

THE NATIONAL ENVIRONMENT CLEANING AUTHORITY BILL

(No. V of 2022)

Explanatory Memorandum

The main object of this Bill is to provide for the establishment of the National Environment Cleaning Authority which shall be responsible for –

- (a) the development of a National Cleaning and Embellishment Strategy with an Action Plan to embellish Mauritius and keep Mauritius clean, in consultation with relevant Ministries and other stakeholders;
- (b) identifying and prioritising, in collaboration with relevant Ministries and other stakeholders, the sites to be kept clean and embellished; and
- (c) coordinating, monitoring and supervising the implementation of cleaning and embellishment programmes.

2. The Bill further provides that the National Environment Cleaning Authority shall, in the discharge of its functions and exercise of its powers, inter alia –

- (a) undertake, as and when required, cleaning and embellishment works, and cause cleaning and embellishment works to be undertaken by a local authority, the Road Development Authority, the Tourism Authority, the Beach Authority and other relevant stakeholders, including entities financed by the National Environment and Climate Change Fund;
- (b) assist, and be assisted by, a local authority, the Road Development Authority, the Tourism Authority, the Beach Authority and other relevant stakeholders, including entities financed by the National Environment and Climate Change Fund; and
- (c) advise the Minister on cleaning and embellishment policies and strategies, including recycling of waste, and on any other matter related thereto.

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15 April 2022

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ARRANGEMENT OF CLAUSES

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A BILL

**To provide for the establishment of the National Environment Cleaning
Authority, and for matters related thereto**

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the National Environment Cleaning Authority Act 2022.

2. Interpretation

In this Act –

“Authority” means the National Environment Cleaning Authority established under section 3;

“Beach Authority” means the Beach Authority established under section 3 of the Beach Authority Act;

“Board” means the National Environment Cleaning Board referred to in section 7;

“Director” means the Director of the Authority;

“local authority” has the same meaning as in the Local Government Act;

“member” –

(a) means a member of the Board; and

(b) includes the Chairperson;

“Minister” means the Minister to whom responsibility for the National Environment Cleaning Authority is assigned;

“Ministry” means the Ministry responsible for the National Environment Cleaning Authority;

“National Environment and Climate Change Fund” means the National Environment and Climate Change Fund established under section 59 of the Environment Protection Act;

“Road Development Authority” means the Road Development Authority established under section 3 of the Road Development Authority Act;

“Tourism Authority” means the Tourism Authority established under section 3 of the Tourism Authority Act.

PART II – ESTABLISHMENT OF AUTHORITY

3. Authority

(1) There is established, for the purposes of this Act, the National Environment Cleaning Authority.

(2) The Authority shall be a body corporate.

4. Objects of Authority

The Authority shall be responsible for –

- (a) the development of a National Cleaning and Embellishment Strategy with an Action Plan to embellish Mauritius and keep Mauritius clean, in consultation with relevant Ministries and other stakeholders;
- (b) identifying and prioritising, in collaboration with relevant Ministries and other stakeholders, the sites to be kept clean and embellished; and
- (c) coordinating, monitoring and supervising the implementation of cleaning and embellishment programmes.

5. Functions of Authority

The Authority shall have such functions as are necessary to further its objects most efficiently and effectively and shall, in particular –

- (a) carry out an inventory and mapping of all sites to be cleaned and embellished and maintain a database thereof;
- (b) undertake, as and when required, cleaning and embellishment works;
- (c) address any gaps or bottlenecks with respect to tasks assigned to each relevant organisation in the implementation of cleaning and embellishment programmes;
- (d) prepare a sensitisation and communication strategy and Action Plan and ensure its implementation;
- (e) promote community engagement in the cleaning and embellishment programmes;
- (f) mobilise resources so as to support the effort of public organisations in the delivery of the cleaning and embellishment programmes;
- (g) develop a monitoring and evaluation framework to ensure that all stakeholders provide feedback regularly;
- (h) cooperate with any other organisation, including the private sector, having objects wholly or partly similar to its objects;

- (i) advise the Minister on cleaning and embellishment policies and strategies, including recycling of waste, and on any other matter related thereto; and
- (j) do such other things as may be necessary for the attainment of its objects.

6. Powers of Authority

The Authority shall have such powers as may be necessary to discharge its functions most efficiently and effectively and may, in particular –

- (a) cause any cleaning and embellishment works to be undertaken by a local authority, the Road Development Authority, the Tourism Authority, the Beach Authority and other relevant stakeholders, including entities financed by the National Environment and Climate Change Fund;
- (b) assist, and be assisted by, a local authority, the Road Development Authority, the Tourism Authority, the Beach Authority and other relevant stakeholders, including entities financed by the National Environment and Climate Change Fund; and
- (c) enter into any contract or agreement.

PART III – ADMINISTRATION AND MANAGEMENT OF AUTHORITY

7. The Board

(1) The Authority shall be administered by a Board to be known as the National Environment Cleaning Board.

- (2) The Board 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 environment;
 - (d) a representative of the Ministry responsible for the subject of finance;

- (e) a representative of the Ministry responsible for the subject of local government;
- (f) a representative of the Ministry responsible for the subject of national infrastructure;
- (g) a representative of the Ministry responsible for the subject of solid waste management;
- (h) a representative of the Ministry responsible for the subject of tourism;
- (i) a representative of the Commissioner of Police, not below the rank of Superintendent;
- (j) a representative of the private sector;
- (k) a representative of Mauri-Facilities Management Co. Ltd; and
- (l) 2 persons having wide experience in the field of landscaping or urban regeneration, to be appointed by the Minister.

(3) A member, other than a member referred to in subsection (2)(b) to (k), shall hold office for a period of 2 years and shall be eligible for reappointment.

(4) The Board may, with the approval of the Minister, co-opt any person who may be of assistance in relation to any matter before the Board.

8. Meetings of Board

(1) Subject to this Act, the Board shall regulate its meetings and proceedings in such manner as it may determine.

(2) The Board shall meet at least once every month at such time and place as the Chairperson may determine.

(3) At any meeting of the Board, 7 members shall constitute a quorum.

(4) Every member shall be paid such fee or allowance as the Minister may determine.

(5) Everything authorised or required to be done by the Board shall be decided by a simple majority of the members present and voting.

(6) At any meeting of the Board, each member shall have one vote and in the event of equality of votes, the Chairperson shall have a casting vote.

9. Committees

(1) The Board may, in the discharge of its functions, set up such committees as it deems necessary.

(2) Subject to any direction given by the Board, any committee set up shall regulate its meetings and proceedings in such manner as it may determine.

10. Director

(1) There shall be a Director who shall, with the approval of the Minister, be appointed by the Board on such terms and conditions as it may determine.

(2) The Director shall, subject to this Act, be responsible for the implementation of all decisions of the Board and for carrying out the day to day administration of the Authority.

(3) The Director shall attend every meeting of the Board and may take part in its deliberations but shall not have the right to vote.

(4) In the discharge of his functions, the Director shall act in accordance with such directions as he may receive from the Board.

(5) The Director may, with the approval of the Board, delegate any of his functions to such staff of the Authority as he may determine.

11. Staff of Authority

(1) The Board may, on such terms and conditions as the Minister may approve, appoint such staff of the Authority and consultants as it considers necessary for the proper discharge of its functions under this Act.

(2) The Secretary to Cabinet and Head of Civil Service may, subject to the approval of the Public Service Commission or the Local Government Service Commission, designate such public officers to assist the Authority in the discharge of its functions.

(3) Every staff of the Authority shall be under the administrative control of the Director.

(4) The Board may make provision to govern the conditions of service of the staff of the Authority and, in particular, for –

- (a) the appointment, dismissal, discipline, pay and leave of its staff;
- (b) appeals by its staff against dismissal and other disciplinary measures; and
- (c) the establishment and maintenance of a superannuation and the contributions and the benefits payable to or from the scheme.

PART IV – FINANCIAL PROVISIONS, ACCOUNT AND AUDIT

12. General Fund

The Authority shall establish a General Fund –

- (a) into which all monies received from any source by the Authority shall be paid; and
- (b) out of which all payments required to be made for the purposes of this Act by the Authority shall be effected.

13. Estimates

The Authority shall submit to the Minister, not later than 31 March in every year, an estimate of the income and expenditure of the Authority for the next financial year for his approval.

14. Annual report

(1) The Board shall, in accordance with the Statutory Bodies (Accounts and Audit) Act, prepare an annual report and submit it to the Minister, together with an audited statement of accounts on the operations of the Authority, in respect of every financial year.

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

(3) The auditor of the Authority shall be the Director of Audit.

PART V – MISCELLANEOUS

15. Powers of Minister

(1) The Minister may give such written directions of a general nature to the Authority, not inconsistent with this Act, as he considers necessary in the public interest, and the Authority shall comply with such directions.

(2) The Minister may require the Authority to furnish such information in such manner and at such time as he thinks necessary with respect to its activities and the Authority shall supply such information.

16. Protection from liability

No liability, civil or criminal, shall attach to the Authority, the Board, a member or any staff of the Authority 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.

17. Execution of documents

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

- (a) the Chairperson, or in his absence, a member designated by the Board; and
- (b) the Director, or in his absence, any staff of the Authority designated by the Board.

(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 Authority.

18. Exemptions

(1) The Authority shall be exempt from the payment of any duty, levy, rate, charge or tax.

(2) No stamp duty or registration fee shall be payable in respect of any document signed or executed by the Authority or under which the Authority is a beneficiary.

19. Donations

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

20. Seal of Authority

The Authority shall have a seal which shall bear such device as it may approve.

21. Offences

Any person who –

- (a) obstructs any staff of the Authority in the discharge of his functions under this Act; or
- (b) contravenes any provision of this Act or any regulations made under this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

22. 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 the levying of fees and the taking of charges.

23. Consequential amendment

The Statutory Bodies (Accounts and Audit) Act is amended, in the Schedule, by inserting, in the appropriate alphabetical order, the following new item and its corresponding entry –

National Environment Cleaning Authority	National Environment Cleaning Authority Act 2022
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24. Transitional provisions

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

(2) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Authority.

25. 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.
