

THE MAURITIUS EMERGING TECHNOLOGIES COUNCIL BILL
(No. VIII of 2021)

Explanatory Memorandum

The object of this Bill is to –

- (a) provide for the establishment of the Mauritius Emerging Technologies Council; and
- (b) promote high quality research in emerging technologies.

D. BALGOBIN

*Minister of Information Technology,
Communication and Innovation*

13 May 2021

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A BILL

To provide for the establishment of the Mauritius Emerging Technologies Council, to promote high quality research in Emerging Technologies in the national interest, and for related matters

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Mauritius Emerging Technologies Council Act 2021.

2. Interpretation

In this Act –

"Chairperson" means the Chairperson of the Council;

"Council" means the Mauritius Emerging Technologies Council established under section 3;

"Executive Director" means the Executive Director of the Council, appointed under section 10;

"Intellectual property" includes any knowledge, know-how, technique, technology, design or trade secret, invented, developed or acquired as a result of research and development and innovation activities undertaken;

"member" –

(a) means a member of the Council; and

(b) includes the Chairperson;

"Minister" means the Minister to whom responsibility for the subject of information technology is assigned;

"Ministry" means the Ministry responsible for the subject of information technology;

"research and development" means systematic, investigative and experimental activities which involve emerging technologies and are carried out, wholly or partly, within Mauritius for the purpose of creating new or improved materials, products, devices, processes or services.

PART II – COUNCIL

3. Establishment of Council

(1) There is established for the purposes of this Act the Mauritius Emerging Technologies Council.

(2) The Council shall be a body corporate.

(3) The principal place of business of the Council shall be at such place as the Council may determine.

4. Objects of Council

The objects of the Council shall be to –

- (a) advise the Government on the formulation of national policies and strategies in emerging technologies;
- (b) promote the application of emerging technologies in line with national, economic and social objectives;
- (c) advise the Government on matters related to emerging technologies with respect to their adoption, use, development, harnessing, value and wealth creation, research and innovation and capacity building;
- (d) advise on the establishment and sustainability of an appropriate ecosystem in the field of emerging technologies and other emerging technologies; and
- (e) facilitate and coordinate the implementation of ready-made emerging technologies solutions in Mauritius to boost the national economy.

5. Functions of Council

The Council shall –

- (a) act as a centre of excellence for emerging technologies;
- (b) rationalise and coordinate the strategies of the Government for the promotion and adoption of emerging technologies and facilitate collaboration with other persons and exchange of ideas and knowledge;

- (c) create strategic links between research and development, innovation, intellectual property and other components of the knowledge economy in the specific area of emerging technologies;
- (d) establish national, regional and international linkages with institutions having objectives similar to those of the Council;
- (e) adopt a strong business focus to drive entrepreneurship and growth to facilitate start-ups and assist researchers to launch, build and grow successful businesses employing emerging technologies with the participation of the private sector;
- (f) create and manage a research and application repository in the area of emerging technologies; and
- (g) adopt and implement appropriate accountability standards in the various operations of the Council.

6. Powers of Council

The Council shall have such powers as are necessary to enable it to effectively discharge its functions and may, in particular, enter into any contract or other arrangement, in conformity with good governance practices.

PART III – ADMINISTRATION AND MANAGEMENT OF COUNCIL

7. The Council

- (1) The Council shall consist of –
 - (a) a Chairperson, to be appointed by the Minister;
 - (b) a representative of the Ministry;
 - (c) a representative of the Ministry responsible for the subject of finance;
 - (d) a representative of the Ministry responsible for the subject of industrial development;
 - (e) a representative of the Attorney-General's Office;
 - (f) a representative of the Economic Development Board;
 - (g) a representative from the private sector; and
 - (h) 4 technology experts, to be appointed by the Minister.

(2) No person shall be qualified to be a member where he is –

- (a) a member of the Assembly;
- (b) a member of a local authority; or
- (c) otherwise actively engaged in politics.

(3) Subject to subsection (4), a member, other than an ex officio member, shall hold office for a period of 3 years and may be eligible for reappointment.

(4) A member, other than an ex officio member, shall cease to hold office –

- (a) on the completion of his term of office;
- (b) on his resignation;
- (c) where he becomes a member of the Assembly or a local authority, or otherwise actively engages in politics; or
- (d) where, without sufficient cause, he fails to attend 3 consecutive meetings of the Council.

(5) Every member shall be paid such fees or allowances as the Minister may determine.

(6) The names of the members of the Council shall be published in the Gazette.

(7) The Council may co-opt any person who may be of assistance in relation to any matter before it and the co-opted member shall –

- (a) not have the right to vote at any meeting of the Council; and
- (b) be paid such fees or allowances as the Council may determine.

(8) A member shall not engage in any activity which may undermine the reputation or the integrity of the Council.

8. Meetings of Council

(1) (a) The Council shall meet as often as is necessary, but at least once a month.

(b) A meeting of the Council shall be held at such time and place as the Chairperson may determine.

(2) At any meeting of the Council, 7 members shall constitute a quorum.

(3) Where the Chairperson is absent from a meeting of the Council, the members present shall elect a member to chair the meeting.

(4) The Executive Director shall convene a meeting of the Council on a request made by at least 5 members.

(5) The Executive Director shall, unless otherwise directed by the Council, attend every meeting of the Council and may take part in its deliberations, but shall not have the right to vote.

(6) (a) The Council shall designate one of its employees to act as Secretary to the Council.

(b) The Secretary shall –

(i) prepare and attend every meeting of the Council;

(ii) keep minutes of proceedings of any meeting of the Council; and

(iii) have such other duties as may be conferred upon him by the Council.

(7) The Council shall, subject to this section, regulate its meetings and proceedings in such manner as it may determine.

(8) The Board may co-opt representatives of other bodies to attend meetings.

9. Committees

(1) (a) The Council may set up such committees as it may determine to assist it in the discharge of its functions.

(b) A committee referred to in paragraph (a) shall consist of not more than 4 members.

(2) The Council shall determine the composition, functions and procedure for the convening and holding of meetings of any committee.

10. Executive Director

(1) The Council shall, with the approval of the Minister, appoint an Executive Director having such qualifications and, on such terms, and conditions as it may determine.

(2) The Executive Director shall be the chief executive officer of the Council and shall, subject to this Act, be responsible for the execution of the policy and day to day business of the Council.

11. Officers of Council

(1) The Council may appoint, on such terms and conditions as it may determine, such employees as it considers appropriate for the proper functioning of the Council.

(2) Every officer of the Council shall be under the administrative control of the Executive Director.

(3) The Council may employ, either temporarily or on such terms and conditions as it may determine, persons who have knowledge and relevant qualifications in the field of science, technology, engineering, mathematics or any other field relevant to the functions of the Council.

12. Delegation of powers

(1) The Council may, subject to such instructions as it may give, delegate to the Executive Director such of its powers and functions as may be necessary for the effective management of the day to day business of the Council, other than the power to –

- (a) sell or exchange any property or to make any donation; or
- (b) borrow money.

(2) The Executive Director, may, with the approval of the Council, delegate any of his functions or powers to such employees as he may determine for the effective management of the day to day business and activities of the Council.

13. Disclosure of interest

(1) Where any member, or any person related to the member by blood or marriage, has any pecuniary or other material interest in, or in relation to, any matter before the Council or a committee, that member shall –

- (a) disclose the nature of the interest before or at the meeting convened to discuss the matter; and
- (b) not take part in any deliberations relating to that matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of proceedings of the meeting of the Council or committee, as the case may be.

PART IV – MISCELLANEOUS

14. Powers of Minister

The Minister may give such directions of a general nature to the Council, not inconsistent with this Act, as he considers necessary in the national interest and the Council shall comply with these directions.

15. Logo of Council

The Council shall have a logo for its exclusive use in connection with its activities.

16. General Fund

The Council shall set up a General Fund –

- (a) into which shall be paid –
 - (i) any amount allocated out of the Consolidated Fund;
 - (ii) any loan granted or other sum which may lawfully accrue to the Council; and
 - (iii) any sum received by the Council from any other source; and
- (b) out of which all payments required to be made by it shall be effected.

17. Protection from liability

No liability, civil or criminal, shall attach to the Council, a member or an officer in respect of any act done or omitted to be done in good faith in the discharge of its or his functions under this Act.

18. Execution of documents

(1) Subject to subsection (2), no deed, document, instrument, contract or cheque shall be executed by, or on behalf of, the Council unless it is signed by –

- (a) the Chairperson, or in his absence, a member designated by the Council; and
- (b) the Executive Director, or in his absence, an officer designated by the Council.

(2) A deed, a document, an instrument, a contract or a cheque signed in accordance with subsection (1) shall be deemed to be duly executed by or on behalf of the Council.

19. Donations and legacies

Article 910 of the Code Civil Mauricien shall not apply to the Council.

20. Annual estimates

(1) The Council shall, in accordance with the Statutory Bodies (Account and Audit) Act, submit to the Minister estimates of the expenditure and income of the Fund.

(2) The Minister may –

- (a) approve only part of the estimates under any item; and
- (b) direct the Council to amend the estimates in respect of any item.

21. Annual report

(1) The Council shall, not later than 6 months after the close of every financial year, cause to be published a report on the activities of the Council, including its audited accounts, in respect of that financial year.

(2) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June of the following year shall be deemed to be the first financial year of the Council.

(3) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply to the first financial year of the Council.

(4) The auditor to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

(5) The Council shall forward a copy of the report referred to in subsection (1) to the Minister.

(6) The Council shall furnish to the Minister such information with respect to its activities, in such manner and at such time, as he may specify.

(7) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Council before the Assembly.

22. Exemptions

Notwithstanding any other enactment –

- (a) the Council shall be exempt from payment of any duty, rate, charge, fee or tax;
- (b) no registration fee shall be payable in respect of any document under which –
 - (i) the Council is the sole beneficiary; or
 - (ii) an immovable property is acquired by the Council.

23. Legal proceedings

(1) The Council shall act, sue and be sued under its corporate name.

(2) Service of process by or on the Council shall be made on behalf of or on the Director.

24. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Any regulations made under subsection (1) may provide for any matter necessary for, or consequential to, the implementation of this Act.

25. Consequential amendments

(1) The Statutory Bodies (Accounts and Audit) Act is amended –

- (a) in the First Schedule, by inserting, in the appropriate alphabetical order, the following new item and its corresponding entry –

The Mauritius Emerging Technologies Council Act 2021

- (b) in the Second Schedule, in Part I, by inserting, in the appropriate alphabetical order, the following new item and its corresponding entry –

The Mauritius Emerging Technologies Council Act 2021

26. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.
