had already ruled that there is an alternative access for Mauricoast.

**Mr Koonjoo:** Madam Speaker, I beg to differ with the hon. Member. There are not two accesses in this *barachois*. There is only one access and they were supposed to share one access for both *Petit Barachois* and *Grand Barachois*. Alright? I talked to both parties and they agreed! Yes! Hmmm!

**Madam Speaker:** Please!

**Mr Koonjoo:** They agreed.

*(Interruptions)*

*To lé barbara twa, manzer!*

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

**Mr Koonjoo:** There was enough place for two concessioners to work together; *Petit Barachois* and *Grand Barachois*. They agreed to go ahead, but ultimately Persand Royal Company Limited constructed something which was illegal. That could have led them to seizure of the *barachois* right there, according to the conditions I have given to the hon. Member. We did not follow the rules because the guy has invested but, unfortunately, when my officer from the Ministry went to see, and the result was that they had to go to the Police Station in Grand Gaube. They have put the complaint at the Police Station and some of the staff in Port Louis, in Casernes, were threatened by *gorilles*...

*(Interruptions)*

Yes, it is. Unfortunately, I have to use the word.

*(Interruptions)*

**Madam Speaker:** Please, proceed!

**Mr Koonjoo:** *To konne banela bien twa!*

**Madam Speaker:** Hon. Minister, please, proceed!

**Mr Koonjoo:** We are waiting for the SLO to give the verdict and then we will take action upon that.

**Madam Speaker:** Yes, hon. Uteem!

**Mr Uteem:** Madam Speaker, the hon. Minister takes full responsibility for what he is saying because there is a video on Youtube which, in fact, shows completely the opposite what the hon. Minister said; namely that officers from his Ministry and his advisor, Mr Shakeel, tried to pull down illegally a gate of Mr Persand, and was it not for the presence of the Press, they would have gone ahead and illegally pull down that gate.

**Mr Koonjoo:** That we will see later on, Madam Speaker. When the SLO will give their ruling, we will see to it how we will go ahead with the case.

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

**MAURITIUS INTERNATIONAL FINANCIAL CENTRE – BLUEPRINT -  
CONSULTANTS**

**(No. B/639) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Financial Services and Good Governance whether, in regard to the Blueprint for the Mauritius International Financial Centre, he will state the –

- (a) name of the consultants involved in the elaboration thereof, indicating in each case, the qualifications held and quantum of fees paid/payable thereto, and
- (b) expected date of publication thereof.

**Mr Sesungkur:** Madam Speaker, the elaboration of the Blueprint for the Mauritius International Financial Centre was announced in the Budget 2017-2018. Subsequently, my Ministry engaged the participation of the Financial Services Commission and the private sector for the development of this important Strategic Document.

In this respect, a Steering Committee and a Core Working Group, under the chairpersonship of the Chief Executive of the FSC and comprising high officials in the financial services sector, were set up to monitor the preparation of the Blueprint.

The support of consultants and experts, both local and foreign, were also sought for the exercise.

Madam Speaker, with regard to part (a) of the question, I am informed by the Financial Services Commission that two international consultants, namely, Mr James Shipton and McKinsey and Company Inc. were hired for the project.

The services of Mr James Shipton were retained from 01 September 2017 to 17 January 2018, to provide advice, consultancy and assistance, on a part-time basis, for which a total amount of USD 27,000 was paid.

I am tabling the qualifications of Mr Shipton.

Madam Speaker, after the completion of the preliminary work by Mr Shipton, the services of a Consultancy Firm was sought to assist with the preparation of a Blueprint Plan for the future development of Mauritius as an enhanced International Financial Centre. In this respect, a procurement exercise, through a Request For Proposal, was carried out by the FSC on 29 November 2017 for “Consultancy Services for Blueprint Project - Benchmarking exercise”.

Following this bidding exercise, the contract for the project was awarded to McKinsey & Company, Inc., which is a reputed international consultancy firm, on 02 April 2018. The contract value was USD 420,000, excluding applicable taxes. In line with Section 40(7) of the Public Procurement Act 2006, this information is published on the website of the Financial Services Commission.

Madam Speaker, with regard to part (b) of the question, the approval of Government will be sought shortly on the findings and recommendations contained in the Blueprint, after which arrangements will be made for its official launching. All stakeholders concerned will subsequently be invited for a briefing session to ensure effective implementation of the recommendations.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you Madam Speaker. I listened carefully to the hon. Minister. He mentioned the name of two consultants, Mr Shipton and McKinsey. May I know from the hon. Minister, apart from these two consultants, has his Ministry recruited the services of any consultant to go through the blueprint report?

**Mr Sesungkur:** As far as I am informed no, apart from these two.

**Mr Uteem:** May I ask the hon. Minister whether his Ministry has paid anyone to give advice on the blueprint, in particular is Mr A.? I am not going to cite the name, but I think he knows who I am talking about. Has the services of Mr A. been enlisted by his Ministry to review the blueprint and provide the consultancy services?

**Mr Sesungkur:** Yes, I think that Mr A. was hired by my Ministry, but not by the Financial Services Commission.

**Mr Uteem:** May I know how much he was paid and what was the procurement exercise used to recruit Mr A.? Because we know that FSC went for a procurement to recruit McKinsey.

**Mr Sesungkur:** I do not have this information with me right now. But I am told that there is direct procurement exercise whenever there is a need for specialised services. So, this must have been done according to procurement provisions.

**Mr Uteem:** But my point is: how much money did you pay, and why this one? There are so many experts in the offshore sector, why this one, particularly Mr A., and how much has he been paid?

**Mr Sesungkur:** No, I do not have this information right now, but I can provide it at a later stage.

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

### **PERSONS WITH DISABILITIES - EMPLOYMENT**

**(No. B/640) Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the employment of persons with disabilities in 2015, 2016, 2017 and since January 2018 to date, he will state the –

(a) actual figures thereof in respect of the private and public sectors, respectively, and

(b) number thereof integrated under the Service to Mauritius Programme.

**Mr Sinatambou:** Madam Speaker, I wish to refer the hon. Member to the reply given by my colleague, the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands to PQ B/123 on 05 of April 2016, in her capacity as the then Minister of Social Security, National Solidarity and Reform Institutions, who stated, I quote –

“(...)there could certainly be quite a few serving officers who suffer from some form of a disability but who have never officially declared or do not want to declare their disability for one reason or the other.”

Many disabled persons consider their disability as a stigma and I would tend to believe that the same applies in the private sector. At the level of my Ministry, the information available is the number of persons with disabilities who are benefiting from basic invalid pension and who are employed. In 2015, there were 2,820 persons benefiting from Basic Invalidity Pension, that is, those with more than 60% permanent incapacity working in the private sector and 698 who were working in the public sector.

In 2016, there were 2,634 benefiting from the Basic Invalidity Pension working in the private sector and 642 in the public sector. While in 2017, there were 2,699 persons benefiting from Basic Invalidity Pension working in the private sector and 649 in the public sector.

From January 2018 to date, there were 2,002 persons benefiting from the Basic Invalidity Pension working in the private sector while for the public sector only partial data is

available, that is, 389, given that returns for a number of public sector employees have not yet been processed by the Mauritius Revenue Authority and submitted to my Ministry.

As regards part (b) of the question, I am informed that in the years 2015 and 2016, there were no persons with disabilities employed under the Service to Mauritius Programme. However, in the year 2017, seven candidates were offered internship and five of them joined the programme.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. In 2012/2013 Budget, it was announced that a quota of 10% was reserved for unemployed graduates with disabilities under the Service to Mauritius Programme. May I know from the hon. Minister why is it that no one was recruited in 2015/2016, and last year only five persons under the Service to Mauritius Programme, which is run by the public sector?

**Mr Sinatambou:** Well, I do not have this reply, unfortunately. I will have to find out and come back to the House.

**Mr Uteem:** Madam Speaker, in September 2015, the United Nations Committee on Rights of People with Disabilities (UNCRPD) produced a report and made several recommendations. One of the recommendations is that the State party, Mauritius, should develop effective legislative and policy measures to promote the transition from sheltered employment to employment of persons with disabilities in the open labour market. So, may I know from the hon. Minister, three years down the road, what has his Ministry done to allow the employability of people with disability in the open market?

**Mr Sinatambou:** Well, I would invite the hon. Member to come up with a question on the UNCRPD because there are many measures. In fact, my colleague, the hon. Vice-Prime Minister, did attend the Geneva to report before the Committee on the UNCRPD and, since then, a number of measures have been taken to implement the report of the Committee there. So, if he comes up with a substantive question, I would be very happy to respond.

**Mr Uteem:** A substantial question was asked two weeks ago and the answer is still awaiting! Being given the problem which graduates with disabilities get to find a job on the market, would the Government consider bringing appropriate amendment to section 16 of the Constitution, so that discrimination against persons with disabilities be enshrined in the



Constitution, protection against discrimination on the grounds of physical or mental disability?

**Mr Sinatambou:** In fact, Madam Speaker, a draft has already been prepared. But it is not as easy to implement because once we put the clause on discrimination, in every single stand of society we will have to ensure that all measures are taken and there are a number of cost implications. A draft has been prepared, but the implementation is being worked out.

**Madam Speaker:** Next question, hon. Ameer Meea!

### **TERRE ROUGE/VERDUN LINK ROAD - REINFORCEMENT WORKS**

**(No. B/641) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Terre Rouge/Verdun Link Road, he will, for the benefit of the House, obtain from the Road Development Authority, information as to if –

- (a) the designs for the reinforcement works thereof have been finalized and, if so, indicate -
  - (i) the costs estimates thereof, and
  - (ii) if the said reinforcement works will be carried out within the contract signed on 28 March 2017, and
- (b) the Project Manager's Report will be made public.

**Mr Bodha:** Madam Speaker, I would like to refer the House to the reply I made to Parliamentary Question B/253 on 24 April 2018. I informed the House that, on the recommendation of Professor Magnan, the Road Development Authority (RDA) has enlisted the services of CEREMA (*Centre d'études et d'expertise sur les risques, l'environnement, la mobilité et l'aménagement*), a French Public Body, under the aegis of Ministry of Infrastructure in France, specialised in such works, to carry out the detailed design of the piling works. The final technical solution submitted by CEREMA has been reviewed jointly by the Korean Expressway Corporation (KEC) and the RDA and now there is consensus on this final technical solution.

With regard to part (a) of the question, I am informed by the RDA that the detailed design comprising 180 reinforced concrete piles of 1.0 metre diameter arranged in 2 rows of 2.0 metres spacing has been submitted in June 2018. The piles are staggered at 2.5 metres spacing and are of average length of 30 metres and the estimated cost thereof is Rs150 m.

As regards part (a) (ii) of the question, in view of the specialised nature of the reinforcement works, the RDA has explored all the contractual possibilities to execute this work. The Central Procurement Board has been consulted on the best option, that is, to carry out the works under variation as per section 46 of the Public Procurement Act 2006 within the contract which is already ongoing for the “Repair to Embankment on Motorway M3 at Ripailles” by Transinvest Construction Ltd.

The Central Procurement Board has informed the RDA that it has no objection, in principle, to the above proposal. The main reasons to choose the variation option are as follows -

- (i) there will be no conflict between the main contractor and the sub-contractor as they will be working under the same contract. If two separate contracts were to be executed, serious contractual implementation issues could have arisen;
- (ii) only one contractor will be responsible for the whole works and sequencing of works would be done harmoniously;
- (iii) the contractor can mobilise his subcontractor for piling works immediately after approval of the variation;
- (iv) works such as main fill and excavation works for piles can be undertaken concurrently, and
- (v) the project is extremely complex and due to in-depth investigations and several experts’ advice in view of securing a durable risk free solution, this issue has to be resolved once for all.

The CPB, therefore, requested the RDA to obtain quotations for the variation works and to revert with recommendations.

Accordingly, a sealed quotation was requested under the provisions of the contract from the following 3 specialist contractors on 19 June 2018 -

- (i) Sinohydro (Mtius) Corporation Limited;
- (ii) Sotravic Ltée, and
- (iii) Franki Piles Limited.

It should be pointed out that a fourth quotation was also received from the main contractor, that is, Transinvest Construction Ltd in association with Colas Madagascar.

There has been an evaluation and arrangements are being made between the main contractor and the specialist contractor today to finalise the option and it is expected that as

soon as we have the recommendations, we will go to the CPB this week, with a view to secure the final approval of the variation.

It is expected that the subcontractor will mobilise on site by mid-August and the completion of the main fill and the piling works will be done by December 2018 and the whole works will be completed a few months later.

As regard to part (b) of the question, regarding the Project Manager's Report, I assume that the hon. Member is referring to the designer's report, that is, the report of CEREMA. I have requested the RDA Board to consider the advisability of tabling same in Parliament given that the award for the variation works has not been made yet.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** Madam Speaker, there have been numerous consultants in relation to this project and the last one being the French national, Professor Magnan. I recalled that he stated that his work will be free of charge. Therefore, can I ask the hon. Minister, does he find this free launch normal, that is, this free of charge work?

**Mr Bodha:** Professor Magnan came twice and gave his advice free of charge. CEREMA did the design for half a million rupees, Madam Speaker.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** The hon. Minister gave us a calendar of the works that are to be done, that is, reinforcement, piling etc, but when the whole works are expected to terminate and when can the road users use the Terre Rouge/Verdun without any problem?

**Mr Bodha:** I am also very anxious for this, Madam Speaker. If we go round the Terre Rouge/Verdun on a daily basis, we see that for the reinforcement, two-third of the fill has been done. So, the fill will be completed by the end of this year. The pilings are starting in mid-August. There are 180 piles, three piles a day, that is another two months, sixty days. So, we hope that the major structural works would be completed by the end of the year where we are going to have the fill and we are going to have the piles. So, then we will have just to fix the road which will take a few months.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** Pending the implementation of the rehabilitation works, can I ask the hon. Minister whether he is satisfied? I raised the issue at Committee of Supply. I was just thinking about the question of security, of those using this part of the road. Can the hon. Minister have a look and see whether some arrangement can be made at least in the interest of the car users, especially for cases of accidents at night and also for road markings?

**Mr Bodha:** I understand the concern of the hon. Member. In fact, at night the road is closed because of this by-pass. I go there once a week and I would like to say that the road is monitored on a regular basis. We have two speed breakers on one side and one on this side. The idea is that we have to keep this road on-going. There are about 12,000 vehicles a day, but we are going to take all the precautions that we need so that there is no risk for those who are going to take the road.

**Madam Speaker:** Next question, hon. Ameer Meea!

### **PENSIONS – OVERPAYMENT**

**(No. B/642) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Social Security, National Solidarity and Environment and Sustainable Development whether, in regard to pensions, he will state where matters stand as to the measures taken to avoid overpayment when the beneficiaries thereof pass away or during the prolonged absences thereof from the country.

**Mr Sinatambou:** Madam Speaker, overpayment of benefits has been occurring since the inception of the National Pension Scheme in 1976. It occurs, *inter alia*, in situations where the Ministry is not notified of the change of status of the beneficiary such as upon death or departure of a beneficiary overseas and his/her prolonged stay abroad for more than 6 months.

I am informed that unlike other Ministries and Departments where it is the Director of Audit who detects financial discrepancies, in the case of pensions, it is my Ministry itself which has unearthed cases of overpayment through the various measures put in place. Since 1992 up to June 2017, the total amount nearing Rs163 billion has been paid as pension benefits. My Ministry has been able to uncover overpayments of a total amount in excess of Rs305 m. From this amount, the Ministry has been able to recover nearly Rs215 m. This leaves an outstanding balance of Rs91.9 m. of overpayments covering a period of 25 years. This represents a percentage of less than 0.06% as compared to the total amount of pension benefits paid during that period. The measures taken to achieve those results include the following –

- (i) timely information on death cases are now obtained daily from the Civil Status Division through the Info Highway Platform and this since April 2015 following an agreement signed by my Ministry with the Civil Status Division.

Indeed, upon receipt of any information from the Info Highway, the pension in question is immediately suspended and an inquiry is initiated;

- (ii) a dedicated overpayment unit which was set up in 2005 at the Ministry has been restructured since September 2015 to consolidate and strengthen the mechanism for monitoring cases of overpayment and the recovery. The new squad is operational under the leadership of a Deputy Commissioner and it comprises eight senior officers, namely –
- two Assistant Commissioners;
  - two Principal Social Security Officers, and
  - four Senior Social Security Officers as compared to five previously.

Furthermore, the monitoring of overpayment is now being carried out on a daily basis as opposed to a monthly basis. The performance of these investigating officers, are also closely monitored and a report is expected by the end of this month.

- (iii) there is a process called the cleansing of data, which is undertaken now monthly with the Civil Status Division since October 2016 and with the Passport and Immigration Office since April 2018. When discrepancies occur, my Ministry scrutinises and analyses same so as to uncover any case of overpayment. Thereafter appropriate actions are taken immediately to ensure that pensions are paid to eligible beneficiaries only.

**Madam Speaker:** Yes, hon. Ameer Meea!

**Mr Ameer Meea:** In fact, this is a recurrent problem but despite all the measures that the hon. Minister just announced to the House, is the hon. Minister aware that as at 30 June 2017, that is, the last account that we have, for Government, published, I mean, there has been overpayment of more than Rs41.1 m. despite all the measures that have been announced and this has been severely criticised by the Director of Audit? Is the hon. Minister aware of this figure?

**Mr Sinatambou:** I believe there is some mistake somewhere, because when you speak of Rs41 m. of overpayment, first of all, let us say that in the year 2017, we uncovered an overpayment. That person, one of those who has been referred to me is that that individual, in fact, passed away in 1992. So, it is misleading to come and say that there have

been Rs41 m. of overpayment in 2018 because it is the addition of all the overpayments since 1992, 1993, 1994 up to 2017.

So, that is why there is some mistake somewhere if one comes and says that there has been Rs41.8 m. of overpayment in financial year 2017. As a matter of fact, Madam Speaker, we have the figures all in all the number of overpayments making, in fact - the figures I have is not Rs41 m. it is Rs91.8 m. of overpayments and those Rs91.8 m. of overpayments account for 1,903 individuals.

**Madam Speaker:** Okay, hon. Ameer Meea!

**Mr Ameer Meea:** Madam Speaker, what the hon. Minister is not getting is that this figure of Rs41.1 m. are new cases. They are for the financial year 2016/17 and I can give you the breakdown in cases of death, new cases are Rs16,396,000 and for departures, that is, for one who has left Mauritius is Rs17,584,000 and these are figures from the report of the Director of Audit. I have not invented these figures. So, my question to the hon. Minister is: despite all measures that you have just announced, still we have a problem. Your Rs91.1 m. is a cumulative figure, but for the current financial year, there are Rs41 m. and if you are disputing the...

**Madam Speaker:** We have understood your question hon. Ameer Meea, don't repeat what you have said, we have understood your question, I will give the floor to the hon. Minister to reply.

**Mr Ameer Meea:** ... figures of the Director of Audit, I think you must come with a statement if you dispute the figures of the Director of Audit.

**Mr Sinatambou:** I am not disputing, I am explaining, to refer to the figures of the hon. Member. So, for dead cases, it is Rs18,236,560.81; for departure cases, it is Rs41,100,083.02. Each of those figures represents for departure cases 577 individuals who went abroad and stayed abroad for more than six months. We discovered them, my Ministry discovered them in that financial year. Now, if they actually departed in the year 2002, they have been paid from 2002 to 2018 and it is the sum total which actually comes to Rs41 m.

Yes, they are uncovered in the financial year which is underreporting, but the figures relate to the whole number of years for which they have been paid until the overpayment is actually discovered by the officers of my Ministry who, I believe, should be commended for what they have been doing.

**Madam Speaker:** Yes, hon. Ameer!

**Mr Ameer Meea:** We all know that the Civil Status Office is computerised now. Until recently the comparison, that is, when there was the death of a person, this was done manually by your office. That is why you lagged behind. My question to the hon. Minister is whether this has been computerised now because it is just a simple link from the Civil Status Office to your Ministry so as to solve this problem.

**Mr Sinatambou:** As I stated just earlier in my reply, Madam Speaker, one of the measures taken to achieve this commendable result by the officers of the Ministry is that timely information on death cases, I repeat, are now obtained daily from the Civil Status Division through an Info-Highway platform which has been in operation since April 2015 following an agreement signed by my Ministry and the Civil Status Department.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Madam Speaker, the issue about the overpayment of pension came into public domain recently as a result of a Press article referring to a colossal amount of Rs19 m.

**Madam Speaker:** Ask your question! No statement!

**Mr Rutnah:** But what the population and our countrymen would like to know today and whether is it right for us to understand that the impression given that the Rs19 m. that was referred to in that article is Rs19 m. cumulative figure since 25 years or was it for the last few years?

**Mr Sinatambou:** In fact, Madam Speaker, out of those 1,903 cases of overpayments for death and departures abroad, what has happened is that the one individual let's say whose overpayment started the earliest was 25 years ago. So, it is the sum total of 25 years of overpayment, I am informed.

**Madam Speaker:** Hon. Mrs Selvon!

**Mrs Selvon:** Thank you, Madam Speaker. Could the hon. Minister tell the House how many cases of pension fraud have been registered so far?

**Mr Sinatambou:** I do not have specifically for the 1,903. I have double payments: 98; I have errors in conversion rate: 135; I have benefits paid by error: 117. I have jail, because it so happens that people who are entitled to pensions when they are jailed, then they

have a different treatment. For them, there were 29 cases of overpayments. I do not have the number, but I can find out and inform the hon. Member.

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

*(Interruptions)*

You do not have. Then, hon. Ameer Meea!

**Mr Ameer Meea:** Again, referring to the Director of Audit Report, the percentage recovered in terms of death is 41% and for departure 25% which, to my opinion, is a bit low. So, what is being done at the level of your Ministry in order to recoup a better chunk of this overpayment?

**Mr Sinatambou:** Well, firstly we have two legal provisions, Madam Speaker. Section 35 A (2) of the National Pensions Act allows the pension officer to claim a refund from the bank at which the money has been deposited if actually it has been deposited in a bank. Once a request is made by the pension officer, the bank is compelled to comply. Secondly, under section 45 (1) of the Act, it is the duty actually of the beneficiary to inform my Ministry of any change in circumstance or status, and any breach of such a requirement actually constitutes an offence punishable by Rs5,000 and to imprisonment for a term not exceeding three months.

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

#### **HERITAGE CITY PROJECT - EXPENDITURE**

**(No. B/647) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Financial Services and Good Governance whether, in regard to the Heritage City Project, he will state, as at to date, the –

- (a) total amount of money paid in terms of consultancy fees;
- (b) outstanding quantum of fees payable to the architects, if any;
- (c) total amount of money paid to the Chairperson and Board Members of the Heritage City Co. Ltd. in terms of Board and Committee fees, and
- (d) total expenditure incurred in terms of overseas missions effected in connection therewith, giving details thereof.



**Mr Sesungkur:** Madam Speaker, in my reply to Parliamentary Question B/305 at the sitting of 25 April 2017, I tabled the breakdown in respect of the amount disbursed in relation to the Heritage City Project as at the July 2016 and which stood at Rs47,222,941.22. This amount included a sum of Rs43,053,165.76 paid as consultancy fees as follows -

- Stree Consulting Ltd. – Rs39,716,981.50
- Luxconsult (Mtius) Ltd. – Rs3,336,184.26

Madam Speaker, with regard to the outstanding quantum of fees payable, I am informed that claims amounting to Rs4,594,501.85 from Luxconsult (Mtius) Ltd. and USD4,246,547 from Stree Consulting Ltd. have been received for payment. These claims have yet to be assessed before payment can be effected.

Madam Speaker, as regards part (c) of the question, I am informed that the total amount paid to the Chairperson and Board members of the Heritage City Co. Ltd. in terms board and committee fees is Rs803,250 for the period January to June 2016.

With regard to part (d) of the question, I am informed that the total expenditure incurred in terms of overseas mission effected in connection with the Heritage City Project is Rs2,069,354.52. I am tabling the details thereof.

Madam Speaker, as the House is aware, Government has decided to stall the Heritage City Project. In this respect actions is being initiated for the winding up of the company, and I am informed that in the wake of this exercise its Board of Directors will decide on measures to be taken regarding any properties of the company. Thank you.

**Madam Speaker:** Hon Bhagwan!

**Mr Bhagwan:** Can we deduce from the reply of the hon. Minister that more than Rs50 m. of taxpayers' money has gone down the drain for *une mauvaise decision, une decision de prestige?*

**Mr Sesungkur:** In fact, it is Rs47 m.

*(Interruptions)*

Anyway! Madam Speaker, this project was a major project of Government. It was going to mobilise investment of around Rs5.5 billion, but unfortunately, it was mishandled by the former Minister. So, it is beyond control because any project of that magnitude will have

preliminary and pre-operational expenses. This, unfortunately, could not have been avoided in the circumstances. But I admit that the project was mishandled.

**Mr Bhagwan:** Can we know from the hon. Minister about the land that was given for the implementation of the project and who is monitoring that issue of land?

**Mr Sesungkur:** This is what I said in my reply just now that the Board of Directors will reassess the whole situation, the financial situation, and whatever assets will have to be disposed, will be disposed.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. The hon. Minister mentioned a claim of USD4 m. from Stree Consulting which is around Rs140 m. May I know from the hon. Minister who is going to pay for that money? Has this money been guaranteed by the Government?

**Mr Sesungkur:** Madam Speaker, we cannot prevent companies to send their claims. But what is more important is that we will have to assess, and base on contractual obligations, we will have to see if we have to pay or not. But, that is for the Board to decide whether the consulting firm has provided services for that amount. So, time will tell us if we will have to pay.

**Madam Speaker:** Yes, hon. Ameer Meea!

**Mr Ameer Meea:** We have just heard this substantial amount that has been paid and also being claimed as well. But, for all this work that has been done for, for all this money rather that has been paid, is there any report that has been given by Stree Consulting, so that, at least, we have something that we have paid for? Can I ask the hon. Minister, if there a report, whether he will be ready to table it and make it public?

**Mr Sesungkur:** I recall during the last Parliamentary Question which I answered, there were sketches, there were outlines of the city - the project. But I do not recall having seen other reports from the file. Unfortunately, the file is empty.

**Madam Speaker:** Last question, hon. Baloomoody!

**Mr Baloomoody:** The hon. Minister has mentioned the word ‘Boards’ many times. Are we to understand the members of the Board are still sitting and they are having fees? And if so, can we have the names, and how much does this cost us monthly?

**Mr Sesungkur:** In fact, most of the members of the Board have vacated and we will need to reconstitute it for the winding up procedure. So, this is in process.

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

#### **BARKLY - METRO EXPRESS PROJECT – FACILITIES & AMENITIES**

**(No. B/648) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express Project, he will state the measures being envisaged in respect of Residence Barkly, in Beau Bassin and Rose Hill, regarding the provision of lighting, social and sports amenities, traffic management, stations and the upgrading of the roads and drains thereat, on completion of the works being carried out in relation thereto.

**Mr Bodha:** Madam Speaker, in the relation to the works being carried out for the implementation of the Metro Express Project, various facilities and amenities will be provided for the benefit of inhabitants of the region of Barkly and its vicinity with a view to mitigating the impact of the Metro Express Project on their quality of life, as follows –

- (i) Footpaths and Pedestrian Crossings will be provided, as per the Contract of the Design and Build contractor, Larsen and Toubro Ltd. Furthermore, a wall of around 23 metres surrounding the grounds of the Barkly Police Station will be demolished and re-constructed within the yard of the Police Station. Temporary hoarding will be put in place by Larsen and Toubro Ltd. The drainage along the Light Rail Vehicle corridor will be designed and constructed taking into consideration data pertaining to 100 years return period in order to take care of heavy rainfall. As regards existing roads that are in the “Accommodation Works Area”, Larsen and Toubro Ltd will provide a maximum of 45 mm asphalt overlay to facilitate lane markings.
- (ii) A Basketball/Volley Ball Pitch, Petanque Court and the Children’s Playground at Barkly will be relocated with the implementation of the Metro Express Project. A site of an extent of 4,400m<sup>2</sup> located at Mandela Street at Barkly is being used for the construction of a new sports complex. The estimated cost of the new sports complex project would be around Rs15.8 m.

Works have already started in May 2018 and the project is expected to be completed by end of November 2018.

- (iii) A Traffic Coordination and Management Plan has been worked out by Larsen and Toubro Ltd to cater for traffic diversion with proper signage and information to inhabitants of Barkly, Beau Bassin, there has been a few meetings. The Metro tracking will consist of a standard dual-track bi-directional light rail system.
- (iv) Furthermore, Madam Speaker, my Ministry is planning to embark on the Urban Redevelopment Project in collaboration with other stakeholders and other Ministries in the first phase as per the actual design. The actual one-way 4.5-metre-wide road in Barkly from Pope Hennessy parallel to the forthcoming Metro track alignment would be connected to Colonel Maingard and this would feed into Beau Bassin. In the second phase, the one-way road from Barkly would be widened further down and linked to Chebel and eventually to Richelieu.

Madam Speaker, personally, I would be very interested to show that we can have a continuous urban development in the wake of the Metro. Today, Barkly is at the far end of Beau Bassin, further to Barkly we have Richelieu and I am thinking why don't we have an urban development linking Barkly to Richelieu where we have sugar cane fields today.

So, I will work with the Minister of Housing and Lands to see whether we can have an extension of Barkly towards Richelieu and see also because Richelieu is going to be the depot of the trains, whether people from Barkly can work for the security of the depot.

So, I have, would like to - there a number of other ideas, which I think we can implement in the wake of the Metro. For example, at the station of Barkly, we are thinking of whether we can have some commercial units to be allocated to the people of Barkly and I was also thinking of the possibility of other facilities that can be granted, for example, green space in the wake of the Metro.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** I thank the Minister for his reply. I, again, would like to suggest to the Minister; the people of Barkly are completely in the dark. So, whatever the reply we have in Parliament, sometimes we transmit as MPs to these people, to the inhabitants. Would it not be proper for the Minister, for his Ministry or Metro Express Company to, at least, prepare a

leaflet of all what he has said here? People are worried about the traffic within the housing estate during the construction of the Metro Express, the security of the school children. Would it not be proper for the Minister to request the responsible persons to prepare a leaflet giving all the details to the inhabitants of Barkly?

**Mr Bodha:** This is a very good suggestion, Madam Speaker. In fact, I have asked Larsen and Toubro to give us a list of all the scope of works for Barkly and a calendar of works for Barkly so that we can transmit it to the inhabitants, so that we know exactly how long the works are going to take and whether we can mitigate all the hassles as regards diversion, dust and traffic. I will personally look into the matter, Madam Speaker.

**Madam Speaker:** Yes, hon. Bhagwan!

**Mr Bhagwan:** I have a request for the Minister. The Barkly region is in the lower region of Beau Bassin. Has his Ministry or his consultants taken into consideration the problem of flooding? Behind the Barkly Police Station - from what we have heard - there would be a construction of a bridge for the Metro to go ahead, and there is still the old drainage system of the railway track. So, can the Minister, at least, see with his consultants the problem of water evacuation, especially during flooding and heavy rains?

**Mr Bodha:** In fact, I mentioned that they said that they know that there is heavy rainfall there. They mentioned the possibly of having a drainage system; even they said that we have data for a 100 years what happened in Barkly and we can take care of the heavy rainfall as regards drainage. Drainage anyway is very important priority for the Government, and I will personally look into the matter that we give due consideration to Barkly.

**Mr Bhagwan:** Has consideration been given within the project near the Barkly Police Station? This region is a very hot area in terms of population and other social problems. Now, that there would be the Metro Express going through, not only Barkly, but also Maingard, whether it has been discussed with Commissioner of Police and his officers, for the uplifting Barkly Police Station?

**Mr Bodha:** I will personally look into the matter with the Minister Mentor and the CP.

**Madam Speaker:** The Table has been advised that the following PQs have been withdrawn: PQ B/655, B/669 and B/670.

Next question, hon. Baloomoody!

**MASA – Ms M. M. T. – EMPLOYMENT**

(No. B/654) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West) asked the Minister of Arts and Culture whether, in regard to Ms M. M. T., employee of the Mauritius Society of Authors, he will, for the benefit of the House, obtain therefrom, information as to –

- (a) the date she first joined the MASA, indicating –
  - (i) in what capacity, and
  - (ii) if she had resigned therefrom and, if so, indicate the length of service thereof and,
- (b) if the required procedures were followed for the subsequent re-employment thereof, indicating –
  - (i) the date of re-employment, and
  - (ii) if she has been promoted since and, if so, when.

*(Withdrawn)*

**ALBION - PETROLEUM PORT & JETTY PROJECT – COMPULSORY ACQUISITION**

(No. B/655) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the proposed implementation of the Petroleum Port and Jetty Project at Albion, he will state –

- (a) as per the 1 km buffer zone, the number of houses and extent of land that would be compulsorily acquired, indicating if the calculation of the compensation in case of compulsory acquisition would be based on the market value thereof or otherwise, and
- (b) if he is aware of rocks excavation works being carried out by Pradeep Ltd. on the site earmarked therefor.

*(Withdrawn)*

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

## UNIVERSITY OF MAURITIUS - STAFF AND STUDENT UNION – COMPLAINTS

(No. B/656) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the University of Mauritius, she will state if she is aware of the complaints of the Staff Union and of the Student Union, respectively, regarding the manner in which the University is being administered and managed and, if so, indicate the measures her Ministry proposes to take in relation thereto, including if consideration will be given for the Tertiary Education Commission to be requested to carry out a full audit thereat.

**Mrs Dookun-Luchoomun:** Madam Speaker, I am informed that complaints were made by the Staff and Student Union at a press conference held on 04 July 2018.

The complaints with thereat concerned the following issues -

- examination in the gymnasium;
- holding of graduation ceremonies;
- collaboration with the University of Arizona;
- allocation of funds, research projects, and
- lack of consultation.

We will appreciate, Madam Speaker, that all these issues are of an administrative nature and they are being handled by the management of the University. Nevertheless, I will provide some details with regard to each of the issues raised by the Student and Staff Unions. I will start, Madam Speaker, with the recent decision taken by the University to hold examinations in the gymnasium.

This decision was taken with a view to shorten examination period, reduce invigilation costs and enable the release of examination results earlier, as per the students' requests. It is an international practice for simultaneous examinations for various cohorts in a number of fields to be carried out in large halls or gymnasias.

Madam Speaker, I wish to highlight here that last year, the results were out at the end of July and, as a result of this new practice this year, the results were released on 04 July.

Madam Speaker, I am informed that the senior management of the University is currently reviewing the conduct of examinations in general. A comprehensive report of the matter will be submitted to the Council shortly. As for the graduation ceremony, I have been informed by the UoM that no decision has been taken so far regarding the venue.

Currently, graduation ceremonies span over a month because of the limited amount of space. In a bid to improve upon overall process and bring more efficiency to the system, a Committee has been set up following a recommendation of the UoM Board Council. The Committee has a mandate to assess, analyse and make recommendations for the overall improvement of the process.

Madam Speaker, I would like to highlight here that two representatives of the Students' Union, namely, the President and the Council Representative are members of that Committee which has sat twice, so far. Several options are being considered for the venue, namely, SVICC, J&J Auditorium, amongst others. A decision is yet to be taken by the relevant stakeholders.

Regarding the issue of collaboration with the University of Arizona, I am informed that the cost revenue analysis has been carried out by the University. I am satisfied that the collaboration with the University of Arizona is being undertaken as one of the innovative projects in the context of the universities internationalisation strategy, as well as enhancing teaching, learning and research. This is also in line with our objective of attracting foreign students to Mauritius and turning our island into a regional education hub.

Concerning the matter of allocation of funds for research projects, I have been informed, Madam Speaker, that seven Research Funding Schemes have been approved by the Council in August 2017. Following two calls for proposal, some 87 projects of a total sum of Rs16 m. have been approved. The list of beneficiaries is on the intranet of the University and is accessible to all staff. A feedback process has also been put in place for all applicants.

As far as the issue of lack of consultations is concerned, I would like to point out, Madam Speaker, that the Vice-Chancellor, who is the CEO of the University has a mandate to implement and convey council decisions to all parties concerned. In addition, the University of Mauritius is governed by the provisions of the UoM Act and Statutes which provide all the governance and structures, namely the Board of Faculties, Senate, the Council and the University Court. The Membership of all the above-mentioned includes one representative of each union as a full member.

Madam Speaker, the University of Mauritius is taking a number of initiatives which are impacting positively on its image and this goes to the credit of the senior management.



Madam Speaker, I would like to highlight that the TEC is mandated to carry out quality audits which are more related to the course content and delivery. Quality audits do not relate to industrial relations issues. I wish to inform the House that the next quality audit of the University of Mauritius is scheduled in the last week of August 2018.

**Mr Baloomoody:** One of the main reproaches that both the Students' Unions and the Staff Unions is the one-man show of the running of the University of Mauritius. In order for us not to reach the same consequence we had with the University of Technology, can I ask the hon. Minister to see to it that there is proper consultation prior to taking, especially decisions which will affect the students, be it the exams, be it where they would be graduated, that there is proper consultation with these Unions?

**Mrs Dookun-Luchoomun:** Madam Speaker, I have just mentioned in my reply that there are structures within the University that ensure that all the Union Members are taken on Board. The very fact that in the Press conference it was mentioned that their opinions were not taken on board, shows that their opinions were, in fact, voiced out. However, it is for the VC and for the Council to decide upon which direction to take. It is the role of the CEO, the VC to take the proper decisions in spite of the fact that he should listen to the opinions of others. I do agree.

**Mr Baloomoody:** Before coming to the TEC, can I ask the hon. Minister whether there have been proper preparation and consultation with all those concerned before joining venture with the University of Arizona, and how much does this cost the University?

**Mrs Dookun-Luchoomun:** Madam Speaker, I have been informed by the University of Mauritius that a feasibility study has been carried out and that all the cost issues have been dealt with at the level of the Council. In fact, if ever the hon. Member requires figures regarding the cost, I will definitely submit the information to the House.

**Mr Baloomoody:** Coming to the issue of TEC, I do not think it is right to say that TEC audit does not look about Human Resources relation because we have just seen the recent Beesoodoyal Report with regard to the University of Technology which has made several recommendations. It was very critical to the Industrial Relation or Human Resources Management of the University. In fact, the last TEC audit of the University of Mauritius, which was in 2012, did make recommendations. Recommendation 9 says –

*“9. It is recommended that the University of Mauritius develops a professional human resources function, (...).”*

So, they look at human resources function. Five years later, we still have the same problem of human resources. So, can I ask the hon. Minister to look into the matter?

**Mrs Dookun-Luchoomun:** Madam Speaker, this is what I have just stated. When the audit is carried out, it is a quality audit and they do make recommendations. However, industrial relation issues are not taken on board. When the audit is carried out, they do listen to the different partners within the system, different stakeholders and they do make recommendations. However, industrial relation matters are not taken up by the quality audit.

#### **DRUGS – SEIZURE – 01 APRIL 2017 – 12 JULY 2018**

**(No. B/660) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to drugs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the quantity and value thereof seized since April 2017 to date, indicating if any quantity thereof has been reported missing and, if so, give details thereof.

**Sir Anerood Jugnauth:** Madam Speaker, with your permission, I am tabling the information requested for pertaining to the quantities and values of the different drugs seized from 01 April 2017 till 12 July 2018.

Madam Speaker, I am further informed by the Commissioner of Police that since April 2018, no drugs seized by the Police (ADSU) have been reported missing. And I am informed of a case where variation in weight of the drugs seized has been noted.

This particular case relates to drugs seized in March 2017. I have asked for explanation thereon from the Commissioner of Police and I wish to state that I am personally not satisfied with same.

I have, therefore, decided to initiate an independent enquiry to be presided by a former Judge of the Supreme Court to shed light in this matter.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** I thank the Rt. hon. Minister Mentor for his reply because I was coming specifically with the case of *la saisie record de Kistnah de 135 kilos, à l'effet que maintenant, après la pesée, il y a que 119 kilos de drogue qui a été fait. Donc*, my question to the Rt. hon. Minister Mentor is when this inquiry will be done. I know that the Rt. Minister Mentor has mentioned the name, if I am not wrong, of a retiring Judge. Is it the fact? And also, what timeframe are we looking for, because it goes for the credibility of the Police Force?

**Sir Anerood Jugnauth:** Well, this will be done as soon as possible.

**Madam Speaker:** Next question, hon. Ameer Meea!

### TOURISTS - LARCENY

(No. B/661) **Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to larceny, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof committed at the expense of the tourists since 2017 to date, indicating the –

- (a) number of –
  - (i) arrests effected in connection therewith, and
  - (ii) convictions secured, and
- (b) additional measures that will be taken to address this problem.

**Sir Anerood Jugnauth:** Madam Speaker, I am informed by the Commissioner of Police that since January 2017 to date, there have been 646 reported cases of larceny against tourists.

As regard to parts (a)(i) and (ii) of the question, 92 persons have been arrested so far, of which 43 have been convicted.

Concerning part (b) of the question, I wish to inform the House that a Monitoring Committee has been set up at the level of my Ministry and I am personally ensuring that measures put in place for the protection of tourists are being fully implemented. These measures include –

- (i) joint operations are conducted with the support of *Police du Tourisme*, regular Police Force, National Coast Guard, Emergency Response Service, Local CID, among others, to ensure the safety and security of tourists;
- (ii) continuous monitoring of highly frequented tourist sites through CCTV cameras by the Police;
- (iii) reinforcement of *Police du Tourisme* and introduction of new policing deployment strategies;
- (iv) introduction of new regulations under the Tourism Act to demarcate embarkation points for pleasure crafts and implementation of new guidelines for the identification badges for skippers, canvassers and beach hawkers;
- (v) conduct of aggressive sensitisation campaign on safety and security aspect at popular tourist sites;
- (vi) capacity building of hotel employees on the safety and security aspects for the benefit of tourists;
- (vii) installation of CCTV cameras in high risk areas within hotel premises. AHRIM has also taken the commitment to review internal security measures in hotels, and
- (viii) acquisition of patrol vessel by the Tourism Authority to ensure better control on pleasure crafts for the safety and security of tourists.

**Madam Speaker:** Hon. Ameer Meea!

**Mr Ameer Meea:** There is this issue of tourists that have been victims and that they have to go back to their country. Very often, they do not have the opportunity to appear and depone in Court. Can I ask the Rt. hon. Minister Mentor whether this specific problem has been addressed?

**Sir Anerood Jugnauth:** Well, this is a problem, which cannot be solved by us alone. The tourists must cooperate and in many cases, they just prefer to leave and go away. This is a situation.

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

**UNIVERSITY OF MAURITIUS - LAW EXAMINATION PAPERS –  
FACT-FINDING COMMITTEE**

**(No. B/665) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the University of Mauritius, she will, for the benefit of the House, obtain therefrom, information as to if a leakage in the recent Law examination papers at the Law Department thereof has been reported and, if so, indicate the actions taken in relation thereto.

**Mrs Dookun-Luchoomun:** Madam Speaker, I am informed that the paper for Civil Procedures Examination for year three students carried four questions out of which three were to be attempted. The question paper was set by two part-time lecturers in the Faculty of Law and Management for two groups of students, namely the Réduit and the Ébène branches respectively.

Complaints were received to the fact that three questions discussed in class at the Ébène branch bore close similarity to those set in the examination, a matter which could be prejudicial to students at the Réduit Campus. The Department of Law carried out an internal enquiry following complaints received from some of the students and submitted its report to the management of the University in June last. The matter was referred to the Board of Examiners which submitted a report to the Examination Results Committee. The latter ultimately recommended to the Senate, the institution of a Fact-Finding Committee as it would appear that there may have been some irregularities.

Madam Speaker, I am informed that the Senate has agreed on 13 July 2018 to the setting up of the Fact-Finding Committee to fully investigate the matter and its recommendations will be submitted for consideration during the next Senate meeting on Friday 20 July 2018.

**Mr Baloomoody:** Can I know from the hon. Minister now what will happen to the students with regard to that examination?

**Mrs Dookun-Luchoomun:** Madam Speaker, we will have to wait for the deliberations of the Fact-Finding Committee to see what the report states and from thereon decisions will be taken by the University of Mauritius.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. May I know from the hon. Minister whether the Board of the Examiners or anyone else at the University of Mauritius has carried out any

investigation to find out whether the marks obtained by the students from the Ébène Campus were much higher than the students from the Réduit Campus?

**Mrs Dookun-Luchoomun:** In fact, Madam Speaker, this is why the Board of the Results and Examinations has asked for the setting up of the Fact-Finding Committee and the Fact-Finding Committee will be submitting its report on July 20<sup>th</sup>.

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

#### **UNIVERSITY OF MAURITIUS - MAGISTRATES - PART-TIME LECTURERS**

**(No. B/666) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the Magistrates engaged as part-time lecturers in universities and/or private institutions, he will, for the benefit of the House, obtain from the Master and Registrar, information as to the number thereof, indicating if he is in presence of any complaint made against one Magistrate lecturing at the University of Mauritius for having leaked examination questions to students of the Law Department thereof.

**Mr Gobin:** Madam Speaker, with regard to the question about the number of Magistrates engaged as part-time lecturers, I am informed by the Office of the Master and Registrar that there are actually five Magistrates who are engaged in giving courses as part-time lecturers.

With regard to the part of the question whether any complaint has been made, I am informed by the Office of the Master and Registrar that he has received no complaints against any Magistrate for having allegedly leaked questions to students of the Law Department of the University of Mauritius.

**Madam Speaker:** Yes, hon. Baloomoody!

**Mr Baloomoody:** It is public knowledge now that in fact one of the lecturers - there will be a Fact-Finding Committee where she will have to go and depone - is a Magistrate. Can I ask the hon. Attorney General to see to it that Magistrates, members of the Judiciary should not take private work because not only they put the Judiciary in an embarrassing position, but also they put our legal system itself in an embarrassing position because now we will have a Magistrate going to depone before a Fact-Finding Committee for an act which he/she has not done?

**Mr Gobin:** There is indeed a Fact-Finding Committee now at the University of Mauritius. Now, with respect to the point whether the judicial officers should engage in part-time work, especially lecturing, this has been a long-standing practice. I wish to add that it is

done with the authorisation of the hon. Master and Registrar, but the point is taken. In view of these recent events, I have an open mind on it. I will raise the matter with the Master and, if need be, the hon. Chief Justice as well.

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. Is the hon. Attorney General aware of the complaint made by several students from the University of Mauritius who are going to take part in the Council of Education Exam (the Barrister's Exam and the Solicitor's Exam) to the effect that some of these Magistrates have not completed their syllabuses?

**Mr Gobin:** Well, the supplementary does not relate to the main question, but I can say that I am not aware. I have not received these complaints.

**Madam Speaker:** Hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. I am extremely concerned in relation to such matters, especially a Magistrate who is supposed to be a person of an uncommon integrity. If there has been allegation and if there is any real enquiry in this matter, can the Master and Registrar be requested to actually suspend this Magistrate pending the outcome of this enquiry because it concerns the integrity of our Judiciary?

**Mr Gobin:** I do not know whether we have reached that stage now, but I reiterate that the Master has received no complaint so far. If there is a Fact-Finding Committee, I will have to convey whatever the Fact-Finding Committee will uncover and that question will have to be addressed at the appropriate stage.

## MOTION

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

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

**Mr Roopun rose and seconded.**

*Question put and agreed to.*

**STATEMENTS BY MINISTERS**

(4.43 p.m.)

**EASTERN AND SOUTHERN AFRICA ANTI-MONEY LAUNDERING GROUP –  
EVALUATION EXERCISE**

**The Minister of Financial Services and Good Governance (Mr D. Sesungkur):**  
Madam Speaker, with your permission, I propose to make a statement with regard to the mutual evaluation exercise which is presently being undertaken by the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) on the systems and procedures in place in Mauritius to combat money laundering and financing of terrorism.

The ESAAMLG is a group of eighteen countries from the Eastern and the Southern Africa, including Mauritius, which was set up in 1999 to combat money laundering in the region.

By joining this group, the member countries agreed to participate in an on-going programme of mutual evaluation which is done in accordance with Mutual Evaluation Procedures approved and reviewed from time to time by the ESAAMLG Council of Ministers.

Mauritius underwent a prior evaluation in 2007 and its Anti-Money Laundering (AML) and combating the financing of terrorism (CFT) regime was assessed on a set of procedures that were established in 2004.

The 2008 Mutual Evaluation Report contained detailed recommendations to assist Mauritius in complying with the Financial Action Task Force (FATF) Recommendations. Mauritius was under the ESAAMLG reporting process for the period 2008 to April 2016, when it exited the process for the current evaluation exercise.

Madam Speaker, unfortunately, during 2008 to 2016, except for the enactment of The Asset Recovery Act, most of the recommendations for improving the AML/CFT regulatory landscape in the 2008 Report were not implemented.

Although Mauritius held the ESAAMLG Presidency between September 2011 and September 2012 and in that capacity had a leadership role in ESAAMLG region, it failed to address its own AML/CFT deficiencies.



Madam Speaker, although Mauritius had advance notice of new FATF requirements since April 2012, no initiative was taken to a review the AML/CFT framework of Mauritius to bring it in conformity with these new recommendations.

Furthermore, the low level of engagement of Mauritius with the ESAAMLG with limited participation, the Council of Ministers has undermined our commitment at the highest level of ESAAMLG. This issue is presently being addressed.

Madam Speaker, the current evaluation is being undertaken on the basis of a new set of procedures established in 2013. This mutual evaluation started with a desk review exercise in October 2016 and reviewed our legislative and institutional frameworks for combating money laundering and terrorism financing with focus on actions taken between August 2008 and June 2017.

In fact, Madam Speaker, over this period of nine years, Mauritius ought to have completed, as a minimum –

- (i) the assessment of the money laundering and terrorism financing risks facing the country, that is, a national Risk Assessment exercise, and
- (ii) the enactment of appropriate legislations and implementation of other measures to bring the AML/CFT framework in conformity with the new FATF standards.

Madam Speaker, a first draft of the Mauritius Mutual Evaluation Report was submitted for comments after the desk review and the onsite visit undertaken in June 2017.

Mauritius provided extensive comments on the successive draft reports and a delegation of senior technical officers also participated in a discussion on the report of the Task Force Plenary meeting held in Arusha, Tanzania in April 2018. However, when the post plenary version of the report was received, a number of shortcomings regarding the quality and consistency as well as procedural irregularities were noted. For example, some issues have been interpreted differently in different parts of the same report which resulted in an inconsistent analysis by the evaluators.

Moreover, the report contained factual incorrect information although Mauritius had submitted detailed information on these facts on numerous occasions.

With respect to procedural irregularities, it was noted that the final edited version of the Mutual Evaluation Report contained substantive changes that were not approved by the task force plenary meeting. The mutual evaluation procedures of ESAAMLG are not fully documented and as such this undermines the transparency of the mutual evaluation process.

In accordance with the 2014 Mutual Evaluation Procedures, Mauritius, on several occasions, expressed its concerns of the post-plenary edited version of the Mutual Evaluation Report to the ESAAMLG Secretariat, but to no avail.

Consequently, the advice of the ESAAMLG Secretariat was sought on whether Mauritius ought to convey its concerns to the President of the ESAAMLG Council of Ministers in line with mutual evaluation procedures.

The Secretariat confirmed that Mauritius could do so and indicated that letter be sent to the President of the Council of Ministers and copied to the Chairperson of the task force.

Accordingly, as Minister of Financial Services and Good Governance, I expressed the concerns of Mauritius to the President of the Council of Ministers and shared same with other Ministers of the Council.

Madam Speaker, I wish to express that Mauritius has never requested for the rejection of the report, but only that the report be not adopted in its present form and it be discussed at the forthcoming meetings of the ESAAMLG Task Force and Council of Ministers to be held in September.

On 30 June, the President of the ESAAMLG Council of Ministers acceded to the request of Mauritius.

The draft report is still confidential and its final version will be made available to the public domain after its adoption by the Council of Ministers in the meeting in September.

Madam Speaker, over the years, Mauritius has built a solid reputation as a sound international financial centre, as supported by several international indices, a few of which I would wish to mention here.

In 2016, Mauritius ranked 1<sup>st</sup> out of 54 African countries in the Mo Ibrahim Index of African Governance. Furthermore, the Republic emerged 45<sup>th</sup> in the Global Competitiveness Index 2017/2018 and was placed 25<sup>th</sup> out of 190 countries for ease of doing business by the

World Bank's Doing Business 2018 Report. Moody's, in 2018, reaffirmed the Government of Mauritius Baa1 long-term issuer and senior unsecured ratings.

Moreover, as per the findings of the OECD's Global Forum on Transparency and Exchange of Information for Tax Purposes, Mauritius has received an overall compliant rating. Mauritius has also been a signatory of the Foreign Account Tax Compliance Act (FATCA) and the common reporting standard (CRS).

Madam Speaker, as per the census on Foreign Liabilities and Assets of Indian Direct Investment Companies 2016/2017 of the Reserve Bank of India, Mauritius was the largest source of foreign direct investment in India.

Madam Speaker, I wish to underline that Government is taking a series of measures and actions to reform our financial services sector. The blueprint contains a number of policies and proposals which will further develop this sector and certainly take it to new heights in the coming years. Thank you.

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

#### **LA MARGUERITE & HEAVEN SHELTERS – MINORS – RELOCATION**

**The Minister of Gender Equality, Child Development and Family Welfare (Mrs R. Jadoo-Jaunbocus):** Thank you, Madam Speaker, I wish to make the following statement in connection with the relocation of minors from Residential Care Institutions (RCI) also known as shelters La Marguerite and Heaven.

I wish to inform the House that my Ministry is in presence of more than some 30 complaints over the last few years regarding the management of shelter La Marguerite situated at Belle Rose and Heaven Children Centre at Paillote which were both operated by the Vedic Social Organisation.

The Fact-Finding Committee which was set up, was chaired in 2015 by Mr Denis Vellien and the report was given to the Ministry again in 2015. Then, we had the report from the Ombudsperson for Children 2015/2016 and in addition to that there was the report from the Director of Audit 2016/2017 which all highlighted the many shortcomings in the management of the shelters La Marguerite and Heaven Children Centre. Moreover, the Fact-Finding Committee Report made serious findings as abuse, physical abuse and moral abuse.

**Madam Speaker:** Hon. Minister, I am sorry! This is not the corrected version that I have. I think you are distorting the version which was approved by my Office, and I would kindly request you to come back to the version which was approved by my Office.

**Mrs Jadoo-Jaunbocus:** Let me just verify. So far, everything has been as we have said.

**Madam Speaker:** No, but hon. Minister...

**Mrs Jadoo-Jaunbocus:** Maybe there are two...

**Madam Speaker:** Hon. Minister, the version that you submitted to my Office was corrected, and you have to go word for word according to the version which was approved by my Office. So, I would kindly request you to go back to the original version which was approved by my Office.

**Mrs Jadoo-Jaunbocus:** Thank you, Madam Speaker, for drawing my attention. In fact, yes, there was a rectified version. So, I will just go back to that. The same paragraph was fine. Now, going to the third paragraph, in spite of having been notified on, at least, four occasions on the said shortcomings, the Vedic Social Organisation failed to take remedial measures.

Consequently, with a view to ensuring the safety and security of the children placed in the shelters, La Marguerite and Heaven Children Centre, my Ministry to the following measures on 11 July 2018.

Firstly, the management contract between the Vedic Social Organisation and my Ministry, which was on a month-to-month basis, was terminated with immediate effect.

Secondly, all the children including two babies of the said shelter and centre were removed and placed in other shelters and residential care institutions run by the National Children's Council and other Non-Governmental Organisations.

Madam Speaker, in light of the foregoing and in pursuance of the provision of the Child Protection Act, my Ministry has acted in the best interest of the children.

Thank you, Madam Speaker.

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

*At 4.55 p.m. the sitting was suspended.*

*On resuming at 5.33 p.m. with the Deputy Speaker in the Chair.*

## **PUBLIC BILLS**

### *First Reading*

*On motion made and seconded, the Finance (Miscellaneous Provisions) Bill (No. XI of 2018) was read a first time.*

### *Second Reading*

## **THE LOCAL GOVERNMENT (AMENDMENT) BILL**

**(No. IX of 2018)**

*Order for Second Reading read.*

**The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo):** Mr Deputy Speaker, Sir, with your permission, I move that the Local Government (Amendment) Bill (No. IX) of 2018 be read a second time.

The Local Government (Amendment) Bill (No. IX) of 2018 is being introduced in Parliament today to address the serious problem of illegal construction in Mauritius, which for decades, has been left unresolved.

It is during the Cyclone Berguitta, when the Prime Minister and I visited the affected areas that we observed with concern, how some places were flooded because of irresponsible development on rivers, drains and watercourses. We also saw cases where walls were erected illegally on private properties preventing the natural flow of rainwater. There were cases where houses were built without respecting the statutory distance from neighbouring properties and road reserves.

Mr Deputy Speaker, Sir, we also saw homes that were constructed below road level, which you would concur is extremely dangerous. One case that comes to my mind is that of a family whose house was built below road level. During Cyclone Berguitta, the said house was flooded rapidly. The water level almost reached the roof. One member of the family was disabled, and we were informed that he had to be evacuated by the neighbours or he could have lost his life. All their movables were damaged; the family was traumatised by this incident.

As you can see, Mr Deputy Speaker, Sir, constructions of that sort can have serious implications. Our Government does not want this to happen again. We are all aware that Mauritius is facing unprecedented challenges due to the effects of climate change. We have had torrential rain and flash floods like never before. To alleviate the risks in flood prone areas, the Government is investing heavily in the constructions and upgrading of drains. The Prime Minister announced in the Budget that Rs1.2 billion would be allocated to the NDU for this purpose.

The amount of Rs2 billion earmarked under the National Environment Fund will also be used in part for the constructions and upgrading of drains.

However, it is a fact that illegal constructions on drains, rivers and canals hinder our efforts. They block the normal flow of rainwater, therefore worsening the risks of flooding and water accumulation. This poses a serious threat to the security of the population, and damages homes and belongings leading to material losses and great suffering. How can we remain silent in such circumstances, when the lives of people are at stake?

Let me pause here to refer to a list regarding encroachment on drains, canals, rivers, and watercourses reported to my Ministry by the NDU following a survey. The list, Mr Deputy Speaker, Sir, contains 34 affected areas around the island. Allow me to cite some areas affected, such as Pamplemousses, Bambous, Nouvelle France, Highlands, Quatre Bornes, Rose Hill, Medine Camp de Masque, amongst others. So, how can we allow this irresponsible practice to continue?

We should not forget cases where people are putting up houses of several floors without a Building and Land Use Permit, or having obtained a BLUP, do not respect the conditions of the approval. They even go so far as to encroach on their neighbour's property. This can give rise to "*troubles du voisinage*" and lead to bad blood between neighbours.

Allow me, Mr Deputy Speaker, Sir, to share with the House what happened to a friend of mine. Years back, she and her husband had gone for a three-day trip. On their return, they were horrified to find out that their adjoining neighbour had already erected four concrete pillars against their wall and was in the process of constructing a 12-metre long garage, encroached to their wall without respecting the statutory distance. When the neighbour was asked to stop the said illegal constructions, he not only refused, but became violent and verbally threatened the couple. The Police and the authorities concerned have had to intervene so that the horror stopped. I must say, it did stop after the intervention of the Police

and the relevant authorities. However, I am afraid, 20 years later, the four illegal concrete pillars are still there and have become a terrible eyesore. Mr Deputy Speaker, Sir, we cannot remain silent to such sad realities.

I also had the opportunity to examine the issue of illegal constructions while chairing the Committee for Disaster Monitoring and Risk Reduction, looking into matters related to refugees of cyclones and flash floods. This allowed my Ministry to carry out an in-depth analysis of the situation. It was clear that we needed to come up with long-term solutions for the safety and well-being of our population. I must say that the most important thing for this Government is the security protection of our people.

We noted, first of all, that there are a number of inadequacies at different levels in the present situation –

- (i) There is a shortage of manpower to carry out inspections of ongoing constructions.
- (ii) The legal framework needs to be revamped.
- (iii) The sanctions and penalties linked to illegal constructions need to be reviewed.

Indeed, the Local Authorities have long lacked the necessary human resources, especially at Inspectorate level. We have to admit that the number of Inspectors in our Local Authorities is in gross disproportion to the number of applications received for Building and Land Use Permits.

Mr Deputy Speaker, Sir, let me pause and give an example for a specific year. For the year 2016/2017, 14,255 applications were received for Building and Land Use Permits. Out of this number, around 2,190 illegal constructions were reported. However, the Councils have very few Inspectors to carry out the monitoring inspections for the Building and Land Use Permits. I will, at a later stage, come back to this particular issue.

Mr Deputy Speaker, Sir, allow me to come to the sentencing policies as they stand in our law now. Illegal developments are almost always sentenced by fines, ranging from about Rs500 to Rs2,000. Courts rarely issue pulling down orders in respect of illegal buildings. Although under the Building and Control Act 2012, fines can go up to Rs100,000. I must say that Courts rarely impose the maximum fine.

Persons of bad faith have no qualms building illegally and facing a fine, since the perception is that they will only be sanctioned with a fine and that they will not be required to pull down the illegally constructed building.

This is why my Ministry has taken the initiative to come forward with this Bill. I had also taken the matter up with the Prime Minister and obtained his support. Members of the House will surely recall that when the hon. Prime Minister delivered the last Budget Speech, he announced that the legal framework would be amended to allow for the pulling down of illegal constructions, especially those affecting the drainage system. Indeed, the Prime Minister is very much alert to the untold damage that illegal development causes to the environment, as well as public and private property.

Furthermore, on various occasions, questions were put in Parliament on the remedies to be brought to this issue. And, I must say, rightly so, I recall that in April this year, 2018, hon. Hurreeram asked a question on the issuing of the Building and Land Use Permit. I also recall a question from hon. Lepoigneur, who is not in the House now; he put a question in 2017 about illegal constructions in the district of Black River. So, I believe that this Bill is a matter of concern not only to the hon. Members in Government, but also to those in the Opposition.

Let me now come to the purpose of the Bill. The purpose of the Bill is three-fold –

- (i) harmonise and consolidate the permit system relating to building and construction laws into one single piece of legislation;
- (ii) better empower the local authorities, as the authorities empowered to deliver permits, to enforce the law, and
- (iii) increase the sanctions and penalties provided for the criminal offence of illegal development and construction in an effort to deter potential offenders, with sanctions including the mandatory pulling down of illegal constructions.

Allow me, Mr Deputy Speaker, Sir, to elaborate briefly, I must say, on each of these three points. The first point, concerning the harmonisation and consolidation of laws related to building and construction permits. As the law stands, the provisions related to building and construction and development permits are scattered across three laws -

- (i) the Town and Country Planning Act 1954;
- (ii) the Building Control Act 2012, and



(iii) the Local Government Act 2011.

With the Local Government (Amendment) Bill 2018, we propose to harmonise and consolidate the existing legal framework into one coherent piece of legislation, namely, the Local Government Act 2011.

You will agree with me that the duplication of legal provisions related to illegal construction in those different laws is useless, and causes confusion as to which law is applicable when the Local Authorities seek to prosecute an offender.

As it is, the Local Authorities are the ones authorised to issue Building and Land Use Permits. They are empowered, by law, to carry out inspections and ensure compliance with building permits. Furthermore, they are also the prosecuting authority in case of non-compliance with building permits, or illegal constructions. It therefore makes more sense to consolidate all matters relating to permits and illegal structures under the Local Government Act 2011.

Now, coming to clause 3 of the Bill, clause 3 of the Bill is amending section 2, which is the definition section of the Local Government Act 2011. We are introducing a new definition of “Development Works” by merging the two existing definitions of “Building” and “Development works”, which have been borrowed from the Building Control Act 2012, and the Town and Country Planning Act 1954, respectively. This amendment adopts a wider definition of all forms of development and construction which requires a Building and Land Use Permit.

It should be noted that with the new definition of “Development works” we are also covering any construction on drains, rivers, canals and any other watercourses. This amendment will make it a specific offence to construct and build illegally on any drain, river and canal.

Furthermore, clause 5 of the Bill is repealing the existing sections 117 (1) and (2) of the Local Government Act 2011, and replacing them with a new section 117 (1) and (2). The new sections make it imperative for all persons to have a Building and Land Use Permit to undertake any construction. Therefore, it becomes an offence to start any development works without a valid approval delivered by the Local Authority.

Clause 5 of the Bill is also amending section 117 (10) of the Local Government Act 2011, which concerns the delivery of a Building and Land Use Permit.

With the new amendments, the Building and Land Use Permit will be approved by the Permits and Business Monitoring Committee and will be issued by the Local Authorities. The objective of these amendments is to cure some ambiguities in the present law.

Mr Deputy Speaker, Sir, also as part of the harmonisation process, clause 5 of the Bill introduces new sections 120, 120A and 120B to the Local Government Act 2011. These new sections have been borrowed from the Building Control Act 2012. They concern the validity of a Building and Land Use Permit, the obligations of holders of a Permit, and, most importantly, the inspections to be carried out by authorised officers of Local authorities to ensure compliance with a Building and Land Use Permit.

It should be noted that with these new provisions, we are improving the law concerning the inspections to be carried out by the Local Authorities.

As the law stands, section 16 of the Building and Control Act 2012 provides for at least one inspection during the construction phase. The new section 120B, to be included in the Local Government Act 2011, now makes provision for regular inspections throughout the progress of construction works. The Planning and Land Use Department of the Local Authorities will have an obligation to carry out these regular inspections, therefore ensuring compliance with a Building and Land Use Permit.

The reality that has existed so far is that the Local Authorities, as I have said earlier, face a considerable shortage of staff to carry out regular post control inspections. I wish to remind the House that an announcement was made in the 2018/19 Budget for the recruitment of 100 officers of the Inspectorate grade who will be required to carry out inspections across the island. These officers will be provided with adequate training and will have a key role in ensuring the proper enforcement of the law.

Furthermore, clause 5 of this Bill is also introducing a new Section 120C to the Local Government Act 2011.

Section 120C deals with the Occupation Certificate, which will henceforth be a combination of the existing Compliance Certificate from the Building Control Act 2012 and the Occupation Certificate from the Local Government Act 2011. This new Occupation Certificate will be mandatory for all buildings, irrespective of surface area.

The Occupation Certificate will have two objectives: ensuring that buildings have been constructed in accordance with approved plans, and establishing the date on which the occupation of a building begins, for the purpose of calculating local rates and trade fees.

I will now come to the second objective of this Bill, which is to strengthen our existing legal provisions to support the empowerment of our 12 Local Authorities. The amendments we are proposing will give them more statutory powers to deal with offenders and efficiently tackle the issue of illegal construction.

We are proposing the introduction of a new Sub-Part G entitled Enforcement Provisions to the Local Government Act 2011. This section provides for a series of new statutory notices to be served by the Local Authorities on persons of illegal constructions, namely a Compliance Notice, an Enforcement Notice and a Pulling Down Notice, under sections 127A, 127B and 127C respectively. Mr Deputy Speaker, Sir, the introduction of these new notices will be highly effective tools for the Local Authorities as they step up the monitoring of illegal constructions around the island.

It should be noted that while Government is determined to address the serious problem of illegal constructions, we are also giving those not complying with the Local Government Act an opportunity to comply with the law and redress their situation before they face prosecution.

With the proposed amendments, those persons will not face prosecution outright for building without a Building and Land Use Permit and for not complying with the conditions of the permit that had been issued to them.

Firstly, the Compliance Notice proposed under section 127A will be served on a person who has started construction works without a Building and Land Use Permit, asking him, where possible, to apply for a Building and Land Use Permit, within a delay not exceeding 30 days. This will serve as a fair opportunity for the person to comply with the law. It should be noted however, that once a Compliance Notice is served on a person, he shall have no right to undertake any further development works unless he has been issued with a Building and Land Use Permit. However, before the said person is eligible to receive a BLUP, he will have to pay a penalty fee of Rs50,000 for having started the construction works without a Building and Land Use Permit, and for making a late application.

It is noteworthy that the amendments proposed also provide that as long as the delay granted in the Compliance Notice has not lapsed, or where the person has complied with the Compliance Notice and has applied for and obtained a Building and Land Use Permit, he shall not be prosecuted.

Secondly, Section 127B provides for an Enforcement Notice, which will be served on developers who have a Building and Land Use Permit, but are not complying with the conditions of their permit. The Enforcement Notice shall, *inter alia*, specify the conditions which have not been complied with, the measures, including pulling down measures that must be implemented to comply with the conditions, and the period, not exceeding 30 days, within which the measures have to be implemented.

Thirdly, under section 127C, a Pulling Down Notice may be served on persons who have constructed on rivers, drains and canals without authority of the Supreme Court, under the Rivers and Canals Act, and a Building and Land Use Permit from the Local Authority. Each of these notices must be complied with by the erring party within a delay not exceeding 30 days, unless he has made an application for an extension of days and the extension will be of a maximum of 60 days. This extension will be granted by the Chief Executive of the Local Authority, upon a request made by the person to the Chief Executive as per section 127D.

Let me now come to the third objective of the present Bill, which is to increase the sanctions provided for the offence of illegal construction, building and development without a Building and Land Use Permit, or without respecting the conditions of the permit.

Through these amendments, illegal construction will become a specific offence. We are proposing an increase in fines for this offence. We are also introducing a mandatory pulling down order to be issued by the Courts. These two sanctions will certainly act as deterrents against illegal construction. As the law stands, there are currently different fines under different laws. The Local Government Act 2011 provides for a maximum fine of Rs25,000. The maximum fine under the Building Control Act 2012 is Rs100,000 and the maximum fine under the Town and Country Planning Act 1954 is only Rs1,000. Furthermore, there is no mandatory pulling down order as sanction. Pulling down is as we all know optional at the discretion of the Court.

The Bill will introduce a new section 127G entitled Offences to the Local Government Act 2011. The new section provides for an increase in the quantum of fines. The minimum fine will be Rs100,000, with a maximum fine of up to Rs500,000.

The new section 127G also provides that when the District Court issues the pulling down order, the person shall pull down the illegal construction works at his own expense within 28 days. In case of noncompliance, the Local Authority concerned shall have the power to pull down the illegal works. And they will be entitled to recover the costs incurred for the demolition from the person as a state civil debt.

Mr Deputy Speaker, Sir, allow me now to summarise. People must understand that illegal construction needs to stop. We need to set example of good practice. This is why the law needs to send a strong signal. However, at the same time, we are willing to provide a fair chance to all. That is why the three notices have been provided in the law. It will be issued by the Local Authorities and will give to illegal developers ample time to comply with the law before they are brought to Court.

It is only when all the three notices have been served, persistently ignored and not complied with by the person that the Local Authority will prosecute the erring party.

I need to add that the law will come into operation on a date to be fixed by proclamation. As such, this gives the Government and those people who are directly affected by the Local Government Act time to plan accordingly.

We also intend to run a sensitisation campaign about the amendments, through the media and the distribution of pamphlets amongst others, so that people can start to be mindful of the new provisions of the law.

My Ministry will also set up a technical help desk at the level of each Local Authority to provide free assistance to the population, so that they may better understand the new provisions of the law. The objective is to have a set of clear guidelines so that the public may understand their rights and duties under the present law.

As I have said, Government will also have to recruit the 100 additional inspectors, train them and post them in the 12 Local Authorities before the enforcement of the law. So, as I have said, it is high time that unauthorised constructions are stopped and encroachments are removed if we want Mauritius to become a smart country. So, for the sake of our people and for the sake of our country, I strongly encourage the House to embrace this opportunity.

Mr Deputy Speaker, Sir, I will propose an amendment at Committee Stage more particularly at Clause 7 (4) (d) as it should have read by repealing Section 8 instead of Subsection (8). It is a minor amendment with regard to section and subsection.

So, with these words, Mr Deputy Speaker, Sir, I commend the Bill to the House.

**Mr Sinatambou rose and seconded.**

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

(6.05 p.m.)

**Mr A. Aliphon (Third Member for Beau Bassin & Petite Riviere):** *Mr Deputy Speaker, Sir,* c'est avec un plaisir que je voudrais porter mon petit bout dans ces amendements sur le *Local Authorities*. Il était temps, car cette loi si longtemps attendue arrive enfin!

Merci à la ministre, Madame Jeewa-Daureeawoo, et au gouvernement, car l'île Maurice avait besoin de ce changement ou amélioration. Comme nos villes et villages grandissent démesurément, il faut y mettre de l'ordre. Longtemps demandé par tous, voilà qu'une partie de l'opposition fuient devant leurs responsabilités. Les rouges et les bleus sont encore absents. Ils brillent par leur absence devant ces amendements et ça pour une seule raison : alliance quand tu les tiens!

En devenant des irresponsables, une partie de l'opposition ne votera pas cette loi. Toutefois, merci aux élus du MMM d'être présents, car cela nous démontre combien nous avons une opposition désunie. D'une part, des irresponsables absents et d'autre part, ceux qui veulent participer à l'avancement du pays.

*Mr Deputy Speaker, Sir,* les petites graines plantées il y a longtemps sont devenues des arbres maintenant, il faut mettre de l'ordre dans les branches, c'est ce que nous faisons. Nous le faisons maintenant. Certaines de ces lois demandent à être améliorées ou revues. Dans beaucoup de cas, malgré les interdictions des municipalités, les responsables n'avaient qu'à payer qu'une infime *fine* dérisoire même, je dirais, et continuer leur travail.

Si nous connaissons tous l'existence de ces lois, la mise en pratique sera difficile car devant l'indifférence de la population de respecter l'environnement et des autorités de faire respecter les lois, c'est l'environnement, notre environnement, l'environnement des mauriciens qui payait et qui subissait. *Mr Deputy Speaker, Sir,* ces amendements vont certainement venir donner un coup de main à l'environnement. Maintenant, les autorités n'auront plus les mains liées car des lois existent et pour la mise en pratique c'est autre chose. La population savait comment jouer et déjouer ou contourner ces lois.

Que ce soit dans les constructions illégales ou dans les constructions d'un étage, malgré les interdictions de la municipalité, les constructions allaient bon train en weekend. Dans combien d'endroits nous voyons pour gagner quelques pouces de terrain et même beaucoup de mètres, des habitants bouchaient des drains pour en faire des *parkings* ou garage

ou même un mini salon. Dans combien d'endroits actuellement, des entrepreneurs abusaient des drains naturels pour des morcellements sans se soucier des grandes pluies, car pour ces gens, leurs biens et leur confort passaient avant tout le reste, les problèmes quand il y en aura, ces problèmes quand ils vont surgir seront l'affaire du gouvernement et de la *NDU*.

Trop, c'est trop ! Merci au ministre de la *Local Government* de venir mettre bon ordre dans la maison et aussi au gouvernement de soutenir tous ces amendements. Donc, pour terminer cette loi renouvelée nous l'attendions depuis longtemps afin que les municipalités puissent travailler comme il se doit. Merci à la ministre pour cet amendement tant attendu.

Merci à vous, *Mr Deputy Speaker, Sir*.

(6.08 p.m.)

**Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière):** Thank you, Mr Deputy Speaker, Sir. As stated by the hon. Minister and this issue of illegal construction has been a nuisance for many years. I have been a Municipal Councillor myself for more than 10 years, a Mayor of an important town. I have even been Minister of Local Government for a short period and this issue of illegal construction has been dragging on, creating frustration, creating problems within families, within neighbours and at the same time the Municipalities were not acting as it should have been.

*Je crois qu'il était temps d'agir.* This is why the Minister, who is bringing to the House this Bill, can be commended, but I shall come later on some of my suggestions and observations on the legislation.

*Mr Deputy Speaker, Sir, having started myself my career in a Local Authority,* et aujourd'hui on parle d'un projet de loi qui est lié directement à l'administration régionale. Avant de venir sur les différentes sections de la loi, il serait bon de jeter en regard qu'est-ce qui est devenu nos collectivités locales aujourd'hui, elles sont appelées à avoir des responsabilités accrues. Et me fiant aux intentions énoncées dans *le Government Programme 2015 à 2019 – 'Achieving Meaningful Change'*, notamment au paragraphe 265 –

*"Government will amend the Local Government Act to consolidate democracy at local level and promote better participation of local councilors in the management of community affairs."*

Et paragraphe 266 qui lit comme –

*“Local authorities will be encouraged to implement as far as possible self-supporting development projects and sustainable delivery services. ”*

Notre système M. le président, c'est dommage que dans notre Constitution ce n'est pas comme en Afrique du Sud, *it is inserted in the Constitution of South Africa, other countries, the existence of local self-government. Unfortunately, in Mauritius we have not done it.* Aujourd'hui, nous avons été témoins au fil des années d'une étatisation de l'administration régionale, et je reviendrai là-dessus tout à l'heure. J'aurais souhaité que la ministre vienne dire, il ne reste pas beaucoup de temps à ce gouvernement : est-ce que ce gouvernement va venir dans les mois à venir *with a new and comprehensive Local Government Legislation.*

Nous avons commencé quelque chose d'intéressant entre 2000 à 2005 : donner des pouvoirs accrus, créer des nouvelles mairies, donner plus de responsabilités. Je ne vais pas venir sur ce qui est arrivé après 2005. Il y a eu un recul, ce que nous avons fait au niveau de l'administration régionale en 2000 et 2005. Il est évident, M. le président, que les collectivités locales, surtout après 2005 et au fil des décennies, sont devenues des institutions résiduelles, paralysées par un sous financement délibéré et une mainmise totale sur le recrutement et la gestion du personnel pour le gouvernement central.

En raison de cette sévère anémie financière, les municipalités et les conseils de district se voient être contraints à assurer aujourd'hui un minimum *service delivery*. Pratiquement, M. le président, aucun grand projet financé totalement par les collectivités locales nous ne voyons aucun, très peu et s'il n'y avait pas la *NDU*, des travaux sporadiques au niveau de la maintenance aucune initiative globale de la part des ministres.

Et à voir l'état des infrastructures municipales, s'il n'y avait pas le financement de l'État, je me demande où seraient aujourd'hui certaines de ces infrastructures. L'état de ces infrastructures municipales donne une indication de l'ambiance qui y règne. Il y en a qui sont victimes de l'absence d'une méritocratie, le personnel est démotivé et le moral dans certaines mairies, certaines des collectivités est au plus bas, surtout à cause de l'ingérence de certains politiciens.

M. le président, au niveau du budget il y a une disparité. Il y a beaucoup de retard à rattraper sur le financement qui est donné à certaines mairies, à la capitale et dans certains conseils de districts. Et même au niveau du *Capital Grant*, soit environ R 69 millions par



collectivité locale sur papier, quand en réalité le montant final est inférieur, car les dépenses, tel que l'achat de 15 incinérateurs au coût de R 120 millions étaient inclus dans le *Capital Grant*. Voilà la situation des collectivités locales. Si je puis m'exprimer, une grosse cylindrée coûteuse mais un budget ridicule pour le carburant est alloué.

Le business modèle de nos collectivités locales aujourd'hui est dépassé, et comme je l'ai dit au début, cette étatisation des collectivités locales viole les principes même de la démocratie régionale. Nous sommes à l'aube de l'an 2020 et le gouvernement parle de *Smart Island*. Le ministre vient d'en faire état ; nos collectivités se vident de leur sens. C'est *against this backdrop* que cette Chambre, M. le président, se prépare à confier des responsabilités accrues aux collectivités locales.

L'*Explanatory Memorandum* est clair sur l'objectif précis de ces amendements. Assurer la mise en œuvre des mesures annoncées dans le discours du budget relatives aux constructions et développements illégaux et, donc, sans l'aval des collectivités locales. Ces mesures visent à harmoniser et consolider les dispositions légales relatives aux constructions et développements illégaux et octroyer davantage de pouvoirs aux collectivités. Entre autres -

- (a) augmenter les pénalités pour les constructions et développements illégaux.
- (b) ordre de démolition obligatoire par les cours de districts pour les constructions et les développements illégaux et
- (c) des *related matters*.

M. le président, aujourd'hui nous sommes appelés à amender le *Local Government Act*. Je ne vais pas mentionner ce que l'honorable ministre nous a déjà dit. Dans d'autres cas, on aurait pu faire l'économie de ce débat car ces amendements sont avant tout des mesures budgétaires pouvant être incluses dans le *Finance Bill*. Dans le passé, il y a eu des cas où on aurait dû discuter dans le *Finance Bill*.

Je dis cela, M. le président, parce que la motivation première n'est pas l'urbanisme. Mais si c'est le cas, c'est bon. En matière d'urbanisme, il est connu et accepté que le dernier recours doit être les cours de justice. Si le gouvernement veut traduire davantage de gens devant les tribunaux, cela démontre que la planification n'est guère efficace et il y a un dysfonctionnement du service. Ce n'est malheureusement pas suffisant de sévir et de punir. Il faut savoir faire la différence entre les types de contrevenants.

Quelqu'un qui investit des millions dans une construction ne va pas prendre le risque de le faire dans l'illégalité, à moins qu'il sait qu'il n'aura pas de permis parce qu'il ne peut pas se conformer aux conditions imposées. Par contre, ce sont souvent ceux qui se trouvent dans l'impossibilité de fournir des documents réclamés, des contrats, des procurations, des plans et autres pièces justificatives qui prennent ce risque de construire. Donc, ils n'ont pas les documents nécessaires et finalement ce sont des constructions illégales qui deviennent des nuisances.

Il est certes parfois utile de faire des lois dissuasives, mais il faut aussi prendre en considération les facteurs limitatifs. C'est là, M. le président, qu'il faut travailler un plan pour les collectivités en général. Aujourd'hui, je me demande où on en est avec ces *outline schemes*.

M. le président, l'honorable ministre des Finances a fait état dans le discours de budget des projets au niveau de la *NDU*. Il nous parle de *Rs1.2 billion*. Il nous a demandé d'approuver la création d'un *National Environment Fund*, surtout pour la construction des drains *in more than 25 flood-prone regions across the country*. Et ensuite, cela justifiera le recrutement de 100 personnes ! Je sais, M. le président, que le ministère a insisté auprès des collectivités locales pour inclure ces postes dans leurs budgets respectifs. Il n'y a pas que les inspecteurs. Aujourd'hui il y a un manque d'huissiers, d'arpenteurs et autres cadres techniques au niveau des collectivités locales.

M. le président, tout en admettant que la réduction des risques d'inondations nous impose le devoir de construire des drains convenablement dimensionnés et d'en assurer la maintenance régulière, il ne faut pas pour autant introduire des mesures démesurément répressives, et qui, dans certains cas, auront un effet contraire au but recherché.

Venons-en aux amendements proposés : Harmoniser et consolider les dispositions légales relatives aux constructions et développements illégaux et octroyer davantage de pouvoir aux collectivités. On peut avoir tout un arsenal de lois, mais s'il n'y a pas de structure appropriée et le personnel qu'il faut, aucune loi ne sera efficace. Le personnel doit être formé et surtout incorruptible. Très souvent, les inspecteurs constatent les infractions commises mais aucune suite n'est donnée pour des raisons que l'on devine.

Augmentation des pénalités pour les constructions et développements illégaux. Dans certains cas, je considère que les amendes sont excessives et répressives. C'est vrai que

l'honorable ministre vient avec un *compliance notice* qui sera un outil important entre les mains du *Chief Executive* des collectivités locales d'agir. Cette disposition peut décourager des contrevenants à entamer des démarches pour la régularisation de leurs cas. Dans certains cas, il y a des gens *genuine* qui, peut-être, ont fait des constructions illégales, mais qui veulent venir légaliser leurs cas. Imaginez quelqu'un qui aurait fait un ajout non autorisé à sa maison, une salle de bains ou un garage, et le voilà contraint de s'acquitter d'une amende de R 50,000 !

Il faut impérativement faire une différence entre l'échelle du développement et sanctionner selon le cas, sinon le contrevenant risque de demeurer dans l'illégalité et la tentation de corrompre l'inspecteur sera encore plus forte. Nous avons assisté dans le passé, ou il n'y a pas d'inspectorat, ou il y a des corrompus, ou les gens ne veulent pas dénoncer, et la situation reste comme elle est. Cela s'applique aussi pour les amendes. Les amendes doivent être infligées en fonction du type de développement entrepris, résidentiel, commercial ou industriel. Il est évident que les amendes proposées sont peut-être un peu excessives pour les petits contrevenants.

Ces recours systématiques à la Cour de justice peuvent aussi porter lourdement préjudice aux contravenants surtout lorsque l'affaire traîne devant un tribunal entraînant des dépenses supplémentaires, sans oublier que les ouvriers se retrouvent très souvent au chômage technique. Déjà on sait, M. le président, que les cas référés à l'*Environment and Land Use Tribunal* prennent beaucoup de temps, et parfois le *ruling* n'est toujours pas rendu après des années.

Maintenant, permettez-moi, M. le président, d'aborder la question de démolition obligatoire par les Cours de district pour les constructions et développements illégaux. La section 127A prévoit – *Compliance notice, pulling down notice*. Il y a une série de procédures.

M. le président, tous les pouvoirs vont être donnés au *Chief Executive*. Le but recherché par le ministre *will reach its target*, si les *Chief Executives* font correctement leur travail. Tout va dépendre sur l'*involvement* du *Chief Executive*.

Utilisant les aléas du changement climatique comme argument, le gouvernement tient à démontrer sa volonté de faire respecter les lois relatives aux rivières et aux drains. L'objectif est évidemment louable mais il faut aussi s'interroger sur la praticité de sa mise en

œuvre. Je ne vais pas citer les différentes propositions du *Rivers and Canals Act*, du *Forests and Reserves Act*. Et les questions qu'on se pose sont les suivantes –

- Est-ce que tous les *watercourses, rivers, rivulets, streams* sont concernés par ces amendements?
- Les constructions dans les réserves seront-elles aussi sanctionnées?
- En ce qu'il s'agit des drains – *natural drains, storm drains, roadside drains* - je demande aux responsables, au gouvernement, existe-t-il une cartographie de ces drains? Je dis non. Peut-être maintenant avec la création du *Drain Authority*, il va avoir toute une ligne action incluant toutes les collectivités locales pour préparer un *Master Plan* sur les drains, où sont les drains et avoir une vue globale sur l'ensemble des drains.

- Comment protéger les drains si on ne sait même pas où ils sont?

Souvent lors de travaux de terrassement ou de morcellement, les promoteurs font simplement disparaître les drains naturels, ce que nous avons assisté durant ces dernières années.

- Comment prévenir ces infractions sans une cartographie précise et des règlements spécifiques ?
- En cas de *pulling down* par les collectivités locales, qui va assumer les *liabilities*?
- Imaginez qu'il faut démolir un ajout et que cette opération risque d'affecter la partie qui ne sera pas démolie. Est-ce qu'une collectivité locale va se hasarder dans cette tâche?

En ce qu'il s'agit de la section 127F – *Revocation of notice*. Et dans le projet de loi, on parle des pouvoirs du *Chief Executive*. J'estime que cet amendement accorde un pouvoir énorme au *Chief Executive* et c'est contraire aux règles de transparence et il peut avoir des abus.

Tout en comprenant la démarche en faveur de ces amendements, il faut reconnaître que les drains sont davantage obstrués par les débris en raison des incivilités d'une partie de la population. Et il est donc urgent d'améliorer la gestion et la collecte des déchets et

introduire le tri et le recyclage, et je sais qu'il y a un plan d'action au niveau du ministère de l'Environnement et j'espère que *l'implementation is being done*.

Actuellement, pour chaque kilomètre de drain construit, il y en a autant, sinon plus de détritiques qui obstruent. Ce n'est pas ainsi que le pays remportera cette bataille.

M. le président, malgré toutes les bonnes intentions du ministre, moi aussi je le dis, il était temps d'agir. Trop c'est trop ! Le ministre a parlé de *sensitisation campaign*, je souhaite qu'il y ait une *sensitisation campaign* que ce soit à la télévision, que ce soit des pamphlets que le ministre nous a informés, qu'il faut former davantage des inspecteurs municipaux.

Auparavant, les gens avaient peur des inspecteurs municipaux. Un inspecteur municipal qui vient devant la porte de quelqu'un pour sévir, les gens avaient peur. Mais au fil des années, les gens ont cessé de respecter ces inspecteurs municipaux. Je me rappelle à l'époque on a discuté avec le ministre *Mentor* pour créer dans le programme de 2000 à 2005 la police de l'environnement.

Pourquoi nous avons eu l'idée de créer la police de l'environnement parce qu'on avait fait une expérience à la ville de Beau Bassin/Rose Hill '*ou zetter ou payer*'. On avait fait toute une campagne avec les inspecteurs municipaux pendant une semaine accompagné des policiers. On a sévi et finalement, après une semaine, lorsque les inspecteurs municipaux ont commencé à sévir de même, certains se sont retrouvés à la clinique ou à l'hôpital. Les mauvaises habitudes des gens, ne respectant pas les inspecteurs municipaux.

Mais, aujourd'hui, les inspecteurs municipaux n'ont pas d'*uniform proper*. Alors, ce sont des situations qui arrivent et nous avons créé la police de l'environnement pour que les gens puissent respecter les normes et aussi respecter l'uniforme et la police de l'environnement est aujourd'hui une réalité. La police de l'environnement existe et je souhaite qu'ils aient davantage de pouvoirs, de champs d'action et de moyen.

Le ministre aura à répondre à beaucoup de problèmes dans le public, et les gens, en général, il y a une certaine mentalité qui s'est développée de voir soi-même, et c'est pour cela qu'il faut quand même un élan, il faut une campagne agressive au niveau - d'expliquer à la population, qu'est-ce que c'est que l'urbanisme, qu'il faut respecter les normes, respecter le bon voisinage, ne pas regarder en soi-même. Et je crois que ce projet de loi, malgré toutes les réserves que j'ai au niveau des amendes ou de certains des pouvoirs qui vont être donnés au niveau de *Chief Executive* et certains collectivités, je crois que ce projet de loi va dans la

bonne direction et nous allons suivre l'*implementation* et nous serons ici au parlement, et j'espère un de ces jours nous aurons l'occasion d'avoir un projet de loi, a *Comprehensive New Local Government Act* pour que l'île Maurice moderne ait une administration régionale moderne digne de l'île Maurice moderne.

Je vous remercie.

**The Deputy Speaker:** Thank you. Hon. Sinatambou!

(6.32 p.m.)

**The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou):** Thank you, Mr Deputy Speaker, Sir.

The hon. First Member for Beau Bassin and Petite Rivière, in my respectful opinion, has got it all wrong. He starts by telling us that local authorities have now become residual institutions.

Il nous parle de sévères anémies financières. Moi, je pense qu'il se trompe de période. Il se trompe de génération, il parle d'étatisation des autorités locales. Il doit probablement penser à la période post-76 où ce parti de l'opposition régnait en maître dans les institutions régionales.

Aujourd'hui, il se trouve que ce n'est pas une coïncidence, M. le président, que toutes les municipalités de ce pays sont occupées par des conseillers municipaux du gouvernement. C'est impensable que le gouvernement central, qui a fait élire tous ces candidats au gouvernement local, les réduirait après à une grosse cylindrée couteuse sans carburant. Ceci est tout simplement illogique et ne tient pas un raisonnement convenable. Should this Amendment Bill have been part of all the discourses and the clauses from the Finance Bill? Of course not!

Le premier député pour Beau Bassin et Petite Rivière le dit lui-même parce que la motivation première de ce projet de loi est l'urbanisme. Je dois ici rassurer l'île Maurice toute entière parce que la motivation de ce projet de loi n'est pas le couvert du changement climatique mais elle est certainement motivée par les conséquences du changement climatique. Et c'est dans cette perspective que sera axé mon discours, M. le président.

Let me, first, take the opportunity to congratulate the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands for bringing this amendment to the Local

Government Act before this House this afternoon. Here, Mr Deputy Speaker, Sir, you will allow me just to say one paragraph as follows –

‘It is that Mauritius, as all Small Island Developing States, is experiencing more frequent adverse and severe weather conditions due to climate change which are affecting the whole country. This year, we have witnessed heavy torrential rainfall, tropical storms, cyclones and thunderstorms which have impacted considerably on the various sectors of the economy.’

In fact, I looked at the last edition of the World Risk Report with an analysis and prospect for 2017. And there, Mauritius remains the 13<sup>th</sup> country with the highest disaster risk in the world and the 7<sup>th</sup> country with the highest exposure to climate change worldwide. It is in this context, not at all in what was said by the previous orator, although he is a good friend of mine and with all due respect to him. We must look at this Amendment Bill from the perspective of climate change and as the third - I will call it the third - element concerning climate change.

The first element was what we call the National Disaster Risk Reduction and Management Act of 2016 (NDRRMA). What was happening is although we are one of the smallest emitters in absolute terms of greenhouse gases, we happen to be one of the most vulnerable countries in terms of the consequences of greenhouse gas emissions. So, whether we like it or not, climate change is here to stay and, therefore, with the enactment of that legislation in 2016, we started preparing ourselves to risk reduction and risk management in the light of the adverse and extreme weather conditions which are going to keep recurring because of climate change.

The second legislation was last year, the Land Drainage Authority Bill, which was brought to this House by no less than the hon. Prime Minister, Minister of Finance and Economic Development. And here, I will take the opportunity of perhaps, with all due respect, correcting the previous speaker. He was mentioning that there was a need to get all the local authorities together to elaborate a Master Plan on drains. Well, no sir! Because, in fact, the first object of the Bill - when it was brought before this House on 24 March 2017, it was Bill No. I of 2017 - is the development and implementation of a Land Drainage Master Plan by the Land Drainage Authority. So, that task has already been ascribed and will be fulfilled by the Land Drainage Authority.

Let me go back to climate change. The National Disaster Risk Reduction and Management Act of 2016 was passed to look at the effect of climate change, the disaster, weather conditions and everything. Then, we identified one of the big problems. Let me perhaps say something here which is quite interesting: high intensity rainfall over short time interval is becoming a frequent phenomenon in Mauritius. Observations have confirmed that the frequency of such precipitation is on the rise in our country. Only this year, in January, March and April 2018, the recorded precipitation was 300%, 100% and 190% above the long-term mean values of these months and the impacts that we are all aware, where water accumulations in more than 150 areas.

So, after the 2016 Legislation came the Land Drainage Authority Bill, the 2017 Legislation and not only are we here speaking of the development and implementation of a Land Drainage Master Plan, we are speaking among the other objects of that Act, an inventory and mapping of all the existing natural and man-made drainage infrastructure. We are speaking of the identification of all flood risk areas, of the coordination and construction of drainage infrastructure and generally of the upgrading and maintenance of the drainage infrastructure.

So, where does this Bill fit in? It is the third element, it is the missing link. We cannot be seen to be suffering from the dire consequences of climate change, set up institutions and processes to deal with the risk management and risk reduction of those disasters. We cannot set authorities to, actually, get mapping of all the drains, construct new drains but then you have Messrs X,Y,Z building on the drains. That is why it is imperative, if we want to save our country, if we want to preserve our country, *je le répète haut et fort, ce ne sont pas des pénalités excessivement répressives, ce sont des pénalités nécessaires*, because climate change is here to stay and its consequences are dire for this country.

Now, this is why, therefore, we could not, I believe, accept that we are here speaking, with all due respect again to the previous orator, of *amendes excessives, mesures démesurément répressives*. This is not the case at all. That brings me to say that, just to take a few examples, if you take the January events starting with Berguitta going to Fakir, over January to April 2018, financial support was provided to around 4,000 families, involving about 15,000 individuals, with around Rs50 m. disbursed as allowances. And largely, I take good note, although I know *les petites habitudes* of the previous speaker sometimes to be



slightly exaggerating, that he saw that every kilometre of drain is filled with as much garbage as the kilometre of drain. I think it is slightly exaggerated.

However, the point which I want to make here is that on site observations by first responders during the high intensity rainfall, what was uncovered, Mr Deputy Speaker, Sir, is that hindrances to the performance of our drainage system was in particular obstruction in water accumulation and flooding. It is obstructions which were amongst the major causes of water accumulation and flooding around the island. That is not the Minister of Environment and Sustainable Development saying this. This was the first responders who were going on site, who were actually rescuing people.

Now, what I would like to say here is, therefore, if you look at all this, you will appreciate why the measures have to be harsh. Yes, we do acknowledge. I think just like in the case of drink-driving, people may agree or disagree, but the situation is extreme; we have to go for zero tolerance. I think in the way we define it. Similarly, when it comes to the 2016 legislation, the 2017 legislation and now the 2018 legislation with the Amendment Bill before the House, one must appreciate that the Government has invested massively over the past three years in the construction and rehabilitation of drains. I am informed that the National Development Unit, for instance, has spent more than Rs550 m. for the implementation of some 340 drain projects over the last two years. I am also informed that the National Development Unit has some 375 drain projects under implementation at present.

Mr Deputy Speaker, Sir, what one must acknowledge is that this type of work is not necessarily palpable by the population. The PPSs know where this is happening. The population in general does not know the amount of billions - if I am not mistaken, I saw the figure in the Budget Speech of Rs1.2 billion for this year - for the drain construction. That is not palpable for the general population, except that when the flooding occurs and the drains overflow and houses are inundated, then this becomes the national scandal, which is why after putting together the 2016 legislation, the 2017 legislation, we now come with the 2018 legislation. We will make no apology - I do not think we have to make any apology - for coming before this House, whether with section 120C for the occupation certificate. I think that if someone gets a Building and Land Use Permit, before he starts occupying the premises - the hon. Minister of Public Infrastructure and Land Transport likes the terms 'post control' - he needs to have an occupation certificate which is delivered by the Local Authority. If there is no Building and Land Use Permit, there has to be a compliance notice. If works are not

being done in accordance with the Building and Land Use Permit, there has to be an enforcement notice. If people persist in contravening the law, there has to be a pulling down notice.

From my perspective, Mr Deputy Speaker, Sir, anyone who occupies or uses or inhabits any development without an occupational permit and without any individual certificate - I am sorry - deserves his fine between Rs10,000 and Rs50,000. Anyone who builds without a Building and Land Use Permit or who develops, not in accordance with his Building and Land Use Permit, deserves his Rs100,000 fine and up to his Rs500,000 fine. The reason being quite clear. If we look at the Land Drainage Authority Act - I think, I will end on that because we are nearing 7 o'clock - one will realise, if we produce and keep a flood risk map, which is one of the functions of the Land Drainage Authority, under the Land Drainage Authority Act, this country will produce and keep under review a flood risk map and a national land drainage plan. You have your flood risk map, you have your land drainage plan, you have mapped also all the existing natural and man-made drainage infrastructure. So, now let people, right, left and centre, start building on or near, knowing that by doing so, they are actually going to damage, not only the environment, not only causing flooding, but you have got this domino syndrome. It starts from their home, but it damages the whole economy.

So, from my perspective, Mr Deputy Speaker, Sir, the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands must be congratulated. She has come with the missing link in our endeavour to take the right steps to protect this country from the dire effects of climate change. I may say that before concluding, one must also make the difference between mitigation and adaptation measures. Here, what we are doing, we are taking the adaptation measures. In the 21<sup>st</sup> Conference of Parties in Paris under the UNFCCC, our pledge was actually to take mitigation measures, but also to take adaptation measures. Our adaptation measures have been estimated for implementation, I think at US\$4 billion, but yet today it is a piece of decision with intelligence, with foresight, with anticipation and with collective intelligence. This Government once again does well and I am convinced that everyone on this side of this House and everyone around the island should congratulate the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands.

I thank you, Mr Deputy Speaker, Sir.

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

(6.51 p.m.)

**Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien):** Thank you, Mr Deputy Speaker, Sir. I thank the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands for promptly introducing the Local Government (Amendment) Bill (No. IX of 2018) into the National Assembly with the objective of improving the legal framework for a more effective control on illegal development. I am glad that consideration has been given to the request made some time back in this House to revisit the Building and Land Use Permit procedures and update them. The purpose was to make sure that constructions in this country are planned and conducted in a holistic manner, encompassing topography, environment, security and safety. In the light of climate change and of growing environmental concern - I would not elaborate on this as the Minister of Environment has already said a lot.

Mr Deputy Speaker, Sir, the occurrence of extreme weather conditions, in particular flash rains and flooding, which have negatively impacted the Mauritian families, especially their houses and belongings, have raised significant safety concerns. Various illegal constructions have made the flood situation worse, damaging properties and endangering the life of our citizens. In light of these situations, the Prime Minister came forward in 2018/2019 Budget with measures to better protect lives and properties. I wish here to put on record, once again, Mr Deputy Speaker, Sir, the close attentiveness and interest of the hon. Prime Minister to the issues voiced out by his political partners and stakeholders.

Aussitôt dit, aussitôt fait, serait-on tenté de dire, M. le président. Les conditions annoncées le mois dernier lors du discours du budget 2018/2019 pour contrer les constructions illégales ont été présentées par la *Vice-Prime Minister* la semaine dernière, et vont être votées incessamment. Cela démontre la détermination de ce gouvernement d'y mettre bon ordre.

Mr Deputy Speaker, Sir, applicants for Outline Planning Permissions or a Building Land Use Permit come forward with their own vision of the projects. Officers of the District or Municipal Council and other authorities will see to it that the development projects are in line with conditions imposed by the local authorities. However, at the end of the day, some applicants engage in non-civic behavior and undertake constructions, renovations and extension works in violation of building rules and regulations.

This Bill, thus reminds citizens of their responsibilities. It aims at amending the law to bring discipline among our citizens. For far too long, many people believe they can do whatever they want with their property, disregarding the term and conditions they are legally required to abide to. I will say to these people, Mr Deputy Speaker, Sir, that they are naïve to think that such actions are without consequences. The wider implications are felt later when adverse weather conditions result in the loss of life, property, personal belongings and memorabilia. Moreover, these illegal structures become eyesores to the overall landscape.

Whether in rural or urban areas, uncontrolled developments have grown into dreadful blights that have disfigured the environment and the local ambiance. C'est pourquoi j'accueille favorablement l'augmentation du montant des pénalités pour les développements et constructions illégaux, de même que la mise en place des procédures pour l'émission d'ordre de démolition. Le projet de loi permettra aussi un contrôle plus strict par le biais d'inspections accompagnées de mesures pour contrer toute tentative de construction non autorisée.

Mr Deputy Speaker, Sir, we cannot be mute spectators to uncontrolled and illegal construction. We cannot passively allow the underhand tactics, where at the starting point of a project one comes with a specific project for approval, but ends up mounting a completely different project. We must ensure that sufficient precautions are being taken when planning various development projects, especially with the increase threat of natural disasters. It was high time to re-install a culture of discipline and respect for law and order.

Hitting offenders pocket and reaping out illegal structures should act as a deterrent to anybody thinking of abusing the regulations. Mr Deputy Speaker, Sir, I wish again to reiterate my thanks to the hon. Vice-Prime Minister for bringing this important matter so promptly for debate. As a responsible Government, we cannot condone such anarchy and lawlessness and are committed to working towards creating a safer environment for our people.

I thank you for your attention.

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

**Mr R. Rampertab (Second Member for Flacq & Bon Accueil):** Mr Deputy Speaker, Sir, thank you for allowing me to share my humble views on the Local Government Amendment Bill being debated today.

This Government is proving once again its unflinching commitment and dedication in ensuring that the Budget 2018/2019 measures are implemented in the shortest delay possible. Hence, I welcome the Bill being presented by the hon. Vice-Prime Minister, Minister of Local Government and Outer Island.

Mr Deputy Speaker, Sir, our island has witnessed a tremendous increase in the pace of its development for many years now. Unfortunately, one of the direct consequences of such developments has been the increase of buildings which do not meet the established construction norms and, more importantly, have gradually blocked the natural passage of rainwater flows which has always existed. Given the increasing damages being caused by the climate change, torrential rainfall and flooding which are now more common, it is crucial that through such legislation, a reviewed rigid process controls and set of fines are established to bring an end to the situation.

Mr Deputy Speaker, Sir, for many years the issue of illegal constructions and developments has been happening openly and it is only this Government that has had the courage to announce, and now legislate the corrective measures. Indeed, I need to salute here the hon. Prime Minister and Minister of Finance for having remarkably listened to the voice of the population as well as local authorities, especially following the recent floods in our country.

The Prime Minister, himself, personally toured the island despite a Cyclone Class 3 some months ago and he saw how bad the damages caused by the flood water in the East of Mauritius; that concerns my constituency, especially in Poste de Flacq.

I am sure, Mr Deputy Speaker, Sir that most of my colleagues from the Government, and even from the Opposition, would agree that we have to listen to issues of illegal constructions and developments from our constituents on a weekly basis during our surgeries in the CAB offices around the island. Of course, we try our best to provide appropriate solutions to the issues raised, but, often find ourselves, upon the advice of the local councils, restricted by prevailing lack of legislative framework.

Mr Deputy Speaker, Sir, in fact, the issues we come across around the topic of illegal constructions and developments fall under two broad categories to the best of my knowledge. The first type of cases we encounter are situations where blatant full-fledged constructions or part extensions by local inhabitants which have been performed without informing the local

council and, hence, without any legal authorisation whatsoever. Many such cases are reported to the Council by neighbours or are discovered after many years by Council Inspectors.

The other type of cases that we come across, Mr Deputy Speaker, Sir, are situations where the Building and Land Use Permit, which we all know by BLP, has been duly obtained from the Local Council by the applicant, but, when built, the actual construction goes beyond the boundaries allocated by the BLP. Unfortunately, such situations are discovered by inspectors when it is sometimes too late and where the process of regularisation will have to be kicked off.

Mr Deputy Speaker, Sir, we need to acknowledge that one of the core issues around the current system of BLP, which is that, unfortunately, the majority of our citizens do not have a good grasp of the procedures and requirements to submit a well-designed application. Hence, from the outset, it is essential that the local authorities are entrusted the primary responsibility to ensure that our citizens are properly educated and instructed.

Mr Deputy Speaker, Sir, through this piece of legislation, this Government is fulfilling another promise made back in December 2014, which is to increase the powers of our local authorities, and I do thank the Vice-Prime Minister here again. Hence, for example, the local authority is now fully empowered to monitor the progress of construction once a BLP has been issued. Also, we note that the legislation specify the obligation of the holder of the BLP which will put more onus on the holder to ensure he is fully compliant.

Moreover, with the introduction of an Occupation Certificate, it will now be compulsory for the holder of the BLP to inform the local Authority once the building is completed. Only when the Local Authority is satisfied that the building has fully abided to the BLP it was issued, only then the holder will be issued with the occupation permit within five days of the application date. Such a measure, Mr Deputy Speaker, Sir, will now empower our Local Authorities to certify that the final building does indeed meet the conditions attached with the BLP when issued.

However, the challenge here is to be able to meet the deadline prescribed by legislation. The pressure to comply by the Local Authority inspectors will be greater. Hence, it is important that these inspectors are given the right training and tools to cope with the increased responsibilities. I understand that the Ministry has advertised for more inspectors to join the Local Authorities and this is indeed very welcome.

While we commend the forward looking stance of this legislation, the question of enforcement has always been the crucial issue for Local Authorities. Indeed, Mr Deputy Speaker, Sir, we welcome the series of additional measures which will contribute to better enforce the provisions of the legislation, for example, the Chief Executive will be able to issue pulling down orders against construction for which no BLP has been issued. Also a penalty fee of Rs50,000 will be imposed on the individual to issue a BLP for construction. However, the challenge here might be that certain individuals might not be able to afford the Rs50,000 prescribed. Potentially, a staggered approach to the penalty fee could be introduced so that maximum penalty fee payable within 28 days is Rs50,000.

Hence, Mr Deputy Speaker, Sir, a lower penalty fee payment would encourage individuals to apply for the BLP as soon as possible, but also put less financial pressure on the commoner who might have had minor construction done to his house, but was unaware of the procedures.

In case the penalty fee is not paid, then the Chief Executive will have to issue a pulling down notice against the construction. The amendments being proposed make it clear for the Local Authorities on how to proceed, going forward with illegal construction and development.

Mr Deputy Speaker, Sir, however, it is also necessary to make it clear for the Local Authorities on time eligibility of the legislation; in other words, whether illegal construction done last year, for example, would fall under the amended legislation.

Mr Deputy Speaker, Sir, this piece of legislation makes provision for increased powers to the Local Authorities as well as to the Chief Executive. This has indeed been long overdue. However, given the increasing number of BLP applications and enforcement notices to be validated by the Chief Executive, it might be envisaged that the pressure on the Chief Executive to deliver the decision might delay applications.

Based on my personal experience, Mr Deputy Speaker, Sir, as a councillor in the Reigate and Banstead Council in Surrey, in UK, an Overview and Scrutiny Committee was set up for the Council to deal with any BLP application. The decision to issue BLP or enforcement notices was entrusted to the Council and its officers who would sit on the committee. Indeed, the committee would have the discretion powers. It would need to take decision for the Local Authorities based on the report provided by the technical staff. The

committee was adequately empowered and ensured transparency and accountability in terms of decision-making for its application.

Mr Deputy Speaker, Sir, this piece of legislation also makes provision for increased penalty fees to individuals who conduct an illegal construction or development without any BLP.

Indeed, Mr Deputy Speaker, Sir, this will definitely act as a major deterrent for individuals. However, I will reiterate my earlier suggestion to consider where possible, a staggered approach to the implementation of this penalty fee. Again, our main intention is to deter such illegal construction. But as we see on a weekly basis, at our CAB meetings with constituents, on many occasions, the constructions are minor, and can be regularised at the cost of the individual.

Mr Deputy Speaker, Sir, to conclude, let me congratulate again the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands for bringing forward this bold piece of legislation. Indeed, such decisive action to put an end to illegal constructions and developments on our island was long overdue. Through this legislation, we can now envisage a safer country with less damage done during torrential rains and floodings to our residential and public infrastructure. Indeed, we have proven again that this Government is true to its words and will leave no stone unturned to transform our country as we promised to the population.

Thank you, Mr Deputy Speaker, Sir.

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

(7.09 p.m.)

**Mr S. Rutnah (Third Member for Piton & Rivière du Rempart):** Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, the law relating to illegal constructions and development can be found in no less than six Acts of Parliament: the Environment Protection Act; the Local Government Act; the Planning and Development Act; the Town and Country Planning Act; the Building Act, and the Building Control Act. But none of these Acts ever dealt with the real question of illegal constructions and development.

It is for the first time that this House is debating something which is very serious. The issue is so serious that there is impact on our environment; on the way that we are going to



develop our island; in the way constructions will be carried out. It is a serious issue, but quite sadly and shamefully, yet again, we are debating this Bill in the absence of all the PMSD Members of Parliament which is the main Opposition party. The PMSD is the main Opposition party, and none of the PMSD MPs are here today to contribute to this debate. None of the Labour Party MPs are present in this House today to debate this Bill. And, shamefully again, not even the Members of the Movement Patriotic party (MP) are here today. As a result of what! Big fuss!

You know, Mr Deputy Speaker, Sir, how many times I raise my hand sitting here asking for supplementary questions. Every time I do not get it. But for a reason, today that we have known a big fuss was kicked to do simply what? To disrupt the proceedings today so that there is going to be no proper debate in this House. But, Mr Deputy Speaker, Sir, I adopt everything that has been said by the Vice-Prime Minister in this Bill. I also adopt everything that has been said by my learned friend, hon. Sinatambou, by my very good friend, hon. Bobby Hurreeram, by my very good and learned friend, hon. Rampertab. And I am not going to be too long in my intervention.

Mr Deputy Speaker, Sir, this was, in fact, a promise in the 2018-2019 Budget Speech by the Prime Minister that he is going to address the issues relating to illegal constructions. Now, what have we got today? We have a legislation that is designed to harmonise and strengthen the law relating to development, to increase penalties for illegal constructions and mandatory order that a District Court can make now in order to pull down if you have maliciously or otherwise carried out illegal constructions.

The law relating to the part that really deals with the crux of the matter starts with clause 120A onwards where it makes it an obligation for a holder of a building and land use permit to carry out certain obligations, and in doing so he has to comply with a number of statutory provisions relating to safety of the environment where he is going to construct.

Mr Deputy Speaker, Sir, I have lived the flash flood recently in my constituency, in particular at Gokoola, Piton, L'Amitié, Rivière du Rempart and Roches Noires. In most places, why we had flooding is simply because someone has either erected a wall or has constructed in a manner that has impaired the passage of water, as the water used to run previously. Those water run came and amassed in a place that caused flooding all over the place. So, if we continue to allow people to as if develop this *laissez faire* attitude that they can construct whenever they want, wherever they want and down the line, probably even the

local authority will acquiesce because they have already constructed it for a long time and they are living there, then they will be legalised.

If we continue down that line, we are going to go towards hell. My good friend, hon. Sinatambou, has spoken about the environmental impact which I would not go very long, but when he was speaking, it reminded me of a Supreme Court judgement delivered by the then Mr Justice Domah in the case of Tacouri & Ors vs Mohamud & Ors. And, interestingly, in that case, hon. Gayan, Senior Counsel then, appeared for the applicant. To sum up the environmental issue, I will just quote from what the then Justice Domah said partly -

‘Environmental issue is an issue of human survival today. Any development to pass the threshold of legality should first pass the acid test of sustainability: can the environment in which the development is intended sustain it? Sustainable development is not a rhetoric of the law but it’s very reality. That is the new paradigm. We have not inherited environmental assets from our elders to pass on to our children, the American Indians say. We have borrowed them from our children on trust (...)’

And these are the real, societal operative words –

‘We have borrowed them from our children on trust. We need to restore them to that generation in an enhanced shape. If we cannot do that we have no right to return them in a depleted and degenerated state.’

That is the new paradigm of development in Mauritius today. This is in 2012, and very rarely I have come across judgments where the Judiciary has sent signal to the legislators. Go and look at the legislation! Go and amend the legislation! Thankfully, this judgement drew the attention of whoever was in Government then, but they sat on it until we came to power and we acted. The Vice-Prime Minister sits and listening carefully acted today. We should be thankful to her. The population should be thankful to her. Why? Because she is not rendering a service to hassle, it’s not about politics, it’s about the future again of our children, of our next generation, as to how constructions will be carried out and how we are going to care for our environment.

Mr Deputy Speaker, Sir, the most typical aspect of this Bill is to empower the local authorities to act, that is, to make people locally conscious that they have to build and when they build, they have to comply with the law of the land. If they fail to comply with the law

of the land, they have to suffer the consequences that follow. But before the consequences that follows come on your doorstep, there are procedures that have been laid down. Notices, warnings, and then if you insist, if you carry on with that bad culture that has been inherited from somewhere, then the machinery of the Judiciary will have to fire its engine. The District Court today will be empowered to mandatorily, it is not like section 33 (2) of the Building Control Act, where the Magistrate may order a Pulling Down Order. It is no more a matter of discretion for the Magistrate. It is now mandatory by virtue of the words used in the Bill. So, if you build, you know that you have built in the manner you have, you have encroached, you have created a danger to the environmental condition of our country, our landscape, then you have to pull down. At times, even people have come to see me on Wednesdays when I see my mandates. They say: 'look, I have already built. What I do? The answers as from now: 'you have to pull down'. That is the signal.

So, Mr Deputy Speaker, Sir, as I said, I am not going to be long because everything has been said, but had there been proper contributions from the Opposition, then, we could have spiced up the debate today, but unfortunately we can't do so. But, again, I would like to extend my gratitude to the Vice-Prime Minister, Minister of Local Government and Outer Islands, to all her staff and those who have taken part in drafting this well-crafted Bill in this House today.

Thank you, Mr Deputy Speaker, Sir.

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

(7.22 p.m.)

**Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or):** Thank you, Mr Deputy Speaker, Sir, for giving me this opportunity to say a few words on this very important Bill. Let me, first of all, say thank you to the hon. Minister as well as her officers for coming forward with such an important legislation.

Mr Deputy Speaker, Sir, we have witnessed during recent years, even now, the problem of illegal construction. People are constructing without a Building and Land Use Permit; people are constructing with a Building and Land Use Permit, but not according to the conditions of that permit; people are constructing on drains, rivers and putting slabs. It was high time for the Government to come with a legislation that would address these issues. While I was having a look at this legislation, Mr Deputy Speaker, Sir, there are a couple of

issues that I wanted to raised today in this House. *Très pertinent*, Mr Deputy Speaker, Sir, is the issue of harmonisation. When we look at the list of objectives, we have the issue of harmonisation, and what the legislator, I mean those who have drafted this Bill, along with the Ministry have been doing.

Today, you have to go and look for what are the conditions that you have to satisfy to obtain a BLP. You look at the Local Government Act, you have almost, if not everything, that you need to apply for a Building and Land Use Permit. This is why they are talking of harmonisation in the objective of this Bill. This is basically why there has been new definitions, introduction of the clause on the definition of building and also development works.

Today, with the amended Local Government Act, subsequently somebody would have the opportunity to understand what are the types of works where a BLP is required. It is in the Bill, in the clause of this Bill. Clause 3, Section 2 of the Principle Act will henceforth define what do we mean by 'where do you need a BLP', about harmonisation, which is a very good thing but, at the same time, another important objective is the strengthening of the legal provisions, which is again a very good thing. When we go to these new provisions that have been introduced in the Bill, which is in Part VIII, Sub-Part G, which speaks about enforcement, we are strengthening the legal provisions, Mr Deputy Speaker, Sir. We have the compliance notice under 127A, the enforcement notice under 127B, and the pulling down notice under 127C.

Henceforth, Mr Deputy Speaker, Sir, anybody who constructs without a BLP, would be served with a compliance notice and upon failure to comply, I believe it is within 30 days, will be sued. Also, to strengthen further the legal provisions, there is provision in that same section, 127B for the issue of an enforcement notice. This is the case where, as I have just mentioned earlier, there are people who are issued with a BLP but, unfortunately, they do not comply with the provisions, the conditions of that BLP. This is a provision that is going - *va responsabiliser les gens* - to ensure that when a BLP is issued to them, *ce n'est pas une carte blanche pour construire n'importe comment*. They will have to ensure that they comply with the conditions of the BLP. And finally, another important provision, 127C under Part VIII of the Bill, Sub-Part G, Section 127C, which talks about pulling down notice; so failure to comply with a pulling down notice also, Mr Deputy Speaker, Sir. Today this pulling down

notice becomes compulsory with the provisions in this Act, Mr Deputy Speaker, Sir, because the Act talks of the –

“(2) The Court shall, in addition to the penalty provided for in subsection (1), order the offender to pull down, at his own expense and within 30 days of the order, the development works.”

which means that we do not only have a fine today, Mr Deputy Speaker, Sir, but the pulling down notice is mandatory. So, I believe this is how with these provisions, Government is strengthening further the legal provisions and we look forward to better responsibility at the level of those who are involved in construction.

Mr Deputy Speaker, Sir, the first objective of the Bill, as I said earlier, is harmonising, strengthening the legal provision. It is important for us that when we define an objective, we have to see to it that whatever amendment that we are bringing is in line with the objective that has been defined. It is a very good thing. That is why at the beginning, I said, Mr Deputy Speaker, Sir, that this Bill is a very good Bill and it is in the interest of the country. I am happy that even in the Opposition, there is unanimity that we will have to support and go forward with the adoption of this Bill.

Now, Mr Deputy Speaker, Sir, the other issue that I wanted to raise, Mr Deputy Speaker, Sir, is the important amendment that has been brought along with this issue of construction, is the disposal of waste. Section 61 has been amended in the Bill. Previously, we know that there has been a lot of abuse, even if this is not directly related to construction, but it is a good thing that in these bundles of amendments that are being brought, we have been very severe with those, Mr Deputy Speaker, Sir, who commit an offense of just depositing waste anywhere, illegally. So, this issue of illegal dumping has been addressed to in this Bill. I am happy that here also, there has been amendment that has been brought to strengthen further the provisions of the law.

Now, this is, Mr Deputy Speaker, Sir, at the level of strengthening the law and also at the level of harmonisation of the law. But apart from that, there are a couple of issues that I wanted to raise. With this Bill, Mr Deputy Speaker, Sir, what will happen? Going forward! At the level of those Councils, we will have to expect more intervention from officers, we will need resources. This is the second issue that I wanted to address. I am told that in this Budget, the Government has made provision for the recruitment of almost 100 officers for the

Councils. This is good news, Mr Deputy Speaker, Sir. At the level of resources, if with this Bill we will need additional technicians, we will need additional inspectors to go and inspect the works, only to ensure that the provision of this Bill is fully complied with. Going forward, we hope that at the level of resources, this problem of human resources is addressed but, at the same time, we will have to make an audit and try to see what are the other infrastructure that will be needed at the level of the different Councils in order to bring better efficiency and better effectiveness in the application of the Bill.

Now, I have been talking, Mr Deputy Speaker, Sir, about this issue of adequacy of resources which is extremely important. But also, at the level of this synergy, this is something that I am mentioning, Mr Deputy Speaker, Sir, because I think that it is important. Whether it is in the recruitment of human resources, whether it is in the promotion of human resources at the level of the Local Government, it is important that we have this synergy between the Local Government Service Commission and the Ministry. It is not appropriate that, *comme si*, the Local Government Service Commission and the Local Councils have to work *chacun dans son coin*. There is a need to have this synergy. I agree that the Local Councils would not have the right to intervene in the recruitment process.

But, unfortunately, Mr Deputy Speaker, Sir, you cannot just impose human resources; you recruit and just impose. I believe there is a need for better collaboration, there is a need for synergy. We will need to see how going forward with the number of recruitments that will have to be undertaken, with the issue of promotion at the level of Councils, there is better synergy at the level of these two, the Ministry and the Local Government Service Commission. This is a proposal that I have. Apart from this issue of adequacy of resources with this Bill, Mr Deputy Speaker, Sir, I also have a fourth issue that I wanted to raise, that of the role of the institutions.

Mr Deputy Speaker, Sir, we might be having an excellent Bill with excellent provisions but what happens if, for example, an institution like the Ramsar Committee - I am not saying that this is the case now - or at the level of the Ministry of Environment where you have the EIA which is issued without taking into consideration a number of issues, this Bill is not going to address the problem of where you have the right to construct. This Bill is not going to address this problem. How you are going to construct? This Bill is going to address this situation, but where you are going to construct is something different. This is where it is important for an institution like the Ramsar Committee. Those who are responsible to issue

EIA licences, they also have to be responsible. Let me tell you, Mr Deputy Speaker, Sir, what happened in my Constituency sometime back. I personally objected to two projects in my Constituency. I objected because the construction was being undertaken in an environmentally sensitive area. The projects were approved and they were going forward with the construction.

Mr Deputy Speaker, Sir, on the one hand, we are laying emphasis on the need to be sustainable, but sometimes we do not have control on institutions. It is important that these institutions understand that they have an important responsibility. We are doing our part, Mr Deputy Speaker, Sir. These institutions have to do their parts also. So, this is also a request that I have. I am making appeal. I know that the hon. Minister is working on a Wetlands Bill that will come in front of this House very soon.

I am not talking only about the Ramsar Committee, but also of other Committees like we have at the Ministry of Environment. We have to ensure that where construction is being undertaken, we have to be very careful.

Mr Deputy Speaker, Sir, another issue that I wanted to raise is the issue of the PBMC, the Committee that is going to approve the BLP. The PBMC in the Local Council that we have today, Mr Deputy Speaker, Sir, is the third version. The first version, we had only offices of the Local Councils. The second version, we had technicians of the Council and the councillors that were mixed, but the technicians of the Council were in majority. Out of nine, there were five members and four were from the work councillors. The last session that we have today, the PBMC, the councillors are majority. They are five with the Chairman and we have four technicians. They are the people who are deciding to whom to give those permits, Mr Deputy Speaker, Sir. I believe that this is wrong.

What I would suggest, Mr Deputy Speaker, Sir, is that at the level of the PBMC, we have to see to it that, at least, at the level of the Chairman of that Committee, there is somebody who is independent. We can have an engineer or an architect from the Ministry of Public Infrastructure who can chair that Committee, but he should be somebody who is independent. There is no problem if we have four councillors and you have four members from the Council. But what we have witnessed these few years, I can tell, Mr Deputy Speaker, Sir. I, myself, have got a series of problems in my Constituency with people coming to see me and talking of difficulties they have been getting and what proposals were made to them against the issue of permits. I must tell you honestly what happens, Mr Deputy

Speaker, Sir. These are issues that will have to be addressed. Maybe going forward, it is going to take us some time, but we will have to address this important issue of the composition of the PBMC, Mr Deputy Speaker, Sir. So, these were the issues that I had to raise.

Before resuming my seat, I have to mention one important thing as well, Mr Deputy Speaker, Sir, that this Bill is not retroactive. It is a prospective Bill. I think there is provision for the Bill to be proclaimed gradually. Because I understand that there is a need for the Ministry to ensure that the need for resources are addressed. There are also a series of other issues which will have to be addressed. I understand that they are going to proclaim it gradually. What is important is that the population should know that the Bill is not retroactive. Henceforth, once the Bill is proclaimed, they will have to ensure that whatever construction they are going to undertake, it is done in accordance with the provision of this Bill.

Mr Deputy Speaker, Sir, this was my contribution on this Bill. I would like to thank the House for their attention.

Thank you.

**The Deputy Speaker:** Hon. Mrs Boygah!

(7.40 p.m.)

**Mrs D. Boygah (Second Member for Vieux Grand Port & Rose Belle):** Merci, M. le président.

After listening to my good friend, hon. Rughoobur, this reminds me of so many things about our old days in the Council; we started as a Village Councillor, then as a District Councillor and so on and so forth. To be very honest, Mr Deputy Speaker, Sir, I think all Local Authorities with their Councillors are doing a very good job. I take the example of the District Council of Grand Port in my Constituency. Even though in the BLUP we have five Councillors and four technicians for administrative officers, they are doing very well. In fact, if there is any anomaly or if they are not on the same ground, the permit is sent to the Local Authority and the Minister has the privilege to take a decision on the particular permit. So, there is no fix on it.



M. le président, le permis de construction est un acte administratif, individuel, par lequel nos Administrations Locales autorisent des travaux ou une construction. Ainsi, des travaux sans permis de construction sont illicites. M. le président, des travaux sans permis est un danger. Les travaux sans autorisation sont à éviter à tout prix. Il est, donc, plus que conseillé de respecter à la lettre le cadre légal. Pour cela, il vous faut déposer une demande d'autorisation d'administrative en bonne et due forme. La mise en œuvre doit être légalement respectée, l'autorisation délivr ; s'il y a une infraction, le risque pénal est très important car si le pétitionnaire ne montre pas une réelle volonté de corriger l'infraction en régularisant la situation d'un point de vue administratif, le procureur doit être saisi, M. le président.

*M. le président*, being a by-product of the Local Authority, I cannot miss to intervene whenever a Bill regarding the Local Government (Amendment) Bill comes to this National Assembly. Mr Deputy Speaker, Sir, when we took power in 2014, we did mention in our Government Programme that we would, *inter alia*, bring major amendments to the Local Government Act. We are thankful to the Vice-Prime Minister, Minister of Local Government and Outer Islands who has the merit of bringing those long awaited amendments to the Local Government Act.

Mr Deputy Speaker, Sir, this decision to bring about these important amendments is accompanied by an equally important decision, as mentioned in the Budget Speech of the Prime Minister.

To strengthen the staffing position of the local authorities, indeed 100 additional inspectors will be recruited for the local authorities. The previous Government, Mr Deputy Speaker, Sir, has failed to address the long awaiting standing programme of the Local Government, especially regarding the illegal constructions. It is reported that many occurring out developments are done without a building and land use permit, that is, a BLUP. In many other cases, developers who have obtained their BLUP have not complied with the conditions of the permit.

The result, Mr Deputy Speaker, Sir, is savage development in many places of the country. Illegal development is causing a lot of damage to the environment, particularly where such development takes place on drains, canals and water courses. Flooding, in many areas, was caused previously because people have put up illegal structures, Mr Deputy Speaker, Sir, blocking the free flow of water. So, many cases are known where damages to properties are caused because of such flooding.

On the other hand, Mr Deputy Speaker, Sir, the local authorities have for long not obtained the necessary resources to recruit staff for the enforcement of the law. And for monitoring, the number of inspectors in the local authorities has been totally insufficient, having regard to the number of applications received for BLUP and the number of development sites that need to be closely monitored. Mr Deputy Speaker, Sir, the local authorities do nevertheless make their maximum effort to control illegal development. At times, these notices are complied with and at times not at all.

Such illegal developments when they go to Court are often sentenced by fine only. Cases are rare where the Courts have ordered pull down orders, Mr Deputy Speaker, Sir. Our laws regarding development are not harmonised. Legal provision governing the development are scattered in so many pieces of legislation, like the Local Government Act, the Building Control Act, the Town and Country Planning Act and the Planning and Development Act. We are thankful today to the Vice-Prime Minister and the Minister of Local Government to have rightly seen it useful to harmonise all the laws that concern land development.

The various amendments before the House today, therefore, consolidate the various building enactment. We now have only one law that will govern the building and land use permit. All the sections enclosing governing building permit which at present are in the Building Control Act and the Town and Country Planning Act, have all been extracted from these Acts and are now contained under the Local Government (Amendment) Bill.

Notices, Mr Deputy Speaker, Sir, for example compliance notice, enforcement notice, pulling down notice, which are in the Building Control Act will henceforth be in the Local Government Act.

As mentioned by the VPM and the Minister of Local Government, various notices will be issued by the local authority. These notices will serve for the purpose of enforcement and compliance, but will also give a chance to an illegal developer to comply with the law. When all these notices have been served and the developer have systematically refused to comply to the local authority, then the local authority will prosecute the person for illegal development. Upon conviction the Court shall, in addition to a fine, order a pull down order of the illegal construction, Mr Deputy Speaker, Sir.

Section 8 deserves our attention as rightly pointed out by the VPM and the Minister of Local Government. The law will come into effect at a later date. It won't be with immediate

effect. People will have the time to know about the law, people will have the time to know what is illegal construction; people will have the time to digest what this Bill is providing to them. Government will perform information campaign on all Medias and staff will be recruited to do their job as assigned. Only thereafter will the Act be proclaimed as pointed out by the Vice-Prime Minister and the Minister of Local Government.

Mr Deputy Speaker, Sir, to conclude, offences under the Local Government Bill will be criminal offences. The law, therefore, will be effectively in respect of any unlawful development that takes place as from the date it has been proclaimed and not for illegal acts that have occurred prior to the commencement, Mr Deputy Speaker, Sir.

With these, I wish to congratulate the Vice-Prime Minister and the Minister of Local Government for bringing such a very important amendment to this House. Thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Vice-Prime Minister and Minister of Local Government!

(7.50 p.m.)

**The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureewoo):** Mr Deputy Speaker, Sir, with your permission, I would like to thank hon. Members on this side of the House and hon. Bhagwan for their participation in the debate of the Local Government (Amendment) Bill. I extend my heartfelt thanks to the team of my Ministry and that of the State Law Office for having assisted us in the drafting of the present Bill.

Mr Deputy Speaker, Sir, you will concur with me that for too long illegal constructions went unchecked. The practice of constructing illegally has to stop. This Bill was long overdue, as rightly said by hon. Bhagwan. As I have said, nothing is more important than the safety, security and protection of our people. I am sure this is the wish of the hon. Members on the other side of the House. All the hon. Members who have participated in this present Bill have highlighted one important thing, illegal constructions can have serious implication if not tackled properly.

Mr Deputy Speaker, Sir, allow me to comment on some of the points raised by hon. Bhagwan. Well, law is not static, it evolves. Let us see how the present provisions work in

practice. If need be, nothing prevents the present Government from coming with new amendments.

With regard to the issue that we have not inserted the amendments of the present Bill in the Finance Bill, well, I must say that at a certain point in time, we wanted to insert these amendments in the Finance Bill. We decided otherwise simply because we wanted to give an opportunity to hon. Members on the opposite side of the House to share their views and suggestions on this important piece of legislation. More importantly, Mr Deputy Speaker, Sir, we want to give an opportunity to the public at large to understand the spirit of the Bill, to understand that we are very much concerned with their safety, security and protection.

With regard to the issue of sanctions, it is undisputed after hearing hon. Members on both sides of the House that if we don't sanction properly, the phenomenon will persist.

Mr Deputy Speaker, Sir, allow me to emphasise that people will be fined by the Court only when the three notices have all been ignored. Chances and opportunities will be given to the erring party to redress, but if he chooses to ignore the notices, he will have no other alternative than to face prosecution. A person will be given all the latitude to approach the Local Authority within his jurisdiction to regularise his situation. He is dispensed with facing prosecution outright.

Furthermore, I believe in the good faith of the officers and I am sure with proper training, they will undoubtedly ensure the proper implementation of the present amendment. They will have to keep strict vigil so as to prevent unapproved and illegal constructions. We are all of the view that the construction of any building must be done under rules and regulations. We need to ensure necessary disciplines in the construction industry.

I have a last point, Mr Deputy Speaker, Sir. Some criticism has been levelled with regard to the new section 127A which deals with the penalty of Rs50,000. Well, I must say that the person who has not complied can choose between going to Court, facing a fine or complying and paying for the additional inconveniences and costs incurred by the Local Authority. So, the penalty is more or less an administrative fee. The Local Authority is not sanctioning a person for having undertaken construction works without a Building and Land Use permit. It is for the Court to sanction. The sanction that the Court will impose is a fine - as it is in the new provision - of not less than Rs100,000 and not exceeding Rs500,000 together with the pulling down order.

Mr Deputy Speaker, Sir, let me once again thank all hon. Members on both sides of the House for their contribution, their participation and their valuable inputs.

So, with these words, Mr Deputy Speaker, Sir, I commend the Bill to the House.

*Question put and agreed to.*

*Bill read a second time and committed.*

### **COMMITTEE STAGE**

*(The Deputy Speaker in the Chair)*

### **THE LOCAL GOVERNMENT (AMENDMENT) BILL**

**(No. IX of 2018)**

*Clauses 1 to 6 ordered to stand part of the Bill.*

*Clause 7 (Consequential amendments)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Mrs Jeewa-Daureeawoo:** Mr Chairperson, I move for the following amendments in clause 7 (4) -

“by deleting paragraph (d) and replacing it by the following paragraph –

(d) by repealing section 8;”

*Amendments agreed to.*

*Clause 7, as amended, ordered to stand part of the Bill.*

*Clause 8 ordered to stand part of the Bill.*

*The title and enacting clause were agreed to.*

*The Bill, as amended, was agreed to.*

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

### *Third Reading*

*On motion made and seconded, the Local Government (Amendment) Bill (No. IX of 2018) was read a third time and passed.*

(8.00 p.m.)

## **THE ROAD TRAFFIC (AMENDMENT) BILL**

**(No. X of 2018)**

*Order for Second Reading read.*

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** Mr Deputy Speaker, Sir, I move that the Road Traffic (Amendment) Bill (No. X of 2018) be read a second time.

Mr Deputy Speaker, Sir, I thank all the hon. Members who are here, and the Members of the Opposition for the Second Reading of this very important Bill because talking about road safety today is a very tall order, Mr Deputy Speaker, Sir.

Given the seriousness of the situation on our roads with particularly the increasing number of accidents and casualties since the beginning of the year, it is urgent to react and take strong deterring measures against road traffic offenders for a change in bad driving behaviour leading to safer drivers.

In continuation to the number of Road Safety Interventions taken since the last three years, we must pursue further with the implementation of measures under the National Road Safety Strategy designed from 2016 to 2025. The results of strategic actions being taken can be obtained in the short and medium terms while others will come after long term. Currently, efforts are aimed on a complete reorganisation of the way road risks are being managed. As such reform in the driver training sector is well underway, new approach towards imparting Road Safety Education is being realised, Sensitisation of road users on road safety is being carried out relentlessly throughout the year and much is being done for the improvement for a safer road environment.

Mr Deputy Speaker, Sir, the introduction of this Bill is being made in response to the absence of driving culture witnessed on our roads. The objective is first, to take swift actions and sanctions after an infringement and secondly to make the sanctions more dissuasive, provoking the taking of firm resolutions by those undisciplined road-users.

This Bill achieves both of these objectives with the new Fixed Penalty Notice regime, criminalising new offences, increasing fines and most importantly the introduction of zero tolerance in alcohol while driving.

Mr Deputy Speaker, Sir, as detailed in the Explanatory Memorandum, the purpose of this Bill is to do away with the present regime of Fixed Penalty Notice (FPN). Actually, a

driver has the option to elect either to accept a Fixed Penalty Notice or to be reported with a view to proceedings being taken against him before a Court. Now, it is proposed to replace it with a more efficient regime whereby a person who refuses a FPN shall nevertheless be served with the FPN, the reason being that many persons who have refused the FPN later make requests to be issued with the FPN, which is currently not possible.

Thus, the serving of the Fixed Penalty Notice would be obligatorily imposed on an offender giving him or her ample time to make his or her choice for payment of the fines or to be prosecuted in Court. This will in addition reduce the administrative burden of the Police and long Court procedures. However, in case a contravener fails to pay the appropriate fine within the time limit, Section 193 of the Road Traffic Act provides that the case be referred for enquiry and as the law stands presently, upon being found guilty by the Court, the offender shall be liable, on conviction, to a fine which shall be not less than twice the amount specified.

Mr Deputy Speaker, Sir, I am informed by the Police that 202,170 contraventions have been established for the year 2015 whilst for year 2016, 228,189 contraventions have been respectively established, and for the year 2017, 235,994 contraventions have been established. As regards the number of contraventions for the year 2018 till May 2018, 103,478 contraventions have already been established.

I am also informed by the Police that the number of fatal road accidents from January 2017 to 09 July 2017, was at 73 compared to 80 for the same period ranging January 2018 to 09 July 2018.

Mr Deputy Speaker, Sir, it should be noted that the law has been amended in July 2015 to provide for a new sanctioning mechanism of the Cumulative Road Traffic Offences to replace the Penalty Point System. Since that date till 10 July 2018, I have been informed by the Police that 266 persons have committed more than five cumulative offences and Police has already applied for their disqualification. Out of 266 cases 47 drivers have already been disqualified by the Court to drive compared to 11 under the old penalty Point System . 20 cases where drivers have cumulated more than 5 offences during a period of 24 months have been struck out or set aside by the Court. 402 persons have been convicted so far for five cumulative road traffic offences. 1,050 convicted for four cumulative road traffic offences, and 2,875 for three offences, 9,961 for two cumulative offences, and 45,194 persons have been convicted for one offence so far.

Mr Deputy Speaker, Sir, the statistics are indeed alarming, since as a counter measure, the Bill will provide for the disqualification of a person where he is convicted of five cumulative road offences in lieu of six, which was the case before, over a period of 24 months. It is believed that with this proposal, the drivers will be more cautious whilst driving as they run a higher risk of reaching the new threshold of cumulative road traffic offences. It would be pointed out here that when the driver reaches five offences, he will be disqualified for a period of six months but not more than 12 months, he will undergo a rehabilitation course before recovering the driving licence as is presently the case.

However, upon a second disqualification within a period of three years as from the date of expiry of the first disqualification, he will have his driving licence simply cancelled. Consequently, he would have to undergo a rehabilitation course before applying for a new driving licence. The provisions for disqualification and rehabilitation already exist in the law. It is expected that with the reduction of the threshold of cumulative offences to five, a driver will have to adopt a more precautionary approach whilst driving and adhere to the legislation.

Figures provided by the Police, Mr Deputy Speaker, Sir, indicate that under the actual law, 4,137 persons have been disqualified to drive for road traffic offences committed after 27 July 2015, that is, the date on which the Road Traffic Act has been amended to provide for the new sanctioning mechanism.

Given that the intention of the Government is not merely to punish and to sanction drivers but above all to instil an appropriate driving culture, this Bill will, therefore, provide for the issue of a Cumulative Road Traffic Convictions Notice to a driver after he has committed three Cumulative Road Traffic Offences listed under the Penalty System. He or she will be informed that on being convicted for two more cumulative offences, his or her licence will be suspended for a period of 6 to 12 months. It is believed that the issue of this Notice will act as a strong deterrent. As the driver will be more conscious not to commit any additional road traffic offences and this measure will no doubt bring improvement in the driving behaviour in Mauritius.

Mr Deputy Speaker, Sir, this Bill will equally provide for the consolidation of the list of offences in relation to which a Fixed Penalty Notice may be served bringing them from 141 to 204 within which fines of 112 offences will be increased ranging from Rs500 to Rs10,000. As a consequence, the Fourth Schedule of the Road Traffic Act is being amended and to add new offences for the imposition of the Fixed Penalty Notice. The proposed Bill



will provide for an increase in the fines in respect of other road traffic offences. The main ones include speeding, illegal operations, among others.

Mr Deputy Speaker, Sir, most drivers are tempted to exceed the speed limit at one time or another. In fact, it is fairly common for some drivers to engage in some speeding on any given trip. The speed of a vehicle is directly related to the impact it causes in a crash which eventually determines the extent of personal injury and even death in many cases. Speeding is more than just exceeding the posted speed limit. It also means travelling too fast and in certain existing conditions, such as, when it is raining or when there is fog. I wish to point out that posted speed limit are speed that would be appropriate for driving in good weather and normal traffic conditions. Based on statistics provided by the Police, it was noted that for January 2018 till May 2018, the number of offences on speeding recorded by the 'handheld radar' is 15,818. That is 100 per day. And the number of contraventions established by 'speed cameras' is 21,076 making a total of 36,894 out of 103,478 contraventions solely on speeding giving a percentage of 36 per cent. That is one out of three offences.

The other common offence was 'seat belt not fastened', with 4,440 offences recorded out of 103,478 contraventions for January to May 2018 and this was followed by 'using cellular phone whilst driving', where the number of offences was at 3,732 out of 103,478 for January to May 2018.

Hence, given the high prevalence of accidents in relation to speeding, the fines are being made stricter to act as a deterrent for the driver and for the safety of all road users. Mr Deputy Speaker, Sir, the Road Traffic Act is accordingly being amended for an increase in the fines on the basis of proportionality as follows –

- Exceeding speed limit by not more than 15 km per hour, the fine is increased from Rs1,000 to Rs2,500;
- Secondly, exceeding speed limit by more than 15 km per hour but less than 25 kmph, the fine is being increased from Rs1,500 to Rs5,000, and
- Thirdly, exceeding speed limit by more than 25 km per hour, the fine is being increased from Rs2,500 to Rs10,000.

Mr Deputy Speaker, Sir, there is a direct link between enforcing the law which is being strengthened and lowering the level of road insecurity. In France, for example, the deployment of radars contributed to a 28% drop over a period of only 2 years.

In Mauritius, presently we have 62 speed cameras around the island and with their positioning in accident prone areas and the proportionate increase in fines in relation to speeding, it is expected, Mr Deputy Speaker, Sir, that the number of killed and seriously injured victims in relation to speeding would drastically reduce. My Ministry will commission an audit of all the speed cameras with a view to bring improvements in their functioning and management.

Mr Deputy Speaker, Sir, as the House may be aware, the public transport sector is facing a very high level of fierce competition from private vehicles. Repeated complaints have been received from bus operators to the effect that they are incurring heavy losses along certain routes where private vehicles are operating unlawfully. Unlicensed transport providers undermine the revenue of licensed operators and pose a serious threat to their financial viability. In fact, in its report on the Reengineering of the Public Transport Industry in Mauritius, the PricewaterhouseCoopers Report highlighted that the services by unlawful operators were negatively impacting on the ridership of formal operators and hence on their revenue. It is estimated that the operations of “*taxi/van marron*” could result in a shortfall of up to around 15% in the revenue of licensed operators along certain routes.

During the period July 2017 to June 2018, crackdown operations have been carried out by the NTA with the assistance of the Police and 4,503 contraventions have been established. Despite the efforts deployed by the NTA to curb down this malpractice, it appears that there has been no marked improvement. Given that the actual fine on fixed penalty notice is only Rs500 for such an offence, the crackdown operations are not giving the expected results. It is, therefore, proposed to increase the fines so that the penalties have a meaningful effect on the illegal operators.

Mr Deputy Speaker, Sir, I thus propose to toughen the law to increase the fines from Rs500 to Rs5,000. This would certainly discourage them from providing illicit transport services.

Mr Deputy Speaker, Sir, in line with the New National Transport Network, the introduction of the bus feeder services to provide first and last mile connectivity would, along with the setting up of a Passenger Information System displaying bus schedules, modernise the transport landscape and, at the same time, increase the patronage of the licensed public transport providers.

Mr Deputy Speaker, Sir, the Police has informed that drivers being served with FPNs and PEDNs have complained to the effect that the prescribed delay of 21 days for paying the fines for such offences, is too short. In view of the high volume of unpaid notices which represent an administrative hurdle for Police in terms of time spent for enquiry and prosecution, resulting in an additional workload for the Courts, we have decided that we will extend this period from 21 days to 28 days, as from the date of the offence.

Mr Deputy Speaker, Sir, in respect of the Fixed Penalty Notice, this Bill will provide for an offender to attend Court personally and to produce the FPN, the original driving licence and the National Identity Card or the passport. This will allow the Police to keep track of records of offences and monitor the number of offences committed by the driver up to the fifth offence under the Cumulative Road Traffic Offences for the disqualification procedure to start. The law also provides that the person shall sign the Fixed Penalty Notice personally. For offences under the Photographic Enforcement Device Notice (PEDN), the driver does not need to attend Courts for payment of these personally. In that case, he can elect somebody to attend on his or her behalf to settle the fine.

Mr Deputy Speaker, Sir, there has been a number of fatal accidents relating to driving under disqualification, driving without license and authorising a person prohibited from driving by reason of age. As such, these offences are very serious and they put at risk the lives of other innocent road users.

To send a strong signal to such irresponsible behaviour, the fines will be increased, in respect of a person who, whilst being disqualified from holding or obtaining a driving licence or provisional driving licence or is disqualified from driving in Mauritius, and is found to be driving on a road. The fines from a minimum of Rs2,000 will be increased to a fine of not less than Rs50,000 and not exceeding Rs100,000 together with a term of imprisonment not exceeding two years.

Furthermore, the Road Traffic Act is being amended to make provision for an increase in the fine in respect of a person who drives or permits or employs any person to drive a motor vehicle on a road without a licence.

Presently, the fine is Rs10,000 with a term of imprisonment not exceeding 12 months. With the proposed amendment, the driver on conviction shall be liable to a fine not less than Rs50,000 and not exceeding Rs100,000 and to imprisonment not exceeding 12 months.

Mr Deputy Speaker, Sir, of late, it has been noticed that some parents allow their underage wards to drive a vehicle without licence. To put an end to this practice, new provisions are being inserted in the law so that any person, who is prohibited by reason of age to drive a motor vehicle on a road or causes or permits any underage person to drive on a road, shall be committing an offence and shall be liable to a fine not less than Rs50,000 and not exceeding Rs100,000 and imprisonment for a term not exceeding 12 months.

Mr Deputy Speaker, Sir, I now come to the issue of drunk driving. I am informed that Police has established 2,354 contraventions for the period December 2016 to June 2018 for the offence of driving motor vehicle with alcohol concentration above the prescribed limit. Out of these contraventions, there were 1,444 cases where the alcohol concentration was found to be twice or even more than the prescribed limit and 239 cases for failing to submit to alcotest procedure, that is, a total of 1,683 cases where Police had to apply to Court to summon the drivers to show cause as to why an order of temporary disqualification should not be made under Section 123 of the Road Traffic Act.

It should be noted that 271 drivers, Mr Deputy Speaker, Sir, have been temporarily disqualified by Court so far. 316 applications for disqualification have been set aside or struck out by Court on the grounds that the latter have averred that such an order will cause them prejudice as they are drivers by profession and that they are presumed to be innocent until proven guilty. In several cases, Police is awaiting report from the Forensic Science Laboratory to lodge the said applications in Court.

In view of the alarming figures as depicted above, Government is coming with yet another milestone for the introduction in our legislation of the zero tolerance to alcohol for drivers. Presently, as per the existing law, the maximum limit of alcohol intake is set at 23 microgrammes per 100 millilitres of breath and this amount depends on the type of alcohol consumed such as liquor, wine, vodka or cocktail. In addition, it is heavily dependent on the physiological aspects of the individual and the rate of excretion from the body. The “prescribed limit” in respect of alcohol is being reviewed to provide for zero tolerance while driving for all drivers with the intention of eliminating undesirable driving behaviour.

The policy for zero tolerance, Mr Deputy Speaker, Sir, already exists in some countries in Europe.

M. le président, tout d'abord, ce qui est en vigueur en France c'est la notion de « zéro alcool ». Cette tolérance nulle s'applique aux jeunes conducteurs, mais avec un taux d'alcoolémie légale à 0,2 g/l (20 milligrammes par 100 ml) de sang ou 0,10mg/l (10 microgrammes par 100 ml) d'air. Ce nouveau taux impose de ne pas boire un seul verre. Dans la pratique ce taux de 0,20% (20 milligrammes par 100 ml de sang) ou 0,10% (10 microgrammes par 100 ml d'air) tient compte de la marge d'erreur au moment de la concentration de l'éthylomètre ou de la prise de certains médicaments ou pour certains aliments contenant de l'alcool. La Suède, la Norvège et la Pologne sont quelques exemples de pays où le taux d'alcoolémie est de 0,20% (20 milligrammes par 100 ml de sang) pour tous les conducteurs.

Il y a également certains pays comme l'Espagne, la Grèce, la Lettonie, le Luxembourg, les Pays Bas qui ont aussi adopté une réglementation de 50 milligrammes pour 100 ml de sang. L'Autriche est même descendu jusqu'à 0,1g/l (10 milligrammes pour 100 ml) d'air.

Mr Deputy Speaker, Sir, the philosophy behind the zero tolerance alcohol approach is to drive with the minimum amount of alcohol in the body and it does not necessarily equate to setting limits to zero, but rather to the lowest amount that it can be reported reliably and avoid false positive results. Setting a zero tolerance limit means to detect and identify the lowest level of alcohol in the body when taking measurements in the blood, breath or urine at which a valid and reliable analytical result would be reported with certainty. This minimum prescribed limit would cater for passive consumption, medication or inhalation and endogenous alcohol that may be produced naturally by the body. The Forensic Science Laboratory has reported that they can reliably report up to the lowest level of 10 milligrammes per 100 ml of blood.

Furthermore, taking into consideration the limit of detection of the equipment used by the Police, namely, the Screening Breath Analyser and Evidential Breath Alcohol Analyser, it has been proposed to set the limit up to 20 milligrammes for 100 ml blood while the current prescribed limit is 50 milligrammes per 100 ml of blood.

However, just lowering the prescribed limit level from 50 milligrammes/100 ml of blood) to 20 milligrammes per 100 ml of blood is not within the philosophy of zero tolerance as it may be wrongly understood that it is permissible to consume alcohol up to 20 milligrammes per 100 ml and this would dilute the message to drivers. In laymen terms, it

would simply mean that no individual will be allowed to take an innocent glass of wine and drive as the lower limit set is, in fact, to avoid false positive results.

Mr Deputy Speaker, Sir, the Blood Alcohol Concentration (BAC) limit for countries in Europe in terms of gram per litre of blood is between 0.2 g/l (20 milligrammes/100 ml) of blood, for example, in Estonia and 0.8 g/l (80 milligrammes/100 ml) of blood in England. So, the BAC 20 was recommended by the FSL in Mauritius to avoid false positive and also to cater for body alcohol.

According to the FSL, it caters for the cut off value at which the result of blood tests could be reported with certainty. For example, Mr Deputy Speaker, Sir, a man of 65 kg, consuming one glass of beer on an empty stomach, will have a BAC of 30 (30 milligrammes/100 ml) of blood. If consumed during a meal, the BAC will be 20. A woman of 65 kg, consuming one glass of beer on an empty stomach, will have a BAC of 35 (35 milligrammes/100ml) of blood. If consumed during the meal, it will be 25. So, in different countries, you have different levels. We have decided in Mauritius as per the advice of the FSL and the possibility that the equipment that the Police has today can do the tests in practice.

Mr Deputy Speaker, Sir, a communication campaign will be undertaken to clearly explain the zero tolerance alcohol philosophy. The Bill thus provides that the prescribed limit level of alcohol in blood, breath and urine at which the result could be reported positive with certainty, are as follows -

- (i) 20 milligrammes of alcohol in 100 ml of blood;
- (ii) 9 microgrammes of alcohol in 100 ml of breath, or
- (iii) 27 milligrammes of alcohol in 100 ml of urine.

*(Interruptions)*

**The Deputy Speaker:** Hon. Members, order please!

**Mr Bodha:** According to the Police, the apparatus used to measure the level of alcohol concentration on drivers are already calibrated and need no additional calibration prior to the coming into force of the new legislation as regards to the new proposed "prescribed limit".

Mr Deputy Speaker, Sir, I will now dwell on the issue of driving under the influence of drugs and why this amendment has not been brought at this stage.

Mr Deputy Speaker, Sir, I am given to understand that the amendments to be brought to the Road Traffic Act to make provision for drug driving to be tested is very extensive. First

and foremost, there is need to make a demarcation between the dangerous drug or commonly known as illicit drugs and the therapeutical drugs in order to set the 'cut off values'.

In the case a person's blood shows the mere presence of dangerous drugs or medicines illegally used, there would be no cut-off concentration of the presence of specific drugs above which that person would be unfit to drive. In other words, an offence would be established irrespective of the concentration of drugs. However, for drugs under prescription, a cut-off value would have to be determined. Unfortunately, there is no provision in the law today to enable a Police Officer to carry out the 'Field Impairment Assessment' or preliminary test to detect the presence of any drug. The law will thus be amended to insert the protocol for these procedures to be followed by the Police and to withstand the test in Court regarding its veracity.

Mr Deputy Speaker, Sir, to detect if a driver is suspected of drug driving, he would be tested right on the roadside or back at the Police Station and this is known as the 'Field Impairment Assessment.' This procedure will have to be clearly defined in the law in order to stand the test in Court.

Mr Deputy Speaker, Sir, if a Police Officer has reasonable suspicion that the driver is under the influence of drugs, he would have to submit a sample of his urine for a 'preliminary test' of drugs at a hospital. The test should be carried out by detection kits (road side kit) to be procured by the Police and validated by the Forensic Science Laboratory (FSL).

It should be pointed out at the very start that the Police will not be able to determine if the person is under the influence of dangerous drugs or therapeutical drugs. This will be determined only after evidential testing of blood is carried out by the FSL. This is where the real challenge lies which in fact, determines the unfolding of the procedure for drug testing.

Furthermore, Mr Deputy Speaker, Sir, the Dangerous Drugs Act 2000 makes provision for any person who drives a motor-powered land vehicle, steers a motor powered craft or flies a motor-powered aircraft while under the influence of dangerous drug shall commit an offence and he shall be fined and imprisoned accordingly.

Given that in the Road Traffic Act, the penalties for driving a motor vehicle under the influence of alcohol is very high, the fine and the imprisonment for drug driving cannot be lesser. Hence, it is proposed to have higher penalties for drug driving under the Road Traffic Act and accordingly amendments have to be made to the Dangerous Drugs Act 2000 to align the sanctions for driving under the influence of intoxicating drugs. This explains why the amendments could not be brought under the Road Traffic Act for drug driving as both the

laws should be amended together as for the same offence there cannot be two completely different sets of penalties.

Mr Deputy Speaker, Sir, at my Ministry level, we have already started working on this issue. Dr. Guyon, a Forensic Medicine and Emergency Doctor and Head of a Licensed Training Centre of Haute Savoie, has visited Mauritius to make recommendations on measures to be taken to detect and track drivers who drive under the influence of drugs, including synthetic drugs.

Accordingly, my Ministry is coming up with an amendment to the legislation. A draft Road Traffic (Amendment) Bill on drug driving has been elaborated in consultation with the Police, ADSU, FSL and Ministry of Health and same is presently at the State Law Office. It is proposed to introduce the Bill in the National Assembly this year.

Concurrently, the Dangerous Drugs Act 2000 would also have to be amended for provision of similar protocol.

In the meantime, the Forensic Science Laboratory has issued the Letter of Award for the procurement of a Liquid Chromatography High Resolution Mass Spectrometry for testing of physical form of both synthetic and non-synthetic drugs. The equipment will be delivered by the end of August 2018. Tests may be carried out from September 2018 after the commissioning of the equipment.

The Forensic Science Laboratory will be in a position to detect the presence of drugs particularly those found in body fluids, that is, blood and urine with the acquisition of a Liquid Chromatography Tandem Mass Spectrometry, an state-of-the-art equipment used in all international laboratories for drug driving analysis. An amount of Rs25 m. has been provided in the Budget 2018/2019.

Mr Deputy Speaker, Sir, we have also amended the law as regards to parking coupons. My Ministry is also responsible for the sale of the parking coupons which have been forged. So, we are amending the law to see to it that this cannot be done in the future.

To end, Mr Deputy Speaker, Sir, Road Safety is high on the agenda of Government. With the increasing mobility and a number of road accidents on our roads, there is a necessity for a new road safety culture to be embedded in our society coupled with enforcement, education, appropriate safety features installed in our road and ensuring vehicle road worthiness, along with enhanced traffic management system.

Punishment is not the only solution, but it is useful. In all countries where there is obligation to wear the belt or helmet, compliance to the speed limits, respect to driving with no alcohol or the introduction of the driving licence, there have been indeed an impact on the



number of casualties with the number of accidents reduced and the number of victims decreased.

The fatality rate in Mauritius is 12 for 100,000 inhabitants and will have to be improved. Had Mauritius annual crash rate been between 50-60, this would have been similar to the best performing countries and we would have saved every year 100 lives, Mr Deputy Speaker, Sir. These crashes have a heavy bearing on our society with much traumas and tragedies to families. I have always said that after an accident, life is never the same for the family. The socio-economic cost of road crashes in Mauritius is estimated at Rs6 billion and my Ministry will commission a study this year for an updated figure.

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

**Mr Roopun rose and seconded**

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

**Mr Bérenger:** Mr Deputy Speaker, Sir, I move that the debate be now adjourned.

**Mr Uteem rose and seconded.**

*Question put and agreed to.*

*Debate adjourned accordingly.*

#### **ADJOURNMENT**

**The Ag. Prime Minister:** Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 24 July 2018 at 11.30 a.m.

**Mr Roopun rose and seconded.**

*Question put and agreed to.*

**The Deputy Speaker:** The House stands adjourned.

#### **MATTERS RAISED**

(8.33 p.m.)

#### **CHAMP DE MARS & VALLÉE PITOT - SYNTHETIC FOOTBALL PITCHES**

**Mr R. Uteem (First Member for Port Louis South & Port Louis Central):** Thank you, Mr Deputy Speaker, Sir. I have a point concerning the Vice-Prime Minister, Minister of Local Government and Outer Islands, it relates to the Municipal Council of Port-Louis and in

particular the synthetic football pitches in my constituency, namely, in Harris Street, Champ de Mars and Vallée Pitot.

I understand that since April of this year, the Municipal Council of Port Louis has stopped collecting money from the various clubs that use these facilities. Since then, there is a complete anarchy, whoever wants to play comes there and play, the allegation that there are certain people close to MPs and Councillors who are abusing of their right to play and at the same time there has been a constant degradation of the infrastructure, some of the lightings have not been replaced. I have had the opportunity of speaking to the Local Council Authorities, unfortunately, nothing has been done and I would really appreciate if the hon. Vice-Prime Minister could look into the matter so that there is some order in the allocation of the synthetic football pitches.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mr F. Jeewa-Daureeawoo):** First of all, I would like to say that my attention has been drawn on that particular issue by the hon. Minister, Mrs Jadoo-Jaunbocus. I am informed that measures will be taken by the Municipal Council of Port Louis, but since this issue has been raised in Parliament tonight, I will look at it personally and inform the hon. Member accordingly.

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

#### **FISHERMEN - BAD WEATHER ALLOWANCE**

**Mr J. Leopold (Second Member for Rodrigues):** Thank you, Mr Deputy Speaker, Sir. My concern is addressed to the hon. Minister of Ocean Economy, Marine Resources, Fisheries and Shipping. It is about zoning in Rodrigues, a structure set in place for bad weather allowances.

Given the fact that Rodrigues is only 108 km<sup>2</sup> in size, very small, with a gust of 70 km/hour, we can feel the gust everywhere in Rodrigues, but the Fisheries Department has divided Rodrigues into four zones. Given that it is very small, as I have said, we can feel the bad weather everywhere and it is unfair because, for example, if there is one zone which is declared as bad weather, because Rodrigues is very small, the fisherman can go from the bad weather and fish in other areas. He will have the bad weather allowance and at the same time he will go fishing. So, I appeal to the hon. Minister to see to it if he can convert back Rodrigues to one zone only, just in lagoon. A similar study for the cost implication has

already been done and it would not cost much. So, I appeal to the hon. Minister of Fisheries to see to it whether he can consider converting the four zones into one zone.

**The Minister of Ocean Economy, Marine Resources, Fisheries and Shipping (Mr P. Koonjoo):** Thank you, Mr Deputy Speaker, Sir. I have taken note of this problem and I must consult the people from Rodrigues itself to find out the solution. I will do the best.

**The Deputy Speaker:** Thank you! Hon. Baloomoody!

**(1)PLAINE LAUZUN – HANDRAIL**

**(2)DR. A. G. JEETOO HOSPITAL - ATTENDANTS -  
OVERTIME**

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Thank you, Mr Deputy Speaker, Sir. My address is to the hon. Minister of Public Infrastructure and Land Transport. Again, with regard to the Metro Project, but this time at Plaine Lauzun, the road leaving from Mammouth to go to join the motorway. They have put iron sheets on both sides of the road and there is a bus stop there. Unfortunately, there is no place for pedestrians. It is a one-way road, there is room for you to have a handrail like there has been in Vandermesh. So, there is a request to have a handrail, at least, for pedestrians pending the work being done at the Plaine Lauzun regarding the Metro Project.

There is one small issue with regard to the Ministry of Health and Quality of Life. There are some complaints with regard to the Attendants and the Senior Attendants at Dr. A. G. Jeetoo Hospital. They have not been paid their overtime for a year now. So, if the hon. Minister can look into the matter. Apparently, funds will be made available every time they have asked the question. Thank you.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** I will certainly look into the matter, Mr Deputy Speaker, Sir.

**The Minister of Health and Quality of Life (Dr. A. Husnoo):** I am going to look into the matter.

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

**ST MARTIN STREET, ROCHE BOIS - PAVEMENTS**

**Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East):** Thank you, Mr Deputy Speaker, Sir. The issue I am raising tonight relates to a traffic and safety issue in Roche- Bois, a road which is named St. Martin Street.

It is a commonly used road, especially in the morning when they enter Port Louis, they use this road as a shortcut. Presently, there are no pavements on this road and all the pedestrians have to walk on the road with all the risks and dangers associated to this. So, I will urge the hon. Minister to see to it whether pavements could be installed on this road of St. Martin and if possible also, humps could be installed. At times, I would not say everyday, but at times if Police officers also can do some patrol there so as to act as a deterrent.

Thank you, Mr Deputy Speaker, Sir.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** Mr Deputy Speaker, Sir, as regards pavements, I will look into the matter, we need the space. For Police presence, I will address the issue to the Commissioner of Police and as far as humps are concerned, for the time being we don't have speed breakers but we are trying to find out whether we can have new systems to be able to slow the traffic and we can also consider this possibility. I would like just to confirm that it is the road which is the access of the motorway.

*(Interruptions)*

Okay!

*At 8.41 p.m., the Assembly was, on its rising, adjourned to Tuesday 24 July 2018 at 11.30 a.m.*

#### **WRITTEN ANSWERS TO QUESTIONS**

##### **VALLÉE DES PRETRES, CITÉ LA CURE, STE CROIX, CITÉ BRIQUETTERIE & BATTERIE CASSÉE - DRUG TRAFFICKING**

**(No. B/651) Mrs A. Perraud (First Member for Port Louis North & Montagne Longue)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to drug trafficking and drug consumption, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of arrests recently effected in connection therewith in the regions of Vallée des Prêtres, Cité La Cure, Ste Croix, Cité Briquetterie and Batterie Cassée.

**Reply:** I am tabling the information requested for.

**LA CROISEE, VALLEE DES PRETRES – NHDC ESTATE -  
MAINTENANCE**

(No. B/652) Mrs A. Perraud (First Member for Port Louis North & Montagne Longue) asked the Minister of Housing and Lands whether, in regard to the National Housing Development Company Estate at La Croisée, Vallée des Prêtres, he will state if he has been made aware of the prevailing situation thereat regarding the –

- (a) unlawful election of the syndics;
- (b) absence of maintenance, repairs and cleaning of the premises thereof, and
- (c) non submission of accounts to the NHDC Ltd., and, if so, indicate the measures taken in relation thereto by his Ministry.

**Reply:** I am informed by the NHDC Ltd that the housing estate referred to as La Croisée, Vallée des Prêtres is called Residence Plaine Verte. The housing estate which consists of 192 housing units (ground + 3) was completed in May 1997.

I am further informed by the NHDC Ltd that the Syndic for this housing estate is Mr Iqbal Sheik Bhatun who has been elected on 18 March 2012 as per Article 664-55 of the ‘Code Civil Mauricien’ as replicated in the ‘Règlement de Copropriété’. Mr Bhatun is still in office.

The NHDC Ltd has reported that the next General Assembly of co-owners of Residence Plaine Verte has been scheduled for 30 July 2018.

The NHDC Ltd has drawn my attention to the fact that paragraph 664-29 of the Code Civil Mauricien on ‘Administration de la Copropriété’ stipulates that the Syndic “.....seul responsable de sa gestion, il ne peut se faire substituer. L’Assemblée Générale peut seule autoriser à la majorité prévue à l’article 664-35 une délégation de pouvoir à une fin déterminée’.

Therefore, as matters stand, it is only at the level of the General Assembly (*instance Suprême*) that a decision can be taken on whether there is need for election of the Syndic or not.

Regarding part (b) of the question, the maintenance, repairs and cleaning of the common spaces is entirely the responsibility of the co-owners who are called upon to make a monthly contribution to a common fund accounts. Moreover, the latter should also bear the cost of common utility bills such as electricity and water supply. In addition, Government provides a monthly grant of Rs200 per apartment, totaling an amount of Rs38,400 for the 192

Housing Units, to the '*syndicat des copropriétaires*' upon submission of its report on expenses on a monthly basis.

As regards part (c) of the question, I wish to inform the House that all the Syndics have to submit a report on their expenses to the NHDC Ltd by the 10<sup>th</sup> of every month at latest. The monthly Government Grant of Rs200 per apartment is paid to the Syndics only upon satisfaction of the NHDC Ltd that the report is in order.

### **NINE YEAR BASIC SCHOOLING PROGRAMME - IMPLEMENTATION**

**(No. B/653) Mrs A. Perraud (First Member for Port Louis North & Montagne Longue)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Nine Year Basic Schooling Programme, she will state where matters stand as to the setting up of the required infrastructure for the smooth implementation thereof, as at to date.

**Reply:** In the context of the implementation of the Nine Year Continuous Basic Education, my Ministry had as from 2015 set up a number of working groups to work on the planning and implementation aspects of the new reforms and these focus on new curriculum framework, new mode of assessment, continuous professional development, innovative pedagogies, enhancing learning environment and infrastructure, upgrading and improvements including the ICT infrastructure, system governance and accountability, legal and institutional framework and the TVET.

The working group on infrastructure worked on an implementation programme whilst ensuring that institutions are infrastructurally optimised for children leading to developmentally-appropriate teaching-learning opportunities. The Committee on Infrastructural improvements had to focus on the -

- (i) General improvement of physical infrastructure in schools
- (ii) Upgrading of existing infrastructure requirements for the transformation of schools into academies for 2021, and
- (iii) Improvement of ICT infrastructure and equipment.

The infrastructural requisites that were looked into also included the embedding of additional elements such as -

- (i) A fortified learning environment in schools, such as in the new classroom set up in primary schools at Grade 1 and 2 levels, and

- (ii) Strengthened electrification in primary schools, in the light of the implementation of the Early Digital Learning Programme, which provides a new learning opportunities in Primary Schools in Grade 1 and 2.

### **PRIMARY**

As far as the primary schools are concerned, over the past years, a number of infrastructural and upgrading works have been carried in a phased manner including -

- (a) fortified learning environment in a number of schools, on a phased basis;
- (b) setting up of community schools in some 10 ZEP schools, which comprises a component of enhancement of school environment;
- (c) internal works such as painting, fresco on walls, fixing of curtains and provision of burglar proofing and hand wash basins;
- (d) external works such as embellishment of the schools, upgrading of boundary walls, upgrading of toilet and play area, and waterproofing works, and
- (e) electrical and burglar proofing works under the EDLP project.

In addition, the ICT Infrastructure and learning environment was enhanced, through -

- (a) the provision of 26, 000 digital tablets to Grade 1 and 2 learners, and
- (b) the provision of ICT equipment to prepare for teaching and assessment of ICT skills as a non-core subject. Some 3,000 PCs were procured for this project.

### **SWIMMING AND LEARNING POOL: HOLISTIC EDUCATION**

In the context of holistic education programme, action has been initiated for the construction of learning swimming pools in four (4) primary schools, one in each zone.

### **SECONDARY LEVEL**

With the introduction of the National Certificate of Education in 2020 and as per the new curriculum changes, provision has to be made for specialist rooms in respect of practical-based subjects namely, Textiles and Food studies and Design and Technology as well as other enhanced learning facilities. Necessary works are being undertaken to provide such specialist rooms in 2019, especially in 47 schools. The necessary provisions have been made in the Budget 2018/2019 and works are expected to start in October 2018. Similar arrangements are being made by the Private Secondary Education Authority.

In the context of promoting admission to regional schools, my Ministry has embarked on a school transformation project on enhancing the physical environment in a phased manner. Furthermore, in order to provide an enhanced and conducive learning environment, additional blocks of 12 classrooms are under construction in seven regional schools. Furthermore, additional facilities are being provided such as construction of Multi-purpose Hall and playfields.

### **ACADEMIES**

With regard to the coming into operation of the 12 designated Academies as from 2021, the Ministry is working on the required infrastructural dimension and works will start in the next financial year.

### **SPECIAL EDUCATION NEEDS – BARRIER-FREE**

The reforms agenda of my Ministry takes on board all learners, whether they have disability or not. In this context, a project for making all the secondary schools barrier-free have started and last year the infrastructure in 16 schools have been adapted to make them more accessible for physically challenged students as well as personnel and visitors. The works included the installation of ramps and handrails; provision of adapted toilets, construction of covered links between building blocks among others.

The provision of these new infrastructural works and facilities is necessitating an investment of Rs1.13 billion during period 2015 to date. The hon. Member can rest assured that my Ministry is taking all the necessary actions to upgrade and adapt the infrastructure of all schools such that the teaching/learning process takes place in the best possible conditions.

### **STONE CRUSHING PLANTS - ENVIRONMENT IMPACT ASSESSMENT LICENCE**

**(No. B/664) Mr S. Baboo (Second Member for Vacoas & Floreal)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the stone crushing plants, he will, for the benefit of the House, obtain from the Department of Environment –

- (a) information as to the number thereof in operation, indicating the number thereof located within 500m of residential areas, and
- (b) the list thereof, indicating in each case the –
  - (i) name of the promoters thereof;



- (ii) location thereof;
- (iii) date of issue of the Environment Impact Assessment Certificate, and
- (iv) number of inspections carried out by the Department of Environment thereat.

**Reply:** I am informed that there are currently eighteen (18) stone crushing plants in operation in Mauritius.

I have been informed that local authorities issued permits for seven (7) stone crushing plants prior to the promulgation of Part IV of the Environment Protection Act 1991, i.e, which did not require an EIA Licence. These seven (7) plants are still in operation and five (5) of them fall within 500m of residential areas.

According to records obtained, twenty-eight (28) Environment Impact Assessment Licences were granted prior to December 2014 and, as per their EIA Reports, none of them was located within 500m of residential areas. Out of these twenty-eight (28) stone crushing plants, eleven (11) are still in operation.

With regard to part (b) of the question, I am hereby tabling two lists of stone crushing plants. List No. 1 is for those stone crushing plants, in operation, and which hold an EIA Licence. List No. 2 is for those plants which came into operation prior to the promulgation of the relevant sections of the Environment Protection Act and which are still in operation.

The information requested with reference to sub-part (i), (ii) and (iii) of part (b) of the question is provided in the lists which I am laying in the Library of the National Assembly.

With regard to part b (iv) of the question, a total of one hundred and nine (109) inspections have been carried out by officers of the Department of Environment at the eighteen (18) stone crushing plants in operation to date.

#### **NATIONAL INNOVATION AND RESEARCH FUND – FUNDS**

##### **AVAILABLE**

**(No. B/667) Ms M. Sewocksingh (Third Member for Curepipe & Midlands)** asked the Minister of Technology, Communication and Innovation whether, in regard to the National Innovation and Research Fund, he will, for the benefit of the House, obtain from the Mauritius Research Council, information as to the total amount of funds available therein in 2015, 2016, 2017 and since January 2018 to date.

**Reply:** I am laying in the Library of the National Assembly the information requested for by the hon. Member.

**COPYING BILL - INTRODUCTION**

**(No. B/669) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Arts and Culture whether he will state if consideration will be given for the introduction in the House of a Private Copying Bill to boost the artist community.

*(Withdrawn)*

**NATIONAL ARCHIVES – PUBLIC ACCESS**

**(No. B/670) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Arts and Culture whether in regard to the National Archives, he will state the prescribed procedures for members of the public to have access thereto for research purposes, indicating if consideration will be given for a review thereof.

*(Withdrawn)*