



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 04 DECEMBER 2018

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(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, Minister of Gender Equality, Child Development and Family Welfare
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
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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
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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

PRINCIPAL OFFICERS AND OFFICIALS

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Deputy Speaker	Lesjongard, Georges Pierre
Deputy Chairperson of Committees	Jahangeer, Hon. Ahmad Bashir
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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 34 of 2018

Sitting of Tuesday 04 December 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)

PAPERS LAID

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

A. Prime Minister's Office

- (a) Certificate of Urgency in respect of the following Bills (In Original):
 - (i) The Constitution (Amendment) Bill (No XXII of 2018); and
 - (ii) The Declaration of Assets Bill (No XXIII of 2018).
- (b) The Digest of Labour Statistics 2017.

B. Ministry of Industry, Commerce and Consumer Protection

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 31) Regulations 2018. (Government Notice No. 160 of 2018)

HON. R. UTEEM – PRIVILEGE COMPLAINT

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Madam Speaker, on the basis of announcement, I have given a notice of privilege under order 74(1) of the Standing Orders. Under section 74 (2) –

“In case the Speaker considers that the matter is of an urgent character (...) she will inform the Member that she is prepared to rule on the same day.”

And then, under section 74(3) –

“If the Speaker decides that there is no urgency, she will so inform the Member in writing and it will not be in order for the latter to raise the matter with the Speaker (...)”.

Madam Speaker, I have received a letter from your good offices which does not tell me at all whether Madam Speaker considers that this matter is of an urgent character as regards section 74(2) of the Standing Orders or if Madam Speaker decides that there is no urgency, she needs to inform me in writing. But I had not received anything in writing telling me whether Madam Speaker feels that the privilege complaint that I have made is of an urgent character or not. So, I would ask for your guidance and ruling on this, Madam Speaker.

Madam Speaker: Hon. Member, you have received a communication from my office wherein I have acknowledged receipt of your notice which you have made yesterday and one which you have made today and I have said in my communication that I will communicate to you in due course of my decision. So, you cannot, therefore, raise the matter today.

Mr Bérenger: The Standing Orders say that you must inform the Member that according to you there is no urgency.

Madam Speaker: No, but the matter is not subject to debate and the ruling is final.

Hon. Leader of the Opposition!

(Interruptions)

Order, please!

(Interruptions)

Order! Allow the hon. Leader of the Opposition to ask his question! Please, do so!

(Interruptions)

Please proceed!

(Interruptions)

No crosstalking! Hon. Leader of the Opposition, please proceed with your question!

ORAL ANSWERS TO QUESTIONS**SUGAR INSURANCE FUND BOARD – FACT-FINDING COMMITTEE**

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the Minister of Agro-Industry and Food Security whether, he will state if his attention has been drawn to alleged disturbing circumstances surrounding the decision taken by the Sugar Insurance Fund Board to purchase 6 *arpents* of agricultural land for the sum of Rs18 m. per *arpent*, exclusive of taxes, fees and commissions and, if so, state if consideration will be given for the widening of the terms of reference of the Fact-Finding Committee set up, *inter alia*, to examine the Report of the Operations Manager of the Sugar Insurance Fund Board in respect of crop year 2017, to include examining the above-mentioned matter.

Mr Seeruttun: Madam Speaker, the decision of insuring the Mauritius sugar cane against extreme weather conditions, one of long standing, became a reality when cyclone-damage in 1945 precipitated matters at Government level and at the local Chamber of Agriculture. The very next year saw the formal establishment, ...

Mr X. L. Duval: Madam Speaker, on a point of order. I hope we are not going to go back again and waste a lot of time. This question relates to purchase of land and we have been taken back to 1945. I hope you will put your foot down, Madam Speaker. This is unacceptable! This is a question of land. There is a huge scandal brewing and we are taken back to 1945.

Madam Speaker: Well, according to the time allocated, 30 minutes are reserved for PNQ. So, most probably, I do not know, if the hon. Minister has some important information to impart to the House, then I will give him some leeway, I will give you additional time then. However, I will ask him to be concise in his reply.

Mr Seeruttun: Thank you, Madam Speaker. So, I was saying that the very next year saw the formal establishment, in October, of a Cyclone and Drought Insurance Fund through Ordinance No 53 of 1946 with compulsory insurance for all cane planters and millers and an obligation on the latter to provide all relevant information to that Insurance Board with powers to inspect fields ...

Mr X. L. Duval: Madam Speaker, again on a point of order. This has nothing to do with the question. It is a purchase of land, Madam Speaker. There is a huge scandal brewing, purchase of land, then we are taken to insurance. The question has nothing to do with insurance of planters. Please, Madam Speaker!

Madam Speaker: Hon. Leader of the Opposition, as I said, I will give him some latitude to expand on his question and, as I believe, he may have some important information to impart to the House. Having said so, hon. Leader of the Opposition, I guarantee you that if he takes more time than required, I will give you additional time for supplementary questions.

Mr Seeruttun: Just on a matter of clarification, Madam Speaker, the Insurance Fund Board has to cater for indemnities and for that we have to explain how they come up with investment decision. So, it is all set up in the Act, how they go about to cater for ...

Madam Speaker: Well, give your reply!

Mr Seeruttun: So, I was saying that, Madam Speaker, section 3 of the Sugar Insurance Fund Act provides for the establishment of the fund and the objects of the funds are

-

- (i) to insure the sugar industry against loss due to cyclones, drought, excessive rainfall or fire;
- (ii) insure the refiners authorised by the syndicate to optimise value added for the whole of the sugar industry through the production of refined sugar against loss due to cyclones, drought or excessive rainfall;
- (iii) to carry out such activities relating to agricultural or insurance as the Board may determine, and
- (iv) the Board may enter into an insurance contract with a refiner in respect of the production of refined sugar.

Section 10 of the Act provides for an Investment Committee which is presided by the Chairman of the Board and consists of –

- (a) an ex-officio member who shall be the Deputy Chairman;
- (b) a representative of Chamber of Agriculture, and
- (c) one other member to be elected by the Board for such term of office as the Board may determine.

The actual Investment Committee is, therefore, composed of the following members –

- (a) The Chairman: Mr Lochun Vivekanand who was appointed on March 2015;
- (b) Mr Deodutt Bundhoo, from the Ministry of Finance and Economic Development. His appointment was since July 2001 till March 2018.

Madam Speaker: Hon. Minister, I am sorry. Here, I think, I have to interrupt you because the question has nothing to do with the Board members. I do not think you need to give details of who sits on this Board.

Mr Seeruttun: Madam Speaker, it is this Investment Committee that directs the Board to invest.

Madam Speaker: Sure, but there is no need to go through it.

Mr Seeruttun: Section 17 of the Act empowers the Board to invest any money forming part of the asset of the Fund ...

(Interruptions)

Yes, section 17 of the Act ...

Madam Speaker: Hon. Leader of the Opposition, please!

Mr Seeruttun: ... which empowers the Board to invest any money forming part of the asset of the Fund which is not required to meet the liabilities of the fund.

Madam Speaker, with a view to establishing a more balanced investment portfolio, the Board deemed it fit to invest in properties as investments in other assets were not yielding adequate return.

On the other hand, income derived from premium has reduced substantially, that is, around 50% and was waived on two occasions for the crop 2014 and 2015 to alleviate financial burdens of the producers.

Accordingly, investment in high return assets was deemed to be the most appropriate investment strategy by the SIFB. It is to be noted that the latter has invested in property since 1974.

The SIFB Board has, at its meeting of 28 February 2018, decided that the proceeds of Rs35 m. from Government for the compulsory acquisition of the sub-offices of Pamplemousses and Souillac be invested in the purchase of land.

In that respect, SIFB started looking for land availability from private sector in the region of Ebène and Trianon. The SIFB was informed that Elova properties Ltd was selling land in the region. Contact was made with the company and proposal was received for 6 acres of land at Rs18 m. per *arpent*.

The site is found some 100m from Terre Rouge-Verdun-Trianon Link Road and is 400m from Ebène Cybercity where exist a whole array of services and facilities such as markets, supermarkets, schools, restaurants, offices, banks, etc. It lies within the Growth

Zone as per the Outlines Schemes of the Municipal Council of Quatre Bornes which allows major developments such as light industrial, commercial and residential.

Based on the above descriptions, analysis and site characteristics, the open market value of the plot of land of the extent of 25,323 m² - that is 6A - was assessed by the internal survey staff who are sworn land surveyors at Rs19 m. per *arpent* .

As per Title Deed: 9073/41 - State Bank of Mauritius Ltd acquired from London Satellite Systems Ltd a plot of land of an extent of (1A83ps) for Rs57 m. dated 05 November 2013. This acquisition is Rs31 m. per *arpent*. Hermes Development Ltd is already coming with a vibrant urban development comprising of commercial shopping mall, business parks, located 1,000 m from SIFB Trianon Land which will have a direct impact on the incoming increase in the surrounding land values.

The fact that Mauritius is gearing towards high-income economy for the next ten years, property prices are bound to soar. Already, the construction sector has a positive growth of around 4%. The above factors lead SIFB to believe it is a worthwhile investment which will be beneficial in the near future.

Madam Speaker, decision was taken to buy the plot of land based on searches made by internal sworn land surveyors and economic factors mentioned above.

The Board considered this acquisition as a good capital investment. The purchase consideration was paid from –

- (i) the proceeds of the compulsory acquisition by Government of the properties of SIFB at Pamplemousses and Souillac, and
- (ii) profit from sales of investments on the stock exchange.

The six acres of Land were purchased from *Société de Glasgow Ltd* represented by Mr Eric Piat, through Elova Properties Ltd for the amount of Rs115.9 m. inclusive of –

• Price of Land	Rs108 m.
• Agency fee	Rs1.9 m.
• Notary Fees	Rs0.6 m.
• Registration Duty	Rs5.4 m.

This is not the first time that the SIFB is investing in properties. In the past, the SIFB bought and sold properties whereby the profit realised, indicated good investment policy. I could give you some examples, but I would not take the whole time of the House.

Madame Speaker, given that Government has already set up a Fact-Finding Committee and the purchase of this plot of land has raised queries in different quarters, after consultation with the Prime Minister, I am widening the scope of the terms of reference of the Fact-Finding Committee.

Mr X. L. Duval: Thank you, Madam Speaker. At least, that is a welcome result. Let me, nevertheless, go through my questions for the public to know what is happening. I have been listening to the hon. Minister - I know it was not under his watch, it was under the responsibility of the Prime Minister at the time, but still let us go through it – and I am more and more satisfied that this is an *arnaque* of gigantic proportions which has cost the SIFB maybe Rs60 m. or more. Let me just add one thing. The hon. Minister has not mentioned the date that the Investment Committee approved this purchase. He has gone through it, he has not mentioned the date of the meeting of the Board of the Investment Committee.

Mr Seeruttun: Madam Speaker, the decision was taken on 28 February 2018.

Mr X. L. Duval: I understand this is the full Board; this is not the Board of the Investment Committee. Now, the Investment Committee sits by itself. Can the hon. Minister confirm that it is the full Board on the 28th?

Mr Seeruttun: It is the full Board.

Mr X. L. Duval: Madam Speaker, again, section 17 says that it is under the recommendation of the Investment Committee. So, there was no Investment Committee? We agree on that!

Mr Seeruttun: All the investments with regard to properties go through the full Board - what I am told.

Mr X. L. Duval: It is contrary to section 17 of the Act which says that ‘the Board of Directors may, on the recommendation of the Investment Committee, invest’, and in this case, there was no Investment Committee. So, we have established that, Madam Speaker. Can I, again, ask the hon. Minister - I know it is not his fault, but I will go through my questions - who evaluated the land?

Now, as we know, we have to manage a company like this *en bon père de famille*, he has to take all necessary precautions. It is not his money. It is the *ti planteurs'* money, it is the planters' money. Now, what was the independent valuer, Government valuer - it is a parastatal body, it has access to a Government valuer, why was there no independent - I know he is looking behind him. What was the independent valuation carried out, outside independent valuation, please?

Mr Seeruttun: Madam Speaker, first, let me reassure the House that the members of the Investment Committee are members of the Board. I was about to mention the list of the members of the Investment Committee, but I was not allowed to, but they are members of the full Board and that is why the decision to go through the acquisition was taken by the Board which comprised of all the members of the Investment Committee.

With regard to the valuation, as I said, there are Sworn Land Surveyors at the level of the Sugar Insurance Fund and they are the ones who carried out the valuation and they came up with the figure of Rs19 m. per *arpent* of the land that was acquired for Rs18 m. Despite that, there was an independent valuation that was carried out late and the name of the valuer, I am told is...

(Interruptions)

Let me just say, the in-house surveyor...

(Interruptions)

Madam Speaker: No! Please! Hon. Minister, please, sit down! I wish to draw the attention of the House that those who are here to help the Minister cannot reply for him.

Mr Seeruttun: I was just saying, Madam Speaker, just to clear the air, the in-house surveyor carried out the valuation, and his name is Mr Arsadi Rishi Kumar. I mentioned the value was Rs19 m. that he came up with, but we paid Rs18 m. Despite that, an independent valuer carried out - it is Mr Jeetun - a valuation carried out lately, and he came up with the value of up to Rs20 m. per *arpent*.

Mr X. L. Duval: Lately is when? Madam Speaker, this was voted in May 2018. The Board paper which I have here makes no mention of any independent valuation, now the hon. Minister comes up with Mr Jeetun. Please, let us table a copy with the date of the independent valuation. Now, Madam Speaker, the Board Paper here - this is shocking,

Madam Speaker, you will be shocked - refers to two previous purchases of land, this is how they convinced the Board to...

Madam Speaker: Hon. Leader of the Opposition, can I know from which paper you are referring?

Mr X. L. Duval: This is the Board paper, Madam Speaker.

Madam Speaker: It is a Board paper?

Mr X. L. Duval: Yes. I will stand by the Board paper, Madam Speaker.

Madam Speaker: Are you prepared to table that Board paper as well?

Mr X. L. Duval: Yes, I will table it.

Madam Speaker: Okay!

Mr X. L. Duval: One company called R.K. Knits apparently bought in March 2015 for Rs18 m. R.K. Knits does not exist; we cannot find R.K. Knits anywhere. Another one Mr Patrick How, we could not find Mr Patrick How having bought any land in the vicinity in March 2015. Is the hon. Minister aware that these copies of these Board meetings go to the Ministry of Finance, they are checked by the Ministry of Finance because it is a Board of the Ministry of Finance? Did the Ministry of Finance at the time inquire into the justification concerning this company and the other person? One does not exist, R.K. Knits; the other one has not bought any land there and this is the justification back in 2015, Madam Speaker.

Mr Seeruttun: Madam Speaker, I gave the example of the State Bank of Mauritius which purchased a plot of land in the vicinity where SIFB bought the land and the value that they paid for was Rs31 m. per *arpent*.

Mr X. L. Duval: Madam Speaker, I will give very recently - State land was a long time ago, before Heritage City, before Bagatelle Dam was going to burst. Value of land has crashed in that area. Madam Speaker, there is one Minister, very famous Minister, known as *acheter bon marché*...

Madam Speaker: Hon. Leader of Opposition, please resume your seat. Let me draw your attention to the fact that you are not supposed to make a statement. Ask your question and you will have the opportunity of asking more questions if you do not make lengthy statements.

Mr X. L. Duval: Let me ask the hon. Minister whether he is aware that another of his colleague - the Minister knows - *acheter bon marché, vane cher*, has just bought a piece of land in the vicinity, same road, as this piece of land by SIFB. Same road; he bought one acre of land, Madam Speaker, three weeks ago. Do you know how much? Rs5 m. Bought by the wife of hon. Minister Husnoo; another piece of land, next door to SIFB, sold a few weeks ago, also, Madam Speaker...

Madam Speaker: Yes, ask your question!

Mr X. L. Duval: This is important. He is talking to me about State land ten years ago; I am talking about yesterday, 5 m., *acheter bon marché, vane cher*. Rs6 m. bought by Mr Burton; I will also table that. Is he aware that these are two purchases of land in the recent months? Next door, Madam Speaker, to SIFB.

Mr Seeruttun: Madam Speaker, again, if in 2013, the value was Rs35 m. per *arpent*, he is saying that now it is going down. But again, I go by this report from the independent valuer that dates 22 March 2018, and he came up with a value of Rs20 m. for that same land that was purchased at Rs18 m.

Mr X. L. Duval: Furthermore, Madam Speaker, he mentioned Hermes, but he forgot to mention what price Hermes paid for the land. What price? It is prime land on the road with water, electricity, everything. What price was it? Does he know what price it was?

Mr Seeruttun: Madam Speaker, I did not go for the Hermes. How would I go to value the land of Hermes when this has nothing to do with the SIFB? What I am talking about is that the internal valuer came with R19 m. per *arpent*; an independent valuer. NP Jeetun Chartered Valuation Surveyors came up with a value of Rs20 m. for that same land per *arpent*, and it was purchased for Rs18 m.

Mr X. L. Duval: Madam Speaker, he forgot to mention in his former reply that Hermes, far better land on the main road with water and electricity, even a borehole was sold, for Rs13 m. per *arpent*, Madam Speaker. This one is in *terrain chemin cane*. I went yesterday. Madam Speaker, I would like to ask the hon. Minister whether he is aware that even this land that they bought, which is a great *arnaque*, stealing from *ti planteurs* and from the others, is adjacent to a high- tension wire - I have pictures and I will give you in a moment - which has building restrictions? Are you aware of that, hon. Minister?

Mr Seeruttun: Madam Speaker, I am aware of the fact that there are high- tension wires, but it is not on the land that was purchased by the SIFB. It is on the land adjacent to

the land purchased by the SIFB. I am told that the land is some 100 metres away and there is no kind of restriction that will affect any development on the land of the SIFB.

Mr X. L. Duval: Madam Speaker, there is also a *kalimaye* on the land. I will table a picture which shows clearly that the high-tension wire is adjacent, and you know there are 13 metres either side. Is the hon. Minister aware that 13 metres either side, there are building restrictions for high-tension wires?

Mr Seeruttun: I am told, Madam Speaker, the distance between the land of the SIFB and the land where are found the high-tension wires is far more than 30 metres away.

Mr X. L. Duval: Well, Madam Speaker, this is not correct. I do not blame the hon. Minister because it is not his responsibility, but it is still not correct. Has the hon. Minister bothered to go on l'Express Properties to see what is the price actually being offered for land in that very vicinity of the famous SIFB land, going, Madam Speaker, from Rs6 m. to Rs9 m.? Obviously, hon. Minister Husnoo got a good deal at Rs5 m., but the land there - and in this picture, you will see hon. Minister Husnoo's land also.

Mr Seeruttun: Based on what is being alleged by the hon. Leader of the Opposition, the fact that we have now extended the terms of reference of that Fact Finding Committee, I am sure those will be looked into and if the points being raised by the hon. Leader of the Opposition are found to be founded, this will come out during this inquiry.

Mr X. L. Duval: I will happily depone, Madam Speaker, if I am called. Is the hon. Minister aware that the famous report on Heritage City by Mr Sanspeur at the time mentioned the high risk of the downbreaking, and that caused the Heritage City to move and, with the moving of the Heritage City, then the land around it fell in value considerably? Is the hon. Minister aware of this report by Luxconsult in 2016?

Mr Seeruttun: Well, I am aware of the report; I have not read the report though.

Mr X. L. Duval: Madam Speaker, is the hon. Minister aware that the same Board meeting, not the Investment Committee because Investment Committees are meant to look in more detail into investment, and the Board is meant to look at the big thing, and it has contravened section 17 of the Act. Madam Speaker, is the hon. Minister aware that at the same Board meeting of 28 February, the decision to buy the land at SIFB came concomitant with a decision not to declare an event year for the planters, therefore, not to give them compensation? It was the same famous Board meeting?

Mr Seeruttun: Madam Speaker, with regard to the declaration of whether a year is an event year or not is based on information that are worked out depending on the production of sugar. Again, as I said, at that time, when they worked out the sugar production, they decided it is not going to be declared an event year. But I am also told that in the process - because that was the first data that they received from the Control and Arbitration Board - they have to keep on analysing the information received to eventually come up with a final decision.

Mr X. L. Duval: Madam Speaker, in this famous Board paper which I will table, Madam Speaker, it is said that Management had gathered information informally and had come up with a price of Rs22 m. per *arpent*. Apparently, they had got that from the Government Valuers Office. Informally! Why did not SIFB, which has access to the Government Valuers Office and the Commission of the Ministry of Finance, buying so much land, resort to valuation, not from every person, I do not know this Mr Jeetun, why did not they resort to the Government Valuer? Tell me that.

Mr Seeruttun: Well, Madam Speaker, I said they already have in-house sworn land surveyors, competent land surveyors who have been with them for years, and they have relied on the services of those in-house land surveyors. Again, as I said, they also went to see independent valuers. I am not going to compete - is the hon. Leader of the Opposition going to question the competence of that particular land surveyor? As I said, it is NP Jeetun Chartered Valuation Surveyors, and he gave his report. It is clearly mentioned that the value he came up with was Rs20 m. per *arpent*.

Mr X. L. Duval: I am extremely surprised, Madam Speaker. I have shown the hon. Minister that land is being sold for a third of the price and yet he hides behind some valuation made, I believe, in March, after the decision to buy. How can someone be so obtuse as not to understand that land is being sold at a third of the price, Madam Speaker? I welcome the fact that there is a Fact-Finding Committee, but still there must be some decency, we cannot defend *l'indéfendable*, Madam Speaker.

Mr Seeruttun: Madam Speaker, if I was defending, I would not have proposed that the terms of reference be extended. So, we are open to look at all those allegations so that at least the truth comes up. The fact that we have extended the mandate of that Committee, we will see.

Mr X. L. Duval: Madam Speaker, the Minister is a respected Accountant, for his own reputation, not to look silly in front of the whole nation, it is being sold even Hermes at Rs13 m. He is hiding behind evaluation of Rs20 m. from some Land Surveyor and Land Valuer.

Madam Speaker, the Board Meeting was in February, was it not? He mentioned that the evaluation was in March. Have you ever heard of this, you buy and then you value?

(Interruptions)

Mr Seeruttun: Madam Speaker, I am just informing the House of what they did. They went on to, at least, have the comfort...

(Interruptions)

Again, Madam Speaker, the...

(Interruptions)

Madam Speaker: Please!

Mr Seeruttun: Don't feel sorry for me, Leader of the Opposition!

(Interruptions)

Madam Speaker: Leader of the Opposition! Please! Do not interrupt the hon. Minister, allow him to reply!

Mr Seeruttun: Madam Speaker, I have been trying to give the maximum information to the House. The Leader of the Opposition himself said that I am an Accountant. I do understand figures and facts and that is why I have recommended that the mandate of the Fact-Finding Committee be extended to also look into that particular transaction.

Madam Speaker: Hon. Leader of the Opposition, you have two additional minutes.

Mr X. L. Duval: Then the hon. Minister should also say that it is not normal for the valuation to be done after a decision to purchase has been made, and also in contradiction to what actual figures are.

Madam Speaker, this is my last question. We have a Board; we have a management there that is obviously not acting, least you can say, as a *bon père de famille*. This is the principle that hon. Minister will know also as an Accountant. This management should be suspended, pending the first inquiry and the extended inquiry. This is what the public expects, this is what the planters expect, and if they are cleared out, I am happy, but likelihood is, Madam Speaker, that there has been *maldonne* of a gigantic scale, again, in the purchase of this piece of land. So, let us all agree, Madam Speaker, that this management ought to be suspended forthwith until the end of the Fact-Finding Committee.

Mr Seeruttun: First, let me, again, inform the House that there was a valuation that was carried out well before the purchase. It was done by the Internal Land Surveyor, a

competent Land Surveyor, and it was followed by an independent Land Surveyor. I am not saying that they did the purchase first and then came up with the valuation. First, there was a valuation in-house. Secondly, to give comfort, they went for an independent Land Surveyor.

Mr X. L. Duval: I am again surprised, Madam Speaker. The Minutes quote two, one R. K. Knits which does not exist; even R. K. Knits did not buy anything there. So, he cannot say that he has relied on some internal investigation when the company does not exist. It is mentioned twice in the Board Minute, and Mr Patrice How - I do not want to say his full name - does not appear to have bought any land in the vicinity. So, this is what I am saying to him: open your eyes! This is not acceptable that this management continues with Board Minutes that are false with bogus companies.

Mr Seeruttun: Madam Speaker, my eyes are wide open and that is why we have extended the mandate of the Fact-Funding Committee to look into all those allegations so that the truth will come out of it.

(Interruptions)

Well, we will look into that.

Madam Speaker: Time is over! Hon. Bhagwan!

**MAURITIUS CIVIL SERVICE MUTUAL AID ASSOCIATION –
CHAIRPERSON & DIRECTORS – APPOINTMENT**

(No. B/1157) 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 Civil Service Mutual Aid Association Ltd., he will, for the benefit of the House, obtain therefrom, information as to the names of the Chairperson, Vice-Chairpersons and members of the Board thereof, indicating –

- (a) their respective date of first appointment and mode thereof;
- (b) allowances and other benefits drawn, and
- (c) if the said appointments comply with the Guidelines for corporate governance issued by the Bank of Mauritius in relation to the maximum term of tenure of office in directorship position.

The Prime Minister: Madam Speaker, I am tabling the names of the Chairperson, the three Vice-Chairpersons and the four other Directors of the Board, along with the dates of their first appointment and their allowances.

Madam Speaker, the Association is constituted as a limited company in accordance with Section 2 of the Mauritius Civil Service Mutual Aid Association Act. The constitution

of the company provides for the appointment of directors for a period of three years. Notwithstanding any other enactment, the Directors are appointed by the Minister of Finance under Section 6 of the Mauritius Civil Service Mutual Aid Association Act.

I am informed by the Bank of Mauritius that the Guidelines on Corporate Governance provides that a Director of a financial institution may serve for a maximum term of six years and notwithstanding the term of office of six years, an outgoing Director may, with the prior approval of the Bank of Mauritius, be reappointed as Director on the Board of the financial institution after having observed a cooling period of two years. However, the Bank of Mauritius may, where it deems it fit, approve the reappointment of a Director who has not observed the cooling period.

I am further informed that in order to ensure the smooth operation of a financial institution and pending the appointment of new Directors, the Bank of Mauritius may, from time to time, use its prerogative to allow Directors to sit on a Board for more than six years.

Presently, four Directors of the Mauritius Civil Service Mutual Aid Association have exceeded the maximum period of six years. I am informed that the Bank of Mauritius has given an extension to one Director up to December 2018 and the remaining three until March 2019.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Thank you, Madam Speaker. So, it is confirmed that there are Board Directors who have been serving the Board for more than 15 years. Is this being confirmed by the hon. Prime Minister?

The Prime Minister: For more than 15 years? No!

Mr Bhagwan: This is according to my information. I will make a request to the hon. Prime Minister to check that there are two Directors who have been serving on a Board for over 15 years, contrary to the guidelines of the Bank of Mauritius.

The Prime Minister: Yes, I am sorry. There is one Director, Mr Basant Roi who has been serving since 2001 and this is his last term which will expire in December 2018.

Mr Bhagwan: Apart from the Section 6 of the Mauritius Civil Service Association Act, as rightly pointed out by the hon. Prime Minister, it is the Minister of Finance who appoints Members of the Board. Can I know from the hon. Prime Minister whether, as Minister of Finance, and through his Financial Secretary, whether there is a *droit de regard* on the operation at the level of the Ministry of Finance?

The Prime Minister: Madam Speaker, let me correct one previous information that I gave to the House. I am also informed that there is another Director, Mr Ramjug, who was

nominated as Director in 2003 and has been serving since then. So, two Directors are concerned.

Now, with regard to the Ministry of Finance, well, of course, this is an independent institution and whenever there is any information that is communicated to the Ministry of Finance, obviously, the Ministry of Finance has a look at it.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Is it a Permanent Secretary of the Ministry of Finance who chairs the Board?

The Prime Minister: Sorry?

Mr Bhagwan: Is it confirmed that it is a Permanent Secretary of the Ministry of Finance who chairs the Board?

The Prime Minister: The Chairperson is Mr Premode Neerunjun who is presently at the Cabinet Office.

Madam Speaker: Next question, hon. Shakeel Mohamed!

REFERENDUM – NATIONAL ISSUES

(No. B/1158) Mr S. Mohamed (First 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, he will state if consideration will be given for the advisability of introducing amendments to the existing legislation to make provision for the organisation of referendum on issues of major national importance.

The Prime Minister: Madam Speaker, as enunciated at paragraph 257 of the Government Programme 2015/2019, the Government stands committed to hold nationwide referendums on matters of utmost importance and relating to the public interest as well as on critical amendments pertaining to our sovereignty or Constitution.

Madam Speaker, this is not the first time that the issue of referendum is raised in this august House. While the letter of the referendum is still to be established, its spirit, which involves country-wide consultation as and when absolutely necessary on subjects and themes of national interest, is widely being followed by this Government, and there are numerous examples to illustrate this as I shall indicate.

Indeed, notwithstanding our commitment in favour of referendums on matters of national interest, this Government has consistently been adopting a decentralised and participative approach to policy-making, involving extensive consultations with all relevant

stakeholders. A case in point is the Government proposals on electoral reform which was released well in advance for wide consultations with stakeholders and the public at large.

Another recent example is Government consultation document on the financing of political parties which has been released on Friday last for broad consultations. The public has been invited to submit their comments and suggestions by 14 January 2019. Already we have witnessed during the weekend a very fruitful and meaningful debate in the media on the issue of political financing.

Moreover, as the House is already aware, every year Government undertakes extensive consultations with all stakeholders in the context of the preparation of the national Budget. Wide consultations are also held on other Bills, concerning major national issues.

Madam Speaker, I would like to emphasise that non-State actors, including NGOs and Trade Unions, are co-opted in different forums for their contributions in the social dialogue, which has always characterised our approach to public governance.

It is also significant to note that, in line with our commitment to adopt a consultative approach in decision-making, Government has, in April this year, revived the National Economic and Social Council which comprises the Government, the private sector, civil society, academia and the public sector. The Council under my Chair meets on a quarterly basis.

Madam Speaker, Government will consider the advisability of introducing referendums on issues of major national importance, where appropriate, taking into consideration the cost element and logistics required for such an exercise.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Thank you, Madam Speaker. I thank the hon. Prime Minister for his answer referring to the Government Programme as far back as 2015. He will agree with me that when you look at the political manifesto of *L'Alliance Lepep* and one of the 12 commandments was precisely, if I am allowed to read that part, I quote –

“Il y aura des référendums obligatoires pour des questions cruciales concernant l'État.”

So, my question to the hon. Prime Minister, in line with the commitment in the political manifesto to have mandatory referendum on matters of such national importance, for instance, the proposal by Government to come up with financing of political parties from

taxpayers' funds, funds belonging to the taxpayers, does he not consider this of such crucial importance therefore and advisable to come with a referendum specifically on this issue of political financing and other issues, for example, of such crucial national importance such as the Constitutional amendment that he is proposing?

The Prime Minister: Well, as I said, in fact, the Government Programme of 2015-2019, paragraph 257 reads as follows –

“Nationwide referendums will be held on matters of utmost importance and relating to public interest as well as on critical amendments pertaining to our sovereignty or Constitution.”

Madam Speaker, again, let me repeat what I have just stated. With regard to the electoral reform, a proposal was made, giving enough time for all the parties in the National Assembly and other parties also, not represented in the National Assembly and the public at large, to communicate any views, suggestions, any proposals with regard to specific provisions that we have made public.

Again, with regard to financing of political parties, it is good that I do also emphasise that we have released the broad principles with regard to this issue. We expect to have any proposals or counter proposals, and let me say that what we have suggested, in fact what we have at least proposed is part financing by Government and, of course, financing also by the private sector.

The issue of part financing by the Government is open. We have not stated in what percentage, what amount, but it is open, and I wish that Members, political parties, both represented in this House and outside, will make concrete proposals with regard to that. So, there are consultations, as I said. I do not think it would be practical to go for a referendum wherein we will require a specific vote on this issue or on the electoral reform. Otherwise, why is it that we do not hold a referendum on the national Budget? This is a matter which impacts on the lives of everybody, in fact.

So, we have indeed put it in our programme, but it is a matter requiring thinking and being practical. And then, let me also say to the hon. Member, if I take one aspect of the electoral reform, for example, abolition of the Best Loser System. Now, if we have to submit that to a referendum, I mean to say that you can surely imagine what will happen.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: I, once again, thank the hon. Prime Minister for his lengthy reply. The hon. Prime Minister, Madam Speaker, has spoken lengthily about the concept of consultation. He has, himself, made a difference in the political manifesto between consultation and referendum. He will note my question is as follows: since the political manifesto and the Government Programme never spoke about the abolition of Best Loser or, most importantly, the proposal of Government to the House to come and allow political parties to be financed from funds belonging to Government. Since this was never in the proposal, in the manifesto, and neither was it found in the Government Programme, is it not, therefore, important since none of us have any mandate on this particular issue, that there be a referendum precisely because he makes the difference between the two?

Madam Speaker: Yes, please be brief!

The Prime Minister: Madam Speaker, I do not agree with the hon. Member because in our manifesto, we clearly mentioned that we shall come up with electoral reform. We said that we shall introduce a dose of proportional representation; we shall see to it that there is a provision that will encourage women participation at the highest level in our political life, and with regard to financing of political parties, we did say that we shall come up with such a Bill. But the hon. Member should understand that in a manifesto, we do not come up with the details of electoral reform or financing of political parties. It is then for Government to work out a detailed proposal and this is what we have done. We are living up to our commitment, to what we have promised to the people and we are delivering today. Now, it will obviously be for every Member of the House to take his or her own responsibility also, and I say this also for history. Because I believe that we have been discussing on these issues for so many years under previous Governments. In fact, the hon. Member will also remember that in 2012, I believe, the Government Programme under the Labour Government also mentioned that Government will come up with the system of referendum in order to consult people on very important issues. That also never happened. Worst still, the hon. Member will recall that he came up with a proposal for amending our Constitution with regard to powers to be given to the President, and to the Prime Minister, and there was no consultation. It was done in *catimini*. There was no consultation at all.

(Interruptions)

I am not saying that because I want to get political mileage out of it. We are serious. I want to say: 'Look, we are holding wide consultations and it is open for everybody to make

proposals.’ Of course, with regard to financing of political parties, we are open. We have not said that this is what we are going to propose and this is what we are going to stick to. We are open. Please, make proposals and then we shall look into them.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: Madam Speaker, my question to the hon. Prime Minister is as follows: although he has made a difference between holding or organising wide consultations with different stakeholders and different issues, but does not he consider that amending the Constitution for holding referendums is a completely different matter and this is why this was introduced in Government Programme of *l’Alliance Lepep*? As the hon. Minister Mentor said: ‘We did not dispute the merit of referendum as a complement to the system of representative democracy and that referendum should be used very selectively only on highly controversial issues of national importance and not on every issue’.

The Prime Minister: Madam Speaker, if I can recall, I think, in our Constitution, it already makes provision for holding of referendum if we have to amend section 1 of the Constitution and section 47 also. I think it is with regard to the holding of elections. This is what we amended at that time. As I said, it requires further thinking. We also have to look at the practical aspects of it, but I think what we are doing is, as near as we can come to a proper referendum as such by holding, I again repeat, wide consultations.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. On the issue of financing of political parties, electoral reform and Declaration of Assets Act, had we not already been mandated by the people of Mauritius in December 2014 to bring these changes instead of holding a referendum?

The Prime Minister: Well, the hon. Member is right because it was in our programme. The only difference is that hon. Mohamed is saying that we should have stated, maybe, the details of it, whether we are coming with a new system to replace the Best Loser and so on and so forth. It is not appropriate, it is not proper and it has also not been done by any political parties. The manifesto will say broadly on which issue, what we intend to do and the details, of course, have to be worked out when we are in Government.

Madam Speaker: The Table has been advised that PQ B/1161 has been withdrawn. Next question, hon. Ameer Meea!

PAY RESEARCH BUREAU REPORT - PUBLICATION

(No. B/1159) Mr A. Ameer Meea (Second 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 next Pay Research Bureau Report, he will state if the request of the Trade Unions for the publication thereof in September/October 2019 and for the implementation thereof as from 01 January 2020 will be acceded to.

The Prime Minister: Madam Speaker, the Federation of Public Sector and Other Unions has, in a letter addressed to me on 05 April 2018, made a request to prepone the publication of the next PRB Report to September/October 2019, for implementation as from 01 January 2020.

Madam Speaker, since the release of its first Report in 1982, the Pay Research Bureau has continuously undertaken a general review exercise of pay and grading structures in the public sector at an interval of five years, except for the 2016 Report, which was the first one to be published after a period of three years only.

However, the 2016 Report re-established the periodicity of the general review exercise to five years, which was accepted by all public sector employees. Hence, the next Report is expected to be released around October 2020 and the recommendations will be effective on 01 January 2021. The PRB has already embarked on the preparation of its next Report on the basis of this timeline.

Madam Speaker, the hon. Member will appreciate that, following a major review exercise, involving heavy financial costs, an appropriate time lag needs to be allowed to implement and assimilate the recommendations to measure the effectiveness and the impact on service delivery and efficiency of institutions. In its 2016 Report, the Pay Research Bureau has underlined that the publication of a Report of such a magnitude within a period of three years had impeded the process leading to the assessment of the efficiency of institutions.

For these reasons, the Bureau has recommended that the recommendations of the next PRB Report should be effective as from 01 January 2021.

Madam Speaker, in these circumstances, it is proposed to maintain the frequency of publication of the PRB Report to five years.

Mr Ganoo: Can I ask the Prime Minister whether he can confirm that the post of Director is vacant and is it not hindering the PRB in its function?

The Prime Minister: I shall look into it, and I shall communicate to the House.

Madam Speaker: Next question, hon. Armance!

EQUAL OPPORTUNITIES COMMISSION - COMPLAINTS

(No. B/1160) **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 Equal Opportunities Commission, he will, for the benefit of the House, obtain therefrom, information as to the number of complaints lodged thereat since 2015 to date, indicating the number thereof referred to the Equal Opportunities Tribunal.

The Prime Minister: Madam Speaker, I am informed by the Equal Opportunities Commission that 771 complaints have been lodged at the Commission from 01 January 2015 up to 30 November 2018, out of which 9 have been referred to the Equal Opportunities Tribunal.

I am tabling a full status of the complaints received by the Equal Opportunities Commission from January 2015 to 30 November 2018.

Madam Speaker, I have also been informed by the Equal Opportunities Tribunal that, out of the 9 cases referred to it by the Equal Opportunities Commission, the outcome is as follows -

- (i) in 1 case judgement has been delivered;
- (ii) in 1 case the ruling has been reserved by the Tribunal;
- (iii) in 1 case the Tribunal was not empowered to entertain the referral;
- (iv) 2 cases have been withdrawn by the complainants, and
- (v) 4 cases are still under process.

Mr Armance: Since the Government took office in 2014, there has not been any report that has been submitted by the EOC. Can we know from the Prime Minister why is this and has he dared to find out what is going on at the Commission, why no report has been submitted? The last report was in June 2014.

The Prime Minister: Which report is the hon. Member referring to?

(Interruptions)

The Annual Report, since 2014, has not been submitted? Well, I am not aware. I shall check on that, and report to the House.

Mr Armance: The hon. Prime Minister mentioned that 771 complaints have been received. Can we know from him how many internal conciliations have been done and can he also give us the list as well?

The Prime Minister: Conciliation and Settled – 73 cases.

Mr Armance: The same report that was submitted in 2014, there were some observations that the PSC, the LGSC and the DFSC should be answerable to the Commission. May we know from the hon. Prime Minister whether this has been done and where matters stand?

The Prime Minister: Well, the Commission will obviously have jurisdiction according to what the law gives to it in terms of powers.

Mr Armance: Yes. Will he amend the law to do that because right now they are not answerable to it?

The Prime Minister: This is another question as to whether we shall amend the law. We shall consider it.

Madam Speaker: Last question!

Mr A. Duval: Yes, thank you. With regard to the famous case where the Chairman of the Commission lost his Director, I think it was Mr Glover; his contract was not renewed, and we remember the case concerning hon. Gayan. May we know if that case has been referred to the Tribunal or whether it has been resolved by other means or if it is still being investigated into?

The Prime Minister: Well, that case was referred to the Tribunal and the Equal Opportunities Tribunal concluded that since the Commission itself has found that there was no live issue and was no more interested to pursue the matter, the matter was struck out.

Let me also say that because the hon. Member mentioned somebody who was chairing the Commission previously, I think it is pertinent to remind him of the statements that that Chair of the Commission made publicly with regard to his affiliation to, or his

support to a political party. I think that is a shame that such a member should have been chairing this Commission.

Madam Speaker: Next question, hon. Ramano! PQ No. B/1161 has been withdrawn!

DBM - MANAGING DIRECTOR - APPOINTMENT

(No. B/1161) 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 post of Managing Director at the Development Bank of Mauritius Ltd., he will, for the benefit of the House, obtain from the bank, information as to if same has recently been filled and, if so, indicate –

- (a) if the vacancy was advertised and, if so when and, if not, why not;
- (b) the salaries drawn, and
- (c) the qualifications held by the incumbent.

(Withdrawn)

BELLE ROSE & QUATRE BORNES – NDU PROJECTS

(No. B/1162) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) 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 ongoing projects implemented by the National Development Unit in Constituency No. 18, Belle Rose and Quatre Bornes, he will give the list thereof, indicating, in each case, the –

- (a) description;
- (b) project cost, and
- (c) start and expected completion dates thereof.

The Prime Minister: Madam Speaker, I am informed that the National Development Unit is implementing nine projects where contracts have already been awarded for the execution of works in Constituency No.18. In addition, the National Development Unit has appointed Consultants for the design and supervision for another nine projects which are at design stage.

Madam Speaker, I am tabling the information requested by the hon. Member.

Madam Speaker: Yes, hon. Ramano!

Mr Ramano: Merci, Madame la présidente. Madame la présidente, il y a un projet urgent à l'entrée de la Résidence Candos, Résidence Kennedy, à côté du stade Candos, portant sur la construction de drains. Le site semble être abandonné pendant plusieurs semaines alors que les habitants craignent, avec la période de grosses pluies, des risques d'inondation. Est-ce que je peux demander à l'honorable Premier ministre de donner priorité à cet état de choses ?

The Prime Minister: I believe that the hon. Member is referring to drain works at Vacoas Road, Hillary Blood Avenue, Candos, and the construction of absorption drain at - I don't know if it is Rotin No.1 that is connected or not.

(Interruptions)

No! But for the first one, works have already started, and they are expected to be completed by 21 December 2018. Well, this is the information that I have, but in the light of the remarks of the hon. Member, obviously, I shall look into the matter.

Madam Speaker: Time is over! Hon. Members, the Table has been advised that PQ B/1191 will be replied by the hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research. PQ B/1197 will be replied by the hon. Minister of Public Infrastructure and Land Transport.

COMMISSIONER OF POLICE - OVERSEAS MISSIONS

(No. B/1163) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Commissioner of Police, he will, for the benefit of the House, obtain therefrom, information as to the overseas missions/conferences/seminars and workshops attended by him since his assumption of office to date, indicating in each case, the

—

- (a) country visited;
- (b) composition of the delegation, and
- (c) cost incurred in terms of air tickets, *per diem* and other allowances.

Sir Anerood Jugnauth: Madam Speaker, I am informed that Mr Nobin, Commissioner of Police joined the Mauritius Police Force as Cadet Inspector on 12 January 1976 and reckons some 42 years of service. He was appointed to act as Commissioner of Police with effect from 26 February 2015 and his appointment as Commissioner of Police in the Mauritius Police Force took effect as from 20 March 2015.

Madam Speaker, by virtue of his status and position as the head of a Police Organisation, the Commissioner of Police, is required to attend overseas missions, conferences, seminars and workshops where strategic decisions and resolutions both at regional and international levels are taken.

As was the case for previous Commissioners of Police, Mr Nobin, the Commissioner of Police, attended the undermentioned annual and periodical monitoring meetings -

- (a) Southern African Regional Police Chiefs Cooperation Organisation Annual General Meeting, and
- (b) Interpol General Assembly Session.

The Commissioner of Police is called upon from time to time to form part of Ministerial delegations.

Madam Speaker, I am hereby tabling a list of the overseas missions undertaken by the Commissioner of Police since his assumption of duty till 29 November 2018.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. Can I ask the Rt. hon. Minister Mentor whether he approves each and every mission, conferences, workshops and seminars that the Commissioner of Police attends?

Sir Anerood Jugnauth: Well, I suppose, first of all, there must be approval from the Ministry of Finance and then, obviously, by the Prime Minister and this is not the first time that this is happening. It has always been like that.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Can I have the list? In the meanwhile, can I ask the Rt. hon. Minister Mentor whether, before approving each and every of the missions, the urgency of it is looked into because at a time when there is problem related to law and order and even

Police Officers coming down onto the street to manifest themselves, it is appropriate for the Commissioner of Police to travel that often?

Sir Anerood Jugnauth: Well, I understand it is approved by the Prime Minister. But in any case, if it is important for the Commissioner of Police to attend such meetings, obviously, it is going to be approved.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Thank you, very much, Madam Speaker. I am just having access to the list right now. Seeing from the list all the travels of the Commissioner of Police between 02 November 2015, from the moment he was appointed to 21 November 2018, we are having 20 travels. USD 31,000 in terms of *per diem* and Rs1,320,421 in terms of air tickets, could he, at least, tell us for USD 31,000 and Rs1,320,421 for air tickets, what has been the outcome of each of those travels and how has Mauritius benefitted or has it been just a little travel for our little Commissioner to enjoy from taxpayers funds?

(Interruptions)

Madam Speaker: Last question!

Mr Osman Mahomed: Thank you, Madam Speaker. It is well-known that the Commissioner of Police will come to retirement age soon. In the light of this, would it not be more beneficial to the service, let alone missions, for potential CPs to start attending the conferences and seminars because there is another one who is going to take over subsequently?

Sir Anerood Jugnauth: Madam Speaker, I am surprised that we hear such questions concerning the Commissioner of Police, as if it is now that we are inventing all this. It has always been like that, permanent.

Madam Speaker: Next question, hon. Osman Mahomed!

CEB – ELECTRICITY DEMAND FORECAST

(No. B/1164) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the difference between the actual and official forecasted peak demand and associated sales of electricity for the years 2015, 2016 and 2017, respectively, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the explanations therefor.

The Deputy Prime Minister: Madam Speaker, I am informed by the CEB that it prepares its forecast on the basis of a number of parameters, which include, among others, economic growth indicators, investment projects as well as energy consumption trends.

In 2014, in its report on the Assessment of electricity demand forecast and generation expansion plan, the World Bank projected demand up to 2022, using GDP and International Monetary Fund projections, assumptions on the impact of energy efficiency and energy saving programmes and structural changes in the Mauritian economy.

There have always been variations between projected demand and actual demand. The main reasons are that the electricity market is dynamic, implementation of development projects can take longer than planned and there are changes in customer behaviour. More recently, energy efficiency measures, use of more efficient domestic appliances and installation of roof top solar panels may have impacted on demand.

The degree of variation in the forecast and actual demand is within acceptable limits.

- (i) In 2015, the actual demand was 460 MW. World Bank's forecast was 464 MW and CEB's forecast was 470 MW, representing 99.1% accuracy and 97.8% accuracy, respectively. The actual sales of electricity amounted to 2,473 GWh. The World Bank had forecast 2,517 GWh while CEB had forecast 2,553 GWh. This means an accuracy of 98.2% and 97.8%, respectively.
- (ii) In 2016, the actual demand was 468 MW. World Bank forecast 483 MW and CEB 479 MW, representing accuracy of 96.8% and 97.6%, respectively. Actual sales amounted to 2,525 GWh. World Bank had forecast 2,621 GWh and CEB had forecast 2,535 GWh. The accuracy level was 96.2% for the World Bank, CEB's forecast was almost 100% accurate, i.e. 99.6%.
- (iii) In 2017, the actual demand was 462 MW. World Bank's forecast was 503 MW and CEB's was 480 MW, representing accuracy of 91.1% and 95.7%, respectively. Actual sales amounted to 2,583 GWh. World Bank's forecast was 2,731 GWh and CEB's was 2,623 GWh, representing 94.3 % and 98.5% accuracy respectively.

Given the increasing complexity and size of the power system and the changing energy landscape, the CEB intends to upgrade its generation expansion planning and is procuring new advanced software and computational tools.

It is also updating its Integrated Electricity Plan which will be released next year.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. The hon. Deputy Prime Minister mentioned about the World Bank. Can I refer him to the World Bank Report about a very short paragraph, and then I will put my question?

Madam Speaker: Ask your question, but do not read out the whole paragraph.

Mr Osman Mahomed: Is the hon. Deputy Prime Minister aware that in its report, the World Bank has stated the following: 'By implementing in 2015, the recommendations presented in this report on improvement of the methodologies and procedures for power system planning, the Mauritian institutions will be able to optimise the amount of new generation capacity actually needed and the related timing'. Can I ask the hon. Deputy Prime Minister whether these recommendations have been implemented today? Because based on them, lies the future of energy sector in Mauritius.

The Deputy Prime Minister: The World Bank Report has been the subject of extreme attention from my Ministry and from the Central Electricity Board. All the recommendations are looked into and insofar as is reasonably practical and possible, and if they coincide with the overall policy of Government, they are generally implemented.

Madam Speaker: Hon. Osman Mahomed.

Mr Osman Mahomed: Can I ask the hon. Deputy Prime Minister whether he would be prepared to table for the information of Members who are interested in the subject, the supply and demand matrix and the energy planning forecast for the next 15 years in the spirit of openness for us to understand exactly what is going on?

The Deputy Prime Minister: For this, the hon. Member would perhaps wish to ask a specific question so that we can look into the matter and advise accordingly.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Deputy Prime Minister referred to the World Bank Report, where the World Bank obviously overestimated the peak demand and, therefore, thought that there would be a capacity gap. So, being given that following what the hon. Deputy Prime Minister has said that the peak demand is much lesser than what was envisaged by the World Bank, has the hon. Deputy Prime Minister liaised with CEB to see whether the World Bank's advice has been sought as to whether we need to go ahead

with this Combined Cycle Gas Turbine now that we have not achieved the peak demand that was envisaged?

The Deputy Prime Minister: By coincidence, I turned my file and I fell on a PNQ of the then Leader of the Opposition of 19 April 2001, more or less the same question and I am not going to repeat the answer. Well, let us say one thing. Regarding the forecast, let us take one figure, for 2007, is 462 MW, World Bank is 91% accurate. By all accounts, that is not a wide margin of difference. Now, it is better that the forecast had been higher than the actual forecast because if it had been the reverse, the results would have been catastrophic. So, these happen because the parameters which are used are stochastic, they are random processes, statistically, they are subject of good analysis, but for predictions they are always moving. So, it is not surprising, whether it is impact on the CCGT, it has got absolutely nothing to do with it.

Madam Speaker: Last question, hon. Osman Mahomed!

CEB – ELECTRICITY PRODUCTION – LIQUEFIED NATURAL GAS

(No. B/1165) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the production of electricity from Liquefied Natural Gas, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the required storage facilities for the regasification plants, indicating the proposed locations and associated costs thereof.

The Deputy Prime Minister: Madam Speaker, I think I should start by making one thing very clear. Liquefied Natural Gas (LNG) is not being contemplated only for electricity generation, although the focus has been on that matter. The CEB is contemplating using LNG in a CCGT Turbine plant, but also in St Louis and Fort Victoria Power Stations. But LNG is also contemplated for other uses; public transportation, bunkering and also domestic application eventually.

In that context, I have to refer to my reply to the PNQ of 03 August 2018, when I informed the House that my Ministry had appointed Poten & Partners (UK) to undertake a comprehensive study on the adoption of LNG. The study examined and assessed storage, regasification as well as possible locations and related costs.

I had also informed the House that the Consultant had submitted its draft report in July 2018 and that a Ministerial Committee was examining the report. The Ministerial Committee will in the coming weeks submit its recommendations to Government.

I have to add that a High Level meeting of Indian Ocean States, coordinated by the Trade and Development Bank and the Seychelles Government, was held in Mahe on 11 and 12 October 2018 to develop a common regional strategy for the importation of LNG for electricity generation. This was motivated by the decision of the Government of Seychelles to shift to LNG. The Indian Ocean Commission and various other institutions were also present. The IOC made a presentation.

There was consensus that Mauritius should take the lead as it has reached an advanced stage in its LNG strategy. Consultations will now be held on a Memorandum of Understanding to establish a Steering Committee and a joint LNG Procurement Strategy to secure delivery at economic landing prices.

The determination of the storage capacity and location in Mauritius will also take into consideration the regional supply of LNG.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. The hon. Deputy Prime Minister has mentioned about a proposed location, but estimated cost was not mentioned in his reply. These two factors will impact on the feasibility of using LNG in Mauritius in the future. Can I ask the hon. Deputy Prime Minister what kind of visibility do we have at this moment in time for the use of LNG in the different sectors that he has just mentioned?

The Deputy Prime Minister: We are precisely looking into it in order to report to Government. So, it would not be very appropriate that I go into this matter at this stage. I shall at a later stage be well prepared to give further information.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Today, in his answer, the hon. Deputy Prime Minister referred again to the report of Poten & Partners. And last week, answering a PQ, he stated that we would be considered a backward country if we don't go ahead with the use of LNG. In these circumstances, may I ask the hon. Deputy Prime Minister if he is prepared, in all transparency, once and for all to table the report of Poten so that we know whether they consider us to be a backward country if we don't go ahead with LNG?

The Deputy Prime Minister: No, I am not, Madam Speaker. There are many reasons for this, but the most important one is that there are, in this, information which may affect procurement processes which are now in course and it is neither appropriate nor in order that I do so. I am very sorry about this.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Thank you, Madam Speaker. Can we know from the hon. Deputy Prime Minister whether by now he can inform us how much exactly has cost to the consumers, to CEB, this Poten report in terms of Mauritian rupees? How much have we paid and how much remains to be paid?

The Deputy Prime Minister: I am sure the hon. gentleman will recall that I gave this answer to the House some time back. Of course, I do not walk about with the figures in my mind. I shall refresh my memory and, at the same time, refresh his, because if I am not mistaken he asked that question.

Mr Bhagwan: But he did not give the full figure last time!

The Deputy Prime Minister: I probably gave the full figure, but I will check.

Madam Speaker: Last question, hon. Osman Mahomed!

Mr Osman Mahomed: Can I ask the hon. Deputy Prime Minister which entity will invest in all the infrastructure and distribution related to the use of LNG in Mauritius subsequently?

The Deputy Prime Minister: The hon. Member has a microphone in my office? That has been the subject of discussion of the last Ministerial Committee. Let me wait for when they send.

Madam Speaker: I suspend the sitting for one and a half hour.

At 1.01 p.m., the sitting was suspended.

On resuming at 2.33 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Osman Mahomed!

CEB - COMBINED CYCLE GAS TURBINE PLANT PROJECT

(No. B/1166) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities

whether, in regard to the Project for the Design and Build of a Combined Cycle Turbine Power Plant at Fort Georges, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the –

- (a) main recommendations of the feasibility study carried out prior to the launching of the bid exercise therefor and table copy thereof;
- (b) estimated total investment required therefor and financing mode thereof, and
- (c) production capacity and production cost per kw/hr thereof, phase-wise.

The Deputy Prime Minister: Mr Deputy Speaker, before coming straight to the answers, I will make a chronological introduction on the matter.

The introduction of a Combined Cycle Gas Turbine (CCGT) Plant was first mooted in the K & M Report of 2002. This report advocated the possibility of a CCGT Plant at Fort William.

CEB examined this option and finally included it in its Integrated Electricity Plan 2003-2012.

In 2002, Requests for Proposals were launched for base load using any technology.

In 2003, a contract was awarded to *Centrale Thermique du Sud* for power generation from 100% coal.

In 2005, a contract was awarded to Omnicane for power generation from coal and bagasse in a ratio of 2:1. Bagasse was valued at zero except for handling charges.

Soon after the 2005 General Elections, the CCGT generation options were discarded as Government preferred the coal route. A foreign company, CT Power submitted an unsolicited proposal for the production of electricity from 100% coal.

In April 2006, CT Power obtained its Letter of Intent from the Board of Investment. As a result, the CCGT initiatives were shelved.

On 03 August 2015, I replied to a PNQ and informed the House that in its Report on the Assessment of Electricity Forecast Demand and Generation Expansion Plan, the World Bank had recommended the procurement of two gas turbines to run initially on diesel in an amount 36 MW each.

Studies were initiated and provision for CCGT project was included in the 2016-2017 CEB Budget in an amount of Rs800 m. Provision was also made in CEB's 2017-2018 Budget

this time in an amount of Rs1.6 billion. In the last budget, the provision is for Rs3.1 billion. This project appeared in the Public Sector Investment Programme with a project value of Rs8 billion in 2016-17 and Rs8.9 billion in the PSIP of 2017-2018, the expenditure to be spread over four years.

In my reply to PQ B/561 of 11 July 2017, I informed the House that on the basis of the World Bank's recommendations, CEB appointed *Electricité de France (EDF)* for the preparation of a conceptual design for the Combined Cycle Gas Turbine (CCGT) Project. This included several studies.

On 09 March 2017, *EDF* submitted its report confirming the technical and economic viability of the project.

With regard to part (a) of the question, the main findings and recommendations of the report were as follows –

- (i) the estimated power output for the power plant, comprising two open cycle gas turbines will be in the range of 33.9 to 37.7 MW each;
- (ii) the power output for two gas turbines and one steam turbine in the CCGT configuration, fired with diesel would be in the range of 115-122 MW;
- (iii) the power output for the CCGT power plant, fired with Natural Gas firing would be 120-145 MW;
- (iv) on account of safety considerations during implementation works, the overhead 66kV transmission line crossing the site earmarked for the CCGT project should be rerouted. This work has already started and is almost completed. The transmission line is now being undergrounded;
- (v) air-cooled condensers instead of sea water cooling should be utilised as there were several issues for supply of sea water to the CCGT cooling process;
- (vi) one single tender for the OCGT and CCGT is preferable, and
- (vii) the turbines should be installed within a power house to improve the operating conditions and to ensure long-term integrity.

As regards the tabling of the report, it is not appropriate or opportune to do so, given that the procurement exercise is not yet completed and in view of any potential or existing cases for challenge.

With regard to part (b) of the question, in my reply to PQ B/1100 last Tuesday, I gave the information on the investment.

I am informed by the CEB that the financing will be a combination of CEB's own funds and loans, as has been the practice for construction of other CEB power plants, the most recent one being the St Louis Redevelopment Project.

Concerning part (c) of the question, the CEB has indicated that the net production capacity will be 70-80 MW on diesel fuel and after the conversion to CCGT it will be in the range of 120-140 MW.

As regards the production cost, the Consultant had estimated the cost for the Open cycle to be around Rs7.95 per Kwh, as compared to Rs12 for the Nicolay Gas Turbine and Rs6.67 for the Solar Farm of Sarako. The marginal cost per kWh is estimated around Rs3.65 per kw/hr for the Combined Cycle Gas Turbine.

I should draw the attention of the hon. Member and of the House that in addition to meeting electricity demand, this project has wider longer term objectives of national interest. It is estimated that over the period up to 2040, with LNG, the CO² emissions would be 15.6 million tonnes lower and switching to LNG would lower Mauritius GHG emissions by approximately 15%.

In addition, power generation plant based on natural gas requires lesser maintenance and offers flexibility to accommodate renewable energy.

The Deputy Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, I have three questions and I will ask them one at a time. Can I ask the hon. Deputy Prime Minister, the Rs7.95 that he has just mentioned, as to be the cost per unit kw/hr, is it the cost of fuel only or is it the levelised cost of energy which - as I am sure the Deputy Prime Minister will know - is defined as the average minimum price at which electricity must be sold in order to break even over the lifetime of the project? Is it the cost of fuel or the levelised cost of energy?

The Deputy Prime Minister: From my notes, I see production costs. I shall be obtaining accurate response in a half a minute - no, less than half a minute. It is cost of fuel only.

Mr Osman Mahomed: So, how is it that investors in the project are going to refund the loan that they are going to take? This is my first part of the question. And also, the hon. Deputy Prime Minister has mentioned that funding from CEB will be used. Now, can I refer

the hon. Deputy Prime Minister to a reply that was tabled in Parliament that CEB has borrowed in excess of Rs1 billion on 15 December 2015 from the CEB Pension Fund on an interest free basis?

(Interruptions)

I am going to reformulate my question. How is CEB going to recoup the cost of investment and repay those who have lent money to the CEB, sometimes at interest free rate? How is the CEB going to manage this project, financially speaking?

The Deputy Prime Minister: Well, I am sure that all our financial advisors are going to take care of this and have taken care of it. I am not able to give the hon. Member an off-the-cuff answer right now.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: Mr Deputy Speaker, last week, the hon. Deputy Prime Minister told us the cost for the award for the construction of this project which is around Rs8 billion. May I know from the hon. Deputy Prime Minister how much of this Rs8 billion will come from propriety funds of CEB? How much will come from loan? This loan, if it is going to be guaranteed by the Government, has the CEB obtained clearance from the Ministry of Finance that the Government is able to guarantee that loan?

The Deputy Prime Minister: The last project was CEB's own funds plus loans from an external agent. This time, it will be, as I have said, in the budget of CEB, Rs3.1 billion from CEB's proprietary fund. Phase I is going to cost Rs3.7 billion and Phase II is going to cost Rs3.2 billion. I would need to see whether the figures are correct. The total contract value is Rs6.9 billion. The loans are going to be taken on the local market. The Ministry of Finance, as you see, it is in the Public Sector Investment Programme as I quoted, I think, earlier this morning.

The Deputy Speaker: Hon. Dr. Boolell!

Dr. Boolell: Can I ask the hon. Deputy Prime Minister whether studies have been conducted to assess the implementation of this project upon the Independent Power Producers of the sugarcane industry?

The Deputy Prime Minister: If I go down the line as I have of all the interventions in Parliament since 2011, it is constant that if we are going to use LNG, it is to the detriment of heavy fuel oil and coal. These two! To realise, as we speak today, in Poland, this is exactly

the debate because we have to reduce dirty fuels and perhaps the world's dirtiest fossil fuel is coal. LNG is a cleaner, efficient and cheaper fuel. That is what we have to do. This is why I said last time, if we are going to stop this - we have got to do it well, of course - Seychelles is going to do it; Madagascar is going to do it and we are going to remain at the back and we are going to be dependent on other countries. So, we have got to be very careful in our attitudes towards LNG. It is a cleaner and cheaper fuel. Of course, there are capital costs which are associated and this is what we are studying before we come to the House, of course, with all the elements of information.

The Deputy Speaker: Hon. Bhagwan!

Mr Bhagwan: Can I know from the hon. Deputy Prime Minister whether there have been any Board meetings in the recent past where the matters was discussed and whether the representative of the Ministry of Finance was present at the Board and whether local banks had already been approached for part financing of the project?

The Deputy Prime Minister: Well, there have been board meetings. I know the representative of the Ministry of Finance is always there. I do not think matters of great moment occurred because I was not directly informed of any specific matter raised. As far as the approaches made to local banks, I am not aware for the moment, but I do not know if I can get a note on this. If I can get a note on this, I will gladly give you the information. Apparently, several local banks have been approached and they are seeking indicative rates for the moment.

The Deputy Speaker: Next question, hon. Ameer Meea!

VALLEE DES PRETRES - POLICE STATION - SETTING UP

(No. B/1167) 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 the proposed setting up of a Police Station at Vallée des Prêtres, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand, indicating the –

- (a) proposed location thereof, and
- (b) regions that it will cover.

Sir Anerood Jugnauth: Mr Deputy Speaker, Sir, further to my reply made to PQ B/783 in July this year where I mentioned that the region of Vallée des Prêtres was

adequately covered by Abercombie Police Station, I am now informed by the Commissioner of Police that based on the upcoming developments in that region and hence to face the future policing challenges the need is felt for a Police Post.

Accordingly, a request was made on 29 October 2018 to the Ministry of Housing and Lands for the vesting of a plot of State Land in the Police Department. However, the Department was informed on 16 November 2018 that no State Land was available in the region of Vallée des Prêtres. Thereafter, a plot of land under private ownership was identified and the Ministry of Housing and Lands was requested on 26 November 2018 to acquire an extent of 500m² and vest same in the Police Department. The needful is being done by the said Ministry.

As regards part (a) of the question, the proposed Police Post will be located at the junction of Bernardin de Saint Pierre Street and Marjolin Road at Vallée des Prêtres.

Mr Deputy Speaker, Sir, with regard to part (b) of the question, I am informed that the Police Post will cover mainly the region of Vallée des Prêtres and Cité La Cure. The setting up of the new Police Post in the said locality will, therefore, help in maintaining law and order, prevent crime and, *inter alia*, enforce road traffic regulations and other legislations.

Mr Ameer Meea: Mr Deputy Speaker, Sir, I am happy that the Rt. hon. Minister Mentor has changed his mind because answering to a PQ on 31 July this year, he said it was not envisaged. And then after a week, that is, on 06 August 2018 when the hon. Prime Minister went to Vallée des Prêtres, he publicly announced that a Police Station will be constructed in Vallée des Prêtres.

So, therefore, can I ask the Rt. hon. Minister Mentor that in line with the numerous cases of theft, larceny, aggression and even one case of murder, Mr Shyam Ramgoolam, will he not press upon the Commissioner of Police to come very quickly with this project because this has been on the cards for more than 15 years? There have been questions by yourself, Mr Deputy Speaker, Sir, I have gone through the Hansard, and by hon. Mahen Jhugroo.

The Deputy Speaker: The hon. Member should not refer to the Chair when he is putting his question. I am in the Chair now.

Mr Ameer Meea: Sorry about that.

(Interruptions)

So, can I press upon the Rt. hon. Minister Mentor so that this project is executed as soon as possible?

Sir Anerood Jugnauth: Well, it can only be executed once the land is made available. So, we are waiting for that. Anyway, I will pass this on to the Commissioner of Police.

The Deputy Speaker: Next question, hon. Ameer Meea!

PRISONS – MOBILE PHONES & PROHIBITED ITEMS

(No. B/1168) 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 the prisons, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to –

- (a) the number of private mobile phones and other prohibited items seized thereat since November 2017 to date;
- (b) if all the cameras of the Closed Circuit Television Cameras Surveillance System are operational and, if not, why not, and
- (c) if mobile jammers have been installed thereat and, if so, indicate if same are operational and, if not, why not.

Sir Anerood Jugnauth: Mr Deputy Speaker, Sir, I am informed by the Commissioner of Prisons that since November 2017 to date, 326 mobile phones and 1124 other prohibited items including batteries, sim cards, battery chargers, improvised weapons and syringes have been seized in prisons.

With regard to part (b) of the question, I am informed that, out of 1257 cameras of the Closed Circuit Television Cameras Surveillance System in all the nine prisons, 987 are operational. The remaining 270 cameras are not operational at the following prisons –

- (i) two cameras at Petit Verger Prison due to renovation works being effected. Same will be fixed after completion of these works.
- (ii) eight cameras at the Central Prison, Women Prison and Open Prison for Women are currently being repaired by contractors, and

- (iii) 260 cameras at the Eastern High Security Prison (ESHP) due to damage caused to fibre optics cables by rodents and frequent power loss as a result of faulty Uninterrupted Power Supply (UPS).

I am further informed that, on 10 February 2016, the Mauritius Prison Service had signed a five-year maintenance contract with Beijing Zhuzhong/Hyvec Partners Joint Venture which constructed the Prison and installed the CCTV camera system.

In early June 2016, the attention of the contractor was drawn on several faulty cameras due to poor or no images.

Since then, the Mauritius Prison Service has been closely monitoring the situation and has taken remedial actions, in collaboration with the relevant stakeholders, to especially address the following issues -

- (a) damage caused to fibre optic cables by rodents, and
- (b) frequent power loss and faulty UPS.

The House may also wish to note that, in June 2016, there were 73 faulty cameras. With the implementation of remedial measures, the situation improved significantly and the figure dropped to 21 faulty cameras on 17 October 2017. However, following the heavy rain, thunder and lightning over the region of Melrose at the beginning of this year, many circuit breakers have tripped, affecting these cameras.

The Commissioner of Prisons has, however, pointed out that security has not been compromised as more Prison Officers have been deployed across the Prison and the areas, not captured by the faulty cameras, have been covered by the other existing cameras.

I would invite the hon. Member to refer to the reply I made on this specific issue at our sitting of 04 April 2018.

I wish to further inform the House that consideration is being given by my Ministry for the termination of the maintenance contract with the main contractor due to unsatisfactory service. The advice of the State Law Office is being sought on the way forward.

Mr Deputy Speaker, with regard to part (c) of the question, I am informed that jammers were installed at the Central Prison, Beau Bassin in September 2006. Complaints were, however, received in the same month from residents in the vicinity of the prison to the effect that the jammers were interfering with their cellular communication. On the

recommendation of the Information Communication Technology Authority (ICTA), the jammers were fine-tuned.

Jammers were also installed and tested in 2014 at the Eastern High Security Prison. The mobile operators Emtel, Orange and MTML had complained to ICTA that the jamming system was affecting their respective networks through spillage. At a Committee held on 05 May 2014 at the ICTA, it was confirmed that the jamming system was blocking both the uplink and downlink frequencies of the mobile networks.

Following reprogramming of the jammers by a team of engineers from Israel in May 2015 and its fine-tuning, no complaint has been received from any Communication Service Provider.

I would like show to the House, I have been asked by the Commissioner of Prisons because after all precautions that have been taken we have phones still coming into the prison. This is because now we have this type of phone, very small ones and the prisoners sometimes carry them in their private parts.

(Interruptions)

So, it is not all that easy to control this. Thank you.

The Deputy Speaker: Yes, hon. Aadil Ameer Meea!

Mr Ameer Meea: Well, Mr Deputy Speaker, Sir, I was not expecting exhibit to be produced to the National Assembly today but it's worth it because we have learned something. Mr Deputy Speaker, Sir, can I ask the Rt. hon. Minister Mentor, in relation to Eastern High Security Prison...

(Interruptions)

The Deputy Speaker: Silence, please!

Mr Ameer Meea: Eastern High Security Prison, I recall that two years back this issue came to the House. There was this issue of rodents and also flooding of the system of the camera. To my astonishment, after two years, it's again the same reply to this issue. Is it not high time to review this whole system of camera because it concerns the high security prison?

Sir Anerood Jugnauth: This is being taken care of.

The Deputy Speaker: Hon. Baloomoody!

Mr Baloomoody: Thank you, Mr Deputy Speaker, Sir. It is good to have cameras but then we must have people to view the cameras, especially at the Eastern High Security Prison where there are about 200 cameras to be viewed in the room, but there is only one person.

We had the opportunity of visiting same when we were in the Public Account Committee. There is only one person viewing 200 cameras. So, can I ask the Rt. hon. Minister Mentor to press upon the Commissioner of Prisons to increase the number of staff in the control room so that they can view exactly what's happening in the prisons?

Sir Anerood Jugnauth: I will do that.

The Deputy Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Mr Deputy Speaker, Sir. Last time, on the 23 October, during the Private Notice Question to the Rt. hon. Minister Mentor, when he was asked about why not putting a net to stop pelting, he answered that there was no such cases of pelting at the moment - a month ago. Yet from the answer of the Rt. hon. Minister Mentor, it seems that it has doubled since last year. I think it was 230, this year it's more than 300 prohibited items that have been pelted, I would think, over the walls. So, has the Rt. hon. Minister Mentor taken a stand now with regard to the netting? He said he would think about it. Has he given it some thought and is Government going to implement this infrastructure in the prisons?

Sir Anerood Jugnauth: Well, whatever is important and should be done in order to better the service, it will be done.

The Deputy Speaker: Hon. Sewocksingh!

Ms Sewocksingh: Thank you, Mr Deputy Speaker, Sir. Further to a similar question last year, the Rt. hon. Minister Mentor said that there were 230 mobile phones that were seized from March 2017 till that date that was on 07 November 2017 and today we could hear that from November 2017 till date there were some 376, if I could recall well from the reply, mobile phones seized. Now we can see that there are various devices that are being introduced. So, can I ask the Rt. hon. Minister Mentor if he is considering, if Government is considering seriously to look into the matter to stop these transactions?

Sir Anerood Jugnauth: Well, everything is being done in order to stop that.

The Deputy Speaker: Next question, hon. Ameer Meea!

AGALEGA ISLAND – MR A.P. – REQUEST LETTER

(No. B/1169) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to one Mr A. P., she will, for the benefit of the House, obtain from the Outer Islands Development Corporation, information as to if the latter was repatriated to Mauritius from the Agalega Island in September 2018 and, if so, indicate the reasons therefor.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Mr Deputy Speaker Sir, I am informed by the Outer Islands Development Corporation on the following –

- Mr A.P. is employed by YDC as handy worker.
- There has never been any question of the repatriation of Mr A. P. to Mauritius.
- The YDC, through the Resident Manager in Agalega, issued a letter dated 13 September 2018 to Mr A.P. requesting him to proceed to Mauritius on the Mauritius Trochetia Vessel which was leaving Agalega on Friday 14 or September 15 to furnish an explanation regarding a sitting which took place in Agalega on Thursday 06 September 2018. However, the letter was subsequently cancelled and it was not deemed necessary for Mr A.P. to travel to Mauritius.

Mr Ameer Meea: Mr Deputy Speaker, Sir, I would like to ask the hon. Vice-Prime Minister who gave the instruction for Mr A.P. to be repatriated to Mauritius and also for what reason he should have come to Mauritius to give an explanation for a sitting that has taken place in Agalega? This could have been done by way of letter or talk to him on the phone.

Mrs Jeewa-Daureeawoo: First of all, let me clarify. As I have said in my reply, it has never been a question of repatriation. The letter that has been issued was not to cause any harm to Mr A.P. or to any other one. I fully agree with the hon. Member, maybe I would have written the letter in another way, but the problem arises when the Dornier went to Agalega on 03 September to fetch some civil officers. On the return of the Dornier back to Mauritius, there was a request for the evacuation of three patients. Now, being given that the Dornier is a very old aircraft and it could not go back to Agalega on the same day because of servicing, that is why the three patients have had to travel to Seychelles for treatment.

Mr Ameer Meea: Mr Deputy Speaker, Sir, today itself, this morning, I have spoken to Mr A.P. and he told me that he is afraid if ever he comes to Mauritius, he will not be allowed to go back to Agalega. This morning itself, he told me this. Therefore, I am asking the hon. Vice-Prime Minister to reassure him and to reassure the House that this is not the case.

Mrs Jeewa-Daureeawoo: Mr Deputy Speaker, Sir, I must say that I have been to Agalega on 24. I spent two days and I have met Mr A.P. two or three times during my stay. I have reassured him that the issue has already been resolved and that there is no need to have any fear to come to Mauritius.

The Deputy Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Can the hon. Minister inform the House - she stated that the Resident Manager wrote a letter to Mr A.P. - whether the Government has taken to task the Resident Manager because he writes in a manner that was not explicit?

Mrs Jeewa-Daureeawoo: Yes, as I have said, I would not have written the letter that way because mention has been made for Mr A.P. to come to Mauritius for an explanation when this could have been done in Agalega through the phone. So, he has been made aware that the letter should not have been issued.

The Deputy Speaker: Next question, hon. Perraud!

LA MARGUERITE & HEAVEN CHILDREN SHELTERS – ALLEGED ILL-TREATMENT

(No. B/1170) Mrs A. Perraud (First Member for Port Louis North & Montagne Longue) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, following the closure of La Marguerite and Heaven Shelters run by the Vedic Social Organisations, she will state where matters stand as to the inquiries initiated into the allegations of ill-treatment of the inmates thereof.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Mr Deputy Speaker, Sir, the closure of the two shelters La Marguerite and Heaven Children situated at Belle Rose and Paillotte respectively and duly managed by the Vedic Social Organisations dates back to 11 July 2018. Same was prompted by -

- complaints from Ombudsperson for Children's Office;
- the report of Fact-Finding Committee chaired by Mr Denis Vellien which revealed numerous cases of abuse;
- numerous complaints received at the level of my Ministry.

When the allegations of ill-treatment of residents at the level of these shelters were reported, as a matter of priority, all efforts were pursued to provide necessary support to those residents. Following that, the latter were accompanied by the staff of my Ministry to the Office of *Brigade Pour la Protection des Mineurs* which is operating at the seat of the Police Family Protection Unit of Rose Hill for recording of statements. Subsequently, eight OB Entries were lodged at the Quatre Bornes and Rose Hill Police Stations. The Police department has thereafter taken over the task to conduct inquiries related to those allegations. I have been informed by the Police that the inquiries are still ongoing.

With a view to ensuring transparency an Independent Enquiry is also being undertaken by the Ombudsperson for the Children's Office to investigate on the said allegations and I have been given to understand that the enquiry is still in process.

Mrs Perraud: In her reply, the hon. Minister said that there is an independent inquiry which is done by the Ombudsperson for Children. Can she inform the House what is the role of the CDU and the ACU in this?

Mrs Jeewa-Daureeawoo: Well, I must say that before the matter is being referred to the Ombudsperson for Children and the Police, the CDU has undertaken an inquiry and following that inquiry the matter has been referred to the Police and the Ombudsperson. The Ombudsperson decided on its own to carry out the inquiry.

The Deputy Speaker: Hon. Baloomoody!

Mr Baloomoody: Can I ask the hon. Vice-Prime Minister, with regard to the Police inquiry of the alleged victims, are the residents of these homes given legal assistance while they are giving their statement to the Police? While they are assisting the Police in the inquiry, are they given legal assistance?

Mrs Jeewa-Daureeawoo: I must say that at the level of the Ministry, they are being accompanied by the officers, but as to whether they have been given legal assistance, I will have to find out.

Mr Baloomoody: Can I ask the hon. Vice-Prime Minister whether she can look into the matter and in case there is no legal assistance, that legal assistance be provided to those alleged victims, especially those residents of the Home?

Mrs Jeewa-Daureeawoo: Yes, of course, sure!

Mrs Perraud: Can the hon. Minister inform the House as to when the inquiry will be completed because it has been since months since this happened?

Mrs Jeewa-Daureeawoo: Well, I understand that the Ombudsperson for Children has had some difficulties to get in touch with that lady. For some period of time, she was out of the country for medical treatment and I think now she is back. So, I have been told that the report is being finalised.

The Deputy Speaker: Next question, hon. Perraud!

TERRE ROUGE – SEWAGE CLOGGING

(No. B/1171) Mrs A. Perraud (First Member for Port Louis North & Montagne Longue) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the sewer lines in Terre Rouge, he will, for the benefit of the House, obtain from the Wastewater Management Authority, information as to if cases of clogging thereof were reported thereto and, if so, indicate if short term remedial measures have been taken in relation thereto, indicating the long term remedial measures that will be taken.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I am informed by the Wastewater Management Authority that cases of sewer blockages in the Terre Rouge region has been reported to it quite frequently.

It has attended to the requests promptly to sending its blockage teams and the two new jetting units that it has recently acquired.

I am further informed by the Wastewater Management Authority that it will carry out preventive maintenance of the sewer using the new jetting units and it will conduct awareness campaigns on how to avoid clogging of the sewers.

In the longer term, provision has been made in the 2018-2019 and 2019-2020 Capital Budget for Consultancy Services for feasibility study, detailed design and preparation of bidding documents for the works contract for sewerage works in the region of Terre Rouge.

Mrs Perraud: Can the hon. Deputy Prime Minister inform the House whether the measures that are being taken will bring solutions to the problems faced by the inhabitants of the regions, I mean, Terre Rouge, Morcellement Goolamallee, Morcellement Tara and Cité Dol, regarding this problem of wastewater overflow?

The Deputy Prime Minister: Well, it depends on whether the awareness campaign which is conducted with the population is successful. Clogging is man-made. So, we need to make everyone aware of how to avoid that the sewer lines get clogged and that is happening in Terre Rouge. There must be an awareness campaign. So, we cannot say: ‘Yes, it will stop.’

The Deputy Speaker: Next question, hon. Henry!

ELDERLY – RECREATIONAL CENTRES – ACCESS

(No. B/1172) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Recreational Centres for the Elderly, he will state the eligibility criteria for access thereto.

Mr Sinatambou: Mr Deputy Speaker, Sir, as at date, my Ministry operates three recreational centres, namely at Pointe aux Sables, Belle Mare and Pointe aux Piments.

The purpose of the recreation centre is to provide residential camping facilities to senior citizens aged 55 and above as well as to persons with disabilities. This is in line with the policy of my Ministry to provide for the welfare and well-being of our senior citizens and persons with disabilities. I must say that over the years, these recreation centres have witnessed a real interest for our elderly and persons with disabilities so much so that there is presently an excess of demand for stay compared to what we can offer.

Some of our elders often refer to these recreation centres as *l’hôtel*, as they are well treated and are offered all the necessary facilities and recreational amenities.

As regards the eligibility criteria to have access to any of these recreation centres, they are as follows –

- (i) the applicant should be invariably a senior citizen aged 55 and above;
- (ii) alternatively, the applicant can be a person with disability with no age limit;
- (iii) a payment of Rs250 must be made per person for a duration of two nights or three days on a full board basis;

- (iv) one person is allowed only one stay in any of those recreation centres in any calendar year;
- (v) a written application should be made to the recreation centres, and finally
- (vi) the presentation of one's National Identity Card must be made on arrival.

The stay for those persons with disabilities, who are covered under the Respite Care Programme, managed by the Disability Unit of my Ministry, are fully subsidised, while those who come on their own or through associations for the disabled are required to pay the sum of Rs250 for their stay.

In view of the fact that there are about 215,000 elderly persons and 65,000 persons with disabilities and that the accommodation capacity of the three recreation centres is about 43,000 per year, there is a policy decision to the effect that each individual is eligible for only one stay in any calendar year. The policy decision was taken to allow for a maximum number of people to enjoy the benefits of the recreation centres and their applications for stay are entertained on a first come first served basis.

Mr Henry: Merci, M. le président. J'aimerais savoir du ministre s'il est au courant qu'il y a certaines personnes, groupes des associations qui ont écrit au ministère plus d'un an de cela, et jusqu'à l'heure ils n'ont pas de réponse.

Mr Sinatambou: Je ne sais pas s'ils n'ont pas de réponse, mais ce que je peux dire c'est que normalement toute lettre reçue au ministère est accompagnée d'une réponse. Il est possible que ces associations, si elles ont écrit au ministère pour avoir accès au centre de récréation, n'ont pas eu accès. La raison étant que pour 216,000 personnes, nous ne pouvons accommoder que 43,000 personnes dans les centres de récréation par année.

Mr Henry: Est-ce que le ministre peut nous dire quel système que le ministère a mis en place pour s'assurer que des personnes ou des associations n'ont pas accès aux centres plusieurs fois pendant l'année?

Mr Sinatambou: Ecoutez, c'est un système qui existe depuis avant moi. Je pense que nous avons à peu près 900 associations. J'ai vérifié avec le personnel. Ces associations sont répertoriées en ordre alphabétique dans chaque centre, ce qui fait qu'à la requête de chaque centre, on compare avec la liste alphabétique quand est la dernière fois où ces associations auraient donc eu accès à ces centres. Mais, je dois dire que nous mettons, en ce moment, en œuvre un système informatique pour que ce soit plus facilement vérifiable.

The Deputy Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Yes. I understood that demand exceeds availability of seats and there is a long waiting list. Can I suggest to the hon. Minister to provide the list of applicants, which I understand is on a first come first served basis, on the website of the Ministry for the sake of transparency?

Mr Sinatambou: Well, I do not think we can for every single element just for people to come to reside in a centre for three days, we are going to have now to put 45,000 people's names on the website of the Ministry. I think this is quite impracticable.

The Deputy Speaker: Hon. Adrien Duval!

Mr A. Duval: Yes, thank you, Mr Deputy Speaker, Sir.

Can the hon. Minister tell us, with regard to the persons in his Ministry that are in charge of receiving requests and processing, we are talking about 260,000 potential requests in one calendar year plus the disabled people who are qualified for admission in view of disability, so it is close to 250,000 applications that you can get. Can I ask the hon. Minister how many staff are actually working on the requests and whether they attend to every single request that they have in one calendar year?

Mr Sinatambou: What I can tell the hon. Member, Mr Deputy Speaker, Sir, is that already my Ministry has the biggest budget of this country and it exceeds the second budget of the country by nearly 50%. So, asking for even more...

(Interruptions)

But I am replying to the question. Come with practical questions, come with sensible questions. They want even more, it is already costing the country...

(Interruptions)

The Deputy Speaker: Silent, please!

Mr Sinatambou: whether they like or not, it is already costing this Ministry...

(Interruptions)

The Deputy Speaker: Silent, please!

Mr Sinatambou: I believe they should be courteous enough, they put a question to which I listened, they should be courteous...

(Interruptions)

Of course, if they are inelegant, they should receive lessons.

I was courteous enough to listen to them. They should be courteous enough to listen to the reply.

What I am trying to explain, Mr Deputy Speaker, Sir, is that the budget of the Ministry is already the biggest one of this country, of about Rs25 billion to be able to provide the required care to the elderly and the vulnerable.

Now, requesting things which are even more demanding is not reasonable. We are doing what we can with already what is the budget of this country.

The Deputy Speaker: Hon. Armance!

Mr Armance: In regard to the excessive demand for elderly people to come and attend the centres, what is the Ministry planning to do? This is not going to change now. Every year, you are going to have excessive demands and we have got only three centres. The situation is going to be the same for the next five years. Is the hon. Minister planning to build more centres? What is he doing as the Minister of Social Security?

Mr Sinatambou: Well, I thank the hon. Member for his question. I am pleased to inform the House, Mr Deputy Speaker, Sir, that currently a fourth recreational centre is being built in Riambel and we are expecting that it will be inaugurated in the course of this financial year which will, therefore, increase the absorption capacity of the recreational centres by another 25%.

The Deputy Speaker: Next question, hon. Jahangeer!

CWA – BOREHOLES

(No. B/1173) **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 mobilisation of ground water, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the number of boreholes drilled in Financial Year 2017-2018.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, it is the Water Resources Unit of my Ministry...

(Interruptions)

The Deputy Speaker: Silent, please!

The Deputy Prime Minister: and not the Central Water Authority, which is responsible for drilling of boreholes to explore potential of additional ground water resources.

During the Financial Year 2017-2018, four new boreholes were drilled at Beemanique, Bonne Mère, Beaux Songes and Lower Beaux Songes.

Mr Jahangeer: Thank you, Mr Deputy Speaker, Sir.

Now, when you dig a borehole, you extract water from the ground water, from aquifers. Now, will the hon. Deputy Prime Minister inform us what precautionary measures that have been taken by his Ministry to monitor the sea water intrusion into the ground water once water is depleted from these aquifers, whether confined or unconfined?

The Deputy Prime Minister: To my limited knowledge of geography - I am not an engineer, but I am not a stupid man either -, I do not see any grave danger of seawater infiltrating Beaux Songes or Bonne Mere or Beemanique.

The Deputy Speaker: Hon. Baboo!

Mr Baboo: Thank you, Mr Deputy Speaker, Sir. Can the hon. Deputy Prime Minister inform the House how many boreholes are actually operational and also how many are used for potable water, industries and agricultural purposes?

The Deputy Prime Minister: 168 boreholes in total. For the breakdown, the hon. Member needs to come back.

Mr Baboo: According to my colleagues, regarding the mixture of seawater, we know that in Mauritius, for each borehole, the depth we drill is 172 metres. So, can the hon. Deputy Prime Minister state to the House, out of the 112 boreholes which are used by the CWA, what is the yield we are getting in m³ per day?

The Deputy Prime Minister: In Port Louis, we are getting 35,299 m³ per day. That is normal yield. Of course, I have others. Well, if the hon. Member wishes, I will circulate it immediately because it is rather lengthy. I will circulate it.

The Deputy Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you. With regard to seawater contaminating our ground water in the north, has the hon. Deputy Prime Minister ordered any study to date with regard to the advancing effect of, again, seawater contaminating ground water in the north? Has he done such a study? Because I am being told it is advancing as there is less and less rain in the north

and that ground water in the north is advancing at a rate of salt water penetrating our reserves of ground water.

The Deputy Prime Minister: I take these statements of facts with great caution and talking of seawater with a great pinch of salt. I am not going to accept statements of facts just bandied about in the air. I will study it and see whether there is actually or whether it is not yet another fancy coming from fanciful minds.

The Deputy Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Mr Deputy Speaker, Sir. Boreholes are used by CWA and the Water Resources Unit for the dams, and there are also boreholes that are on private lands. Can I ask the hon. Deputy Prime Minister whether Government gets paid for the water extracted by private owners and, if so, can we have an *ordre de grandeur* of the amount of revenue that we collect from these private owners?

The Deputy Prime Minister: They are paid, but of course, I do not have the figures now. It does not arise from the question. On occasion arising, I shall be extremely glad to provide the figures.

The Deputy Speaker: Last question, hon. Jahangeer!

Mr Jahangeer: Thank you, Mr Deputy Speaker, Sir. Can I ask the hon. Deputy Prime Minister how many boreholes are actually close to the coastal area, which are liable for seawater intrusion?

The Deputy Prime Minister: I need notice of that question.

SOUILLAC - INCINERATOR - TENDER

(No. B/1174) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the proposed installation of an incinerator at Souillac, she will, for the benefit of the House, obtain from the Savanne District Council, information as to where matters stand.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Mr Deputy Speaker, Sir, I wish to inform the House that Government has identified 16 sites around the island for the setting up of Liquefied Petroleum Gas Fired Human Incinerators. The scope of works, amongst others, includes the construction of

buildings to house the incinerators and incinerator equipment, provision of parkings, landscaping and other amenities.

As regards the incinerator to be set up at Souillac, I am informed by the District Council of Savanne that tenders were launched by the Council through Open Advertised Bidding on 01 October 2018, and the closing date for submission of bids was fixed for 31 October 2018.

At the closing date, three bids were received. A Bid Evaluation Committee was constituted on 14 November 2018 and it submitted its report on 23 November 2018. The Executive Committee has, at its sitting held on 28 November 2018, approved the recommendation of the Bid Evaluation Committee for the issue of a letter of award to the successful bidder by this week. Civil works are expected to start in December 2018 and the duration of the works will span over a period of eight months.

The Deputy Speaker: Hon. Armance!

Mr Armance: Thank you. The hon. Vice-Prime Minister mentioned that there are 16 identified sites. May we have the list please? Can she table it?

Mrs Jeewa-Daureeawoo: No, it is in the Budget Estimates.

Mr Armance: Maybe it has changed.

Mrs Jeewa-Daureeawoo: No, it has not been changed. It is the same as has been listed in the Budget document.

STREET LIGHTING – LED BULBS – ELECTRICITY COST

(No. B/1175) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to street lighting, she will, for the benefit of the House, obtain from the Municipal and District Councils, information as to the average monthly electricity cost thereof since the introduction of the use of LED bulbs therefor, indicating the percentage of net savings realized as a result thereof as at to date.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Mr Deputy Speaker, Sir, I must say that this question is a very tough question.

I wish to inform the House that the information is being compiled and will be placed in the Library of the National Assembly.

The Deputy Speaker: Hon. Armance!

Mr Armance: In regard to the LED bulbs that we are using now, can the hon. Vice-Prime Minister tell us whether there is a lifetime and at which frequency they need to be replaced? Because I have noted that lots of them are already damaged on the streetlights.

Mrs Jeewa-Daureeawoo: If I may ask the hon. Member to come with a specific question because this question is very far from the original question.

The Deputy Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Mr Deputy Speaker, Sir. Is the hon. Vice-Prime Minister aware that by changing all the lamps in District Councils, Village Councils and Municipalities, we will save, by accurate calculation, 7-10 megawatts?

Mrs Jeewa-Daureeawoo: Mr Deputy Speaker, Sir, I am not aware of all those facts. As I have said, we are trying to compile all the information.

(Interruptions)

The Deputy Speaker: Silence! Next question, hon. Jahangeer!

ELECTRICAL SERVICES DIVISION - ENGINEERS

(No. B/1176) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Electrical Services Division, he will, for the benefit of the House, obtain therefrom, information as to the number of engineers presently posted thereat, indicating the respective posting thereof around the island.

Mr Bodha: Mr Deputy Speaker, Sir, I am informed that presently there are 25 engineers in the field of electrical engineering posted at the Head Office and the 12 outstations of the Energy Services Division of my Ministry.

These engineers of the Energy Services Division provide the following services to Ministries and Departments –

- consultancy services for electrical works in infrastructural projects, including building services, highways and sports complex;

- daily operation, maintenance and repairs of electrical installations and plant and machinery such as lifts, air conditioning and ventilation, generators, UPS, electric motors, fire alarm system, autoclaves, cold rooms and Building Energy Management Systems;
- supervision of refurbishment of electrical works;
- technical assistance during official functions and events such as the General and Regional Elections, National Day celebrations;
- design and consultancy services for renewable energies;
- carrying out surveys in cases of fire, and
- a 24/7 standby service to essential services such as hospitals and other health institutions, Police and Prisons Departments, National Assembly, Fire Services, Meteorological Services, Civil Aviation Department, among others.

With your permission, Mr Deputy Speaker, Sir, I am tabling the list indicating posting of these engineers at the different outstations around the island.

Mr Jahangeer: Thank you, Mr Deputy Speaker, Sir. I have by chance been invited by some engineers from ESD to visit their offices. Is the hon. Minister aware that, for example, in Vacoas office, there is one drilling machine for five engineers? There are no photocopiers; there is no testing equipment. How can they manage with all these Government projects?

Mr Bodha: I have visited the Division, but maybe I have not visited all the outstations. In fact, we are restructuring the section because there was a fast track, and I will certainly consider the suggestions of the hon. Member.

The Deputy Speaker: Hon. Baboo!

Mr Baboo: Can the hon. Minister inform the House whether he is aware that there are so many projects in Ministries being delayed due to overburden of the engineers of the Electrical Services Division, and this is the result of lack of engineers?

Mr Bodha: Mr Deputy Speaker, Sir, I do not think that there is a lack of engineers. Certainly, there are many projects, but we are seeing to it that they are being monitored properly. Every three months, I regularly inform Cabinet about the status of each project and I must say that the Rs600 m. which has been allocated to the MPI will be spent this year.

The Deputy Speaker: Next question, hon. Uteem!

**NATIONAL HUMAN RIGHTS COMMISSION - PREVENTIVE MECHANISM
DIVISION - MEMBERS**

(No. B/1177) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the Preventive Mechanism Division of the National Human Rights Commission, he will, for the benefit of the House, obtain from the Commission, information as to the composition thereof, indicating the terms and conditions of appointment of the members thereof, including the fees payable thereto.

Mr Gobin: Mr Deputy Speaker, Sir, the National Preventive Mechanism Division is a Division of the National Human Rights Commission set up under the National Preventive Mechanism Act. The Division consists of –

- the Chairperson of National Human Rights Commission as its Head,
- one Deputy Chairperson, and
- two members.

With regard to the question about the terms and conditions and the composition thereof, I am tabling the information.

Mr Uteem: Mr Deputy Speaker, Sir, can I have a copy of this? Mr Deputy Speaker, Sir, may I know from the hon. Attorney-General if he can confirm that the post of Deputy Chairperson is vacant since July 2018, when the contract of Mr Hervé Lassemillante has not been renewed?

Mr Gobin: Yes, it is still vacant, Mr Deputy Speaker, Sir.

Mr Uteem: Mr Deputy Speaker, Sir, can I know from the hon. Attorney-General whether the two members he has mentioned are employed on a full-time or a part-time basis?

Mr Gobin: One is on part-time and one is on full-time, Mr Deputy Speaker, Sir.

Mr Uteem: May I know from the hon. Attorney-General what is the rationale for making Mrs N. G. T. a full-time member when the other member is not full-time and the two predecessors also were part-time? Why was such a privileged treatment allocated to Mrs N. G. T.? Is it because she is related to a member of his party?

Mr Gobin: Mr Deputy Speaker, Sir, the National Human Rights Commission, including the National Preventive Mechanism Division functions independently and I wish to draw the attention of the House that the terms and conditions of the Chairperson, Deputy Chairperson and members of the Division are appointed, I quote Section 3(8) of the Protection of Human Rights Act -

“(...) on such terms and conditions as the President thinks fit.”

The Deputy Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Mr Deputy Speaker, Sir. In relation to the office which is vacant for the position of Deputy Chairperson, will the hon. Attorney- General say whether he is anticipating to carry out a recruitment exercise for that?

Mr Gobin: I am informed that it is already underway and we are expecting an appointment from the State House in the days to come.

Mr Uteem: Can I have a last question, please, Mr Deputy Speaker, Sir? I would like to know from the hon. Attorney-General whether he is aware that one of the main functions of this National Preventive Mechanism Division is to visit places of detention on a regular basis? Is he aware whether the Chairman of the Human Rights Commission has received any correspondence asking that this lady - I am not going to cite her name - be dispensed from having to visit male prisons and, if it is not true, then, may we know how many times, since she is in full-time employment, has she visited male prisons?

Mr Gobin: Mr Deputy Speaker, Sir, the hon. Member will appreciate that I need notice of such a question.

The Deputy Speaker: Next question, hon. Uteem!

INTEGRITY REPORTING SERVICES AGENCY - COMPLAINTS LODGED

(No. B/1178) 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 Integrity Reporting Services Agency, he will, for the benefit of the House, obtain therefrom, information as to the number of –

- (a) complaints lodged thereat since November 2017 to date, indicating the number thereof under investigation, and

- (b) applications of Unexplained Wealth Order issued in each case, since the setting up thereof to date.

Mr Sesungkur: Mr Deputy Speaker, Sir, the Integrity Reporting Services Agency (IRSA) was set up following the enactment of the Good Governance and Integrity Reporting Act 2015. The main object of the Agency is to operate as the focal point for receiving reports and disclosures of positive acts of good governance and integrity, acts of malpractices and unexplained wealth and evaluating and processing any such reports or disclosures.

Mr Deputy Speaker, Sir, with regard to part (a) of the question, I am informed by the Integrity Reporting Services Agency (IRSA) that from November 2017 to date, 18 cases were lodged at the Agency and 11 other cases were initiated internally. Of these 29 cases, 14 including 9 referred complaints, are still under investigation, 10 cases have been closed and in 4 cases an application for the issue of an Unexplained Wealth Order is in progress.

As regards part (b) of the question, I am informed that since its setting up, the IRSA has issued one Unexplained Wealth Order which is presently being contested in Court.

Mr Deputy Speaker, Sir, I also wish to inform the House that the Agency is further carrying out preliminary investigations on 120 individuals following the report of the Commissioner of Inquiry on Drug Trafficking.

Mr Uteem: Mr Deputy Speaker, Sir, has the hon. Minister taken cognizance of the annual report filed by the Integrity Board and has he also taken cognizance of the recommendations which the Board made?

Mr Sesungkur: Yes, I am aware, Mr Deputy Speaker, Sir, that there are certain improvements which the Agency has requested to be made.

Mr Uteem: Can I know from the hon. Minister whether consideration would be given to amending the Good Governance and Integrity Reporting Act to allow the Agency, first of all, to investigate cases beyond seven years and cases of unexplained wealth of the value of less than Rs10 m., as recommended by the Agency in its report?

Mr Sesungkur: Yes, Mr Deputy Speaker, Sir, I know that such a proposal has been made in the past, but Government will look into it.

The Deputy Speaker: Hon. Ganoo!

Mr Ganoo: To pursue on what my hon. friend just said, does the hon. Minister have any intention to amend the law besides this period of seven years which has just been

mentioned by hon. Uteem? Are there any other amendments that Government proposes to bring to this Act with the experience now that we have had for the past two or three years since this law has been adopted by Parliament?

Mr Sesungkur: Mr Deputy Speaker, Sir, I know that the Agency has identified certain issues and they have asked that amendments be made to the law, but we will have to have a look at it in a holistic manner.

Mr Uteem: As the hon. Minister may be aware, in England they have proceeded with the first Unexplained Wealth Order against a foreigner who had property in England and could not be justified by her revenue. May I know from the hon. Minister whether consideration will also be given to amend the law and allow the Agency to investigate cases of property owned by a non-citizen, being giving the number of non-citizens now who have a lot of properties under IRS and other schemes in Mauritius?

Mr Sesungkur: I know that at the time of this law, the overseas citizens were excluded, but I will have to have a look at that also.

The Deputy Speaker: Next question, hon. Uteem!

QUANTUM GLOBAL GROUP OF COMPANIES - LICENCE

(No. B/1179) 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 Quantum Global group of companies, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to where matters stand in relation thereto and to the management companies thereof, following the suspension of the licence thereof in April 2018.

Mr Sesungkur: Mr Deputy Speaker, Sir, I wish to inform the House that Government is committed to ensure the soundness and stability of the Financial system in Mauritius and to develop our country into a world class International Financial Centre of substance. In this respect, concrete steps have been taken in the current budget where several actions have been initiated by Mauritius to become more transparent and compliant with international norms and standards. Reforms of the Global Business Sector have also been undertaken and necessary measures are being taken to safeguard and uphold the reputation of our jurisdiction.

Mr Deputy Speaker, Sir, in line with these objectives, when on 07 April 2018 the Financial Services Commission took cognizance of the fact that the Financial Intelligence

Unit had obtained Restriction Orders issued by the Supreme Court of Mauritius with respect to the bank accounts of seven Closed-end Funds forming part of the Quantum Global Group of Companies, it suspended their licences.

I am informed that these entities had requested for an injunction order against the decision of the Commission to suspend their licences. However, the Supreme Court has on 22 August 2018 delivered judgement stating that the Commission has acted within its powers to suspend the licences. Subsequently, the Quantum Global Group of Companies has appealed against this judgement and the matter is still pending before the Court.

Mr Deputy Speaker, Sir, I am further informed that following a complaint received from the Fundo Soberano De Angola as investor of the Quantum Global Group of Companies, the Financial Services Commission has issued investigation orders to all the thirty-six entities of the Group in April and May 2018, respectively. As at date, I am informed that the investigations are still ongoing.

Mr Deputy Speaker, Sir, I am advised that all the entities of the Quantum Global Group of companies hold Category 1 Global Business Licences and as per section 83(4) of the Financial Services Act 2007, all documents and other information pertaining to these entities are confidential. Therefore, no further details can be provided thereon.

Mr Deputy Speaker, Sir, as regards the management companies of the Quantum Global Group of companies, I am informed that as at date, no regulatory action has been taken against them and they still hold their respective licences.

Mr Deputy Speaker, Sir, furthermore, I am informed that there are a number of litigations that are still ongoing with respect to the Quantum Global Group of companies. Hence, it would be inappropriate to provide any further information at this point in time on the group.

Mr Uteem: Thank you, Mr Deputy Speaker, Sir, the promoter and main Director of this Quantum Global Group of companies is one Jean-Claude Bastos de Morais. Is the hon. Minister aware that at the point this Mr Morais applied for all these licences for Quantum Global, he had already been convicted by *Tribunal Pénal* of Zug in Switzerland and, therefore, was not a fit and proper person to even become a shareholder and director of any company licensed by the Financial Services Commission?

Mr Sesungkur: Mr Deputy Speaker, Sir, this might be so, but I took office much later. So, I do not think that there was any redress when this situation happened. So, the licences were already granted at the time I took office.

Mr Uteem: My question is not directed to you, Mr Minister; it is to the Financial Services Commission. Now that the Financial Services Commission knows that what this Mr Bastos de Morais has been up to, does not the Minister agree that the FSC has to investigate the management company and find out whether the management company had done its due diligence on this company before recommending the setting up of this company by the FSC?

Mr Sesungkur: Mr Deputy Speaker, Sir, an investigation is on, as I said, in all the thirty-six companies. As regards the management companies, as you are aware, I do not manage the Financial Services Commission on a day-to-day basis myself, but the information I got is that the main complaint, the main litigation is on the management of the fund. So, it does not concern the management company *per se*, but mainly as to the management of the funds.

Mr Uteem: The management company, as the hon. Minister knows, is the one responsible for ongoing customer due diligence. There is a huge responsibility on the management company. And we know that in September, this Mr Bastos de Morais together with Mr Filomeno dos Santos, son of the former President of Angola, José Eduardo dos Santos have been arrested on charge of misappropriation of funds in Angola. So, does not the hon. Minister find it normal that as at to date, two months after these people have been arrested in Angola, there is still no sanction against the management company for allowing these people to set up companies in Mauritius?

Mr Sesungkur: I will take up the matter with the FSC but what I have been told is that the main complaint is on the management of the fund and not the management company.

The Deputy Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Mr Deputy Speaker, Sir. But is it not right that in April 2018, the FSC has suspended 7 licences and all the bank accounts of Quantum Global once they became aware that there were transactions that were illicit and tainted?

Mr Sesungkur: The hon. Member is right. It concerns the companies which are managed by the management company, but what the hon. Member is asking is about the management company itself.

The Deputy Speaker: Next question, hon. Uteem!

LAW REFORM COMMISSION - LAND DISPUTES - RECOMMENDATIONS

(No. B/1180) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to land disputes, he will state if consideration will be given for the setting up of a –

- (a) Land Court, in line with the recommendation of the Law Reform Commission as contained in its Opinion Paper about “Mechanisms for Settlement of Land Disputes”, and
- (b) special fund to the benefit of victims of unlawful dispossession of land.

Mr Gobin: Mr Deputy Speaker, Sir, on 15 November 2017, my office made a request to the Law Reform Commission to submit a comprehensive paper on the setting up of a dedicated Land Tribunal. I am informed that the Board of the Law Reform Commission met on 19 September of this year, considered and approved the Opinion Paper on, I quote –

“Mechanisms for Settlement of Land Disputes.”

The report is also available on the website of the Law Reform Commission and it was sent to me by the Law Reform Commission on 01 October. I have apprised Government of the contents of the said report and Government is at present looking into the implementation of the recommendations made therein.

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. Answering to a PQ last November, the hon. Minister of Labour, who was replacing the Attorney General, stated, and I quote –

“I have been informed by the Master and Registrar that the Judiciary would welcome the setting up of a dedicated Land Tribunal dealing with land disputes.”

The Law Reform Commission has recommended that instead of a Land Tribunal, we have a full-fledged dedicated Land Court. So, may I know from the hon. Attorney General whether he has had a chance to talk to the Master and Registrar or to the Chief Justice about the possibility of having a Land Court as opposed to a Land Tribunal?

Mr Gobin: This is precisely what we are doing. The report of the LRC - I have to repeat - was sent to me on 01 October. It is fairly recently. What the hon. Member is referring to is a letter from the hon. Master, which is correct. The Judiciary is for the setting

up of a dedicated Land Court. Government is studying the recommendations made by the LRC and we will keep the House informed.

Mr Uteem: The other recommendation of the Law Reform Commission was the setting up of a special fund which will be dedicated to helping those who claim to have been unlawfully dispossessed of their lands and who have deponed before the Truth and Justice Commission.

Now, as the hon. Attorney General knows that *une action en revendication est imprescriptible*. So, there are many people out there who may not have deponed before the Truth and Justice Commission but who have still lost their land fraudulently. So, may I know from the hon. Attorney General whether consideration is being given not only to the setting up of that special fund but also to extend the services to victims who had not deponed before the Truth and Justice Commission?

Mr Gobin: Mr Deputy Speaker, Sir, the LRC has made many recommendations and Government is examining all the recommendations as a whole and we will, I repeat, keep the House informed of as we go along.

The Deputy Speaker: Hon. Bhagwan, next question!

CEB - COMBINED CYCLE GAS TURBINES PROJECT

(No. B/1181) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the proposed Combined Cycle Gas Turbines Project operating on Liquefied Natural Gas, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if it has estimated its electricity production cost, incorporating the capital costs of gas and steam turbines terminals and ancillaries to receive the LNG and the regasification and liquefaction processes, fuel costs and freight, fixed and variable operation & maintenance costs, financing cost on an assumed utilisation rate for base load production and, if so, indicate how same compares with its current cost of heavy fuel oil engines.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I am informed by the CEB that all the elements mentioned in the question have been taken into account in the assessment of the production cost. The results of the economic assessment for the base case show that the levelised cost of electricity was \$178.9 per Megawatt equivalent to Mauritius Rupees 6.53 per Kilowatt. Under these conditions, the net present value was estimated to be USD 53 m. and the internal rate of return...

The Deputy Speaker: Hon. Deputy Prime Minister, can you speak a bit louder please?

The Deputy Prime Minister: Yes, of course. I am sorry. I shall start again. The results of the economic assessment for the base case show that the levelised cost of electricity was \$178.9 per Megawatt hour equivalent to 6.53 per Kilowatt. Under these conditions, the net present value was estimated to be USD 53 m. and the internal rate of return was 11.6 % which indicates that the project is viable.

With regard to the last part of the question, in the case of the latest project implemented by CEB, St. Louis redevelopment project, the consultant Mott MacDonald determined the levelised cost of electricity to be Rs5.88 per Kilowatt hour. The CCGT project has a broader perspective in the context of the national commitment to reduce emissions with the use of LNG by 2040. The CO₂ emissions would be 15.6 m. tons litre lower and switching to LNG would lower Mauritius GHG emissions by approximately 15%. This component, if included in the levelised cost, would show that the CCGT Project will be significantly lower than any of the conventional plants.

Mr Bhagwan: One supplementary, Mr Deputy Speaker, Sir. Can I know from the Deputy Prime Minister, these two new turbines, which will be gas turbines, would be used for peak hours only? Can the Deputy Prime Minister confirm what will be the cost itself per unit?

The Deputy Prime Minister: The first phase will be for peaking only, that is, the first open cycle will be for peaking. The second phase will be base load. The cost, there are so many figures in my mind, I have just forgotten them, I mentioned them earlier in my responses.

The Deputy Speaker: Hon. Mahomed!

Mr Osman Mahomed: Thank you. In light of what the hon. Deputy Prime Minister replied last week, the financing of this project will depend quite a bit on carbon credits. Now, can I ask how the hon. Deputy Prime Minister reconcile with the fact that CEB intends to run that power plant on an OCGT basis up until 2026 which means that diesel will be used all the way and yet we are talking about cleaner technologies? If we go for diesel and not by the stringent guidelines for environmental protection, namely at the Exxon system, Mauritius will never be able to benefit from carbon credit?

The Deputy Prime Minister: Did I hear 2026? I am not too sure where the hon. Member gets that period? I have a five-year period what I know from memory. What I know

is that if we start now, then if the OCGT starts operating now, then there is a five-year span before we get the second phase kicking. I don't think we are talking as far as 2026 but I will need to check of course.

The Deputy Speaker: Hon. Baboo!

Mr Baboo: Thank you, Mr Deputy Speaker, Sir. Can the hon. Deputy Prime Minister inform the House whether the CEB has taken into consideration, like what my colleague just said, the carbon emission as this turbine project ,which is using liquefied natural gas, will produce less than 40% of the carbon dioxide emission compared to the fossil fuel?

The Deputy Prime Minister: Of course, the straight answer is yes, but I need to add when the Green Climate Fund analysed all our projects including this Combined Cycle Gas Turbine, the Renewable Energy Programs and the Hydroelectric Programs which we have put in place, we were among the first countries to which the Green Climate Fund has committed Rs1 billion. So, these are people who have analysed properly the issues, I am sure they must have taken all these into consideration, CEB is doing its best, everyone tries to do his best.

The Deputy Speaker: Hon. Bhagwan, last question!

Mr Bhagwan: Mr Deputy Speaker, Sir, in the last annual report of the CEB, 2015, at page 38, it says 0.07% of a total power generation is produced by the Nicolay Power Station. Can the Deputy Prime Minister, at least, inform the House, the country whether it is justified that some investment goes to these two turbines and will it be sustainable to our national debt, as rightly stated by some people recently? Can, at least, the Deputy Prime Minister inform the House that definitely Government is going ahead with these two turbines at Nicolay?

The Deputy Prime Minister: As I said, this morning, with regard to LNG, we are going to Government, do we want to continue using Nicolay? Do we want to stay without the Combined Cycle Gas Turbine and convert to coal? We could do another city power if the hon. Member wishes.

INDIAN OCEAN ISLAND GAMES 2019 – SPORTS INFRASTRUCTURES

(No. B/1182) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the 10th Indian Ocean Island Games 2019, he will state the progress of the renovation works of the sports infrastructures that will be used therefor, discipline-wise, indicating the –

- (a) expected completion dates thereof, and
- (b) alternative sites where the preselected athletes are presently undergoing training.

Mr Toussaint: Mr Deputy Speaker, just like in 2003, renovation and upgrading works in the context of the Indian Ocean Island Games (IOIG) 2019 fall under the responsibility of the association for upgrading of Indian Ocean Island Games infrastructure, OGI. In all, 18 infrastructures, including two in Rodrigues, are concerned with the renovation and upgrading works. To date, my Ministry is satisfied with the progress of works.

Mr Deputy Speaker, I am tabling a list of facilities that are presently under renovation, including the progress made as at 12 November 2018. The expected completion dates and competitions that would take place thereto. The next report is expected by end of January 2019. I am also tabling a list of training sites that are currently being used by our preselected athletes.

Mr Quirin: Merci M. le président. L'honorable ministre s'est-il informé, je vais prendre le cas de la natation, qu'avec la fermeture de la piscine Serge Alfred, les nageurs présélectionnés ne bénéficient pas tous des mêmes conditions de préparation, surtout que la fédération n'a ni entraîneur national officiel ni directeur technique?

Mr Toussaint : M. le président, en ce qu'il s'agit de la natation, les athlètes présélectionnés s'entraînent avec le club et il y a deux endroits qui ont été identifiés pour qu'ils puissent faire leur entraînement, c'est-à-dire, le Pavillon à Quatre Bornes et à Sparc Medine mais toutefois, s'il y a des conditions à améliorer, je suis disposé à écouter et à faire le nécessaire.

Mr Quirin : Merci M. le président. L'honorable ministre est-il au courant qu'en ce qui concerne certain clubs qui se trouvent dans la région de Beau Bassin. je citerai principalement le club CAMO, qui est normalement basé à la piscine Serge Alfred, dépense une fortune, une moyenne de 55,000 roupies par mois et c'était le cas pour le mois d'octobre, afin de permettre à quelques-uns de ses présélectionnés de s'entraîner dans une piscine privée parce que les conditions optimales ne sont pas réunies à la piscine Quatre Bornes dont a fait référence l'honorable ministre et je peux citer aussi le cas du club nautique de Quatre Bornes. Les nageurs s'entraînent dans une piscine privée.

Mr Toussaint : M. le président, jusqu'à présent, je n'ai reçu aucun courriel ou lettre officielle mentionnant ces deux problèmes mais toutefois je vais faire une enquête pour voir comment améliorer la condition de nos nageurs.

The Deputy Speaker: Hon. Lepoigneur!

Mr Lepoigneur: Merci M. le président. Est-ce que le ministre est au courant que, par rapport à la piscine Serge Alfred, la piscine ne répond plus aux normes internationales ce qui fait que les jeux des îles ne vont pas se faire là-bas? Par rapport, s'il y a des records, ce ne sera pas homologué.

Maintenant pourquoi avoir fermé cette piscine surtout que la rénovation n'a toujours pas commencé ? La piscine est à l'abandon, l'eau est devenue verdâtre et pourquoi avoir fermé la piscine alors que ça peut rester pour préparer les athlètes en vue des Jeux des îles où il y a les 50 mètres pour les entraînements ?

Mr Toussaint: M. le président, je vais essayer de répondre à trois questions dans une question. Si j'ai bien compris, premièrement, l'eau est verdâtre etc., il me semble que la semaine dernière, en mon absence, l'honorable ministre Boissézon qui me remplaçait a répondu à cette question. L'eau de la piscine ne peut pas être enlevée pour le moment parce que cela va provoquer des fissures dans les carrelages et les travaux de rénovation ont démarré certes. De toutes les façons, au niveau du ministère et avec le COJI, nous avons déjà prévu une tournée de toutes les infrastructures qui sont en train d'être rénovées afin que nous puissions constater de visu quelle est l'avancée par rapport aux infrastructures. Par rapport aux normes etc., il ne faut pas oublier que nous avons démarré aussi le projet de Côte-d'Or.

The Deputy Speaker: Hon. Quirin!

Mr Quirin: Une dernière question, M. le président. Puisque l'honorable ministre vient de faire référence au complexe multisport de Côte d'Or, peut-il nous dire si la piscine qui sera aménagée au complexe sportif de Côte d'Or sera livrée, comme prévu, le 13 Mars 2019. C'est la date qui a été circulée.

Mr Toussaint: M. le président, en tout cas, on l'espère bien. Donc, pour le moment, je n'ai pas eu de rapport parce que la question était sur la rénovation et pas sur Côte d'Or. Donc, aujourd'hui, à l'heure que je vous parle là, je n'ai pas de rapport récent par rapport au progrès des travaux. Certainement, au fur et à mesure, tous les Mauriciens en général seront mis au courant du progrès de l'infrastructure se situant à Côte d'Or.

The Deputy Speaker: Hon. Lepoigneur!

Mr Lepoigneur: Pour en revenir à la natation, le ministre n'avait pas répondu à la question la semaine dernière. Ce n'était pas dans le *Question Time*. Ma question était : pourquoi avoir fermé cette piscine-là alors que ce ne sera pas utilisé pour les Jeux des îles ?

Mr Toussaint: M. le président, permettez-moi d'informer tout le monde, toute la Chambre et la population en général que les dernières rénovations de nos infrastructures sportives date de 2003. Après 15 ans, je pense que nos athlètes en général, que ce soit la natation, que ce soit les volleyeurs, que ce soit les basketteurs ou l'athlétisme, je crois *that they deserve the best*. Donc, on a besoin de rénover nos infrastructures afin de donner de bonnes infrastructures à nos athlètes. 15 ans, rien n'avait été fait, on le fait maintenant !

The Deputy Speaker: Hon. Quirin !

PERE LAVAL COLLEGE – LATE M. L. – DEATH INQUIRY

(No. B/1183) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to late M. L. who passed away during school hours at Père Laval College, in Ste Croix, on 19 September 2018, she will state if her Ministry has initiated an inquiry into the circumstances thereof and, if so, indicate the outcome thereof.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, allow me, first of all, to express my heartfelt condolence to the parents of M. L. of the demise of their son who was a Grade IX student at Père Laval College.

It has been reported that on 19 September 2018, M. L. fell unconscious during the Physics class at the end of the eighth period.

According to a statement made by the Physics teacher at the Abercrombie Police Station on the same day, while he was facing the blackboard and writing, he heard his class students shouting and when he turned back, he saw a student from the front bench lying flat on the floor. With the help of his colleagues and students, he carried the student to the office where First Aid was given. At the same time, the SAMU was called.

I am informed by the Ministry of Health and Quality of life that the child was attended by the SAMU team of the Dr. Jeetoo Hospital on 19 September at about 13.54 hours. On site, the Doctor noticed that the patient was unconscious and inanimate, breathless and pulseless. Cardiorespiratory resuscitation was undertaken, but in vain. The child was

declared dead at 14:37 hours and on the same day, autopsy was carried out by Dr. Monvoisin PPMO who certified the death was due to acute ventricular failure.

Mr Deputy Speaker, Sir, I am also informed that the child had previously collapsed at school on 22 May 2018 and SAMU had been called. The responsible party was informed and the child was taken to hospital. During the second term, he again had been absent for 11 days of which four days were spent in the hospital.

Mr Quirin: M. le président, l'honorable ministre peut-elle confirmer, comme cela a été mentionné dans les medias, si le SAMU est arrivé sur les lieux plus de 45 minutes après avoir été alerté?

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, from the information that I have gathered, the child fell unconscious at 13.27 hours and was attended by the team of SAMU at about 13.54 hours.

The Deputy Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Mr Deputy Speaker, Sir. Can the hon. Minister consider taking whatever time it may as a matter of Government policy - because we have seen so many cases in schools and colleges relating to health of students - to introduce in every school and college an Occupational Safety and Health Unit headed by a qualified Doctor in order to address all issues relating to health?

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, the Ministry of Education has a Health and Wellness Directorate headed by a Doctor, and we have regular work sessions with the Ministry of Health. Certain schools also have special nurses attached to the school. But right now, at present, we cannot come up with a policy like that without considering all the implications.

The Deputy Speaker: Hon. Mrs Perraud!

Mrs Perraud: I would like to ask the hon. Minister whether she has seen to it that a psychologist from the Ministry of Gender Equality, Child Development and Family Welfare is helping the family to get through this difficult moment?

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, the case was reported to us much later, but I understand that normally in such cases, the Ministry of Gender Equality, Child Development and Family Welfare normally takes charge if a request is made by the parents of the school.

The Deputy Speaker: Time is over! The Table has been advised that the following Parliamentary Questions have been withdrawn: B/1190, B/1191, B/1192, B/1193, and B/1206.

MOTION

SUSPENSION OF S.O. 10(2)

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

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

STATEMENT BY MINISTER

2000 RUPEE BANKNOTE - UPGRADING

The Prime Minister: Mr Deputy Speaker, Sir, I wish to make a statement on a matter of national importance as it pertains to our national currency, specifically to the 2000 Rupee banknote.

Mr Deputy Speaker, Sir, our national currency is a legal tender issued by the Central Bank.

In fact, the 2000 Rupee paper banknote was introduced by the Bank of Mauritius in 1998 when the need for a higher denomination legal tender was felt for convenience and practical reasons.

The 2000 Rupee paper banknote has overtime been counterfeited by malefactors, thus undermining confidence in its use.

I, therefore, wish to inform the House that, the Bank of Mauritius will, as from tomorrow 05 December 2018, start the issue of an upgraded 2000 Rupee banknote on polymer substrate, with improved security features. At the same time it will begin withdrawing the current 2000 rupee paper banknotes. The current 2000 Rupee paper banknote will cease to be legal tender as from 01 February 2019.

The upgraded 2000 Rupee banknote essentially retains the same features, images and background, size and overall colour scheme. It also contains a special feature to assist the visually impaired persons.

The Bank of Mauritius will ensure a smooth transition to the new banknotes, including the exchange of the existing ones at any bank counter.

I wish to inform the House that the decision taken to go forward with an upgraded 2000 Rupee banknote was not taken haphazardly. I have given my concurrence to the Bank of Mauritius to proceed with the upgrade only when I was satisfied with the enhanced security features that were being embedded in the new banknote. Moreover, the costs of printing polymer notes have significantly gone down.

Mr Deputy Speaker, Sir, I wish to reassure the House that a rigorous verification process will be put in place for the 2000 Rupee paper banknote exchange to ensure that counterfeiters or fraudsters do not abuse the system. The details of the verification process will be communicated by the Bank of Mauritius.

As regards awareness, I have been informed by the Bank of Mauritius that informative leaflets will be made available to the public in banks, post offices, Citizens Advice Bureaus and other public areas. Dedicated awareness sessions with stakeholders including retail and shopping entities, banks and consumer organisations, will be facilitated by the Bank of Mauritius in the coming days.

Mr Deputy Speaker, Sir, let me end by underlining our commitment to uphold the integrity of our currency and to ensure that the value of the hard-earned money of our citizens is always preserved.

Thank you.

PUBLIC BILLS

First Reading

On motion made and seconded, the following Bills were read a first time –

- (a) *The Constitution (Amendment) Bill (No. XXII of 2018)*
- (b) *The Declaration of Assets Bill (No. XXIII of 2018)*

(4.15 p.m.)

Second Reading

THE MAURITIUS FAMILY PLANNING AND WELFARE ASSOCIATION BILL

(No. XIX of 2018)

Order read for resuming adjourned debate on the Second Reading of the Mauritius Family Planning and Welfare Association Bill (No. XIX of 2018).

The Deputy Speaker: Hon. Boissézon!

The Minister of Civil Service and Administrative Reforms (Mr E. Boissézon): M. le président, merci de me permettre d'intervenir sur le projet de loi, *the Mauritius Family Planning and Welfare Association Bill*. D'emblée, je féliciterai le ministre de la santé pour l'introduction de ce projet de loi très utile pour l'émancipation de la femme et la responsabilisation des hommes et des familles, aussi créer une plateforme aux normes internationales pour le droit à une santé sexuelle et reproductive.

M. le président, au cours des débats, les orateurs qui m'ont précédé, ont parlé de l'histoire du *Mauritius Family Planning*, comme on l'appelle normalement. L'honorable Rutnah a été jusqu'au 4 avril 1967, quand l'honorable Beekrumsing Ramlallah a présenté une motion privée pour l'incorporation de la *Mauritius Family Planning*. Mais je pense que pour connaître l'histoire et comprendre la *Mauritius Family Planning*, il est nécessaire de remonter encore plus loin, et je parlerai de l'année 1950, quand avec les effets conjurés de la fin de la guerre, la seconde guerre mondiale, du fameux *baby-boom* et d'éradication de la malaria, la croissance de natalité à Maurice a passé à 3%. Et en 1953, les autorités d'alors, conscients du problème de natalité, décidèrent d'instituer un comité présidé par M. Herchenroder pour étudier et faire des recommandations concernant la natalité à Maurice.

Malheureusement, après deux ans, quand le rapport fut soumis aux autorités, aucune action n'a été prise à cause des pressions qu'il y avait à ce moment. Malgré cela, il y a un groupe de jeunes emmenés par M. Naick, avec l'aide du Dr. Benedict, un docteur et un chercheur américain, décidèrent de monter une organisation qu'ils appelèrent la *Mauritius Family Planning* à Piton, et en 1958, la première clinique de la *Mauritius Family Planning* fut inaugurée à Piton par Mme Permalloo en présence de M. Forget, le ministre de la Santé.

Dès ce moment, un groupe d'intellectuels bravèrent toutes les pressions qu'ils avaient sur eux pour continuer l'émancipation de la femme en rependant partout les bienfaits du *planning* familial. Heureusement, qu'en 1963, deux évènements plaidèrent en faveur du *Mauritius Family Planning*. Premièrement, en 1962, le gouvernement d'alors décida d'implémenter, de mettre en pratique les recommandations du rapport Titmuss et Meade, qui, comme vous le savez, M. le président, était un rapport apocalyptique et malthusien qui prédisait un *basket case* concernant l'avenir de l'île Maurice. Et, d'autre part, le Dr. de

Chazal, avec l'aide du Cardinal Margéot et des docteurs qui fondèrent l'Action Familiale à Maurice. Vu que l'Action Familiale et la *Mauritius Family Planning* avaient les mêmes objectifs, le gouvernement put alors avoir un consensus et la *Mauritius Family Planning* put être introduite au Parlement, comme je l'ai dit précédemment, pour la propagation du contrôle familial à Maurice.

Concernant la *Mauritius Family Planning* et, d'autre part, l'Action Famille, ces équipes firent un travail remarquable et tant et si bien, qu'ils furent servis comme modèles pour l'émulation du *planning* familial dans toute l'Afrique. Malheureusement, au fil des temps, un *mismanagement* survint dans la *Mauritius Family Planning* et nous fûmes menacés par une des agences contributives aux fonds de la *Mauritius Family Planning*, l'*International Planned Parenthood Association (l'IPPA)* menaça de cesser de nous aider à l'île Maurice et, à cette époque, en 2002, le ministre des Finances d'alors présida un comité et suggéra un *interim committee*, un comité intérimaire pour la gestion de la *Mauritius Family Planning* et à la satisfaction de l'IPPA.

En 2005, le gouvernement d'alors introduisit une nouvelle loi sur la *Mauritius Family Planning*, mais il paraissait qu'en regardant le projet de loi, la vitesse que le projet de loi a été introduit au Parlement, c'était visible que le gouvernement d'alors avait introduit un projet de loi qui avait été préparé avant, soit, c'est-à-dire, par le gouvernement MSM-MMM et le Parti travailliste et le PMSD d'alors, ne purent rien. Et ils eurent différents conseils d'administration de 2006 à 2009, et nous pouvons dire que rien, rien n'a été fait.

En 2012, le gouvernement a dû avoir recours à un projet de loi intérimaire pour remettre en place un comité intérimaire. Le comité fait son travail et aujourd'hui, malgré tous ces déboires, la *Mauritius Family Planning Association* a toujours une bonne réputation sur le continent Africain et même dans l'océan Indien. Aujourd'hui, nous avons des élèves du Pakistan, de l'Inde et de l'Afrique bien sûr, qui viennent apprendre et partager l'expérience des Mauriciens auprès des jeunes concernant l'éducation sexuelle et le *planning* familial. Je trouve aujourd'hui qu'il est très inapproprié de venir dire que ce projet de loi que nous amenons, suite à une étude stratégique préparée par la *Mauritius Family Planning Association* et qui fut soumise en 2017, est un coup d'épée dans l'eau par des personnes qui à l'époque n'ont rien fait pendant plusieurs années. Ce projet de loi prévoit un changement de priorités, d'objectifs, parce que si nous regardons la section 4 du projet de loi, nous voyons que ce projet de loi fait mention de « *promote awareness on planned parenthood with a view*

to maintaining the fertility rate at a reasonable level » alors que la loi aujourd’hui prévoit de « *promote family welfare* ».

M. le président, il est très important, parce que si nous regardons les chiffres aujourd’hui, nous réalisons et nous savons que nous avons un taux de fertilité décroissant. Les chiffres parlent d’eux-mêmes. En 1997, nous avions un taux de croissance de 2.03 et aujourd’hui nous avons un taux de 1.37 à 1.35. Aujourd’hui, nous savons que pour le remplacement de la population d’une génération à l’autre, nous devons avoir un taux de 2. Le taux de natalité donne une idée précise de l’évolution de la population dans le futur. Nous savons que si nous allons sur cette même fréquence que nous vivons aujourd’hui, la tendance voudrait qu’en 2021 nous ayons 528,000 personnes en âge de travailler et en 2041 483,000. Ajouté à cela, M. le président, nous avons un autre phénomène ; le phénomène du vieillissement de la population. Déjà au Japon, les autorités ont commencé à faire des études sur le besoin de se préparer à vivre avec un très fort pourcentage de centenaires au Japon. Les chroniqueurs économiques considèrent que comme principales préoccupations mondiales et de craintes sont –

- l’effet du réchauffement climatique;
- les attaques terroristes, et
- les effets conjugués de la baisse de fertilité et du vieillissement de la population.

Déjà, nous vivons avec le phénomène que les fonds de pension n’accordent plus de pension définie, mais de contribution définie, laissant un doute aux jeunes qui contribuent aujourd’hui à des fonds de pension qui rapportent un pourcent sur les investissements qu’ils font, et qu’ils dépensent plus d’un pourcent pour l’administration de leurs fonds de pension.

M. le président, les causes de la fertilité décroissante sont connues, parce qu’aujourd’hui les deux parents dans une famille travaillent. Les études approfondies sont prolongées ; les méthodes de contraception ont été découvertes et aujourd’hui les causes connues, et je suis confiant que le nouveau comité exécutif qui sera élu incessamment pourra faire le nécessaire pour revoir ces problèmes de fertilité et de natalité à l’île Maurice.

J’ai parlé de comité exécutif, M. le président. Je crois, et je suis sûr, que l’organisation du bureau du comité exécutif rendra le comité exécutif plus performant. Nous avons toujours le *Chairman* du comité, nous avons le trésorier, et là je partage l’opinion de l’honorable Bhagwan. Le trésorier de la *Mauritius Family Planning* sera élu, et je demanderai aux membres qui voteront de faire attention et de s’assurer que la personne qui sera élue sera un

comptable de renom, parce que comme nous le savons nous-mêmes, une des causes principales de menace de l'IPPA, c'était la mauvaise gestion de la *Mauritius Family Planning*, ce qui a amené la révocation du président du conseil d'administration à cette époque-là.

D'après la loi comme elle est aujourd'hui, nous devrions avoir un représentant des jeunes sur le comité, et aujourd'hui nous avons deux représentants des jeunes, et cela est une des recommandations de l'IPPA. Je trouve cela très bien, parce que je pense que si nous voulons faire avancer l'Action familiale à Maurice, pour atteindre les objectifs de l'Action familiale, nous devons faire confiance aux jeunes, et quand j'ai parlé de connaître l'histoire, j'ai parlé de personnes qui eux, à l'époque, en 1950, préconisaient des méthodes de contraception. C'était des jeunes, et aujourd'hui nous aurons besoin des jeunes sur notre chemin pour revoir un peu l'orientation sexuelle à l'île Maurice. Ces jeunes, nous le voyons déjà ; ils ont une façon de communiquer que - je ne dirais pas les vieux - les seniors n'utilisent pas. Je vous cite un cas. Le dialogue, ce n'est pas juste un échange de mots. Il faut qu'on puisse se comprendre. Je vous cite un cas qui va faire rire. Bien souvent, avant les parents disaient : « Embrasse Ton André, Ton Paul », mais aujourd'hui, quand on parle de « Ton », cela veut dire un vieillard. Je sais qu'aujourd'hui les jeunes ont un rôle très important à la *Mauritius Family Planning*. Du reste, ils ont une organisation, un « *Youth Action Movement* » qui utilise le « *Mo Zene* », un système de Facebook pour communiquer avec des jeunes sur des problèmes sexuels et de reproduction, et ils travaillent avec beaucoup de jeunes de la population, dans les écoles et dans les communautés. En écoutant parler l'honorable Lepoigneur la fois dernière, cela nous a chagrinés quand il disait qu'il y avait un cas dans sa circonscription où un jeune ne savait même pas que la *Mauritius Family Planning* existait. Mais je sais qu'aujourd'hui presque tous les jeunes, on peut dire que 99 % des jeunes utilisent WhatsApp, Facebook. Pour ceux qui n'ont pas les moyens, on verra. Mais, peut-être que la *Mauritius Family Planning and Welfare Association* pourra offrir les moyens à ces jeunes pour qu'ils puissent communiquer entre eux.

Ils sont très actifs dans une organisation qui s'appelle *Youth Friendly* et ils sont très présents à la MITD et ils s'occupent aussi des jeunes qui ont été abusés sexuellement. Je pense que ce sont des choses que nous devons apprendre et voir comment on peut aider la *Mauritius Family Planning* dans son entreprise. Mais quand on parle des jeunes, M. le président, j'ai noté que la directrice de la *Mauritius Family Planning and Welfare Association* a fait mention dans la presse de plus de 100 cas de grossesses précoces rapportés dans son

organisation. Et cela nous amène à nous poser des questions. La première constatation que nous faisons c'est que les jeunes ont une vie sexuelle précoce, très active, et on parle même des moins de 15 ans.

M. le président, nous avons aussi noté, et ça a été dit par tous les membres de cette Chambre, que le plus souvent la majorité d'entre eux viennent des régions défavorisées, des régions de parents à problèmes. Je suis conscient que la *Mauritius Family Planning and Welfare Association* a un rôle important à jouer dans cette région car elle est au courant de ce problème. J'espère que cela sera résolu le plus vite possible. Mais ce qui me préoccupe le plus, c'est que s'il y a grossesses précoces, s'il y a grossesses non désirées, c'est qu'il y a des actes sexuels sans précaution. Et quand nous parlons des actes sexuels sans précaution, nous avons affaire aux *STDs*, aux maladies transmissibles sexuellement, le fameux HIV sida. Nous savons aussi que, malgré que nous n'ayons pas les statistiques, parce que ce sont des actes illégaux, il y a cet acte odieux, ce crime, ce que nous appelons avortement, avec tous les risques que cela comporte.

M. le président, je ne serai pas long parce que tous les points que je voulais soulever ont été pris par mes prédécesseurs.

Le projet de loi fait mention de la section 4(b) –

«*promote family welfare, healthy ageing, good health...* ».

Et là, je note aussi un point qui n'a pas été soulevé quand nous parlons de santé. Nous voyons qu'à Maurice il y a un fort taux de ce qu'on appelle même une épidémie de césariennes. Quand nous regardons les chiffres sur les années à Maurice, nous avons en moyenne - je ne retrouve pas mes chiffres - 6,000 césariennes qui sont effectuées annuellement, ce qui tourne autour de 50 % et c'est grave. Et l'autre préoccupation, c'est que ce sont les médecins du public qui sont pointés du doigt. Aussi, je demanderai au ministère de la Santé de bien voir ce problème. Nous savons qu'à Maurice, il a un fort taux de diabète, un fort taux de personnes avec des problèmes cardiaques et il se peut que les médecins soient obligés d'avoir recours aux césariennes. Mais il y a un 'mais', on se pose beaucoup de questions, la population se pose beaucoup de questions et les réponses que nous avons sont que des médecins n'ont pas de patience, ils ne peuvent pas prendre le temps d'attendre que le travail se fasse. Aujourd'hui, avec les techniques modernes que nous avons, un accouchement peut se faire en une heure.

Et d'autre part, les médecins sont dans le privé ; ils sont pointés du doigt parce qu'un accouchement normal coûte beaucoup moins cher qu'une césarienne. Il y a aussi cette crainte d'action légale si demain il y a des complications pendant l'accouchement, parce que bien souvent - c'est ce que j'entends - ils ne sont pas présents, ou ils sont très négligents pendant les accouchements.

M. le président je citerai la section 5(e) –

«collaborate with any organisation engaged in similar activities in Mauritius and abroad ».

M. le président, il y a deux organisations principales qui travaillent pour un contrôle familial. Nous avons d'un côté l'action familiale et de l'autre côté nous avons le *Mauritius Family Planning*. Je sais qu'aujourd'hui il y a un dialogue entre ces deux organisations parce qu'elles ont le même objectif, mais utilisent des méthodes différentes. J'espère qu'aujourd'hui ces deux organisations puissent marcher main dans la main, partager l'expérience qu'elles ont vécu parce qu'aujourd'hui, comme nous le savons, notre objectif c'est de ne pas réduire le nombre d'enfants dans les familles mais d'avoir des familles avec un taux de fertilité raisonnable, et je pense que cela est un bon point.

M. le président, je note avec plaisir que la *Mauritius Family Planning* travaille avec le Conseil des religions pour un manuel de formation de couples. Je trouve que c'est une très, très belle initiative de l'action familiale aujourd'hui.

M. le président, avant de terminer je ne pourrais passer sous silence le rôle des hommes. Je note avec plaisir que l'action familiale a déjà un programme pour les jeunes aussi bien que pour les hommes.

(Interruptions)

The Deputy Speaker: Silence, please!

Mr Boissézon: Je note avec plaisir que Rodrigues n'est pas épargné dans les tâches de la *Mauritius Family Planning*. Savez-vous qu'à Rodrigues il y a un *Daddy's Club*, un endroit où il y a des échanges entre parents, entre hommes, et ils ont même une équipe pour l'éducation des hommes sur leur lieux de travail et dans la communauté. Nous avons noté aussi qu'aujourd'hui la *Mauritius Family Planning* travaille sur un projet pour que les hommes puissent être partie prenante en ce qui concerne le contrôle des naissances, et que ce ne soit pas *only for women*. Je trouve que c'est une initiative très louable. D'autre part, chose

que beaucoup de personnes ne savent pas, le *Mauritius Family Planning* donne un service aux personnes âgées et a tout récemment introduit des tests pour les os tout en maintenant *the Breast and Prostate Screening Programme for Old People*. *It is also providing ECG service* qui va aider et qui n'existait pas dans le passé.

Je terminerai en disant un mot pour les parents. M. le président, nous ne pouvons pas comprendre comment les parents qui parlent de dialogue familial, qui parlent à leurs enfants de suivre leurs parents, quand ces parents arrivent à parler de mode, de sport, de finance, d'éducation, d'instruction - ce que je vais ajouter et que je ne dirai pas - mais comment ces parents n'arrivent pas à parler de sexualité à leurs enfants. Et je pense que c'est ça un des points cardinaux de l'éducation sexuelle des enfants. Et là je demanderai à la *Mauritius Family Planning Association* de donner des cours, d'expliquer aux parents, de montrer aux parents comment parler avec leurs enfants. Moi, quand j'étais jeune, j'attendais qu'un jour mes parents me parlent de sexualité, qu'on cesse de dire - je crois qu'il y a quelqu'un de l'autre côté de la Chambre qui a parlé des enfants qui viennent dans les choux ou *avion amenn piti*, et je pense que c'est nécessaire.

M. le président, j'ai été bref mais je pense que les points que j'ai soulevés sont des points pertinents et je dirai que pour moi ce projet de loi est un projet de loi important, nécessaire, qui arrive au bon moment et je souhaite tout le bien au *Mauritius Family Planning and Welfare Association*.

Merci.

(4.45 p.m.)

Mr J. Leopold (Second Member for Rodrigues): Thank you, Mr Deputy Speaker, Sir. I thank hon. Minister Boissézon for his speech. He has spoken about the emancipation of women and I find myself compelled to take a few seconds of this House to congratulate Ms Murielle Ravina originating from Rodrigues for her achievement in the contest of Miss World 2018 being held in China. She is representing the Republic of Mauritius and she is making the whole nation proud. I wish that she keeps up the good work and win the contest.

Coming back to the Bill, I will take the time of the House, but not more than a few moments to give this Bill the relevant consideration. I am in support of the principle of the Bill as this Bill will make it possible of having a comprehensive family planning service to all who need it or to all who want it. It is also bringing awareness on planned parenthood,

preventing teenage pregnancies and risks of spread of sexually transmitted infection, amongst others.

Family Planning Programme may sometimes occupy an unusual place in our society. It exists in almost every nation, but still it sparks controversy in some quarters. Family planning often creates conflict between the fifth and sixth commandments of the Holy Bible and some of the methods of family planning are related to moral law, but to understand the significance of this Bill, we have to refer back to the policy objectives of the Bill. Maintaining fertility rate where population growth will be beneficial for the economic development of a nation, health rationale and the human rights rationale.

Access to sexual and reproductive health through Family Welfare Associations prevents early pregnancy. Mr Deputy Speaker, Sir, even in society where adequate care is available like ours, teenage pregnancy is regarded as obstetric challenges with numerous complications and it is a global challenge. This Bill is important in playing its role of bringing awareness among young girls and the society in delaying the age of first pregnancy and reducing the associate complications to both mother and child.

Mr Deputy Speaker, Sir, the health benefits of voluntary family planning are enormous. It increases the monitoring level of health to both mother and child. Therefore, in turn, it contributes enormously in reducing maternal death and infant mortality rate which are beneficial for the economic prospects and growth of a country.

It is important to note, but this is not much of a problem in our Republic but still I have to point out if we have reached to that level of women with better education level in the Republic, voluntary family planning has contributed a great part in that.

Mr Deputy Speaker, Sir, women should be able to decide freely from themselves when they want to have children, the size of a family, the space they want to have another child, denying that is violation to human rights.

Mr Deputy Speaker, Sir, supporting this Bill is supporting the sustainable population growth of the Republic of Mauritius and I am therefore thankful to the hon. Minister of Health and Quality of Life for his brevity for having brought this Bill to the House.

I thank you for your kind attention, Mr Deputy Speaker, Sir.

(4.51 p.m.)

Mr E. Jhuboo (Third Member for Savanne & Black River): Thank you, Mr Deputy Speaker, Sir, for giving me the opportunity to intervene on the very important Bill. Much has already been said. I will be brief. But with your permission, I would like to place the issue of family planning in its historical context and pay tribute to the pioneers of the family planning in planning movement in Mauritius.

In 1963, Mr Herchenroder was appointed to conduct a survey report, analysis and recommendations on the issue of population birth control, but, unfortunately, these recommendations were not implemented because of the resistance from the very conservative society in those days. However, a group of visionaries composed of Dr. Benedict, Dr. Mansoor, Mr Naik, Mrs Permalloo, amongst others, set up the Family Planning Association in 1967 and it was officially resisted in 1968 and the first President was Dr. Teeluck. Amongst the various Members of Parliament who played a crucial role in setting the foundations of the piece of legislation was Mr Ramlallah, Dr. Ramgoolam, Dr. Teeluck, Mr Dupré, Mr Jagatsing, Mr Napal, amongst others.

The legislation governing the Mauritius Family Planning Association was enacted in 1967 and it is a matter of pride for us, on this side of the House, I mean in this row, in the Labour Party, to acknowledge that without birth control and various measures implemented, the population of 700,000 in 1960 would have been over 3 million today.

This measure has enabled the country to ensure and witness immense progress in the field of quality education, employment, opportunities. Just imagine for a second the same resources today in terms of housing, employment, social services, education, health, public transport for three times the actual population. This is why certainly economists, in those days, stated that Mauritius had no future but we have proven them wrong.

Now, today, Mr Deputy Speaker, Sir, what a paradox, the birth control issue of yesterday faces this paradigm shift of today which is the one of increasing and maintaining the fertility rate. Why do we have the urgency for increasing the fertility rate, decreasing fertility rate has drastically shaped today's global economy, but a continued decline would have much more severed long impacts and consequences on our economy. If the world has today many elderly dependents and not enough workers, the burden of economic growth would be difficult to overcome.

Today, Mr Deputy Speaker, Sir, 46% of the population live in countries that are below the average global replacement rate of 2.5 children per woman. By 2100, the United Nations predicts nearly 30% of the population would be made of people of 60 years and older. Life expectancy also continues to increase steeply which means those dependents will be living even longer. Between 2000 and 2015, the average global life expectancy at birth increased by around five years. What does this mean to the economy, at this large ageing population exits the work force. Most of the positive trends that were spurred by declining fertility rate will be reserved and economic growth will face a significant burden.

Now, I will come to the objects of the Bill which have slightly deviated from the Bill which was proposed in 2005, Mr Deputy Speaker. My question to the hon. Minister is: will this piece of legislation respond to the urgent need and challenges of the Mauritius Family Planning Association and the country, and my concern in that respect is that the human factor to carry out fundamental changes, we need to have the appropriate persons and this is crucial. When we have looked at the Singapore Family Planning Council or Board, the Board is composed as follows; you have the Deputy Director of the Ministry of Health, you have the Medical Superintendent of the Kangan Maternity Hospital which I believe is one of the largest in Singapore, you have the Senior Obstetrician and Gynaecologist of the same hospital, you have the Senior Officer of Training and Health Department, you have the Deputy Chief Statistician from the Statistic Department, you have the Director of Social Welfare Services and two other appointed co-opted members but with a medical background.

When you look at the composition of this Executive Committee, one can imagine the seriousness with which this Government wants to fight, wants to tackle the fertility issue. Unfortunately, when we look at what is being proposed by the Minister, I'm a bit worried on the composition of the Board itself.

Au grand mot les grands remèdes. Pour avoir de grands remèdes, il faut avoir des bons docteurs et en cela du moins rien ne transpire dans ce texte de loi sur le choix fondamental des femmes et des hommes qui vont constituer ce panel et cela m'inquiète. Alors quelles sont les solutions? Bien sûr recruter des gens de calibre. Et par ailleurs que faire pour augmenter ce taux de fertilité ? L'immigration!

Immigration has always been a source of short-term population sustenance for many nations. However, there are obvious social tensions associated with this strategy. Tax policies: while tax and taxes can influence behaviour the extent may vary from one individual

to another depending on their needs and desire. For years, Government round the world, mainly more precisely in Singapore, have used tax policies to encourage a healthy population growth rate without an excessive reliance on net migration.

Mr Deputy Speaker, Sir, baby bonus schemes can be a fiscal tool to encourage people to have more babies. Marriage and parenthood package could be introduced. More comprehensive and generous in the world, there are increased benefits for working parents including additional maternity leave provisions, introduction of paternity leave and childcare leave, reduction in foreign domestic workers levies and childcare subsidies. Mr Deputy Speaker, Sir, *il existe un arsenal de mesures qui peuvent être prises en compte pour augmenter ce taux de natalité.*

We should propose also cash grants and reduction of transaction costs to support parents that are financially dependent on their adult children. These measures could be more effective and tax incentives as those who need such financial assistance are probably not in a taxable position to begin with to enjoy higher tax reliefs.

Mr Deputy Speaker, Sir, it is important that the fiscal measures incentives or any other strategies be included in the Bill once and for all, and that, more importantly, the person that would be chosen should be defined in the Bill, and this would put aside once and for all the possibility or the perception that political appointees could be co-opted on this Board which definitely needs professional guidance. Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Dr. Husnoo!

(5.00 p.m.)

The Minister of Health and Quality of Life (Dr. A. Husnoo): Thank you, Mr Deputy Speaker, Sir.

Please allow me to thank all hon. Members from both sides of the House who have taken part in the debate. Whilst I appreciate, Sir, the concerns expressed by some hon. Members from the Opposition on certain Clauses of the Bill and on several health issues, I also find some comments made by others as rather disappointing, baseless and sometimes completely out of subject. Unfortunately, some hon. Members have mixed up the responsibilities and services delivered by my Ministry *per se* and those of the Mauritius Family Planning and Welfare Association.

Nevertheless, Deputy Speaker, Sir, I wish to emphasise that the focus of the present Bill is on the reorganisation of the Mauritius Family Planning and Welfare Association. I have not gone in details on the actual activities that will be undertaken by the Association. These will be taken by the National Executive Committee when it is formed.

My Ministry is fully aware of the challenges in the health service and it is also true to say that the country is faced with new challenges namely teenage pregnancy, decrease in fertility rate among others. Over the years, we have been modernising our health services to better respond to the changing needs of society. But, we have still got a lot of problems.

With further ado, Mr Deputy Speaker, Sir, and, with your permission, I would like to reply to the concerns expressed by hon. Members during their intervention on the Bill. I was surprised to listen to hon. Ms Sewocksingh. I got the impression that - I don't know maybe I was wrong - either she has not read the Bill properly or she has not understood what she has read.

Clause 5 of the Bill makes provision that the Association shall have such functions as may be necessary to attain its objects most effectively and shall, in particular, provide information and service on sex education, marriage counselling to the youth and to vulnerable groups as well. It's mentioned in the Bill.

It will also provide for youth-friendly services and will address unwanted teenage pregnancy. All these are mentioned in the Bill. But despite being mentioned in the Bill, the hon. Member went on a diatribe as if this subject will not be covered by this Bill.

Clause 2 (a) also mentions that we have to maintain fertility rate at a reasonable level. But in her speech, she questioned why fertility has to be maintained at a reasonable level. I thought that the answer is obvious and is sheer common sense. As mentioned by the last orator, our fertility rate is 1.3 while the replacement is 2.1. In fact, Mr Deputy Speaker, Sir, from 2021 onwards, our population will start decreasing, that is in 3 years' time. Then, how are we going to cater for the development of this country with a decreasing fertility rate and an ageing population?

Further, she asked what is being done to increase the fertility rate. Madam Speaker, I know indirectly the Mauritius Family Planning and Welfare Association has a role to play. But at the level of the Ministry of Health, we have had brainstorming sessions on the way forward on the issue of how to improve the fertility rate. I have even contacted the UNFPA and they have sent me an expert to study the situation. He came, but I was not happy with his

report. I informed the UNFPA and WHO about the report that I received and they have agreed to send me another team of four persons to have a proper and in-depth look at the situation and to discuss the way forward. So, we are aware of the problem. We are working on it. It is not just the role of the Mauritius Family Planning and Welfare Association to consider. That is not its role only, it is the whole Ministry and we are working on it Sir.

Then, after this meeting, we will come up with a series of measures to tackle these issues. Some measures were mentioned by the last orator, hon. Jhuboo, there will be others as well and we are going to take them on board.

Clause 2 (b) of the Bill mentions that the Mauritius Family Planning and Welfare Association will promote family welfare, etc through effective family planning service. I get the impression again that the hon. Member did not understand at all what we meant. The Ministry of Health is not a super Ministry trying to take the role of the Ministry of Social Security, Gender Equality, Social Integration and Youth and Sports. It is not our job to provide nappies and specially, we do not encourage mothers to use formula feeds to feed their babies, as it is suggested. What we meant to promote is the family welfare, for example, to educate the mothers about proper spacing of their children and giving them the time to cope with the professional and family life. Hopefully, in this way, this is just an example, to improve their quality of life, the family welfare. This is what I meant. As such, the mother will be able to improve her family welfare and that is what is meant by section 2(b) amongst others. But again, I get the impression that hon. Ms Sewocksingh did not quite understand this.

(Interruptions)

Later on! Later on!

(Interruptions)

When the hon. Member spoke, I stayed quiet! It is only sheer decency to let me speak, please!

Later on, she said that, I quote –

“(...) I do not see how the Government will effectively address the HIV/AIDS problem in Mauritius along with the Association.”

But again, Mr Deputy Speaker, Sir, it has never been the aim of this Government to address the problem of HIV/AIDS through Mauritius Family Planning Welfare Association. We have the AIDS unit. A lot of measures have been taken. I am just going to mention one or

two. For your information, we are applying the 1990 UN Aid Policy. We are doing more screening through caravans which are trying to reach the key affected population. We have introduced rapid testing. We have started the test and treat policy not as before. Before when we do a test, we used to depend on the CD4 counts before we start treatment. We have stopped that. We say: if somebody is positive, we are going to put him on treatment there and then. We have started new modalities of treatment and new drugs to improve compliance. We have started new Hepatitis C treatment and so on. So, we are working on the problem of HIV/AIDS, and this, at the level of the Ministry, at the level of the AIDS Unit and it is not just the role of the Mauritius Family Planning and Welfare Association.

Then, I am afraid she goes on the risk of taking contraceptive pills. I am aware, Mr Deputy Speaker, Sir, that all medication can have side effects. One can even get a reaction by taking one panadol tablet. We are aware of this problem and we are trying to find ways and means to improve the type of pills that we prescribe. That is not a reason, Mr Deputy Speaker, Sir, to have a kick at the Mauritius Family Planning and Welfare Association. As has been mentioned again by the previous orators, if you had not used this pill, the population in Mauritius which was 700,000 in 1967 would have been about 3.5 m. now, if you had not had proper family planning and if you had not used the pills before.

The hon. Member also mentioned about quorum. She said that in section 15 of the Bill, five members will constitute the quorum. She mentioned that five nominated members can take over the organisation. But clause 15 is clear on this. Clause 15 (2) mentions that 5 elected members - not nominated members - shall constitute the quorum, and this is black and white in the Bill. In Clause 15, it is black and white. But I do not understand what happened.

Mr Deputy Speaker, Sir, my colleague, hon. Mrs Boygah and hon. Rutnah and the other Members have answered a lot of the points raised by some Members of the Opposition. So I am not going to dwell further into this. My colleague, hon. Dr. Sorefan, was talking about a catch-22 situation, but I can assure him that such a situation would not occur. Firstly, because we have an Interim Management Committee which will still be in place until the new National Executive Committee be setup and also the Executive Director, who has been appointed as a permanent member since 2007, will also be in place. So, we are going to have the Interim Committee and we are going to get the Executive Director who is going to manage in the transitional period. So, we are not going to get the catch-22 which you mentioned. The chicken and egg situation which he mentioned will not arise.

Hon. Lepoigneur, while talking on the Mauritius Family Planning and Welfare Association Bill started with the Children's Bill and ended with the Children's Bill. I know the Children's Bill is very important, but we are here discussing the Mauritius Family Planning and Welfare Association Bill.

As far as hon. Bhagwan is concerned, he discussed the financial mismanagement of the association ...

(Interruptions)

The Deputy Speaker: Silence, please!

Dr. Husnoo: ... in detail. I got the impression as if he has lived through that personally. He was so adamant about it, and I completely agree with him, I must say. But I would like to reassure him that the main crux of this Bill, as I mentioned, is to improve the financial mismanagement of that association. He has also made quite a few suggestions which I would ask the National Executive Committee to take on board as well.

As far as my colleague, hon. Dr. Boolell, is concerned, he made some pertinent comments and I completely agree with him. At the end of the day, the organisation would depend on how well the National Executive Committee and the Executive Director do their job. That, again, was mentioned by hon. Jhuboo. I completely agree with him. It is going to depend on the person who is going to be on that Executive Committee.

A lot of problems have happened in the past. We know why. I mean, what we have to make sure that it does not repeat itself again. I think, we all agree that even if we have the best legislation on paper, but if the person who is supposed to do the job, does not do it properly, then the whole situation will end up in a mess as what the Mauritius Family Planning Welfare Association was prior to 2012.

As regards the Association's intervention in deprived areas, I wish to assure the House that in its outreach programme, the Mauritius Family Planning and Welfare Association does not discriminate against any region. On the contrary, it focuses mainly on the vulnerable groups, mostly in the deprived areas across the country. As a matter of fact, the Association has outreached approximately 130,000 persons from 2015 to 2017. In addition, the Association, through its different service points, is regularly present in the community and also partners with different stakeholders. Many services are provided free of charge to the population unlike what was mentioned before, while only specialised services are provided at a minimum fee to cover related expenses. That was mentioned as well.

With regard to the issue of funding, the Association complies with requirements of the national and international funding agencies. It is, therefore, eligible for funding and it does receive grants for innovative project that is submitted like any other NGOs in the country. However, the decision to fund any particular project rests on the donor agency, depending on its own set of criteria. Concerning the issue of drop-in centres raised by hon. Ms Sewocksingh, I wish to inform the House that the Mauritius Family Planning and Welfare Association manages such centres with the support of the Ministry of Gender Equality. Annually, the drop-in centres cater for about 500 new cases of sexually abused children. Imagine! 500 new cases of sexually abused children out of which more than 200 cases are of teenage pregnancy! The centre provides medical, psychological, legal, referral and social support for rehabilitation purposes. Between 2003 and up to October 2018, it catered for 4,483 cases of sexually abused children.

As regards monitoring and evaluation, I wish to inform the House that each year the accounts of the Association are audited by an external auditor approved by the IPPF and the report is sent to my Ministry and to all donor agencies. I wish to point out that between 2012 to 2017 now, there has been no adverse financial report of the Association. The issue of fraud and corruption has been rampant in the Association prior to 2012. Given the prevailing situation at that time, the National Executive Committee was suspended with the enactment of the Mauritius Family Planning and Welfare Association (Temporary Provisions) Act 2012. An Interim Management Committee was set up with all the powers necessary to manage the Association, including the powers vested to the then existing Committee.

With regard to the issue of representation on the National Executive Committee, I wish to inform the House that all nine members of the Committee shall be elected at the Annual General Meeting of the Association. The election will be conducted by the Electoral Commissioner's Office to ensure a fair election process. The eligibility criteria for a member to serve on the Committee will be defined in the regulation. Here, we would have to make sure that we have members who really care for the Association and do the work that they have to do. We should not have phantom members as in the last Association.

I wish to reassure the House that the Association *a toujours sa raison d'être*. Indeed, the Mauritius Family Planning and Welfare Associations remains a reliable partner of my Ministry and is complementing the Government Family Planning Services. In fact, we are widening the scope of operation from just family planning to awareness on healthy ageing, rehabilitation of sexually abused children and prevention of teenage pregnancy, among

others. I wish to point out that, Mr Deputy Speaker, Sir, this new Bill is in line with the recommendations of the IPPF and with the sexual and reproductive health policy of my Ministry which focus on youth, elderly, woman and man. Innovative approach has been adopted for screening of reproductive tract cancers, provision of service to the elderly, use of information technology to communicate with young people on sexual and productive services.

Mr Deputy Speaker, Sir, this Government is a responsible Government and we are putting the people at the centre of development. Unfortunately, between 2006 and 2012, the Government at that time had not been able to come up with the appropriate legislation as recommended by the IPPF to bring corrective measures to address issues faced by the organisation. But today, this Government is committed to do justice to the Mauritius Family Planning and Welfare Association for its precious contribution in the field of sexual and reproductive fields. There have been problems, but we are taking the necessary measures to prevent the financial mismanagement to happen again as it did happen previously.

Mr Deputy Speaker, Sir, with these few words, I now commend the Mauritius Family Planning and Welfare Association Bill (No. XIX of 2018) to the House.

Thank you very much for your attention.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

THE MAURITIUS FAMILY PLANNING AND WELFARE ASSOCIATION BILL (NO. XIX OF 2018)

Clauses 1 to 12 stand part of the Bill.

Clause 13 (National Executive Committee)

Motion made and question proposed: “that the clause stand part of the Bill.”

Dr. Husnoo: Mr Chairperson, I move for the following amendment –

“in clause 13, in subclause (1)(a), by deleting the words “, while ensuring at least 50 per cent women and 20 per cent youth representation”;

Amendment agreed to.

Clause 13, as amended, ordered to stand part of the Bill.

Clause 14 to 18 stand part of the Bill.

Clause 19 (Conflict of interest and prohibitions for members and employees)

Motion made and question proposed: “that the clause stand part of the Bill.”

Dr. Husnoo: Mr Chairperson, I move for the following amendment –

“in clause 19, by deleting subclause (3) and replacing it by the following subclause –

- (3) A person who is a close relative of –
 - (a) a member of the Committee or of the Association;
 - (b) a volunteer; or
 - (c) an employee,

shall not be appointed to any position in the Association or to undertake any consultancy with the Association.

Amendment agreed to.

Clause 19, as amended, ordered to stand part of the Bill.

Clauses 20 to 21 stand part of the Bill.

Clause 22 (Accounts and audit)

Motion made and question proposed: “that the clause stand part of the Bill.”

Dr. Husnoo: Mr Chairperson, I move for the following amendment –

“in clause 22, in subclause (2)(a), by deleting the words “taken by it” and replacing them by the words “undertaken by the Association”;

Amendment agreed to.

Clause 22, as amended, ordered to stand part of the Bill.

Clauses 23 to 25 ordered to stand part of the Bill.

Clauses 26 (Regulations)

Motion made and question proposed: “that the clause stand part of the Bill.”

Dr. Husnoo: Mr Chairperson, I move for the following amendment –

“in clause 26, in subclause (2), by inserting, after paragraph (a), the following new paragraphs, the existing paragraphs (b) and (c) being relettered as (d) and (e), respectively –

- (b) the criteria for eligibility to become a member of the Association;
- (c) restriction of the number of members of the Association.” ;”

Amendment agreed to.

Clause 26, as amended, ordered to stand part of the Bill.

Clauses 27 to 28 ordered to stand part of the Bill.

Clauses 29 (Transitional provisions and savings)

Motion made and question proposed: “that the clause stand part of the Bill.”

Dr. Husnoo: Mr Chairperson, I move for the following amendment –

“in clause 29, in subclause (2) –

- (i) by lettering the existing provision as paragraph (a);
- (ii) by adding the following new paragraph –
 - (b) Notwithstanding section 16(1), the Executive Director of MFPWA shall, on the commencement of this Act, be the Executive Director of the Association.”

Amendment agreed to.

Clause 29, as amended, ordered to stand part of the Bill.

Clause 30 ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule

Motion made and question proposed: “that the Schedule stand part of the Bill.

Dr. Husnoo: Mr Chairperson, I move for the following amendment –

“in the Second Schedule, in paragraph 10 –

- (i) in subparagraph (c), by inserting, after the words “youth representatives”, the words “, at least one of whom shall be a woman,”;
- (ii) in subparagraph (d), by inserting, after the words “5 other members”, the words “, at least 4 of whom shall be women,”.

Amendment agreed to.

Second Schedule, as amended, 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 Mauritius Family Planning and Welfare Association Bill (No. XIX of 2018) was read the third time and passed.

The Deputy Speaker: I suspend the sitting for half an hour.

At 5.26 p.m., the sitting was suspended.

On resuming at 6.01 p.m. with Madam Speaker in the Chair.

PUBLIC BILLS

Second Reading

THE OMBUDSPERSON FOR FINANCIAL SERVICES BILL

(NO. XXI of 2018)

Order for Second Reading read.

The Minister of Financial Services and Good Governance (Mr D. Sesungkur): Madam Speaker, I move that the Ombudsperson for Financial Services Bill (No. XXI of 2018) be read a second time.

Madam Speaker, we are coming up to four years since this Government has taken the leadership of the country. Four years whereby we have been consistently, persistently and arduously fulfilling on our pledges to the nation one after the other in a bid to create an

inclusive Mauritius. We have been tireless in our efforts, keeping our focus on delivering on our objectives and priorities.

I stand before the House today, Madam Speaker, and I am happy to present a piece of legislation which will prove to be an invaluable addition to our Statute Book, a piece of legislation which will bring much-needed and much-awaited transformation to our consumer protection framework, a piece of legislation which will strengthen our transformation agenda of Mauritius from where we took it four years ago.

Madam Speaker, like us, so many Governments around the world have been facing daunting trials in their struggle to improve the lives of the underprivileged, the marginalised, and casualties of inequality and injustice. The Ombudsperson has accordingly been ushered in as a sustainable response, across sectors, to restore equilibrium and fairness. The “*defensor civitatis*”, the closest to our modern Ombudsperson, existed in ancient times defending the weak against “*potentiores*”, acting as referee between the governors and the governed, protecting them from the abuses of the former. In this line of thought, it is the duty of the Government to put in place a system where the weakest can thrive in a sustainable manner and the strong do not dominate the weak. The Bill which I am presenting today, Madam Speaker, is a new milestone in the evolution of this Government. The Bill being introduced is by no means a big bang measure but rather is a logical sequence on the road to greater inclusion and prosperity of the nation. It is a carefully researched and well-designed solution. At the thinking stage itself, views and perspectives were sought from various departments and stakeholders to gather thoughts on what they believe should be the salient features of the would-be Bill. I take the opportunity to salute the team of the Attorney-General’s Office who have been diligently at work, drawing on experience elsewhere and devising the best model based on home-grown specificities, experiences and requirements. Protracted discussions, particularly alerts as to potential pitfalls, led to refinements of various parts of the proposal. We have been very cautious in the conception and design of this piece of legislation, Madam Speaker, as we know that this law is being enacted to serve our people better. We have not lost sight throughout this process of Government’s vision and commitment to steer the country towards social and economic prosperity. We have attempted to create such a law that would help us face present situations and ultimately assist in boosting economic development. It is only when the administrative cadres and myself were satisfied and confident, Madam Speaker, that I took the Bill to the Cabinet for the acquiescence of my colleagues.

Yes, it has taken some time for us to finalise the proposed Bill, but the future will prove us right that we spent time on the drawing board testing various formulae before deciding on the best scheme. We have taken time to ensure that every single provision of this Bill will serve the philosophy for which it has been brought before this House. We are out for the greater good. The underlying philosophy of this Bill, Madam Speaker, is contributing to social reform, to the protection of the rights of citizens, in contributing to good governance, integrity and democratic values.

Madam Speaker, there are many consumers out there patiently awaiting the enactment of this law. The Bill is a pressing issue for them. The would-be litigants are often cash-strapped precluding them from going to Court. The option of low-to-no-cost justice in a calm and friendlier setting appeals to many. I have met countless such consumers. Many have approached me with heart-wrenching stories of long-drawn fights with insurance companies and banks involving costly litigation. Hon. Members will no doubt agree with me that the less financially literate, including the savvier ones, have been going through hard times trying to make sense of what avenues are open to them in the event of deadlock with financial institutions. I have come across several representations from consumers who have exhausted recourse to the financial institution concerned as well as the regulator and are still aggrieved and lost. And, during such time that exchanges were taking place between the licensees and the regulators, the consumers are in limbo pending a verdict. There is mounting frustration among those distressed consumers and many cannot even entertain Court action for want of financial means.

Since insurance falls under the purview of my Ministry, allow me to cite the insurance sector as an example. I have seen so many letters, one too many, asking for the Ministry's intervention with regard to claim denials following serious accident, often leaving people incapacitated for life. These consumers have paid covers to insurance companies trusting that they will make good on their promise in the event that an insured risk crystalizes. However, many have been disillusioned. I can tell, Madam Speaker, that the perception of consumers of both banking and insurance products and services is very grim indeed. I am informed that since 2015, over 4,500 applications have been registered from individuals complaining about financial institutions both from the banking and non-banking financial sectors. I have met the headship of the Financial Services Commission on innumerable occasions trying to find ways and means of addressing the dire situation that some of our compatriots are facing. I am informed that the level of insurance indemnity denials, particularly in respect of a few operators, leaves room for improvement. The legal battles that often follow are expensive,

time-consuming and emotionally draining on consumers, especially when one is coping with accidents, traumatic injury or terminal illnesses. While I can assure the House that the Regulator is intervening in a bid to ensure an appropriate degree of protection for policyholders, yet, there is need to strengthen and consolidate these attempts and call insurers to more responsible action with additional arsenal of measures. For example, the Ombudsperson is empowered to issue Guidelines to institutions in the light of his findings and experience. I am confident, Madam Speaker, that the Bill presented today will close the gap in our consumer protection framework.

Madam Speaker, the Bill before the House today aims first and foremost, to better protecting consumers of banking and financial services and to bringing transparency and objectivity in the examination of complaints pertaining to the Financial Services Sector. And let me state at the very outset that when I am mentioning the Financial Services Sector, I am here referring to banking and non-banking financial services as well as the financial services provided by a participant under the Securities (Central Depository and Settlement) Act. Moreover, with the enactment of the National Payment Systems Act, it will also include the payment services provider as defined in the Act.

Madam Speaker, before I proceed with the philosophy of this new Bill, allow me to share some background on current approaches to receiving and handling complaints. The current situation is rather fragmented with different redress mechanisms in place for the banking sector and the non-banking sector. In the event of a deadlock between a consumer and a financial institution, the consumer will go through the complaints procedures established by the Bank of Mauritius or the Financial Services Commission, as the case may be, before considering enter an action in Court if still aggrieved.

Madam Speaker, I understand that dispute resolution is often synonymous to a letter which replicates the version which has been provided by the financial institution to the Regulator often due to constraint of time by Regulators to thoroughly investigate the growing number of complaints and also lack of expert knowledge. This is where the launch of the Office of the Ombudsperson for Financial Services will come as a boon to many. It is intended that consumers will have a dedicated team with the relevant skills to listen and investigate into their complaints with powers to call for information from financial institutions and relevant agencies.

Madam Speaker, we must also highlight that many financial institutions often use contractual provisions or well-drafted disclaimers in fine prints to abscond from their

responsibilities. This state of affairs was made abundantly clear in a Report of the Task Force on Unfair Terms and Conditions in banking Contracts, entitled “Banking Your Future: Towards a Fair and Inclusive Banking Sector”. The Report recommends the appointment of an Ombudsperson for the Financial Services Sector and it endorses greater Customer Empowerment initiatives. I will come back to this idea of empowerment in a short while.

Madam Speaker, with all due respect to our learned Judges and Magistrates, it is a fact that the effectiveness of such dispute settlement by the Court may be hampered by the complexity and the technicity of complaints. The introduction of the Office of the Ombudsperson will certainly help decongest our already over-burdened Court system and will also relieve the burden currently placed on the regulators to investigate complaints and this will allow them to focus other matters.

Madam Speaker, I now move to the philosophy and general principles of the Bill. What the Ombudsperson’s Office does is to provide an independent, accessible, cost-effective and friendly approach to dispute resolution. The Ombudsperson is there to assist consumers of financial services and products, consumers who would otherwise find it difficult to advocate their cause, consumers who are unable or unwilling to engage in slow, costly litigation, consumers who have exhausted avenues for redress and remained disgruntled.

Experience shows that an effective financial Ombudsperson is a win-win service for all, consumers, providers of service and the State.

Firstly, consumers have greater confidence in financial services when they know that, if anything goes wrong, they will be able to take their dispute to an independent body that will resolve the issue quickly and informally, without the consumer needing a lawyer.

Secondly, businesses benefit because consumers are more likely to buy financial products, the cost of resolving disputes with consumers is kept to a minimum and unscrupulous competitor who act unfairly are held to account.

Thirdly, the sector benefits because feedback from an Ombudsperson can help improve future reforms and more confident and informed consumers are likely to purchase products more wisely and help better market conduct.

Madam Speaker, in a certain way, we can say that the Ombudsperson will defend the rights of the consumers. But our legislation does more. The Bill also provides for consumer empowerment. Consumer protection is not a one-sided pursuit. To enjoy protection,

consumers have to exercise some responsibilities too. It is important to empower consumers to make financial decisions that are well-informed, effective and responsible. « *Une personne avisée* », *Madame la présidente*, « *en vaut deux* ».

It is the consumer's duty, for example, to take the responsibility for his financial decisions and ask about the fine prints. The law will support him in case of mis-statement, mis-selling, abusive clauses etc. However, if the Ombudsperson finds that the consumer ought to have been more responsible, the law allows him to reject the complaint.

When consumers understand the characteristics of the financial products and transactions, they can make well-informed decisions and know their rights and responsibilities. Understanding Finance, Madam Speaker, has the power to transform lives. I am convinced that the pursuit of financial knowledge is a key economic imperative. In today's world, having the knowledge to save, invest and borrow are essential life skills. I am comforted that financial education forms part of the mandate of this Office.

Financial institutions also stand to benefit from empowered and well-informed consumers. Experience in other countries tends to show that there are better take up for financial products when there is greater awareness by consumers. Greater participation from more informed consumers will increase demand for financial products thereby building on competitiveness. So, enhancing consumer awareness will henceforth be a shared responsibility, one that both the Ombudsperson and Financial Institutions should live up to in their engagements with the public.

Much has been said by naysayers about the tendency to see the Ombudsperson as a Champion of the Consumer. True it is that while investigating a complaint the Office of the Ombudsperson shall work on the customer's behalf in investigating the case, and putting experts to work to check facts and figures. When it comes to a decision, the Ombudsperson remains impartial, balanced and neutral.

Madam Speaker, still on the point mooted by some that the Ombudsperson is the Champion of Consumers, I wish to add the following perspectives to counteract this argument. The Bill provides that the Ombudsperson may give such directives as he may determine necessary to financial institutions with a view to alleviating the potentiality of disputes between them and the consumers of financial services. We can observe from experiences abroad that the advent of the Ombudsperson has ultimately been of tremendous benefit to the financial service providers. Contrary to naysayers that this body will stifle

competition within the relevant sector, international experience has shown that the financial Ombudsperson will drive competition because the registration of complaints provides the opportunity for change in internal policies and practices within relevant institutions. Should we be in such a situation whereby awards are delivered against repeat offenders, these financial institutions will feel the heat and be impelled to change their ways.

As we are all aware, Ombudsmen across jurisdictions forcefully defend their independence and rightly so – their independence is the source of their legitimacy and their independence defines their credibility. Madam Speaker, the independence of the Office of the Ombudsperson enshrined in the proposed legislation will not only give credibility to the institution but will foster greater trust in the financial system. For this to happen, there are a few fundamental principles that are absolutely critical for success, namely fairness, impartiality, accessibility, accountability, transparency and effectiveness. Recognising their importance, these principles have also been upheld in the proposed legislation.

Madam Speaker, in line with the principle of accessibility, for instance, the services of the Office of the Ombudsperson will be treated as a public good and will be offered free of charge or at minimal cost to financial consumers, with least possible formality. In terms of the principle of effectiveness, procedures will be accessible to complainants (without requiring legal representation). Disputes would normally be resolved within the time frame stipulated. The principle of fairness will also be followed as both parties will be given the opportunity to express their point of view.

Madam Speaker, reports emanating from the Office of the Ombudsperson should form the basis of reforms in the sector.

The Ombudsperson will have his pulse on the market at all time; being close to consumers and financial institutions, he will be in an ideal position to bring about financial sector reform. Where the Ombudsperson identifies systemic issues that financial regulators (or even Government) would be better placed to tackle, the financial Ombudsperson should draw those issues to the attention of the financial regulators. This is especially important in an operating landscape that is undergoing rapid changes brought about by technological advancement, demographic shifts, changing expectations and norms of society. Over the years, financial institutions have responded to these changes in their offerings of products and services, in marketing strategies, and in the delivery and usage of financial services. The question is whether the consumer is also moving in sync with progress or left behind. The

Ombudsperson will be better placed to reach informed conclusions in that regard and feed in the information to regulators and operators. By reporting regularly on the trends that they see in their work, financial ombudsperson can provide independent insight thereby enabling Governments and regulators to supervise financial services more effectively, and enabling financial businesses and consumers to avoid problems. The reports can be used by consumer associations, advisers and the media to help improve the financial capability of the public – by explaining to consumers in plain language which financial issues to be careful about, what their rights and liabilities are, and how they can seek redress.

Madam Speaker, while devising this non-controversial piece of legislation, we have drawn much guidance from experiences around the world. It is acknowledged without any doubt that this institution is a must-have for any country. A common theme of reports from The World Bank is that one key way to increase consumer confidence is to provide accessible and user-friendly arrangements to resolve disputes.

The G20 High Level Principles on Financial Consumer Protection 10, adopted by the Organisation for Economic Cooperation and Development in October 2011, include, and I quote –

- “b. Jurisdictions should ensure that consumers have access to adequate complaints handling and redress mechanisms that are accessible, affordable, independent, fair, accountable, timely and efficient. Such mechanisms should not impose unreasonable cost, delays or burdens on consumers. ... Recourse to an independent redress process should be available to address complaints that are not efficiently resolved via the financial services providers’ and authorised agents’ internal dispute resolution mechanisms.”

It follows suit, Madam Speaker, that in many jurisdictions, the Office of the Ombudsperson is part of the arsenal of consumer protection. We can identify Banking and Financial Services Ombudsmen in at least thirty countries including Australia, the United Kingdom, Canada, Netherlands, and South Africa. There are industry-established ombudsman schemes and ombudsman schemes established by law. Most Ombudsmen started covering a single sector (such as banking or insurance). The number of combined Ombudsmen, covering all sectors, has grown over time – first in the United Kingdom and then Ireland, Netherlands and Finland – with others considering moving in that direction. An

insurance ombudsman was established by the UK industry in 1981 (following a lead from Switzerland and Finland) and a banking ombudsman soon afterwards. Twenty years later, after investment ombudsmen had been established as well, all the UK financial ombudsmen were combined into a single Financial Ombudsman Service established by law.

In our case, both the FSC and BoM have got core functions, each in its particular area, but I have taken the view that, for a small country like ours, there should be only one Ombudsperson for all financial services, instead of having one Ombudsperson for the financial services sector and for the institutions supervised by the FSC and another for the banking sector. While we have embraced the ombudsman concept, we have not done so slavishly. We have been guided by signposts earlier travellers have left on this journey, we drew inspiration by best practices, we were driven by local realities and nature of complaints and came up with a model tailored to meet our needs.

Now, Madam Speaker, I will walk Members through the salient features of the Bill. The Explanatory Memorandum provides that the Ombudsperson for Financial Services shall, with a view to giving better protection to consumers of financial services, receive and deal with complaints from consumers of financial services against financial institutions and may make an award for compensation, where appropriate, and give such directives as he may determine to financial institutions.

The categories of financial services which are relevant to this Bill are spelt out in Clause 2 which includes both banking and non-banking financial services. For the purpose of this Bill, financial services also include such services provided by a participant under the Securities (Central Depository, Clearing and Settlement) Act. However, the financial services which are provided by and to Global Business companies and authorized companies do not fall under the purview of this Bill and also exclude financial services which are provided outside Mauritius.

Clause 4 provides for the functions and independence of the Office of the Ombudsperson. This clause ensures that the officers shall, in the exercise of their functions, act without fear or favour and shall not be subject to the directions or control of any other person or authority.

Clause 5, on its part, highlights that the Ombudsperson shall have a wide knowledge and experience in the field of financial services and the laws related thereto. The powers of the Ombudsperson is also extended under this Clause to allow him to issue guidelines to

financial institutions in order to avoid disputes between them and consumers of financial services and to share information and where appropriate, enter into a memorandum of understanding with any relevant supervisory, regulatory authority or law enforcement agency.

In such circumstances, where a complaint cannot be heard by the Ombudsperson, the President shall appoint any person having wide knowledge and experience in the field of financial services and the laws relating thereto and whom he considers appropriate to deal with the complaint. The said person shall have all the powers and functions of the Ombudsperson.

Clause 7 lists out the process for lodging the complaint before the Ombudsperson for Financial services, the time limits prescribed and situations where complaints will not be entertained.

The complaint lodged shall include specific information which includes the name and address of the complainant; the name and address of the financial institution against which the complaint is made; the nature of the complaint and the facts and circumstances giving rise to the complaint. It is mandatory that the complaint is accompanied by a copy of the reply, if any, from the relevant institution to which written representations were made.

Madam Speaker, in order to ensure that the consumers have followed the correct procedures prior to lodging a complaint before the Ombudsperson and, that, in so doing, there are no frivolous representations submitted to the latter, Clause 7 does not authorise the Ombudsperson to entertain a complaint unless the complainant had previously made written representations to the relevant institution. Furthermore, clause 7 implements the time limit for lodging of complaints.

Madam Speaker, I will move for an amendment in this clause 7 at Committee Stage to allow for harmonisation in the time limits, for making complaints, with the provisions in the National Payment Systems Act 2018.

Clause 8 authorises the Ombudsperson at any stage after the receipt of the complaint and subject to the agreement of the complainant and the financial institution attempt to settle the dispute by mediation. The Office will, therefore, act as a platform for the complainant and the Financial Institution to sit around the same table to try and resolve conflict situations.

Madam Speaker, clause 9 clearly defines the manner in which the Ombudsperson may conduct the investigation which may then result in either the rejection of the complaint or an award by the Ombudsperson.

The Ombudsperson may make an award for compensation, as he considers fair for loss or damage, and give such directives as he may determine to financial institutions. In this way, the Ombudsperson service has a flexible jurisdiction which is not bound by the strict law in the decisions it makes.

Madam Speaker, an important feature of this piece of legislation is mentioned at clause 11 of the Bill as it provides for the Ombudsperson to deliver an award which is binding on the financial institutions.

Madam Speaker, given that the Ombudsperson will be dealing with financial information of consumers, clause 13 imposes a duty of confidentiality on the Ombudsperson and his officers.

Madam Speaker, in the event the Ombudsperson or any of his officers have a conflict of interest as defined in clause 14, he shall disclose such interest whether direct or indirect to the supervising officer of the Ministry. Clause 19 provides for the Minister to make regulations for the purpose of this Act. Clause 20 enumerates the consequential amendments to relevant Acts.

Madam Speaker, in order to ensure that the Ombudsperson is the one-stop shop for complaints pertaining to financial services, clause 21 sets out the transitional provisions whereby any complaint made to the Central Bank pursuant to section 96A(4)(b) of the Banking Act or Commission pursuant to section 32 of the Financial Services Act where it has not been determined by BoM or FSC will be taken, continued or completed by the Ombudsperson.

Madam Speaker, with the recent enactment of the National Payment Systems Act 2018, I shall move for a consequential amendment to clause 20 of this Bill at Committee Stage to allow for consumers of services under the National Payment Systems Act 2018, to make their complaints, if any, to the Ombudsperson for Financial Services.

Madam Speaker, in closing I wish to say that the establishment of the Office of the Ombudsperson is an important pillar of our vision for the financial sector. This vision sees the Financial Services sector doubling its contribution to GDP and sees Mauritius in the league of high-income countries. In the realisation of these objectives, Madam Speaker, we need to instil trust. We need to boost investor confidence. The Ombudsperson scheme, by facilitating the orderly resolution of disputes, goes a long way towards strengthening credibility in the financial sector. Our "fair and reasonable" Ombudsperson system will ultimately attract attention from the international community and investors. I have no doubt,

and I reiterate, that this new Institution will go a long way in helping us achieve the vision we have set out to achieve.

I am also confident that this legislation will help create such a bond with society that will help us secure the overarching objectives contained in the Government Programme, that is, prosperity and wellbeing of our people. Our people will now know that if they are unhappy with the outcome of their complaint, their next port of call is with the Office of the Ombudsperson. Too often, Madam Speaker, consumers have felt like David against Goliath. Our People need this Bill. Expectations are plenty since the announcement was made by the hon. Prime Minister earlier this year before this House while responding to a question on Complaints Handling by the Bank of Mauritius. Many bankers and representatives of the financial sector have already supported the idea of creating this Office, because they know that a new fair system of dealing with consumer disputes will only contribute to the growth of the market.

Madam Speaker, allow me to end with these few words from Mahatma Gandhi and I quote -

“The true measure of a society is how it treats its most vulnerable members.”

These words were often restated by great thinkers after Gandhi’s time and they still bear relevance today. We are today planning ahead for a just, fair and equitable Society, a better place to live, and a better life for our people.

I wish to take this opportunity to thank our Prime Minister for his unwavering support. It is on the back of his exemplary leadership and guidance that we bring such important laws to ensure that the Government remains true to its promise of serving the people of Mauritius.

Madam Speaker, with these words, I commend this very important Bill to the House.

Mr Hurreeram rose and seconded.

Madam Speaker: Hon. Uteem!

(6.40 p.m.)

Mr R. Uteem (First Member for Port Louis Maritime & Port Louis Central): Madam Speaker, I was very much looking forward to this Bill because I for one have already been in favour of having an Ombudsperson for Financial Services. By doing so, we are not reinventing the wheel, we are just copying on what is good market practice outside Mauritius. But, unfortunately, Madam Speaker, when I read this Bill, I was very disappointed because

not only there are serious shortcomings in this Bill, but also there are fundamental issues where we do not agree and I will refer to this in my intervention later on.

The hon. Prime Minister, earlier this year answering to a PQ that I asked, told us that between 2015 and 2018, there have been 4,590 complaints from members of the public, the majority of which relate to fees and charges and repayment of loans. Two weeks ago, intervening on the National Payment System Act, the hon. Prime Minister who is also the Minister of Finance and the Minister responsible for banking services announced that Government is coming forward with this important Bill, Ombudsperson for Financial Services. So, I am extremely disappointed today, Madam Speaker, when we are discussing this Bill which was referred to in the Budget Speech as well, the hon. Prime Minister and Minister of Finance is not even here, let alone intervening on this important Bill because I would have liked to hear what he had to say about some of the comments which the hon. Minister said.

As we know today, anyone who has a complaint to make against the bank goes to the bank and if he is not happy, he goes to the Bank of Mauritius. Anyone who has a complaint against the financial institution goes to the financial institution which is, for example, a leasing company, an insurance company and if he is not satisfied, he refers the matter to the FSC. Both the Central Bank and the FSC has the power to investigate complaints, to adjudicate on complaints and even to impose penalties. Both the Financial Services Commission and the Bank of Mauritius have issued guidelines on how banks and financial institutions should deal with complaints. Today, when I listened to the hon. Minister, it is clear that both the Financial Services Commission and the Central Bank have lamentably failed in their duties to address complaints from the public. This is what the hon. Minister said. He is talking about complaints from the public and this why he is coming today with this Bill. So, at least, I would have expected the Prime Minister to come and explain why the Central Bank has not been up to the standard today.

Madam Speaker, I am not going to repeat all the arguments in favour of having an Ombudsperson for Financial Services. This has been adequately covered by the hon. Minister. Suffice to say that there is definitely a case for centralising all complaints to an independent person for speedy settlement of dispute, so speedy settlement. Second thing is cost; going to the Ombudsperson should be less costly. And, thirdly, confidentiality; if you are an individual and you go to Court, it is an open Court, so the public knows about your financial affairs and as a consumer, if you go to the Ombudsperson, you can get the

confidentiality required. At the same time, the financial institution does not want adverse publicity and they will be more willing to settle if the case is before the Ombudsperson than before the Court.

So, there is a strong case for having an Ombudsperson for Financial Services, Madam Speaker. But, unfortunately, Madam Speaker, as is all too often with this Government, the Bill is full of shortcomings, good intentions, but very bad drafting, very bad end results.

Now, it is clear that for the Ombudsperson to be successful, for the public to go and seize him to resolve dispute, the public must have full confidence in the impartiality and independence of that Ombudsperson not only should he be independent, but he should also, and more importantly, be seen to be independent and impartial.

This Bill gives a lot of powers to the Ombudsperson, he is given quasi-judicial powers. So, under section 8 of the Bill, for example, the Ombudsperson can mediate disputes. Then, under section 9 he can investigate complaint if the dispute is not resolved by mediation, he can then either reject a complaint or order a financial institution to pay damages. So, in effect, Madam Speaker, the Ombudsperson is the prosecutor, the judge, the jury, the executioner. So, let us make no mistake, Madam Speaker, we are creating an extremely powerful person with this Bill.

So, the question is: who should appoint that very powerful person? Being given the quasi-judicial function, on this side of the House, we believe that logically he should have been appointed by the Judicial and Legal Service Commission, an independent body whose independence is guaranteed by the Constitution, an independent appointment body headed by the Chief Justice of this country. But what are we doing with this Bill? Section 5(1)(b) and (c) –

- “(b) The Ombudsperson shall be appointed by the President, acting on the advice of the Prime Minister, on such terms and conditions as the Prime Minister may determine.
- (c) The Prime Minister shall, before tendering advice under paragraph (b), consult the Leader of the Opposition and such other persons as he considers appropriate.”

So, in effect, let us make no mistake, it is a political appointment by the Prime Minister, the Prime Minister tells the President: ‘I want you to appoint X, Y, Z’, and the President has no choice, he has appoint X, Y, Z. So, are we talking here another job for the boys, for the girls,

another *mainmise de la cuisine*? We are talking about a very powerful individual, Madam Speaker, an individual who has the power to award unlimited compensation against the bank, against the Financial Institution, and he will be handpicked by the Prime Minister to provide quasi-judicial services.

So, there is a big question mark, Madam Speaker, about the independence and impartiality of Ombudsperson for Financial Services if he is a political appointee, and he will be a political appointee because he will be appointed by the President acting on the advice of the Prime Minister. What will be the qualification of this Ombudsperson? Now, section 5(1)(a) only states that the Ombudsperson ‘shall have wide knowledge and experience in the field of financial services and the laws relating thereto’.

So, he or she does not have to be a lawyer, she does not have to be a former Magistrate, she does not have to be a former Judge, she does not even need to have any legal background, any legal qualification and this person is going to be the Prosecutor, the Judge, the Jury, the Executor. Unseen of, unheard of, someone who is heading a quasi-judicial function, who is going to determine complaints to adjudicate the complaints has absolutely no legal knowledge required, no reasons to be a no qualified Attorney, no qualified Barrister, no qualified Law Practitioner and yet, he will be a mediator, a prosecutor, a judge, jury, executor. What types of people will the hon. Prime Minister appoint? We have seen, answering to a PQ a few weeks ago, how the hon. Prime Minister found it totally normal that a person who has issued *cheque sans provision* in France be not only his Adviser, but be sitting on the Board of MauBank. We have seen from this hon. Prime Minister that he finds it totally normal that not only his Adviser, but also a member of several important Board is being prosecuted for bribery in the case of Boskalis, where Boskalis has already pleaded guilty to giving bribes.

So, what can we expect now to be appointed by such a Prime Minister? Will he really appoint someone with the right qualification, the right person? I seriously doubt it, Madam Speaker. This is why I reiterate the proposal that this important judicial function should be performed, should be appointed by the Judicial and Legal Service Commission. Now, Madam Speaker, if you really want a very powerful Ombudsperson to be truly independent and impartial, the very least you should do is give him security of tenure. The very least you should do is to ensure that he will perform his function without fear or favour. And he can only do that if he knows that his job is not at stake. Security of tenure, this is the key element.

But what are we doing with this Bill? Exactly, the Opposite! First of all, section 5 subsection 2 tell us that –

“(2) The Ombudsperson shall –

- (a) hold office for a term not exceeding 4 years and shall be eligible for reappointment for one further term not exceeding 4 years;

Okay, but worst, when we look at section 5 subsection 6, shockingly it says –

“(6) The President may, at any time, on the advice of the Prime Minister, terminate the appointment of the Ombudsperson –

- (a) for unsatisfactory performance of his duties or for any other reason which would warrant the termination of his appointment;
- (b) on the ground of misconduct, default or breach of trust in the performance of his duties; or
- (c) where he is subject to any proceedings of such nature which render the termination of his appointment desirable.”

Now, who will determine whether the Ombudsperson has unsatisfactory performance, the Prime Minister? Who will determine that he has done a misconduct or default or breach of trust, the Prime Minister? This is what the law says, the Prime Minister has the right to hire and fire; that is what we are doing with this Bill. Now, how should it be done? Because we have done this previously. If we look at the Good Governance and Integrity Reporting Act which was passed in 2015, under that Act, section 8(1)(a) also gives the power to the President to terminate the appointment of the Director of the Agency, the Director of the Integrity Reporting Services Agency. They still have the same power to terminate him or any member on the ground that he is unable to discharge his function, whether arising out of infirmity of body or mind or for any other cause or for misconduct. But the law goes on to provide that before the President exercises his power, he has to refer the matter to a judge appointed by the President. The judge will give a fair hearing to the Director and member and then, after giving a hearing, the judge would advise the President whether or not to terminate the appointment on ground of inability or misconduct. This is the proper way of doing it; this is how we ensure good governance, we ensure security of tenure. But now, what are we doing with this Bill? The Prime Minister will decide whether there was unsatisfactory performance or not. So, do I take it, if tomorrow, someone close to *lakwizinn* were to go before the Ombudsperson and loses his case, that will be unsatisfactory performance? For the

Prime Minister, it may well be because he thinks that a member of *lakwizinn* has a very strong case, he ought to have won, but he did not ...

Madam Speaker: Hon. Member, I don't think you should refer to *lakwizinn*. We don't know of any *lakwizinn* in this Bill.

Mr Uteem: Okay, so let me rephrase this. If tomorrow, someone who is close to the Prime Minister or to his Party or to his Government were to lose a case before the Ombudsperson and the Prime Minister, in good faith, believes that he ought to have won it - in good faith; I am not imputing any motive. In good faith, he thinks that someone close to him had a good case before the Ombudsperson. We are giving him power to fire, to order the President to fire him on the ground of unsatisfactory performance in his duty. Forget about recourse by the Ombudsperson! He will not be able to seek redress for any unfair dismissal because we all know section 30 (a) of the Constitution provides that in the exercise of his function, there cannot be any civil or criminal proceedings against the President. So, when the President is going to fire the Ombudsperson for Financial Services, acting on the advice of the Prime Minister, without any trial, without intervention of any judge, without a hearing, this poor Ombudsperson will not be able to get any compensation because he was not able to sue the President, because the President has immunity.

So, under these circumstances, Madam Speaker, who, in his right mind, would want to become an Ombudsperson for Financial Services, if only someone who agrees to be at the beck and call of the hon. Prime Minister, someone who would be in his circle, someone who wants to please him? So, this is why, Madam Speaker, for us, it does not matter how good this law is if you do not ensure the impartiality and independence of the Ombudsperson for Financial Services. It will not work; the public will not have any faith in this institution. And this is why I reiterate my plea to the hon. Minister that the appointment should be made by the Judicial and Legal Service Commission and the removal should also be by using the regulations that apply to all Public Officers, Judicial Officers appointed by the Judicial and Legal Service Commission.

Madam Speaker, once he has been appointed, how will the Ombudsperson conduct inquiry? Will there be a hearing? Will the financial institution have the right to cross-examine witnesses? Not a word, Madam Speaker. What clause 9 of the Bill provides is simply -

“Where the Ombudsperson investigates into a complaint, he may summon –

- (i) the financial institution;

- (ii) the complainant (...),
- (iii) or such other person as he may consider relevant (...) to attend the Office and to provide such information and document as he may require;”

So, a person, a member of the public complains to the Ombudsperson, the Ombudsperson has the power to listen to the complainant, listen to the financial institution, ask them to provide documents. But the financial institution has no right to cross-examine the complainant; the financial institution has no right to adduce evidence, to call witnesses. There is absolutely no hearing. There is not even provision for making any submissions, and yet the Ombudsperson has the power to order unlimited financial compensation. So, is that fair hearing? And similarly, before the Ombudsperson rejects the claim of the complainant, shouldn't he give this complainant the chance to put his case before the financial institution and cross-examine the financial institution? Without a fair hearing, Madam Speaker, how can we have a fair determination? How can we have a fair judgement? This is so elementary; this is the basis of natural justice.

And this is even more important, Madam Speaker, when we look at clause 9 (5), which provides, and I quote -

“The Ombudsperson shall, when investigating into complaints –

- (a) follow such procedures as he may determine, without being bound by rules of evidence, and he shall avoid formality in proceedings before him;”

What does it mean? Without being bound by the rules of evidence means that the Ombudsperson can act on hearsay evidence? It means that the Ombudsperson can make his own rules? It means that he can choose what evidence to accept and what evidence to reject? It means that he can allow other evidence which would otherwise not be admissible before a Court of Law? Do we realise what we are doing here? The power we are giving to this Ombudsperson to adjudicate a complaint without any rules of procedure, without any rules of evidence, without any rules guaranteeing fairness!

Madam Speaker, for any financial institution, for any financial system to work, we need certainty. The rules of the game must be known to the financial institution and to the customer. The principle of legal certainty requires that the financial institution should be able to manage the customer relationship and the risk in a reasonably predictable legal and

regulatory environment. So, the system should be reasonably predictable. I agree there should be checks and balances. But how can a system be reasonably predictable if the Ombudsperson can, in fact, disregard law of evidence, law of procedure, he can make his own rules when determining a complaint? How can we ensure legal certainty?

Madam Speaker, I can understand that we allow some flexibility for speedy resolution of matter when there is a small amount involved, and we are talking about small claims. But here, the Bill does not impose any limit on the amount of compensation which the Ombudsperson can make. We are not like in England or Ireland. In England, for example, the maximum compensation which the Ombudsman Service - because there, you have an Ombudsman Service; not one person, but a corporate body - can require firms to pay a complainant is up to £150,000 only. This amount is going to be increased to £350,000 by April next year. In Ireland, the Ombudsman is empowered to make an award of up to €250,000. But in Mauritius, Madam Speaker, there is no limit on the amount which can be claimed.

In fact, Madam Speaker, earlier I heard the hon. Minister mention unfair terms and conditions. He mentioned that many complaints that he received are about unfair contract; one-sided contract, small prints. I have carefully read the Bill and I am not sure whether the Ombudsperson has this power. When I look at clause 11(2) (b), it says that –

“An award made under this section –

- (b) may give such directives as the Ombudsperson may determine to the financial institution.”

This is very vague. But, does giving such directive includes varying the terms of the contract, inserting their own terms, the terms which the Ombudsperson thinks necessary and reasonable to protect the interest of the consumer? If this is the case, and I am all for it, then, let us amend Section 10(2)(b) to clarify that the Ombudsperson has this power like it is in England, where he has the express power to vary the contractual terms, to vary unfair terms.

Madam Speaker, so far, I have mentioned the problems with the Ombudsperson. So, because the Ombudsperson has such wide powers to issue unlimited awards, while disregarding rules of evidence, while not giving a fair hearing, then, the very least we could have expected is an Appeal Mechanism, a full Appeal Mechanism, where, anyone who is aggrieved by a decision of the Ombudsperson, can seize the Supreme Court to resolve all the matters. Short of a full appeal, the very least we would have expected is the right to appeal on

a point of law, as it is the case in almost all of the legislation dealing with the special tribunals that have been set up to adjudicate on certain regulatory issues. But here, we are not giving a right to a full appeal, we are not giving a right to an appeal on a point of law, we are only saying that, under Section 12, any person aggrieved by any decision of the Ombudsperson, may apply to the Supreme Court for a judicial review of the decision of the award. A judicial review is very different from an appeal. Any lawyer in this House knows how difficult it is to get a judicial review because there are very limited grounds on which you can get a judicial review and, time and time again, the Supreme Court has stated that they are not going to substitute themselves for the decision making body. Even if they would have reached a contrary decision, the power has been given to that administrative body, they are only going to intervene if there if there is illegality, unreasonableness or breach of national justice, which is very difficult to prove. Again, I would appeal to the hon. Minister to revisit this appeal procedure so that, instead of a judicial review, to have an appeal on a point of law.

Madam Speaker, so far, I have spoken about a complainant who successfully goes to the Ombudsperson to resolve a dispute. However, not all complainants will have the right to see the Ombudsperson. If we look at Section 7(3), there exist cases where complaints will not be entertained. For example, no complaint shall be entertained unless the complainant, before making the complaint, had made a written representation by registered post with advice of delivery to the relevant financial institution. How many consumers know that if they had a problem they would have to write a registered mail, go to the post, ask for a proof of delivery, and if he does not do that, they would not be able to appeal? The hon. Minister himself talked about people who do not have the financial muscles. So, we are talking about people who are not financially literate. So, why impose this condition on them that they have to send a complaint by registered mail? Would it not be sufficient if they have complained and proved that they have complained about it?

Section 7(3)(c) says that –

“(3) No complaint shall be entertained –

- (c) where it is made more than 3 months from the date of receipt of the decision of the financial institution;”

Again, three months! So, unless a complainant is made aware of this time frame of 3 months - maybe, it is very easy for him to fall outside of this, when we know that for a case before

the Supreme Court you have 10 years or 7 years, depending on which law you are going under. 10 years and 7 years to sue the

financial institution, to sue the bank, and for the Ombudsperson only 3 months! Is that reasonable? Madam Speaker, the other complainant who would fall outside is under the definition of 'financial services', which reads as follows –

““financial services” –

(c) does not include –

(i) services provided, or any business activity conducted, by an entity licensed or authorised under Part X of the Financial Services Act;”

The hon. Minister, when referring to this part, spoke about global business companies.

Yes, global business companies are licensed under Part X and, therefore, there is no complaint against them. But under Part X of the Financial Services Act, there is also licensing of management companies. Why shouldn't we be able to refer a complaint against a management company to the Ombudsperson for Financial Services?

I am in the financial sector and I can tell you the number of clients who complain about management companies. In fact, there is a PQ next week about the number of complaints received by the FSC against management companies. It is current. Now, if we will not be able to make a complaint against a management company to the Ombudsperson, so what is our recourse? What can we do? We cannot even go to the Financial Services Commission because the power of the Financial Services Commission to review consumer of financial product who is aggrieved by a decision of a licensee, the power to review this complaint is given under Section 32 of the Financial Services Act. And what we are doing in this Bill, we are amending the Financial Services Act in Section 20(3)(b) by repealing Section 32. So, we are repealing the powers of the FSC to hear any complaint against GBL Companies, against management companies. What is the logic about that? Why can't the Ombudsperson for Financial Services also hear complaints about management companies?

Madam Speaker, another major flaw - and that would be the last point that I would make - of this Bill when it comes to who can seize the Ombudsperson is set out in Section 7(4)(a) of the Bill, and it reads as follows –

“The Ombudsperson shall not hear and determine a complaint under this Act unless the complainant has voluntarily made a sworn statement, in such form as may be prescribed, that he has waived his right to initiate civil proceedings before any Court in Mauritius in respect of the facts that form the subject matter of the complaint.”

I have gone through all legislation wherever there is Ombudsperson and have not come across this. In fact, it is quite the contrary. In all legislation the right to seize the Court are there because precisely the Ombudsperson is not bound by any rules of evidence, any rules of procedure, and is not bound by any hearings. So, if you are not happy with the Ombudsperson, you should be free to go to the Court and seize the Court. But here, no, you have to make a choice, either you go before the Ombudsperson for Financial Services or you go to Court. That’s it! If you choose Court, the Ombudsperson will not! But let me tell you one thing, Madam Speaker, being a lawyer, if tomorrow any person comes to see me and wants to go to the Ombudsperson for Financial Services, when we know how he is appointed, that he does not have any security of tenure, that he can choose whatever rules of evidence and procedure, I can give you the guarantee I would not advise any consumer to go before an Ombudsperson for Financial Services as the law is currently drafted.

Thank you.

Madam Speaker: Hon. Bholah!

(7.12 p.m.)

The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah): Madam Speaker, when I intervened the other day on the National Payment Systems Bill, I highlighted the willingness of this Government to strengthen the financial stability which is paramount.

During the same debate, I mean on the National Payments Systems Bill, hon. Uteem during his intervention, mentioned, and rightly so, about an Ombudsperson for Financial Services Bill which the hon. Prime Minister had mentioned in his last Budget Speech but was not yet enacted.

Only days after, the hon. Minister of Financial Services and Good Governance has come up with a comprehensive Bill. This Bill gives wide powers to the Ombudsperson to address complaints made by customers of financial services.

The Ombudsperson for Financial Services Bill laid before the House today is another major step towards the consolidation of the integrity of our Financial Services Sector.

Madam Speaker, the G20 High Level Principles on Financial Consumer Protection, adopted by OECD, and the hon. Minister had just mentioned in his opening speech, advocate that jurisdictions should ensure that consumers have access to adequate complaints handling and redress mechanisms that are accessible, that are affordable, that are independent, that are fair, that are accountable, that are timely and efficient.

Presently in Mauritius, legal provisions for the protection of consumers of financial services are generic and scattered. For instance, section 6 of the Financial Services Act 2007 contains a general provision stating that the Financial Services Commission shall take measures for the better protection of consumers of financial services which fall under the purview of the FSC. Similarly, the Banking Act contains a provision which was enacted in 2012, namely section 96A thereof entitled 'Protection of the customers of financial institutions.'

Madam Speaker, more than 2 billion adults worldwide have a deposit or a loan with a regulated financial institution. Customers not served by the formal system rely on informal providers for their savings, borrowings, payments and insurance needs. We have all come across with far too many headlines about financial companies betraying customers' trust. The biggest financial crime in recent memory was perhaps Bernie Madoff's Ponzi Scheme. A well-respected financier, Madoff, conned his investors out of \$65 billion by convincing them to hand over their savings, falsely promising consistent profits in return. He was caught in 2008 and sentenced to 150 years to prison. The fact which needs to be pointed out is that even though Madoff admitted that he began the Ponzi Scheme in the early 1990s, it was only in late 2008 that the fraud was discovered.

A recent example is the Wells Fargo scandal in California, where as many as 3.5 m. bank and credit card accounts were created on behalf of customers, without authorisation. Wells Fargo has admitted to charging customers for mortgage fees they did not deserve and forcing them into car insurance, they did not need. Some people even had their cars repossessed as a result.

No wonder in recent years, financial consumer protection has become an increasing priority for policy makers around the world. Protecting consumers from abusive practices and

enabling them to make well-informed decisions regarding the use of financial products and services is an important policy goal in itself.

According to the World Bank Group, financial consumer protection is also a rapidly evolving area. Hence, after the publication of the 2012 Edition of the Good Practices for Financial Consumer Protection, the World Bank has reviewed the guidelines and policy considerations last year. This is due to the fact that new issues have emerged, such as with respect to digital financial services and their implications for consumer protection.

Madame la présidente, les dirigeants à travers le monde ont saisi l'importance des campagnes nationales sur l'éducation financière afin de sensibiliser les utilisateurs et potentiels consommateurs des produits financiers sur le fait que « tout ce qui brille n'est pas or » et d'être sur leurs gardes. En effet, selon une étude de la Banque Mondiale, le nombre de régulateurs des services financiers qui allouent des ressources pour la protection des consommateurs a augmenté de 68% en 2010 pour atteindre 89% en 2013.

Cependant, malgré divers systèmes de vigilance enclenchés par les autorités, certaines sociétés savent très bien cacher leur jeu et arrivent à amadouer d'innombrables clients. Et une fois prises au piège, ces personnes se retrouvent à frapper toutes les portes de sortie qui peuvent leur être salutaire et bien souvent, sans réel succès. D'où l'importance de la mise sur pied d'une unité spécialisée pour la gestion des plaintes au sein de chaque instance régulatrice, avec des procédures bien établies. Sur une liste de 114 pays sondés par la Banque Mondiale, 83 d'entre eux ont affirmé avoir élaboré des mécanismes nécessaires pour gérer des plaintes ayant trait aux services financiers. Si certains ont opté pour un *Ombudsman*, d'autres ont créé des agences spécialisées. Evidemment, les cadres qui régissent ces autorités diffèrent d'un pays à l'autre.

A titre d'exemple, en Grande Bretagne, les décisions de l'*Ombudsman* sont exécutoires par les parties concernées. Par contre, en Italie, l'agence d'arbitrage *Arbitro Bancario Finanziario* qui est aussi dirigée par un *Ombudsman* ne peut qu'émettre des recommandations qui ne peuvent être rendues obligatoires. Donc, du coup, c'est difficile de généraliser sur le cadre légal ou administratif qui doit être élaboré pour la création d'un bureau de l'*Ombudsperson*. Chaque juridiction est appelée à définir les règlements nécessaires pour protéger les consommateurs des services financiers.

Madam Speaker, coming to this Bill, I will now dwell on some of its important aspects. One of the main principles of the International Network of Financial Services

Ombudsperson Schemes (INFO Network) which is a worldwide association of financial services ombudsperson schemes is the Independence of the Ombudsperson. Securing impartiality is a fundamental principle which members of the Network aspire to comply with, insofar as it is within their control. This fundamental principle is reflected in the Bill, namely clause 4(2) thereof, which states that –

“The Office shall, in the exercise of its functions, act without fear or favour and shall not be subject to the directions or control of any other person or authority.”

It is also provided in clause 5(2) (b) of the Bill that –

“The ombudsperson – himself - shall not be subject to the direction or control of any other person or authority.”

This independence is guaranteed by giving the Ombudsperson security of tenure of office –

“The Ombudsperson shall be appointed by the President, acting on the advice of the Prime Minister (...).”

The Prime Minister has, before tendering this advice, to consult the Leader of the Opposition and such other persons as he considers appropriate. His removal from office, if any, will also have to be made by the President of the Republic and this under circumstances clearly provided for in the legislation. The independence of the Ombudsperson, Madam Speaker is therefore on solid legal basis.

There are other tenets of the Office of the Ombudsperson, as described in this Bill and one tenet is neutrality and impartiality. The Ombudsperson should not engage in any situation that would create a conflict of interest. This is reflected in clause 14 of the Bill which provides that –

“Where any officer, his spouse or next of kin has any direct or indirect interest in relation to –

- (a) any complaint referred to the Ombudsperson; or
- (b) any matter which he has to deal with in the discharge of his functions,

he shall disclose forthwith, in writing, to the supervising officer, the nature of his interest.”

One other tenet, Madam Speaker, is confidentiality.

The Ombudsperson has to hold all communications with those seeking assistance in strict confidence, and should not disclose confidential communications unless as permitted under the law. This is reflected in clause 13 of the Bill.

And the final tenet is one of informality. The Ombudsperson does not participate in any formal adjudicative or administrative procedure related to concerns brought to his attention. This is reflected in clause 9(5) of the Bill which provides that –

‘The Ombudsperson shall, when investigating into complaints –

- (a) follow such procedures as he may determine, without being bound by rules of evidence, and he shall avoid formality in proceedings before him;’

Madam Speaker, a financial Ombudsperson provides an alternative to the courts. The intention is to provide a quicker, cheaper and less formal way of resolving disputes than the courts. Needless to say, therefore, that the appointment of the Ombudsperson will also accordingly reduce the burden of the courts.

Additionally, this Government is providing this Ombudsperson service free to consumers so that cost will not be a barrier for consumers to make complaints. And the fact that parties do not need lawyers, etc., means that the services of the Ombudsperson will be practically at no cost to the consumer as opposed to costs involved for courts’ procedures.

Madam Speaker, before concluding, I would like to share with the House some interesting facts which I came across while going through the 2017/2018 Annual Report of the Ombudsperson for financial services of South Africa. This particular Office pointed out that, in spite of the numbers of complaints and the extent of its achievements, there is always a human being behind each complaint and someone who is seeking justice. The Ombudsman has highlighted the importance of respecting each individual and investigating complaint, sorting out the frivolous from the justified and providing closure.

At the same time, the Annual Report shared testimonies from plaintiffs and one which particularly attracted my attention is the following and I quote –

“We, like most people who are in their twilight years, entrusted our finances with a reputable institution. When these institutions take advantage and behave like they have done in our case, our only hope is watchdogs like the Ombud, whom we know is obliged by law to consider the facts and apply the law without fear or favour”

Madam Speaker, this is why I believe that, with the enactment of this Bill, this Government is seeking to change the way the financial services game is played by reinforcing the protection mechanisms for the consumers.

Thank you.

Madam Speaker: Hon. Ramful!

(7.25 p.m.)

Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien): Madam Speaker, at present, both at the level of the Bank of Mauritius and the Financial Services Commission, we do have a Complaint Handling Service. However, as a lawyer, I have had the privilege of assisting many clients who have had various complaints with regard to financial institutions. I can conclude, Madam Speaker, that these Complaints Handling Services are of very little assistance to the customers. In fact, as pointed out by hon. Uteem, the hon. Minister has confirmed the inefficiency of those services when it comes to dealing with the complaints from the members of the public.

In fact, there is a perception both at the level of the BOM and the FSC that there is a degree of complacency with financial institutions when it comes to dealing with complaints by complainants feeling aggrieved by the decision of the financial institutions. This, Madam Speaker, has brought a degree of dissatisfaction in the public. In fact, if we look at the Banking Act, there is in our statute the post of ombudsperson for Banks, which unfortunately has not been filled since 2012. So, we are all agreeable with the fact that we should have a dedicated Financial Ombudsman Service which, Madam Speaker, is long overdue.

Now, let me refer to a report which is dated June 2014, which was published by the Task Force that was set up by the Bank of Mauritius on unfair terms and conditions in banking contracts and which is entitled 'Banking Your Future Towards a Fair and Inclusive Banking Sector. There were many recommendations in that report and one of the recommendations, Madam Speaker, was for the setting up of an Ombudsperson in the financial architecture. Now, I will quote from that report, at paragraph 303 –

“In 2012, the Bank of Mauritius was endowed with the responsibility to protect bank customers. This provided a regulatory channel through which customers could route their complaints if they felt aggrieved by their banks. We are of the view that the Bank of Mauritius should remain focused on its primary mandates and should not have as one of its core duties the handling of customer complaints.

The appointment of an Ombudsperson for the financial services sector is an imperative. The presence of an Ombudsperson in the financial architecture will provide members of the public with a much-needed complaints forum and a viable alternative to litigation in courts. We have in mind an avenue which is free, easily accessible, where legal representation is not required, where there is minimal formality and where there is an effective and fast resolution of the dispute at hand.”

So, back in 2014, the Task Force recommended that an Ombudsperson which will deal with all financial services should be instituted.

Now, I welcome the proposition that the scope of work of the Ombudsperson has been extended to not only banks, but also financial and non-financial institutions. However, I have two issues that, in my opinion, may act as a deterrent for the public to use that particular scheme. Firstly, with regard to the independence of the Ombudsperson - this Financial Services Ombudsman Scheme is supposed to be an alternative to litigation. This is the idea behind setting up this scheme. For us to bring confidence in that scheme, we have to ensure and we have to guarantee the public that that person would benefit from the same autonomy and same independence as would a Judge from the Judiciary. In fact, hon. Bholah has made reference to the INFO Network (International Network of Financial Services Ombudsman Schemes) which is a Worldwide Network of Financial Services Ombudsman’s office and it brings together Ombudsmen, practitioners around the world. This institution has published a guideline which is dated March 2018 in order to help Governments in different jurisdictions on how to set up Financial Services Ombudsman Scheme.

Now, with regard to the issue of independence, this is what has been proposed in those guidelines, Madam Speaker. Let me make reference to the guidelines and I quote -

“On the issue of independence, Financial Services Ombudsman Schemes are an alternative to the Courts. They should be and also be seemed to be independent of both the Financial Services Industry and consumer bodies”

Now, how do we secure the independence of the service? This is what has been provided -

“They should all include an independent board which appoints the financial services ombudsman, approves the budget and oversees the effectiveness of the Financial Services Ombudsman Scheme, but is not involved in deciding complaints.”

Now, this is what has been proposed in the guidelines so that the independence of the Ombudsman can be maintained. But what is being proposed in the Bill? Unfortunately, Madam Speaker, hon. Uteem has made reference to that section. It is section 5 (1) (b). It is being proposed that –

“The Ombudsperson shall be appointed by the President, acting on the advice of the Prime Minister, on such terms and conditions as the Prime Minister may determine.”

So, clearly we are dealing here with a provision whereby the Executive shall appoint the person who shall hold the Office of the Ombudsman. Now, not only the appointment, with regards to the revocation as well, section 5 (6) (a) –

“The President may, at any time, on the advice of the Prime Minister, terminate the appointment of the Ombudsperson –

(a) for unsatisfactory performance of his duties – and this is very important - or for any other reason which would warrant the termination of his appointment;”

Now, what would warrant the termination of the appointment is left at the discretion of the Prime Minister. So, we don't have security of tenure. Hon. Bholah was saying that the appointment of the Ombudsperson by the President, upon the advice of the Prime Minister, ensures security of tenure. Now, I think we have to redefine the concept of security of tenure, unfortunately. So clearly, it would appear that, unfortunately, there would not be that perception that this Ombudsperson would be independent.

Now, the second issue is with regard to the binding effect of the award of the Ombudsperson. Let us be very clear so that there is no uncertainty on this. The award of the Ombudsperson shall be binding and more importantly, Madam Speaker, it shall be self-executing. The reason why I am saying this is because in the past, we have under the law dealing with Motor Vehicle Arbitration Committee, this issue as to whether the award of the Committee is self-executing or should the parties go and seize the jurisdiction of the Judge in Chambers in order to execute the award.

Initially, in the beginning, insurance companies were reluctant in implementing the decision of the Committee and ultimately they had to go to Court and we had a judgement of the Supreme Court in the case of Mauritius Union and the GFA in 2011 where it was decided that the award of the MBIAC was self- executing. So, let us be clear so that there is no issue, there is no confusion that once the Ombudsperson gives his award, the award shall be

binding, it shall be self-executing so that there is no need to go to Court to enforce the award. Otherwise, it would be useless to come with this legislation.

However, what I regret is the absence of a time frame for the financial institution to comply with the award. Normally, if we look at other jurisdictions, especially in the UK, the financial institution following the award is given a time frame within which it should comply with the award. Then, failing which the winning party can enforce the award. Otherwise, what will happen? If there is no time frame, then the complainant, the winning party would have to wait indefinitely.

So, this is why normally a time frame is provided in the law and if after the time frame, the losing party did not comply with the award, then, the losing party can go to Court and execute the judgement. This normally had to be provided in the Law. This is basically what I had to say about the Bill. One last issue with regard to the amount of compensation that can normally be awarded by the Ombudsperson, normally when we look at other jurisdictions, given the nature of the duties of the Ombudsperson, given the fact that the Ombudsperson is appointed by the Executive, it does not have judicial powers, it does not have independence.

Normally, a limit is set up for the award of compensation. Above certain limits, normally the parties are referred to the competent core. They are advised to go before the Judiciary for them to settle the disputes. This should normally have been provided in the Bill. There is another issue about the binding effect of the award. Normally, if we look at the info network guidelines, following the award, the decision does not become binding immediately. The complainant is given the Opportunity. He may decide whether to accept the award or to reject the award.

If he rejects the award, then he is given the opportunity to go before a Court of Law to settle his dispute. But in this case, we are binding the hands of the complainant. Now, this might be unfair. So, I will, therefore, invite the hon. Minister to consider those propositions. These would be the points that I wanted to make about this Bill, Madam Speaker. Thank you.

Madam Speaker: Hon. Dr. Sorefan!

(7.41 p.m.)

Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix): Thank you, Madam Speaker, to let me intervene on this Bill. I will be very brief.

Madam Speaker, the establishment of the Ombudsperson is coming at the right time for setting up of an Ombudsperson for the Financial Services. I thank the hon. Minister Sesungr for the clear elaboration of this Bill in this House today and especially for the last quote of Mr Gandhi. He knows I am a person who follows Gandhi. Thank you, very much.

Madam Speaker, the objectives of this Bill are very clear, but I would like to make a few suggestions regarding the attitude and functioning of the office with all due respect to the future office to be set up. Madam Speaker, the office of the Ombudsperson should be impartial and confidential to the highest degree and they have to respect the oath that they will prescribe to. Madam Speaker, the office should resolve disputes in a timely manner so as not to cause stress to complainants, especially in certain cases where money need to be compensated.

A fast-track should be called for priority cases. The office should take on Board complaints online to save time for the complainants and to reduce paper work at the office site. Presently, the Citizen Support Unit accepts complaints online and most of the complaints have been resolved very fast.

Madam Speaker, there is no provision about online applications for complaints in this Bill, although we are in a digital era. Madam Speaker, the office should provide processes that are easy to understand and flexible, should not be cumbersome that only financial people understand, it should be made easy for complainants, most of whom are not conversant with financial jargons. Madam Speaker, the office should be trusted by consumers and the Financial Services providers. The Ombudsman and his/her staff have to prove without any doubt of their trustworthiness to the complainants and stakeholders and they must inspire reliability.

Madam Speaker, the Office of the Ombudsperson should always make decisions that are consistent and clear, the simplest communicative wording should be within their vocabularies, they should not use words that complainants are difficult to follow. Madam Speaker, professionalism and respectability should be the office's highest prayer in all their dealings with all stakeholders. The office should send the message to the future clients of Financial Services providers that the office is here to protect their interest so as to encourage people to venture safely in the economic pillar of Mauritius.

Madam Speaker, let me now come with one issue that is mentioned in the Bill, that I am not at ease, that is, section 6, 'Staff of Office', where mention is made –

“(1) (a) The Ombudsperson shall, with the approval of the supervising officer, appoint such officers as it may determine (...)”

Why should we need the approval of a supervising officer when the Ombudsperson will be appointed by the President of the Republic of Mauritius? Surely, the appointed Ombudsperson will be very responsible, reliable, mature and experienced person. Coming with the approval of a supervising officer, to my opinion, Madam Speaker, will undermine and discredit the integrity and honour of the Ombudsperson appointed by our President of the Republic of Mauritius.

Section 6 subsection 2 also, Madam Speaker, I am not happy, for –

“(2) The Secretary to Cabinet and Head of the Civil Service may, subject to the approval of the Public Service Commission, designate such public officers (...)”

Madam Speaker, when these two officers mentioned above refer designated officers to the PSC, that reply from them is always yes. Here also, Madam Speaker, this situation to my opinion will undermine and discredit the integrity and honour of the Ombudsperson which we must not forget, it is being appointed by the President of the Republic of Mauritius.

To conclude, Madam Speaker, the establishment of the Office of the Ombudsperson for Financial Services, I am sure it will be most welcome by the people of Mauritius, but the Office should never create the perception of favoritism and that pressure is coming from higher quarters. Madam Speaker, perception created is the most acute cancerous killer when compared to reality of the situation.

Madam Speaker, I wish good luck to the future Ombudsperson and his staff on their new endeavour.

Thank you very much, Madam Speaker.

Madam Speaker: Hon. Ganoo!

(7.48 p.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Madam Speaker, this is another piece of legislation which is long overdue, but it is better to be late than never. It is an Act which not only protects the consumers, but as we can see it is also amending...

(Interruptions)

Madam Speaker: Please! Hon. Jhugroo!

Mr Ganoo: ... different other legislation related to the sector. As such, to me, it is a good piece of legislation, but it is not perfect. Indeed, with globalisation cruising at high speed, with the country developing its dynamic Financial Services sector and our society growing in sophistication and complexity, the need to endow protection, sovereignty to the consumers cannot be better argued.

Since a long time now, Madam Speaker, our Banking and Financial Services sector is experiencing the paradox of fame, an expanding sector tinged with dissatisfaction from exorbitant fees, consumer rights being undermined and a perceived lack of good governance. Indeed, over the last decade, the nation has been increasingly troubled by the situation of our consumers. In the absence of an accessible forum for lodging complaints, there has existed a perception of severe injustice. Consumers had no expertise, no means to approach Courts of Law because, in addition, such a process is not only lengthy but also costly so that consumers sometimes decide not to proceed with a complaint to repair any perceived injustice. Therefore, the need for a facility wherein civil claims could be directed by ordinary consumers to somebody they could trust cannot be better argued, Madam Speaker.

Although the legislation is not perfect, as I just said, it should be welcome and will no doubt serve the cause of consumers and social justice while promoting a more balanced approach. Although the legislation is welcome, it does not appear that sufficient time has been given to consultation with the consumers or consumers' organisation.

In fact, the Banking and the Financial Services sector in our country, as it is in many parts of the world, is in a virtual monopolistic situation. Costs are often, unilaterally imposed on consumers by financial institutions in spite of the enlightening advance in Banking and Financial System practices as well as in technology. The accumulation of charges, Madam Speaker, not only adversely affect the purse of the consumer and business persons, but more fundamentally adds to their cost of operations which in turn negatively influences international competitiveness.

The recent profits of banks, especially the big banks stem partly from the arsenal of fees, charges and other cost imposed on consumers. We heard it from the Minister and from another Member of the Opposition just now, between January and March 2018, the Bank of Mauritius has received 4,590 complaints relating to fees and charges as well to repayment of

loans. It is not clear with what level of objectivity, competence and fairness these cases have been dealt with, for as far as I understand, most of these complaints have been dismissed.

On top of this, Madam Speaker, our current system in the banking and financial sector is, unfortunately, often marred by bureaucratic excesses, inaccuracies, poor record and long delays. I say this, Madam Speaker, because when error occurs, it is the consumer that bears the brunt, especially when some overzealous officers try to exploit the situation in which they are. Very often, as we know, disputes between consumers and financial institutions cannot be resolved on their own. Therefore, the consumer has a right to complain and there must be this channel, how to lodge these complaints, and this is a challenge for the Central Bank to extend its research and to regularly find out what are the feelings of the consumers towards banks and other financial services with a view to enhance the competitiveness of this sector. In fact, this issue was touched in banking for the future, but it does not appear that much follow-up has taken place.

I said, Madam Speaker, often transactions may be marred by errors and whereas some institutions readily accept their responsibility, correct, make amends, compensate their clients, others, as we know, are rigid and tend to corner clients, sometimes with threat of legal sanctions. Clients feel, in fact, dwarfed by the situation and bend to the demand of the financial institution because they do not have the legal means to fight back whereas, as we know, these financial institutions have at their disposal an armada of legal expertise.

Indeed, this situation has lasted too long, Madam Speaker, and let us hope that with the introduction of this piece of legislation today, things will change. Therefore, Madam Speaker, the intention of the legislation is to create this law enforcement agency to cover this situation when the consumer has complaints against this financial institution or when he perceives his or her rights are being undermined.

I must say that a priori the legislation is fairly comprehensive, consolidates the foundations of good governance by providing for the protection of consumers where, as we know, banks and all these financial institutions in this particular situation, in this crossroad of our development have become an integral part of our daily living.

To me, Madam Speaker, the flaw in this legislation, the loophole, *le talon d'achille* is what has already been highlighted, underlined by hon. Uteem, that is, in terms of the appointment of the Ombudsman himself. I will not repeat what has been said before me, Madam Speaker, but let us look, for example, at the Competition Act. In this piece of

legislation, whose mission does not fall within the present piece of legislation, we know what the function of this institution is; there is the Chairman of the Competition Board. In this case, at least one of the qualifications of the Chairman of the Board in this Competition Act is that he must have been a lawyer or an Attorney General having served for 10 years. I give you one example. Hon. Uteem is totally right, Madam Speaker. Nothing is said about the qualifications of the Ombudsperson for Financial Services, save for the fact that he should have wide knowledge and experience in the field of financial services and the laws relating thereto. Hon. Uteem is right. He has no security of tenure, Madam Speaker, because it is the Prime Minister who will appoint him. I think we should have copied what obtains in our other pieces of legislation and either leave it exclusively to the President to appoint the Ombudsperson for Financial Services after consulting the Prime Minister and the Leader of the Opposition or leave it with the Judicial and Legal Service Commission, which would have been better, I suppose, to appoint this extremely important person who will be the Ombudsperson for Financial Services, with all the powers that he has been invested with this piece of legislation.

I noticed that nothing is mentioned about who will pay the Ombudsman. In other pieces of legislation, we see that incumbents of such types of officers shall be paid such fees as the Prime Minister may decide, but nothing is mentioned in this case. His appointment shall be subject to such terms and conditions as the President may determine; this is what obtains in other Bills, in other Acts, in other pieces of legislation, but we do not find anything to that effect in the present Bill in front of this House. Therefore, I again say that, Madam Speaker, save for that major loophole about the appointment and how he will be appointment, this legislation, to my mind, should be supported.

But having said that, Madam Speaker, I will also try to remind the House that when I said that this legislation is relatively comprehensive and it does, in fact, consolidate the foundations of our good governance, it would seem also to me that another snag that has come to light has been the absence of consultation with the different groups of consumers, or if there has been, it should have been very scanty.

With higher education prevailing in our country, Madam Speaker, it is increasingly vital to involve consumers right from the start to ensure the effectiveness of such legislation. In some other jurisdiction, consumers have faced problems of trust with voluntary schemes, because in some countries Ombudsmen have been appointed and paid by the industry through the creation of a statutory Ombudsperson. In our case, the Mauritian version is an

improvement, for the Ombudsperson is paid by taxpayers' money and, therefore, hopefully, he will not face the problem of confidence and trust. The creation of an independent and separate office, therefore, to examine these complaints, as defined by legislation, is indeed an important decision to safeguard the rights of consumers.

Another hitch, which I have also come across, Madam Speaker, is that this legislation does not apply to services provided by a financial institution to an entity licenced or authorised under Part X of the Financial Services Act, which basically refers to GBCs. A full fledged legislation should have encompassed the entire field of finance related complaints. One would have expected our legislation to be more comprehensive and apply to all components of the Financial Services Sector in the name of transparency and good governance, and with the objective of having a stronger financial sector.

We have, Madam Speaker, thousands of companies of financial service providers in this area and, obviously, more than proportionate recipients of the services although foreign would not - protection of anyone dealing with a company registered in Mauritius - send the right signal to investors and users of the services provided. What would be the impact of an all-encompassing legislation on the various international indices, such as the Wall Street Heritage Index of the World Bank's Ease of Doing Business? This would have been a vital issue in propelling the image of our country to the international community. Perhaps the hon. Minister could enlighten the House about this issue.

In fact, Madam Speaker, as a matter of principle, we should be guided by the concern of preventing a dichotomy in this sector and have uniform protection for all consumers. In Part II of the Bill, Madam Speaker, the duties, the obligations, the limitations and mode of recruitment are defined. What we see is standard common stuff to various other legislation and more or less comprehensive administratively. This part of the Bill describes the powers and functions of the Office. It describes the mode of the complaint and this simplified approach is positive. But I think, as someone said before me, the itch is that the complaint process does not make full use of modern technology. At a time when the advanced world is talking of digital economy, big data, the legislation insists that all complaints be submitted by registered post only. This is quite restrictive. It is at odds with the paperless economy and the objective of a clean environment or e-government on which we spend millions, if not billions of rupees. As a Nation resolutely moving to high technology, Madam Speaker, displaying concern for the environment, I think this legislation should obviously have allowed for the

submission of complaints through the internet, which should have the same legal validity as a registered letter, provided steps have been taken to ensure the genuineness of the submission.

The Ombudsperson, as I said, Madam Speaker, has been given wide powers to summon financial institutions against which the complaint has been made. And in the event of non-cooperation, refusal to communicate or to produce documents or information, the law also, on top of imposing a fine, a penalty for not cooperating, for refusing to produce the necessary documents, we see also that the Ombudsperson, the law provides that recourse can be had to a Judge in Chambers also; although this might delay the process, Madam Speaker.

We see also that in another part of the legislation that Part IV, for example, comes to define the situation of Conflict of interest, and provides for Protection against liability and focuses on confidentiality as well as the sanctions for violating any of these governing issues.

Madam Speaker, when dealing with such legislation, we need to be careful about the performance of the Office of Ombudsperson. This also has been underlined before me. I have before me an extract from a study which has been made by the University of Oxford and I will quote a few lines –

“Some Ombudsman Schemes had been very proactive in terms of engagement. However, it is not clear whether from an Ombudsman Scheme perspective, engagement is likely to result in learning for service improvement. There was variation in the degree to which Ombudsman Schemes had found the critiques of Ombudsman watchers constructive and useful and to what extent those critiques adding for service improvements and resulted in meaningful dialogues.”

In fact, the United Kingdom Workshop on Ombudsman Watchers identified, Madam Speaker, four broad themes in terms of critiques of Ombudsman Schemes. And I think that when dealing with this piece of legislation before the House today, it is good that we are reminded of that. Four broad themes in terms of critiques of Ombudsman Schemes –

- (i) the lack of accountability;
- (ii) the procedural and practice issues;
- (iii) the question of staffing, the logistics and the qualifications of the staff, and
- (iv) The impact of the system on the complainer.

Madam Speaker, today, it is important for us when we are analysing such a piece of legislation to bear in mind the possible weaknesses of such legislation. We have to learn from

other countries to avoid pitfalls. This legislation, if applied properly, will undoubtedly raise the protection of consumers and reinforce good governance by strengthening freedom and, therefore, help to promote growth and equity. The mere fact of setting up this office will undoubtedly boost confidence, in our sector and send the right signals worldwide because what we must bear in mind, the more our financial services industry will be called upon to develop, to evolve and to grow with more sophisticated financial products and companies competing to market their financial services to our lay consumers. Madam Speaker, all this warrants undoubtedly a better protection for these consumers. The more so, as those sophisticated financial products are designed also for offshore investors and this is why I said, Madam Speaker, in spite of the *manquement* in this legislation, this regulatory framework has to be supported because of its in-built complaint mechanism, the mediation possibilities, the investigation to be conducted, the hearing, the compensation which can redress any damages suffered by the consumer.

In fact, in other words, in spite of its defects we are today being favoured with a mechanism to provide a speedy and a cheap way to resolve disputes between companies and avoid the consumers having to go to Court when we know what are the costs involved in that process. And as we can see also, if a consumer is dissatisfied with the decision, he can consider Court action, but, of course, again, this will prove costly to him and might lead him to conclude that this may not be a realistic option. But it is also worth seriously remembering, Madam Speaker, whether a judge is likely to rule any differently from the Ombudsperson who has already given his ruling. This is why, Madam Speaker, as I said, this piece of legislation is subject to a few criticisms, but, on the whole, it is a positive step and this is why I support this piece of legislation.

Thank you.

Madam Speaker: Hon. Rutnah!

(8.12 p.m.)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Madam Speaker. Madam Speaker, we have heard a lot about the word ‘ombudsman’ from Members of the Opposition parties and Members of this side of the House. But it appears to be that, sometimes, intelligent people try not to understand very simple facts and very simple words, and they try to complicate matters in such a way as to make things look very complex. This is the attitude that has been adopted by my learned friends, hon. Uteem and hon.

Ramful, but partly also hon. Ganoo, who adopts what has been said by hon. Uteem and hon. Ramful, but in terms, he agrees with the contents of the Bill that has been presented in the House today.

What is the Office of an Ombudsperson? Who is an Ombudsman? An Ombudsman is simply a people's investigator, a guide and a defender of people's rights. That is what an Ombudsman is. He operates by virtue of an office called the Office of Ombudsman which is not a tribunal, it is an office, it is a public body. Of course, it has got some quasi-judicial functions, but it is not a Court of law, it is a simple way of any citizen of a country to go and present a case before the Ombudsman and the Ombudsman does not need to follow the strict rule of evidences and procedures that are ordinarily followed in Courts of law in very strict legal manners.

So, here, we are talking about an Ombudsman that is going to oversee how the Financial Services sector if in case of any abuse, it will hear complaints from consumers. A few weeks ago, this Government passed the National Payments System Bill in favour of consumers. Today, we are bringing a legislation in favour again for consumers of the Financial Services sector; a Government of the people, by the people and for the people.

The very origin of this Ombudsman comes from way back in 1809. Someone in Sweden decided that there should be a public body that defends people's rights without many complications and complexities that today have been aired in this House. Then, the trend of appointing Ombudsperson or ombudsman has been followed in other European countries like England. And today the Office of Ombudsman is synonym to demonstrate what a democratic society is all about for the protection of basic consumers' rights, including basic human rights or fair hearings, but I will come to the issue of fair hearings later on, but let me deal with the main criticism that has been levelled against the Government today. Of course, until this legislation, we have had the Bank of Mauritius that regulates the conduct of financial institutions like banks and also the Financial Services Commission. But the Ombudsman will have a different type of function that is going to be more flexible and easily accessible without complexities of procedures.

Let us deal firstly with the issue on which the Opposition parties have used really heavy artillery, which really does not gather no moss; it is like a rolling stone that gathers no moss. I am going to demonstrate that, in fact, they believe that they have discharged heavy artillery, but, in fact, it is all sparkles.

Let us look at the appointment. Hon. Uteem said that this appointment should be done by the Judicial and Legal Service Commission. Madam Speaker, this is not the first time that we, in Mauritius, we are legislating in relation to an Ombudsperson. In the past, in 2003, when the MMM/MSM Government was in power, they enacted the Ombudsperson for Children Act 2003. Who was Prime Minister then in 2003? The Third Member for Constituency No. 19 Stanley and Rose Hill! He was the Prime Minister and the Minister was Mrs Navarre-Marie. Now, let me come to what we say about the appointment. Our Bill today states that –

“(b) The Ombudsperson shall be appointed by the President, acting on the advice of the Prime Minister (...).”

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Order, please! Order!

Mr Rutnah: I am glad that they have discovered that there is no smoke without fire. I am coming to it, slowly but surely. In English, we call it ‘let us boil the frog’, and everybody will enjoy it.

(Interruptions)

Surely! The cauldron of the three witches is boiling and they are chanting all their evil spirit that is coming into their mind and I am going to say what it is all about.

(Interruptions)

We say, Madam Speaker –

“(b) The Ombudsperson shall be appointed by the President, acting on the advice of the Prime Minister, on such terms and conditions as the Prime Minister may determine.”

And then there is a subsection (c) that says –

“(c) The Prime Minister shall, before tendering advice under paragraph (b), consult the Leader of the Opposition and such other persons as he considers appropriate.”

Let us have a look at what the Ombudsperson for Children Act 2003 which was passed by the then Government - the Prime Minister was the Third Member for Stanley and Rose Hill and Mrs Navarre-Marie was Minister – says at section 2 of the Act and the Act is still a valid Act. Section 4 which deals with the appointment of Ombudsperson for Children says -

“The Ombudsperson for Children shall be appointed by the President of the Republic, acting after consultation with the Prime Minister, the Leader of the Opposition, the Minister and such other persons as he considers appropriate.”

So, when they are in the Government...

(Interruptions)

I will come to hon. Ramful as well in a minute. Now, I am dealing with the MMM.

When they are in the Government, it is marvellous; it is rosy for the President to appoint as a result of the advice of the Prime Minister, but when we are in power, goodness gracious me, it is taboo.

(Interruptions)

So be it! Hon. Dr. Boolell wants me to use the word ‘office’ rather than ‘power’. So be it! It is a beautiful word. I like it.

When we are in office, we are not supposed to use these words, but when they are in office...

(Interruptions)

...it means that they are in control. Their control is such that they can powerfully compel people to do whatever they want official.

(Interruptions)

No, wait a second. Hon. Reza also criticised security for tenure, four years. Why four years? Give him security for tenure. What about the Ombudsman for Children, listen to this now? The Ombudsperson for Children shall hold office for four years and shall be eligible for reappointment for only a second term for four years.

(Interruptions)

Is this security of tenure when he was in power, when they were in power, *pareil*? So, why this below the belt attack? Now I have not finished. I am just comparing and marvellously during the debate of the 2003 Bill, listen to this, the Third Member for Stanley/Rose Hill –

“Nous sommes tout à fait d’accord à proposer un amendement qui a été circulé et qui dira...”

The Ombudsperson for Children shall be appointed by the President of the Republic acting after consultation with the Prime Minister, the Leader of the Opposition, the Minister and such other persons as he considers appropriate. And today he was endorsing everything that was being said by hon. Uteem. So, it’s wrong. When your house is on fire you have to look for the fire extinguisher or you look for water to extinguish the fire; you don’t add insult to injury. So, this is what was said, I have not finished.

It is very easy to criticise, Madam Speaker. Hon. Ramful’s party was in power when the Equal Opportunity Act was passed in 2012. Hon. Boolell was Minister in that Government. I think the people watching out there are eager to hear what I have to say. In relation to the appointment of the Commission –

- ‘(a) The members shall be appointed by the President of the Republic, acting on the advice of the Prime Minister, on such terms and conditions as the President thinks fit.
- (b) Before tendering advice to the President under paragraph (a), the Prime Minister shall consult the Leader of the Opposition.”

Word for word, it’s the same here. When they are in power, it’s okay; when we are in office, it’s taboo.

(Interruptions)

Hon. Uteem also, while making this scathing attack, says: ‘am I going to trust this Prime Minister who is going to decide when to remove the Ombudsman; what if he does not like the decision that he has given and he also made reference to *la cuisine*. These references to *la cuisine* should be left to the gutter press that normally you obtain when you go and fill petrol for free and nowadays in supermarkets if you spend Rs1500 you get these kinds of press for free. This is a territory for gutter press than for hon. Members of the House.

Now, let’s look at what has been said in the Ombudsman for Children Bill when they are in power –

“The President may remove the Ombudsperson for Children from office for inability to perform the functions of his office, whether arising from infirmity of body and mind or any other cause, or misbehaviour”

So they can do it, we can't, you want me to read it, ours? Well, it's virtually similar; now let me take you there –

“The President may, at any time, on the advice of the Prime Minister, terminate the appointment of the Ombudsperson –

- (a) for unsatisfactory performance of his duties or for any other reason which would warrant the termination of his appointment;
- (b) on the ground of misconduct, default or breach of trust in the performance of his duties;(…)”

So, if someone is underperforming, we appoint. We, as a Government, are accountable in Parliament, we are accountable to the people of Mauritius, we are not accountable to the Opposition. If we find out that someone, who has been appointed duly to execute work, is underperforming for whatever reason then, of course, we should have that power, we should have that veto in our hand to say – you know you are sacked because you are no good.

So why can't we do that? The other criticism that has been levelled is in relation to clause 6(b) (i), let's look because I like to take people to what the clause is all about, it says here –

“Any officer appointed under paragraph (a) shall –

- (i) have wide knowledge and experience in the field of financial services or other relevant fields and the laws relating thereto”

Now, who would ordinarily have wide knowledge in law relating to financial services? Who would be a person ordinarily qualified in law, in accounts, in financial matters? Why do we always think that Barristers, Solicitors, Attorneys or only the most qualified people do hold this kind of position? Why does someone who has got a law degree, a master, a PhD in Law and Financial Services not deemed to have wide knowledge? I know University Professors, University Lecturers. One has failed the Bar exam four times and he is lecturing at the University of Mauritius. He is lecturing Law and he is politically motivated, very close to the Labour Party. He has got wide knowledge to be a Lecturer so this complex about only Barristers, Solicitors, and Attorneys can do this kind of job is a misconception at all. But, yes, it is good to have a Barrister, a Solicitor or an Attorney but this does not necessarily mean

that someone who is not a qualified Barrister or Solicitor cannot do a job of this nature. Now, in relation to impartiality, and independence, the question of fair hearing we have been criticised at Clause 9.

At clause 9, it is said that there is going to be no strict rules of evidence that is going to be applied. And this is what clause 9 (5) says -

“The Ombudsperson shall, when investigating into complaints –

- (a) follow such procedures as he may determine, without being bound by rules of evidence, and he shall avoid formality in proceedings before him.”

Now, before any Tribunal, whether in Mauritius, in England or elsewhere, when I say Tribunal, I mean Administrative Tribunal. Just like this office, it is an administrative office. The law that governs administrative office, Administrative Tribunals, not strictly governed by constitutional law, but is governed by administrative law, rules are flexible there. Anyone, any consumer, any man who travels on top of the National Transport Corporation Bus can go into a Tribunal in Mauritius or at the Office of the Ombudsman and make his representation. He does not need a lawyer and I know why hon. Uteem will advise someone in relation to this Act not to go there because the ordinary man will not be able to afford his fees.

Madam Speaker: No. The hon. Member should refrain from using these words.

(Interruptions)

Mr Rutnah: But I am stating a fact. Madam Speaker. I am in the field. I am a lawyer by profession. I know lots of lawyers who would not take a brief to go to a Tribunal or before the Ombudsperson or before the Equal Opportunities Commission. It is a fact. But let us look at the reality in this Bill. Why rule of evidence does not apply? If we apply strict rule of evidence, we would expect the Jack and Jones on the street to be equally qualified as a lawyer because the law of evidence is one of the most complex subject when you read law in relation to admissibility of evidence, hearsay evidence. Lots of people have not been able to be qualified as Barristers or Solicitors because at various attempts, they failed the law of evidence. So, you will not be able to expect ordinary citizens to read the law of evidence before walking into a Tribunal. And that is what flexibility is all about. That is why we call an Ombudsperson a defender of people rights. When you go before him, it is flexible. The concept of fair hearing is that you have the opportunity to present your case fairly, you are given the opportunity to speak and to present your case, and while you are presenting your case, a record is kept.

Now, if you are not happy with the decision made by the Ombudsperson, what do you do? Hon. Uteem criticised this again. He said that he has seen no law in Mauritius where we can't go to the Supreme Court to appeal. Here, in this law, in this Bill, there is a provision for review. Now, we have to be able to make the difference between what a judicial review is and what an appeal is.

When you go before an Administrative Tribunal, when you are not happy with the decision of the Chairperson or the Ombudsperson, you apply to the Supreme Court by way of Judicial Review in order to challenge the legality of the decision of the Commissioner or the Chairperson or the Ombudsman. You challenge the legality, you don't appeal. When you appeal, it is a different matter. Now, do we have in the past any laws, in Mauritius, for example, that hon. Uteem has not seen, where there is a bar to go to the Supreme Court to appeal. Yes, we have! Just one example! I was sitting and listening, I have not had the opportunity to carry out extensive research, but from memory, I have been able to retrieve the Equal Opportunities Act again which was an Act passed in 2012 when the Labour Party were in power and in 2013 - 2014 MMM were together with the Labour Party then. Listen to what the Equal Opportunities Act, section 35 (5) states –

“(5) (a) The Tribunal shall not hear and determine a complaint under this Act unless the person making the complaint has voluntarily made a sworn statement, in such form as may be prescribed, that he has waived his right to initiate civil proceedings before any Court in Mauritius in respect of the facts that form the subject matter of the complaint.”

Now, subsection (b) is very important. It says –

“(b) A waiver referred to in paragraph (a) shall constitute a bar to subsequent civil proceedings being initiated by the complainant before any Court in Mauritius in respect of the subject matter of the complaint.”

So, this is not a novel situation. In fact, today, we should be grateful to the hon. Minister of Good Governance and Financial Services. Not only to him, we have to be grateful to him, to his team from the Ministry and to those from the State Law Office who have engaged themselves in drafting a law that today, people can read easily and understand. It is a law that is targeted to the ordinary citizen of our country. We are grateful to the hon. Minister and his team and those who have drafted it, instead of simply embarking on a

scathing attack, simply to criticise and to make belief that whatever Government is doing, is doing wrong.

So I have dealt with the issues raised by hon. Ramful, hon. Uteem and hon. Ganoo. There is also criticism about this notification by registered post. Now, why registered post? This is not the first law again. If we do some researches, we will see many Acts of Parliament where you have to notify by way of registered post. But of course, today we are living in an era where things should be met with speed and intelligence. Broadband speed, digitalisation of economy and now we have got sophia as well who came to Mauritius the other day. Hon. Yogida Sawmynaden brought her to Mauritius.

(Interruptions)

If we want to send, for example, an electronic message and that electronic message has been communicated duly, and you have got proof that it has been communicated. In today's world, when you go before an Ombudsman, when you go before a Judge for Judicial Review, instead of posting the letter by registered post, you say look: "I have sent this document by an electronic mode and I have got the proof of sending it and they have received it." Do you think the Judge will say: "No, I don't accept this?" But that is why we have got this debate in Parliament. When it says registered post there, what is the Act of Parliament looking for? Confirmation of receipt! If tomorrow, this point is going to be interpreted in Court, perhaps like they did in *Pepper v.s Hart*. We look at Hansard, we look at the proceedings of the Assembly to ascertain what was the purpose of this wording. The purpose of this wording by registered post simply connotes, Madam Speaker, that the other end has received it. There is a confirmation of receipt. Many people go to lawyers, go to Court and say: 'You know, I wrote a letter, I posted it'. But they do not have proof of postage, which means that you cannot prove, you can only assess that you have posted, but there is no proof. So, I anticipate that people will apply common sense, the Court will apply common sense, the Tribunals will apply common sense, the Office of the Ombudsperson will apply common sense to ascertain whether there is proof of receipt of the document.

Madam Speaker, in fact, I have dealt with most of the criticisms that have been levelled against this Bill. Now, for completeness, let me say this - and it all sum up here in the Explanatory Memorandum where paragraph 3 reads -

"The Office of Ombudsperson for Financial Services shall, *inter alia* -

- (a) inform and educate the general public on investments in financial services offered by financial institutions; and
- (b) assist the Ombudsperson in dealing with complaints made by consumers of financial services against financial institutions.”

The case of hon. Sesungkur, his team and that of the SLO rest on this. It is an institution for the people of Mauritius, whether you are a lawyer or not. If you have been subjected to abuse by a financial institution, you can go and knock on the door of the Ombudsperson and you will be able to get justice without having recourse to a lawyer paying high fees, etc.

On this note, Madam Speaker, I am ever so grateful for all those who have paid some attention to me.

Madam Speaker: I suspend the sitting for one hour.

At 8.47 p.m., the sitting was suspended.

On resuming at 9.54 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval (First Member for Curepipe & Midlands): Thank you, Madam Speaker. Madam Speaker, it is clear from this piece of legislation that the Government has this irresistible temptation to fiddle and meddle with institutions that ought to be impartial, that ought to be independent. It is clear that they are making a mockery of what ought to be the independent and impartial office of the Ombudsman for Financial Services Bill.

Straight into the Bill, Madam Speaker, when you go to the modes of appointment, this becomes very apparent, although it seems from the appointment method that the President shall, upon the advice of the Prime Minister and upon consultation with the Leader of the Opposition and such other persons, as he considers appropriate, appoint the Ombudsperson. But the most important aspect of impartiality and independence in the principle of security of tenure is not the appointment, Madam Speaker, but rather the reverse. It is the removal from office. It serves no purpose to appoint someone, although however qualified or however independent or impartial that person may seem upon appointment, when you do not give that person security of tenure. And security of tenure is a principle that is enshrined in our Constitution. In all the constitutional offices that are created in our Constitution, you will find the same principle resonate in all the offices created, that is, there should be a clear

mechanism, separate from the Executive in the removal from office; that there should be checks and balances; that there should be valid reasons.

Last time, I remember I was talking on the Law Reform Commission Amendment and I dwelt lengthily on the principle of impartiality and independence and security of tenure. Suffice it to say, Madam Speaker, that this legislation is making a mockery of the principle of security of tenure. When you look at clause 5(6), the President may, at any time, on the advice of the Prime Minister, terminate the appointment of the Ombudsperson, either for unsatisfactory performance or for any other reason which would warrant the termination of his appointment. And that any other reason would be, in fact, according to the Prime Minister, who would then advise the President. So, it would be up to the Prime Minister in truth, in practice, for whatever reasons he wants, to decide whether this amounts to a justified termination and would then advise the President.

And this is where I think it is important to stress here, Madam Speaker, on this side of the House, in the face of all our institutions today that are going to the dogs because of this Government, in the face of all our institutions, like the once almighty Financial Services Commission that is no longer independent in the wake of the Alvaro Sobrinho affair and the red carpet treatment, and the way that decisions, board meetings were held on a Saturday, and the fact that now, the person in charge of the Bank of Mauritius is, in fact, the person who, on that Saturday, gave the decision, chaired that Board, presided over the proceedings to give a red carpet, blanket licence to Alvaro Sobrinho. So, we have the Financial Services Commission; we have so many other institutions, the ICAC, to name a few, the Police. Wherever you look, wherever you once found pride and independence, you today find that the Government has found a way to infiltrate those institutions. And this, unfortunately, is the reality of our country.

So, I denounce, Madam Speaker, the fact that the Minister for Financial Services, who is not even present in the House but who is bringing this legislation, has found it fit, especially him, who is the first person to be blamed for interfering with institutions, for interfering with the granting of licences when his role as a Minister is not at all in that sense. And yet, he has presented today a Bill, Madam Speaker, that throws security of tenure out of the window and throws all the principles that go with it out of the window, and it is a shame, Madam Speaker.

Madam Speaker, when you go through the Bill, a lot has been said by my colleagues before me, the hon. Uteem, the hon. Ramful from the Opposition, the hon. Ganoo, but I have a few points that I would like to raise that I think have not been sufficiently canvassed yet, especially with regard to clause 7(4) (a) with regard to waiving your right to go to Court if you go and make up a complaint through the Commission. Because we have to understand, Madam Speaker, and I think hon. Uteem has painted the picture rightly so, that the Commission, the Ombudsperson, with regard to the procedure that is set out in this Act, which is rather vague, and with regard to the fact that he does not have to apply the same standards and the same rules as would be applied in a Court of Law, then the irresistible question is: will it have the same fairness, the same due process; can you guarantee that if I bring a complaint to the Ombudsperson, my case would be heard and tried in a fair manner? And I do not think so, Madam Speaker. So much power has been given to him; so much leeway has been given to him to set his own procedures and his own rules and his own way of doing things, that it is questionable as to whether one would get a fair trial.

And it is relevant with regard to the rules, for example, of evidence, as to what can be adduced, as to what would amount to, for example, evidence that would be admissible in a Court of Law and what would not amount to it, but it also goes as to who can come and depone and whether the same rules will apply with regard to witnesses, etc. Having that in mind, you also have *l'épée de Damocles*, but if you go through that Ombudsperson to seek redress, then you cannot go to a Court of Law to seek redress for the same wrong. That is the truth. On top of the security of tenure that has been removed, that has been completely ignored, this is to me the second aspect of the Bill that I denounce. It is questionable, Madam Speaker, whether it is even constitutional that if someone comes to an Ombudsperson, which is not a Court of law, whether that could bar him from seeking redress in a Court of law, especially when you go through the powers of the Ombudsperson. For example, the power not to entertain an investigation or the power to discontinue proceedings or the power to fine against the complainant and, therefore, what it means is that if you ever go to that Ombudsperson and if he ever decides to discontinue proceedings, then, you are stuck, Madam Speaker, because you cannot go and seek redress from a Court of law for the same unless you go to judicial review, but that is something I will get to later. Madam Speaker, to me, it even defeats the purpose of trying to speed up wrongs that are committed by Financial Institutions and redress that are sought by victims of these wrongs, it goes against the principle itself of having an Ombudsperson if you are going to put that *épée de Damoclès* on the heads of all

the complainants that they will not be able, if they are dissatisfied, to go to a Court of law unless by way of judicial review.

Madam Speaker, Clause 10 says clearly says that the power to reject –

“The Ombudsperson may -

- (a) at any stage, reject a complaint where, in his opinion –
 - (i) the complaint is frivolous, vexatious or made in bad faith; or
 - (ii) the complaint is made without any sufficient cause.”

And then, when he does reject your complaint, he only has to briefly state, according subsection (2), the reasons thereof. I think this is not normal when you are taking away the right of that person to seek redress in Court. Again, it is questionable as to whether it is even constitutional. Madam Speaker, there is the issue of the award itself. You will see as Clause 11(2) that the award made under this section can be financial. It says -

“An award made under this section –

- (a) shall specify the amount, if any, which the financial institution shall pay to the complainant as compensation for loss suffered; and
- (b) may give such directives as the Ombudsperson may determine to the financial institution.”

Madam Speaker, the award being financial, therefore, a compensation, if you do not get satisfaction, you cannot by way of judicial review be awarded a financial award for the very basic principle that judicial review looks at the administrative decision. It does not decide on the merits. If I may, for hon. Rutnah who has gone lengthily on throwing mud on certain individuals at the University of Mauritius, I would advise him to go and read that very same Law Commission that this Government has taken away all its independence three weeks ago in this very House. You will see on the discussion paper of the Law Reform Commission on Judicial Review, where the Law Reform Commission analysed the mechanism for judicial review in Mauritius, and analysed the principle itself for judicial review, and it says that judicial review provides the means by which judicial control of administrative action is exercised. Judicial review, as the words implied, is not an appeal from a decision but a review of the manner in which the decision was made and it is concerned with reviewing not the merits of the decision in respect of which the application for the judicial review is made, but

for the decision-making process itself. It is entirely different from an ordinary appeal; it is made effective by the Supreme Court quashing an administrative decision without substituting its own decision; and it is to be contrasted with an appeal where the appellate tribunal substitutes its own decision on the merits for that of the administrative officer. Therefore, what this means, Madam Speaker, is that the hearing of a judicial review case will not be able to decide on whether, if I as complainant, I go to the Ombudsperson, and let's say, I win my case, but my prejudice is estimated at Rs10 m. and I am awarded only a fraction of that, then, I cannot go to judicial review to review the award. The Judicial Review Court will not be able to take a decision on whether the quantum that is being offered to me now is the right quantum. So, therefore, the Bill itself, Madam Speaker is flawed. The judicial review provision should never have been inserted in such a Bill, which is obviously going to be for financial award because judicial review in itself will never be able to give satisfaction with regard to the quantum of the financial award. What it can do, is refer back to the Ombudsperson where he sees things, for example, where a case has been discontinued or not entertained by the Ombudsperson, then, it can refer back to the Ombudsperson, saying: 'We think you should not have done it, so please entertain it, but it is not going to go as to the quantum. And hon. Rutnah has given us a lesson that, in his opinion, it does not exist in Mauritius that quasi tribunal or that such an administrative body can have the right to appeal in its statute, the right to appeal to a Court other than a Court for Judicial Review. This is what hon. Rutnah has said in his intervention. This is wrong, Madam Speaker, and I will advise him to go and get some tuitions from that very same person he is criticising because the law that was voted here, in 2007, by the very same alliance he has so criticised earlier, by the Labour/PMSD party. The Competition Commission Act 2007, Madam Speaker, virtually has the same powers as the Ombudsperson and it has a similar role to the Ombudsperson not for the subject of financial services, but for the subject of unfair competition. And what does the Competition Commission Act say about appeal? I will refer hon. Rutnah to section 67, under part 8 of the Competition Commission Appeal Tribunal, which says –

“67. Appeal to Supreme Court (1)

- (a) Any party who is dissatisfied with an order or direction of the Commission may appeal to the Supreme Court against that order or direction.
- (b) Any party wishing to appeal to the Supreme Court under paragraph (a) shall, within 21 days of the date of the order or direction of the Commission, lodge

with the Registry of the Supreme Court and the Commission a written notice of appeal.”

And it says –

“(2) An appeal under this section shall be prosecuted in the manner provided by rules made by the Chief Justice.”

It even goes on to say what would be the powers of the Supreme Court on appeal, that is –

- “(a) affirm, reverse, amend or alter an order or direction of the Commission;
- (b) remit the matter to be further determined by the Commission with its opinion on the matter; or
- (c) make such orders as it thinks fit.”

So, it is clear, Madam Speaker, that for the Competition Commission, this right to appeal to a normal Court of Law exists and that hon. Rutnah is clearly wrong on his interpretation.

Madam Speaker, had this Bill had the two ingredients - that we think on this side of the House and in this party, had this Bill had the two ingredients - that are *sine qua non* for the proper working of this Ombudsman for Financial Services that is independence, that guarantee of security of tenure and independence and secondly, a proper mechanism for appeal, that is clearly laid down for the case of the Competition Commission. And it even says if hon. Rutnah is still in doubt, in that Law Reform Commission paper which is that –

“A right to appeal is always statutory; no Court has an inherent appellate jurisdiction.”

Therefore the right to appeal can be put in Statute and it will give that right. It is never a right that is inherent but it has to be always written down and it could have been, as in the case of the Competition Commission, laid down.

Let me just, while I am on the Competition Commission Act, Madam Speaker, refer Government to the mode of appointment and removal of Commissioners, just to make the point with regard to independence again, just to say, Madam Speaker, that - and I hope Government takes note of this.

With regard to the removal from office at section 11 of the Competition Commission, you will see that whenever a Commissioner has acted improperly in the discharge of his functions or when he becomes disqualified for other reasons laid out there or if he becomes physically or mentally incapable of performing his functions, then it is not for the Prime

Minister to decide whether that person should be removed and then advise the President. The mechanism laid out is the same as, for example, the Commissioner of Police but at a lower standard –

“Where the Prime Minister considers that the question of removing a Commissioner ought to be investigated, he shall appoint a Disciplinary Committee which shall be presided by a person who holds or has held office as a Judge of the Supreme Court and 2 other members.”

And it is for that Disciplinary Committee to decide whether the Commissioner has done any wrong doing that would justify removal and where that Disciplinary Committee thinks it has done so, it then recommends to the Prime Minister that the Commissioner in question should be removed and then the President acting on the advice of the Prime Minister then implements that decision. And this is what should have been done here clearly.

So, Madam Speaker, not to be long on this, just to say that we think this Bill especially coming from the Minister for Financial Services and Good Governance *s'il vous plaît* is completely flawed with regard to the principle of good governance itself, it is contradictory, it goes against all the fundamental principles of good governance, especially from that Minister who should himself have resigned a long time ago with regard to his interference again with all the scandals that have shaken this country and that have had the head of the President of the Republic of Mauritius.

Madam Speaker, just two more observations, very briefly, with regard to the confidentiality clause in that Bill! Everything is done to keep proceedings of the office of Ombudsperson for Financial Services in complete secrecy as is the motto and the *manière de faire* of this Government, so, everything must be done in complete secrecy while in the UK, have they had some inspiration to look at what is done elsewhere, they would see that in the UK, the Ombudsperson for Financial Services is subject to the Freedom of Information Act. The word may not ring a bell in their ear but let me just remind them it is the very same Act that we, as *l'Alliance Lepep*, had promised to bring to this country.

The Freedom of Information Act in the UK includes the Office of Ombudsperson for Financial Services where any person in England can go, knock on the door of that Ombudsperson and have a transcript of whatever proceedings he wants, whatever decision he wants, or whatever aspect of the administration on the Office as he wants and he will get and yet here we do it in complete secrecy.

This Bill, Madam Speaker, is ridiculous. It is again I think an insult to all the principles that are laid down in our Constitution and we will never vote on such a piece of legislation.

Thank you.

Madam Speaker: Hon. Rampertab!

(10.19 p.m.)

Mr R. Rampertab (Second Member for Flacq & Bon Accueil): Madam Speaker, let me, first and foremost, thank hon. Sesungkur, Minister of Financial Services and Good Governance for coming up with this piece of legislation which was long overdue in our country.

Madam Speaker, this piece of legislation being presented today will transform our country's financial landscape and is in line with the hon. Prime Minister's earnest ambition to bring far-reaching reforms to empower our citizens and facilitate the day-to-day lives.

The Bill's primary aim is to institutionalise the mediation between consumers and financial institutions, hence providing an unbiased, an impartial resolution in the case that a complaint could not be managed internally.

Madam Speaker, this Government has set solid foundations for the Financial Services Sector since December 2014, and undeniably the setting up of an Ombudsperson for Financial Services will bring our country at par with the other main financial hubs globally.

The presentation of this Bill, Madam Speaker, gives us an opportunity to dwell into the current management of complaints by our financial institutions so far. For many years now the Bank of Mauritius has been the ultimate escalation point for aggrieved customers and has duly performed its role in acting as a mediator by using its established framework which is commonly known as the guidelines on complaints handling procedures. These guiding principles, Madam Speaker, are used alongside the steps to lodge a complaint document which is also published on the Bank of Mauritius website. However, Madam Speaker, as I mentioned in my address of the National Payment Systems Bill, I myself receive regular feedbacks from my constituents about the poor and inefficient services they receive from financial institutions and how difficult, time-consuming and frustrating it is to make a complaint follow-up or eventually obtain an unsatisfactory response.

Madam Speaker, through this piece of legislation, this Government will set up a solid institution with the required powers and authority to consider redress in cases where the banks and other financial institutions have been at fault.

Madam Speaker, no consumer should now feel helpless or discouraged to lodge a complaint against a financing institution as the Ombudsman for Financial Services will stand firm in providing free, impartial and clear complaint resolution services.

More importantly, the new institution will be fully empowered to make recommendations for adequate compensation. Indeed, Madam Speaker, this is a very welcomed news for consumers and proponents of consumer rights in our country. Madam Speaker, before we delve into the final details of the numerous provisions within the piece of legislation, it is important to understand the origins and role of the different Ombudsmen in Mauritius. As we all know, once enacted, the proposed Ombudsman for Financial Services will be the third Ombudsman to be set up in our country. The first one which we all know was the Office of the Ombudsman created in 1968 and it's governed by the specific provisions within our Constitution. On a side note, Madam Speaker, interestingly, the Ombudsman Office has handled about 417 new cases in 2016 and funnily enough since the CSU has come into existence within 12 months, they have registered about 40,000 tickets in its first year only, like my hon. friend Sorefan mentioned earlier. Well, we will not venture into drawing any unsubstantiated conclusion but it is clear that, from the feedback of CSU users around the platform, accessibility and similar experience are definitely a major incentive.

I will come to the second Ombudsman which is the Ombudsman for Children. My hon. friend Rutnah went quite thoroughly in it. It was launched in 2003 under the MSM/MMM Government. While we are all well versed with the role and functions of an Ombudsman, it is also important to understand how and when the word 'Ombudsman' became entrance throughout history. I would like to repeat again what hon. Rutnah said that it came from the Swedish Parliament during the early 1800 just to safeguard the rights of the citizens of that country, should they feel aggrieved. Since then, Madam Speaker, the Ombudsman terminology has been used commonly to describe an Authority set up by Governments to act as mediators in the event complaints are registered.

Madam Speaker, through this Bill, the Government under our Prime Minister, hon. Pravind Kumar Jugnauth, is creating history in setting up the third Ombudsman Office to listen to the issues of our citizens and provide them with redress if applicable.

Madam Speaker, as explained previously, the very basic premises of the Financial Services Ombudsman Office is that the service provided will be impartial, free and accessible. Hence, to be able to benefit any individual who feel aggrieved, the service will be accessible primarily online or by phone.

Madam Speaker, the Financial Services Ombudsman would need to encourage the use of online platform for complaints and feedback to be seamlessly logged. This will give a wider choice to our fellow countrymen and ensure that nobody is left behind in terms of accessibility. As I mentioned, in my intervention, during the National Payment Systems Bill debate, a portal similar to the CSU would be beneficial in terms of its ease of use. If we continue to promote a paper base complaints and feedback platform, it will be a clear disincentive for the potentially aggrieved individual. Consumers should not be discouraged to log a complaint due to a protracted or paper intensive process. Instead, bearing in mind that they might already be under stress and frustrated following the initial response of the financial institution, they should be given a similar experience to log and follow up on their complaint as it is done in the CSU. Hence, adding another layer of bureaucracy, red tapism and paperwork will not be helpful.

Madam Speaker, we need to leave no stones unturned in promoting a smart connected digitalised country as envisioned by our Prime Minister and Minister of Finance. Madam Speaker, I welcome the proposal to include in the remit of the Financial Services Ombudsman, the mission to inform, educate and empower our population with respect to investments in financial services. It is indeed a proud fact that our country enjoys a very high literacy rate; however, there is still room for improvement in terms of financial and investment literacy. It is essential that our population is equipped to make sound decisions by assessing the reliability of financial institution and showing a good grasp of the different products being offered.

Madam Speaker, our citizens should never again fall into the trap of the supposedly over attractive financial institutions offering extremely ambitious returns. Unfortunately, some investments have returns which are too good to be true and we still find clients who cannot resist to lose due to the lack of investment literacy. For example, in the UK, Madam

Speaker, investment literacy is key and the Financial Ombudsman Service strives to organise regular outreach sessions across the country to provide training to public facing staff such as the Citizen Advice Bureau employees.

Madam Speaker, currently the Financial Services Commission is also running a comprehensive program to educate consumers through financial literacy initiative as well as consumer education outreach campaigns. It would be a positive step forward for both the FSC and the future Financial Services Ombudsman Office to have a concerted approach towards designing and delivering both online and on the ground information, and educational initiatives around financial investments.

Madam Speaker, the Bank of Mauritius guidelines on complaint handling procedures document state that financial institutions should clearly make available the complete handling procedures in form of leaflets on their website or after a customer has been on board with them. I, myself, personally checked the website of one of the leading banks in Mauritius, Madam Speaker, but no such information was available; instead a contact form was available to log a complaint without any information on the process, timelines and consumer rights. It is indeed disappointing to see that some financial institutions are not playing their roles as per the current Bank of Mauritius guidelines. Hence, I would urge the Financial Services Ombudsman to ensure that its service is not only accessible but also visible.

In the UK, for instance, Madam Speaker, every financial institution responding to a customer complaint has to include a simple leaflet from the Financial Ombudsman Service, depicting clearly and simply relevant information on how to lodge a complaint, the overall process and the associated timelines. The Financial Ombudsman Service even has their own Facebook group with informative posts and videos on Financial Services Product Schemes and Consumer Advice.

Madam Speaker, it is clear that the Financial Services Ombudsman creates ample awareness of the services among the general public so that no potential complaint goes astray. Madam Speaker, it is imperative that all the Financial Institutions play their prerogative role in adhering to the spirit and practicality of the proposed Ombudsman for Financial Services. Hence, financial institutions should be equipped in terms of IT Systems and Human Capabilities to implement and manage the required framework and structure to deal with the incoming complaints and queries.

For instance, major financial institutions have different clusters, with each cluster catering for a specific client type such as corporates, retail customers of financial institutions. With a view of rationalising the internal complaints management process, it would be advisable that each financial institution sets up a single dedicated unit task to deal directly with the Financial Services Ombudsman Office.

Financial institutions, Madam Speaker, should also be given set timelines to respond to complaints queries. Ultimately, for non-complex cases, mediation and resolution of a complaint should not take excessive time. Madam Speaker, I very much welcome the provision of the legislation which requires the publishing of an annual report by the Financial Services Ombudsman Office.

Indeed, for an office with such powers and responsibilities, it is essential that the principles of good governance and accountability are strictly followed. Hence, a proper annual reporting will ensure that the office is liable to the Minister and the Parliament. However, Madam Speaker, whether or not an annual report is aligned with the promise of good governance is also dependent on the quality and nature of the reporting. For instance, in the U.K, the Financial Ombudsman Service publishes a report every six months with detailed information on the breakdown of cases per product category alongside data on the number of open and unresolved cases.

Madam Speaker, such detailed information, coupled with the total complaints data per financial institution consolidates public confidence in the Financial Ombudsman Service and also provides individuals with valuable insights before they start any relationship with a financial institution.

Madam Speaker, the interpretation of sometimes complex and technical financial works and associated products requires the right professional expertise and academic background. It is essential that the staff within the Financial Services Ombudsman Office have the right skills, experience and knowledge to be able to amply investigate complaints and provide impartial resolutions. I welcome the legislation provision to appoint staff who has a wide knowledge and experience in the field of financial services.

Madam Speaker, only recently in the U.K., in Channel 4 programme, Dispatches initiated an undercover operation at the U.K. Financial Services Ombudsman Office, and the reporter uncovered a series of issues with regard to the gap of the basic economics of financial products and services by the junior investigators and adjudicators. For instance, staff

struggled to understand operation of pensions and investment financial products. Such issues, Madam Speaker, highlight how diligent the assessments must be for the right staff to be recruited. I am glad that according to what we are doing today - this Government - I am sure many people have come up with questions as to why the hon. Prime Minister is appointing someone as an Ombudsman. But it has been there before. Our good friend, hon. Rutnah, did mention even when the Ombudsman for children was appointed. It was in 2003 when the MMM/MSM Government was in power. We have followed the same procedure and I can't see anything wrong. Hon. Members from the other side are raising issues that it is wrong, but it has been done before, it is being done now and I can't see anything wrong with it, Madam Speaker.

Madam Speaker, this piece of legislation will also represent a golden opportunity to leverage the oncoming Financial Services Ombudsman Office to be a leading provider of the latest research, consultation papers and data analysis. The Office, Madam Speaker, will be collecting a range of feedbacks or complaints from the general public and corporate such information, if rightly transformed and utilised, can be invaluable in understanding the emerging trends in terms of financial literacy. For example, such insights, Madam Speaker, will be essential in providing information to the policymaker or regulator to improve the financial literacy of the population, designing appropriate marketing policies for financial institutions and proposing a regulation which will financially protect the population and our financial centre international reputation.

Madam Speaker, this piece of legislation is a firm commitment of our country's ambition to be amongst the best international financial centres. In fact according to the international network of Financial Services Ombudsman Schemes which is commonly known as Info Network, Mauritius will now be the fourth country in Africa to set up a Financial Services Ombudsman Office, only behind South Africa, Swaziland and Botswana.

The Info Network, Madam Speaker, was formalised in 2007 and acts as a facilitating platform for its members to exchange information and experiences, especially around the use of specialised IT infrastructure and cross-border referral of complaints. Madam Speaker, currently, the piece of legislation proposed would not cover any financial services being provided from outside Mauritius. Once set up, I would urge a new Financial Service Ombudsman Office to spearhead the efforts of setting up a multilateral framework to allow the sharing of information and referral of cross-border complaints beyond our shores and within three African counterparts, I mentioned previously, to start with.

Madam Speaker, the Financial Ombudsman Office could also explore signing agreements with the European Financial Dispute Resolution Network commonly known as FinNet which regroups 31 members and two affiliates from the European Union. Undeniably, any successful cross-border agreements would benefit the Mauritian public in case they have any grievance against any financial institution outside Mauritius.

Madam Speaker, to conclude, allow me to congratulate the hon. Minister of Financial Services and Good Governance for bringing forward this Bill and under the Prime-Ministership of hon. Pravind Kumar Jugnauth, this Government is proving once again that it is firmly committed in improving the lives of our citizens through solid and innovative legislations.

Indeed, Madam Speaker, the Ombudsman for Financial Services will protect and educate our citizens as well as further consolidate our country's financial centre.

Thank you for your attention.

Madam Speaker: Hon. Dr. Boolell!

(10.39 p.m.)

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Madam Speaker, I don't intend to be long, but the joy of having to speak before the hon. Minister is an opportunity to take a dig at him, but I won't do that. Suffice to say, at this stage, that the Office of the Ombudsperson for Financial Services is being set up with one specific purpose, to be litigant-friendly. I think this is the very objective. But when we look at the merits of the legislation, I feel sorry to say that the demerits outweigh some of the merits. What the hon. Minister has done tonight when he intervened, he has conveyed some strong signals to litigants and there is great expectation. My only fear is that there is a risk that expectation can be turned into crisis of expectation, which we don't want.

The point has been made very clearly by our friends on this side of the House that this is a quasi-judicial body. We are talking of litigation, mediation, cases being filed and the Ombudsperson will adjudicate and will award compensation or will set the case aside. For this basic reason, our friends on this side, hon. Reza Uteem, did speak forcefully on the issue, and reinforced by my good friend, hon. Ramful that the Ombudsperson needs to have security of tenure and it would have been appropriate for him to be appointed by the Judicial and Legal Service Commission.

Now, hon. Rutnah tried to compare the Office of the Ombudsperson for Children with that of the Office of the Ombudsperson for Financial Services. Of course, there is a vast difference. One is a quasi-judicial body and the other one, the Ombudsperson for Children does not have the power to adjudicate. The person can only refer the cases to the Police if, of course, there is a merit to do so. Otherwise, she is there to protect the interests of children. Now, hon. Ramful made the point that if we want this office to be litigant friendly, we cannot tie the hands of the litigant. In fact, we need to give him the freedom to have access as it is done in UK to the Court, if he feels that he can get better redress in Court.

Now, having said so, Madam Speaker, let me make it quite clear that the Office of the Ombudsperson for Financial Services need to be given the financial resources. Without adequate financial resources, without proper staffing, it will not deliver. Now, the Minister earlier talked of efficiency, expediency, fairness and accessibility. On this issue, I tend to agree with the Minister that the Office of the Ombudsperson has to be flexible. I am not a lawyer, but I agree that flexibility means that he should not be bound by the rules of evidence. He sets his own rules because the object is to make sure that the cases which are referred, which are filed, are scrutinised, are examined and, of course, the Ombudsperson has the power to convene persons or papers and act accordingly. But the purpose is, as hon. Ramful has stated, we have to make sure that a decision is time bound and time framed. But, when we look at the scale and scope and depth of the Office of the Ombudsperson for Financial Services, as I have stated earlier, there is room for concern.

Now, I am not going to highlight what has been clearly spelt out by Wikipedia. Now, with respect to the Office of the Ombudsperson in UK, but access to information has to be a right. It should not be a privilege. Access to information is very relevant to create that climate of confidence and to make the Office of the Ombudsperson for Financial Services a litigant friendly. So, once the litigant fields that the cases filed will be heard, will be expedited, he will file his claim, but at the same time, access to information is very relevant. In fact, in UK, they have also an independent assessor where both the claimant or the body which is being sued can certainly appeal to the independent assessor for an assessment to be made. They have to submit their reports.

Now, why do I say that there may be a crisis of expectation? Following the expropriation and nationalisation of BAI, there is a battalion, claimants of complaints and people are coming in Indian file to submit their claims. So, the Office of the Ombudsperson for Financial Services needs to be properly staffed and I would have expected the

Ombudsperson to have that right and privilege. Unfortunately, the Office of the Ombudsperson will be a public office staffed by officers approved by the Permanent Secretary of the Ministry of Financial Services or civil servants designated by the Head of the Civil Service.

So, the Ombudsperson does not have the power to independently select his own staff, and can, as has been stated by hon. Uteem, dismiss for unsatisfactory performance or for any other reason. I am worried because he is at the beck and call of Government, that is, at the beck and call of the Prime Minister. When we look at the services which are being offered under the circumstances, Madam Speaker, we are disappointed, because the Bank of Mauritius has the power to deal with cases relevant to the banking sector, and financial services, of course, should address cases relevant to non-banking sector.

These are two organisations which are properly staffed. I must say that the Bank of Mauritius' staff are familiar with the business of their licensees, are in a better position to deal with the consumer complaints. The Bank of Mauritius can also impose administrative penalty as provided by section 96(5) of the Banking Act of the financial institution, which is the object of the consumer complaint.

Unfortunately, the Ombudsperson Office will not have such powers. Similarly, when I refer to the Financial Services Act, which provides in section 32 for the protection of consumers of financial services and of financial products. Now, the Financial Services Commission is currently responsible, as I have stated, like the Bank of Mauritius, to develop and promote information and education programme for financial services consumers, and aggrieved customers can make a complaint directly to the Financial Services Commission and the Chief Executive of the FSC can, after examination, take such actions as he deems fit. Thus, Section 32 of the Financial Services Act is now being repealed. Of course, I am not going to comment on the performance of the CEO of the FSC, but suffice for me to say that there is plenty of room for improvement.

Now, when we look at the replacement of the FSC by the Ombudsperson for addressing consumer complaints, it is unlikely to be improved under the current proposal. I must grant this to the FSC Board, it has shown a flicker of independence with several resignations related to the Sobrinho scandal, showing a freedom of mind which the proposed Ombudsperson will not possess, with all due respect to our friends from the Civil Service, nor can a bunch of civil servants, however, well intentioned, compete with a professional

expertise of the FSC personnel. This Bill for Ombudsperson for Financial Services, unfortunately, will not achieve its aim to enhance consumer protection, because it is badly designed like a square peg to fit a round hole.

Now, like our friends, I want to be constructive, and there are simple alternatives to this odd Ombudsperson proposal. One option is to create a new independent regulatory body for dealing with consumer protection in financial services under the aegis of both the Bank of Mauritius and the FSC, with the Board comprising top executives from both institutions as well as a number of independent members, and employing well qualified staff with past experience in financial regulations, especially from the Bank of Mauritius and the FSC.

One could even go further and devolve wider responsibilities on this body to deal with the business conduct of financial institutions instead of being limited to consumer protection. This is in line with financial regulations being split, as is the practice in UK and Australia, into two separate components, namely –

- (i) financial business conduct regulation, and
- (ii) prudential regulation.

The first relates to the regulation of the conduct of business by financial institutions and to look after consumer interest while pursuing a well-functioning financial market. A new body could be responsible for financial business conduct on the lines of the UK Financial Conduct Authority. Prudential regulation, which is about adequately controlling risk and holding adequate capital of financial institutions, would remain as the main focus of the Bank of Mauritius and the Financial Services Commission.

Madam Speaker, I would like to believe that this Government possesses a modicum of common sense to understand that this Bill should be reviewed as it will not create an improved environment for consumer protection and could probably lead to worse outcome for consumers of financial services.

Finally, a minor but relevant point. Although the Bill defines financial services as any financial services or financial business activities regulated under the relevant enactment, it also provides a list of relevant enactments in the First Schedule. The Bill does not provide a list of financial business activities such as asset management, credit finance, as in the Second Schedule of the Financial Services Act for non-bank activities.

Madam Speaker, to be most helpful for consumers of financial services who are not familiar with the relevant Financial Services Acts, to clearly identify in the legislation the

financial activities relating to their grievance. It will only require the addition of a Schedule listing all regulated financial activities.

Let me, by way of conclusion, Madam Speaker, put things within historical perspectives on the domestic front. The idea was mooted in 1996 when the then Governor of the Bank of Mauritius discussed the matter with Eddie George of the Bank of England and Dan Brush, Governor of the Bank of New Zealand, and the Governor of the Central Bank of South Africa. In 1997, World Bank delegated a team of two experts to Mauritius to help in the drafting of the legislation to bring an amendment to the Bank of Mauritius Act. The object was to set up the Office of the Ombudsperson for the banking sector only. Unfortunately, the process was foiled in 2000 over the indecisiveness of the Board of the Bank of Mauritius to select a candidate. I must also say that not all Governors of the Bank were keen to the creation of the Office of Ombudsperson for Financial Services. Perhaps there was wisdom in their reluctance.

I grant you, Madam Speaker, that on 10 July 2018, the Prime Minister announced that the Bill was in the pipeline. Unfortunately, I have to say that the intention may be good, but the Bill is half-baked. One of the major obstacles will be the obdurate tendency of relevant institutions to collaborate and to cooperate.

Thank you very much, Madam Speaker.

Madam Speaker: Hon. Minister Sesungkur!

(10.57 p.m.)

Mr Sesungkur: Madam Speaker, I can see that most of the Members are overworked. So, I promise not to be too long for the summing-up. I would like, first of all, to thank all the hon. Members from both sides of the House who have intervened on this important Bill and for their valuable contribution. I have carefully listened to the arguments made, especially by the Opposition side. I could see that there were certain points mostly concerning aspects such as appointment of the Ombudsperson, the security of tenure, law of evidence, right of appeal, the limit on the amount disputed as well as the independence of the Ombudsperson. So, there have been several points which were made, including the fact that certain Members even proposed that we should adopt a flexible approach and make the system work by making it simpler, like for instance providing the opportunity for an online platform where consumers of financial services could also make their complaints through these modes.

Madam Speaker, I could feel a kind of, if I may say, Opposition within the Opposition. Hon. Ganoo, for instance, feels that this Bill will serve its purpose although certain Members of the Opposition like hon. Uteem feels that this Bill will, in fact, not work. I must say that not being a lawyer myself, I have been reassured by the team who has worked on this important Bill that most of the points which have been canvassed by the Opposition side like the appointment, independence, even the terms and conditions of the appointment, the qualifications of the Ombudsperson, why the Ombudsperson should not be a lawyer or a Solicitor, the law of evidence, that the Bill contains adequate provisions to cater for all these. I must say that my specialisation is in the field of finance. I believe that if the Ombudsman's system has worked in certain countries, so there is no reason for us not to believe in it. We believe that this system will largely help us in alleviating the plight of many people in this country.

I must also say that I could feel that the MMM was against this Bill. Same for the Labour Party, although I could sense a kind of positivity in what hon. Ramful has showed when he intervened. I was told that the PMSD was not going to intervene on this Bill until lately; they were not on the list of orators. I must say they came at the final hour to put their name on the list of orators. So, I would like to thank them for their arguments although they were the same arguments made by other Members previously. Anyway, all in all, I could feel in the essence that all the Members of the House seem to be positive although there are some who are pessimistic.

Madam Speaker, I will sum up this debate. The stark and sad reality is that our present fragmented customer support systems are, many a time, unfair and inefficient, without mentioning long-drawn and costly. The systems in place leave customers disgruntled with few, if not, no option. There is no certainty of access to appropriate an effective customer support. With the implementation of this law, we are here, today, collectively deciding to fix the situation once and for all for the common good. It is crucial, Madam Speaker, that we act promptly before more people are engulfed in an infernal tornado of despair and uncertainty.

Madam Speaker, the vision of this Government is an inclusive Mauritius. In the pursuit thereof, our Ombudsperson Office has two overarching goals. The first is to sort out individual complaints. The second one is to educate. Complaints resolution and education, Madam Speaker, are key ingredients of financial inclusion. When consumers who can make informed decisions about financial products and services not only serve their own best

interests, but collectively they can also help promote financial stability. The Bill, therefore, demonstrates a very strong commitment of this Government to develop national financial inclusion strategies. We are well-set on this trajectory.

Madam Speaker, my colleagues from this side of the House, in particular hon. Rutnah, have already rebutted the points made by hon. Members of the Opposition. I would wish, however, to clarify a few issues. Firstly, on the issue of the independence of the Ombudsperson, I would wish to say that the legislation provides for consultation with the Leader of the Opposition prior to appointment. Furthermore, this is not a novel provision. So many other statutory appointments go through the same process. Yet, again, we have a step further by providing, Madam Speaker, at Clause 4(2) of the Bill, that in the exercise of its functions, the Ombudsperson shall act without fear or favour and shall not be subject to the directions or control of any other person or authority. If this is not independence, what is it, therefore, Madam Speaker? Moreover, the Bill provides at Clause 18(1) for any person who will attempt to influence the decision of the Ombudsperson, to be liable for a criminal offence. I cannot overemphasise enough, Madam Speaker, on the independence of the Ombudsperson.

Secondly, Madam Speaker, concerns have been raised that management companies are being excluded from the application of this Bill. Madam Speaker, let me highlight that management companies service Global Businesses, Authorised Companies and Trusts. These are sophisticated market players and mostly non-resident. They are sophisticate consumers who can afford to go to Court. The concern of this Government is the people of the country who cannot afford these remedies.

Madam Speaker, although I made it clear earlier in my speech at Second Reading that both the FSC and the Bank of Mauritius are doing consumer complaints handling already, it was never meant to be an admission of failure by either regulator. We are coming today to supplement and strengthen the Consumer Protection Framework.

Madam Speaker, I wish to clarify further Clause 7(3)(A), that is, written complaints to be sent by registered post by a complainant. This provision applies for an initial complaint made to the Financial Institution concerned. Madam Speaker, we need to be able to prove service. However, I should emphasise that complaints to the Ombudsperson may not necessarily be by registered post. In fact, Madam Speaker, Clause 7(1) provides for a person

who is aggrieved to lodge his complaint himself or through his authorized representative, in such form and manner as the Ombudsperson may determine.

Madam Speaker, I wish to point out that the Bill further provides at Clause 6(1) for the Ombudsperson to appoint such officers as it may determine to assist him in the discharge of its function - this point was raised by hon. Dr. Boolell concerning the staffing of the Ombudsperson Office. He may, therefore appoint persons having wide knowledge. He may, therefore, appoint persons having wide knowledge and experience in the field of Financial Services or other relevant fields. Accordingly, it is obvious that in determining any case of complaint referred to him, the Ombudsperson will have all the competence he is required to fulfil his duties.

Madam Speaker, it is the intention of this Government to be as forceful as possible in its resolve to bring relief to the people of this country. This is why we made the award of the Ombudsperson binding and self-executory. This is our intention, Madam Speaker.

Madam Speaker, this Bill bears testimony to our determination to bring to the people of Mauritius a strong and well-structured office of Ombudsperson for Financial Services. As I said earlier, the Ombudsperson will seek to resolve financial services complaints fairly and impartially as an informal alternative to the Courts. In doing so, the Ombudsperson will help to support confidence and trust in the Financial Services within Mauritius and by so doing promote the image of the Mauritius International Financial Centre internationally.

Madam Speaker, today we are making history. Today, we move here in this House to legislate on a Bill which will better serve the interest of the people and of businesses. Members of this House on both sides, Madam Speaker, are driven by the same spirit of creating a more inclusive society. And by supporting this Bill, it is the right and decent thing we can do today. We are helping every Mauritian in realising his social and economic aspirations. I said it earlier, people are in expectation of this piece of legislation; they are awaiting for fairer and speedier outcomes of their plight.

We need to banish these demoralising human experiences and give our people the dignity and respect they deserve. I thank all hon. Members who have contributed to this important debate.

Madam Speaker, I commend this Bill to the House.

Thank you.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

THE OMBUDSPERSON FOR FINANCIAL SERVICES BILL

(No. XXI of 2018)

Clauses 1 to 6 ordered to stand part of the Bill.

Clause 7 (Complaint to Ombudsperson)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Sesungkur: Madam Chairperson, I move for the amendment as per amendment circulated –

“in clause 7, in subclause (1)(a), by deleting subparagraph (ii) and replacing it by the following subparagraph –

- (ii) the non-receipt of a decision from the financial institution within –
 - (A) 3 months from the date of the written representations made to it; or
 - (B) such other period within which the financial institution should make a decision under any other enactment;or

Amendment agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 to 19 ordered to stand part of the Bill.

Clause 20 (Consequential amendments)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Sesungkur: Madam Chairperson, I move for the following amendments in clause 20 -

“By inserting, after subclause (3), the following new subclause –

(3A) The National Payment Systems Act 2018 is amended –

(a) in section 2, by inserting, in the appropriate alphabetical order, the following new definition –

“Ombudsperson” has the same meaning as in the Ombudsperson for Financial Services Act 2018;

(b) in section 15 –

(i) in subsection (2) –

(A) in paragraph (a), by inserting, after the words “written reply”, the words “, stating the decision of the payment service provider,”;

(B) by repealing paragraph (b) and replacing it by the following paragraph –

(b) Where the complainant is dissatisfied with the decision of the payment service provider, or does not receive the decision within the period referred to in paragraph (a), he may lodge a complaint with the Ombudsperson in accordance with the Ombudsperson for Financial Services Act 2018.

(C) by repealing paragraph (c);

(ii) by repealing subsection (3);

(c) in section 18 –

- (i) in subsection (4), by deleting the definition of “professional relationship”;
- (ii) by inserting, after subsection (1), the following new subsections –

(1A) The duty of confidentiality imposed under subsection (1) shall not apply where the Ombudsperson requires information, documents and particulars to enable him to discharge, or assist him in discharging, any of his functions under the Ombudsperson for Financial Services Act 2018.

(1B) Section 64(1A), (1B), (2) to (7), (7A), (8), (8A), (9) to (16) of the Banking Act shall apply to a person who has been granted an authorisation or issued a licence under this Act, with such modifications, adaptations and exceptions as may be necessary.”

Amendments agreed to.

Clause 20, as amended, ordered to stand part of the Bill.

Clauses 21 and 22 ordered to stand part of the Bill.

FIRST SCHEDULE

Motion made and question proposed: “that the First Schedule stand part of the Bill”.

Mr Sesungkur: Madam Chairperson, I move for the following amendment in the First Schedule –

“By inserting, in the appropriate alphabetical order, the following new item –

National Payment Systems Act 2018”

Amendment agreed to.

First Schedule, as amended, ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

The title and the enacting clause were agreed to.

The Bill, as amended, was agreed to.

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

Third Reading

On motion made and seconded, the Ombudsperson for Financial Services Bill (No. XXI of 2018) was read the third time and passed.

ADJOURNMENT

The Deputy Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Friday 07 December 2018 at 3.00 p.m.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo) rose and seconded.

Question put and agreed to.

Madam Speaker: The House stands adjourned.

MATTER RAISED

(11.16 p.m.)

METRO EXPRESS PROJECT – BELLE ROSE & QUATRE BORNES – MINISTER OF PUBLIC INFRASTRUCTURE AND LAND TRANSPORT/INHABITANTS – INTERACTIVE SESSION

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Thank you very much, Madam Speaker. I would like to express the concern of the inhabitants and entrepreneurs of Belle Rose and Quatre Bornes regarding the implementation of the Metro Express Project.

Our friends are eager to have an interactive session with the Minister of Public Infrastructure and Land Transport. Some Municipal Councillors and residents have put questions to engineers of Larsen and Toubro, but replies have not been forthcoming. Is the

Minister the path to the salvation? The Minister has expressed his willingness to interact with the inhabitants of Constituency No. 18, but a date is yet to be set. This is a commitment that the Minister would have to fulfil. Residents, hawkers and owners of business enterprises are left in a limbo and uncertainty can be a major irritant.

I am sure the Minister read the letter addressed to the Prime Minister by a lady entrepreneur from Rose Hill and the substantial loss incurred from loss of businesses. The fear of all those concerned will be exacerbated by the prejudices that they are likely to suffer. After all, Quatre Bornes is a linear vertical and has a huge pot belly; make sure that the work Ministers properly coordinate. Traffic congestion is acute due to limited spaces on the roads. The spaces are sparse. The inhabitants have to be apprised of the Traffic Management Plan.

The activities of daily living will be disrupted, but they do not want a violent disruption. Besides, how many of them have access to universal basic needs on a regular basis, that is, water and proper sanitation. Matters indeed will be made worse when construction starts. There will be rerouting of public sewer lines before the rail network could be built. Some of the sewerage reticular networks already constructed in specific areas under the previous Government would inevitably be damaged despite best endeavours by contractors.

I hope Quatre Bornes does not turn into a floating Potsdam like Grand Baie would have been if it were not for sewerage network and connectivity. If the fear is not allayed, there will be descent into social chaos. It is not a threat but it is a likely possibility. They do not want to acquire the syndrome of Roland Armand or Barkly.

I will refer the hon. Minister and Members of the House to an extract of the findings of a report submitted by the Office of Ombudsperson for Children with respect to sudden destruction of the dwellings and its impact upon the psyche. According to the Ombudsperson, there was violation of specific provisions of the Convention of Protection of Children.

The taxpayers, Madam Speaker, have a right to be apprised also of cost. Are there hidden costs; costs that have been conveniently parked in other budgetary and non-budgetary lines which should be ascribed to the full cost of the Metro Express Project? They want to be apprised of the time of completion, of diversion of vehicles and they would like to know where is the plan. Minister, please bring in the reference design for everybody to see. They

want to be reassured on environment impact report, on social impact assessment and compensation for losses to be incurred during the duration of the work.

Conflicts with other modes of transport such as lorries, buses, cars, bicycles and pedestrians, they want to know how pedestrians will cross the road. Will ambulances faring emergency cases reach hospital/clinic on time? Will St. Jean Road be pedestrianised to avoid accidents? What are the safety measures taken by this Government to ensure that conflicts with other modes of transport are mitigated along the St. Jean Road? If no social or environment impact assessment is conducted, the impact will be felt mostly by entrepreneurs and those likely to be displaced or relocated. I have in mind also hawkers in the market fair of Belle Rose and certainly they are due to; they want facts, Minister and I know the Minister has replied too many questions and queries, but the ultimate outcome, unfortunately, is one of confusion.

There is a call for clarity. They want to know whether the real alignment for the light rail would be altered and, if not, whether the track into St. Jean will be elevated. If Hillcrest would be the entry to Quatre Bornes and St. Jean the exit, the risk of massive congestion in the region of Sodnac is likely. Will there be a Traffic Management Plan to our sewage. If you want to know, Madam Speaker, what bottleneck is, I would advise you to drive from Sodnac to Candos. The Singapore Cooperation Enterprise will have to convince the inhabitants whether the designated track is the preferred one.

Let me impress upon the Minister! It is not a question of replying forthwith to the issue which I have raised, but he has given firm commitment that we will have an interactive session with the inhabitants of Belle Rose and Quatre Bornes and I am sure that he will honour his pledge and there and then these questions will be raised with the Minister.

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): Madam Speaker, I would like to thank the hon. Member for having asked this question. In fact, I have replied to a number of Parliamentary Questions here. I have had some conversations outside the House with hon. Ramano as well. I do not think it is the time for me to make a list of all that will be done, but it is the time to take a commitment and I think this is what my hon. friend would like.

First of all, I would like to say that it is going to be a formidable task, but I am convinced that today we have the resources, the expertise, the experience to be able to handle that formidable task. The works and the segment found in the vicinity of Belle Rose to

Quatre Bornes will cover 1.6 km on St. Jean Road, around 2.5 km from Rose Hill to Quatre Bornes interchange. Currently, we have already finalised the sequencing and calendar of works about the mapping of utilities, the shifting of utilities, the track-based works and the construction of four stations at St. Jean, Quatre Bornes, Victoria Avenue and Trianon. We have been working on the road reinstatements, drain works, electrical works. The shifting of utilities is scheduled to start in April and the construction of the station at St. Jean is expected to start in May 2020. We know all the problems that will arise. I think my hon. friend has made a list of these and I can understand the apprehension of the people, the more so after what happened in Rose Hill, but I would like again to say that, in Rose Hill, we have 32 sites, we handled 50 kilometres of utilities and we had one incident.

I am going to organise the first interface meeting as soon as all the information is available. We have already addressed the land issues, we have already done the mapping of the utilities and I would like also to reassure my hon. colleague that the alignment has not changed since 2000. The alignment between St. Jean and Quatre Bornes has always been at the ground level, there has never been a question of having an elevated system. What we have done is that, in the form of the project, the alignment provided for two-way traffic within St. Jean and Quatre Bornes. I have come with the idea that from Quatre Bornes to St. Jean it would be only an exit and we are building the Hillcrest exchange at the cost Rs300m. for people to enter Quatre Bornes; then we can manage the traffic between the entrance and the exit.

As soon as I have all the information, we are going to have the first meeting, and I would like my hon. colleagues of the Constituency to be able to be here to help, to see to it that we implement the project in the best condition.

Madam Speaker, there is a coordination meeting, which is chaired by the Mayor in Beau Bassin/Rose Hill, which meets every day on the Rose Hill issue. We are going to set up a similar committee and I am trying to find out who is going to chair that committee and how it is going to be organised with Larsen and Toubro, Singapore Corporation, CWA, WMA, CEB, the Municipality, the Force Vive and it's a meeting with about 30 people and every day they meet up just to check what happened the day before and what is going to happen the day after. We have, just like we set up in Rose Hill, what we call the Quality, Health, Safety and Environment Patrol, and it is composed with all the stakeholders, which has impressed on Larsen and Toubro after the incident in Rose Hill that we have a revisiting of the mapping of utilities, that we have a revisiting, in fact, of the three main trench inspection, the ground

radar - all the questions that were raised by the hon. Leader of the Opposition. So, we are going to have all this to be able to implement the project.

First of all, I think the most important thing was that once we applied the reference design on paper to the survey on the land, there was an encroachment on most of the walls. Just imagine all those retaining walls on the right side which we have been able to save. In fact, there will be no encroachment, we will not pull down any wall, and I would like to also reassure my hon. friend that there is not going to be any *pilotis* there, no piling, no pier.

So, we believe that we would be able to handle the project properly and we are also going very soon to launch the request for proposal for the terminal of Quatre Bornes because we want it also to be a city where we can relocate the taxis, the hawkers.

I do not want to paint a very rosy picture of all this, what I am going to say, it is going to be a formidable task, but we are going to stand up to it and rise up to the challenge. Madam Speaker, I think it's worth it because it will be seven minutes between Quatre Bornes and Rose Hill, and 12 minutes between Quatre Bornes and Curepipe.

Thank you, Madam Speaker.

At 11.29 p.m., the Assembly was, on its rising, adjourned to Friday 07 December 2018 at 3.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

BELLE VUE PHARE ALBION - VILLAGE HALL - CONSTRUCTION

(No. B/1184) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the construction of a village hall in Belle Vue Phare Albion in Constituency No. 20, Beau Bassin and Petite Rivière, she will, for the benefit of the House, obtain from the Black River District Council, information as to where matters stand.

Reply: I am informed by the District Council of Black River that a sum of Rs5 m. has been earmarked for the construction of the Village Hall at Belle Vue Phare, Albion.

On 02 May 2018, the Ministry of Housing and Lands was requested to initiate procedures for the acquisition of the plot of land and arrange for its vesting in my Ministry. Land acquisition procedures are underway.

PROSTATE CANCER – AWARENESS CAMPAIGN

(No. B/1186) Mr J. Leopold (Second Member for Rodrigues) asked the Minister of Health and Quality of Life whether, in regard to prostate cancer, he will state –

- (a) the actions taken by his Ministry to raise awareness thereof amongst the citizens, and
- (b) if an assessment of the prevalence thereof in Mauritius has been carried out and, if so, indicate the outcome thereof.

Reply: With regard to part (a) of the question, I wish to inform the House that there is no specific awareness programme for prostate cancer in Mauritius, but my Ministry is already carrying out a vast NCD sensitisation campaign for cancer in the community and place of work, which has already reached 28,325 people for the period January to October 2018.

With regard to part (b) of the question, as per data available from the National Cancer Registry for the year 2016, 1,058 new cases of cancer in male have been registered, out of which 144 new cases of prostate cancer were registered, which represents 13.6% of all cancer in male.

HEALTH CENTRES - CANCER TREATMENT

(No. B/1188) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Health and Quality of Life whether, in regard to cancer, he will state the number of –

- (a) Health Centres providing cancer treatment in Mauritius;
- (b) cancer specialists employed by his Ministry, and
- (c) patients thereof who have, in 2016, 2017 and since January 2018 to date
 - (i) been sent overseas by Government for treatment, and
 - (ii) passed away, indicating the respective age thereof.

Reply: I wish to inform the House that at present, cancer treatment including chemotherapy is being provided in only four regional hospitals, namely Victoria Hospital, Sir Seewoosagar Ramgoolam National Hospital, Jawaharlal Nehru Hospital and Dr. Abdool Gaffoor Jeetoo Hospital. However, radiotherapy services are provided only at Victoria Hospital and it caters for patients from all around the island.

As regards part (b) of the question, I am informed that one Consultant in Charge (Radiotherapy), seven Specialist/Senior Specialist (Radiotherapy) and one Specialist/Senior Specialist (Surgical Oncology) are employed by my Ministry. One vacancy for Specialist/Senior Specialist (Medical Oncology) has been reported to the Public Service Commission on 07 September 2018.

Regarding part (c), with your permission, I am tabling information relating to cancer patients sent overseas as well as those who passed away during treatment in India in 2016, 2017 and from January 2018 to date.

GOODLANDS – CEB OFFICE – UPGRADING

(No. B/1189) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Project for the Construction of a new building and for upgrading works to the existing Office of the Central Electricity Board, in Goodlands, he will, for the benefit of the House, obtain from the Board, information as to if bids were launched therefor and, if so, indicate –

- (a) the names of the bidders;
- (b) when the successful bidder was awarded the contract, and
- (c) if the specifications thereof were altered and, if so, indicate the reasons therefor.

Reply: I am informed by the Central Electricity Board that –

- (i) on 18 July 2017, it had launched an open bidding exercise for the construction of a new Customer Service building and upgrading works to its existing office at Goodlands, and
- (ii) at the closing date on 18 October 2017, it had received ten bids from the following bidders –
 1. Como Construction Ltd;
 2. Anil Puttoo Building and Civil Contractor Co. Ltd;
 3. Monesh Enterprise Ltd;
 4. RBRB Construction Ltd;
 5. Square Deal Multipurpose Cooperative Society;
 6. EDCC Co. Ltd;
 7. Super Construction Co. Ltd;
 8. Kistnen Enterprise Co. Ltd;
 9. Safety Construction Co. Ltd, and

10. Tianli Construction Co. Ltd

With regard to part (b) of the question, I am informed by the CEB that on 30 October 2018, it awarded the contract to Tianli Construction Ltd.

With regard to part (c), the CEB has informed me that there has been no alteration to the specifications of the contract.

It has also indicated that it has agreed with the contractor to postpone the start of works to January 2019, to allow for the temporary relocation of employees to a rented building, which is being refurbished currently.

CLIMATE CHANGE BILL - INTRODUCTION

(No. B/1190) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the proposed introduction of a Climate Change Bill in the House, he will state where matters stand.

(Withdrawn)

CHAMBRE DES MÉTIERS – SETTING UP

(No. B/1191) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Labour, Industrial Relations, Employment and Training whether, in regard to the proposed setting up of a *Chambre des Métiers*, he will state where matters stand.

(Withdrawn)

FISHERIES AND MARINE RESOURCES BILL - INTRODUCTION

(No. B/1192) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the proposed introduction of a Fisheries and Marine Resources Bill in the House, he will state where matters stand.

(Withdrawn)

MARINE POLLUTION BILL – INTRODUCTION

(No. B/1193) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the proposed introduction of a Marine Pollution Bill in the House, he will state where matters stand.

(Withdrawn)

BAMBOUS – BUILDING & LAND USE PERMIT – APPLICATIONS

(No. B/1194) Mr A. Ganoo (First Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Building and Land Use Permit, she will, for the benefit of the House, obtain from the Black River District Council, information as to the number of applications for the issue thereof in respect of properties located in Bambous within the vicinity of United Basalts Ltd. which have been refused since January 2018 to date, indicating in each case the reasons therefor.

Reply: I am informed by the Black River District Council that 11 applications for Building and Land Use Permits in respect of properties located in Bambous, within the vicinity of the stone crushing plant of United Basalt Products Limited have not been acceded to. This is due to a judgement of the Judicial Committee of the Privy Council in the case of Beaux Songes Development Ltd against the United Basalt Products Limited dated 22 January 2018, which held that the 1km buffer zone radius around the stone crushing plant of United Basalt Products Limited, located at Geoffroy Road, Bambous, is prescriptive in nature. All the 11 BLUP applications concern sites that lie within the 1km prescriptive buffer zone radius where residential development cannot be allowed.

ST GEORGE CEMETERY – INFRASTRUCTURAL WORKS

(No. B/1195) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the St George Cemetery at Richelieu, she will state the number of tombs that will be affected by the infrastructural works ongoing thereat –

- (a) giving details thereof, and
- (b) indicating if all the stakeholders were informed accordingly and, if not, why not.

Reply: I am informed by the District Council of Black River that in September 2018 and in the wake of the Metro Express Project and closure of Richelieu Branch Road, the Ministry of Public Infrastructure and Land Transport and the Road Development Authority proposed to construct a new link road to connect A3 Road and B107 Road. That alignment would have encroached, to a certain extent, the St George Cemetery and caused the relocation of eleven (11) tombs, which would have entailed the assistance of the Black River District Council.

However, on 16 October 2018, the Road Development Authority informed the Ministry of Public Infrastructure and Land Transport that it would not proceed with the construction of the new link road between A3 Road and B107 Road.

The Road Development Authority is presently exploring other avenues which will not involve the relocation of any tombs.

TERASSON & POINTE AUX SABLES – SEWERAGE PROJECT – IMPLEMENTATION

(No. B/1196) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the sewerage network project in Terrasson and Pointe aux Sables, he will, for the benefit of the House, obtain from the Wastewater Management Authority, information as to where matters stand as to the implementation thereof.

Reply: In my replies to PQ B/196 in 2016 and PQ B/79 in 2015, I already informed the House that a detailed pre-feasibility study was conducted in October 2015 for a wastewater project in the regions of Pointe aux Sables comprising the regions of Terrasson, Verger Mangués, Pointe aux Sables, Petit Verger and Kensington with a view to connect the inhabitants to the public sewer network. The cost estimate of the project was Rs2.4 billion.

A sewerage project has been implemented in the region of Kensington and 138 houses have already been connected.

As regards the other regions in Pointe aux Sables, it is envisaged to carry out a feasibility study to identify the problem areas and define the scope of works and cost estimate with a view to seeking funds for implementing a wastewater project.

FINANCIAL SERVICES COMMISSION – DIRECTORS – APPOINTMENT

(No. B/1200) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Financial Services and Good Governance whether, in regard to the Directors of the Financial Services Commission, he will, for the benefit of the House, obtain from the Commission, information as to the names of the incumbents thereof, indicating in each case the –

- (a) date of appointment thereof;
- (b) mode of selection thereof;
- (c) salary and other benefits drawn;
- (d) experience thereof in the financial sector, and

- (e) costs of air tickets and *per diem* paid thereto in respect of all overseas missions attended.

Reply: I understand from the question that the hon. Member is referring to the grade of Director on the establishment of the Financial Services Commission and not to the Chief Executive of the Commission, on whom I have replied to a similar question on 27 November 2018.

I am informed by the Financial Services Commission that in line with the restructuring exercise being undertaken at its level, the Commission has appointed three Directors, namely, Mr Prakash Seewoosunkur, Mr Martin Wilding and Mrs Francesca Omobola Harte.

With regard to parts (a), (b) and (d) of the question, I am informed that Mr Seewoosunkur, who holds a substantive post of Senior Manager, was appointed as Director of Operations on 01 November 2017 on a three-year contract basis. His appointment was made by the Board of the Financial Services Commission on the basis of his experience, length of service and seniority at the Commission. In fact, he has over eighteen years of experience at the Commission and has even occupied the position of Officer-in-Charge from 01 January 2011 to 31 July 2011. Besides, when the Chief Executive is on mission abroad and on leave, he acts as Officer-in-Charge of the Commission.

Mr Martin Wilding is the Director of Authorisation and Supervision and has been seconded for duty to the Financial Services Commission from the Dubai Financial Services Authority as from 14 May 2018. He has 36 years of experience in the financial services sector.

Mrs Francesca Omobola Harte is the Director of Enforcement and has been seconded for duty to the Financial Services Commission from the Financial Conduct Authority of UK as from 15 October 2018. She has more than 20 years of experience in the financial services sector.

With a view to enhancing transparency and cooperation with other jurisdictions, the FSC collaborates on an ongoing basis with its international counterparts under its established network of Memoranda of Understanding. These MoUs provide for exchange programmes, particularly in terms of capacity building. The secondment of Mr Martin Wilding and Mrs Francesca Omobola Harte were in fact made possible under these exchange programmes. The FSC issued Press releases on their appointments on 12 June 2018 and 29 October 2018, respectively.

As regards parts (c) and (e) of the question, I am laying the relevant information in the Library of the National Assembly.

POLICE OFFICERS – PERFORMANCE BONUS

(No. B/1202) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Mauritius Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the reasons for the non-payment of the performance bonus to the officers thereof, since 2016 to date.

Reply: I am informed by the Commissioner of Police that paragraph 14.2.9 of the PRB Report 2016, recommends payment of a one-off performance bonus to Police Officers from the grade of Police Constable up to the grade of Inspector of Police in post as at 01 January 2016, provided they have satisfied the criteria set down therein.

As there were no financial provisions in the budget for payment of the performance bonus, the Commissioner of Police made a request for funds to the Ministry of Finance and Economic Development on 19 January 2018.

Subsequently, the Ministry of Finance and Economic Development informed the Commissioner of Police that the matter was referred to the High Powered Committee (HPC) for consideration. The HPC examined the request and decided that, in view of the serious implications, the implementation of the recommendation at paragraph 14.2.9 of the PRB Report 2016 be deferred, and that the matter be re-examined by the PRB in the context of the next General Review Exercise due in January 2021.

DRUGS – MR H. M. B. – ALLEGED IMPORTATION

(No. B/1203) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to an alleged case of importation of drugs in which one Mr H. M. B. is allegedly involved, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry being carried out thereinto.

Reply: I am informed by the Commissioner of Police that on 19 April 2017, Mr H. M. B, a company director residing at Rue des Artisans, in Ebene was arrested at SSR International Airport with several pills of different colours, suspected to be dangerous drugs.

On the same day, at about 18.24 hrs, Mr H. M. B. complained of sickness. He was taken to Jawaharlall Nehru Hospital, Rose Belle where he was admitted and remained under Police surveillance until the following day.

Upon his discharge from Hospital on 20 April 2017, a Provisional Complaint of Drug Dealing (Importation of Dangerous Drugs) 2 Counts in breach of sections 30(1)(b)(i), 30(1)(b)(ii) and 47(5)(a) of the Dangerous Drugs Act was lodged against him before the District Court of Grand Port vide Cause No. 479/2017.

He was remanded to Police cell up to 26 April 2017 and was detained at Rivière des Anguilles Police Station. At 22.00 hours on the same day, he complained of illness and he was taken back to Jawaharlall Nehru Hospital, Rose Belle where he was admitted. He remained there, under Police surveillance, up to 21 April 2017.

Upon his discharge on 21 April 2017, he was brought to Airport ADSU for enquiry. His statement in defence was recorded in presence of his Counsel. Thereafter, he was taken to the District Court of Grand Port where the Police objected to his release on bail and he was remanded to jail.

He applied for bail through his Counsel before the Bail and Remand Court and on 03 May 2017 he was released on bail upon furnishing a surety of Rs30,000 and a recognizance of Rs150,000.

When the enquiry was completed, on 12 October 2018 the case file was forwarded to the Office of the Director of Public Prosecutions for advice. On 22 October 2018, the case file was returned with queries.

The queries have been attended to and the file has been sent again to the Office of the DPP for advice on 03 December 2018.

IFRAMAC LTÉE – VINTAGE CARS

(No. B/1204) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services and Good Governance whether, in regard to Iframac Ltée, he will, for the benefit of the House, obtain from the National Insurance Company Ltd. and the Special Administrators thereof, respectively, information as to the amount of money collected from the sale of the –

- (a) vintage cars and tabling the respective name of the buyers and selling price thereof, and
- (b) other cars and spare parts and tabling the respective name of the buyers and selling price thereof.

Reply: I am informed by the National Insurance Co. Ltd that there were no vintage cars or other cars and spare parts that were transferred from Iframac Ltée as part of the transfer of undertakings made by the Special Administrator to the National Insurance Co. Ltd.

On the other hand, as regards part (a) of the question, I am informed by the Special Administrator that 16 vintage cars were sold for a total amount of Rs4 m. With regard to part (b) of the question, other cars were sold for a total amount of Rs121 m. and spare parts were sold for the sum of Rs14 m.

I am further informed by the Special Administrator that he has received legal advice to the effect that the name of the buyer is protected under the Data Protection Act 2017 as an individual can be identified from that data. Such information is provided by the buyer to Iframac Ltee in circumstances where Iframac Ltee acts as data controller and the buyer as data subject. As such, the name of the buyer cannot be disclosed in the absence of the consent of the buyer in question.

While I have mentioned the total selling price of the vintage cars, other cars and spare parts, I am informed by the Special Administrator that information about the selling price of each of these items individually cannot be provided in view of the confidentiality provisions in the terms and conditions of their sale. The Special Administrator has also been advised by his legal adviser that there is no statutory provision which entitles him to derogate from the duty of confidentiality in any contract in the context of a special administration.

BAI CO. (MTIUS) LTD (FORMER) – DEBTS

(No. B/1205) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services and Good Governance whether, in regard to the former BAI Co. (Mtius) Ltd. group of companies, he will, for the benefit of the House, obtain from the Special Administrators thereof, the National Insurance Company Ltd. and the National Property Fund Ltd., respectively, information as to the amount of bad debts which have been written off, indicating in each case the –

- (a) name of the debtors;
- (b) amount owed and to which entity and since when, and

(c) date of the writing off.

Reply: With regard to part (a) of the question, I am informed by the National Insurance Co. Ltd and the National Property Fund Ltd that no bad debt has been written off in their respective books since their incorporation. Parts (b) and (c) of the question, therefore, do not arise in the case of these two companies.

In the case of the Special Administrator, I am informed by the latter that no receivables have been written off. I am further informed that some debts relating to Group Receivables cannot be recovered as the companies are insolvent, defunct or in liquidation. I am also informed that there are some contentious and doubtful receivables, mostly from Non-Group debtors against whom legal actions are being initiated for the recovery of the debts.

With regard to parts (a) and (b) of the question, I am informed by the Special Administrator that he has received legal advice to the effect that the name of the debtors is personal data of the data subject and issues relating to the amount owed, to which entity and since when are confidential information which can only be disclosed in circumstances provided by statute or pursuant to a court order.

As regards part (c) of the question, therefore, the date of writing off of bad debts does not arise.

NATIONAL INSURANCE COMPANY LTD – BOARD & AUDITED REPORT

(No. B/1206) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)

asked the Minister of Financial Services and Good Governance whether, in regard to the National Insurance Company Ltd., he will, for the benefit of the House, obtain therefrom, information as to –

- (a) the composition of the Board thereof;
- (b) when the external auditor thereof was appointed, and
- (c) when the last audited report thereof was approved.

(Withdrawn)

RODRIGUAN PATIENTS – TRANSFER - MAURITIUS

(No. B/1209) Mrs D. Selvon (Second Member for GRNW & Port Louis West)

asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to Rodrigues, he will state if consideration will be given for the setting up of a scheme to benefit residents thereof having to travel to mainland Mauritius for medical treatment in terms of grants to meet half the cost of the air tickets.

Reply: I am informed by the Rodrigues Regional Assembly that a protocol regarding the transfer of Rodriguan patients referred to Mauritius by Government Health Services in Rodrigues for specialized treatment and/or further management was signed in May 2008. The protocol defines the joint responsibilities of the Rodrigues Regional Assembly and the Ministry of Health and Quality of Life in ensuring the welfare of these patients in Mauritius.

In line with that protocol, the Rodrigues Regional Assembly meets the full costs of two return air tickets for the patient and one accompanying relative. The Protocol also provides for inland transport facilities to be made available to the patient and the relative to and from the Plaine Corail Airport in Rodrigues and the Sir Seewoosagur Ramgoolam International Airport in Mauritius.

Prior to their departure, the accompanying relative receives an allowance of Rs1000 from the Rodrigues Regional Assembly to meet petty expenses in relation to the patient during the first five days in Mauritius. This allowance, at the rate of Rs200 per day, is extended to the relative as long as the patient is admitted in hospital and until his discharge. In case of death of the patient, the cost of repatriation is met by the Rodrigues Regional Assembly.

I am further informed that an amount of Rs12 m. has been provided for under this scheme in the budget of the Rodrigues Regional Assembly for this financial year.

In addition to the facilities I just mentioned, my Ministry provides free accommodation, on recommendation of the Rodrigues Regional Assembly, to a maximum number of three patients and their accompanying relatives, at any point in time, in a fully equipped Government Quarters situated at Vacoas. My Ministry also meets the costs of utilities.

I am further informed by the Rodrigues Regional Assembly that patients, who travel on their own to seek medical treatment in Mauritius, without being referred by the Health Services in Rodrigues, are currently not eligible for such assistance. These patients, upon their return to Rodrigues, have been submitting claims to the Rodrigues Regional Assembly for refund of air tickets. This issue is currently being examined by the Rodrigues Regional Assembly and a policy decision would be taken accordingly.

**POLICE - GROUPE D'INTERVENTION DE LA POLICE MAURICIENNE -
TRAINING**

(No. B/1211) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the *Groupement d'Intervention de la Police Mauricienne*, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the number of officers thereof who died or were seriously injured while undergoing training and/or while on duty, since the setting up thereof to date, and
- (b) if it is a requirement for officers thereof to be good swimmers.

Reply: I am informed by the Commissioner of Police that the “*Groupe d'Intervention de la Police Mauricienne*” (GIPM) was set up as a sub unit of the Special Mobile Force (SMF) in 1979.

As regards part (a) of the question, to date, three (03) Police Officers have lost their lives whilst undergoing training and one Police Officer passed away whilst on duty. Details are as follows –

- i. on 09 October 1986, during a mountain climb training at Rempart Mountain, one (01) Officer fell from a height and passed away;
- ii. two (02) Officers drowned during a training exercise at Sept Cascades, Henrietta, on 29 September 2012, and
- iii. one (01) Officer passed away of natural cause while on duty at the SMF Quarters on 12 December 2016.

Furthermore, I am informed that twenty-one (21) Police Officers posted at the GIPM have been seriously injured –

- i. seventeen (17) among them were injured while on training, and
- ii. four (04) while they were on duty.

With regard to part (b) of the question, it is an essential requirement for officers posted at the GIPM to be good swimmers.

Police Officers seeking to join the GIPM are required to undergo a series of advanced training which includes swimming.

CUREPIPE - FORUM MARKET - RENOVATION

(No. B/1213) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the

renovation of the Forum Market, in Curepipe, she will, for the benefit of the House, obtain from the Municipal Council of Curepipe, information as to where matters stand.

Reply: I am informed by the Municipal Council of Curepipe that the project for the reconstruction of the Forum Fair was announced as a budget measure in Programme Based Budget 2014-2016.

A two-stage International Expression of Interest bidding exercise for the “Consultancy Service for Design and Supervision of the New Modern Market Fair and Exhibition Centre, Forest Side” was invited on 01 December 2014 by the Municipal Council of Curepipe, through the Central Procurement Board, with the closing date being 05 February 2015.

The Central Procurement Board approved the award of contract to Synergy International Ltd in Association with GREISH and GIBB (Mauritius). I am further informed that on 25 October 2018, Synergy International Ltd submitted two proposals for Forum Fair and the Municipal Council of Curepipe has approved one of the proposals.

The Municipal Council of Curepipe is requesting my Ministry to seek approval of the Ministry of Finance and Economic Development and Cabinet in view of the increase in the pre-tender cost estimate, as required by the Capital Project Process Manual issued under Financial Instructions No. 3 of 2017 from the Ministry of Finance and Economic Development. Only then the Municipal Council of Curepipe would be able to finalise the bidding documents and invite bids accordingly.

FOOD AND AGRICULTURAL ORGANISATION PORT STATE MEASURES AGREEMENT – MAURITUS SIGNATORY

(No. B/1221) **Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether he will state if Mauritius is a signatory to the Port State Measures Agreement.

Reply: Mauritius is a signatory to the Food and Agricultural Organisation Port State Measures Agreement since 31 August 2015. This Agreement aims at addressing the issue of illegal, unreported and unregulated fishing by preventing vessels engaged in such type of activities to continue to operate, thus blocking fishery products derived from IUU fishing from entering national and international markets.

Mauritius is fully compliant with the Agreement and is implementing all the measures contained therein, such as -

- (i) sharing of data with other FAO Member States, FAO and Regional Fisheries Management Organisations whilst respecting confidentiality requirements;
- (ii) mandatory advance request for Port entry;
- (iii) all documents submitted by vessels to be duly verified and counterchecked prior to authorisation for port entry being granted;
- (iv) catch inspection to be carried out once any vessel has entered the Port, and
- (v) denial of entry to any vessel identified as an IUU vessel, except in force majeure.

I wish to highlight that in a recent Inspection report dated 11 November 2018, the Director General of the DGMARE of the European Union has noted that there have been a lot of improvements by Mauritius over the recent years in the systems for traceability and in the administrative structure. Mauritius is now in a strong position to fight IUU fishing.

**EBENE TO PIERREFONDS - HIGH RISE BUILDINGS - FIRE SERVICES
AND SAFETY REGULATIONS**

(No. B/1222) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the high rise buildings found in the region of Ebene to Pierrefonds, she will, for the benefit of the House, obtain from the Fire and Rescue Service, information as to if same have been surveyed with a view to assessing if they are in conformity with the Fire Services and Safety Regulations.

Reply: I am informed by the Mauritius Fire and Rescue Service that there are 25 high rise buildings located in the region of Ebene. As regards Pierrefonds, there are none.

All the 25 high rise buildings in the region of Ebene have been issued with a Fire Certificate during the period 2010 to date.

However, during routine re-inspection carried out this year, out of 25,12 high rise buildings in the region of Ebene have been surveyed. 11 of them have been found not to be in conformity with the fire safety norms. As these are minor non-conformities, improvement notices have been served upon the owners of these buildings for them to comply with the fire safety norms. The remaining 13 high rise buildings are presently being surveyed and this exercise is expected to be completed by end of this month.

