



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 18 AUGUST 2020

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Hon. Louis Steven Obeegadoo	Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism
Hon. Mrs Leela Devi Dookun-Luchoomun, GCSK	Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology
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Hon. Avinash Teeluck	Minister of Arts and Cultural Heritage
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MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 30 of 2020

Sitting of Tuesday 18 August 2020

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

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

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

A. Ministry of Land Transport and Light Rail

- (a) The Road Traffic (Paid Parking) (Amendment) Regulations 2020. (Government Notice No. 179 of 2020)
- (b) The Road Traffic (Parking Offences) (Amendment) Regulations 2020. (Government Notice No. 180 of 2020)

B. Ministry of Finance, Economic Planning and Development

Performance Audit Reports (In Original):

- (i) “Environment Protection – Ensuring Proper Disposal of Hazardous Wastes” – Ministry of Environment, Solid Waste Management and Climate Change;
- (ii) “Food Production – Are Agricultural State Lands Optimally Utilised?” – Ministry of Agro-Industry and Food Security;
- (iii) “Moving Towards e-Government through ICT-Enabled Projects” – Ministry of Information Technology, Communication and Innovation; and
- (iv) “Ensuring Safe Disposal of Wastewater” – Ministry of Energy and Public Utilities.

C. Ministry of Financial Services and Good Governance

- (a) The Financial Services (Peer to Peer Lending) Rules 2020. (Government Notice No. 184 of 2020)
- (b) The Financial Services (Consolidated Licensing and Fees) (Amendment No. 3) Rules 2020. (Government Notice No. 185 of 2020)

D. Ministry of Information Technology, Communication and Innovation

The Annual Reports for the years 2008 to 2015 of the National Computer Board. (In Original)

E. Ministry of Labour, Human Resource Development and Training

The Workers' Rights (Prescribed Period) Regulations 2020. (Government Notice No. 183 of 2020)

F. Ministry of Health and Wellness

(a) The Nursing Council (Amendment of Schedule) Regulations 2020. (Government Notice No. 181 of 2020)

(b) The Mauritius Family Planning and Welfare Association (Criteria for Eligibility for Membership of Association and to Stand as Candidate for Election as Member of Committee) Regulations 2020. (Government Notice No. 182 of 2020)

G. Ministry of Arts and Cultural Heritage

The Annual Report and Financial Statements of the Mauritius Marathi Cultural Centre Trust for the period 01 July 2018 to 30 June 2019.

ORAL ANSWERS TO QUESTIONS**TOURISM SECTOR - TOURISTS, EMPLOYMENT LOSSES, HOTEL
OCCUPANCY & REVENUE - STATISTICS**

The Leader of the Opposition (Dr. A. Boolell) (*by Private Notice*) asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to the tourism sector, he will state the –

- (a) expected number of tourists visiting the country in 2020;
- (b) number of direct and indirect employments lost, from January 2020 to date, indicating the expected number of losses thereof for 2020;
- (c) hotel occupancy rate from January 2020 to date, indicating the expected rate thereof for 2020, and
- (d) amount of revenue expected therefrom for 2020.

The Deputy Prime Minister: Mr Speaker, Sir, may I, first of all, apologise to the House for being slightly delayed this morning. I bid the hon. Leader of the Opposition good morning and thank him for raising the subject of tourism, which is a major preoccupation for the country at the present time. The tourism sector is and remains a fundamental pillar of the Mauritian economy, representing a direct contribution of 8.1% to the Gross Domestic Product (GDP), but an estimated overall contribution of some 23% to GDP, including direct, indirect, induced and catalytic economic effects. It is also estimated that tourism represents some 10% of the labour force, i.e. - and this is an estimate - some 44,000 as direct employment and 90,000 in total, inclusive of associated jobs in both the formal and informal sectors.

In order to place in proper perspective the issues and challenges facing our tourism sector, it would be proper to consider comparative figures for 2018 and 2019 in answering the hon. gentleman's question.

Now, considering part (a) of the question, it is worth recalling that in 2018, 1.399 million tourists visited Mauritius, of which 78% resided in hotel resorts. In 2019, the corresponding figure was 1.383 million and for the first three months of 2020, 304,842 tourists, it is estimated, visited Mauritius, the number thereof dwindling to practically naught.

As for part (b) of the question, the figures for the first quarter of 2020 relating to the evolution of employment in the tourism sector are being compiled and as soon as they are available, I undertake to have them laid in the Library of the National Assembly. I cannot, at this stage, state whether there have been any significant employment gains or losses in the

tourism sector in 2020. As from 20 March, borders have been closed and the hospitality industry has been at a virtual standstill during the period of confinement save for a few hotels operating as quarantine facilities, managed by the Ministry of Health and Wellness. After confinement, that is, as from the end of June 2020, let us say, the number of hotels operating as quarantine centres has increased in line with the number of repatriation flights. On the other hand, a number of hotels and related activities in the hospitality sector have reopened for an exclusively Mauritian clientele. And as from 15 August, Government is implementing a new strategy for the accelerated repatriation of all stranded Mauritians and cruise workers, which will allow a larger number of hotels to go back into operation as quarantine centres. However, it is obvious that the hospitality industry as a whole will not be fully operational unless and until our borders are reopened to tourists in general. Now, let me add, in response to part (b), that no relevant statistics are at present available concerning employment losses in the tourism sector from April to the present time.

As stated by the hon. Prime Minister and my colleague the Minister of Finance repeatedly, Government's topmost priority, alongside safeguarding the health of our compatriots, has been the preservation of employment and the protection of livelihoods. From the start of the COVID period, as we are all aware, Government has implemented a Wage Assistance Scheme for employees of the formal sector of the economy and a Self-Employed Assistance Scheme that includes persons in the informal sector. In respect of the tourism industry, up to the end of July, it is estimated that an amount of some Rs2 billion has been disbursed in respect of more than 39,000 employees in the tourism sector under the Wage Assistance Scheme and an estimated amount of Rs26 m. paid out to around 1,500 Mauritians under the Self-Employed Assistance Scheme. It is also calculated that an amount of Rs500 m. will be disbursed for the month of August 2020.

I wish to recall the recent public statement by my colleague, the hon. Minister of Finance that Government will do what it takes to protect those professional categories, including fishermen, fishmongers and commercial pleasure craft personnel bearing the brunt of the Wakashio wreck.

Indeed, I refer to the Wakashio wreck because our difficulties have been compounded by the recent Wakashio oil spill, the economic impact of which remains to be assessed precisely. However, it stands to reason that the hospitality sector in the South East of the island has been and will continue to bear the adverse consequences of this ecological tragedy for some time still.

Turning to part (c) of the question, hotel occupancy is understood to refer to the percentage of the total number of rooms on offer in hotels licenced by the Tourism Authority occupied on average, on a monthly or yearly basis. Hotel occupancy does not take into consideration Guest Houses or Tourist Residences, which account for an estimated 22% of tourists. On that basis, it has been calculated that hotel occupancy for the year 2018 averaged 75% and for 2019, 73%. The corresponding figures for the first quarter of the year were 77% in 2018 and 73% in 2019. In 2020, the occupancy rate for the months of January to March was 63%, but it should be borne in mind that as from early 2020, tourist arrivals were severely affected by the spread of the COVID pandemic in our main markets and, as from February, by the gradual closure of borders and quarantine measures. The question of hotel occupancy for the period stretching from 20 March to the present time does not arise inasmuch as hotels were not in operation.

As for part (d) of the question, calculation of revenue accruing from the tourism sector, as provided by Statistics Mauritius, is based on the Bank of Mauritius' figures for monthly statements on inward and outward remittances of commercial banks and data culled from money changers and foreign exchange dealers. On that basis, I can venture to state that tourism earnings for the year 2018 amounted to Rs64 billion and for year 2019, Rs63.1 billion. For the first quarter of 2018, the corresponding figure was Rs18.5 billion and for the first quarter of 2019, Rs16.5 billion. This year, it is estimated that tourism earnings for the first quarter amounted to some Rs14.1 billion.

The hon. gentleman will surely understand that, given the very dynamic global situation pertaining to the COVID-19 pandemic and the fact that the Wakashio crisis is not yet over, it would be futile to pronounce upon the immediate future of the Tourism and Hospitality Sector. Accordingly, neither the number of tourists nor the evolution of employment, nor the hotel occupancy rate or even the eventual sectoral revenue can or should be predicted.

We are, Mr Speaker, Sir, living in trouble times indeed. While the mortal threat from an invisible enemy known as COVID-19 continues to dangle over the heads of all Mauritians like the Sword of Damocles, we have fallen victim to an unforeseeable oil spill, the consequences of which remain unknown. Through no fault of our own, our tourism sector, which has been for decades the pride of the nation, is at a standstill. Government is engaged in a delicate balancing act between the existential imperative of protecting lives on the one

hand, and that of stimulating economic recovery on the other. The challenges are immense and daunting, indeed, for any Nation and for all Governments across the globe.

Whatever the circumstances, whatever the turn of events, whatever the future may hold, this Prime Minister and this Government is committed to stand by its people, to protect their health and livelihoods. We will spare no effort, we will work tirelessly, and to borrow a phrase from the Minister of Finance, we will do what it takes to see to it that the tourism industry bounces back as soon as possible.

We need to make of the difficult situation we are confronted with an opportunity to rethink Mauritian tourism and its future. We are working, Mr Speaker, Sir, in partnership with the hotel industry and other stakeholders of the tourism industry to plan the steps ahead.

Mr Speaker, Sir, let me end by saying that the tourism market internationally is particularly sensitive to reports and to statements in the international media. We should not hurt our country; we should not hurt our tourism industry. We all need to act responsibly if we have at heart the future of our tourism sector. This is a time for national solidarity and for unflinching patriotism. It is my earnest hope and expectation, Mr Speaker, Sir, that Mauritius can rely on the cooperation of all Members, on both sides of the House, to act responsibly.

Dr. Boolell: Can I ask the hon. Deputy Prime Minister, in the light of his appeal that we should all act as patriots in the face of what we call the black swan events, whether Government has a responsibility when it is called upon to assume its role fully to see to it that adversity could have been prevented in the case of the Wakashio?

The Deputy Prime Minister: I am not sure, Mr Speaker, Sir, that the question arises from the Private Notice Question, but I can assure the House that Government, the Prime Minister, first of all, and all my colleague Ministers and myself have done our utmost to do what could be done in the face of an unforeseeable and unpredictable event; we will continue to do so. In my sector, I know that we are already engaged in assessing – I shall go back to my sector because this is what the PNQ is about. We are in the midst of an assessment of the damage to our fauna and flora, to the physical characteristics of our shoreline as a result of the Wakashio wreck and, as I said, the Minister of Finance is already taking steps; we already are standing by those immediately affected, for instance, commercial pleasure craft personnel. I know that, today, my colleague, the Minister of Fisheries will make an announcement concerning what Government is doing in favour of fishers, or fishermen if you

wish, and fishmongers. I like the phrase used by the Minister of Finance: we will do what it takes and we will assume fully our responsibilities.

Dr. Boolell: Except that the people out there expect the Government to live up to their expectation. Since the hon. Deputy Prime Minister has mentioned that the sector has to bounce back, that corrective measures need to be taken, we need to give better visibility to the tourism sector, can I ask him whether the Action Plan which has been elaborated or which is being elaborated by his Ministry, is ready, and, if so, will he table a copy of that Action Plan? Because he has mentioned that we need to revamp the sector; that we need not only to revamp but to reinvent the sector, to give better visibility and to make sure that we don't have any adverse publicity. Because, as of now, I think we have reaped too much adverse publicity.

The Deputy Prime Minister: I cannot agree more. There has been too much adverse publicity and we are all extremely hurt by the irresponsible declarations of certain personalities not present in the House today or not Members of the House in the international media. That will have a lasting impact; it will hurt our country; it will hurt our tourism industry, and which is why I ended my answer by an appeal that we should act responsibly. And I know that many Members on the other side of the House are very much ill at ease with what has been aired recently in the international media.

Mr Speaker, Sir, the issue of an Action Plan is a very interesting one. Our problem is that we lack visibility. How the COVID pandemic will evolve is totally uncertain. There has been the recent turn of events in certain areas of Australia, in Reunion Island next door that could not be foreseen and the situation is changing day by day. The future of our tourism industry, as I said, is very closely linked to the reopening of borders. When the borders can be reopened, how, will be addressed later on, I believe, in the course of Question Time. But it is, we all know, a very sensitive issue and a very difficult one indeed. We have to all be responsible and, as I said, protecting the health and lives of our compatriots and favouring economic recovery on the other hand. It is a delicate balancing act. So, we are in constant discussion with partners within the sector, hotel operators and other stakeholders to plan step by step. Right now, the priority is to bring back stranded Mauritians. My colleague, the hon. Minister of Foreign Affairs, has done an extraordinary job so far, and we are accelerating the effort, under the guidance of the Prime Minister, to bring back stranded Mauritians. The cruise workers, we have brought a large number back. There are a few abroad, and that is the immediate priority. Now, we are working with the hotel industry because we are using hotels

as quarantine centres and, increasingly, we are trying to improve the conditions of quarantines. So, it will be step by step. Right now, the step we are actually engaged in is the accelerated repatriation of all Mauritians stranded abroad and we will also have the holders of residence and occupation permits whose main residence is Mauritius. That is the immediate priority, Mr Speaker, Sir.

Dr. Boolell: Mr Speaker, Sir, the hon. Deputy Prime Minister is acting like Shifter the Yifter saying the same thing over and over again. I am asking a specific question.

The Deputy Prime Minister: Sorry! Could I ask the hon. gentleman to repeat, I did not quite get that.

Dr. Boolell: I said the hon. Deputy Prime Minister is acting like Shifter the Yifter saying the same thing over and over again. Can I ask him whether he will table a copy of the Action Plan which was prepared when his predecessor was Minister of Tourism? I ask a simple question: is that Action Plan ready and, if so, when will it be tabled?

The Deputy Prime Minister: The hon. gentleman will forgive me. I did not quite understand the expression he used earlier, but I'll just go to the issue of the Action Plan. My very able predecessor did a lot of good work in the tourism sector, Mr Speaker, Sir, but circumstances have changed. We are in the midst of the COVID pandemic. We have not passed the peak globally. The situation is unpredictable and now, in Mauritius, we have the Wakashio crisis. So, I do not believe this is the time for a sort of an Action Plan spelling out in detail what must be done. We are in the process of adapting to circumstances as they evolve. We are taking this opportunity to rethink the tourism of the future and we will welcome whatever suggestions that the hon. gentleman may have in that regard.

Dr. Boolell: Precisely, Mr Speaker, Sir, if the hon. Deputy Prime Minister wants to adapt due to changing circumstances, he needs to have a fresh look at the Action Plan and revisit the Action Plan. In that vein, because we are talking of people who are coming in, people who are stranded who will be airlifted, can I ask him when will the airport laboratory for testing against Corona be ready and how many tests will it be able to carry out daily?

The Deputy Prime Minister: Again, Mr Speaker, Sir, I am honoured that the Leader of the Opposition should address those questions to me, but he will understand that is well beyond my remit. I would suggest that his questions be addressed to the hon. Prime Minister or the Minister of Health and Wellness, but what I do know is that we are forging ahead with development of facilities for a laboratory at the airport and we have made great strides and,

on the one hand, our testing capacity is constantly increasing, and I would like to pay credit to the remarkable work done by the staff of the Central Laboratory at Candos and others in processing out tests and also to all the personnel of the Ministry of Health and Wellness that have been diligently carrying out tests throughout the COVID period and still are doing so. And yes, Mr Speaker, Sir, the intention announced by the Prime Minister is that we should have a fully functional, modern, state-of-the-art laboratory at the airport as soon as possible.

Dr. Boolell: I thank you. Can I ask the hon. Deputy Prime Minister whether, during the period that many of the workers do not have much to do, there is a period of furlough, there is an upskilling programme that has been put in place to ensure that they make the most of this difficult period?

The Deputy Prime Minister: I am sorry, are we referring to hotels?

Dr. Boolell: That's right, hotel, from the tourism sector.

The Deputy Prime Minister: Well, what I understand is that the larger establishments, the major hotels, have used these months of standstill to do two things: one is to upgrade their infrastructure and to modernise their infrastructure, where and when possible, and the other is to train or retain their staff. I understand that my colleague, the Minister of Finance has arranged for financial assistance, credit facilities to be made available to economic operators in the sector to do so. Of course, for the smaller establishments, it is less easy to do so, addressing training and infrastructural modernisation, but we shall be working with each and every one of them to ensure that building upon the resilience of our people that we are known for, we will bounce back.

Dr. Boolell: Can I ask the Deputy Prime Minister - if he doesn't have the information, then it can be tabled at a later stage - as to the number of applications made to Mauritius Investment Corporation, and if he doesn't have it he can always table it later, but if he does have it, can he table the list of applicants and the amount sought and approved?

The Deputy Prime Minister: As the Leader of the Opposition himself has said, the hon. gentleman knows that the MIC is not within my remit, and I shall communicate the request to my colleague, the Minister of Finance who is here, to see whether it is possible to provide such information in the future.

Dr. Boolell: The Deputy Prime Minister has stated that policies need to be reviewed. If he recalls, when his predecessor intervened on the Budget, he stated very clearly that we are partnering with the Liverpool Football Club and they have a specific number of

supporters who choose a brand. For example, they choose a brand to come for holidays to Mauritius. Can I ask the Deputy Prime Minister whether this is being looked into? It doesn't matter, because we cannot simply say that we have faced the shipwreck issue which has caused a national oil spill. But can I ask the Deputy Prime Minister whether this is being looked into to ensure that we make up for time lost? Because this calamity would not last forever; our people are putting on their best endeavour to clean our beaches, to take corrective measures. Can I ask him, in the meantime, whether this is being looked into, to see how best we can attract as many high net worth individuals in the future?

The Deputy Prime Minister: Sorry, Mr Speaker. With all due respect, I did not understand the connection between Liverpool Football Club and Wakashio.

Dr. Boolell: Well, if you don't, I am sorry. I made it very clear to you. I said this is the time to make the best of opportunities. It is, in fact, when there are daunting challenges that we have to turn daunting challenges into opportunities. One of the issues that has been looked into is our partnership with Liverpool Football Club, and this is the time to make the most of it. It is not because we are going through hard times that we should set this issue aside.

The Deputy Prime Minister: Well, I am happy that we agree that we should look at the present situation not just as a tragedy, a continuing, unfolding tragedy, but as an opportunity. I am not, Mr Speaker, I will confide to the House, a fan of Liverpool Football Club, but I believe this was a great initiative by the previous Government led by the hon. Prime Minister. This is one of the new directions international tourism is going in and I am happy that we both agree, the Leader of the Opposition and I, that we should optimise whatever we can draw from the arrangements made by the Prime Minister's Government, the previous Government in relation to Liverpool Football Club.

Now, my preoccupation is the timing. Yes, we need to exploit fully the options we have, the possibilities we have with the Liverpool Football Club deal, but the timing of the marketing, the nature of the marketing which is very closely linked to the relaunch of the tourism industry, the welcoming of foreign tourists, reopening of frontiers, this is all very much linked. So, it is a difficult question, but I do agree with the hon. gentleman that we should make the most of this great initiative taken by the previous Government.

Mr Speaker: Hon. X. L. Duval!

Mr X. L. Duval: Mr Speaker, I have listened carefully to the Deputy Prime Minister. The Government seems to be navigating as blindly as the Wakashio, with probably the same consequences. How can he say that employment is his main priority - health and employment - whereas we are in August, eight months down the year, and he is unable to provide any figures to this House as to the effect of COVID, of Wakashio on the employment situation in the tourism sector? Is it possibly that he does not have any money or he cannot ask the Tourism Authority to survey its own members to find out the employment situation? And as he seems open to suggestions, may I suggest to the hon. Deputy Prime Minister that, this afternoon, he commands the Tourism Authority to sort out the situation and find out the real employment situation amongst its licensees, please.

The Deputy Prime Minister: Mr Speaker, I should not address the issues about the blind navigation of the Wakashio. We will leave that to the enquiry which is going on; the Director of Shipping's investigation to determine. We are all interested, I think, on both sides of this House, to know what happened in the case of the Wakashio, to situate responsibilities and make sure that those who are responsible for what happened do answer eventually. But, as regards the employment figures, I will tell the hon. gentleman that I tried my utmost this morning to ascertain precise figures. In Mauritius, those data are collected by the Ministry of Employment, as you well know, and then made available publicly by Statistics Mauritius...

(Interruptions)

Now, the figures that I have seen at the eleventh hour appear to be very tentative and I would not be acting responsibly to come to the House and present figures that we have not double-checked. This is my responsibility to the House, as I see it. Should the Tourism Authority be asked to contribute to assessment of the employment situation in the sector, I do not think that was the case when the learned gentleman was Minister of Tourism, but I will certainly - I welcome suggestions - ascertain whether the Tourism Authority can assist the Ministry of Employment in investigating the evolution of the situation.

Mr Speaker: Last supplementary! Do you have one?

Dr. Boolell: Yes. Can I ask the Deputy Prime Minister, in the light of the gravity of the situation and the importance of the tourism sector for our economy, will Government consider the urgent setting up of a High-Powered Committee chaired by himself and consisting of relevant Ministers and Heads of private sector to better define a recovery roadmap for the tourism sector?

The Deputy Prime Minister: I thank the hon. Leader of the Opposition. In fact, we are really doing it. We don't call it a High-Powered Committee, but I have been working very closely with the two associations, namely *l'AHRIM*, which groups the major operators, the larger establishments; *l'Association des Hôtels De Charme*, the smaller establishments. There is also a working group set up by Business Mauritius on the issue of tourism and we are also working with them. So, indeed, we are doing precisely what the Leader of the Opposition is suggesting, and we have been doing so for weeks now.

But all this, Mr Speaker, can only succeed, and I want to stress thereupon, if we show patriotism. Innuendoes aired in the international media, as has never happened before - I have been in the Opposition for many years; this was not the usual behaviour by the Opposition. That behaviour is causing immeasurable harm to our country and to our tourism industry. I welcome the tone of the questions of the Leader of the Opposition today, and I would ask him if he can prevail upon hon. Members of his Party to ensure that everybody acts responsibly and in a spirit of patriotism in these difficult times.

Mr Speaker: Time over! Prime Minister's Question Time! Hon. Members, the Table has been advised that PQs B/599 and B/600 have been withdrawn. Hon. Ameer Meea!

BORDERS - REOPENING

(No. B/592) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to our borders, he will state when same will be reopened, indicating the -

- (a) criteria that will be applicable therefor, and
- (b) protocols that will be established for the screening of passengers upon arrival on our territory.

The Prime Minister: Mr Speaker, Sir, I shall reply to Parliamentary Questions B/592 and B/594 together as they relate to the same subject matter.

Our current border restrictions and the mandatory 14-day quarantine for passengers returning from overseas are among the vitally important protection measures Government has taken to minimise the risk of COVID-19 virus proliferation in Mauritius and to prevent the disease from spreading exponentially. In fact, since 26 April 2020, there have been no

COVID-19 infection cases in the community. Mauritius is COVID safe with regard to local cases due to stringent actions taken by this Government.

As from 20 February 2020, all foreign passengers having a travel history for the last 14 days in China, including Hong Kong, were not allowed entry in Mauritius. These restrictions were extended to passengers from other countries as follows -

- (i) Republic of Korea and four provinces of Italy, namely Lombardy, Veneto and Emilia Romagna as from 24 February 2020;
- (ii) the whole of Italy and the Islamic Republic of Iran as from 28 February 2020;
- (iii) Reunion Island, as from 16 March 2020, and
- (iv) European Union, United Kingdom, Norway and Switzerland, as from 18 March 2020.

Ultimately, as from 19 March 2020, our borders were completely closed. However, our airport has remained operational for cargo flights, including airfreight of medical supplies and equipment, medical evacuation and repatriation purposes. Restrictions on the operations of all economic, commercial and other activities have been lifted in a phased manner. The exception remains of our borders which are still closed until further notice.

The international situation at the moment is such that it is imperative that a cautionary as well as a phased and coordinated approach be adopted before proceeding with the full reopening of borders. There is currently a lot of uncertainty and it is difficult for experts to have visibility on the evolution of the situation as there is still not much known about the virus and no vaccine or specific treatment is available. Furthermore, the upsurge of infections and signs of a second wave of the pandemic in countries which have eased border restrictions are on the increase worldwide.

Mr Speaker, Sir, the needs and benefits of travel must be weighed against the risks associated with the spread and a resurgence of cases, which would necessitate a reintroduction of confinement.

The prevention of a second wave of COVID-19 virus is highly dependent on the strategy to be adopted for the reopening of our borders. Existing control and strict sanitary measures put in place at our points of entry have to be reinforced whilst maintaining our prevention measures such as social distancing, wearing of masks, and hand hygiene.

The lifting of border restrictions will depend, *inter alia*, on how successful we and other countries are in managing the pandemic, the epidemiological situation worldwide and an assessment of the associated potential risks.

An Inter-Ministerial Committee, which also comprises the World Health Organisation representative, has been set up under my Chair to look into the reopening of our borders as part of the post-curfew strategy to prevent the re-introduction and spread of the COVID-19 into the country.

In this respect, a Technical Committee has also been set up to work out the necessary preparedness plans and the strengthening of our existing sanitary protocols at both the port and airport, as well as increasing the number of quarantine centres.

One of the recommendations of the Technical Committee which has already been endorsed by the Inter-Ministerial Committee is the setting up of a COVID-19 laboratory at the airport to effect a PCR test on all arriving passengers. This measure will increase testing capacity and expedite the PCR testing process. The laboratory is expected to be operational in a few weeks.

A sanitary protocol for resumption of airport activities is currently being worked out by the airport authorities together with the Ministry of Health and Wellness, and airlines, taking into consideration, amongst others, guidelines issued by the World Health Organisation, the International Civil Aviation Organisation, and international best practices. Currently, pre-conditions for travelling include systematic screening of passengers at source on departure and arrival, and embarking passengers shall undertake a COVID-19 PCR test which is negative and valid for 5-7 days prior to departure.

It is expected that once all relevant sanitary protocols are finalised and the laboratory is operational, consideration would be given to the appropriate time for the reopening of our borders and operation of scheduled commercial flights. The lifting of border restrictions in other countries will also have to be taken into consideration.

In the meantime, in order to mitigate the risk of business disruptions and loss in employment, Government has come up with several measures to assist citizens and businesses, two of them being the Wage Assistance Scheme and Self-Employed Assistance Scheme. Further, allowances under these two schemes payable to workers and self-employed individuals in the tourism sector would continue to be paid until borders are opened.

Mr Ameer Meea: Mr Speaker, Sir, at the outset I must say that we totally share the concerns and the views of the Prime Minister in relation to the opening of the borders, in relation again to the Coronavirus. Therefore, can I ask the hon. Prime Minister whether it can be considered, as it has been the case in Dubai, to put an insurance for anyone travelling to Mauritius in order to cater for any cost associated to health issues like Coronavirus?

The Prime Minister: This is a suggestion. We are aware that this is what Dubai has set as a condition. This matter is being discussed at the level of the Committee, but I can already say that we have to bear in mind that future costs, in the eventuality that borders will be opened, will keep on increasing with tests and with a number of other precautionary measures that a passenger has to take. Taking an insurance will also obviously increase the cost, and this has to be taken into consideration in order to see whether or not this is a fundamental and important measure that we have to take. That is being discussed at the level of the Committee.

Mr X. L. Duval: Mr Speaker, Sir, there is, I believe, a protocol that has been finalised between the various sectors and Government as to the eventual reopening of borders in order for there to be appropriate debate, health professionals and everyone concerned. May I ask the hon. Prime Minister whether he will arrange for this protocol, even if it is not completely finalised, to be published so that everyone, including Members of the Opposition and Parliament can comment thereupon?

The Prime Minister: Mr Speaker, Sir, the protocol has not yet been finalised. It is still being discussed at the level of the Committee and, of course, the next step would be for all Members of Cabinet to be made aware of our recommendations and, obviously, we shall have the input of each and every one so that we take onboard whatever suggestions we consider to be valid.

Mr X. L. Duval: Mr Speaker, Sir, may I suggest that it would be a good idea to have even the unfinalised one published so that people can comment thereupon. Given that at some point in time, there will be opening of borders, may I ask the hon. Prime Minister whether the country has sufficient stocks of PCR tests available to test the tourists who are landing and, if so, can he tell us how many PCR tests are presently in stock in Mauritius?

The Prime Minister: As to the first part of the remark and not a question of the hon. Member and I am rather surprised by it, coming from an experienced Member of the National Assembly who has been in Government, one can appreciate how can we just publicise a

protocol which is still a subject matter of intense discussions, not only at the level of Government, but with a number of experts and with the private sector. We are open to any suggestion that is being made either by the Opposition or by any citizen of this country. That is one. The second thing you mentioned is about ...

(Interruptions)

Sorry. Stock of tests.

Mr X. L. Duval: I see you are not over your surprise yet.

The Prime Minister: Stock of tests! Of course, we shall have to make necessary provision for the number of passengers coming to the country. We have a number of tests available right now and, of course, we are planning for the future. But the hon. Member should bear in mind that those tests also have a lifetime, and that we need, of course, to acquire sufficient number of tests to be prepared, but if we acquire too many, then, we shall probably, be criticised for stock piling tests, and so on. I mean we need to be reasonable; we, of course, need to know and to be prepared so that we do not run out of PCR tests.

Mr X. L. Duval: Mr Speaker, Sir, may I say that I am surprised that the Prime Minister does not know that, for instance, the UK, its draft guidelines are publicised and discussed with the public, as you would expect in a proper democracy. But, Mr Speaker, Sir, may I ask the hon. Prime Minister whether he is aware, watching whatever international news, that rapid tests now exist in the UK by handheld machines, that would give you a reliable result in 90 minutes and that is now being deployed all over the UK? Would the hon. Prime Minister – this is another suggestion; it is not a political point – perhaps consider acquiring these rapid tests so that, in fact, whilst the tourist is at the airport, the result would already have come out as to whether he is COVID positive or not?

The Prime Minister: Well, it depends, Mr Speaker, Sir, which rapid test the hon. Member is referring to. Presumably, he is referring to one test, of which I am aware, wherein the time taken to obtain a result is much less than that of the PCR, but the cost of that test also is much, much more than the PCR test. So, we need to take into consideration all these factors, not only the fact that the result is available quickly, but also, how much it will cost to the passenger and whether passengers will be motivated to travel eventually. So, all these must be taken into consideration. You are talking about UK. But why do you talk partly about UK? UK has just now set as a condition that when you come and you land, you have 14 days quarantine; you have to self-isolate yourself. And you know what is the debate now about

this? So, I say all this because we have to draw lessons from what is happening elsewhere. I do not want to go into a lot of details about it, but I am sure the hon. Member himself knows about it. Because the hon. Member himself, a few weeks ago, was saying, ‘we should close our borders’; in fact, he was criticising us, that we are taking too much time, saying, ‘we should close, we should close’. Now, he is saying, ‘we should open, we should open’. But, of course, you are saying that with a number of conditions. Fair enough! But, I say...

(Interruptions)

Mr X. L. Duval: I did not say that.

The Prime Minister: You do not say that, okay; you are saying now we should open.

But, Mr Speaker, Sir, let me say that we have just to see what is happening in other countries, countries which have managed the COVID-19 very well, wherein they have been able to contain the contamination locally, and as soon as they reopened their borders, there has been a resurgence. So, we must be very careful that we do not have a second wave in Mauritius, because the second wave, as I have said, is going to be not costly, and it will put us down on our knees so that we shall probably not then be able to stand up again.

Mr Ameer Meea: Mr Speaker, Sir, I think I said that we share the views and the concerns of the Prime Minister and that we never said that we should open the borders.

The Prime Minister: Not you; I was referring to...

Mr Ameer Meea: Mr Speaker, Sir, can I ask the hon. Prime Minister whether the Technical Committee that is working on this issue has also taken into consideration Mauritians travelling abroad, after the borders being opened, be it for business or medical or whatever reason travelling abroad? What will be the protocol for the Mauritians when they come back to Mauritius in terms of quarantine, etc.?

The Prime Minister: First of all, let me emphasise that I was not referring to you when I said that. Hon. Duval had previously asked why is it that we have not closed our borders, and now it is the other way round.

Secondly, of course, we cannot and we will not only apply the sanitary measures and be attentive to incoming passengers. We also have to prepare the conditions under which anyone, especially any Mauritian, either doing business for tourism purposes or for any other purposes, going abroad and comes back to the country, indeed under what conditions that passenger will come back and what are the measures applicable on return. And let me say

how complex and difficult a situation it is from what we have seen and what we have witnessed in regard to repatriation passengers. Can you imagine, Mr Speaker, Sir, though everything is being done under very strict control and being managed so that we abate the risk to the minimum, and in spite of all the measures that we have taken, the tests before boarding the aircraft, the tests on arrival, after seven days, we have had a few cases of passengers being tested COVID positive even on the seventh day. This is why I say we have to be extremely careful. Probably, then, some people will be saying that we cannot have zero risk, and I agree we cannot. We shall not be able to have 100% protection, but I think, and this is the prime concern of this Government, that we have to protect the health of our people. We have been able to manage the situation very well. Just imagine that it is now nearly four months that we have had no local contamination. Four months! We are probably one of the rare countries where there is such a situation. And that is why we need to see to it that we can, and we need to protect further, but, there will be what I call 'a balancing act', whereby we measure and we take into consideration all those risk factors before taking a decision.

Mr X. L. Duval: Mr Speaker, Sir, no one in the Opposition has prompted the Prime Minister to open borders, and he should not say so either here or outside of this House. But what I will ask the Prime Minister concerns those foreigners, normally residents in Mauritius, who are blocked overseas. And here, my attitude is completely different, and I would ask the Prime Minister to see to it, if he can, that these persons who are suffering, who sometimes families are broken and who have also intimated their love for Mauritius, that they should be allowed to return quickly and that all provisions should be made to allow Mauritian residents overseas back, but also these foreigners back to our country.

The Prime Minister: Hon. Member, we are, of course, aware of this situation. And we are, of course, very much concerned not only with stranded Mauritians, but also with stranded residents; with all those who have faith in our country, with all those who have chosen to come and stay in this country. But you must understand the difficulty that we face, and this is not the situation only for Mauritius. It is for all the other countries, whose nationals and residents are stranded everywhere. We are doing our best; we have organised a number of repatriation flights, and the repatriation flights are ongoing. But the hon. Member must understand that we can only cater for a number of passengers coming each time. And when we have quarantine for 14 days, and we need, first of all, a number of rooms to be able to accommodate these passengers. We need to have the appropriate and required health

personnel to deal with the situation and to see to it we are able to cope with the situation whenever and if there is any contamination.

We do not want to end up by just opening and saying: okay, all Mauritians, you come back. Flights also must be available. That is also one other limiting factor, because people are concentrated not only in, for example, London, Paris, and where we normally have flights. They are scattered in every part of the world. But there are so many of them whom we can accommodate at one time, and we are doing so in a phased manner. We shall continue to do it. In fact, I must say, the repatriation of Mauritians and residents and business people has been done in such a way that we have been successful in containing this COVID-19, and we shall, therefore, continue to do so, and I hope that we shall, in fact, be able, as time goes by, to repatriate as many as possible.

Mr Speaker: The Table has been advised that PQ B/597 has been withdrawn. Next Question!

NATIONAL COAST GUARD - RADAR SURVEILLANCE SYSTEMS

(No. B/593) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the East and South Eastern coast of our lagoon and exclusive maritime territory, he will, for the benefit of the House, obtain from the National Coast Guard, information as to the number of radar surveillance systems installed for the monitoring thereof, indicating the number of such systems which are operational and faulty, respectively.

The Prime Minister: Mr Speaker, Sir, I shall reply to Parliamentary Questions B/593 and B/598 together as they relate to the same subject matter.

I am informed by the Commissioner of Police that with a view to achieving Maritime Domain Awareness (MDA) in the Exclusive Economic Zone (EEZ) of Mauritius, a contract for the supply, installation and commissioning of Coastal Surveillance Radar System (CSRS) was signed with Bharat Electronics Limited (BEL), India, on 03 November 2009 through a one-time grant provided by the Government of India to Government of Mauritius. The system comprising radars and Automatic Identification System (AIS) was implemented in eight NCG (National Coast Guard) Stations in two phases.

The first phase comprised installation of the system at Grand Gaube, Pointe du Diable, Gris Gris, Le Morne, Albion, Rodrigues Stations and as well as in the main Control

Centre at National Coast Guard Operation Room, Les Salines. The second phase covered sites at Agalega and St Brandon. The CSRS was commissioned on 15 April 2011.

In addition, the CSRS also comprises five standalone AIS Stations located at -

- (a) Signal Mountain - Port Louis;
- (b) Mount Bar le Duc - Esperance, Quartier Militaire;
- (c) Mount Simonet - Henrietta;
- (d) Mount Jurancon - Surinam, and
- (e) Mount Pointe du Diable.

Mr Speaker, Sir, I am also informed by the Commissioner of Police that the Eastern coast of our lagoon is covered by Pointe du Diable CSRS Station and Gris Gris CSRS Station as follows -

- (a) Pointe du Diable CSRS Station covers the North East, East and South East coast, that is, from Poste de Flacq to Blue Bay, including Pointe d'Esny.
- (b) Gris Gris CSRS Station covers the South East, South and South West coast, that is, Blue Bay to Bel Ombre.

I am further informed that four CSRS Stations in mainland Mauritius, namely Pointe du Diable, Grand Gaube, Albion, Le Morne and the one in Rodrigues are operational whereas the ones at Gris Gris, Agalega and St Brandon are not operational.

The CSRS Station at Gris Gris has since January 2020 become non-operational due to defects in the Radar Display Processor, Uninterrupted Power Supply (UPS) and Air Conditioning System.

The one at St Brandon CSRS Station is not operational since May 2020 due to defect on the Radar Motor whereas the Agalega CSRS Station has since July 2020 developed a defect in the Transmission Unit.

The NCG technicians are attending to the defects at the three non-operational CSRS Stations, in consultation with Bharat Electronics Limited through online support because of the COVID-19 situation.

It is to be noted that the Radars of model Bridge Master in use at the CSRS Stations are nine years old and are no longer under production by the Original Equipment Manufacturer (OEM).

Besides CSRS, the NCG uses other means of surveillance for enhancing maritime domain awareness such as -

- (a) Automatic Identification System (AIS) through Sea Vision at National Coast Guard Operation Room, which provides information on vessels, namely course of the vessel, last port of call, next port of call, amongst others;
- (b) Vessel Monitoring System (VMS), which tracks the fishing vessels (both local and foreign) that have been licensed by the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping to fish in our EEZ;
- (c) Global Maritime Distress and Safety System (GMDSS), which transmits messages such as distress signals;
- (d) Indian Ocean Regional Information Sharing (IORIS), which exchanges information within countries of the region under the MASE (Maritime Security) programme, and
- (e) Surveillance by ships, boats, aircraft and by National Coast Guard posts.

Mr Speaker, Sir, as regards part (a) of the Parliamentary Question B/598, I am informed that there is an annual maintenance contract between the Government of Mauritius and the Bharat Electronics Ltd, and the contract amount is dependent on maintenance visits by BEL and the cost of spare parts. As at date, a sum of USD498,153 has been incurred for that purpose.

With regard to part (b), I am also informed by the Commissioner of Police that the CSRS is manned and monitored round the clock by National Coast Guard officers. Moreover, the system assists the National Coast Guard in monitoring the movements of vessels transiting in our territorial waters, and also complements in -

- expanding Maritime Domain Awareness;
- enhancing coastline and EEZ surveillance;
- improving monitoring of fishing activities, and
- enhancing Search and Rescue capabilities.

National Coast Guard officers based at CSRS Stations use the system to identify and interrogate merchant vessels entering our territorial waters. Vessels which are not destined to Port Louis Harbour are directed to clear our coast.

Dr. Aumeer: Thank you, hon. Prime Minister. I am glad to note that the Coastal Surveillance Radar System at Pointe du Diable was functioning rightly. The very fact that there was no response from the Wakashio vessel for nearly three hours on 25 July through the Automatic Information System, is there any reason as to why the fast interception boat, which I understand comprises the National Coast Guard Commando, was not sent to approach the vessel and enquire about the purpose of their presence in the lagoon well before it grounded?

The Prime Minister: It is not correct, Mr Speaker, Sir, to say that they did not respond for three hours. I refer the hon. Member to a PQ to which I replied in this House, and in my reply I have given detailed information as to when the National Coast Guard was trying to establish radio contact with the Wakashio and that they did not respond. I am not going to repeat all the specific time during which that Coast Guard was in contact with Wakashio and it did not answer. It was only when it had grounded that the Captain, I believe, if I can recollect, had then stated that, it would seem, he had lost control of his ship and it had grounded. So, it is not correct to say for three hours.

Now, secondly...

(Interruptions)

Let me finish!

(Interruptions)

I have not finished. Secondly, I think I had answered that also. The Fast Patrol Boat could not go out at sea at that time because the sea was very rough and it was dangerous.

(Interruptions)

What is there to laugh about?

Mr Speaker: No crosstalking!

The Prime Minister: I do not see the reason for which to laugh. Do you think we could have put the lives of officers in danger by just sending a Fast Patrol Boat? And then, Mr Speaker, Sir, with regard to the other ships that we have, of course, I understand that they were based in Port Louis Harbour. So, by the time it would have taken them to set sail from Port Louis Harbour to reach there, the accident would already have happened.

Mr Speaker: Last supplementary Dr. Aumeer!

Dr. Aumeer: Has the Prime Minister, who is responsible for territorial integrity, been given a report by the National Coast Guard, which is supposed to monitor and scrutinise our lagoon and exclusive maritime waters, as to the very unusual route taken by Wakashio since it entered our Exclusive Maritime Zone on 23 July, well two days before it grounded on the reef? Thank you.

The Prime Minister: I would like to know from the hon. Member which report he is referring to? Which report is there to show that it was coming from a route which, I believe, was not allowed? Mr Speaker, Sir, it will be for the investigation to determine whether the ship was on the right track or what has happened. Indeed, it is for that investigation to determine all these issues.

Mr Speaker: I would allow one last supplementary, time is over by five minutes already!

Mr Juman: Thank you, Mr Speaker, Sir. I have listened to the answer of the hon. Prime Minister. Since the Souillac Radar has not been functional since eight months, can the hon. Prime Minister tell us whether this negligence is not likely to expose us to piracy or even terrorist threats, being given that we are unable to detect any suspicious vessels in these parts of the island?

The Prime Minister: It is not correct to say that we are not able to detect any vessel. Just because that radar at Gris Gris is not operational right now does not mean that we have no idea what vessel is in our territorial waters or in our Exclusive Economic Zone. We have, as I mentioned in my answer, the Automatic Identification System which is operational and which tracks all vessels coming into our waters. So, it is not correct to say that because one radar, at this place, is not working, that we are not aware and we do not know which vessel is coming.

As for whether terrorists are coming or others are coming, I do not know if one can imagine if a ship is coming on our way and is on track and everything is in order with regard to the passage, how would we know who is in the ship, who is not in the ship? I just leave matters at that, so that I do not have to say more. But this issue about terrorists and so on is an issue about intelligence; it is about security. If the hon. Member will put a substantive question on terrorists and piracy, of course, I will answer.

SSR INTERNATIONAL AIRPORT – REOPENING – COMMERCIAL FLIGHTS

(No. B/594) **Mr X. L. Duval (Third Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Sir Seewoosagur Ramgoolam International Airport, he will state if the reopening thereof for the operation of commercial flights is being contemplated and, if so, indicate the –

- (a) expected re-opening date thereof, and
- (b) pre-conditions to be attached thereto.

(Vide Reply to PQ B/592)

NATIONAL COAST GUARD - COASTAL SURVEILLANCE RADAR SYSTEM

(No. B/598) **Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Coastal Surveillance Radar System, he will, for the benefit of the House, obtain from the National Coast Guard, information as to if they are fully operational, indicating –

- (a) the annual maintenance cost thereof, and
- (b) if regular monitoring thereof is carried out.

(Vide Reply to PQ B/593)

Mr Speaker: Hon. Members, I will suspend the sitting for one and a half hour.

At 1.00 p.m., the sitting was suspended.

On resuming at 2.32 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please, be seated! Parliamentary Questions! The Table has been advised that PQ B/617 will be replied by the hon. Attorney General, Minister of Agro-Industry and Food Security. PQ B/640 will be replied by the hon. Minister of Blue Economy, Marine Resources, Fisheries and Shipping. PQs B/642, B/644 and B/645 have been withdrawn. Hon. Ameer Meea!

MV WAKASHIO - WRECK - MARINE ECOSYSTEM - CONTAMINATION

(No. B/604) **Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Blue Economy, Marine Resources, Fisheries and Shipping whether, in regard to the oil spill from the wreck of vessel MV Wakashio, he will state if an

assessment of the damages caused to the fish and natural resources has been conducted and, if so, indicate –

- (a) the outcome thereof, and
- (b) if he has met the registered and non-registered fishers, skippers and hotel operators of the regions affected by same and, if so, indicate the outcome thereof, including if the issue of compensation payable thereto and the period concerned therewith have been discussed and, if so, give details thereof.

Mr Maudhoo: Mr Speaker, Sir, the oil spill has undoubtedly affected our marine ecosystem and the affected regions have been declared as restricted areas in the interest of public safety and security.

Mr Speaker, Sir, with regard to part (a) of the question, since the grounding of the MV Wakashio, sea water samples are being collected by the Albion Fisheries Research Centre from the affected regions and beyond, on a daily basis to analyse the physicochemical parameters.

As from 07 August 2020, the oil spill analysis has revealed high level of oil and grease in the samples. This monitoring exercise will be carried out continuously until all the parameters will come back to normal.

A total of 18 fish samples were collected for analysis. The fish specimens were submitted to QuantiLAB Limited for analysis of total hydrocarbon index, polycyclic aromatic hydrocarbon and heavy metals. Result of analysis obtained from QuantiLAB on 17 August 2020 indicated the following when compared to Schedule Seven of the Mauritius Food Act 1998, regulation 62 (2) for fish and fish products.

The highest level of contamination recorded were as follows -

- (a) arsenic was high 5.3 mg per kilo in the fish specimen and 6.8 mg per kilo in the squid specimen. The maximum permissible limit is 1 mg per kilo;
- (b) cadmium 1.3 mg kilo in the squid specimen was also high. The maximum permissible limit is 1 mg per kilo;
- (c) total hydrocarbon oil index was 7.6 mg per kilo in the fish specimen and 222.7 mg per kilo in the squid. It should not be detected for them to be consumed.

These give an indication of the level of contamination of fish in the affected regions and the fish are unfit for consumption. My Ministry has issued a communiqué informing the public not to consume seafood coming from the affected regions. They have also been invited to contact the Ministry for any information, clarification and advice that they may need through a dedicated hotline at the level of my Ministry. The hotline number is 173.

As pointed out, the affected regions have been declared restricted areas and no fishing is allowed. The national coast guard and the Fisheries Protection Service are closely monitoring the situation. The testing of fish samples will be carried out continuously until all the parameters will come back to normal. With regard to the mangrove ecosystem, the surveys are still ongoing to determine the extent of damage caused. Therefore the economic and environmental damages remain to be assessed being given the magnitude of the disaster.

Mr Speaker, Sir, with regard to part (b) of the question, since the occurrence of the unprecedented disaster, I have met fishers, fishmongers and non-registered fishers of the affected regions. Well, my colleague, the Deputy Prime Minister, hon. Obeegadoo, has receives representation from pleasure craft operators. Normally, the bad weather allowance is paid as from the 20th of each month for the preceding month. Exceptionally, the bad weather allowance for the month of July 2020 was paid on 14 August 2020, on the eve of the Assumption Day. An amount of Rs17.5 m. has been disbursed for eligible registered fishers over the island who have each obtained Rs10,200.

My Ministry has also arranged for the payment of a special allowance of Rs800 per day per registered fisher and fishmonger who participated in the clean-up operation in the affected regions. Payment of the special allowance was also effected on Friday 14 August 2020. More than 400 fishers and fishmongers participated in those areas.

Mr Speaker, Sir, Government is well aware of the fact that the livelihood of registered fishers, fishmongers and pleasure craft operators of the affected regions that is from Blue Bay to Grand River South East have been seriously affected and they have not been in gainful employment since 27 July 2020 as a result of the grounding of MV Wakashio. In a spirit of solidarity in these difficult moments, Government has introduced a solidarity grant funded from the Prime Minister's Relief Fund for the benefit of 475 registered fishers and 71 fishmongers of the affected regions starting from August 2020. The solidarity grant amounts to Rs10,200 monthly. 292 pleasure craft operators already benefitting from the Self-Employed Scheme and deriving less than Rs10,200 will be taken on board under the

solidarity grant at par with the fishers and fishmongers. The first payment will be effected to them at latest by 28 August 2020 through direct credit to the individual bank accounts. This solidarity grant will remain effective up till the resumption of normal activities in the affected regions.

As regards the 31 non-registered fishers who have been declaring their catch to the Fisheries Protection Service of their locality, an Assistance Scheme is being worked out and will be announced shortly. I also wish to inform the House that upon the request of Government, the experts and contractors retained by the owners of MV Wakashio have accepted to give priority to enlist the services of registered fishers, fishmongers, pleasure craft operators and non-registered fishers in the cleaning operation and restoration of the affected regions.

Mr Ameer Meea: Mr Speaker, Sir, *d'après les informations captées par les images satellites, la zone sinistrée couvre une superficie de 27 km², c'est-à-dire de Blue Bay à Poste Lafayette.* Therefore, can I ask the hon. Minister whether the analysis that has been done covers the area that I have just mentioned?

Mr Maudhoo: Mr Speaker, Sir, up to now, according to report that we have received, the spill has affected Grand River South East to Blue Bay, not Poste Lafayette or Belle Mare.

Mr Ameer Meea: Mr Speaker, Sir, as the hon. Minister just mentioned to the House that the area has been declared as restricted, I did not hear him in his reply mentioning compensation in terms of hotel and hotel operators. Therefore, can I ask him in the compensation, will beach hawkers also be included as they are also being affected directly because they won't be able to operate in those restricted areas and also the hotels there, apart from hotels scheme, apart from what has been said by the Finance Minister, but these hotels there are impacted doubly, that is by corona, the existing issue and also from Wakashio? What is he doing for hotels in the regions?

Mr Maudhoo: Mr Speaker, Sir, I will check from my colleague the Deputy Prime Minister, if the beach hawkers are already in the Assistance Scheme, then we will definitely look into. We are aware of that and definitely I will take the matter with the Deputy Prime Minister.

Mr Ramful: Can I ask the hon. Minister whether with regard to compensation, he is well aware that all activities that are related to the tourism sector have all been affected by the Wakashio incident, I have met the taxi owners, taxi operators in and around Blue Bay,

Mahebourg and Grand Port, they normally take passengers to the beaches etc... and they have been also affected by this incident, may I request the hon. Minister to kindly consider also the plight of those taxi owners and operators?

Mr Maudhoo: Mr Speaker, Sir, my Ministry in collaboration with the Ministry of Finance, Economic Planning and Development has set up an e-platform to facilitate the submission of claims. This e-platform which is hosted on my Ministry's website was launched on 14 August 2020. A communiqué, a user guide as well as application forms are available on the website. Any person or entity who has sustained a loss or damage caused outside the ship by contamination resulting from the escape or discharge of bunker oil from the ship, the cost of preventive measures as a consequence of the grounding of MV Wakashio and ensuing oil pollution may submit their claim online together with full justification which will be channelled to the ship owners and/or insurer for assessment and approval.

Mr Ameer Meea: Mr Speaker, Sir, as the House is aware MV Wakashio has been broken in two pieces. According to public knowledge, half of it or part of it will be brought in deep sea and then will be sunk and there is a part that is stuck on the reef or *banc de sable*, can I ask the hon. Minister what will be done with this remainder, what will Government do for the piece that is stuck on the *banc de sable*?

Mr Maudhoo: In fact, Mr Speaker, Sir, the Director of Shipping has already intimated the owners to submit their plan, I think this was done two days back but this morning the owners have submitted a preliminary wreck removal plan for the aft part of the vessel to the Director of Shipping for approval. So, we are just waiting. They have already submitted their plan. So, they are awaiting the approval of the Director of Shipping.

Mr Speaker: Last supplementary!

Mr Uteem: Thank you. The hon. Minister mentioned the presence of arsenic in the analysis. So, may I know from the hon. Minister what actions are being taken to ensure that no contaminated fish or other seafood products do not find their way to the consumers? So, in the Ministry, do they have Inspectors who go and sample fish which are being sold to the public?

Mr Maudhoo: In fact, Mr Speaker, Sir, this is a very serious issue and the National Coast Guard as well as the Fisheries Protection Officer are all on alert and there is a proper monitoring going on and we will be on our guard, that is definite.

Mr Speaker: Hon. Members. The Table has been advised that PQ B/617 has been withdrawn, PQs B/646, B/647, B/648 have also been withdrawn and that PQ B/625 will be replied by the hon. Minister of Health and Wellness.

Mr Speaker: Next question, hon. Ameer Meea!

MV WAKASHIO – SALVAGE AGREEMENT

(No. B/605) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Blue Economy, Marine Resources, Fisheries and Shipping whether, in regard to vessel MV Wakashio, he will state if contacts have been established between the owner thereof and Government in relation to the wreck thereof and damages caused, especially, for the restoration of our marine ecosystem.

Mr Maudhoo: Mr Speaker, Sir, as the House is aware, the registered owner of the vessel MV Wakashio is Procure Maritime Corporation and the insurers are the Japan Ship Owners' Mutual Protection and Indemnity Association, also known as Japan P&I Club.

Following the grounding of MV Wakashio on 25 July 2020, the Director of Shipping established contact with the ship owner on 26 July 2020, after having obtained all information from the Master of the vessel. In line with section 150 of the Merchant Shipping Act 2007, the Director of Shipping instructed the owner to enter into a salvage agreement for the salvaging of his vessel. The owner forwarded to the Director of Shipping on 26 July 2020, a signed Lloyd's Standard Form of Salvage Agreement which is called LOF, the Lloyd's Standard Form of Salvage Agreement is a standard agreement form signed between the owner of the ship and salvors to undertake salvage operations.

Mr Speaker, Sir, on 11 August 2020, letters were sent to both the owners and Ship Insurers Protection and Indemnity Association by the Director of Shipping informing them that, I quote -

“The State of Mauritius, its *préposé*, intends to make claims against you, including claims for preventive, mitigating and reinstatement measures, actions for compensation following the pollution damage.”

The ship owners have acknowledged receipt of the correspondence from the Director of Shipping on 12 August 2020.

Mr Speaker, Sir, as the House is aware, the State of Mauritius holds the Ship Owner Insurer liable for all the losses and damages caused outside the ship by contamination

resulting from the escape or discharge of bunker oil from the ship. The cost of cleanup and preventive measures sustains and intends to claim for compensation for such losses and damages from the ship owner and insurer as per section 195 of the Merchant Shipping Act 2007.

My Ministry, in collaboration with the Ministry of Finance, I just announced that the e-platform. Mr Speaker Sir, I also wish to inform the House, being given the magnitude of the disaster, assistance has been sought from international organisation, such as the United Nations Development Programme, the European Union and foreign friendly countries, such as Australia, France, India, Japan and South Africa, through the Ministry of Foreign Affairs, Regional Integration and International Trade for ecological environmental, social and economic assessment, that is, a holistic approach in support or claims against the owner and the insurer. It is also envisaged to retain the services of professionals, for example, Environmental Economists, Specialists in coastal and marine environments having extensive experience to assist us in the preparation of such type of claims, *inter alia*, to –

- (a) natural resource damages, that is, our wetlands and near shore habitats;
- (b) early environmental restoration;
- (c) replenishment and protection of living marine resources;
- (d) early restoration of recreational loss;
- (e) economic recovery, that is, fisheries, tourism and ancillary activities;
- (f) monitoring adaptive management, administrative oversight and a comprehensive planning cost, and
- (g) achieving restoration goals in all the affected areas.

All these will determine the amount to be claimed for all the restoration process. The terms of reference for the appointment of required professional are under preparation.

Mr Ameer Meea: Yes, Mr Speaker, Sir. In a public statement, the owner of Wakashio apologised and also stated that he and his company will take full responsibility of what happened. Mr Speaker, Sir, what I want to know, what concretely does that mean? What concretely does that mean that he will take full responsibility? Does it mean that he will foot the Bill? And also, since we have been working on a claim, has discussion already started, and what has been the outcome? What amount are we talking about?

Mr Maudhoo: Mr Speaker, Sir, this is why we need the expertise of professional to determine the amount, because this is an unprecedented disaster that we have never encountered on our island. So, we are still working on that.

Mr Speaker: Hon. X. L. Duval!

Mr X. L. Duval: In relation to the amount of damages to be claimed, I have listened very carefully to the hon. Minister's reply to the previous question. Is it not very rash, unwise and foolish to say that pollution has not affected fish beyond *Grande Rivière Sud Est*, whereas this simple statement will reduce the amount of claim that can be actually made by the State of Mauritius against the owners? Isn't it very rash and irrational to say so, when you say, yourself, you have not had the experts, and this will reduce our right to compensation?

Mr Maudhoo: Mr Speaker, Sir, I have just said in my answer that the samples that we have collected we are taking it even beyond the affected areas, so, let us wait for all these reports.

(Interruptions)

Mr Ameer Meea: Yes, Mr Speaker, Sir, as the House is aware the ship, is registered in Panama. I have read somewhere in the papers that being the ship is registered in Panama, may render prosecutions very difficult. Has this being looked after by your Ministry or Government?

Mr Maudhoo: I think we have the proper insurance policy that we got all the documents of the MV Wakashio from the owners. So, I think the legal people will look into it, Mr Speaker, Sir.

Mr Speaker: Next question, hon. Ameer Meea!

SC/HSC EXAMINATIONS - SCHEDULE

(No. B/606) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to the Cambridge School Certificate and the Higher School Certificate Examinations to be held in October/November 2021, she will state if consultations have been held between the University of Cambridge Local Examinations Syndicate and the Mauritius Examinations Syndicate for the –

(a) date of the holding thereof, and

(b) syllabuses thereof and, if so, indicate where matters stand.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, in the wake of the COVID-19 pandemic, a large majority of countries have witnessed nation-wise close down of schools resulting in alternative timings being identified for assessments at different levels. The closure of schools and the subsequent rescheduling of examinations is an international reality. In Mauritius, as already announced, in view of the loss of instructional time during the period of school closure, the 2020 School Calendar has been adjusted and will now run up to 26 March 2021. This will ensure that students are given sufficient time to confidently complete their respective programmes of study.

As a result of this new calendar, the timing of all assessments and international examinations has been reviewed. SC/HSC examinations in Mauritius are consequently moving from the November series to the June series as from year 2021. In this connection, as mentioned in my written reply to PQ B/495, the SC/HSC examinations that will have been held in October/November 2021 will now be held in April/May/June 2022. Students will be assessed on the June 2022 syllabuses as communicated to schools through the Circular No. 30, dated 21 July 2020, from the MES.

Mr Ameer Meea: Mr Speaker, Sir, we understand that exams set by Cambridge School Certificate and Higher School Certificate could not be set this year. Therefore, can I ask the hon. Vice-Prime Minister why is it that for exams from Grade 7 to Grade 10, which are organised by Mauritius Examinations Syndicate (MES), are being postponed for next year?

Mrs Dookun-Luchoomun: First of all, Mr Speaker, Sir, exams for Grades 7 and 8 are set by the schools. Examination for Grade 9, the NEC is set by the MES. However, taking into consideration that all students from Grade 1 to Grade 13 have had their school calendar disturbed this year because of the COVID-19 pandemic, we have thought it wise to give students time for them to complete their programme of study. This, in order to allow them to serenely cover their courses and not to rush them into examinations because we feel that children need to be given time and we need first to consider their state of mind to allow them to cover their programme of study.

Mr Ameer Meea: Mr Speaker, Sir, school has resumed in July instead of August as was previously announced and school will be run until November. Therefore, can I ask the

hon. Vice-Prime Minister when school calendar will be back to normal, that is, January to November, as it used to be?

Mrs Dookun-Luchoomun: Mr Speaker, Sir, the whole idea of shifting the school calendar was prompted by the interest of the children. Now, when we think of the school calendar being shifted to the June series, it is simply because we believe that all the students need to be given time to complete the work and to learn in an effective manner. It is not only a question of covering a syllabus or rushing children through a syllabus; it is just to allow them to learn. What we really want is that effective learning does take place. We cannot take a child of, let's say, seven, eight, nine years of age and ask them to complete a syllabus and feel happy that they have done so within a few months as they were expected to do. Now, what we need to ensure is that they cover their school programme, they learn effectively and they acquire the skills and knowledge that we want them to acquire.

Mr Speaker: Hon. Ramful!

Mr Ramful: There is one question which is related to what my learned friend said. May I know if the changes that are being brought to the school calendar are going to remain permanent or are there going to be changes in the future? What is the intention of the hon. Vice-Prime Minister?

Mrs Dookun-Luchoomun: Mr Speaker, Sir, I have just stated that we have changed the school calendar in order to ensure that students get the time required for them to complete the course of programme. However, we have to bear in mind that the pandemic has not affected solely students in Grade 11 and Grade 13; it has affected students throughout the school, *c'est-à-dire*, from Grade 1 to Grade 13. So, what we intend to do is to ensure that all these students complete their programme in the best possible manner and if ever there is need to revert back, in due time we are going to see, but we have to ensure that not a single child gets adversely affected by the pandemic. Our aim is to ensure that children are not affected, that they get sufficient time to complete their programme and that they really learn!

Mr Speaker: Last supplementary! Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you. With regard to SC, they will be going to HSC, there will be change in schools at time. With regard to HSC leavers, they will have to go to university. Has the Ministry looked into the implications in a time frame point of view so that the students do not miss the academic year and they do not lose time in the process?

Mrs Dookun-Luchoomun: As far as the universities in Mauritius are concerned, they have all decided to start their courses later in October next year. As for foreign universities, students can always apply with their provisional results, that is, the forecast for Cambridge and other second-term results are normally used by students for provisional applications to foreign institutions and this is normally accepted.

Mr Speaker: Exceptionally!

Mr Ameer Meea: Thank you, Mr Speaker, Sir. Can I ask the hon. Vice-Prime Minister if private candidates will be able to sit for exams in November as it used to be?

Mrs Dookun-Luchoomun: Private candidates take examinations on their own. Cambridge offers examinations in November and June. However, for candidates opting to take exams as private candidates, this year exceptionally, in 2020, we are not running the courses for any candidates, we are only allowing students who had entered for exams in June to be able to do so in November.

Mr Speaker: Next question!

BROWN SEQUARD MENTAL HEALTH CARE CENTRE – FEMALE IN-PATIENTS, NURSING STAFF, ETC.

(No. B/607) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Wellness whether, in regard to the Brown Sequad Mental Hospital, he will state the number of female –

- (a) in-patients admitted thereat, and
- (b) nursing staff posted thereat, indicating their respective grades as at July 2020.

Dr. Jagutpal: I am informed that as at 31 July 2020, there are a total of 188 female in-patients admitted at the Brown Sequad Mental Health Care Centre. There are 53 female in-patients in the Wards admitting acute cases and 135 female in-patients in Wards admitting chronic cases, that is, for long-stay patients.

As regards part (b) of the question, there is a total of 102 female nursing staff posted at the Brown Sequad Mental Health Care Centre.

- (i) Nursing Supervisor: 1
- (ii) Ward Manager: 11
- (iii) Charge Nurse: 20

- (iv) Nursing Officer: 40
- (v) Health Care Assistant: 29

On the whole, we have 11 female wards and each ward is manned on average by one Ward Manager, one to three Charge Nurses, two to four Nursing Officers and three to six Healthcare Assistants on a roster basis. Moreover, at the Outpatient Department, we have one Ward Manager, three Nursing Officers, three Healthcare Assistants and one Customer Care Officer to cater for patients.

Dr. Aumeer: Thank you. In the Budget Estimates of 2020-2021, there is only one post marked as Ward Manager Psychiatric Female as per the PRB on the Establishment, which is occupied by one Mrs L. J. Can the hon. Minister confirm whether one Charge Nurse Psychiatric Female has also been assigned the post of Ward Manager Psychiatric in the High-Security Female Ward since 14 February 2020?

Dr. Jagutpal: Mr Speaker, Sir, for the information of the House, 41 vacancies in the grade of Nursing Officer Psychiatric were reported to the Public Service Commission in 2018. The post was last advertised on 19 July 2018 and the Commission informed that the vacancies could not be filled as no qualified candidate had applied for the post. So, already we do not have candidates who have applied for the post, and obviously, that would have an impact on the promotion of other officers to the grade of Ward Managers.

Mr Speaker: Hon. Ms Anquetil!

Ms Anquetil: Thank you, Mr Speaker, Sir. Can the hon. Minister inform the House as to the number of children placed by the Child Development Unit in the Adolescent Female Ward of the Brown Sequard Hospital, please?

Dr. Jagutpal: Mr Speaker, Sir, I think the hon. Member should come up with a specific question. So far as I remember, in the Psychiatric Ward of Brown Sequard Mental Healthcare Centre, there is no patient referred by the Ministry of Social Security who has been admitted. The Ward is only reserved for patients having psychiatric problems or adolescents having psychiatric problems; they are the ones admitted in that Ward.

Dr. Boolell: Thank you very much. Can I ask the hon. Minister whether he has been made aware that there is a shortage of nursing staff to cope with the workload and that despite requests have been made by the Brown Sequard Authorities for this problem to be addressed upfront?

Dr. Jagutpal: Mr Speaker, Sir, yes, I am very much aware of the shortage of staff there, but I have to inform the House that there is the scheme of Bank Nursing that caters for shortage of staff. At the same time, I wish to inform the House that soon there would be 102 vacancies for Nursing Officer that have to be filled and the courses will be completed, that is, training will be completed by the end of October, and obviously, the post will be filled.

Mr Speaker: Last supplementary!

Dr. Aumeer: Does the hon. Minister have any information as to why Female Charge Nurse in Psychiatric with lesser than five years' experience, which is the usual recommendation by the PSC, have been promoted as Ward Manager?

Dr. Jagutpal: Mr Speaker, Sir, I believe that I have given the answer before. If we don't have nurses having a psychiatric diploma or degree, it is not possible to run such a unit in an institution where there are many patients and no Ward Manager. I believe that it has been done for administrative convenience so that those posts can be filled and for the smooth running of the institution.

Mr Speaker: Honourable Members, the Chair has been advised that PQs B/632, B/633 and B/634 have been withdrawn. Next Question!

PLAINE VERTE-CITÉ VALLIJEE - BUS ROUTE 256

(No. B/608) Dr. F. Aumeer (Third Member for Port Louis South & Port Louis Central) asked the Minister of Land Transport and Light Rail whether, in regard to Bus Route 256, linking Cité Rozemont, in Vallée Pitot, to Plaine Verte, he will, for the benefit of the House, obtain from the National Land Transport Authority, information as to why Inkerman Street, the Eid Gah and Chalet street are no longer serviced by same, indicating if consideration will be given for the reinstatement thereof.

Mr Ganoo: Mr Speaker, Sir, I am informed by the National Land Transport Authority that prior to June 2016, bus service was being provided by the United Bus Services Ltd along Route 256, that is, from Plaine Verte to Cité Vallijee.

The route itinerary was as follows –

- Plaine Verte to Cité Vallijee via Boulevard Victoria, Inkerman Street, Eid Gah, Rajcoomar Gajudhur Street, Boulevard Victoria, Volcy Pougnet Street and La Butte.

I am further informed that due to the narrowness of roads leading to Eid Gah, namely Chalet Street and part of Inkerman Street, the UBS resorted to the operation of 30-seater buses along that route. However, in June 2016, reckoning with difficulties to safely manoeuvre along part of Inkerman and Chalet Streets, the bus company ceased operation along Route 256. Therefore, presently, no bus service is being provided to residents of the region of Eid Gah, but the inhabitants can avail of buses operating along other routes located some 500 metres away from the region of Eid Gah, namely Routes 115, 139, 150 and 237.

To address similar situation, Mr Speaker, Sir, the NLTA is envisaging to invite applications for the operation of minibuses in specific localities, including the region of Eid Gah. These buses would connect the inhabitants to the main road and ease their accessibility to public transport.

Dr. Aumeer: Thank you, hon. Minister. I am happy to hear that minibuses will be used in the future, considering the narrowness of certain roads that exist there rightly. Will the hon. Minister look into the installation of, at least, three mini sheltered bus stops along the route itself in Vallée Pitot, as there is only one at its entry in Cité Rosemont for the welfare of the people, particularly during summer and the bad weather?

Mr Ganoo: I will certainly do that, Mr Speaker, Sir. In fact, if the hon. Member had made such a request, I am sure the request would have been granted.

Mr Osman Mahomed: The availability of minibuses will depend on the Expression of Interest, but, meanwhile, can the Department organise for a joint site visit, so that the narrowness of the streets can be looked into with inhabitants of the region so that we can alleviate the narrowness problem once and for all?

Mr Ganoo: Yes. The question of the narrowness of the roads, as far as I understand, Mr Speaker, Sir, has been compounded with the fact that there are a lot of cars owned by the inhabitants in the region who park their vehicles along the roads and making it more difficult for the huge buses or even the 30-seater buses to have access to this area. I am prepared to have a site visit with the hon. Members of the area and together, collaboratively, we can see how to find a quicker solution to the problem.

Mr Speaker: A last supplementary!

Dr. Aumeer: Once again, hon. Minister, any consideration for the time being as to companies having smaller coaches to serve that area?

Mr Ganoo: Well, this is a request that has to be made officially to the NLTA for the individual coaches to be granted the necessary licence to be able to operate and ply in that region.

Mr Speaker: Next question, hon. Nuckcheddy!

FLACQ YOUTH CENTRE - REFURBISHMENT

(No. B/609) **Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil)** asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the outdoor facilities of the Flacq Youth Centre, he will state if consideration is being given for refurbishment works to be carried out in relation thereto.

Mr Toussaint: Mr Speaker, Sir, the outdoor facilities available at the Flacq Youth Centre comprises a tennis court, a volleyball court and a basketball court. In February this year, cracks and depressions were identified and reported on the three playgrounds.

A technical team from my Ministry conducted a site visit and effected an assessment of the remedial works that would be required. Accordingly, the technical team submitted the scope of works together with an initial cost estimate amounting to Rs8 m. for both indoor and outdoor refurbishment works. However, the cost estimate is considered to be on the high side.

In view of the above and given the current economic situation, the scope of works is being reviewed for a more cost-effective solution.

Mr Nuckcheddy: May I ask the hon. Minister to inform the House if the lighting is included in the scope of work?

Mr Toussaint: Mr Speaker, Sir, I don't have this information on the papers given to me; however, I will look into the matter and inform the hon. Member.

Mr Speaker: Next question!

FLACQ & BON ACCUEIL – WATER SUPPLY

(No. B/610) **Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil)** asked the Minister of Energy and Public Utilities whether, in regard to Constituency No. 9, Flacq and Bon Accueil, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the work progress of the various ongoing waterline projects earmarked for implementation thereat.

Mr Lesjongard: Mr Speaker, Sir, I am informed by the Central Water Authority that the regions of Flacq and Bon Accueil form part of the East District Water Supply.

I am further informed that the Central Water Authority has awarded two major pipe replacement contracts for the replacement of a total of 26.5 kms of all asbestos cement and cast iron pipes in the regions of Flacq and Bon Accueil, namely improvement of water supply in Lallmatie, Bon Accueil, Pont Blanc areas awarded in April 2017 and upgrading of distribution mains in the region of Laventure awarded in August 2017.

I am also informed, Mr Speaker, Sir, that the contracts which were for an initial duration of 450 days each ending in August 2018 and November 2018 respectively have thereafter been revised to May 2019. However, as per information provided by the CWA, the two contracts have suffered major delays and have still not been complete, mainly in view of unsatisfactory performance of the contractor.

I am further informed that as at 14 August the overall status of works was as follows –

- Improvement of water supply in Lallmatie, Bon Accueil and Pont Blanc areas, 64%.
- Upgrading of distribution mains in the region of Laventure, 65%.

I am further informed that liquidated damages are being applied to the two contracts and the CWA is initiating action under provisions of the Public Procurement Act due to delays in the execution of the contracts.

Moreover, the CWA is also exploring the possibility of entrusting the road reinstatement works to the Road Development Authority or the Local Authority concerned, depending on the classification of the roads concerned.

Mr Nuckcheddy: Thank you, Mr Speaker, Sir. The hon. Minister mentioned about the delay damages. Can you please inform the House if in the contract, there is a provision for the limit of the delay damage?

Mr Lesjongard: Yes, there is. Mr Speaker, Sir, let me have a look and I'll find the figures. For the first contract, that is, the contract with regard to improvement of water supply in Lallmatie, the liquidated damages applicable is of the order of Rs8.4 m. and for the contract with regard to upgrading of distribution means in the region of Laventure, I understand that liquidated damages is of the order of Rs4 m.

Mr Nuckcheddy: Thank you. Can the hon. Minister please inform the House if apart from the delay damages, CWA is envisaging cashing the performance bond of the contractor because the delay is quite consequent and the delay damages amount would not be enough to compensate for that? So, are there any procedures which have been started for the cashing of the performance bond?

Mr Lesjongard: Mr Speaker, Sir, there are a series of measures which have been envisaged with regard to the performance of this contractor. I have replied earlier to PQs addressed on the same issue. Our aim is to get the contractor to finish the works which are already above 75%. For example, in the two contracts that I have stated, pipe laying is more than completed, that is, for the second project, it is 100% completed, the first one, it is 98.5% completed.

With regard to testing, testing has reached 73% for the first contract and 69 for the second contract, whereas house connection for the first contract it has reached 84.9%, that is, 1,316 consumers connected out of 1,550, whereas for the second contract, the house connection has reached 92%, that is, 766 out of 832, whereas with regard to permanent reinstatement the progress is zero. That's why, Mr Speaker, Sir, we are looking at the contracts awarded to the contractor on a case to case basis, that is, we intervene wherever we can, wherever he can finish what he has started, we will let him finish because if we go by the procedure established by the Public Procurement Office and if we have to look for another contractor, it will take us a lot of time to complete the full contract. That is why in what I have just stated, it is with regard to reinstatement where the contractor is definitely lagging behind and that's why in my main reply, I have stated that we are exploring the possibility with regard to reinstatement works giving it either to the Road Development Authority or to the NDU or to the local authority depending on the classification of the roads.

Mr Speaker: Next question!

FLACQ MARKET – POWER CUTS

(No. B/611) **Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil)** asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the Flacq Market, he will, for the benefit of the House, obtain from the District Council of Flacq, information as to the measures being taken to avoid the recurrence of frequent power cuts thereat.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I am informed by the District Council of Flacq that power cuts were reported on six occasions from December 2019 to January 2020. Consequently, on 06 and 16 January 2020, the technicians of the Council effected site visits to identify the origin of these power cuts.

During the inspection, the technicians noted that power cuts were due to an overloading of the electrical system. I am also informed by the District Council of Flacq that the issue was redressed by the technician by resetting the breaker tray.

However, an in-depth survey was carried out on 12 February 2020 to find out what might be the causes of the overloading in view of the recurrence of these incidents in the month of January 2020. This survey has revealed that unauthorised connections were being carried out by the stall holders and as a result, power cuts became recurrent. The Flacq District Council therefore decided to disconnect all the unauthorised connection.

Mr Speaker, Sir, I am informed that following the reopening of the fair on 15 June 2020 after the confinement period, health inspectors again reported cases of power cuts. An inspection was carried out anew on 07 July 2020 by officers of the Council and it was found that certain stall holders effected illegal reconnection in the haberdashery section and camouflage them with the articles displayed. Warning letters were served on the concerned stall holders on 23 and 24 July 2020.

Mr Speaker, Sir, the Flacq District Council has apprised my Ministry that regular monitoring was done by the Public Health Department and on 11 August 2020, additional warning letters were issued to stall holders for illegal connection of electricity. A delay of 14 days was given to the stall holders to disconnect all illegal tampering failing which disconnection will be effected. This inspection in this connection exercise takes place on a daily basis as a measure to discourage stall holders from illegal connection and to avoid such recurrence.

Mr Speaker: Next question, hon. Duval!

COVID-19 - VACCINES

(No. B/612) Mr X. L. Duval (Third Member for Belle Rose & Quatre Bornes) asked the Minister of Health and Wellness whether, in regard to COVID-19 vaccines, he will state if his Ministry has placed orders/made reservations from pharmaceutical firms for the procurement thereof and, if so, indicate the –

- (a) number of doses ordered/reserved;
- (b) names of the firms, and
- (c) estimated cost thereof.

Dr. Jagutpal: Mr Speaker, Sir, the vaccine for the COVID-19 is not yet available and worldwide research is ongoing.

In the month of May, at the World Health Assembly 2020, Cameroun, on behalf of the African Member States, made a plea for any vaccine available for COVID-19, to be shared among Member States, at an affordable price. Mauritius supported the submission of Cameroun.

On 05 June 2020, the Prime Minister has proposed a token contribution of USD2500, as a gesture of goodwill to support the UK's initiative to GAVI, the Vaccine Alliance, which is working on a COVID-19 vaccine. The token pledge by Mauritius would be seen as our commitment to the global fight against the pandemic and in the routine immunization in poor countries.

The Ministry has several established procedures for the procurement of pharmaceutical products including vaccines. In view of the urgency of the situation and the prevailing condition, the quickest method of procurement, which is the direct procurement, will be resorted to, to purchase the vaccine, once it is available on the market. Otherwise, Government to Government negotiation will be used to activate the purchase of the vaccine.

Mr Speaker, Sir, on 02 July 2020, GAVI, the Vaccine Alliance invited countries to submit an expression of interest to join the COVAX facility, to ensure that our country has the best possibility to access safe and effective COVID-19 vaccine that is critical to reduce deaths, ensure health security, support social stability and kick-start global economic recovery. In submitting the expression of interest, the Government would benefit from a guaranteed initial access to enough doses of vaccines to cover 20 per cent of our population.

On 10 July 2020, Mauritius responded positively to this invitation and we wrote to the Chief Executive Officer of GAVI, the Vaccine Alliance in Geneva and signalled our interest in participating in the COVAX facility. We have, thus, already secured at least that amount of vaccines, if successfully developed, to satisfy our requirements for the benefit of at least 20 per cent of our citizens, which involves around 260,000 doses. Our Mauritius Mission to the UN, Geneva is following up the matter at their level.

As regards parts (a), (b) and (c) of the question, these issues do not arise at this stage.

Mr X. L. Duval: Mr Speaker, I think they do arise. So, I will ask the hon. Minister whether he will agree with me that the exit from this COVID-19 crisis will automatically be through the vaccination of the population. So, I would like to ask the Minister whether he is aware that foreign Governments - many, many foreign Governments, *gouverner c'est prévoir* - have pre-ordered, reserved millions upon millions of doses of vaccines for their population from different, different suppliers so that, at least, they can be sure that one of these suppliers will find a decent vaccine and will be available.

Can I ask the Minister, therefore, is he aware, for instance, that the UK Government has pre-ordered 340 million doses of vaccines from six suppliers to be sure that these vaccines are available and, therefore, why hasn't same been done for the population of Mauritius?

Dr. Jagutpal: Mr Speaker, Sir, I'll first refer to the question that has been addressed to me - so far the vaccine has not been developed and has not yet been recommended by the WHO. So, how can the Government of Mauritius order any vaccines? We have been guided by the WHO and that is the statement I made about the COVAX facility. Government is doing what has already been recommended by the WHO.

Now, the second part of the question, the hon. Member is stating that different countries...

(Interruptions)

Mr Speaker, it happens because other Members have been...

(Interruptions)

Anyway. Now, the hon. Member has been stating that some countries have already ordered from different pharmaceutical companies.

Mr Speaker, Sir, obviously, there are so many companies doing trial phase, do you think the Government of Mauritius is going to order at a trial phase? I am sure the hon. Member would have come with a question: why the Government has already given order when the different companies are still on the trial phase.

Mr Speaker: Hon. Doolub!

Mr Doolub: Thank you, Mr Speaker, Sir. Actually, I have learned from the international press that vaccine has been developed in Russia. Can we have the status of the Minister with regard to this vaccine if he is considering to have a channel? Thank you.

Dr. Jagutpal: Yes, Mr Speaker, Sir. My Ministry is monitoring the progress made concerning Russia Sputnik V vaccine developed by a company called Gamaleya Research Institute along with the Russian Defence Ministry.

The House will note that any decision on our part again will be taken following an official advice by the WHO. As of now, the WHO states that 28 out of more than 150 vaccines are being actively tested on humans. The World Health Organisation also stated in a press briefing on 12 August that Sputnik V is among the 28 vaccines candidates in the clinical evaluation, but it is listed by WHO, as still being the phase 1.

Mr Speaker: Hon. Dr. Aumeer!

Dr. Aumeer: Thank you. Global Vaccine Alliance (GAVI) is one of many, as you said rightly, trying to work out a vaccine particularly in the phase 3 trial. I understand the point that we cannot order once there is no vaccine yet on the market, but, but....

(Interruptions)

But, but, you have to consider...

Mr Speaker: Order! Order!

Dr. Aumeer: ...but you have to consider what happened in 2007 and 2009 in Indonesia where they were hit by H5N1 and they had no vaccine because it was all taken up by rich nations, same in 2009 for H1N1. So, will the Government, through your Ministry, consider advance purchase agreement with vaccine manufacturers to guarantee access?

Dr. Jagutpal: Mr Speaker, Sir, rightly said by the hon. Member, at this stage, we cannot order vaccines the moreso as they are in trial phase. Thank you very much, hon. Member, but, at the same time, I have already stated we are registered with the Vaccine Alliance in Geneva, we have already participated and we have already been given the commitment that 20% of our citizens, that makes it up to nearly more than 260,000 doses, will be made available to us, once the vaccine is available.

Mr Speaker: Last supplementary.

Mr X. L. Duval: I have a few questions if you would allow me, Mr Speaker.

Mr Speaker: No.

Mr X. L. Duval: Mr Speaker, this is a very important question.

(Interruptions)

Mr Speaker, I am surprised that the hon. Minister is insulting collectively the Governments of France, the Government of UK and the US government because all these Governments...

(Interruptions)

...and I am surprised. Maybe he is waiting for some emergency purchases, I don't know. I am surprised that he does not know and this is shocking that all these Governments - I will table later press cuttings. All these Governments have pre-ordered and reserved vaccines for their populations, many, many more doses than the actual population to be sure to get the vaccines. This is the only way out of the COVID crisis and, once again, Mr Speaker, Government is going to be caught with their pants down and unprepared.

Dr. Jagutpal: Mr Speaker, Sir, again, I think, I'll just use the word that the hon. Member has used. Again, it is quite foolish to order vaccines. I think I have to give a small lecture for him that vaccines are being developed – it goes through different stages: the first trial phase, the second trial phase, the third trial phase and, at this moment, without knowing what is going to happen to so many vaccines, what is going to be the outcome and the hon. Member is stating that we should have ordered those vaccines. I think that we should act responsibly. We should properly order vaccines when they are available and we are abiding by the recommendations of the institutions. It is not that we are blaming countries, that we are offending countries like UK and France if their policies are to order it now and then they have the possibility at a later stage to reject that order; that is their way of management, but, in Mauritius, we are going to order vaccine that is proper for our population and we are not going to take vaccine to do any test with our population.

Mr Speaker: Next substantive question!

Mr X. L. Duval: What a waste of time! B/613!

REDUNDANCY BOARD - WORKFORCE REDUCTION - NOTIFICATION

(No. B/613) Mr X. L. Duval (Third Member for Belle Rose & Quatre Bornes) asked the Minister of Labour, Human Resource Development and Training whether, in regard to the Redundancy Board, he will, for the benefit of the House, obtain therefrom,

information as to the number of applications received thereat since March 2020 to date, indicating the number thereof -

- (a) approved;
- (b) refused, and
- (c) still under consideration.

Mr Callichurn: Mr Speaker, Sir, I am informed by the President of the Redundancy Board that since March 2020 to date, the Board has received 133 notifications for reduction of workforce.

With regard to part (a) of the question, I am informed that the Redundancy Board has not approved any of the notifications for reduction of workforce, I repeat, has not approved any of the notifications for reduction of workforce.

I am further informed that, following the intervention of the Board, the reasons are flagrant non-compliance with the procedures or willingness on the part of some employers to either compensate or not to proceed with the reduction of workforce. 92 cases have been disposed.

Concerning part (b) of the question, I am informed that 50 notifications have been turned down, out of which, two orders have been made by the Board whereby the intended reduction was not considered as justified. The remaining 48 cases were set aside on the ground that procedures have not been followed or cases falling outside the jurisdiction of the Board.

Regarding part (c) of the question, I am informed that 41 cases are still under consideration.

Mr X. L. Duval: I have just one question. Did I understand correctly that not a single case has been approved and is that, in fact, how the Redundancy Board will work now? Not a single case has been found to be valid, is that right?

Mr Callichurn: Mr Speaker, Sir, the Redundancy Board is an independent institution. I have been indeed informed that none of the notifications have been approved by the Board.

Mr Uteem: Can I know from the hon. Minister out of these 92 cases that have been disposed of by the Redundancy Board, in respect of how many of these cases did the Board

order reinstatement of employees and in how many cases did the Board order payment of compensation?

Mr Callichurn: Well, I don't have the information at the moment, but I can undertake to communicate it to the hon. Member at a later stage and will place the information in the Library of the National Assembly.

Mr Speaker: Next question!

MV WAKASHIO – FOREIGN EXPERTS – SANITARY MEASURES

(No. B/614) **Mr A. Ittoo (Third Member for Vacoas & Floréal)** asked the Minister of Health and Wellness whether, in regard to the foreign experts who have come from abroad in the context of the wreck of vessel MV Wakashio, he will state the sanitary measures taken in relation thereto amid the COVID-19 Pandemic, indicating -

- (a) the countries from which they embarked, and
- (b) who bore the cost of -
 - (i) the tests carried out, if any, and
 - (ii) other sanitary measures taken.

Dr. Jagutpal: Mr Speaker, Sir, I am informed that as at 17 August 2020, 103 foreign experts have come from abroad in the context of the wreck of vessel MV Wakashio. They embarked from the following countries -

- Reunion Island;
- Madagascar;
- Kenya;
- France;
- Russia;
- UAE;
- Turkey;
- South Africa, and
- India.

On 30 July 2020, a salvage team comprising of seven experts from Netherlands, Belgium, Germany and Italy reached Mauritius and the five experts from Japan arrived on 04 August 2020, well before the oil spillage which started on 06 August 2020.

As regards part (a) of the question, I am informed that all sanitary measures have been put in place for the foreign experts according to established protocol -

- The foreign experts were allowed to travel to Mauritius following a PCR test.
- On arrival at the airport, the foreign experts had to present their COVID-19 negative results and temperature checks were carried out.
- COVID-19 PCR tests were carried out on the day of arrival, day zero, at the airport and depending on the duration of their stay in Mauritius, the foreign experts would undergo COVID-19 PCR tests on Day 7 and Day 14.
- Public Health Inspectors ensure that the foreign experts observe social distancing, wear face mask and gloves at all times.
- The foreign experts were then transferred to Preskil Island Resort Isolation Center, where they are isolated in their respective rooms until confirmation of their Day Zero negative Covid test results. The transfer was undertaken under supervision of my Ministry.
- The foreign experts are only allowed to travel out of their quarantine centre to the site of intervention and back under the supervision of Sanitary Officers of my Ministry.

Mr Speaker, Sir, the experts are accommodated at the Preskil Island Resort, which has been converted into a Quarantine Centre, given its proximity to the site of wreck.

In regard to part (b) (i) of the question, PCR tests are carried out by my Ministry, free of charge.

With regard to part (b) (ii) of the question, the following sanitary precautions are in place at the site of intervention under the supervision of a Health Inspector. Wearing of face masks, gloves at all times, frequent use of hand sanitizer and wearing of full PPE.

Mr Speaker, Sir, I wish to add that my officers are performing their duties with extreme care and diligence to ensure the safety of our citizens to an extent that yesterday at the High Level Crisis Committee, some experts have expressed their concern of being too closely monitored by officers of the Ministry of Health and Wellness.

Mr Ittoo: Mr Speaker, Sir, would the hon. Minister, please, inform the House how many of the experts have already completed their second and third PCR test, that is the second and final PCR test?

Dr. Jagutpal: As at date, I am informed that among the 103 experts who came for the Wakashio expert team, they all effected their first test which was negative. Out of the 103 experts, 32 have effected their second test and my Ministry is carrying out the remaining PCR tests for the experts on a fast-track basis and the 32 tests again were negative. I also wish to inform the House that 17 experts have already done their third test and all are negative.

Mr Speaker: Next question!

STATE TRADING CORPORATION - FUEL OIL - AGREEMENT

(No. B/615) **Mr P. Assirvaden (Second Member for La Caverne & Phoenix)** asked the Minister of Energy and Public Utilities whether, in regard to the sale of fuel oil by the State Trading Corporation (STC) to the Central Electricity Board (CEB), he will, for the benefit of the House, obtain from the CEB, information as to the premium paid by the CEB to the STC in USD per metric ton in relation to the -

- (a) present agreement, and
- (b) previous agreement 2016-2019.

Mr Lesjongard: Mr Speaker, Sir, with regard to part (a) of the question, I am informed by the Central Electricity Board that for the period of 01 February 2020 to 31 January 2023, the provision for the premium payable by the Central Electricity Board to the State Trading Corporation is USD72 per metric ton based on the quotations as published in Platts Asia Pacific/Arab Gulf Marketscan under the heading “Middle East Physical Oil Assessments for Freight on Board Arab Gulf”.

As regards part (b) of the question, I am informed that for the period 01 August 2016 to 31 July 2019 which has been further extended to 31 January 2020, the premium was USD44 per metric ton based on the quotations as published in Platts Oilgram European Marketscan under the heading “Asia Products Singapore for Freight on Board Singapore.”

Mr Assirvaden: M. le président, la différence entre le précédent contrat et le nouveau contrat, c'est une hausse du premium aux alentours de R 341 millions pour le CEB, donc, de 44 dollars métriques tonnes à 72 métriques tonnes comme précisé par le ministre. Est-ce que le ministre ne voit-il pas que le prix du premium *is on the high side* le fait que sur le marché mondial il y a une baisse du prix ?

Mr Lesjongard: Mr Speaker, Sir, yes. And I asked a question and the reply that has been provided is that the present agreement is based on Mean of Platts Arab Gulf, that is the MOPAG and the previous agreement was based on Mean of Platts Singapore, that is, MOPS. Now, the State Trading Corporation has explained that the change of the freight on board references from MOPS that is the Mean of Platts Singapore to MOPAG, that is the Mean of Platts Arab Gulf was motivated by the MOPS prices being higher than the MOPAG prices and that in majority of cases the application of MOPAG was found to be more beneficial than MOPS. So, in the case of the last bidding exercise for the supply of petroleum products which was launched on 03 October 2019, STC requested potential bidders to quote for MOPAG prices.

Now, I am further informed that the offers received were evaluated by the Central Procurement Board and that the increase in premium is the outcome of the offers received from the lowest evaluated substantially responsive bidder as per the recommendation of the CPB. So, in other words, the premium is higher whereas the market price is lower and there is a comparison which was made. For example, for the month of January 2020, MOPS prices in terms of USD per metric ton were 329.81 whereas MOPAG prices which were under the previous agreement per metric ton was 361. So, there was a difference of 28.20 USD. So, if we take the 44 dollar per metric ton for the previous agreement and we add up to 28.2, we reach almost the figure of 72 USD per metric ton.

Mr Assirvaden: M. le président, le ministre, je veux dire, le nouveau ministre de l'Energie, doit sûrement savoir que le DF réunion qui a les mêmes contraintes énergétiques et les mêmes exigences, en termes de *Heavy Fuel Oil* que l'Ile Maurice, paie son *premium* aux alentours de 50 à 55 dollars *metric ton*. L'ancien *Acting General Manager* du *CEB*, dans une lettre en date du 5 mars 2020, écrit à la *State Trading Corporation*, pour demander à ce que le prix baisse en termes de *premium*. Dans une réponse au *Acting General Manager* du *CEB*, le *General Manager* de la *State Trading Corporation* fait état, je cite une ligne, '*one of the possible reasons of the increase in premium in the world market could be due to the coming into force of the new international maritime organisation.*' Donc, est-ce que le fait que la facture pour le *CEB*, pour les consommateurs va tourner autour de R 341 millions annuellement, est-ce que le ministre ne pense pas qu'il est dans l'intérêt du *CEB* de revoir, de renégocier ce *premium* avec la direction de la *STC*?

Mr Lesjongard: Yes, in fact, Mr Speaker, Sir, the premium that was proposed was higher and it was after discussion that it was reduced to USD 72 per metric ton. I have had a

look at the agreement and I have requested the Board of the CEB to have a fresh look at the agreement that has been signed with the State Trading Corporation.

Mr Assirvaden: *Last question, M. le président!* Le fait que ce contrat est très couteux en termes de premium pour le CEB et les consommateurs, et dans le passé, le ministre est sûrement au courant que le CEB a déjà importé son propre huile lourde directement, en parallèle avec la *State Trading Corporation*. Je demanderais au ministre s'il est possible de voir avec la direction du CEB, la nouvelle direction, je veux dire, d'avoir une *parallel tender* pour voir si ce qu'on a de la *State Trading Corporation*, est-ce la meilleure offre ?

Mr Lesjongard: I will convey the message to the Board of the Central Electricity Board. Mr Speaker, Sir, I think the Board in its wisdom will consider what will be advantageous for the consumers of this country.

Mr Speaker: Next question!

CEB - MR M. K. G. - HUMAN RESOURCE MANAGER

(No. B/616) **Mr P. Assirvaden (Second Member for La Caverne & Phoenix)** asked the Minister of Energy and Public Utilities whether, in regard to Mr M. K. G., Human Resource Manager of the Central Electricity Board (CEB), he will, for the benefit of the House, obtain from the CEB, information as to the reasons for the secondment of duty thereof to the CEB (Facilities) Co. Ltd.

Mr Lesjongard: Mr Speaker, Sir, I am informed by the Central Electricity Board that Mr K. G. was appointed as Human Resource Manager at the Central Electricity Board on 06 October 2015 on a contract basis. He was appointed on a substantive capacity on 12 December 2017.

I am informed by the Central Electricity Board that the reasons for the secondment of duty of Mr K. G. to CEB Facilities Co. Ltd. were mainly to provide support to the General Manager of CEB Facilities Co. Ltd. in managing and implementing the expansion of the activities of the subsidiary of the CEB and to cater for the increase in manpower requirements of that subsidiary.

Moreover, I am also informed that his services be required with regard to the implementation of the overall strategy and business plan for that subsidiary.

I am further informed by the Central Electricity Board that following an internal audit and investigation carried out by the Internal Audit Department of the Central Electricity

Board, suspicious transactions were identified and a Report submitted by the Chief Internal Auditor of the Central Electricity Board, stated that Mr K. G. did not take any statement from officers concerned in these suspicious transactions.

Moreover, I am informed by the Central Electricity Board that the CEB at this Board Meeting held on 29 April 2020, the Board requested the then Acting General Manager to submit a paper on the overall performance of Mr K. G. and a plan on how he intended to remedy the situation prevailing in the HR Department.

In view of the above, I am requesting the Board to further investigate into this matter and to take necessary actions accordingly.

Mr Assirvaden: Merci M. le ministre. M. le président, le *HR Manager* M. K. G., qui a été transféré, touche un salaire de R 138,000 par mois au *CEB*, qui emploie plus de 2,000 employés. Il a été transféré au *CEB Facilities*, comme le ministre l'a si bien dit, qui emploie que 40 employés. Est-ce que le ministre trouve-t-il normale que M. K. G. garde son statut, son salaire, alors qu'il a été recruté pour être payé à R 138,000 par mois pour gérer 2,000 employés, et là, il a été transféré pour gérer que 40 employés? Et M. le ministre, je me demande si vous êtes au courant que le *HR Manager* du *CEB Facilities* touche plus que le *General Manager* du *CEB Facilities*?

Mr Lesjongard: Mr Speaker, Sir, I think I have been clear in my reply. It is for this reason, in my concluding answer, I have stated that I have requested the Board to further investigate into this matter and, if need be, to take necessary action.

Mr Speaker: Last supplementary!

Mr Assirvaden: M. le président, dans le passé, sous l'ancienne direction de l'ancien *Chairman*, M. Naidoo, de l'ancien ministre de l'Énergie, l'honorable Collendavelloo, le *HR Manager* a été recruté selon des procédés obscurs. M. le président, le ministre est au courant sûrement que, dans le passé, des officiers de carrière, comme Pharad Kurreemin, comme Shamshir Mukoon, comme Shyam Thanoo ont été suspendus pendant des années du CEB, selon des procédures de *Disciplinary Committee*. Ici, nous avons, comme l'a précisé M. le ministre, un membre, officier haut gradé du *CEB*, un *HR*, qui, selon le *Board Meeting* du 3 juin 2020, a précisé que '*the HR Manager completely misled the Board by submitting a report in a meeting*' qui n'a jamais eu lieu.

Mr Lesjongard: Will he put the question, Mr Speaker, Sir?

Mr Assirvaden: Oui, la question arrive. Est-ce que le ministre ne pense-t-il pas qu'il devrait demander à ce que ce protégé de l'ancienne direction soit tout de suite suspendu et limogé?

Mr Lesjongard: I have to repeat myself again, Mr Speaker, Sir, but I won't make comments on the statement made by the hon. Member. I think I have given assurance to this House that the Board will further investigate into this matter and then they will take the decision that they have to take. Thank you.

Mr Speaker: Next question!

BALACLAVA, VILLE VALIO - STATE LAND - LEASE

(No. B/617) Mr R. Wochit (Third Member for Pamplémousses & Triolet) asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to the State land at Balaclava, Ville Valio, he will state where matters stand as to the proposed lease of plots thereof to sugar cane and vegetable planters thereat.

(Withdrawn)

LE GOULET & TOMBEAU BAY - OVERHEAD PEDESTRIAN BRIDGE

(No. B/618) Mr R. Wochit (Third Member for Pamplémousses & Triolet) asked the Minister of National Infrastructure and Community Development whether, in regard to the proposed upgrading and widening of the overhead pedestrian bridge between Le Goulet and Tombeau Bay, he will, for the benefit of the House, obtain from the Road Development Authority, information as to where matters stand.

Mr Hurreeram: Mr Speaker, Sir, the National Development Unit appointed a contractor on 09 September 2014, on the eve of the general elections, for the construction of a footbridge at Le Goulet, Baie du Tombeau, to the sum of Rs23 m. where there was no studies made, no survey made and obviously, what has to happen happened. The contractor backed off from the project and it was cancelled due to the following reasons –

- (1) nature and complexity of the project as it involved the input of a specialist subcontractors for the foundation and still works, and
- (2) delay in obtaining way leaves, clearances from different stakeholders.

In view of the complexity of the works and eventually, the environmental impacts on the region which is prone to erosion, the NDU in consultation with the Road Development

Authority and the local MPs, hon. Callichurn and hon. Ramkaun and all other stakeholders concerned, we are looking into the matter to come up with a feasible project.

Thank you.

Mr Speaker: Next question!

Mr Woochit: The inhabitants of Tombeau Bay are being deprived from going to the public beach at Le Goulet. Can the Minister give a clear indication to the inhabitants of Baie de Tombeau in question, what will be the time frame for the construction of the overhead bridge?

Mr Hurreeram: Mr Speaker, Sir, there is no time frame as we are looking for the best possible solution. First of all, this region, as the hon. Member must surely know, is very much prone to erosion. So, we are looking into the best possible solution. Maybe one would be to upgrade the road network around that beach.

Mr Speaker: Next Question!

Mr Woochit: Will the hon. Minister consider having such a bridge which will cater for vehicles to ease traffic circulation from the northern coastal area towards Port Louis?

Mr Hurreeram: This is why I just said, Mr Speaker, Sir. So, we are considering into upgrading the road. This is one of the other possibilities that we will consider.

Mr Speaker: Last supplementary question!

Mr Woochit: What will be the cost estimate for this project?

Mr Hurreeram: We are still looking into the matter. The last cost that was given in September 2014, at that time, it was already Rs23 m.

Mr Speaker: Next substantive question!

TRIOLET BONAIR & MARKET ROADS - UPGRADING

(No. B/619) **Mr R. Woochit (Third Member for Pamplemousses & Triolet)** asked the Minister of National Infrastructure and Community Development whether, in regard to the proposed upgrading and widening of the Triolet Bonair Road and Market Road, he will, for the benefit of the House, obtain from the Road Development Authority, information as to where matters stand.

Mr Hurreeram: Mr Speaker, Sir, Bonair Road, B37 starts from Royal Road, Triolet, A4 near State Bank of Mauritius, passes through Triolet bypass and ends at Plaine des Papayes Road, B11 at Morcellement St André. The total length of Bonair Road is 2.4km, out of which 800m from junction A4 to Triolet bypass is along a highly built-up area consisting of residential and commercial buildings with average road width of 4.5m and the remaining part of the road is along non-built-up areas and is of an average width of 5.5m.

I am informed by the Road Development Authority that the following projects have been implemented by the RDA with a view of alleviating traffic flow thereat –

- (i) construction of Triolet bypass, and
- (ii) construction of a new access road to the new market from Triolet Police Station.

In addition to the above, it is proposed to upgrade and widen the Bonair Road. In that connection, land has already been acquired for widening of Bonair Road from junction A4 to new market. The implementation of same is planned for the next financial year.

Mr Speaker: Supplementary question?

Mr Wochit: Will the Minister inform the House if the said road will be widened on a priority basis?

Mr Hurreeram: Sorry, I can't get you. Can you repeat again, please?

Mr Wochit: Will the Minister inform the House if the said road, Bonair Road, will be widened on a priority basis?

Mr Hurreeram: I have already replied, Mr Speaker, Sir.

Mr Speaker: Next supplementary if you have any?

Mr Wochit: For the safety of the pedestrians and easy traffic flow, can the hon. Minister inform the House if he can liaise with the Traffic Management Road Safety Unit for a survey to put double yellow lines along both sides of Bonair Road in front of the market?

Mr Hurreeram: We have not received any request in that direction, Mr Speaker, Sir. I'll liaise with the PPS of the region to see whether there is need to have yellow lines and we will consider accordingly.

Mr Speaker: Last supplementary!

Mr Woochit: Can the hon. Minister consider the immediate construction of pavements in front of the market for the safety of the pedestrians during market days?

Mr Hurreeram: Mr Speaker, Sir, the market road is around 0.8km wide, and we already have pavement on one side of the road and this road falls under the jurisdiction of the District Council of Pamplemousses. I'll check with them if there is need for additional pavement.

Mr Speaker: Next Question!

RODRIGUES – HOUSING UNITS

(No. B/620) **Mr J. Léopold (Second Member for Rodrigues)** asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to the proposed construction of 12,000 housing units in mainland Mauritius and Rodrigues, as announced in the last Budget Speech, he will state the number thereof that will be constructed in Rodrigues.

The Deputy Prime Minister: Mr. Speaker, Sir, it is proper that we should remind ourselves that further to the enactment of the Rodrigues Regional Assembly Act, Rodrigues was granted autonomy in 2001.

The Rodrigues Regional Assembly was empowered to make policy decisions and through its Executive Council to define policies in different areas including the Housing Sector. To that end, it is granted an appropriate financial support for the implementation of policies.

I am informed by the Prime Minister's Office that the Rodrigues Regional Assembly introduced in 2016, the new Social Housing Scheme to cater for the housing needs of Rodrigues. I am further informed that as at date, 331 units have been constructed under this scheme and that for Financial Year 2020-2021, a provision of Rs102 m. has been made for the construction of an additional 87 units.

Notwithstanding the above, I wish to inform the House that I look forward to visiting Rodrigues and to holding consultations with the Chief Commissioner, the Commissioner responsible for the Housing Sector in Rodrigues and the Members of Parliament from Rodrigues to discuss the issues and challenges in the Social Housing Sector in Rodrigues.

Mr Speaker: Supplementary!

RODRIGUES - GYNAECOLOGIST

(No. B/621) Mr J. Léopold (Second Member for Rodrigues) asked the Minister of Health and Wellness whether, in regard to Rodrigues, he will state if his Ministry will give due consideration to the request of the Rodrigues Regional Assembly for the posting of a gynaecologist on a fulltime basis thereat.

Dr. Jagutpal: Mr Speaker, Sir, with your permission, I will reply to both questions B/621 and B/622.

Presently, specialists in different fields, namely, General Surgery, Orthopaedic Surgery, General Medicine, Anaesthesia, Paediatrics, Obstetrics and Gynaecology, Radiology and Psychiatry are posted to Rodrigues on a tour of service of one month in accordance with an annual roster.

In certain circumstances, some specialists request for an extension of their tour of service, which is looked into, on a case to case basis, at the level of my Ministry, upon the recommendations of the Rodrigues Regional Assembly.

Mr Speaker, Sir, I am further informed that the Rodrigues Regional Assembly submits a proposed schedule of visiting specialists to my Ministry for short visits only. Therefore, arrangements are made at the level of my Ministry for the posting of requested specialists in Cardiology, Dermatology, ENT, Neurosurgery, Oncology (Radiotherapy), Ophthalmology, Oral Surgery, Orthodontics, Physical Medicine, Plastic Surgery and Nephrology on short visits only, that also on a roster basis, for follow up of patients and depending on the number of cases requiring review.

Arrangements have been made by the Rodrigues Regional Assembly to have full-time specialists in General Surgery, Orthopaedic Surgery, General Medicine, Anaesthesia and Paediatrics for a period of one year posted at Rodrigues. In addition, in the past, I am informed that the Rodrigues Regional Assembly had recruited a Gynaecologist from India on contract. However, the Gynaecologist left Rodrigues and my Ministry has continued to provide the services of a Gynaecologist on a month to month basis.

In regard to the posting of a Gynaecologist, on a full-time basis in Rodrigues, I wish to inform the House that the Rodrigues Regional Assembly has delegated powers from the Public Service Commission to recruit specialists.

As far as the posting of a Cardiologist and an Oncologist on a full-time basis are concerned, the specialists have to work closely with different other units like laboratories, Cath Lab, Pathology, Radiotherapy, amongst others. So, they have to deal with other departments. So, it is not possible to have a Cardiologist or an Oncologist posted on a full-time basis. As these services are not currently available in Rodrigues, the patients have to travel to Mauritius. In these circumstances, the posting of full-fledged specialists are not warranted.

Mr Speaker: Supplementary? Next Question!

RODRIGUES - CARDIOLOGIST & ONCOLOGIST

(No. B/622) **Mr J. Léopold (Second Member for Rodrigues)** asked the Minister of Health and Wellness whether, in regard to Rodrigues, he will state if consideration will be given for the posting of a full-time Cardiologist and Oncologist, respectively, thereat.

(Vide Reply to PQ B/621)

MV WAKASHIO - OIL - TRANSPORTATION, STORAGE, TREATMENT & DISPOSAL

(No. B/623) **Mr F. David (First Member for GRNW & Port Louis West)** asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the oil salvaged from the wreck of vessel MV Wakashio, he will state the measures taken for the transportation, storage, treatment and disposal thereof.

Mr Ramano: Mr Speaker, Sir, following the grounding of the MV Wakashio on 25 July 2020, I am informed by the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping that as per the first daily progress report from SMIT Salvage of 31 July 2020, the total amount of oil onboard of the MV Wakashio was as follows -

- (i) 3894.8 metric tons of Heavy Fuel oil;
- (ii) 207 metric tons of diesel; and
- (iii) 90 metric tons of lubricant oil.

The pumping of the Heavy Fuel Oil started on 07 August 2020 on the following day when the first leakage started. The Heavy Fuel Oil was transferred to the following bunker barges –

- MT Tresta Star which was chartered by Indian Oil Ltd;
- the MT Gulf Star 1 chartered by Vivo Energy Ltd, and

- Elise which is owned by Taylor Smith.

Transfer operations of fuel oil were also conducted by helicopters in Intermediate Bulk Containers (IBCs). Around 218 m³ was transported by the helicopters and collected by a recycling company, namely Virgin Oil.

I am informed that the total amount of fuel oil removed, as at 17 August 2020 is 3294 metric tons.

As regards transportation, the fuel removed from MV Wakashio was transported to Port Louis Harbour by bunker barges, MT Tresta Star and MT Gulf Star 1.

The fuel oil has been transferred as per the unloading, loading and bunkering procedures of the different vessels. The fuel oil removed from MV Wakashio is being stored in a tank of capacity 5000 metric tons of the Alcohol and Molasses Export Co. Ltd (AMCO) in Port Louis Harbour. The firm AMCO is holder of a Fire Certificate for the storage of molasses and heavy fuel oil in above mentioned ground tanks which expires on the 11 August 2023.

Mr Speaker, Sir, I am also informed by the Ministry of Blue Economy Marine Resources, Fisheries and Shipping that site modification works have been carried out to isolate the storage tank of contaminated product. The existing bund wall around the tank has been reinstated to ensure that it is at least 2m high. Furthermore, concrete works have been done in five locations to ensure bund wall integrity.

I am further informed that the Mauritius Ports Authority has exceptionally agreed to the said storage, under strict terms and conditions, in the Ports area in view of the alarming environmental circumstances associated with the oil spill following the grounding of the ship. SGS is taking a sample on each bunker barge and quality tests would be carried out after the completion of unloading operations.

Moreover, as all fuel oil would be stored in one tank and after the completion of all transfers, SGS would be taking further samples for quality analysis.

I am informed that around 30 metric tons of oil (20 metric tons lubricating oil and 10 metric tons of Heavy Fuel Oil and other oil) are still in the rear section of the vessel. Arrangements are being made by the salvage master for the pumping out of the oil as soon as the weather permits, prior to sanitising and dismantling of same.

Mr Speaker, Sir, I am informed by the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping that as per information received from Indoceanique Services, the local correspondent of Japan Ship Owners' Mutual Protection And Indemnity Association (Japan P & I club) insurers of the vessel, the charterers of MV Wakashio, Mitsui OSK line have abandoned the recovered bunkers which is now under the responsibility of the Japan P & I Club.

As regards treatment and disposal of the salvaged oil, I am informed by the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping that this would be decided by the Japan P & I Club.

Mr David: Merci, M. le président. J'ai écouté les chiffres donnés par le ministre. En arrondissant ces chiffres, on peut s'accorder à dire que sur les 4,000 tonnes métriques de produits pétroliers qui se trouvaient à bord du MV Wakashio, environ 1,000 tonnes se sont déversés et ont polluée les eaux et les côtes mauriciennes. J'aimerais savoir à ce jour, à qui appartiennent concrètement les 3,000 tonnes d'hydrocarbure qui ont été évacuées directement du MV Wakashio et qui bénéficiera de la mise en vente de l'huile traitée et raffinée?

Mr Ramano: M. le président, je n'ai pas ce renseignement-là. Comme je l'ai dit dans la dernière partie de ma réponse que c'est le *P & I club* qui prendra la décision finale en ce qui concerne la disposition et aussi la vente éventuelle s'il y a lieu.

Mr David: Dans le cadre de cette tragique marée noire à laquelle fait face notre pays, il a été évoqué l'intervention de plusieurs experts et j'imagine que plusieurs d'entre eux ont été choisis et nommés par le propriétaire et/ou l'assureur du navire. Et je suis certain que l'ensemble de la Chambre et la population, qui nous écoute, partageront mon avis, à savoir que les experts de la partie que je qualifie d'averse n'ont pas les mêmes intérêts que l'État mauricien. Puis-je donc demander au ministre combien de contre experts ont été choisis et nommés par le gouvernement mauricien?

Mr Ramano: M. le président, la question mentionne précisément le *salvaged oil, transportation, storage, treatment and disposal thereof*. Donc en ce qui concerne la sécurité des lieux où le *storage* est en train d'être fait, la MPA a la responsabilité pour s'assurer de la sécurité des lieux. Donc, si l'honorable membre - sa question est pertinente en ce qui concerne les experts pour la protection des lieux, la réhabilitation, etc. ça c'est une question totalement séparée mais en ce qui concerne le *transportation, storage, treatment and*

disposal, donc toutes les mesures ont été prises et en ce qui concerne le *storage*, c'est la *MPA* qui a la responsabilité pour s'assurer de la sécurité des lieux.

Mr Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Yes, thank you. Oil used by ship comes in two types, VLSFO which is a Very Low Sulphur Fuel Oil and high HSFO which is High Sulphur Fuel Oil. One of them is very damaging to marine ecosystem. Can I ask the hon. Minister which one of the two types of oil was the ship carrying?

Mr Ramano: Low Sulphur.

Mr Speaker: Last supplementary!

Mr David: Pour revenir à la question, donc en lien avec le traitement de l'huile récupérée, le corollaire de cette question c'est le traitement de l'eau de mer qui a été souillée. Puis-je demander au ministre le plan d'action prévue donc pour nettoyer, traiter et restaurer l'eau de mer contaminée par les hydrocarbures?

Mr Ramano: Le ministère de l'Environnement, le *Ministry of Fisheries* travaillent précisément le prélèvement en ce qui concerne les tests qui sont effectués par le *National Environment Laboratory*, les tests qui sont effectuées aussi par le *Ministry of Fisheries*. Bien sûr, nous à notre niveau, nous sommes en train de prendre toutes les dispositions nécessaires. Donc il y a tout un plan qui a été établi. La question précisément aujourd'hui c'est le *transportation, storage, treatment* en ce qui concerne le *salvaged oil*, la réponse est donnée dans ce sens-là mais si l'honorable membre vient de l'avant avec un *substantive question* en ce qui concerne le traitement de l'eau de mer, je me ferais un plaisir de le répondre.

Mr Speaker: Next question!

ALBION PETROLEUM HUB PROJECT

(No. B/624) **Mr F. David (First Member for GRNW & Port Louis West)** asked the Minister of Commerce and Consumer Protection whether, in regard to the Albion Petroleum Hub Project, he will state where matters stand as to the implementation thereof.

Mr Sawmynaden: Mr Speaker, Sir, I would like to refer to replies to previous PQs on the same subject matter last year whereby the House was informed that in September 2017, the Joint Working Group (JWG) comprising the State Trading Corporation (STC), Indian Oil Corporation Ltd (IOCL) and Mangalore Refinery and Petrochemicals Ltd (MRPL)

had appointed Engineers India Ltd (EIL) to carry out a Detailed Feasibility Study to assess the viability of the project.

I am informed by the STC that the Detailed Feasibility study has been completed and on 14 July 2020, EIL has submitted the final Detailed Feasibility Report (DFR) in hard copy and on CD. The Joint Working Group has reviewed the final DFR and has prepared its recommendations on the project. The Report of the Joint Working Group with its recommendations has been forwarded to IOCL and MRPL for signature. After receipt of the signed report, the feasibility study will have to be examined in-depth and all the implications looked into. Further consensus should be reached among the parties on funding and return on investment before implementation can be envisaged.

Mr Speaker: Supplementary!

Mr David: A la lumière des innombrables manquements ayant conduit à la catastrophe écologique suite au naufrage du Wakashio qui n'était, je vous le rappelle, qu'un simple vraquier qui contenait 4000 tonnes d'hydrocarbures, il est clair que notre pays n'est absolument pas en capacité actuelle d'accueillir des pétroliers. À titre de comparaison pour la population qui nous écoute,...

Mr Speaker: Question!

Mr David:... un seul pétrolier représenterait au minimum 25 Wakashio.

Mr Speaker: Question!

Mr David: Puis-je demander au ministre de prendre l'engagement formel devant la population qui nous écoute que le projet du *Albion Petroleum Hub* ait définitivement stoppé pour la sauvegarde de notre pays?

Mr Sawmynaden: Mr Speaker, Sir, as I mentioned, the feasibility report has been completed, now it needs to be examined in depth and all implications will be looked into, then, after all these examinations will be done, *on peut se prononcer sur le projet lui-même*.

Mr David: Le ministre a évoqué effectivement la *joint working group* qui a commandé visiblement depuis 2015 plusieurs études techniques et économiques notamment pour juger et évaluer les dangers et la viabilité de ce projet. Puis-je demander au ministre ce que concluent ces différents rapports sur les risques de marées noires en lien avec ce projet de *hub* pétrolier?

Mr Sawmynaden: Mr Speaker, Sir, if the hon. Member comes with a substantive question, I can answer. This one relates to the Albion Petroleum Hub Project and it is now

that we have got the report and we are still examining the report. I cannot comment on something that I haven't even seen.

Mr Speaker: Next question!

AMMONIUM NITRATE - STORAGE - SAFETY PROCEDURES

(No. B/625) Mr F. David (First Member for GRNW & Port Louis West) asked the Attorney-General, Minister of Agro-Industry and Food Security whether, in regard to Ammonium Nitrate, he will state the –

- (a) annual quantity shipped to Mauritius;
- (b) bulk storage locations thereof, and
- (c) safety procedures established for the storage and transportation thereof.

The Minister of Health and Wellness (Dr. K. Jagutpal): Mr Speaker, Sir, with your permission, I will reply to this question. I am informed that pure ammonium nitrate is listed as a dangerous chemical in the First Schedule of the Dangerous Chemicals Control Act.

As regards part (a) of the question, I am also informed that the last time ammonium nitrate had been shipped to Mauritius was on two occasions, namely on 31 July 2017 when 2.7 kg of same was imported and 3.74 kg on 02 March 2018. A total of 6.46 kg of the chemical was imported for use as a standard in laboratory.

In regard to part (b) of the question, ammonium nitrate, if ever imported for a specific use, is kept at Government Explosive Magazine, Bigara, under lock and key, under the responsibility of the Police, in a secluded place.

Mr Speaker, Sir, as far as part (c) of the question is concerned, Fire Services issue a certificate for storage after visiting the premises where the chemical is to be stored to ensure that it is in compliance with all the safety requirements for chemical warehouses. The certificate issued by the Fire Services is valid for a period of one to three years, depending on the fire risk assessment of the premises to which they relate. In the case of this chemical, the fire certificate is valid for only one year. Enforcement visit is carried out by Fire Services.

I am also informed that the SMF Explosives Handling Unit is responsible for the supervision, transportation and storage of ammonium nitrate to be used by private companies for blasting operations.

Mr Speaker, Sir, I am further informed that no ammonium nitrate has been imported in 2019 and 2020 and at present, there is no stock of ammonium nitrate at the Government Explosive Magazine, Bigara.

Mr Speaker: Supplementary!

Mr David: *Merci, M. le président.* I can see that the quantities of ammonium nitrate which is an explosive chemical are relatively small and of course, my question is related to the tragically devastating explosion which we all saw in Beirut exactly two weeks ago. Do I understand correctly that the Ministry has already classified ammonium nitrate as a potentially explosive chemical and related to what occurred recently in Beirut, can the Ministry reinforce the safety guidelines for storing and handling this chemical?

Dr. Jagutpal: Mr Speaker, Sir, as I already mentioned this chemical falls under the SMF Explosives Handling Unit which is responsible for supervision, transportation and storage and the place where it is stored is already very safe. And for such a product, I believe that we are doing all that is needed to keep this product and especially that we don't have this product at present in Mauritius and if ever it has been imported in the past, it was of very small quantities.

Mr Speaker: Hon. Mrs Luchmun Roy!

Mrs Luchmun Roy: Thank you, Mr Speaker, Sir. Can the hon. Minister inform the House whether ammonium nitrate is being used in fertilizers in Mauritius?

Dr. Jagutpal: Mr Speaker, Sir, in Mauritius, for fertilizer, calcium ammonium nitrate, CA1 is a recommended and commonly used fertilizer to supply nitrogen requirement for plant growth, especially on acidic soil of the uplands. So, we don't use this ammonium nitrate as fertilizers.

Mr Speaker: Next question!

SCHOOLS (PRIMARY & SECONDARY) - HIGH SPEED INTERNET CONNECTIVITY

(No. B/626) Dr. M. Gungapersad (Second Member for Grand'Baie & Poudre d'Or) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to online education, she will state the quantum of funds invested in equipping primary and secondary schools with Wi-Fi, indicating the number thereof which are providing such services to staff members and pupils.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, with a view to equipping our Primary and Secondary Schools with high speed internet connectivity to projects launched, namely the Data Connectivity Infrastructure for Primary Schools and the School Net II for Secondary Schools.

With regard to the Primary Education Sector, 272 out of the 273 Government-Aided Primary Schools are today fully equipped with high speed internet connectivity. The data connectivity infrastructure project involves provision of internet connectivity in Primary Schools through the acquisition of equipment such as access points, routers, switches, servers for firewalls and rental of connectivity and maintenance of equipment. Since June 2019, all Primary Schools, with the exception of Doorgachurn Hurry Government School, are fully equipped with internet connectivity. Connection works are being carried out at the school and the delay was due to renovation works that were being carried out there. Capital investment for this project amounted to Rs81.7 m. excluding the recurrent cost of rental of lines for network system.

Mr Speaker, Sir, as regards the Secondary Education Sector, all the 155 State and Grant-Aided Private Secondary Schools have internet facilities in their computer laboratories. In addition, Secondary Schools have access to internet in their administrative blocks for office use such as use of email facilities, the online attendance system, the school website and connection to Microsoft 365. A contract for the provision of high speed data connectivity and Wi-Fi facilities within all State and Grant-Aided Private Secondary Schools was awarded by the Ministry of Information, Technology, Communication and Innovation to Data Communications Ltd which has only put in place the hardware component thereof. This comprises the supply and installation of data cabinets, servers, cabling works and access points. The cost of the hardware component amounted to Rs81.8 m. However, the project was not completed as the internet connection was not provided to the Secondary Schools.

With the objective of completing the project for high speed internet connectivity in our Secondary Schools, funds to the tune of Rs100 m. has been earmarked in this year's Budget of the Ministry of Information, Technology, Communication and Innovation.

Mr Speaker: Supplementary!

Dr. Gungapersad: I would request the hon. Minister to look into the matter so that students as well as staff members can easily have access to internet because it is an important component in teaching and learning.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, this is the reason why we have come up with this project.

Dr. Gungapersad: In the Budget Speech, page 42, paragraph 296, there is mention of a national e-learning platform will be developed, how far have we reached with that project?

Mrs Dookun-Luchoomun: We have not started yet. We are still thinking and working on the project, Mr Speaker, Sir.

Mr Speaker: Next question!

CHA & EDC HOUSING UNITS – ASBESTOS

(No. B/627) Dr. M. Gungapersad (Second Member for Grand’Baie & Poudre d’Or) asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to housing units containing asbestos, he will state the number and respective location thereof, indicating when same will be completely phased out and replaced.

The Deputy Prime Minister: Mr Speaker, Sir, I wish to thank the hon. Second Member for Grand’Baie & Poudre d’Or for drawing attention to this very important question. I am informed that in the course of its existence, stretching from the 1960s to the early 90s, the former Central Housing Authority constructed some 19,300 houses. Now, of those 3,113 houses known as EDC houses, “*la caz EDC*”, founded by the European Development Community, hence EDC, were erected using asbestos across 59 housing estates. Now, a table showing the number of EDC houses and their respective location will be placed in the Library of the National Assembly.

I wish to inform the House that in 2018, a survey was carried out by the then Government which found that 1,219 EDC houses had already been pulled down and new houses had been constructed in concrete by their respective owners. The status of the remaining 1,894 EDC houses still in existence is as follows or was found to be as follows rather –

A concrete extensions had been carried out to 1,595 EDC houses, 64 EDC houses were found to be in fair condition. These houses were occupied and were well-maintained

using oil and epoxy based paint. 93 EDC houses were in a poor state but still occupied and 142 EDC houses were in a poor state but unoccupied.

The Solid Waste Management Division of the Ministry of Environment which is responsible for the removal and carting away of asbestos material in EDC houses, has, I am informed, awarded a contract for the dismantling, removal and disposal of cemented asbestos sheets from 216 former CHA houses in October 2019 for a contract period of 24 months.

I am also informed that the Ministry of Local Government and Disaster Risk Management is currently serving notices on owners of unoccupied EDC houses as per the provisions of the Building Control Act. Once that exercise is completed, the Solid Waste Management Division will proceed with the demolition of these unoccupied EDC houses.

Mr Speaker, Sir, in addition to the above, in the Budget for 2019-2020, the purchase of Building Materials/Casting of Roof Slab Grant Scheme was also extended to owners of EDC houses. Depending on their income, those persons or families can benefit up to a maximum of Rs100,000 either for the purchase of building materials to start the construction works or to cast the roof slab of their house. But, let me say, Mr Speaker, Sir, that I am aware that despite measures taken by successive Governments, the complete removal of asbestos in the EDC houses has not yet been achieved. I am, therefore, proposing to review the existing schemes and to come up with an action plan for the removal of asbestos materials in EDC houses. It is my hope, my objective and my intention that within the mandate of this present Government, we will eliminate asbestos from all residential housing in Mauritius.

Mr Speaker: Supplementary!

Dr. Gungapersad: Yesterday, I visited a few houses in Poudre d'Or Village and these people are still living in these houses made of asbestos and really in 2020, these people are living in really abject conditions, and I rely on you, because I know you will look into the matter. Can we know by when, people will no longer live in such houses?

The Deputy Prime Minister: I could not agree more with the hon. gentleman that it is, indeed, a matter for great concern. In fact, we have a National Forum on Housing and Land Use which is being held tomorrow. We wish to have a debate with civil society and obtain recommendations for the rapid and effective removal of asbestos, as I said, from more residential housing, and I hope the hon. gentleman will contribute.

Mr Speaker: Next question!

An hon. Member: I wish to quote hon. Ganoo...

Mr Speaker: Next question, please! Hon. Ms Anquetil, you have a question?

SOCIAL WELFARE DIVISION – ALLEGED HARASSMENT

(No. B/628) **Ms S. Anquetil (Fourth Member for Vacoas & Floréal)** asked the Minister of Gender Equality and Family Welfare whether she will state if a case of harassment at work by a senior official of the Social Welfare Division of her Ministry has been reported to her and, if so, indicate the –

- (a) actions taken to protect the abused officer/s, if any, and
- (b) measures taken against the abuser, if any.

Mrs Koonjoo-Shah: Mr Speaker, Sir, I have been informed that there is, indeed, one case of alleged harassment at work that has been reported to my Ministry and action is being taken by my Ministry in accordance to the relevant sections 42, 44 and 47 of the PSC Regulations and appropriate action may be taken against the officer in due course pending the investigation.

Mr Speaker: Supplementary!

Ms Anquetil: Merci, M. le président. Est-ce que la ministre pourrait préciser, on est d'accord qu'on parle bien de M. A. R.?

Mrs Koonjoo-Shah: That has not been mentioned in her question.

Ms Anquetil: Mr Speaker, Sir, with your permission, I would like to table a copy of the harassment complaint letter dated 30 June 2020 signed...

Mr Speaker: Why don't you do that during Adjournment Time?

Ms Anquetil: *Non, non*, I am...

Mr Speaker: Put your question!

Ms Anquetil: Okay. So, I would like to table two letters, one addressed to the Minister and the other one addressed to the Senior Executive Officer, and I have got a supplementary for the question. Will the hon. Minister confirm that Mr A. R. behavioural antecedent and actions taken to prevent relapse?

Mrs Koonjoo-Shah: I thank the hon. Member for her supplementary question. Mr Speaker, Sir, I would very happily table the letters myself. So, there is no need for the

Member to table them. Indeed, there are letters that have been received at the level of my Ministry. They are official complaint letters and they have been dealt with at HR level. The Federation of, let me just take the right appellation for this, if I may, the Union of Social Welfare Officers also gave their input and there is an investigation being carried out according to the PSC Regulations. So, further to the findings of this alleged harassment, there will be appropriate sanctions taken if deemed necessary, Mr Speaker, Sir.

Mr Speaker: Next supplementary!

Ms Anquetil: La ministre sait-elle que M. A. R. est passé à la vitesse supérieure en exécutant ses menaces? On espère qu'il n'y aura pas de *cover-up*, Madame la ministre.

Mrs Koonjoo-Shah: Mr Speaker, Sir, if I may, complaint letters against officers in the Civil Service are a dime a dozen and we investigate them according to stipulated regulations in PSC and they are dealt with accordingly and sanctions taken if necessary. There is no cover-up.

Mr Speaker: Time is over! You pass on the letters or whatever to the Minister! Do not table it! Pass it over to the Minister!

MOTION

SUSPENSION OF S. O. 10(2)

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

Mr Seeruttun rose and seconded.

Question put and agreed to.

(4.33 p.m.)

STATEMENT BY MINISTER

MV WAKASHIO – GROUNDING & OIL SPILL

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): Mr Speaker, Sir, I wish to make a statement on the situation regarding the grounding of MV Wakashio and the oil spill which occurred on 06 August 2020 and the days following.

The House will agree with me that this event is an unprecedented ecological disaster for Mauritius, the more so that the grounding of the vessel occurred in an environmentally sensitive area, rich in terrestrial and marine flora and fauna, namely, the Pointe d'Esny Ramsar Site, the Blue Bay Marine Park, the Ile aux Aigrettes Nature Reserve, the Grand Port Fishing Reserve and mangroves, amongst others.

However, I wish to assure the House that as from day one, prompt actions were taken by my Ministry, various authorities and stakeholders at local level along with foreign experts.

As at yesterday, around 14.5 kilometres of booms have been deployed at Blue Bay Marine Park, Pointe d'Esny, Ile aux Aigrettes, Pointe Brocus, the lagoon area of Wakashio and outside the reef by the National Coast Guard, Polyeco *Société Anonyme*, Special Mobile Force, Vivo Energy, the French experts and the Mauritius Ports Authority in order to protect the sites from impacts of oil. Additional shore booms have been deployed around the Blue Bay Marine Park to secure...

(Interruptions)

Mr Speaker: No conversation!

Mr Ramano: ...the area and its rich ecosystem. River booms have been placed at Rivière La Chaux, Rivière des Créoles and Rivière Champagne. The National Coast Guard is constantly monitoring those areas to ensure maximum protection.

Mr Speaker, Sir, the National Environmental Laboratory of my Ministry together with the Ministry of Health and Wellness, the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping and the Ministry of Agro-Industry and Food Security, are constantly monitoring the quality of air, coastal water quality, ecosystem, including flora and fauna.

In respect of disposal of oil waste and debris, I am informed by the Solid Waste Management Division of my Ministry that as at 17 August 2020 -

- (i) a total of 941 metric tonnes of liquid waste Heavy Fuel Oil (HFO) have been collected. Out of these, a total of 716 metric tonnes have been temporarily stored at the Mare Chicose Landfill while the remaining liquid waste HFO has been sent to the registered recyclers;
- (ii) 350 tonnes of contaminated solid wastes and debris have been received and are stored at the Interim Hazardous Waste Storage Facility at La Chaumière. These are repackaged in United Nations approved big bags (Flexible

Intermediate Bulk Container) and are transported at the Interim Hazardous Waste Storage Facility at La Chaumière for temporary storage, and

- (iii) 474 cubic metres of contaminated booms containing straws and bottles have been collected and stored at La Laura Transfer Station and the hazardous wastes facility.

Mr Speaker, Sir, following a request for assistance to our foreign diplomatic missions in Mauritius to respond to the oil spill, around 70 experts are presently in Mauritius on different areas of expertise related to the salvage operations, impacts of the oil spill and response thereto. These experts are, amongst others, from France, India, Japan, the United Nations, the Salvage Team, Polyeco *Société Anonyme*, International Tanker Owners Pollution Federation Ltd, and *Le Floch Dépollution*. Remote assistance is also being obtained from Australia and the National Oceanic and Atmospheric Administration (NOAA) from the United States. Experts from other countries are expected to reach Mauritius in the coming days.

Furthermore, the University of Mauritius has also set up a pool of experts at local and international levels to advise on scientific matters to respond to the impacts of the oil spill and the subsequent restoration of the affected areas.

I wish to highlight that my Ministry established contact with the authorities (Region Reunion) of Reunion Island on the next day of the grounding of the vessel, that is, on 26 July 2020, through the French Embassy to seek support as part of the POLMAR plan, should the need arise. Reunion Island set up a crisis cell and on the 06 August 2020, this crisis cell was activated by the *préfet de La Réunion*. France delegated a ship, *Le Champlain*, with 22 crew members from the *Marine Nationale de France* and also two flights arrived also in Mauritius on the eve and 20 tonnes of equipment, including two Zodiacs to assist in the response of the oil spill.

Furthermore, the French President, Emmanuel Macron, has delegated His Excellency, Mr Sébastien Lecornu, *ministre des Outre-mer* of France, to effect an official visit to Mauritius in the context of the French assistance following the oil spill. Mr Lecornu led a delegation to Mauritius on Sunday, 16 August 2020. The latter met the Prime Minister, visited the affected areas and took cognizance of the French intervention in Mauritius through a presentation. The Minister and I also held a joint Press conference on the same day to inform on the anti-pollution measures being implemented.

The Minister expressed concerns on the disposal of the forward section of the vessel. In that respect, he despatched three experts from Cedre and *Cellule Anti-Pollution*, who were in Mauritius yesterday. The experts had technical meetings with the Shipping Division of the Ministry of Blue Economy, Marine Resources, Fisheries and Shipping and the Salvage Team. Action is being taken to tow the forward section of the vessel to a safe distance of 8 nautical miles from the reef line. Consultations are underway on the appropriate manner to dispose of that part of the vessel.

Regarding the rear section of the vessel, it is still aground at the reef. Due to the adverse weather conditions, the Chief Salvage Master has indicated that it is still risky to remove the remaining 30 cubic metres of oil therefrom. Oil skimming operations will resume as soon as the weather permits. All pollutants will be removed from this part of the vessel before it is dismantled.

Mr Speaker, Sir, the environment expert team from the International Tanker Owners Pollution Federation Limited has prepared an Action Plan for the clean-up of the shoreline at the affected areas based on site surveys carried out thereat. As at date, there are some 15 affected sites situated along the south east coast of Mauritius, from Pointe d'Esny to Grand River South East, including some ecologically sensitive islets.

The Action Plan addresses aspects such as site prioritisation, delineation of sites and zones, logistics, clean-up techniques, personnel, waste management, end-points and demobilisation.

The Protection & Indemnity Club (Insurer) has appointed *Le Floch Dépollution* for the overall coordination of the clean-up operations. A formal request has been made for the enlistment of services of the affected local communities, including fishers, fishmongers, pleasure craft operators amongst others, to be involved in the cleaning operations and in line with our local legislation. The Action Plan will be adjusted as and when required in consultation with relevant stakeholders.

Mr Speaker, Sir, in respect of expenses being incurred for the various operations, a special bank account has been opened at the State Bank of Mauritius under the Prime Minister's Relief Fund to cater for any relevant expenditure related thereto. An initial contribution of Rs100 million has been made by the National Environment Fund and the Prime Minister's Relief Fund respectively. Furthermore, the services of a team of experts will

be enlisted to assist Mauritius to make an assessment of the social, economic and environmental damages caused and to make claims accordingly.

I would wish to thank and congratulate the people of Mauritius, volunteers, NGOs, private and public sector organisations, the Mauritian diaspora across the world, all donor countries, the United Nations and international organisations, local and international experts for the initiatives taken and support they have provided since 06 August 2020 to help contain the oil spill and mitigate the impacts thereof.

At this stage, I wish to reassure the House and the population that the worst is behind us. We are confident that in uniting our efforts, we will overcome this unprecedented environmental disaster.

With these words, I thank you, Mr Speaker, Sir.

PUBLIC BILLS

Second Reading

THE REAL ESTATE AGENT AUTHORITY BILL

(NO. XI OF 2020)

Order read for resuming adjourned debate on the Real Estate Agent Authority Bill (No. XI of 2020).

Question again proposed.

(4.43 p.m.)

Dr. A. Ramdhany (First Member for Grand’Baie & Poudre d’Or): Mr Speaker, Sir, I seize the opportunity in this august Assembly to congratulate hon. Louis Steven Obeegadoo, Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism for presenting the Real Estate Agent Authority Bill to this House. I have no doubt that Members of both sides of this House agree that there is a dire need to regulate the Real Estate Sector in Mauritius.

We understand that we are at a juncture in our economic development where we have to harmonise our legal instruments in view of consolidating provisions against money laundering. We do further need, Mr Speaker, Sir, to demonstrate our commitment as a Nation to put up fire wards to insulate the Real Estate Sector against the risks of money

laundering through Real Estate's transactions and where such laundered money could be used to finance terrorism.

Mauritius, as a small island, has its own beauty of smallness. We have the advantage of insularity which has proved to be our major strength and Government has effectively managed the affairs to protect our people when bigger countries and stronger economies are facing major difficulties in their fight against the pandemic. However, we remain very vulnerable amidst a globalised economic landscape against all the odds. At these difficult times, Mr Speaker, Sir, we have to rise to the challenges of protecting the brand image of our country.

We reckon the fact that the hon. Mahen Kumar Seeruttun, Minister of Financial Services and Good Governance is not sparing the least effort at the level of the European Union to secure a reclassification of Mauritius among compliant economies.

Mr Speaker, Sir, while providing an approved framework for the Real Estate sector operation, this Real Estate Agent Authority Bill is very much aligned with our national imperatives. It is known that the Real Estate Sector has seen many unscrupulous operators who have taken undue advantage of the situation over many years. Many citizens have been victims of their abusive practices. It is high time, Mr Speaker, Sir, to regulate this sector. It is high time to put some order in this sector; this is the main purpose of the Bill. We need to professionalise this sector. We need higher levels of accountability and integrity. We need to reassure both Mauritian citizens and foreign investors. We need to promote an environment of trust, especially as land as a resource is very limited supply in our small country.

Until Mauritius succeeds in exploring the potential of our immense exclusive maritime zone, buildable land and built properties remain a high demand commodity, especially as savings presently do not earn attractive and competitive interest. This Real Estate sector may no longer be allowed to operate in the same manner, a change is required. A new normal is necessary. This new normal calls for professionalisation.

Mr Speaker, Sir, we understand the concern from the other side that the Real Estate Agent Authority Bill provides for the Real Estate Agent to hold, at least, a Diploma in the Real Estate Management, which would leave out practitioners who do not possess such qualifications. But the Bill provides for an alternative qualification, that is, practice of

duration of a minimum of five years to the satisfaction of the Board. However, I believe that it is in the higher interest of practitioners to have qualified personnel.

Mr Speaker, Sir, as a responsible Government, we need to make the right choices. We may not have a Real Estate Authority, but we may not have a profession of the Real Estate Agent without a basic professional requirement. This Bill is, in fact, upgrading this sector. It aims at giving the sector its right status and value. The official register and the increase level of accountability and responsibility will certainly instil trust among their customers. The Bill aims at the development of ethical standards and alignment with the international best practices.

The Real Estate Sector will, henceforth, be required to –

- report to the Board;
- ensure that they have people of good character;
- avoid dubious operations;
- accept scrutiny by officers appointed by the Board, and
- face the risk of losing their licences in case of non-compliance.

The provision for a Bank Guarantee and other security measures will, of course, further reassure people having recourse to the services of the Real Estate Agents. These will, no doubt, promote an environment of trust in a sector which is generally perceived to be trust-deficient.

Mr Speaker, Sir, we have other schemes providing for a niche market whereby high investment worth expatriates may acquire property in the country. We need professional ethics in this sector. This new profession will have the responsibility to ensure that all the transactions are aligned within strictly legal parameters. This is very important as we need to ensure that money from doubtful sources is not laundered within our jurisdiction. We need to ensure that the Real Estate sector does not become a gateway for the financing of terrorism. We therefore need to secure the collaboration and assistance of the Real Estate Agent to prevent entry of doubtful fund in our territory. We may not achieve this through an unstructured Real Estate Sector. We may not prevent money laundering without the effective collaboration of the Real Estate Agents. We need Real Estate Agents who will strengthen the financial intelligence in the country. This may not happen if the Real Estate Agents do not embrace the new normal proposed by the Bill.

Mr Speaker, Sir, for all these reasons, I reiterate my congratulations and appreciation for the work done by the hon. Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism. And as an end note, Mr Speaker, Sir, I confirm my support for the Real Estate Agent Authority Bill that will certainly take this sector to new heights.

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Members, I suspend the sitting for 45 minutes.

At 4.52 p.m. the sitting was suspended.

On resuming at 5.51 p.m. with Mr Speaker in the Chair.

Mr Speaker: Remain seated! Hon. Minister Ganoo!

The Minister of Land Transport and Light Rail (Mr A. Ganoo): Thank you for that mischievous comment, Mr Speaker.

I would like, Mr Speaker, Sir, to start my speech today by thanking the hon. Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism for introducing this Bill before the House. Much has already been said on the Bill by the previous orators and I would like just to add a few brief comments on this Bill which, in fact, achieves a dual objective. Firstly, to regulate the business activities of Real Estate Agents which includes the business activities of land promoters and property developers in Mauritius and, in the same breath, this law provides another measure in ensuring that our country complies with the best practice for combatting money laundering and the financing of terrorism and proliferation.

In its Explanatory Memorandum, the avowed aim of the Bill, as we can see, Mr Speaker, Sir, is to promote transparency, accountability and integrity in the business activities of Real Estate Agents, which includes business activities of land promoters and property developers in order to protect and assist persons engaged in Real Estate Transactions. This Bill, Mr Speaker, Sir, is an outcome of the recommendations of the Law Reform Commission; as we have been told, the Paper entitled, "Legislative Framework for the Regulation of the Activities of Real Estate Agents". And, it would seem that it is also the outcome of the Commission of Enquiry presided by Mr Justice David Chan.

Mr Speaker, Sir, at this particular juncture of our economic development, and taking into consideration the role played by the Real Estate Sector in terms of its growth over the past years, there is no doubt that this legislation had become an urgency. Indeed, since the

introduction of the IRS Projects back in 2002, the Mauritian Real Estate industry had undergone a substantial transformation in terms of quality and quantity, hence, the increase in terms of its contribution to our GDP annually. It amounted to 5.9% for year 2019 and, in spite of COVID-19 we can foresee a rise in the years to come with the various policies that have been put in place by our Government to attract foreign buyers.

The linear increasing terms of foreign buyers and investors representing the critical mass needed also for the infrastructural works currently undertaken, requires, Mr Speaker, Sir, that we put up and set the proper legal framework for the regulation of the Real Estate Sector which will undoubtedly contribute to uplift our country as a place of destination to attract further investment.

The Bill, Mr Speaker, Sir, as conceptualised and structured, sets up, therefore, the Real Estate Agency which has been endowed with specific functions and will, without a shadow of a doubt, professionalise the sector and address the need for a new legal framework and policies to cater for the demands of professionals, competent Estate Agents duly licensed in the wake of such a flourishing property market.

Therefore, Mr Speaker, Sir, with this new legislation, we are lifting our country from the Stone Age environment in terms of real estate business. Mr Speaker, Sir, the quintessence of this legislation to me, is the protection offered to customers since the object of the Bill is to impose upon the Real Estate Agency's norms of responsibility, transparency, honesty, integrity and accountability in the exercise of their functions. The law has been so devised in a way that henceforth Real Estate Agents will be bound to operate more ethically in the discharge of their duties. Without showing any disrespect to those courtiers or middlemen who have served their time, Mr Speaker, Sir, we must agree that we can no more afford to have amateurs who have caused a lot of harm, unfortunately, to the industry. We cannot continue to have these agents roaming around the offices of the Notaries in search of clients.

During my practice at the Bar, Mr Speaker, Sir, I have come across cases where some have been misleading buyers with fake title deeds, fake survey reports and engaging in other despicable practices. I know of cases which have landed up at the Central CID at Line Barracks but as somebody said, Mr Speaker, Sir, during the debates, true it is that a good majority of these courtiers have been earning their livelihood honestly, have raised their families without reaching any rule of impropriety or indecency and have never been the cause of any hardship or anguish to their clients, but, unfortunately, Mr Speaker, Sir, there have

been, as I just said, instances of misappropriation of funds, misrepresentation of facts, wrong advice so that many victims have been deprived of their hopes and dreams to become owners of a property. And this is why, Mr Speaker, Sir, to my mind, the Minister and Government should be praised for providing relief and ensuring protection to these unfortunate naïve and innocent buyers. There have also been cases where a few of these courtiers have contributed to create a lot of speculation with regard to price and very often, the phenomenon of inflation imposing or distorting price has taken place.

Mr Speaker, Sir, during the debates, a lot of criticisms have been levelled against the Bill. I would like to respond to a few points which have been made by the hon. Members of the Opposition. A criticism was made to the effect that this Bill will allow the big guns to employ people outside Mauritius because of a lack of local qualified real estate experts. I do not agree with this statement, Mr Speaker, Sir. I wish to remind the House that in Mauritius we have already qualified professionals, some reputed institutions such as the Royal Institute of Chartered Surveyors, we have real estate professionals in the country, in terms of whether we have enough of these qualified professionals locally who can support the authority or who will be recruited by the real estate companies, we must ensure, Mr Speaker, Sir, that the University of Mauritius starts working on a real estate academic qualification along the lines of the University of Reading. The House must know, Mr Speaker, Sir, that this university offers an M.B.A. in Construction and Real Estate and I am well aware that there are a few Mauritians who are in private practice and already hold such a prestigious degree or qualification. The Ministry should also make use of these professionals at hand to support us in our endeavour.

Mr Speaker, Sir, related to the point I just made, I would to dwell on an issue which has been raised so passionately by at least three Members of the Opposition. They were commenting on section 16 of the Bill and this was one important argument which some of the Members of the Opposition made during their speech. And, as I said, they were so vehement, passionate, vociferous even, about this point, Mr Speaker, Sir, that I feel that I would fail in my duty if I do not reply to the arguments made by the Opposition on this point. So, the issue is whether a person shall be entitled to be registered as a real estate agent and it concerns the issue of whether he should hold a diploma in real estate or such equivalent qualification as the Board may approve. I am reading section 16 (3) (a) to clarify matters for the House, Mr Speaker, Sir. Section 16 (3) (a) says –

“Subject to subsection (4), a person shall be entitled to be registered as a real estate agent where –

- (a) in the case of an individual, he -
 - (i) is 21 years of age; and
 - (ii) holds a diploma in real estate or such other equivalent qualification as the Board may approve; or (...).”

I underline the word ‘or’.

- “(iii) satisfies the Board that he has a minimum of 5 years’ experience in the business of real estate transaction.”

Mr Speaker, Sir, when one reads that section, as I have just done, it is clear that this clause provides that in order to be entitled to be registered as a real estate agent as in the case of an individual, that person must be above 21 years of age and he must hold a diploma in real estate or such equivalent qualification, as the Board may approve or if he does not hold that diploma, he must satisfy the Board that he has a minimum of 5 years’ experience in the business of real estate transaction. So, it is not mandatory for somebody to be registered as a real estate agent provided he is 21 years old, that he should hold a diploma in real estate or such other equivalent qualification as the Board may approve. There is the alternative option of that person being 21 years of age, but if he satisfies the Board that he has a minimum of 5 years’ experience in the business of real estate transaction, he should be entitled, therefore, to be registered as a real estate agent, Mr Speaker, Sir. The operative word is the word “or” not “and”. So, I say it again, I repeat it, section 16 (3) makes it possible for a person of 21 years of age even though he does not hold a diploma in real estate or such other equivalent qualification as the Board may approve, it is possible for him, he is entitled to be registered provided he is 21 years of age and he satisfies the Board that he has a minimum of 5 years’ experience in the business of real estate transaction. I say that, Mr Speaker, Sir, I am making this point forcefully because when I heard some Members of the Opposition speaking, they tried to present their case as if, without a diploma in real estate, one shall not be entitled to be registered as a real estate agent and this is why the argument was said that we have so many institutions in Mauritius, so many universities and none of them is presently offering the course of diploma in real estate and so on. We remember the argument that was made on the other side of the House, Mr Speaker, Sir. No institution in Mauritius is offering such courses and so on, and how will they be registered - this was a point made, Mr Speaker, Sir.

So, therefore, Mr Speaker, the mandatory qualification is to be 21 years of age and the second mandatory requirement is either to hold the diploma or the Board is satisfied that that person has a minimum of 5 years' experience in the business of real estate transactions. I suppose that the hon. Member on the other side who was making that point so forcefully has missed the whole point that the provision section 16(3), in fact, offered two options for the person - one, he is 21 years of age to be entitled to be registered as a real estate agent.

Therefore, Mr Speaker, the holding of a diploma in real estate is an alternative requirement to have a minimum of 5 years' experience in the business of real estate transactions. The same reasoning will apply - 16(3) (b) in the case of a company and the same reasoning will apply in the case of a company where the director could have been registered as a real estate agent by satisfying the Board that he has a minimum of 5 years' experience in the business of real estate transactions and also this reasoning would apply in 16(3) (c) in the case of a *société* or partnership as we can see in the law.

Mr Speaker, I would like to comment on section 17 of the Bill - Security to be furnished by real estate agent. Mr Speaker, Sir, speakers before me have already commented on the unfortunate misfeasance impropriety of certain of these courtiers. Now, this present Bill comes and cures this defect not only the courtiers or the middleman or the agent but to every real estate agent, Mr Speaker, Sir. Section 17 imposes a security to be furnished by real estate agent.

‘(1) No person shall be registered as a real estate agent unless he furnishes a security in such amount as may be prescribed.’

This is a highly laudable section, Mr Speaker, Sir. It is a Damocles sword hanging over the heads of the real estate agents, inducing them, goading them to act, at all times, fairly and honestly, and to the best of the agents knowledge and to the best of his ability in the performance of his functions as an estate agent.

So, there was another criticism that was made against this Bill, Mr Speaker, Sir, the question of the *mainmise*, the question of the appointment of a director or a chairman and imputing the Minister with sinister motives. Why is it that the Minister is appointing the director; why is he appointing the chairman; what is all this about if it is not an hidden agenda for a *mainmise* and so on and so forth.

Mr Speaker, Sir, I have gone through this Bill. I have gone through the multiple powers given in this Bill to the Authority and to the Board. True it is the appointment of a

chairman, the appointment of a director is by the Minister and I will come to that in a few minutes and besides prescribing the fees or the surety which I just mentioned.

Mr Speaker, Sir, when we go through this Bill section 14. Firstly when we go to clause 5 - Functions of the Authority. The Authority has 11 functions. Clause 6 - Powers of Authority. The Authority has six powers and we will go further down the Bill clause 14 - Appointment of officers.

- (1) The Authority may, on such terms and conditions as it may determine, appoint such officers (...)'

Clause 15 - Conditions of service of officers

- 'The Board may make provision to govern the conditions of service of its officers (...)'

Clause 16 - Real estate agent, it is the Authority which decides who is entitled to be registered as a real estate agent. I go further down, Mr Speaker - Register of Real Estate Agents done by the Authority.

Obligations and Duties of Real Estate Agents - the contract - clause 19: it is again with the Authority, settled by the Authority.

Clause 21 - Keeping of accounts

- (2) The Authority may, where it has reason to believe that it is necessary to do so, designate an auditor to audit (...)'

Clause 22 - now we are on Part V - AML/CFT MEASURES Application of Part V. Again, in the second part of the Bill also clause 26 - Preliminary investigation by Authority. Clause 27 - Disciplinary proceedings by the Authority. Clause 28 - Disciplinary Committee -

- (1) The Authority may, for the purpose of section 27, set up a Disciplinary Committee

Clause 30 - Other disciplinary measures, the Authority may and so on and so forth

- (2) The Authority shall cause any suspension or deregistration (...)'

The Authority also is responsible for Real Estate Agent Fund. Clause 34 - Execution of documents unless it is signed by the authority. Clause 36 - Annual report. Clause 37 - Transfer of property and borrowing and so on and so forth, Mr Speaker.

How can we speak of *mainmise* when we see so much powers invested to the Authority and to the Board. Hon. Lobine also went as far as saying when he was going through the clause setting up the Board and he made the remark - we are creating posts to fill same with political nominees.

But when we look at the constitution of the Board, Mr Speaker, Sir, 16 members on this Board only the Chairman and two other members are appointed by the Minister; 13 members out of the 16 members are not appointed by the Minister. 3 out of 16 members of the Board are appointed by the Minister and we talk about *mainmise* or creating posts to fill in the posts with political nominees, Mr Speaker.

Now, with regard to the director and the chairman, Members of the Opposition seem to have taken strong objection that the director instead of being appointed by way of an advertisement - *un appel des candidatures* as somebody from the Opposition said, the director has been appointed by the Minister section 8(1)(a) indeed, Mr Speaker, talks firstly of the chairman.

The Board shall consist of a Chairperson to be appointed by the Minister. True it is this is what is to be found in our law and the director at clause 12 -

- (1) The Board shall, subject to the approval of the Minister, appoint a Director on such terms and conditions as the Board may determine.

But, Mr Speaker, Sir, this is true. Again, what an outcry from the Opposition because of these two different clauses 8 and 12 but there is nothing unusual or sinister in these provisions, Mr Speaker, Sir.

If our friends from the Opposition would have cared to look at all the different Bills introduced in this House by all Governments, they would have found that provision is always made when setting up a Board. We will see, Mr Speaker, Sir, that invariably the chairman or the director has always been appointed by the Minister. All Governments in the past have followed this practice, Mr Speaker, Sir, in the different legislations that have been introduced in the House. The Chairman is appointed by the Minister and the Director by the Board, with the approval of the Minister. This is a classical formula. I know only of two cases where this practice was departed from during the mandate of 2000/2005. Mr Speaker, Sir, we all know of the Prevention of Corruption Act (POCA), the proposal was different when the law was introduced and also when the Utility Regulatory Authority was introduced in the House. But save for these two pieces of legislations which were specific pieces of legislations, which had

their own specificity, I am underlining the fact, Mr Speaker, Sir, that even under the Labour/PMSD Government when they were in power, Mr Speaker, Sir, the same practice was adopted. I have with me - but I will not bother the House, Mr Speaker, Sir - the Tourism Authority Act 2006, the Gambling Authority Act 2007, the Construction Industry Development Board Act 2008, the Mauritius Cane Industry Authority Act 2011 and finally the Land Drainage Authority 2016. I have six copies of legislations, Mr Speaker, Sir. I can take anyone of them. I am closing my eyes if you want and I take anyone of them, Mr Speaker, Sir. This is the Construction Industry Development Board and you will see, Mr Speaker, Sir –

“Executive Director -

(2) The Executive Director shall be appointed by the Council, with the approval of the Minister, on such terms and conditions as it thinks fit.”

So, this is the norm, Mr Speaker, Sir. It has always been the case. In 2011, the Mauritius Cane Industry Authority –

“(4) Every member, other than a representative of a Ministry, shall –

(a) be appointed by the Minister;”

This is about the Board which is set up by this Act, the Mauritius Cane Industry Authority Act, Mr Speaker, Sir. The Chief Executive Officer, under the same legislation –

“11. Chief Executive Officer

(1) (a) There shall be a Chief Executive Officer of the Authority who shall be appointed by the Board on a fixed term performance contract and on such other terms and conditions as it may determine, subject to the approval of the Minister.”

Therefore, Mr Speaker, Sir, the Minister has always - not only in this present piece of legislation - been responsible for the appointment of the Chairman, the Board appointing the Director with the approval of the Minister. I think I have done with this part of the legislation, Mr Speaker, Sir, very briefly. Now, concerning the second part of the legislation, I said earlier, you will remember, Mr Speaker, Sir, that this Bill provides also a framework to combat money laundering in the Real Estate Sector which is an area of high risk.

I am now coming to the AML/CFT measures, Part V of this legislation. I will not repeat what has been said but I will just respond to a few points that have been made by hon. Reza Uteem. I will take four of these points, Mr Speaker, Sir. This is what hon. Uteem

stated. The first point that he made was that real estate agents were under the supervision of the FIU since 2009. He said, I quote him –

“Yet, Mr Speaker, Sir, as far back as 2009 - I repeat it 2009 - 30 July 2009, more than 11 years ago, the Finance (Miscellaneous Provisions) Act amended the Financial Intelligence and Anti-Money Laundering Act (FIAMLA) to include in its definition of ‘member of the relevant profession or occupation’, ‘any Land Promoter and Property Developer, Agent in land, building or estate agency under the Local Government Act 2003’. I repeat, as far back as 2009, real estate agents were already subject to the supervision of the Financial Intelligence Unit, and when in 2012, the Economic and Financial Measures (Miscellaneous Provisions) Act further amended FIAMLA, the definition of ‘member of relevant profession’, again, included ‘Agent in Land and/or Building or Estate Agency under the Local Government Act 2011’ as ‘member of the relevant profession and occupation’.”

This is the last sentence I am quoting -

“So, still, in 2012, these real estate agents were still being under the supervision of the FIU.”

Mr Speaker, Sir, the hon. Member mentioned that real estate agents were already subject to the supervision of the FIU in 2009. True it is. And that with the amendments brought to the FIAMLA in 2012, these real estate agents were still under the supervision of the FIU. True it is, Mr Speaker, Sir. But the hon. Member who is an experienced Member of this House should be aware that being only designated as supervisor without the powers of enforcing this supervisory role did not allow the FIU to properly conduct the specific duty regarding the real estate agents. In fact, while the law designated the FIU as the AML/CFT supervisor for real estate agents, land promoters and property developers, to be fair, we must agree that the FIAMLA did not provide the FIU with the necessary powers to properly supervise the sector. This situation made the supervision of the sector impossible from a practical perspective. Mr Speaker, Sir, a similar situation existed regarding the other supervisors of the other designated non-financial businesses and professions, that is the Gambling Regulatory Authority, the Mauritius Institute of Professional Accountants, the Financial Reporting Council, the Attorney General’s Office, the Bar Council, the Law Society and the *Chambre des Notaires*.

Subsequently, Mr Speaker, Sir, the FIAMLA was amended in 2019 to include a new Part IV (b) Supervision by Regulatory Bodies comprising the new section 19(f) to 19 (y) detailing all the supervision, powers of the various supervisory bodies, including the FIU. All DNFBP supervisory Bodies, including the FIU, Mr Speaker, Sir, are now availing themselves of the new supervisory powers and actively supervising the sectors falling under their purview. In the case of the FIU, I am given to understand that a Compliance Department has been set up and an onsite inspection of real estate agents is currently ongoing.

Hon. Uteem made another point concerning the low number of Suspicious Transaction Reports (STR), Mr Speaker, Sir. He said and I quote –

“Today, we see in the Bill before the House, Mr Speaker, Sir, at section 23 subsection (1) that real estate agent has to report a suspicious transaction not later than five working days after the suspicion arose. A lot of hon. Members who intervened before me, for that this is a breakthrough in the law. In fact, this is identical word to word from section 14 subsection (1) of FIAMLA to which real estate agents are already subject to since 2009. Again, if we look at section 23 subsection (2) of the Bill which makes it an offence for real estate agent not to report a suspicious transaction and is then subject to a fine of Rs1 m. and an imprisonment of a term not exceeding 5 years. Again, this section 23 subsection (2) is taken verbatim, word to word from section 14 subsection (3) of FIAMLA.”

And he goes on to say –

“So, Mr Speaker, Sir, the problem really was not with the legislative framework. The problem was that real estate agents were not reporting any suspicious transaction to the FIU and the FIU was not properly supervising the activities of real estate agents. And this was the problem; failure of enforcement agencies to do what they are paid to do, a sense of *laissez-aller*. When the Eastern and Southern African Anti-Money Laundering Group (ESAAMLG) published its Mutual Evaluation Report in July 2018, they were quick to pick up on these shortcomings.”

And to reply to my hon. friend, Mr Speaker, Sir, I would say he himself, has mentioned the problem regarding reporting of STR by real estate agents was not a problem in the law but that the FIU was not supervising the activities of the real estate agents. Mr Speaker, Sir, let me remind the hon. Member that in order to increase the number of STRs filed with the FIU,

proper monitoring and enforcement is required. The FIU had no powers under the law to conduct such monitoring and enforcement at that time. In order to raise the number of STRs, supervisory authorities must ensure that the reporting person, in the present case the real estate agents, have proper system in place to detect suspicious transactions and appropriate policies and procedures to ensure that these transactions are reported to the FIU in a timely manner.

The legal framework did not provide for adequate powers to supervise and take action against real estate agents for deficiencies related to STR reporting, Sir. By comparison banks, financial institutions have been routinely and actively supervised for years by the Bank of Mauritius, and the Financial Services Commission and the regulators have ensured that their licences have the capacity to detect and report STR.

With the amendments made to the FIAMLA in 2019, the FIU as well as other DNFBP supervisors are not in a position to properly ensure that the entities they regulate are complying with the FIAMLA. Section 14 of the FIAMLA, Mr Speaker, Sir, on the obligation to file STR with the FIU, reads: ‘Every bank financial institution (...) has not later than 15 working days, that it becomes aware of a transaction which has reason to believe may be a suspicious transaction, make a report to the FIU’. Failure to make this report was an offence under section 19 of FIAMLA. The drafting of this section made it difficult to prosecute report if persons who fail to report STR to the FIU.

Now, the issue has been cured. As we all know, recently, with the enactment of the Anti-Money Laundering and Combatting the Financing of Terrorism, last month, Mr Speaker, Sir, when this Bill was passed in the House and it amended section 14 of the FIAMLA by adding a new subsection (3).

The last point about the ESAAMLG Report, Mr Speaker, Sir, again, on that case, hon. Uteem stated –

“Real estate agents are technically referred to as Designated Non-Financial Businesses and Professions or DNFBNPs for short. And ESAAMLG found Mauritius to be non-compliant with regard to Recommendations of the Financial Action Task Force, with regard to the real estate sector, namely, Recommendation 22 - customer due diligence; Recommendation 23 - other Measures; Recommendation 28 - regulation and supervision of DNFBNPs.”

Mr Speaker, Sir, again, on this point, the hon. Member referred to the Report of ESAAMLG, in particular to FATF Recommendations, 22, 23 and 28. I wish to remind the Member, in particular, that these recommendations relate to the legal framework or technical compliance as it is referred by the FATF. The quote from ESAAMLG Report should be put in its proper context, Mr Speaker, Sir. The Report stated –

“As noted, DNFBP regulators have not yet started carrying out supervisory activities and therefore the level of AML/CFT compliance monitoring and supervision is virtually non-existent. The low number of STR filing made to the FIU as indicated in the Table below could be attributed to the absence of supervisory outreach, sensitisation, monitoring and enforcement.”

The action by the ESAAMLG was for Mauritius too. I quote –

“Take necessary legislative action to amend the FIAMLA to broaden the scope of preventive measures applicable to Financial Institutions and DNFBPs consistent with the FATF Standards. In addition, the authorities should issue regulations and other enforceable means within the scope of the FIAMLA to promote proper interpretation and implementation of the law by the Financial Institutions and DNFBPs.”

Mr Speaker, Sir, the hon. Member knows, the House knows that these legislative actions have been taken and Mauritius has been positively rated in the ESAAMLG Follow-up Report. Mauritius is now fully compliant on Recommendations 22 and 23 and largely compliant on Recommendation 28, Mr Speaker, Sir.

Sir, just to answer a few points made by hon. Uteem to conclude, I would just say the following, Sir, the world and little Mauritius are living in troubled waters due to the unprecedented pandemic that struck us during the recent months. The sector we are concerned with, Mr Speaker, Sir, should be bearing the brunt of this crisis. Even in places like Dubai, where real estate accounts for 22% of GDP as compared to our 5.9% or the average 7% in most of the countries, Governments are on tenterhooks, Mr Speaker, Sir, *sur la braise, sur des charbons ardents* with regard to that industry. They are reconsidering the regulation of the real estate sector. This is, indeed, a requirement of the day, to ensure that the sector continues to be healthy, transparent and professionally stout, while keeping the whole economy in balance.

Sir, the great recession of 2007 taught the world a costly lesson in terms of the consequences for the real estate sector to be out of control. We all remember, Sir, the heavy

financial loss of more than 14 trillion USD in the United States alone; more than 20 million jobs were lost all over the globe. This was a crisis of confidence. This was a glaring instance of the consequences of a crisis of confidence, when people's trust in Government and businesses were at their lowest ebb. This is why what we should not forget, Mr Speaker, Sir, when we are debating the philosophy and the provisions of the present Bill.

Therefore, Sir, where traditional and existing regulation is proving ineffective, Government and businesses are finding a new formula and where the regulative framework is non-existent, as in our case, the urgency is to entrench it and not waste our time on petty matters. Hence, the necessity to create and enforce a high quality governance practice for this sector. Hence, a Code of Ethics; hence, good governance for the State developers, while placing end users at the forefront.

Mr Speaker, Sir, when we are reflecting on the usefulness and on the advisability of regulating the sector in our country which would also take time to reflect on the evolution of the current local situation in the context of this pandemic and the economic consequences of the pandemic on this sector. But, I must say, Mr Speaker, Sir, I have been taking stock of the trend in the evolution of the real estate sector in our country. I have looked at few surveys, but I must say that I was pleasantly surprised. I mean to say, Mr Speaker, Sir, that when we take into account, according to the surveys, the interest still shown during the past six months, the interest shown by Mauritian citizens and foreigners for the different products on supply, the real estate market in Mauritius, in spite of COVID-19, remains an attractive one for both Mauritians and foreigners.

The market remains a dynamic one, Mr Speaker, Sir. Prospective buyers from our traditional market like France, UK, South Africa, Reunion Island, although in the case of Reunion Island, the demands seem to have dropped drastically, represent potentially one-third of the market, Mr Speaker, Sir, and included in that segment are to be found countries where the demand is coming from, where the Mauritian diaspora finds itself like in Australia, Canada or Switzerland.

The remaining two-third of the demand emanates from Mauritian citizens, from our local residents, Mr Speaker, Sir. I do not want to go into more details, but what I am arguing, Sir, is that the real estate market in Mauritius has maintained its buoyancy. Despite COVID-19, there seems to be no case for despair. We must, therefore, be comforted of two major decisions that the Prime Minister and this Government took recently.

Firstly, when presenting the Finance Bill, you will remember, Mr Speaker, Sir, the different measures we took to open the country to foreigners and to non-citizens - before I go to the second reason - to dynamise the real estate market, and this interest for our shores is obviously due to the fiscal advantage in terms of investment, but rests also by the fact that we are now reputed to be a COVID-19 free destination. Praise the Lord, Mr Speaker, Sir!

Secondly, the enactment of this present Bill is to set up a robust regulatory legislative framework to promote transparency, accountability and integrity in the activities of the different operators. Mr Speaker, Sir, I must thank the hon. Deputy Prime Minister for this marvellous piece of legislation. The roadmap for the future of our real estate market should rest on:

- (a) the strengthening of the real estate market resilience, governance and transparency, bearing in mind that the above is linked to the vision and future of our country, including its competitiveness and FDI attraction capabilities;
- (b) on our continuous monitoring of the market so that this sector emerges stronger and becomes one of our main pillars in our economic structure.

But over and above everything, Mr Speaker, Sir, I end up by saying we have been able to achieve, through this piece of legislation, something which we should be proud of, the promotion of public confidence in the performance of real estate agency activities.

I have done. Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Deputy Prime Minister!

(6.35 p.m.)

The Deputy Prime Minister: Mr Speaker, I wish to sum up the debates on this Bill and, as it is customary, at the outset, let me thank all the Members of the House on both sides who have taken the pain of addressing the House on this Bill. They have all contributed in one way or another to the debate and let me reiterate what the objectives of this Bill are. They are -

1. to promote transparency, accountability and integrity in the business activities of real estate agents, land promoters and property developers;
2. to protect and assist persons engaged in real estate transactions, and
3. to ensure further compliance with international best practices and relevant recommendations formulated to combat money laundering and the financing of terrorism.

As you are aware, Mr Speaker, Sir, the Bill will establish a Real Estate Agent Authority, and this will be a milestone in the development of the Real Estate Sector in our country. The Bill demonstrates if there was a need to demonstrate that this Government is fully committed to comply with international best practices and, in particular, the recommendations of the Financial Action Task Force.

Listening to Members on the other side of the House, they have directly or indirectly touched upon some of the points we discussed with stakeholders before coming to the House and there are three points I just wanted briefly to clarify -

1. the issue that was raised, if not here, by stakeholders while we were debating this Bill, is the question as to what would happen if there is a real estate transaction being carried out by a real estate agent, land promoter or property developer who is himself the owner or part owner of the real estate in question. Well, the answer lies in Section 2 of the Bill, which clearly specifies that where one of these persons is the owner or part owner, he will very simply not be required to register with the authority;
2. the second question that has been raised is whether when a company is involved in the real estate agent business, both the company and its employees individually must register. The answer is no; only the company would need to register in such circumstances and not its employees, and
3. the third and last point I wanted to touch upon is what happens in the case of a one person company, the sole shareholder is at the same time the Director; will the company and the Director both have to pay trade fees to the Registrar of Companies. Section 45 (2) of the Bill addresses the point by amending the Local Government Act, more specifically, the Twelfth Schedule of the Local Government Act by deleting the item 'land promoter and property developer', and there is an amendment that is being circulated that specifies that there is another category under the Local Government Act, that of agent in land or business or an estate agency, which will also be deleted. Therefore, where a person is registered as a real estate agent, no trade fees will have to be paid.

Otherwise, Mr Speaker, Sir, there appears, by and large, to be a consensus among Members of the House that the Bill is a step in the right direction as it seeks to address the opacity with which real estate business has been carried out for decades and that it is in

keeping with various legal amendments or instruments introduced before the House in the wake of the EU blacklisting.

The Bill, as rightly pointed out by the hon. First Member for La Caverne and Phoenix, also addresses the risk of drug cartels getting involved in the Real Estate Sector in Mauritius. So, I note that most Members who have spoken, if not all, have welcomed the attempt through this Bill to regulate activities in the Real Estate Sector by establishing an Authority. But, out of respect for Members on the other side, I would like to specifically address the different points they have raised without repeating what the previous orator has very ably explained and commented upon.

One common criticism amongst the MPs from the other side of the House was that we had lumped together allegedly real estate agents, land promoters and property developers under the same heading indiscriminately. In fact, Mr Speaker, Sir, I would like to draw attention to the Interpretation section of the Bill, where there is a clear difference made between property developers, real estate agents and land promoters, each defined separately. We are fully aware that the business activities carried out by these three categories are significantly different in nature, although they all have to do with real estate businesses.

Promoters and property developers are obviously the major players, the big players if we may say so, on the property market and they do need to be accountable for the dealings they have with members of the public, and this matter has been amply debated with the stakeholders in the field. Mr Speaker, sir, since the findings of the first national money laundering and terrorism financing risk assessment of Mauritius, which was completed, I believe, in August of last year, the Real Estate Sector, as I mentioned in my speech the other day, was identified as having a medium-high risk potential because of the lack of market entry control in the Real Estate Sector.

Government has, therefore, provided that the Real Estate Agent Authority will equally register land promoters and property developers as they are at the forefront in handling major land transactions. It would not, I am afraid, have been appropriate to set up different Authorities to regulate real estate agents, then another one for land promoters and yet another one for property developers. I have already addressed this issue in my speech when presenting the Bill to the House and we do, I believe, realise that the sector is more exposed than other sectors to money laundering in view of the high land value in Mauritius. We do know, Mr Speaker, that payments in cash of less than Rs500,000 in order to purchase

property *hors de la vue du notaire* were still possible without any supervision hence the urgent need to regulate the sector which will help avoid the possibility of various financial offences being committed since real estate agents will have an obligation to report to the FIU any suspicious transaction under the Financial Intelligence and Anti Money Laundering Act.

I note that the First Member for La Caverne and Phoenix was not agreeable to the idea of creating another Authority and suggested the EDB (the Economic Development Board) could have done the job. Well, I would like to draw the attention of the House that the EDB is not in any way a regulatory body. Its job, if I may use the term, is to oversee projects under the Property Development Scheme or the Smart City Scheme and so on and so forth. It cannot register real estate agents or land promoters or property developers. The EDB is, in fact, much more of an investment promotion agency and it provides policy guidance for implementation of various investment projects. I am sure the hon. Gentleman, my good friend, knows that, as per the EDB Act 2017, the objects of the EDB are to provide institutional support for strategic economic planning and coherence in economic policy formulation. Its role is also to promote Mauritius as an attractive investment and business centre. Its role is to act as an institution responsible for branding investment promotion and finally to facilitate inward and out fraud investment. I am sure the hon. Gentleman knows that.

So, we believe that this Authority dealing exclusively with real estate will be in a better position to maintain discipline at real estate sector, establish a code of conduct and practice, and ensure compliance with such a code. The Authority will propose a code of practice where ethics, duties and principles of high standard will be formulated for real estate agents.

In the sense of having a separate Authority looking after real estate agents will help contribute to its raising standards by promoting best practice. Of course, with the risk of a dedicated authority, there is a risk of adding expenditure on the part of the State and it will be our duty and the duty of the House, Members on both sides, to scrutinise the performance of this Authority. So, we cannot backpedal on the creation of an Authority, Mr Speaker.

I also am not in agreement with my good friend when he expressed the opinion as far as I can recollect that the Authority might over regulate the sector. In fact, the creation of such an Authority is long overdue. It was recommended, let me remind the House, by the Law Reform Commission in 2016. The idea is, therefore, not new and the real estate agents,

themselves, have been clamouring for some sort of State regulation. And the idea of copying the UK model with the creation of a Property Ombudsman or Property Redress Schemes, I am advised, is not a good one. It should not be replicated in our context which is totally different. In UK, I am advised that since 1979, the operations of real estate agents are regulated. The agent there has to ensure that he works in the best interests of his clients and so that both buyers and sellers are treated honestly and fairly.

So, through the 40 years now, there has been a culture of compliance with those legal duties in the UK that is not the case in Mauritius. So, creating many different schemes might overburden the system and it is, we feel, much better to have a single dedicated Authority as to start off in this sector.

However, the hon. Gentleman did raise an important point I must agree as to why we need to setup an Authority when we already have the notary, who is the legal professional, who has delegated powers from the State whose intervention is required in all property transactions. Well, of course, I agree and my colleague, the Minister of Environment, I am sure, will support me that the notary plays a very important role in all property transactions.

However, the Notary Act has an intermediary and a deterrent to any malicious transaction, that is true but the real estate sector is one of the designated non-financial businesses and professions that should be subject to a regulatory and supervisory framework as per recommendations of the Financial Action Task Force. So, we cannot remain inactive. We needed to move forward as we are proposing in this Bill.

Both the hon. Gentleman and the Third Member for Constituency No.3 raised certain concerns, given the composition of the Board, about the independence of the institution and I am sure they will have noted that we are proposing an amendment so that the representatives of two categories will no longer be appointed by the Minister, the Estate Agent Association and the *Chambre des Notaires*.

I think that is a clear indication that Government not only hears but listens to constructive proposals from the Opposition when the Opposition chooses to be constructive. We are attentive to proposals made, and where and when they can be accommodated in the interests of the country, we shall do so. And the amendment reflects that willingness to hear out and listen to the Opposition and move forward as one where we can.

Let me come, Mr Speaker, Sir, to clause 16 concerning registration of three different categories. My colleague, Minister of Land Transport, has explained. Let me insist again that

nobody is imposing a diplom requirement on practitioners in the field. Section 16 (3) is very clear, you need either a minimum of 5 years' experience which, I am sure everybody will agree, is necessary to protect our citizens or a diploma in real estate or any other qualification approved by the Board. It is therefore clearly not mandatory for a person to hold a diploma or relevant qualification if he has 5 years' experience. We do understand the need to be very flexible in that respect.

Mr Speaker, Sir, we are also fully aware that there is no tertiary institution of education in Mauritius that offers a diploma in real estate studies. But let us take the example of medical practitioners. For years, we did not offer medical training in the country, but this did not prevent us insisting that one had to hold an MBBS or the equivalent to practise as medical doctor.

Therefore, Mr Speaker, Sir, even though there is no such course currently, we believe that if there is a demand, the demand will generate the supply in the sense that either a public institution or a private institution will come up with a course, but there must be a critical mass for it to be cost efficient for a tertiary institution to run such a course and I am sure with time that will happen.

Mr Speaker, Sir, with respect to the issue of equivalent qualifications as stipulated in the Bill, again this is an indication of the high degree of flexibility that is provided for in this Bill, the Board, the Authority eventually will prescribe what qualifications are acceptable alternatives. Security and fees chargeable, this was raised both by the third Member for Constituency No. 3 and the hon. third Member for Constituency No. 2. I believe they stated that the amount of security and fees cannot be left in the hands of the Minister. So, let me explain this. In fact, the policy will be established by the Board and the policy will be implemented by the Authority. So, the quantum obviously will not be worked out by the Minister who has no expertise in these matters, it will be worked out by the Authority, approved by the Board and the Minister will then be called upon to make regulations as it is generally the case on the various pieces of legislations.

Turning to sections 22 to 24 of the Bill, pertaining to Anti-Money Laundering and Combatting Terrorism Financing, my good friend, hon. Uteem, suggested that there should be different requirements set for different categories of operators in the real estate sector. I would like to remind the House that Recommendation 1 of the Financial Action Task Force and the FIAMLA has amended in 2018 and 2019 require operators to adopt a risk-based

approach when it comes to the implementation of Anti-Money Laundering and Combatting the Financing of Terrorism obligations. Now, operators in the real estate sector are required to tailor the level of due diligence according to the level of money laundering risk and this approach is also reflected in FIAMLA Regulations of 2018. Now, high risk situations will require enhanced due diligence while low risk situations will only require some form of simplified due diligence. I am informed that the Financial Intelligence Unit has already published guidelines as to how to assess the risk levels of transactions. So, I hope this goes some distance in allaying my hon. friend's concerns.

Mr Speaker, Sir, hon. Uteem also commented that no suspicious transaction has been reported by any real estate agent and added that although the FIU has been the supervisor of real estate agents since 2009, - I understand that is what he was suggesting - it was not properly, appropriately supervising their activities. Now, according to the information I have been provided with because I am no expert in this area, the number of Suspicious Transaction Reports (STRs) filed with the FIU by designated non-financial businesses and professions has always been very low as opposed to the number of STRs, for instance, filed by banks and financial institutions. We all know that. And this state of affairs can be explained by the fact that the designated financial businesses and professions have never been appropriately supervised, the lack of a regulatory framework. So, in order to provide for a higher number of Suspicious Transaction Reports, supervisory authorities must ensure that the reporting persons, in fact real estate agents here, have proper systems in place allowing them to detect suspicious transactions and appropriate policies and procedures be put in place to ensure that these transactions are reported to the FIU in a timely manner. That is what we are doing. The legal framework did not provide, in the past, for adequate powers to supervise and take action against real estate agents for deficiencies related to STR reporting.

By comparison, banks and financial institutions have been routinely supervised for years by the Bank of Mauritius and the Financial Services Commission, as we all know, and these regulators have ensured that the licensees, the operators in the field, have the capacity to detect and report suspicious transactions and to submit the reports which was not the case in the real estate sector. So, following amendments to FIAMLA, I am informed in 2019 the FIU now has all the required powers to supervise the sector as appropriate. The FIU, I am informed, has since set up a compliance department and risk-based supervision, I am told, has already begun. For instance, on-site inspections of the operations of several large real estate agents have already taken place.

It is also worth noting that the FIAMLA Regulations 2003 which detailed the Anti-Money Laundering and Combatting Financing of Terrorism obligations and the Suspicious Transaction Report (STR) reporting process did not cover members of relevant professions and occupations but only banks and financial institutions. Now, this deficiency, I understand, has now been cured by the revised 2018 Regulations. So, in fact, Mr Speaker, Sir, my colleague, former learned friend from the Bar, knows that the law was amended in 2009 to designate the FIU as the Anti-Money Laundering and Combatting Financing of Terrorism supervisor for the real estate and the jewellery sector. The law also designated the Gambling Regulatory Authority as the equivalent supervisor for the gambling sector, the Mauritius Institute of Professional Accountants for Accountants, the Financial Reporting Council for Auditors, the Bar Council for Barristers obviously, the Law Society for Attorneys and the *Chambre des Notaires* for Notaries.

However, none of the designated non-financial businesses and professional supervisors could effectively implement the functioning supervisory framework as the law at that time merely designated these authorities as supervisors without providing to them adequate powers to supervise entities falling within the purview and I am glad the hon. gentleman seems to agree. My collaborators have pointed out the example that there was no power to conduct inspection or apply proportionate and dissuasive sanctions as required by FAFT were given to the supervisors. So, this state of affairs has been cured by the amendments to FIAMLA in 2018 and 2019, so much so that the designated non-financial businesses and professional supervisors now have adequate powers to properly supervise the sector and take necessary action when required and the hon. gentleman will be in the House so that we can follow on this and how it works in practice.

As regards the comment made by the hon. gentleman to the effect that ESAAMLG, the Eastern and Southern Africa Anti-money Laundering Group was extremely critical of the FIU. I think the hon. gentleman recollects that is what he suggested. Now, I am informed, according to the information provided to me, that is not exactly what the ESAAMLG report stated. True it is, it was critical of the lack of a proper framework for designated non-financial businesses and professional supervisors. The priority to be taken according to that report and I am quoting here from page 14 of the report. I quote -

“Take necessary legislative action to amend the FIAMLA to broaden the scope of preventive measures applicable to FIs and DNFBPs consistent with the FATF Standards. In addition, the authorities should issue regulations and other enforceable

means within the scope of the FIAMLA to promote proper interpretation and implementation of the law by the Financial Institutions and Designated Non-Financial Businesses and Professions.”

So, the required legislative action has now been taken and Mauritius, as mentioned by hon. Ganoo, has been positively re-rated in the ESAAMLG Follow-up Report. The FIU has now set up its Compliance Department, as I mentioned earlier, and it is now actively supervising real estate agents as well as other categories of Designated Non-Financial Businesses and Professions falling under its purview.

Let me conclude, Mr Speaker, Sir, by saying that Government, by means of this Bill, is creating a legal framework, which will regulate the activities of three categories of operators in the real estate business, real estate agents, land promoters and property developers with the overall objective of professionalising the sector and preventing money laundering in the real estate sector.

Mr Speaker, Sir, if we want Mauritius to exit at the earliest, the Financial Action Task Force list of monitored jurisdictions and the European Union’s list of high risk third countries, we need to comply with the recommendations of FATF at the earliest. This is why we have come to the House with this Bill.

I will thank, once again, all those who have contributed to preparing this Bill, to debating this Bill, and I now wish to commend the Bill to the House.

Thank you, Sir.

(Applause)

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

THE REAL ESTATE AGENT AUTHORITY BILL

(NO. XI OF 2020)

Clauses 1 to 7 ordered to stand part of the Bill.

Clause 8 (Composition of Board)

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

The Deputy Prime Minister: Mr Chairperson, I move for the following amendment

—
“in clause 8(1), in paragraphs (j) and (k), by deleting the words “, to be appointed by the Minister”.

Amendment agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clauses 9 to 20 ordered to stand part of the Bill.

Clauses 21 to 44 ordered to stand part of the Bill.

Clauses 45 (Consequential amendments)

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

The Deputy Prime Minister: Mr Chairperson, I move for the following amendment

—
“in clause 45, by deleting subclause (2) and replacing it by the following subclause –

(2) The Local Government Act is amended, in the Twelfth Schedule, by deleting the following items –

Agent in Land and/or Building or Estate Agency

Land Promoter and Property Developer”.

Amendment agreed to.

Clause 45, as amended, ordered to stand part of the Bill.

Clauses 46 and 47 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 Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third Reading

The hon. Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism gave notice of his intention not to move the Third Reading of the Real Estate Agent Authority Bill (No. XI of 2020) today.

*Second Reading***THE COURTS (AMENDMENT) BILL****(NO. X OF 2020)**

The Attorney General, Minister of Agro-Industry and Food Security (Mr M. Gobin): Mr Speaker, Sir, I move that the Courts (Amendment) Bill (No. X of 2020) be read a second time.

Mr Speaker, Sir, as stated in the Explanatory Memorandum, the main objects of this Bill is to amend the Courts Act so as to, *inter alia*, provide for –

- (i) the setting up, within the Supreme Court, of a Financial Crimes Division and a Land Division;
- (ii) the setting up, within the Intermediate Court, of a Financial Crimes Division, and
- (iii) enabling the Chief Justice to set up, within the Supreme Court and the Intermediate Court, such other divisions as he thinks fit for the despatch of civil business and criminal business.

Mr Speaker, Sir, I come to the Land Division of the Supreme Court. With regard to the Land Division of the Supreme Court, Mr Speaker, Sir, the setting up of this specialised division in land disputes, which comprise both technical and complex issues in the management and administration of land disputes, has been rendered necessary with a view to facilitating the just and expeditious resolution of land disputes. The Land Division of the Supreme Court shall, accordingly, have original jurisdiction to hear and determine –

- (a) any matter regarding ownership of land and property rights, other than matters which fall under the jurisdiction of the Intermediate Court or District Court under other enactments, and
- (b) any other matter connected therewith as the Chief Justice may direct.

Mr Speaker, Sir, the Bill further provides for matters connected, consequential or incidental to the setting up of divisions within the Supreme Court and the Intermediate Court. Before I get into the detailed provisions of the Bill, allow me, Mr Speaker, Sir, to refer to the often-cited Report of Lord Mackay in relation to the point of setting up divisions within Courts. In the Mackay Report, which was set up to make recommendations on the Judiciary, at paragraph 3.13, one can read the following, and I quote -

“3.13 Generally speaking, allocation to a particular Division should apply for a sufficiently long period of time to give the Judge an opportunity of developing special expertise in judging cases in that Division. In the other hand, special allocation of a Judge of one Division to the work of another should occur where this is desirable in the interests of justice. For example, if a criminal trial involves the technicalities of company law or bankruptcy law it would be appropriate that the judge presiding at the criminal trial should be one who has experience in these matters and, therefore, likely to be one who normally is working or has worked in the Commercial Division. This system should be used in such a way as to balance a degree of expertise with the need for a Judge’s general talents to remain available and, therefore, after a reasonable period in one Division to move to work in another.”

Mr Speaker, Sir, so much for the arguments in favour of the creation of Specialised Divisions.

Let me highlight, Mr Speaker, Sir, at the outset that in the drafting of this Bill, Government has been mindful to respect the separation of powers. This Bill has, therefore, been produced after extensive consultations with the Judiciary, the Office of the Director of Public Prosecutions, the Independent Commission Against Corruption, and the Ministry of Financial Services and Good Governance. We also had regard to the work of the Law Reform Commission in relation to its Opinion Paper entitled “Mechanisms for the Settlement of Land Disputes”.

Mr Speaker, Sir, there has been considerable debate on the question as to whether a Division of the Supreme Court should be created administratively or by statute.

It is important to highlight that such Divisions may be created administratively, but if they are created by statute, they will give rise to greater certainty in the legal profession. In this context, I find it appropriate to refer the House to the judgment of our Court of Civil Appeal in the case of *Maudarbocus S.M.N v The Mauritius Commercial Bank Ltd* 2017 SCJ 159, Judgment delivered by the then Chief Justice, Judge Matadeen, G.C.S.K, Q.C, and I quote -

“Firstly, any Judge of the Supreme Court is, pursuant to section 76(1) of the Constitution, entitled to hear and determine any civil – and this also includes commercial – or criminal matter under any law other than a disciplinary law. The fact that the Judge has been administratively assigned to sit in a Division of the Supreme Court and hear criminal, commercial or family matters at any point does not mean that he cannot also hear such other matter within the jurisdiction of the Supreme Court as the Chief Justice may allocate to him.

Secondly, the learned Judge was empowered by virtue of sections 62(2) and 63(1) of the Courts Act to hear the bankruptcy petition and apply the law as laid down in the Bankruptcy Act pursuant to section 415(2)(c) of the Insolvency Act.

Thirdly, by General Notice No. 2369 of 2008, published in the Government Gazette No. 122 of 2008, notice was given that, “pursuant to an order made by His Excellency the President on 03 December 2008 in virtue of section 10 of the Courts Act and a subsequent order made by the Honourable Chief Justice to that effect, the Supreme Court (would) hold sittings at the former Human Rights Centre, Jules Koenig Street, Port Louis, to hear and determine commercial matters as from 12 January 2009.”

It is to be noted that commercial matters have since been dealt with essentially in that building by Judges of the Supreme Court. In other words, the purpose of General Notice No. 2369 of 2008 was to prescribe an additional venue for sittings of the Supreme Court and not to create any new court with a specialised jurisdiction distinct from that of the Supreme Court. The heading “COMMERCIAL COURT” in General Notice No. 2369 of 2008 can only be read as referring to an administratively set up “Commercial Division” of the Supreme Court. Issues about a case being heard by one Division rather than another are “issues of administration, more particularly, case flow management and case allocation” (see *Life Garments Ltd v Hellman Worldwide*

Logistics Ltd [2012 SCJ 498] at para. 69) and not issues of jurisdiction or law.”

Mr Speaker, Sir, the setting up of Divisions at the level of the Supreme Court is a matter which has taken some time to be addressed in our jurisdiction and I am pleased to inform the House that further to extensive consultations with the Judiciary, the Honourable Chief Justice has agreed to the proposal of Government to set up, by statute, different Divisions at the level of the Supreme Court.

Mr Speaker, Sir, that mindful of the words of the former Chief Justice, opportunity is also therefore being taken in this Bill to “formalise” - if I may say so, within inverted commas. Therefore, to “formalise” –

- (a) the Family Division of the Supreme Court, which was set up administratively, to hear and determine –
 - (i) Divorce and Judicial Separation matters;
 - (ii) Matters concerning alimony, family matters, other than matters connected therewith which fall under the jurisdiction of other Courts under other enactments.

Opportunity is therefore also being taken to “formalise” –

- (b) the Commercial Division which was set up to hear and determine –
 - (i) cases under the Insolvency Act, Companies Act;
 - (ii) cases relating to banking, bills of exchange, offshore business, patents and trademarks, etc.;

Mr Speaker, Sir, the Criminal Division of the Intermediate Court also is being formalised as well as the Civil Division of the Intermediate Court.

Mr Speaker, Sir, I will take a few minutes to explain now the choice of setting up the Land Division because I know there has been considerable debate, especially having regard to the recommendation of the Law Reform Commission on setting up the Tribunal.

There has been indeed considerable debate, Mr Speaker, Sir, and it is after “anxious” - and I highlight and underline this word ‘anxious’ - consideration that Government has proposed the setting up of a Division of the Supreme Court.

Setting up a Tribunal would have created another layer in the judicial process, and this would not have gone in the right direction of expeditious disposal of land disputes. We have therefore proposed - and that was also in our Government Programme - that a Specialised Division be created in the Supreme Court so as to achieve what is the objective, namely the expeditious resolution of land disputes.

And to illustrate the point, I will refer to the statistics which is published on the website of the Supreme Court of Mauritius. The latest statistics available on the website of the Supreme Court of Mauritius show that, Mr Speaker, Sir, as at 31 December 2019, there were a total of 281 cases involving land disputes pending before the Court. What does that mean is that, those 281 cases have to wait for their turn to be heard on the General Cause list and how many other cases are there under the General Cause list? There are on the General Cause list of the Supreme Court 6,948 cases pending. If I discount 156 criminal cases, we are left with 6,792 civil cases and so, therefore, the land disputes of 281 have to wait for their turn.

From the 281 cases, if I discount the cases of division in kind, which is altogether a different matter, there are only 15 cases of division in kind; which leaves us with 266 cases concerning ownership, prescription, boundary disputes and conflicts in land use or land sale. The statistics speak for themselves. Therefore, the creation of the Land Division with a specialised judge or judges as may be determined by the Chief Justice is most appropriate.

With the creation of the Divisions of the Supreme Court, we have the duty to make it clear, Mr Speaker, Sir, that we are not in any way diminishing the powers and jurisdiction of any of our judges or magistrates who are posted in those Divisions.

Thus, the Bill provides in clauses (3) and (4) very clearly that, where a judge or magistrate is assigned to a Division of the Supreme Court or the Intermediate Court, the tenure of the judge or magistrate is not in any way affected and the judge or magistrate has the same powers as if affected to any other Division of the Court.

I should highlight that in the drafting of these 2 sections, I will bring some technical amendments - it's just a question of drafting style - at Committee Stage, Mr Speaker, Sir, just to make it clear that where a judge is assigned to a Division, his tenure shall not be affected, and where a magistrate is assigned to a Division, his tenure shall not be affected. And thirdly, that no act done by a judge or magistrate shall be void, only by

reason that a case should have been heard by a Division other than the Division to which he has been assigned.

Now, with regard to what is provided for in the Government Programme 2019-2024, Mr Speaker, Sir, we had provided as follows at paragraphs 122 and 123 -

“122. A Land Research & Monitoring Unit will be set up to address all issues pertaining to alleged land disputes.”

“123. A Land Division will be set up at the level of the Supreme Court.”

C'est chose faite for both.

Mr Speaker, Sir, the House will appreciate that the Land Research and Monitoring Unit has already been set up and fully funded by a budget of Rs50 m. and is operational within the Ministry of Housing and Land. And now with this Bill we are creating the much-awaited Land Division of the Supreme Court.

Now, coming to the financial crime, Mr Speaker, Sir, as the House will appreciate, AML-CFT issue is very high on the agenda of Government. In relation to dealing with deficiencies in our AML-CFT sector, a number of measures have been taken and are being taken and Government is leaving no stone unturned to ensure the viability and continued success of our financial services sector. Thus, it is apposite to refer to the gamut of measures announced in the Budget Speech 2020-2021 in relation to this sector. We are dealing with and have dealt with, paragraphs 96, 97 and 98 of the Budget Speech and through this Bill we are completing the last measure announced in the Budget Speech 2020-2021, insofar as our FATF Action Plan is concerned.

Paragraphs 96 to 99 of the Budget Speech read as follows on our FAFT Action Plan -

‘FATF Action Plan

96. Government is committed to completing the five remaining recommendations under the Financial Action Task Force (FATF) Action Plan for Mauritius by September 2020.
97. To comply with these 5 recommendations, we will implement the following measures -

- (a) Risk-based supervisions in accordance with the recommendations of the FATF;
 - (b) Targeted outreach programmes to promote clear understanding of money-laundering and terrorist financing risks;
 - (c) Increased reporting of suspicious transactions;
 - (d) Targeted financial sanctions in cases of terrorist financing, and
 - (e) Timely access to beneficial ownership information.
98. Furthermore, a new AML/CFT (Miscellaneous Provisions) Bill will be introduced to complement existing legislative framework.
99. A dedicated and specialised Financial Offences Court will also be set up.”

Mr Speaker, Sir, *c'est chose faite* insofar as the AML-CFT (Miscellaneous Provisions) Bill is concerned and now we are coming with the creation of the Financial Crimes Division. We are, therefore, setting up the Financial Crimes Division of the Supreme Court and the Financial Crime Division of the Intermediate Court, which shall have original jurisdiction to hear and determine a financial crime offence, including corruption, money laundering, revenue offences, as well as financial regulatory offences. The setting-up of these dedicated Divisions has been rendered necessary with a view to ensuring that financial crime cases are dealt with expeditiously, thereby ensuring further compliance with recommended international best practices and norms of the Financial Action Task Force.

As to the question of which cases will go to the Financial Crimes Division of the Supreme Court and which cases will go to the Intermediate Court, this question is eminently one for the Office of the Director of Public Prosecutions (DPP).

The Office of the Director of Public Prosecutions will have regard to the following considerations, whether the case –

- (a) has international ramifications;
- (b) involves complex sequence of bank transfers or commercial transactions;
- (c) involves complex ownership, company and proxy structures; or
- (d) is one in which the offenders have engaged in cybercrime or computer-based fraud involving money held in the form of virtual currency.

And the decision will, therefore, be one taken by the Office of the DPP to determine if the information for the case shall be laid before the Financial Crimes Division of the Supreme Court or the Financial Crimes Division of the Intermediate Court.

Mr Speaker, Sir, the Financial Crimes Division of the Supreme Court will, in addition, have jurisdiction to hear and determine any other matter under any enactment which is connected or ancillary to a financial crime offence. Reference here is being made to the freezing orders which are inherent to an inquiry into such cases.

Mr Speaker, Sir, there are other clauses of the Bill to which I will now refer.

Clause 5 of the Bill empowers the Attorney-General to amend the Sixth Schedule to the Courts Act after consultations with the Chief Justice. This relates to offences listed in the said Sixth Schedule of the jurisdiction of the Financial Crimes Division.

Clause 6 of the Bill adds the said Sixth Schedule which I have just explained.

As our law evolves rapidly, Mr Speaker, Sir, it has been found appropriate to provide that it should be allowed to amend the Sixth Schedule by way of regulations.

Mr Speaker, Sir, clause 7 of the Bill deals with a number of consequential amendments which have been made necessary having regard to the amendments being brought.

Clause 8 now of the Bill, Mr Speaker, Sir, is, I should say, a standard clause which deals with the saving and transitional provisions relating to cases which have started and are pending before the Criminal Division of the Intermediate Court or a District Court. It also deals with cases in relation to which trial has not yet started. These cases shall, on the commencement of the Act, be transferred to the Financial Crimes Division of the Intermediate Court.

Mr Speaker, Sir, last but not least, it is important to recall that paragraphs 317 and 318 of the Budget Speech 2020-2021 read as follows -

“317. The New Supreme Court, a state-of-the-art building with 24 court rooms and latest amenities, will be operational in August 2020.

318. Provision has been made for additional 50 posts in the Judiciary, including Puisne Judges, District Magistrates and Court Officers.”

Mr Speaker, Sir, with this Government, as the House and the population will appreciate, what we pledge to achieve, we do achieve. We take our commitments very seriously. As I speak today, we have already inaugurated the New Supreme Court Building. With the new Divisions of the Supreme Court and the Intermediate Court, we have already made provision in the Budget 2020-2021 for additional posts to be created in the Judiciary to ensure that the Judiciary has the required personnel to discharge its important functions.

Mr Speaker, Sir, I take this opportunity to reiterate Government's unflinching commitment to ensure that we have a Judiciary which is well-equipped to deliver services in a timely and effective manner to the public.

The Deputy Prime Minister rose and seconded.

(7.34 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): M. le président, c'est avec un sentiment de grosse déception que je m'adresse à cette Assemblée. Grosse déception parce que j'ai eu l'occasion à plusieurs reprises dans cette Chambre au fil des trois dernières années d'adresser plusieurs questions parlementaires à plusieurs ministres sur l'institution d'une *Land Court* ou *Land Division of the Supreme Court*. Et la *Land Division* de la Cour Suprême qu'on nous propose aujourd'hui dans ce projet de loi n'est ni la Cour d'équité à laquelle s'attendaient les victimes qui ont été dépossédés de leur terre et ce n'est pas non plus la *Land Court* qui avait recommandé la *Law Reform Commission* en 2018.

Au fait, selon moi, ce projet de loi est une occasion manquée de corriger une injustice. Une injustice flagrante qui a déjà trop duré. Une injustice vis-à-vis de tous ces citoyens qui au fil des années, des décennies, des siècles se sont vus dépossédés de leur terre, de leur bien, de leur héritage et pourtant ils avaient eu une lueur d'espoir quand la Commission de Justice et de Vérité fut créée en mars 2009 suite à la *Truth and Justice Commission Act* de 2008.

La Commission de Justice et de Vérité fut mise en place pour enquêter d'abord sur le sort des esclaves et des travailleurs engagés depuis l'époque coloniale jusqu'aujourd'hui et de formuler des mesures de réparation pour leurs descendants.

La Commission avait aussi comme mandat d'examiner des cas de personnes se disant lésées parce que dépossédées ou privées de la jouissance des terres auxquelles elles estimaient avoir droit. Deux ans plus tard, soit en novembre 2011, sous la présidence de M. Alexander Borraine, épaulé par Madame VijayaLakshmi Teelock, M. Parmaseeven Veerapen, M. Benjamin Mootoo and M. Jacques David, la Commission publiait son rapport en six

volumes. Le deuxième volume sera entièrement consacré à l'étude des cas de dépossession des terres, 340 cas, dénombra la Commission.

M. le président, le verdict fut sans appel. Des centaines d'esclaves et de travailleurs engagés ont été injustement dépossédés de leur terre au fil des ans. La Commission de Justice et Vérité fit le constat suivant et je cite –

« Land speculation, poverty, greed of some family members, the corruption of officials and professionals, an ever encroaching sugar industry and laws that protect the traditional economic structure have ensured that land ownership remains in the hands of the same traditional economic elite who have today even been joined by members of the State bureaucracy, politicians and the new business community. Most cases brought before the Commission only serve to show that illiterate people have for successive generations been exploited and misguided by intermediaries and even by law practitioners and their supporting staff. This practice relatively still prevails. There is no justice in Mauritius for those who cannot afford lawyers, notaries, land surveyors and attorneys. »

Tel fut le constat accablant de la Commission Justice et Vérité. Et la Commission fit pas moins de 158 recommandations. En outre, elle recommanda la mise sur pied d'une *Land Division* de la Cour suprême pour traiter plus rapidement les cas de dépossession de terre. Mais la Commission prendra soin de préciser que les modalités d'opération de cette Cour devaient être finalisées après consultation avec le Chef Juge. Et je cite –

“The Government may prefer to consult the Chief Justice as to how he feels that the Judiciary could best lend its support to the scheme.”

En septembre 2018, sept longues années plus tard, sept longues années après la publication du rapport de la Commission Justice et Vérité, suite à une requête du Bureau de l'*Attorney General*, la *Law Reform Commission*, en septembre 2008, publiait un *Opinion Paper* sur *Mechanism for Settlement of Land Disputes*. Comme à son habitude, la *Law Reform Commission* fera un excellent travail de recherche et examinera les mécanismes pour le règlement des différents fonciers à Maurice mais aussi dans d'autres pays tels que Hong Kong, Kenya, l'Écosse, l'Afrique du Sud, entre autres. La *Law Reform Commission* étudiera aussi les cas de dépossession des terres mentionnés dans le rapport de *Truth and Justice Commission*. Au final, la *Law Reform Commission* recommanda la mise sur pied d'une *Land*

Court. Land Court pas une Division of the Supreme Court, a full-fledged Land Court with extensive power.

At paragraphs 88 and 89 of the Opinion, the Law Reform Commission recommended, and I quote –

“The Land Court should not be precluded from adopting and implementing on its own motion with the agreement of/or at the request of the parties any other appropriate means of alternative dispute, resolution, including conciliation, mediation and traditional dispute, resolution, mechanism just like it is provided for by section 20 of the Kenya Environment and Land Court Act. As it is the case for the Kenya Environment and Land Court, the Land Court should be able to make regulation for the better carrying out of its function.”

This is what the Law Reform Commission recommended, a Land Court with full power, a Land Court with the flexibility to provide medication, conciliation, alternative dispute resolution, a Land Court which has the power to regulate its own proceedings, to be an autonomous Court. What we are proposing today is not different from the existing Supreme Court. It is the same existing Supreme Court with the same powers, with the same evidential and procedural constraints. What we are doing is simply enacting a Division of that Supreme Court and that Division will, according to the learned Attorney General, speed up the process of resolving dispute, but what this law doesn't do, it gives full powers, new powers to this Land Division, new powers that are needed to give justice to those who have been dispossessed of land.

At paragraph 86 of the Opinion Paper, Mr Speaker, Sir, this is what the Law Reform Commission recommended, and I quote –

“As it is the case for the Queensland Land Court, the Land Court should be able to summon a person as a witness and may require the person to produce documents in the person's possession or power and may examine the person and punish the person for not attending under the Summons or for refusing to give evidence or failing to produce the documents.”

Now, these were important powers because we are talking about land dispossession over decades if not centuries. So, the Court must be given the power to summon anyone and if that person has in his possession any document any proof that is helpful to the Court and refuses to give that document, the Court must be able to sanction him. Now, will this Land

Division that we are asked to vote in this Bill, have power to sanction any person who deliberately refuses to give evidence or produce important documents? Will it have powers to sanction a witness who does not turn up at a trial? Does it have powers to sanction a witness who does not turn up at a trial or who turns up and chooses to remain silent or chooses not to give any evidence as is the case today in a court proceedings? No. So my question, Mr Speaker, Sir, is: the hon. Attorney General said that this Bill has been prepared after anxious consideration. That is the term used 'anxious consideration'. For years, this Government has been pondering on setting up of this Land Division of the Supreme Court. So, after anxious consideration, why is this Government not implementing the recommendation of the Law Reform Commission? Who is this Government protecting? Why is the Government not siding with those who have been dispossessed of their land?

(Interruptions)

This is what the Law Reform Commission says: there is no justice in Mauritius for those who cannot afford lawyers, notaries, surveyors and attorneys and this Bill is not going to make any iota of difference to all those victims of dispossessed land. So why perpetuate this system? Why perpetuate the injustice? How can this Government be so heartless to the heeds of the victims of the injustice?

Et pourtant, M. le président, il y a eu deux grèves de la faim. Une première grève de la faim de monsieur Clency Harmon en mars 2019 l'année dernière qui avait duré seize jours. Une deuxième grève de la faim de ce même monsieur, Clency Harmon, avec cette fois-ci monsieur Gervais St. Lambert et monsieur Raoul Périchon en septembre de l'année dernière qui avait duré onze jours. Le gouvernement avait mis en place un comité interministériel présidé par l'ancienne vice-Premier ministre, aujourd'hui ministre de la sécurité sociale. Un accord avait même été signé entre le comité Manraj et le comité de soutien des grévistes. Un comité de coordination avait été constitué avec des représentants de ce comité de soutien comme membres. La question a été soulevée plusieurs fois dans cette Assemblée pas seulement par moi mais aussi par l'honorable Joe Lesjongard qui est sur la liste, je crois, des intervenants et que j'espère va pouvoir nous dire s'il est satisfait avec ce *Land Division* ou il pense que le gouvernement a fait volteface.

(Interruptions)

Devrais-je rappeler aux honorables membres de cette Chambre l'intervention du père Grégoire à quelques jours des élections l'année dernière, des rencontres avec le Premier

ministre et autres membres de ce gouvernements quelques jours avant les élections générales. Au final, on se retrouve avec un *Land Division* sans pouvoirs additionnels. On est bien loin de la cour d'équité exigée par les grévistes. On est bien loin du *Land Court* recommandée par la *Law Reform Commission*. Et la réaction des grévistes n'a pas tardé. Quelques jours seulement après la circulation de ce projet de loi, monsieur Clency Harmon annonçait la possibilité d'une troisième grève de la faim et je cite: 'parce que la promesse du Premier ministre n'a pas été tenue'. Fin de citation. Ce même monsieur Harmon a fait parvenir à tous les membres de cette Chambre une missive. Tous les membres, j'espère, l'ont reçu. Un cri du cœur! il nous dit la question une victime de la prescription trentenaire peut avoir un jugement à son avantage sans l'intervention de l'*Equity Court* telle qu'elle est pratiquée en Angleterre. La subtilité de cette loi c'est qu'elle a préséance sur le *common law* dans un cadre juridique précis à Maurice. La Cour Suprême est aussi un *Equity Court* qui n'exerce pas ce pouvoir dans le cadre de la prescription trentenaire. Si les modifications ne sont pas faites au *Courts Act* et la section 8 de notre Constitution, cette Division de la Cour suprême ne donnera aucune satisfaction à la majorité des victimes de l'acquisition acquisitive. Voilà ! Cette modification apportée par ce projet de loi ne donnera aucune satisfaction à la majorité des victimes de l'acquisition acquisitive et ce n'est pas moi qui le dis, c'est le gréviste de la faim, monsieur Harmon, un des victimes de la dépossession de ses terres.

Mr Speaker, Sir, there was absolutely no need to come up with this piece of legislation if only to set up a Division of the Supreme Court. As the hon. Attorney General has already mentioned it, this specific issue has already been the subject matter of several decisions of the Court of Civil Appeal which is the second highest court of the land next to the Judicial Committee of the Privy Council. In the landmarked decision of *Life Garments Ltd v Hellman Worldwide Logistics Ltd*, a 2012 case, a Bench, consisting of the then Chief Justice honourable Yeung Sik Yuen and Mr Justice Domah, held that under section 76 of our Constitution and by the powers conferred upon the Chief Justice under sections 34 and 35 of the *Courts Act*, the Chief Justice has full powers to set up Division for the timely dispatch of court cases. Consequently, the Chief Justice held, in that case, in the *Life Garments Ltd v Hellman Worldwide Logistics Ltd* case that the Chief Justice was perfectly entitled to set up a Family Division and a Commercial Division.

So, Mr Speaker, Sir, the highest court of the land after the Privy Council has already told us that the Chief Justice can, as an administrative matter, set up Division of the Supreme Court. So all the Government had to do is to tell the Supreme Court to set up a Land

Division, to set up a Financial Crimes Division. So why come to this House? So why are all these sixteen people going to intervene on a Bill which is going to give powers to the Supreme Court, to the Chief Justice, powers which he already has? And to quote the wording of the hon. Attorney General: we are doing it to formalise. We are not doing anything. No! To formalise in our good old Creole means '*defons la porte ouver*'. This is what they are doing enforcing open doors. The Supreme Court already has this power; you are not giving them more powers by asking them to set up a Land Division or a Financial Crimes Division.

The hon. Attorney General quoted from the Statistics Highlight. I was not going to mention it but since he mentioned it, let me remind him that he should not be selective when quoting from a document to this House. Yes, he was right in quoting. The hon. Attorney General was right in quoting that, according to the Statistical Highlights of 2019 published by the Supreme Court, on 25 June 2020, the number of cases pending at the beginning of the year 2019 was 6,994. The number of cases outstanding was 6,948. But what he does not say that, out of these 6,994 cases, there were 1,007 cases before the Commercial Court, there were 4,037 before the Family Division. So, we take away Commercial Court and Family Division, that's 5,044 cases out. If we take away Civil Appeals and Criminal Appeals we have only 868 cases before the other Supreme Court. Only 868 cases! So, when he mentioned that there are 200 cases pending. Yes, 200 cases is a big number, but 200 cases out of 800 are not the same as 200 cases out of 6,000 which he mentioned.

Mr Speaker, Sir, I will end by quoting from the report of the Truth and Justice Commission, who, in their wisdom, no doubt, had already foreseen what would happen today in this House and I quote -

“Our Recommendations for Reparations for Mauritians who have been victims of land dispossession requires no less than a profound rethinking by this elite of its role in Mauritius and whether it wants to continue defending the morally corrupt system that exists. The writing is on the wall.”

Mr Speaker, Sir, my feeling to bring a land court with full-fledged powers and enquiries, with equity jurisdiction, with powers to make its own proceedings; this Government has opted to continue defending the morally corrupt system that exists.

Thank you.

(7.54 p.m.)

Mr Speaker: Hon. Collendavelloo!

Mr I. Collendavelloo (Third Member for Stanley & Rose Hill): Thank you, Mr Speaker, Sir. Let me start with the new section 41 of the Bill which will be section 41 of the Courts Act.

“There shall be, for the despatch of civil business and criminal business of the Supreme Court, such divisions of the Supreme Court as the Chief Justice thinks fit.”

In other words, there is now a new level in our judicial system, that is, the Supreme Court will now be statutorily divided into specialised Courts. And now, the first four Divisions are: the Financial Crimes Division, the Land Division, the Family and the Commercial Division.

What is going to happen? First of all, we are going to have specialised Courts. This is going to create a new adventure in our legal system. We are going to have specialised Judges, as the hon. Attorney General stated, but more importantly, a Body of professionals who will be specialised in the field of practice before these Divisions. The debate has been launched many years ago as to whether there should be a statute or whether administratively, as was done in the past, at least in 2009, the Chief Justice could administratively create divisions of the Supreme Court. And this debate has been rekindled this evening with the intervener who spoke just before me, who thinks that we are none the better and we are wasting time with 15 speakers using time of the House when all this could have been done administratively. Well, that is not so. Grave doubts have been expressed for a long time as to the validity or not of these Divisions. It all started with the creation of the Commercial Division in 2009 when certain professionals expressed their doubts about this new creature and even before the Privy Council these doubts were echoed but up to now nobody had challenged this. We have to be careful because on the day that these Administrative Divisions would have been successfully challenged, then we would have had extreme uncertainty in our legal system and that is one of the first thing which the Attorney General is doing today by curing this mischief.

The Commercial and Family Divisions have been created very successfully and the second advantage, what we have witnessed up to now, is that cases do not drag for unduly long period when they are allotted to specific Divisions. These Divisions have worked and now it is time to give statutory existence to them and at the same time expand them to the Financial Crimes Division and the Land Division and I shall come to these two Divisions later.

The Financial Crimes Division is extremely important. Besides being only compliant to international best practices, this will create a Body of law because today the situation is that for all financial crimes we have any Magistrate of the Intermediate Court who can hear these crimes. Today, a Magistrate is hearing a larceny case; tomorrow he hears a money laundering case, he is a generalist as most practitioners are in Mauritius. We are going to have specialised bodies and especially in financial crimes which is important.

The Land Division, that is, perhaps the example of where cases have dragged unduly in the course of our legal history. What is the problem? The previous intervener speaks, with his usual semblance of panache, of people who are dispossessed. And that is the problem. People are dispossessed of their land and in order to have their property rights entrenched, it takes years and years. 35 years ago, hon. Mrs Jeewa-Daureeawoo was then an Attorney, she instructed me in a case, this case is still pending before the Supreme Court. It has not finished, perhaps because we have left the profession, but this case is 35 years and we were talking about this about a month ago because there are developments in this case. That has been the problem. And especially the poor people, they have to pay surveyors, they have to pay lawyers. Talking of *défoncer des portes ouvertes*, I think the previous intervener should look at himself in the mirror and proclaimed himself to be a specialist because all the time of his Parliamentary career has been devoted to that sort of thing. The Attorney General has just stated, Government has created a special unit to assist the poor people and you come here and you say we have not applied such paragraph of such report with a semblance of panache and oratory when in fact, you yourself, you don't know what you are talking about. The problem, Mr Speaker, Sir, is being cured now. We put our money where our mouth is and no *bla-bla-bla*. This Unit will consist of surveyors, will provide legal assistance and that is what the Law Reform Commission was telling us to do. We have fully complied with it. And then, the last intervener tells us this is a gimmick because we have not said that this Division should be a Land Court and he says the Land Court should have been a Court of equity. Now, I am very sorry. You can't keep on fooling the people like this.

The last intervener of all people should know that the Supreme Court is also a Court of equity so that this Land Division will be a Court of equity, and let me quote 'to administer justice'. Not only law, to administer justice and to do all acts for the due execution of such equitable jurisdiction, in all cases where no legal remedy is provided by any enactment. And where do I get that from? I get that from section 16 of the Courts Act, which we are

amending. And how can one have the effrontery of saying that the Land Division will not be a Court of equity and that we should have created a special Court to be a Court of equity?

From a non-practising lawyer or from a layman or from Mr Harmon, I can understand that he does not understand, he does not know the problems of the law, and, of course, when he said it, he is saying it as a layman, but he is not a legally assisted person. But, when you are a lawyer, you do not know what is section 16 of the Courts Act? You do not know that the Supreme Court is also a Court of Equity?

(Interruptions)

I am not giving way.

Don't you know that it is a Court of Equity? So, what is all the fuss all about?

The Court should have had powers to summon witnesses and to make witnesses produce documents. But, today, if I am a party to the case, I think, I need a surveyor to bring a certain document or an officer of the Government, of the Ministry of Housing and Land Use to bring a document to the Court. I apply to the Court. The Court issues a summons, and if he does not turn up or if he refuses to answer, the previous intervener gives you the impression that there is nothing that can be done. A lawyer! If that happens before the Supreme Court, he goes to jail for Contempt of Court

(Interruptions)

An hon. Member: *Li pa pe fer konner naryen!*

Mr Collendavelloo: That is the sort of arguments we have been hearing in this House! *Bel, bel kozer!* This is the sort of arguments we have heard! This, Mr Speaker, Sir, shows the level to which some people can stoop to do *démagogie*.

This Land Division - but you wanted to have a Land Court. Yes, it has been discussed with all the authorities. Were we going to create a lower Court? You forget the Constitution which says that the Supreme Court is the highest Court of the land, well, in Mauritius, apart from the Privy Council on appeal. Original section 78, original Civil and Criminal Jurisdiction, that is, the Supreme Court. You create a Land Court; you are going to create a subordinate Court. So, you wanted to create a subordinate Court. You have got to think through what you say. Do not say anything that Mr X, Y and Z say in the newspapers, and you come and repeat that in Court. Pay some honour to this population!

The Supreme Court is the highest Court. A Land Court would be just like a Permanent Arbitration Tribunal. That is what they want to create. The hon. Attorney General has been right. And insofar as I am concerned, let me say that I am wholly supportive of what the Attorney General has done. It is not the intention of Government to create a new body of law. This is an amendment to the Courts Act and not to the Code Civil. The amendment to the Courts Act is purely adjectival, that is, purely procedural.

I have done, Mr Speaker, Sir.

Mr Speaker: I suspend the sitting for one hour.

At 8.11 p.m., the sitting was suspended.

On resuming at 9.25 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please, be seated! Hon. Mrs Diolle!

Mrs T. Diolle (Fourth Member for Belle Rose & Quatre Bornes): M. le président, j'ai tenu aujourd'hui à intervenir sur ce projet de loi puisqu'il a, à mon avis, une portée assez, je dirais, historique. Alors que ce projet de loi, qui est de 11 pages, peut sembler pour quelques-uns inutile, une perte de temps mais à vrai dire ce qu'il signifie et ce qu'il fait aujourd'hui, c'est mettre sur pied des institutions. Des institutions qui répondent à des besoins spécifiques de notre société.

Nous avons, en premier lieu, la *Financial Crime Division*, qui émane justement d'une nécessité de notre temps. Une nécessité que l'honorable Mahen Seeruttun a, à plusieurs reprises, fait ressortir de par nos besoins d'être en accord avec les conventions internationales. Ensuite, il fait aussi provision pour la mise sur pied d'un *Land Court*. Si vous me permettez, je vais m'attarder sur la *Land Court* puisque, pour moi, elle a une portée sociale qui ne peut être banalisée. Comme je vous l'ai dit plus tôt, les institutions que nous mettons sur pied, nous, les hommes, c'est justement pour permettre aux sociétés de mieux fonctionner, pour permettre aux sociétés de favoriser une interaction paisible entre les différents composants d'une société.

Et on parle d'une *Land Court*, une *Land Court* qui a ses origines dans la *Truth and Justice Commission*, comme l'a souligné l'honorable Uteem. La *Truth and Justice Commission* en 2011, qui avait pour but justement de faire un *assessment* de la situation et des retombées de l'esclavage et de l'engagisme dans notre pays et notre société, avait fortement recommandé que la situation de ceux dont les terres ont été spoliées soit redressée.

Et pour ça, il y avait une série de recommandations qui avaient été faites et si vous me permettez, c'est juste pour remettre en contexte ce projet de loi. Il y a eu pour commencer la Section 36 des recommandations, qui est la création d'une *Land Bank*.

Une *Land Bank* qui a justement pour but de permettre à tous ceux qui sont descendants d'esclaves, descendants de travailleurs engagés, d'avoir accès à des terrains, à des terres, à des morcellements pour pouvoir les exploiter à des fins, pour leur autonomie. La création de cette *Land Bank* a été annoncée, M. le président, dans le Budget 2020/2021. Elle a été fortement critiquée par l'opposition au moment de son introduction dans le budget pour des raisons qu'ils ont fait valoir, mais, cependant, cela reste toujours une des recommandations qui avaient été faites par la *Truth and Justice Commission*.

Pour démontrer encore plus la cohérence de ce gouvernement et des législateurs qui supportent ce projet de loi, il y a le *setting-up* d'un *Land and Monitoring Research Unit* qui avait été recommandé. M. le président, en juillet 2019, le *Land and Monitoring Research Unit* avait été mis sur pied.

La section 40 parle d'une *Land Division of the Supreme Court* dans la *Truth and Justice Commission* et justement, cette *Land Division of the Supreme Court* avait été prônée par la *Truth and Justice Commission* pour permettre aux personnes qui ont été victimes de spoliation de terres d'avoir recours à la Cour pour récupérer leurs terres après que le *Land Monitoring and Research Unit* ait fait les recherches appropriées.

Voici, M. le président, la structure qui avait été proposée et qui avait été mise de l'avant par la *Truth and Justice Commission*. Quand je retourne en 2011 et que je vois ce rapport, je peux dire qu'aujourd'hui on ne peut pas reprocher à ce gouvernement de n'avoir pas mis sur pied les institutions nécessaires pour corriger ce qu'on appelle un retard historique des descendants d'esclaves et des descendants des travailleurs engagés. Donc, quand j'entends ce débat de mes collègues sur le mécanisme approprié et quand on vient dire que c'est une perte de temps, je trouve cela non seulement très blessant pour les parlementaires qui croient en ce projet de loi mais pour tous ceux qui se sont battus pour que la *Land Division* devienne une réalité.

Et pour cela, M. le président, permettez-moi de faire un récapitulatif des mouvements justement qui ont amené à cette *Land Division*. J'ai, moi-même, eu l'opportunité, en tant que membre de la société civile, de participer à la grève de la faim qui a été mentionnée par

l'honorable Uteem, la première grève de la faim en mars 2011, et c'est pour cela que je trouve regrettable certains propos qui ont été prononcés dans cette auguste Assemblée.

Pour commencer, M. le président, il faut comprendre que la question de spoliation des terres, même au moment de la grève de la faim, quand le syndicaliste Bizlall représentait les grévistes, a toujours été variée et a toujours été problématique. Le fait est que la question de spoliation des terres est tellement compliquée qu'en 2015, le Premier ministre adjoint de l'époque avait dit qu'il avait commencé par l'institution d'un *Land Research and Mediation Unit*. Ce *Land Research and Mediation Unit* prenait énormément de temps justement pour voir cas par cas et, à cette époque, il parlait de 42 cas, en 2015. Et c'était compliqué. Pourquoi c'était compliqué ? Parce qu'on parlait des cas qui dataient de 100 ans. On parlait des cas qui étaient tellement lointains, on parle des cas où il n'y avait pas de documents appropriés pour prouver aujourd'hui à qui appartenaient les terres.

De ce fait, M. le président, ce débat a toujours été un débat difficile. Mais ce qu'il faut retenir, M. le président, c'est que ce gouvernement a pris un engagement et qu'il a tenu son engagement. Les institutions, comme je vous l'ai dit, ne dépendent pas que des législateurs; les institutions viennent d'une évolution sociale. Elles impliquent aussi la participation de la société civile.

Donc, pour revenir justement au mouvement qui a amené à cette *Land Division* aujourd'hui, à ce projet de loi, il faut commencer par remercier tous ceux qui y ont cru et non penser que c'est une perte de temps. Il y a eu énormément de politiciens qui sont dans cette auguste Assemblée qui ont cru que la *Land Division* pouvait aider à redresser une situation qui a amené une inégalité historique émotionnelle. La démarche du *Truth and Justice Commission*, M. le président, est celle de redresser une situation qu'elle soit de façon symbolique ou dans le concret. Mais le but final est de permettre à des gens, à des descendants d'esclaves et des travailleurs engagés, de voir, qui puissent comprendre que dans notre société tout le monde a sa place et c'est pour cela que des institutions sont mises sur pied pour assurer qu'ils aient au moins un mécanisme pour faire appel en cas de situation d'injustice. Mais le fait reste que tous les cas ne pourront pas être prouvés et que tous les cas ne pourront pas avoir une fin heureuse.

Mais l'important, c'est qu'il y ait un début. Un début, M. le président, parce que dans ce mouvement qui a commencé justement par l'ONG Justice et Vérité, il y a eu une évolution

qui a dépassé justement le cas du politique. Il y a un groupe de citoyens, qui en août 2018, a référé l'affaire au comité des Nations Unies pour l'élimination des discriminations.

Jusqu'à l'heure, M. le président, comme je vous ai dit quand j'entends notre collègue l'honorable Uteem nous dire que c'est une perte de temps, je suis chagrinée puisque quand on voit l'évolution, quand on voit les faits, chaque rapport a recommandé qu'un mécanisme soit mis sur pied pour permettre ceux qui se sentent touchés ou qui pensent avoir été victime de spoliations de terre, puissent faire appel.

Venir dire que les circonstances, que ce serait dû être un *Land Court* au lieu d'un *Land Division*, l'honorable Collendavelloo l'a bien fait ressortir que ce n'est pas vraiment ça le débat ou que les victimes n'ont pas les moyens, démontent qu'il n'y a pas une compréhension de toutes les institutions, les mécanismes qui ont été mis sur pied.

Non seulement après ce mouvement, le gouvernement a pris l'engagement en 2018, à travers l'*Attorney General*, de mettre sur pied un *Land Division* mais il y a eu un budget de R 50 million qui a été voté dans le budget 2020-2021 pour permettre les recherches et pour que le *Land Research Monitoring Unit* réfère les cas à la cour mais aussi, M. le président, ça va beaucoup plus loin que ça. Comme l'honorable Collendavelloo l'a dit le *Land Division* a été attachée à la Cour suprême directement. Le débat de *Land Court* ou *Land Division* ne se pose pas quand on sait qu'on attache le *Land Division* à la Cour suprême, on donne une plus grande importance à cette Cour et à ce sujet indirectement.

Et, M. le président, pour conclure parce que je voulais être brève et je pensais qu'il était nécessaire de faire ressortir ces faits sur ce projet de loi. Pour conclure, M. le président, il faut retenir que, aujourd'hui, on marque un pas historique dans la démarche du peuple et de la société mauricienne de redresser les injustices historiques qu'ont subi des concitoyens qui sont descendants d'esclaves et d'engagistes ; ceux dont les terres ont été enlevées et qui de génération en génération ont souffert économiquement et socialement de stigmatisation de part cette injustice historique. Ce gouvernement a pris un engagement et il a agi très vite. Le parcours, que je vous ai décrit, date de 2011.

Tout le nécessaire, toutes les recommandations par rapport à la spoliation des terres ont été mises en application dans la période 2018 à 2020. Ça a pris deux ans, M. le président, mais il faut retenir que ça a pris deux ans, beaucoup se sont plaints que ça beaucoup tardé, il y a une grève de la faim, mais deux ans c'est court dans le temps politique. C'est court dans la période d'un mandat politique puisque, M. le président, il démontre qu'il y a une volonté

réelle de consolider l'unité nationale et de pâlir aux discriminations et de pâlir aux injustices historiques. Il y aura des critiques, énormément de critiques, j'imagine. Est-ce que cela aurait dû être un *Land Division*, un *Land Court*, un *Tribunal* ? J'imagine qu'il y aura encore plus de critiques. Nous sommes habitués à cela mais ce que la population doit retenir, c'est que le mouvement pour une île Maurice plus juste, le mouvement pour qu'il y ait des institutions plus égalitaires, voit le jour grâce à cette volonté politique, à ce leadership, M. le président.

Puisque la question de *Land Division* a posé problème, même à l'époque de la grève de la faim, il y a eu plusieurs voix qui se sont élevés justement contre le fait que le gouvernement voulait donner la possibilité à ceux dont les terres étaient spoliées, leur donner la possibilité de faire appel et d'avoir le semblant de justice, d'avoir la possibilité d'amener leur cas à la Cour. Énormément de voix se sont élevés contre ça pour des raisons quelquefois légitimes. Certaines personnes disaient qu'ils ont acheté les terres qui ont été prescrits. D'autres disaient que ça date de trop longtemps, ça ne peut pas se faire. L'important à la fin du jour c'est qu'il y a eu un début. Un début qui démontre que ce gouvernement est en accord justement avec les institutions internationales et que ce gouvernement a pris le taureau par les cornes, a institué un *Land Division* pour permettre à ceux qui ont été victimes d'injustices et qui souffrent de génération en génération de faire appel à la justice.

Et le *Land Division* va permettre à tous les cas qui ont été recensés par le *Truth and Justice Commission* d'avoir une justice plus rapide, M. le président. Et de ce fait, j'imagine que les critiques vont pleuvoir. Nous sommes habitués mais nous devons retenir qu'aujourd'hui le gouvernement boucle la boucle en ce qu'il s'agit de la question des spoliations des terres. Le dernier puzzle est cette loi et cette loi va être votée, et à aucun moment, les arguments de l'Opposition qui vient dire que c'est inutile, que nous perdons notre temps ne tiennent la route puisque nous avons mis sur pied toutes les institutions nécessaires pour que justice soit faite.

Mais, malheureusement, justice n'est pas toujours faite quand on parle de 100 ans, quand on parle d'inégalités historiques. C'est pour ça que le *Truth and Justice Commission* est dans le symbolisme d'une réconciliation sociale et vise l'unité nationale. Donc venir dire que c'est une perte de temps démontre qu'on n'a pas l'unité nationale en tête et ce n'est pas notre but ultime.

Merci, M. le président.

(9:41 p.m.)

Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West): Thank you, Mr Speaker, Sir. The Bill presently before the House proposes, amongst other things, for the setting up of a Family Division.

However, Mr Speaker, Sir, the Mauritian Legal System does already cater for family legal matters through the Family Division of the Supreme Court which was setup administratively in January 2008.

The Minister explained that he is having recourse to statutes to formalise the Family Division, so be it, but I also take note that, in his intervention, he used one line only to explain the rationale behind the setting up of the Family Division. This demonstrates the level of the Family Division Court on the agenda of the Government.

In my intervention, Mr Speaker, Sir, I will raise the issue of child custody, the issues of property and mediation, alimony, as well as the costs for access to justice.

The current system exercises jurisdiction in any matter under the Divorce and Judicial Separation Act or under any other enactment which relates to alimony, maintenance or the custody or guardianship of minors and two Puisne Judges, designated by the Chief Justice are posted in the Family Division. I fail to understand what the new amendment will bring that is not currently catered for by the present system.

What do we expect of a Family Division? Parties expect that a specialised court provides a forum for speedy settlement of family related disputes. Emphasis is on a non-adversarial method of resolving same. Following the Mackay Report in 1987 and 1988, the Law Commission, chaired by Me Guy Ollivry QC, issued a paper on the establishment of a Family Court and the conduct of family proceedings in 2011 with all the required support services. It would have exclusive original civil and criminal jurisdiction in respect of family affairs. The Commission also proposed that provision be made for conciliation, for the settlement of disputes relating to family affairs. It also recommends that counselling services be made available to parties in proceedings before the Family Court. Though the process and structure of the Court proceedings vary in different countries, the comparison of the Family Courts worldwide shows that many of the family issues are the same, they handle matters such as divorce, adoption, domestic disputes, cases of child abuse and neglect and termination of parental rights. A Family Court is essentially an assize Court and discusses almost all the disputes and common issues in the family, i.e. the protection, commitment of

minors who are in need of the exercise of the authority of the Court because of neglect or delinquency, the custody of minors, divorce, annulment of marriage and dissolution of marriage, adoption, the establishment of paternity, proceedings for conciliation of spouses and the guardianship of the minors from the offences by or against minors between spouses, between parent and child or between the same family or household, also the issuance of protection orders in domestic violence cases.

The normal procedure of the Family Courts everywhere in the world focus on helping the people concerned to resolve their disputes themselves by referring them to counselling and mediation. The case managers arrange mediation between the parties without them having to proceed with an adversarial hearing in a Court. If at all possible, the parties are encouraged to resolve their disputes out of the Court through mediation on the grounds that they are more likely to abide to an agreement when they themselves had a role in formulating it. Hearing in front of a Family Court Judge is used as a last resort in cases where counselling and mediation are not successful. In Courts, the cases are dealt with by Magistrates and Judges especially trained with issues affecting families. As such, cases can take a long time to resolve, it is important that those involved see the same Judge throughout the case if possible so that there is a consistent approach to deal with the problems that are being addressed. Judges and Magistrates work to make the circumstances of family disputes less adversarial and hearings are often quite informal. People are less nervous and do not feel intimidated. Sometimes witnesses are too frightened or upset to be in the Court room and arrangements can be made to help them by using a video link. Thus, the Family Court is normally a place where family disputes are resolved as quickly as possible. That is why, Mr Speaker, Sir, a family division should be beefed up. Two judges are definitely not sufficient. The system is suffering backlog. Too much time is taken to decide on child custody and this impact negatively not only on the child himself but also on parents or guardians. Arrangements need to be rapidly taken for schooling and other practicalities.

We hear very often, Mr Speaker, Sir, that there are presently too many lawyers in Mauritius. We should probably advise them to specialise. We need them. We need their expertise in our Family Court. They should be specially trained with issues affecting families. In parallel, we should also look towards a service like Cafcass in the UK. Cafcass stands for Children And Family Court Advisory and Support Service representing children in Family Court cases. They independently advice the Family Courts about what is safe for children and in their best interest. They put their needs, wishes and feelings first, making sure that

children's voices are heard at the heart of the Family Court setting. Operating within the law set by Parliament, Criminal Justice and Court Services Act of 2000 and under the rules and directions of the Family Courts, Cafcass is independent of the Courts, social services, education and health authorities and all other similar agencies. Their duty is to safeguard and promote the welfare of children going through family justice system by understanding their experiences and speaking up for them when the Family Court makes critical decisions about their future.

In Mauritius, we do have qualified professionals who could do that, I am thinking of an organisation such as *Kolektif Drwa Zanfan Morisien* which is an association with clinical psychologist and they have the expertise and they could effectively provide these services and help in speeding up the issue of child custody.

Coming to the issue of property, at times there is the worry that there is an equality of bargaining power between spouses. A typical example would be where one party, very often the husband has been a very successful provider throughout the marriage, running the family finances and making all decisions regarding their money, the wife may have been the homemaker and hence making a significant contribution, a contribution of a different type. We all know that whatever the nature of your contribution, it will be recognised by the Divorce Courts but often the problem is not what the Court will do but how to get to that stage. When the property belongs to the husband and he leaves the conjugal roof and where the wife applies for legal aid, she finds herself not eligible as she does not pass the means test. This must surely be reviewed and legal aid to be made more accessible to them.

Mediation can be particularly beneficial when there will be a continual relationship following dispute resolution and it helps families avoid disputes as far as possible. If disputes or problems should arise, problems will be quickly resolved with the minimum of pain caused to those involved. Family mediation can help reduce hostility and improve chances of long-term cooperation between parents, between couples, for example, in agreeing arrangements for their children and financial matters. Before applying to Family Court, people will need to prove they have considered mediation first. This has to be mandatory and enacted. Something has to be done to decrease the cost of paying for an attorney and a lawyer. Filing a divorce is almost out of reach for most women and men. Even with amendments in the Divorce and Judicial Separation Act, as amended in 2011, divorce proceedings are still out of reach for many. Divorce should be made less costly and be within the reach of people's needs. Those earning extremely low incomes can get legal aid, but

many ordinary working women fall outside this means test, unfortunately. Some people, especially women, will be forced to live with a partner because they cannot afford a divorce.

Mr Speaker, Sir, last but not least, the issue of alimony. The order to grant an alimony is not very often respected. When there is a breach of the order, the aggrieved party has to report the case to the Police. Instead of enforcing the law, the person is requested to go and find his or her place of abode. You will agree, Mr Speaker, Sir, that by the time the decision on alimony has been taken, these persons have already vanished, they have disappeared. So much so, that in almost all cases of non-payment of alimony, the Police Report shows 'untraceable' as remarks. How can a person be untraceable in Mauritius? The Enforcement Officer should go and find that person. That burden should not be on the aggrieved party.

I am in presence, Mr Speaker, Sir, of cases where the person who had been ordered to pay alimony, quits his job as a sort of revenge causing a lot of suffering to children. Before being able to be paid a Social Security Allowance, there are much hustles and burden. The Family Court should be able to deal with that in a speedy manner so as not to deprive wife and children from money and thus, allow them to survive at least.

I would conclude, Mr Speaker, Sir, by advocating for most staff in the Family Division, training in family issues is very important –

- to decentralise its services, to make it more accessible and speedy, thus, eliminating backlogs;
- to find ways and means to accelerate the process of child custody, whilst making it as less painful as possible;
- to make of mediation a mandatory process;
- to review the means test for legal aid and adopt a non-adversarial method of resolving family disputes, and
- to promote conciliation, secure speedy settlement of disputes.

And also, I make an appeal to impress upon Law Enforcement Agencies, that is, the Police, with regard to breach of order on the issue of alimony.

Thank you, Mr Speaker, Sir. I have done.

Mr Speaker: Hon. Mrs Jeewa-Daureeawoo!

(9.59 p.m.)

The Minister of Social Integration, Social Security and National Solidarity (Mrs F. Jeewa-Daureeawoo): Mr Speaker, Sir, this morning, when I woke up, I was saying to myself that this essential piece of legislation will receive the favour of the Opposition Members. Unfortunately, this is not the case.

We have seen that the two Members of the Opposition, who have intervened so far, are not agreeable to this piece of legislation. As always, I have listened with great attention to what hon. Uteem and hon. Mrs Navarre-Marie have to say on this important piece of legislation. I am sorry, hon. Uteem, I have to say that I am surprised and disappointed by the remarks of the hon. Member. His arguments are unfounded. Hon. Uteem is wrong to say that this new Land Division of the Supreme Court would not have equitable powers. He is well placed to know that according to section 16 of the Courts Act 1945, as has been mentioned by hon. Collendavelloo, the Supreme Court is a Court of Equity, and as such, can apply the Law of Equity. I have with me a copy of the Courts Act. So, maybe together we can see what section 16 provides. I quote -

“The Supreme Court shall be a Court of Equity vested with power, authority and jurisdiction to administer justice, and to do all acts for the due execution of such equitable jurisdiction, in all cases where no legal remedy is provided by any enactment.”

Moreover, Mr Speaker, Sir, the hon. Member also said that this new Land Division does not have powers of mediation and conciliation. Again, I am sorry, I have to say this, the hon. Member is wrong because if we see section 17(A) of the Courts Act 1945, the Supreme Court has the powers to conduct mediation and conciliation in any case before the Supreme Court. Section 17(A), I quote –

“The Supreme Court shall have the power and jurisdiction to conduct mediation in any civil suit, action, cause and matter that may be brought and may be pending before the Supreme Court.”

Most surprisingly, Mr Speaker, Sir, hon. Uteem did not mention the new Acquisitive Prescription Act of 2018 which replaces the old Affidavit of Prescription Act. Our Government came with this law in 2018 to prevent fraudulent prescription and dispossession of land. This was also one of the main recommendations of the Truth and Justice Commission, which our Government has also addressed.

So, having said that, Mr Speaker, Sir, may I continue by thanking and commending the Attorney General, who is also the Minister of Agro-Industry and Food Security, for introducing the Courts (Amendment) Bill (No. X of 2020) in the National Assembly today.

As you may be aware, the Courts Act dates back to 1945. Over the years, several amendments have been made to improve our judicial system. It must be recognised that the last major amendment brought to the Courts Act was by our Government in the year 2018 to increase the jurisdiction of the District and Intermediate Court in civil cases.

The aim of these amendments was again to ensure that cases are disposed of within a reasonable time frame. I think that one of the main effects of the Courts (Amendment) Bill would be to bring major changes to the Court structure in Mauritius by creating specialised Divisions of the Supreme Court and the Intermediate Court. As things stand now, all cases which are now to be heard in the Specialised Divisions are currently being heard alongside other cases, be it at the level of the Supreme Court, the Intermediate Court or the District Court. The absence of Specialised Divisions up to now has led to delays in the hearing and disposal of cases. This situation, of course, causes a lot of distress and inconvenience to litigants. The Bill is, as I have said, an essential piece of legislation and it does three things –

- (i) It provides for the setting up of a Land Division within the Supreme Court.
- (ii) It provides for the setting up of a Financial Crimes Division within the Supreme Court and the Intermediate Court.
- (iii) It is formalising the existing Family Division and Commercial Division of the Supreme Court.

Until now, we realise that these Divisions, the Family Division and the Commercial Division have been set up only administratively.

Let me turn to some of the specifics in the Bill. Clause 3 of the Bill proposes to introduce new sections 41, 41A, 41B, 41C and 41D in the Courts Acts 1945. Let me start with the setting up of the Land Division of the Supreme Court, which is, no doubt, a landmark measure. The creation of a Land Division has been the subject of a lot of debate since the year 2011, inside and outside of Parliament.

Our Government has, as usual, taken up the challenge to come forward with this important piece of legislation. The House will recall that in August 2008, the Truth and Justice Commission was set up and it came into operation on 20 March 2009. The

Commission had, among its objectives, to enquire into cases of dispossession of land in which the plaintiffs claim to have an interest. The Truth and Justice Commission completed its assignment in November 2011 and its Report was laid before the National Assembly in the same year. In its Report, the Truth and Justice Commission came up with 158 recommendations, one of which was the setting up of a Land Tribunal as a Division of the Supreme Court to deal with the cases of land dispossession. Our Government, in its electoral manifesto dated November 2014, at page 44, took the commitment to implement the recommendations of the Truth and Justice Commission. The hon. Attorney-General has lengthily explained why we have decided to come up with a Land Division of the Supreme Court and not a Land Court. So, at this stage, I don't intend to dwell lengthily on this particular issue.

To continue, Mr Speaker, Sir, when our Government took Office in 2014, a Ministerial Committee was set up on 06 February 2015 under the Chair of the then Deputy Prime Minister, Minister of Tourism and External Communications. The mandate of the Committee was to look into the recommendations of the Truth and Justice Commission. One of the recommendations of the Ministerial Committee was the setting up of a Land Monitoring and Research Unit to conduct enquiries, settle disputes or refer matters concerning land transactions to Court. In, or about November 2017, the Law Reform Commission was eventually assigned the task of reviewing the mechanism by which land disputes are dealt with under the existing legal and judicial system. The Law Reform Commission, in its Opinion Paper, dated 2018 September, entitled, 'Mechanisms for Settlement of Land Disputes', made certain recommendations. Following the Report of the Law Reform Commission on 19 October 2018, our Government decided to set up an Inter-Ministerial Committee to look into the recommendation of the Law Reform Commission.

In the year 2018, Cabinet took the decision to set up an Inter-Ministerial Committee to look into the recommendations. The Inter-Ministerial Committee was set up in 2019. This Inter-Ministerial Committee was chaired by myself and comprised several other Ministers, including the Attorney General, amongst others. The hon. Attorney-General was very much engaged in the discussions. His contribution was, indeed, I must say, very constructive.

The Inter-Ministerial Committee met on several occasions. Mr Speaker, Sir, let me reassure hon. Uteem that we have examined thoroughly the Truth and Justice Commission's Report and also the Opinion Paper of the Law Reform Commission. After examining the two Reports, the following recommendations were made –

- (i) The setting up of a Land Division of the Supreme Court;
- (ii) The setting up of a Land Research and Monitoring Unit to take over and complete the work of the Truth and Justice Commission relating to around 340 cases considered by the said Commission, and
- (iii) The creation of a Special Fund of not less than Rs50 million to meet the expenses related to work of the Land Research and Monitoring Unit.

The Inter-Ministerial Committee submitted its recommendations to Cabinet on 07 June 2019. In an attempt to address the longstanding issue of land disputes in Mauritius, our hon. Prime Minister, the then Minister of Finance, gave effect to the recommendations made by the Inter-Ministerial Committee. In his Budget Speech 2019-2020, at paragraphs 334 and 335, the following measures were announced -

- (i) The creation of the separate Land Division of the Supreme Court;
- (ii) The creation of a Land Research and Monitoring Unit under the Ministry of Housing and Land, and
- (iii) The setting up of a Special Fund with an amount of Rs50 million under the Ministry of Housing and Land.

Mr Speaker, Sir, I have mentioned all the actions that have been taken by our Government before coming with the decision to set up a Land Division of the Supreme Court just to explain that we have given much thought before taking this decision.

It is good to note also that the Special Fund with an amount of Rs50 million and the Land Research and Monitoring Unit have already been set up under the Ministry of Housing and Land. Today, through the present Bill, we are giving effect to the third and last recommendation which is, of course, the setting up of the Land Division within the Supreme Court. By setting up the Land Division, we will bring much relief to the victims of dispossession of land. I speak from experience as an Attorney; I have come across a lot of cases concerning land disputes. These cases are lodged most of the time before the Supreme Court by way of Plaint with Summons, years go by before they are fixed for hearing and disposed of.

Hon. Collendavelloo who spoke before me mentioned one particular case which is still awaiting hearing before the Supreme Court. So, I entirely understand why many litigants

would want that piece of legislation to be in the National Assembly today. They want their cases to be heard within a short period of time and disposed of as quickly as possible.

Moreover, Mr Speaker, Sir, section 8 of the Constitution enshrines the right to property. The creation of the Land Division will ensure that the Proprietary Rights of Victims are protected and justice is delivered in all land cases without undue delay. It is good to note that the Land Division of the Supreme Court will have a separate registry and the Chief Justice shall assign judges to hear exclusively land disputes.

The Bill also caters for the setting up of a Financial Crimes Division within the Supreme Court and the Intermediate Court.

Clause 3 of the Bill, which is introducing new sections 41 and 41A in the Courts Act 1945, provides for the setting up of the Financial Crimes Division at the level of the Supreme Court.

Clause 4 is introducing a new section 80D in the Courts Act to provide for the Financial Crimes Division at the level of the Intermediate Court 2.

The Bill allows also for the setting-up of the specialised Financial Crimes Division at the level of the Supreme Court and the Intermediate Court and is our Government's response to the recommendations of the Financial Action Task Force. As we know, one of the main recommendations is the effective and expeditious investigation and prosecution of financial crimes in Mauritius. In the Budget Speech 2020-2021, we took the commitment to implement the recommendations of the Financial Action Task Force (FATF) Action Plan for Mauritius by September 2020.

One must acknowledge that our Government is sparing no effort to address all issues raised by FATF so that Mauritius may be compliant. As such, we have recently introduced the Anti-Money Laundering and Combatting the Financing of Terrorism (Miscellaneous Provisions) Act this year and the introduction of the present Bill in the Assembly today is yet another step in the right direction.

The third objective of the Bill is to formalise the Family Division and Commercial Division of the Supreme Court. As at date, these Divisions have been set up administratively only and not by Statutes. It makes sense now for Government with the presentation of this Bill to formalise the Family Division and Commercial Division of the Supreme Court.

Clause 3 of the Bill proposes to introduce new sections 41, 41C and 41D in the Courts Act. These sections will set out the jurisdiction of the Family Division and Commercial Division of the Supreme Court. Allow me to cite two Supreme Court Judgements which flagged the controversies surrounding the setting up of a Division of the Supreme Court administratively. In the case of *Sewraj Frères v British American Tobacco* 2009, it was held that the existing Commercial Division of the Supreme Court, which has been set up only administratively in 2009 by the then Chief Justice, has given rise to challenges relating to its jurisdiction, operation and legal existence. However, in 2012, the Court of Civil Appeal, in the case of *Life Garments Ltd. v Helmann Worldwide Logistic Ltd* 2012 held that the Chief Justice as the head of the Judiciary had the administrative duties and powers to organise court businesses. He was empowered to create various Divisions of the Supreme Court under section 34 of the Courts Act 1945. No doubt, the present Bill is being brought with the very best intention. The Bill is providing us with an opportunity to address and resolve the issues raised by the Supreme Court in the two judgements I have just mentioned.

Let me now move on to some of the other clauses of the Bill. I want to bring to the attention of the House that the creation of a distinct registry and the assignment of specialised judges to each Division by the Chief Justice confers a number of advantages to our Judicial System. For instance, a uniform approach to the hearing of cases in each specific field, the development of a consistent body of case law by the judges who are assigned to each Division and the quicker disposal of cases which will be to the satisfaction of the litigants.

On a concluding note, Mr Speaker, Sir, it is also worth noting that our Government has recently inaugurated the brand New Supreme Court Building as mentioned by the hon. Attorney General. This New Supreme Court Building is a longstanding project which has been made possible by our Government and fully funded by the Government of India. So, I seize this opportunity to thank India for this gesture. It is, indeed, a modern and state-of-art building which comprises several court rooms with all facilities and amenities. I do hope that this new building will serve to accommodate new Divisions of the Supreme Court. All this demonstrates the considerable efforts made by our Government to improve our judicial system for the administration of justice. Essentially, Mr Speaker, Sir, the Bill is far-reaching in its effects.

I am done. Thank you.

(10.22 p.m)

Mr Speaker: I would ask the Deputy Speaker to take the Chair.

At this stage, the Deputy Speaker took the Chair.

The Deputy Speaker: Please be seated, and remain seated! Hon. Teeluck, please!

The Minister of Arts and Cultural Heritage (Mr A. Teeluck): Mr Deputy Speaker, Sir, I have to say that being granted the opportunity to intervene on this Bill is a privilege. As legislators, it is our duty to legislate, but when we are called to legislate an enactment which serves to redress an issue of injustice, then it brings a high dimension to our duty.

Mr Deputy Speaker, Sir, my intervention will be centered on the setting- up of the Land Division of the Supreme Court, and I will be very short. Under the French Era, most specifically on 25 September 1766, *un Tribunal terrier*, a Land Court was set up to specifically deal with disputes involving land. This *Tribunal* was abolished in 1832 *et depuis* all land disputes involving disputes as to ownership are heard at the Supreme Court by different Judges which means that those disputes are not decided upon by specialised Judges or Magistrates and may take time to find a solution as they are heard along many other cases. I, therefore, congratulate the Attorney General and this Government for coming forward with this Bill for the setting up of this Land Division of the Supreme Court.

What we have to understand, Mr Speaker, Sir, is that the gist of setting up this Land Division is to firstly, respond to the 340 claims received concerning land dispossession by the Truth and Justice Commission to provide a dedicated division with a view to facilitating the just expeditious and accessible resolution to land disputes.

Now, what I understand from the speech of hon. Uteem is that *le point de discorde* is that a Land Court should have been put in place rather than a Land Division of the Supreme Court. Hon. Uteem has extensively argued as to why the Land Court will serve better as opposed to a Land Division. Well, we could have taken into consideration the arguments put forward and see if they could have been taken on board, but, Mr Speaker, Sir, these arguments seem to have been formulated just for the sake of arguing.

Ces arguments ont été formulés uniquement afin de meubler un discours dépourvu de sincérité et cela est chagrinant, cela est pitoyable. *Let me explain, Mr Speaker, Sir!* J'ai pris la peine d'aller lire et analyser le manifeste électoral 2019 du MMM et grande fut ma surprise. En 2019, lors des élections générales, le MMM présente son manifeste électoral et à la page 54 de ce manifeste, le MMM propose fièrement à la population sous le rubrique 'Unité Nationale', et je cite –

« Le MMM propose d'introduire, dans les plus brefs délais, une législation pour la création d'une *Land Division* de la Cour suprême. »

I can table the *manifeste électoral* in case you....

(Interruptions)

I can table. I may get you a copy as well.

(Interruptions)

The Deputy Speaker: Order! Continue!

(Interruptions)

Order!

Mr Teeluck: I'll give a copy, Mr Deputy Speaker, Sir.

(Interruptions)

The Deputy Speaker: Order! Continue, hon. Minister!

Mr Teeluck: And then coming here tonight and arguing that rather than a Land Division, a Land Court should have been introduced is a serious *manque de respect à votre propre manifeste, est un aveu ce que vous représentez à la population n'est que mensonge.*

(Interruptions)

It is so easy to come here and read extracts from the Report of the Law Reform Commission, talking about equity, but you should be *honnête, honnête envers vous-même* and not accuse others like he said *défonce la porte ouverte* rather tonight you have reek your own goal, you have *défonce* your own *filet*. And do you know what this Government presented to the Mauritian population for the General Election 2019? *L'adoption du projet de loi en vue de créer une Land Division à la Cour suprême. C'est ce que ce gouvernement avait proposé à la population.* And this is exactly what we are doing tonight. The exact same thing for which we have been mandated by the electorate along with the setting up of the *musée intercontinentale de l'esclavage*, which is also one of the recommendations of the Truth and Justice Commission and which was, for far too long, kept in abeyance without any constructive actions being taken and which today is being implemented and implemented respectfully along the terms and lines of the Commission Report. We are tonight also redressing and addressing the injustice highlighted in the Report of the Truth and Justice Commission and allowing all these 340 claimants to finally find the avenue to justice.

Our learned friend, hon. Collendavelloo and hon. Maneesh Gobin have already *d'une manière méthodique* elaborated on the technicalities of this Bill and the reason for setting up the Land Division of the Supreme Court.

I will only conclude by saying that *ce projet de loi vient encore une fois confirmer la volonté du gouvernement de travailler et d'œuvrer pour consolider l'unité nationale*. Though baselessly criticised by the Opposition, *et cela sans fondement*, each and every measure, each and every action of this Government rests on the Code of Justice and I say it again *ce projet de loi vient répondre aux réclamations des descendants des esclaves et des travailleurs engagés, vient pallier cette pièce manquante pour combler un sentiment d'injustice*.

I commend the Attorney General for introducing this Bill which translates our vision and mission, *celui de combattre toute forme d'injustice et d'agir dans l'intérêt de la population et dans l'intérêt de l'unité nationale*.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you very much. Hon. Khushal Lobine!

(10.31 p.m.)

Mr K. Lobine (First Member for La Caverne & Phoenix): Thank you, Mr Deputy Speaker, Sir. I see that we have got passionate debates on this Bill on both sides of the House and, as lawyers, we are passionate to listen to debates from both sides of the House because we have got maybe different school of thoughts, one for the creation of Divisions of the Supreme Court, on this side, we are much for the creation of specialised Court. This is what democracy is all about. This is what this House is all about. This is why we are here to debate. And we should ponder on the real objective of this Bill. What is the real objective of this Bill? Why this Bill is being brought to this House? Why we are debating at this very late hour? The hon. Minister of Good Governance and Financial Services has brought earlier on the previous Bill to combat money laundering and we are all aware in what situation we are if we do not bring along Bills that will satisfy stakeholders that have put us on a black list and the Bill that was presented by the hon. Deputy Prime Minister earlier on, the Real Estate Agent Authority Bill goes in the same vein as this Bill we are debating. This is the real objective of this Bill.

As per the Explanatory Memorandum, the main objects of the Courts (Amendment) Bill are –

- (i) to ensure that financial crime cases are dealt with expeditiously in order to comply with international best practices and norms of the Financial Action Task Force with the proposed setting up of Financial Crime Divisions within the Supreme Court and the Intermediate Court respectively;
- (ii) with the setting up of a Land Division of the Supreme Court as main objective to facilitate the just, expeditious and accessible resolution of land disputes, and
- (iii) to enable the Chief Justice to set up within the Supreme Court and the Intermediate Courts such other Divisions as he thinks fit for the dispatch of civil business and criminal business.

Let me, Mr Deputy Speaker, Sir, from the very outset, express that I am of the humble view that the hon. Attorney General has to all intents and purposes brought this Bill to this House with all good intentions and to send the right signals more specifically to the Financial Action Task Force. However, I must say that this Bill, as it is, will not unfortunately meet its objectives and I say so for the following reasons. Creating Divisions of the Supreme Court will not bring major changes in the way cases will be heard or lodged before those Divisions.

Mr Deputy Speaker, Sir, as a lawyer, all my lawyer friends here, we all know we will be having the same pre-trial procedures. Same procedures will apply. The same procedures will apply to lodge those cases. The same procedures will apply when the case will be called for Mention. There will be exchange of Particulars. There will be Demand of Particulars. There will be Demand of Further and Better Particulars and so on and so on and the cases will be heard on their own merits when they shall be in shape and it will take the time that it will take to be then heard and a judgement delivered.

This is not the objective of this Bill. The objective of this Bill is to expeditiously forward matters with regard to financial crimes and solve land disputes. And make no mistake, the setting up of those Divisions will not, in any way, resolve the complex issues involved in cases involved in land disputes and in cases with regard to financial crimes.

We are witnessing it every day in practice, Mr Deputy Speaker, Sir, when we go before the Commercial Division for example; when we go before the Family Division for example. These are vivid examples that Divisions from the Supreme Court. If you do not have proper pre-trial procedures, it will not bring much change the system. It will be the same. The investigative body will enquire. It will take the time that it will take. I will take the famous Boskalis case for example. It has taken more than five to six years for this case to be

heard. It will not be a new process when you will have a Division before the Intermediate Court. You would have the same magistrate. There is no specialised magistrate; you would have the same dedicated magistrates. They will have their say for two, three, four years and they will move to run another Division. You will have the same case in the Financial Crimes Division of the Supreme Court, it will be the same. Again, it will be the same.

What I am proposing, Mr Deputy Speaker, Sir, in my humble view, instead of coming at regular intervals with piecemeal legislation in reaction to events, a substantive legislation ought to be brought to this House with the creation of a Land Court on the one hand and the creation of The Financial Crimes Court on the other hand. This should have been the objective of a Bill before the House and I humbly suggest that reasons for creating specialised courts can promote greater efficiency often through streamline procedures. We know it is very burdensome our procedures. Our court procedures are very burdensome. In England, for example, they have moved on. They have got the white book and all procedures are listed in that. It is like a checklist and you go through it. For us, we are still with all those very old procedures of proceeding before the courts. I commend the Attorney General for this piece of legislation, but I want him to go a step further. A step further is to come before this House with a very elaborate Bill to set up those courts because it is high time in our justice system to move ahead.

Lord Mackay of Clashfern made lots of recommendations. We have taken some. We have implemented some, but we have got a long way to go. I will say why not also debate in the near future for the establishment not of a Division but of a Maritime and Admiralty Court because those cases that you are saying it will happen again and again. Why not also, instead of a Constitutional Division that we need to have, we have a Constitutional Court? We are a constitutional democracy. So, my argument is: instead of bringing those small pieces of legislation with amendments, come with proper legislation, we debate in the national interest of this country.

And with regard to the creation of the Financial Crimes Division, again, I will urge the hon. Minister of Financial Services and Good Governance. This should go hand-in-hand with the creation of the Financial Crimes Commission. You need to have specialised bodies to investigate first. If at the level of investigations, things are not done in the right way you have the Financial Crimes Court or Financial Crimes Division, it will serve no purpose. These are very technical offences and white-collar crimes round the world are getting more

and more specialised. That is why you need specialised courts. You need people with specific areas of specialisation to run this Court.

So, I will again suggest that you should take that into consideration. Government should, with utmost importance, come with proper legislation in this Parliament on this core. And, with regard to the Land Division being proposed, I am of the view that we should instead go along with what hon. Uteem is canvassing. The Law Reform Commission has made recommendations to go ahead like they did in Kenya with the setting up of a Land Court and they have elaborated it in the recommendations of the Law Reform Commission. We should not take it lightly what the Law Reform Commission has been saying. And I would, for the sake of this House, take some time to list those people who sit in the Law Reform Commission. You have got as the Chairperson Mr Ramdewar. He is a Senior Attorney. You have got as Chief Executive Officer Mr Rosario Domingue, an experienced lawyer. You have got the honourable judge Kam Sing. You have got a senior member from the Solicitor General's office, Mr Reetoo. You have got the Director of Public Prosecutions Mr Satyajit Boolell, Senior Counsel. You have got the President of the Bar Council Mrs Narghis Bundhun, Counsel. You have got Attorney Gilbert Noël. You have got Notary Wendy Sawmynaden and you have got Mr Narsinghen a law academic and Mr Bernard Marie who is also a lawyer. So, we should not take this report lightly. We should debate on it. We should ponder on it because there are loads of people that have suffered injustice and they have no hope of gaining back their lands. Those who have been dispossessed of their properties over many years in some cases will not get justice with the creation of the Land Division with the same pre-trial procedures, with the same procedures that you will use to try those cases.

So, I humbly reflect on and ask the hon. Attorney General to take into account. It is not a matter of doing politics. We are not at all point in time doing petty politics on it. The creation of those specialised courts is being done in many, many countries around the world and we should depart from this practice of going with a stereotyped society.

It's time that we, all in this House, get committed and we come forward for the sake of our country moving towards a better future having those specialised courts in place. I will not be long.

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

The Deputy Speaker: Thank you very much. Hon. Minister Seeruttun!

(10.43 p.m.)

The Minister of Financial Services and Good Governance (Mr M. Seeruttun): Mr Deputy Speaker, Sir, thank you.

Thank you for giving me the opportunity to express my views on the Courts (Amendment) Bill (No. X of 2020).

Allow me, Mr Deputy Speaker, Sir, first of all, to congratulate my colleague, the hon. Attorney General, Minister of Agro-Industry and Food Security for bringing this piece of legislation into this august Assembly, which is in line with the vision of this Government to reform the judiciary in order to expedite determination of court cases and improve delivery of justice.

I must say, Mr Deputy Speaker, Sir that this Bill comes at an opportune time whereby a dedicated state of the art Court building, the Supreme Court and all its Divisions, has been inaugurated on 30 July 2020 by the hon. Prime Minister and his counterpart, his Excellency the Prime Minister of India, Shri Narendra Modi. Let me seize this opportunity to extend my heartfelt thanks to the Government of India for this generous assistance in the realisation of this mega project and its contribution to the modernisation of Mauritius.

Mr Deputy Speaker, Sir, the Courts (Amendment) Bill laid before us today makes provision for the establishment of a Financial Crimes Division and a Land Division under the Supreme Court as well as a Financial Crimes Division within the Intermediate Court for the conduct of criminal and civil businesses. Additionally, clause 3 of the Bill introduces a New Section 41 to the Courts Act which empowers the Chief Justice to set up such Divisions of the Supreme Court as he thinks fit, including a Family Division and a Commercial Division.

As regards the long awaited Land Division under the Supreme Court which is being created through this Bill, I wish to remind the House of the unflinching commitment of this Government to walk the talk and to translate into concrete actions its pledge before the population in 2019. In fact, Mr Deputy Speaker, Sir, the creation of a Land Division which emerged as one of the recommendations of the Truth and Justice Commission is being realised by this Government under the abled leadership of the hon. Prime Minister. Those who have deponed before the Commission about being deprived of their land will now be able to lodge their pleas formerly before the Land Division of the Supreme Court. A lot has been said here by Members on this side of the House to justify that we are going for a Land Division instead of, what we call, a Land Court. I think that has been sufficiently canvassed

especially by my colleague, hon. Minister Teeluck. So, I should not dwell any longer on that. Let me focus, now, my intervention on the setting up of this Financial Crimes Division to deal specifically with offences relating to financial crimes under the various enactments listed under the Sixth Schedule of this Bill. These include offences under the Asset Recovery Act, the Convention for the Suppression of Financing of Terrorism Act, the Financial Intelligence and Anti-Money Laundering Act, the Prevention of Corruption Act and the Prevention of Terrorism Act.

Clause 41A(1) of the Courts (Amendment) Bill provides for the establishment of the Financial Crimes Division of the Supreme Court which shall have original jurisdiction to hear and determine a financial crime offence and any other matter under any enactment which is connected or ancillary to a financial crime offence. Moreover, depending on the gravity, complexity and ramifications of the financial crimes offence as set out in subsection (2) of clause 41A, the Director of Public Prosecutions may, under subsection (1) of the same clause determine whether the case will be lodged before the Financial Crimes Division of the Supreme Court or the Financial Crimes Division of the Intermediate Court. Providing for dedicated Divisions to deal with the financial crime offences will greatly improve the efficiency and effectiveness of our Judiciary system to deliver on the fight against anti-money laundering and the financing of terrorism and curtail its impact on our society in general and on our financial system in particular.

Mr Deputy Speaker, Sir, following the enactment of the Anti-Money Laundering and Combatting the Financing of Terrorism (Miscellaneous Provisions) Act 2020 on 7 July 2020 and the introduction of the Real Estate Agent Authority Bill 2020 on 21 July 2020 which has just been debated today, this present Bill laid before this Temple of Democracy is another landmark in the history of our country's legal arsenal which will undoubtedly contribute in our relentless efforts to fight against the scourge of financial crimes.

Once again, this initiative testifies the steadfast commitment and seriousness of the hon. Prime Minister and his Government to enhance the ethical standards of the Mauritius International Financial Centre as a jurisdiction of substance and repute in order to build up the confidence and trust of existing and potential investors as well as the international institutions and standard setting agencies amongst others. Moreover, the Courts (Amendment) Bill is of paramount importance insofar as it will address some of the strategic deficiencies pointed out by the Financial Action Task Force (FATF) and will no doubt pave

the way for Mauritius to expeditiously exit the FATF list of jurisdiction under increased monitoring and consequently the EU list of high risk third countries.

Mr Deputy Speaker, Sir, financial crimes have been a pivotal issue in the global arena for several decades now. The two most prevalent types of financial crimes faced today are money laundering and terrorist financing. These crimes are amongst the most complex. The probing into such complex cases require experienced and specialist officers at all levels of the process including investigations, prosecution and conviction. Insofar as Mauritius is concerned, the FATF, the ESAAMLG and the EU want us to show effectiveness and efficiency. They want us to demonstrate that we can handle complex cases at all stages, be it investigations, prosecution or trial stages and apply proportionate and dissuasive sanctions. In Mauritius, Mr Deputy Speaker, Sir, the reality is that there is a huge delay in completing cases. Investigations take time and trials take a longer time. These delays have a great impact on everyone.

Firstly, they impact their victims or even accused persons who have to wait before justice is delivered.

Secondly, they have an impact on the treasury. For instance, trials are costly and mobilise huge resources from all parties. Witnesses have to take time off from work so that they can attend Court. This results in opportunity cost for an employer or a loss of revenue for the witness, and indirect economic costs are vast. The longer the delay the greater the cost,

Lastly, these delays affect our capacity and efficiency in combating serious crimes, such as money laundering and terrorism financing. This goes to the root of the level of compliance with the FATF Standards and the consequential EU blacklisting of Mauritius.

Mr Deputy Speaker, Sir, the Financial Crimes Division of both the Supreme Court and the Intermediate Court will be equipped with modern logistical and procedural tools so as to ensure a swift, efficient and fair hearing. The dedicated Divisions for Financial Crimes will also ensure greater efficiency. Specialised Prosecutors and Judges well versed in AML/CFT will lead to streamline operations and an efficient judicial process. Also, by diverting financial crime cases to the respective Financial Crime Divisions, the burden of growing caseloads in the regular Courts will be reduced, also positively impacting on their operations.

Additionally, it is expected that a specialised Judiciary will lead to higher quality decisions, especially in complex areas of the law, such as financial crimes. Their greater

expertise and experience will lead to better adjudication and above all, it will address boldly the issues I have just mentioned earlier.

So, Mr Deputy Speaker, Sir, I wish to emphasise that it is the requirement of the FATF under 'Immediate Outcomes 7 and 9', that countries should have an effective system, whereby money laundering and terrorism financing activities are investigated, offenders are successfully prosecuted and the Courts apply effective proportionate and dissuasive sanctions to those convicted. What the FATF recommends and wishes to see when countries are evaluated, is that the different component parts of the systems, that is, investigations, prosecution and convictions are functioning coherently to mitigate the money laundering and terrorism financing risk.

Mr Deputy Speaker, Sir, when such a system is in place, criminals are dissuaded from perpetrating money laundering, terrorism financing or proceeds generating crimes, because of the prospect of conviction and punishment. However, an important factor which is necessary for such a system to be truly effective in producing tangible and measurable outcomes is the time within which cases of money laundering and terrorism financing are determined by the Courts. Excessive delays are often identified as the one of the key weaknesses of the judicial system.

So, Mr Deputy Speaker, Sir, establishing specialised Divisions for financial crime offences in Mauritius will greatly contribute in reducing the time taken for money laundering and terrorist financing cases to be determined. It is expected that by clearly focusing the jurisdiction of Financial Crimes Division, money laundering, terrorist financing and other proceeds generating offences will be dealt with in a far more expeditious and effective manner.

Indeed, with these new Divisions, all the money laundering and other offences provided under the Financial Intelligence and Anti-Money Laundering Act (FIAMLA) will now be determined separately from other criminal cases instead of being processed in the same way as all other criminal matters. And I think that should reply to my good friend, hon. Lobine, when he was saying that having a special Division would not cure this issue of delay. But I think we all agree that having a specialised Division which will cater for financial crimes specifically will, of course, address this issue and accelerate that cases be dealt in a very expeditious manner. So, he agrees with us. Isn't he?

(Interruptions)

Now, he agrees. But just for the sake of arguing earlier on, he was saying he did not agree with that. Anyway, now he does agree.

So, Mr Speaker, Sir, we firmly believe that by having dedicated resources for dealing with financial crime offences, the system will be more fluid and over time will become more efficient.

The FATF also expects countries to show clear statistics on the number of money laundering and terrorist financing convictions and sanctions. It also wants countries to demonstrate that its Courts are convicting offenders on different types of money laundering offences, namely, self-laundering, third party money laundering and standalone money laundering. The setting up of the Financial Crimes Division will contribute significantly in meeting these expectations.

Mr Deputy Speaker, Sir, one of the items of the FATF Action Plan requires Mauritius to demonstrate through case studies and statistics that authorities are pursuing money laundering investigations and prosecutions, including through parallel financial investigations for predicate offences in line with the risk as identified in the Mauritius National Risk Assessment Report.

Mr Deputy Speaker, Sir, my Ministry has left no stone unturned to ensure that our law enforcement agencies are capacitated to ensure that money laundering activities are investigated. As we speak now, two experts are currently in Mauritius under the GIZ Technical Assistance Programme to provide intensive training to our Law Enforcement Officers over a period of two weeks. This will be followed by close entering.

Well before that, Mr Deputy Speaker, Sir, in April 2020, during the sanitary curfew, our Technical Assistance Partners, under the EU funded AML/CFT Global Facility kick-started a virtual training programme to train officers from the Mauritius Police Force and the Mauritius Revenue Authority. While the Law Enforcement Agencies are currently being trained through technical assistance from our foreign partners to conduct parallel financial and money laundering investigations, one of the challenges remain at the level of the judicial process, including prosecution.

Currently, there are difficulties associated with the prosecution of financial crime cases in view of their complex and sophisticated nature. It has been observed that the prosecution before Court can on average take 5 to 6 years to be completed and even longer,

as was mentioned by hon. Collendavelloo earlier on. Consequently, there are a number of cases of financial crime offenders which are still pending in Court awaiting prosecution.

Mr Deputy Speaker, Sir, accordingly, to address this challenge, it is imperative to have specialised Divisions in the Supreme Court which will contribute towards reinforcing the effectiveness of the judicial process in relation to the speedy prosecution of financial crime offences. This will further ensure compliance with recommended international best practices and norms and, in particular, to meet FATF standards.

Mr Deputy Speaker, Sir, the amendments being brought through the Courts (Amendment) Bill 2020, will no doubt send a strong signal not only to the business and investment community and the general public in Mauritius but also to international institutions such as the FATF and the EU to reassure them of the renewed high level political commitment of this Government to promptly address cases of financial crimes related to money laundering and terrorist financing.

With these words, I thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you very much. Hon. Minister Lesjongard!

Mr Lesjongard: Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, I move that the debate be now adjourned.

Mrs Jeewa-Daureeawoo rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Friday 28 August 2020 at 3.00 p.m.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun) rose and seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

Adjournment matters! Hon. Armance!

(11.07 p.m.)

MATTERS RAISED

POINTE AUX SABLES – BUS ACCESS

Mr P. Armance (Third Member for GRNW & Port Louis West): Merci M. le président. Ma requête ce soir s'adresse au ministre du Transport. C'est précisément concernant l'accès des autobus entre la nouvelle gare et l'ancienne gare de Pointe aux Sables.

Actuellement, les autobus utilisent un chemin temporaire qui est le chemin Guillaume Apollinaire et comme je viens de citer, c'était temporaire. Ce chemin, M. le président, étant étroit, est devenu un nid-de-poule. Il y a des voitures qui sont stationnées de chaque côté de la route et le comble c'est que c'est dans un morcellement résidentiel. Donc, ma demande aujourd'hui au ministre c'est de savoir concrètement est-ce que ce chemin va être utilisé sur une base temporaire pour rallier les deux gares ou c'est une base permanente et si tel est le cas, si c'est permanent de revoir sa copie du projet.

Merci.

The Deputy Speaker: Hon. Minister!

The Minister of Land Transport and Light Rail (Mr A. Ganoo): I will look into the matter, Mr Deputy Speaker, Sir. I have been informed that it is with the approval of the NLTA, which has placed the bus stops on this Apollinaire Street and this has enabled the buses to use this road because another road which should have led to the traffic centre at Pointe aux Sables is unusable in view of the fact that the works are not completed. So, I can assure the hon. Member that I will look into the matter and see how long will that road be used temporarily because I understand that this temporary road is in a residential area where it might be causing some inconvenience to the residence of that locality. So, I will contact the stakeholders and look into the matter with a hope of finding a solution.

The Deputy Speaker: Thank you, hon. Minister. Hon. Nagalingum!

(11.09 p.m.)

FRONT LINERS –ALLOWANCE

Mr D. Nagalingum (Second Member for Stanley & Rose Hill): Thank you, Mr Deputy Speaker, Sir. I want to raise with the hon. Minister of Finance the issue of payment of allowance to all front liners who have worked during the COVID-19 pandemic. It is now more than 2 months since the measures were announced and the front liners are still desperately waiting. There is frustration in the air in these difficult times. Many need that

money to do something in their homes or for their children. Can I request the hon. Minister of Finance to expedite matters and ensure that payment is effected.

The Deputy Speaker: Hon. Minister!

The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy): M. le président, je remercie l'honorable membre pour sa question. Cette démarche est auprès du Conseil d'Administration du *COVID Solidarity Fund* et ils sont en train de travailler sur le sujet. Il y a des demandes de la part du ministère et très bientôt on va procéder au paiement des allocations pour les *front liners* et je tiendrai au courant la Chambre.

Merci.

The Deputy Speaker: Thank you, hon. Minister. Hon. Mrs Sandra Mayotte!

(11.10 p.m.)

GANESH CHATURTHI FESTIVAL – WATER SUPPLY

Mrs S. Mayotte (Second Member for Savanne & Black River): Merci, M. le président. Ma requête s'adresse ce soir au ministre des Utilités Publiques dans le contexte de Ganesh Chaturthi qui est célébré au niveau national. Je demanderai au ministre de faire en sorte qu'un service efficace dans la fourniture d'eau soit couvert sur toute l'île pour ce jour spécial afin que tous les dévots puissent, bien sûr, en profiter et éviter qu'il y ait le petit problème que nous avons eu surtout dans la circonscription numéro 14 pour la fête de l'Assomption.

Merci, M. le président.

The Deputy Speaker: Hon. Minister!

The Minister of Energy and Public Utilities (Mr G. Lesjongard): Merci, M. le président. J'ai pris bonne note de la requête de l'honorable membre. Cette requête sera transmise à la direction de la *Central Water Authority* afin de s'assurer qu'il y ait une bonne distribution d'eau pendant la fête de Ganesh Chaturthi dans la circonscription numéro 14.

Merci.

The Deputy Speaker: Thank you, hon. Minister. Hon. Aadir Ameer Meea!

(11.11 p.m.)

IBRAHIM ABDULLAH MARKET FAIR – POLICE OFFICERS

Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East):

Thank you, Mr Deputy Speaker, Sir. The issue I am raising tonight relates to Ibrahim Abdullah Market Fair also known as La Foire Cité Martial.

I am addressing the hon. Minister of Local Government. For vehicles to enter the parking there is only one entrance and one exit. The issue is many vehicles, unfortunately, they enter through the exit door and this inevitably causes very often huge problems of traffic, especially on Saturdays. Police Officers are sometimes present and sometimes not present. My request to the hon. Minister is that a Police Officer be posted at the exit path of the parking so that no vehicle be allowed to enter through that door and also as the hon. Minister is aware, Route Militaire is a very busy two-way traffic. There must be Police Officers not only present but they should enforce the law, that is, traffic regulation, yellow lines and double yellow lines should be respected. Their mere presence is not sufficient. I have been there so many times. Everybody going there face so much difficulty week after week. Therefore, I urge the hon. Minister to look into the matter urgently so as to remedy the situation.

Thank you very much.

The Deputy Speaker: Thank you very much. Hon. Minister!

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Deputy Speaker, Sir, it's a problem I know very well. We have tried to find a solution but I am afraid every time it's the same thing. We have tried to put yellow lines on both sides but it has been objected by the residents there and by the people working there. We have tried to put no-entry, make it one-way, people object to it, the residents object to it. So, frankly speaking, I just don't know what to do because we have discussed with the Police, we have discussed with the TMRSU. So, frankly speaking, I just do not know what to do because we have discussed with the Police, we have discussed with TMRSU and everything we have discussed.

Now, as far as people going there in the no-entry, again, you know the problem as well as I do. All the people, they know that they should go in there but they go there on purpose. They know it's a no-entry but they go on purpose. But what do we do?

(Interruptions)

They know that. You know what I mean? So, we have tried so many times, I know the problem very well as well and there is so many things we have tried but it didn't work.

The Deputy Speaker: Thank you very much, hon. Minister. Hon. Dhunoo!

(11.14 p.m.)

ROAD A10 – STREET LIGHTING

Mr S. Dhunoo (Third Member for Curepipe & Midlands): Merci, M. le président.

Ma requête ce soir s'adresse au vice-Premier ministre, ministre des Collectivités locales. Je souhaiterais attirer l'attention du ministre, ça concerne la route A10 venant de Montvert pour aller faire vers 16ème Mille. On a un problème d'éclairage, peut-il faire le nécessaire avec le *District Council* de Grand Port et aussi avec la municipalité, étant donné que nous sommes sur le *border* de Curepipe, la municipalité de Curepipe et aussi de part du *District Council* de Grand Port.

Merci.

The Deputy Speaker: Thank you. Hon. Minister!

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Yes, I will take it with the District Council and the Municipality, Sir.

The Deputy Speaker: Thank you. Hon. David!

(11.15 p.m.)

TRAINING AND EMPLOYMENT OF DISABLED PERSONS BOARD - MR A. M.

Mr F. David (First Member for GRNW & Port Louis West): Merci, M. le président.

Ma question est adressée à madame la ministre de l'Intégration sociale, de la Sécurité sociale et de la Solidarité nationale et concerne le cas particulier de monsieur A. M., cet habitant de Pailles a perdu complètement la vue suite à un accident professionnel en 2000 et il travaille depuis le 28 mars 2016 comme opérateur téléphonique au *Head Office* du *Training and Employment of Disabled Persons Board* à Rose Hill. Ce monsieur semble stagner au statut de stagiaire depuis plusieurs années et souhaiterait être confirmé au même poste, cela afin de bénéficier légitimement des conditions de salaire et de congé minimum prévues par nos lois du travail. J'imagine qu'il y a probablement quelque part une difficulté

administrative ou technique dans notre système mais vu le cas particulier de monsieur A. M., puis-je solliciter l'attention et la considération de madame la ministre pour trouver une solution à cette situation?

Merci.

The Deputy Speaker: Thank you. Hon. Minister!

The Minister of Social Integration, Social Security and National Solidarity (Mrs F. Jeewa-Daureeawoo): First of all, I thank the hon. Member for having raised this issue with me earlier. This has given me time to gather some information.

In August 2010, Mr A. M. was enrolled as a trainee under the Skills Development Programme of the Training and Employment of Disabled Persons Board. His traineeship came to term but was renewed on a month-to-month basis since then. In 2012, the TEDPB submitted his name as a candidate for the post of receptionist at NEF Board.

Unfortunately, Mr A. M. was not selected for the post as he did not have the required qualification. My understanding is that the requirement for the post is School Certificate. As has been mentioned by the hon. Gentleman, Mr A. M is currently at the Head Office of the TEDPB as trainee telephone operator.

I am further informed that Mr A. M. has been reluctant to apply to private companies for a job as Telephone Operator in spite of the recommendations of TEDPB. Well, at the level of my Ministry, every day he is being provided with transport facilities to attend work. On a general note, I must say that my Ministry is doing its best to provide support and assistance to the gentleman as much as possible. This is all I can say on this particular issue.

Thank you.

The Deputy Speaker: Thank you, hon. Minister. Hon. Mrs Navarre-Marie!

(11.18 p.m.)

CARRIER LICENCE APPLICATIONS – DELAY

Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West): Yes, thank you, Mr Deputy Speaker, Sir. I am raising an issue that concerns the hon. Minister of Land Transport and Light Rail, regarding the inconvenience faced by some of my constituents, regarding the time delay in processing carrier licence applications by the National Land Transport Authority.

Prior to December 2019, such applications were dealt within a period of three weeks which was quite reasonable. However, at the moment, the formalities to obtain such licences take almost three months. So, I am making an appeal to hon. Minister to look into this matter so that operators of such vehicles are not penalised unjustly. Thank you.

The Deputy Speaker: Thank you. Hon. Minister!

The Minister of Land Transport and Light Rail (Mr A. Ganoo): Well, I am surprised that the hon. Member would mention a delay of three months to be taken before a carrier licence is issued, Mr Deputy Speaker, Sir. But what I know for a fact is that since the amendment to the law in 2019, the National Land Transport Authority was setup by the NLTA Act. The procedures have changed. There is now a Licence Committee and the decision of the Licence Committee has to be approved by the Supervising Officer of my Ministry since we have not so far filled in the post of Chief Transport Commissioner. This is why there has been some delay in terms of issuing some types of licence. But I will certainly look into the matter but I am surprised that the delay of three months could have been taken before issuing this licence.

The Deputy Speaker: Thank you, hon. Minister. Hon. Ms Joanna Bérenger! I see your friend also pleading for hon. Bérenger. Hon. Uteem, I will come back to you.

(11.20 p.m.)

VICTORIA HOSPITAL – CANCER PATIENTS

Ms J. Bérenger (First Member for Vacoas & Floréal): Merci. J'aimerais interpeller l'honorable ministre de la Santé sur la situation difficile à laquelle doit faire face les malades souffrant d'un cancer. La grande salle de l'hôpital Victoria, qui accommodait auparavant les patients cancéreux, n'est plus opérationnelle et les traitements doivent se faire dans une plus petite salle avec très peu de lits disponibles.

Beaucoup de patients, qui sont déjà affaiblis par la maladie et qui passent par un moment difficile physiquement et émotionnellement parlant, doivent attendre de longues heures pour pouvoir bénéficier de leur traitement et souvent doivent même revenir le lendemain alors qu'ils respectent l'heure et le jour de leur rendez-vous.

Je demanderai donc au ministre de bien vouloir communiquer la raison de ce changement aux malades, de bien vouloir remédier à la situation également et je profite de l'occasion pour lui demander aussi de bien vouloir répondre à la requête de l'ONG Breast

Cancer Care, selon laquelle elle demanderait d'avoir une salle à sa disposition pour pouvoir fournir un traitement thérapeutique aux patients souffrant de cancer.

Merci.

The Deputy Speaker: Thank you. Hon. Minister!

The Minister of Health and Wellness (Dr. K. Jagutpal): Mr Deputy Speaker, Sir, it's known to everybody the setup of the Victoria Hospital has been altered COVID *oblige*. Moreover, the services at ENT Hospital have been transferred to Victoria Hospital and, at the same time, we are facing a shortage of space.

So, we have to manage all the services at Victoria Hospital in that same confined space that is available. Obviously, the space for the cancer patients has been reduced at the same time, we have to make provision for isolation wards, especially for patients awaiting the results of their tests.

So, this is one of the causes for limited space at Victoria Hospital. With time, hopefully we can send back ENT patients to ENT Hospital thereby freeing space for the cancer patients.

Mr Deputy Speaker: Thank you, hon. Minister. Hon. Ittoo!

(11.23 p.m.)

FLORÉAL – SO'FLO – TRAFFIC PROBLEM

Mr A. Ittoo (Third Member for Vacoas & Floréal): Merci, M. le président.

Ma requête s'adresse au ministre du Transport et du Métro léger, honorable Ganoo. Cela concerne un problème d'embouteillage à Floréal, plus précisément dans la région de So'flo, de la poste et le bureau du *CAB*.

Donc, avec la venue de ce centre commercial, il y a un problème d'embouteillage et les véhicules sortant du centre commercial ont beaucoup de problèmes à déboucher sur le chemin, bien sûr avec tous les travaux qui sont en cours.

Donc, je demanderai au ministre de trouver une solution avec les autorités concernées pour pouvoir alléger le problème auquel les habitants de la région font face.

Merci.

The Deputy Speaker: Thank you. Hon. Minister, please!

The Minister of Land Transport and Light Rail (Mr A. Ganoo): I thank the hon. Member, Mr Deputy Speaker, Sir. I know the problem because I live in the vicinity. In fact, the hon. Member discussed the matter with me and I can assure him that I have already, in fact, done the needful. I have contacted the Head of the TMRSU to see the measures that should be taken to alleviate the situation there.

The Deputy Speaker: Thank you very much. Hon. Uteem!

(11.24 p.m.)

TOURISM SECTOR - SELF-EMPLOYED ASSISTANCE SCHEME

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, I would like to raise an issue addressed to the hon. Minister of Finance, Economic Planning and Development. It is an issue which I have raised in the past but, unfortunately, has not been dealt with satisfactorily. It relates to people who applied for the Self-Employed Assistance Scheme and today there is a lot of genuine operators who are affected in the tourism sector and who has applied to the MRA to get that funding. Unfortunately, there seems to be a problem with the definition of who falls within the tourism sector and who do not fall within the tourism sector and a lot of operators do not have an appeal mechanism if MRA turns down their request. So, I would ask the hon. Minister of Finance if he can talk to the MRA and set up an appeal mechanism at least these operators can have a Body to review their application if it has been turned down. And on the same breath, if he can, as Minister of Finance, review the quantum payable under the scheme because there is an overt discrimination between those who are under the Wage Assistance Scheme and those who are under the Self-Employed Assistance Scheme.

The Deputy Speaker: Thank you very much. Hon. Minister, please!

The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy): M. le président, je remercie l'honorable membre pour sa question. Que ce soit pour le *Self-Employed Assistance Scheme* ou le *Wage Assistance Scheme*, nous avons continué à procéder au paiement pour le secteur touristique et parmi il y a d'autres secteurs adjacents à ce secteur qui peuvent bénéficier de ces aides. Et au niveau du ministère, nous avons demandé à la MRA de s'occuper de ces dossiers et c'est vrai que dans certains cas parfois il y a certains dossiers qu'on a un peu plus de mal de différencier pour savoir s'ils sont réellement touchés par le problème de COVID-19 et on est en train d'avoir un suivi régulier sur ces dossiers.

Donc, concernant l'*appeal* de notre côté, il y a un *dual process* qui se fait. En général, quand c'est rejeté, on est au courant de ce qui a été rejeté et nous, de notre côté au ministère des Finances, on vérifie pour voir si on peut essayer de soumettre de nouveau le dossier au niveau de la *MRA* pour procéder de nouveau à une justification. Donc, si l'honorable membre est au courant de certains cas où on peut faire des ajustements, je serais heureux de prendre connaissance de ces cas mais jusqu'à présent, on arrive à gérer ces dossiers. C'est assez compliqué parce que, comme vous le savez, le secteur touristique, on a des secteurs en particulier pour les *self-employed* où ils travaillent indirectement avec le secteur touristique et là on est en train de départager pour ne pas créer une autre injustice par rapport à ceux qui ne vont pas toucher.

Deuxième chose, concernant le montant, nous avons travaillé dessus, notre problème au niveau des finances, c'est les finances, c'est tout d'un coup. Ça peut paraître peu, mais c'est encore une fois au-dessus d'un minimum qu'on est en train de donner et le problème qu'on avait c'est d'arriver à une certaine définition dans le montant. Pour le *Wage Assistance Scheme*, c'était faisable parce qu'il y avait quelque chose qui a été enregistrée, le salaire a été enregistré auprès de la *MRA* à travers *NPF* ou *NSF*. Ici, on n'a aucune base, donc il nous fallait faire une définition et on a travaillé en fonction du seuil de pauvreté relative et absolue à partir du dollar et de deux dollars par jour. Donc, on a travaillé avec ces données. Et il y a aussi le problème du financement parce qu'on ne sait pas quand on devrait arrêter avec ces deux mécanismes. Dans le budget, je vous avais annoncé, il y avait R 8 milliards qu'on avait mis, concernant le *Wage Assistance Scheme* ou le *Self-Employed Assistance Scheme*, d'un côté de la part du gouvernement et il y a aussi, de l'autre côté, avec *MIC* et la *DBM*, R 7 milliards additionnels pour les autres *Corporates*. Donc, nous avons un budget qui doit tenir jusqu'à l'année prochaine et on doit faire aussi attention pour ne pas dépenser tous les fonds qui sont disponibles, en fonction de l'urgence et aussi en fonction du degré d'intensité de la pandémie. On ne sait pas si on va avoir une deuxième vague, on ne sait rien concernant cette pandémie. Donc, oui, à notre niveau, en tant que *caring Government*, on aimerait pouvoir augmenter parce que c'est sûr que ce n'est pas énorme ce qu'on est en train de donner mais en même temps on n'a pas envie de *completely*, comme on dit, *deplete the fund*, on doit travailler pour essayer de garder un certain équilibre. Donc, on va voir dessus.

Merci.

The Deputy Speaker: Thank you very much. Hon. Ms Anquetil!

(11.29 p.m.)

**CHILDREN VICTIMS OF ABUSE – POINTE AUX PIMENTS RECREATION
CENTRE**

Ms S. Anquetil (Fourth Member for Vacoas & Floréal): Je vous remercie, M. le président. Ma requête s'adresse à la ministre de l'Égalité du Genre, du Développement de l'Enfant et du Bien-être de la famille. Depuis la semaine dernière, presque 80 enfants dont 40 bloqués et oubliés dans les hôpitaux et 37 du SOS village de Bambous, suite à un problème de puces, ont été placés dans le centre des loisirs pour les seniors à Pointe Aux Piments, reconverti en centre de quarantaine. C'est inacceptable. Cet endroit n'est pas du tout approprié pour accueillir ces enfants en difficulté ou victimes d'abus. Ce n'est pas une *place of safety*. Au lieu de reloger ces enfants...

The Deputy Speaker: Hon. Member, go to the issue so that everybody can have time, please!

Ms Anquetil: Au lieu de reloger ces enfants dans des *shelters* sous un protocole établi, le ministère a préféré un centre de quarantaine sans protocole, avec un personnel non qualifié et les garçons et les filles ne sont pas séparés entre autres. C'est franchement scandaleux et devant les dérives de la gestion des *shelters*, j'interpelle la ministre de mieux assumer ses responsabilités pour mieux protéger ces enfants.

Je vous remercie, M. le président.

The Deputy Speaker: Thank you very much. Hon. Minister!

The Minister of Gender Equality and Family Welfare (Mrs K. Koonjoo-Shah): Mr Deputy Speaker, Sir, I thank the hon. Member for her quite distinct question which is not, according to me, an adjournment matter. I would invite her to come with a proper question and, in fact, there was a PQ...

(Interruptions)

The Deputy Speaker: Order!

Mrs Koonjoo-Shah: There was a PQ to that effect.

The Deputy Speaker: Address the Chair! Address the Chair, hon. Minister!

Mrs Koonjoo-Shah: Mr Deputy Speaker, Sir, thank you. There has been a PQ today to that effect and I would invite the hon. Member to consult the answers in there.

The Deputy Speaker: Thank you very much. I think you do take note of the issue as well. Hon. Osman Mahomed!

(11.32 p.m.)

CITÉ MADELEINE - CLOGGED SEWER RETICULATION SYSTEM

Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central): Thank you. The issue I would like to raise tonight is addressed to the hon. Minister of Energy and Public Utilities and it is regarding a severely clogged sewer reticulation system at Cité Madeleine, more specifically at Cotillon Street near the *centre de boxe* in Tranquebar. This situation is an overflow and this affects several families. I have given prior notice to the hon. Minister by submitting to him a letter dated 16 September 2018.

The Deputy Speaker: You made your point?

Mr Osman Mahomed: I would like to ask the hon. Minister whether he has been able to look into the matter because I have intervened personally several times at the Wastewater Management Authority, the problem has been alleviated temporarily but the problem keeps coming back time and again. So, I believe the problem is of a highly technical nature and I would request him to ask the technicians of the Wastewater Management Authority to have a look at the reticulation system there with a view to addressing the problem in a sustainable manner. Thank you.

The Deputy Speaker: Hon. Minister, please!

The Minister of Energy and Public Utilities (Mr G. Lesjongard): Thank you, Mr Deputy Speaker, Sir. I wish to thank the hon. Member for giving me advanced notice on this specific matter which he is raising tonight. This has enabled me to gather information from the Wastewater Management Authority. I understand that following the complaint yesterday, they did mobilise a team and they did clear the obstruction which was present in the main sewer. Unfortunately, the problem recurred today and I understand that they have tried to enhance the flow capacity by flushing the sewer and by using sewer jetting. But I understand they will be facing the same problem because that sewer line gets clogged quite regularly, and I also understand that there was a request by the inhabitants of that area for shifting the pipe to an adjacent road, and I have not been given the precise information with regard to the

request. What I would request the Member is to allow me to go further into the details of this complaint and request, and then I will revert back to him with a long-term solution.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you, Minister. Hon. Khushal Lobine!

SOLFERINO - CREMATION GROUND

Mr K. Lobine (First Member for La Caverne & Phoenix): Thank you, Mr Deputy Speaker, Sir. My request is addressed to the hon. Vice-Prime Minister, Minister of Local Government and Disaster Risk Management. It concerns the cremation ground at Solférino No. 5. This cremation ground is closed to the inhabitants for nearly seven months, but construction and renovation works have been completed for the last two months. So, they have been requesting the Municipal Council of Vacoas-Phoenix if this facility could be provided again to them, and they have been informed that they are awaiting instructions from higher Authorities to open it to the inhabitants. If you could urgently look into matter, because this is causing inconvenience to people of Solférino, Paillote, who use this cremation ground. They have to apply and go to the cremation ground at Vacoas, and this is causing them a lot of trouble. If you could kindly look into the matter.

The Deputy Speaker: Thank you. Hon. Minister!

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Deputy Speaker, Sir, I am bit surprised. I mean if the cremation ground is ready, why is it not open? Why should that come to higher level? Anyway, I am going to look into it. I am a bit surprised. If it is ready, it should have been opened.

The Deputy Speaker: Hon. Mrs Tour!

SAINTE CROIX – PEDESTRIANS - SAFETY

Mrs J. Tour (Third Member for Port Louis North & Montagne Longue): Merci, M. le président. Ma requête s'adresse au ministre des Infrastructures publiques et du Développement communautaire. Suite à l'accident survenu sur le pont Latanier récemment, je réitère la requête des habitants de la localité qui demandent des trottoirs qui longeraient cette partie de la route. Il y a eu d'autres accidents dans le passé au même endroit, et plusieurs piétons de Sainte Croix et des alentours empruntent ce tronçon de route quotidiennement. Je

demandera donc à l'honorable ministre de bien vouloir considérer cette demande dans un futur proche, afin d'assurer la sécurité des piétons de la localité.

Merci.

The Deputy Speaker: Thank you very much. Hon. Minister!

The Minister of National Infrastructure and Community Development (Mr S. Hurreeram): Mr Deputy Speaker, Sir, I thank the hon. Member for raising this issue. I will convey the request to the RDA and request for a survey to be done at that particular site, and with the coming up of the Autoport in Quay D, there is quite some upgrading that is going to be done in that particular region. So, we will make sure that there is a survey done first, and then we will entertain it.

The Deputy Speaker: Thank you Minister. Hon. Dr. Mahend Gungapersad!

TOURISM SECTOR - WAGE ASSISTANCE SCHEME

Dr. M. Gungapersad (Second Member for Grand'Baie & Poudre d'Or): Thank you, Mr Deputy Speaker, Sir. My request is addressed to the hon. Minister of Finance, Economic Planning and Development. There are a few persons, not many, working in the Tourism Sector like Hotel Taxi Drivers, Artists, Pleasure Craft Operators and others who are eligible beneficiaries of the Wage Assistance Scheme but have not received the allowance. For example, a few Hotel Taxi Drivers operating from Lagoon Attitude Hotel and Coin de Mire Hotel have not received their allowance for the past three months. These helpless heads of families do not know which door to knock in order to get the much awaited financial support.

You will concur that the sooner they get the financial support, the better it will be for them.

The Deputy Speaker: Make your point!

Dr. Gungapersad: I will request the hon. Minister of Finance to look into the matter.

The Deputy Speaker: Make the point, because time is over on this, and I am still giving you.

Dr. Gungapersad: And use his kind office to do a rigorous follow-up and to sort out the problem.

The Deputy Speaker: Thank you. Hon. Minister!

The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy): M. le président, je remercie encore une fois l'honorable membre pour sa question. Je vais prendre note de ce qu'il vient de dire. Je le remercie, parce qu'il m'en a parlé juste avant cette session et je lui avais dit que je vais faire le nécessaire pour voir ce qui se passe, en particulier concernant les taxis.

Merci.

The Deputy Speaker: I seek indulgence of hon. Member. Hon. Doolub, last question!

PLAINE MAGNIEN - FOOTBALL PLAYGROUND - LIGHTINGS

Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien): Thank you, Mr Deputy Speaker, Sir. My request is addressed to the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management. It has been brought to my attention that lightings of the Football Playground in Plaine Magnien are not functioning properly. I would request the Minister if he could please look into the matter for timely repairs.

The Deputy Speaker: Hon. Minister!

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): I will look into the matter.

The Deputy Speaker: Thank you very much.

At 11.39 p.m., the Assembly was, on its rising, adjourned to Friday 28 August 2020 at 3.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

**COVID-19 (MISCELLANEOUS PROVISIONS) ACT - BREACHES -
FINES**

(No. B/597) **Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to alleged breaches of the COVID-19 (Miscellaneous Provisions) Act, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of fines issued therefor as at to date.

(Withdrawn)

**KOLEKTIF KONVERSASYON SOLIDER DEMONSTRATION 11.07.2020 -
MBC COVERAGE**

(No. B/599) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the demonstration held on Saturday 11 July 2020 by the *Kolektif Konversasyon Solider*, he will state if he is in presence of and, for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, information as to if it is in presence of, representations for unfair and inaccurate coverage thereof by the MBC and, if so, indicate –

- (a) the actions taken in relation thereto, if any, and
- (b) if the *Kolektif Konversasyon Solider* has requested for a right of reply and, if so, indicate where matters stand.

(Withdrawn)

**AIRPORTS OF MAURITIUS LTD EMPLOYEES UNION - PRESIDENT -
SUSPENSION**

(No. B/600) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to Mr S. S., President of the Airports of Mauritius Ltd. Employees Union, he will, for the benefit of the House, obtain from Airports of Mauritius Ltd., information as to –

- (a) when was the latter suspended from duty, indicating the reasons therefor,

- (b) when the Board of the AML decided to terminate the contract thereof, indicating the reasons therefor, and
- (c) if the reinstatement thereof is being envisaged.

(Withdrawn)

PERSONS WITH DISABILITIES – NUMBER

(No. B/630) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Minister of Social Integration, Social Security and National Solidarity whether, in regard to the adults and children with disabilities in Mauritius, she will state the number thereof per type of disability.

Reply: As per the last census carried out by Statistics Mauritius in 2011, there are 59,868 persons with disabilities in Mauritius. The details pertaining to the type of disability, age, and gender are being tabled.

The next census will be conducted in 2021 by Statistics Mauritius.

COVID-19 PANDEMIC - VIRTUAL CONCERTS

(No. B/632) Mrs S. Mayotte (Second Member for Savanne & Black River) asked the Minister of Arts and Cultural Heritage whether, in regard to the Rs 19 million allocated to support the production of virtual concerts amid the COVID-19 Pandemic, he will state the criteria required to participate therein, indicating when same will start.

(Withdrawn)

YVES CANTIN COMMUNITY HOSPITAL - RENOVATION

(No. B/633) Mrs S. Mayotte (Second Member for Savanne & Black River) asked the Minister of Health and Wellness whether, in regard to the Yves Cantin Community Hospital in Rivière Noire, he will state where matters stand as to the renovation works to be carried out thereat for the proposed conversion thereof into a full-fledged hospital.

(Withdrawn)

ST DENIS BRIDGE, CHAMAREL - RECONSTRUCTION

(No. B/634) Mrs S. Mayotte (Second Member for Savanne & Black River) asked the Minister of National Infrastructure and Community Development whether, in regard to the reconstruction of the St Denis Bridge at Chamarel, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the –

- (a) cost, and
- (b) duration thereof.

(Withdrawn)

CASINOS - EMPLOYEES & FINANCIAL SITUATION

(No. B/635) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Finance, Economic Planning and Development whether, in regard to the casinos, he will, for the benefit of the House, obtain from the State Investment Corporation Management Services, information as to the –

- (a) number of employees thereof, and
- (b) financial situation thereof, indicating if decision has been taken for the sale thereof.

Reply: En ce qui concerne la partie (a) de la question, le nombre actuel d'employés de casinos s'élève à 751.

Au regard de la partie (b) de la question, pour l'exercice financier se terminant le 31 décembre 2018, les recettes combinées générées par les quatre casinos en activité se sont élevées à 627 millions de roupies et une perte de 22 millions de roupies a été enregistrée pour 2018.

Un Comité de pilotage travaille actuellement sur ces questions.

NATIONAL INSURANCE CO. LTD – INSURANCE POLICY HOLDERS & FINANCIAL SITUATION

(No. B/636) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Financial Services and Good Governance whether, in regard to the National Insurance Co. Ltd, he will, for the benefit of the House, obtain therefrom, information as to –

- (a) the number of insurance policy holders thereof;
- (b) the financial situation thereof, and
- (c) if the accounts thereof have been audited and, if not, why not.

Reply: I wish to inform the House that the National Insurance Co. Ltd forms part of the NIC Group, which was set up by Government on 15 April 2015, with the objective of safeguarding the interests of regular premium life insurance policy holders, health insurance clients, staff and salesperson of the ex-BAI Co. (Mtius) Ltd, following the collapse of the BAI Group in 2015. In this context, the long-term insurance business of BAI Co. (Mtius) Ltd was transferred to the National Insurance Co. Ltd by the then Special Administrator, as provided in section 110B of the Insurance Act.

With regard to part (a) of the question, I am informed by the National Insurance Co. Ltd (NICL) that the number of policies in force as at 30 July 2020 was 138,880, representing 111,087 policyholders.

As regards part (b) of the question, I wish to inform the House that the NICL took over the previous long-term insurance business of BAI Co. (Mtius) Ltd in very difficult and exceptional circumstances as the fundamental goal was to protect policyholders and allow them to fulfil their ongoing contractual obligations. The subsequent Transfer of Undertaking which took place for the ongoing business carried material limitations, including asset-related issues and for which the Government has provided its full support to ensure that the NIC Group continues to operate its businesses as a going concern. Furthermore, the Government is also assessing various strategic options (e.g. restructuring of NICL) in the best interest of all its policyholders, employees, salespersons and other stakeholders.

The NICL is a profit-making company and the draft accounts of the company prepared as at 30 June 2019 shows that it is profitable. In this regard, I am informed that the business portfolio of the NICL is on its growth pathway with some 47,000 new policies sold since the setting up of the NICL to date. Furthermore, the cumulative gross premium income of NICL over the last five years was around MUR 7.4 billion. NICL has further serviced its policyholders' obligations of around MUR 5 billion since the start of its operations.

I wish to point out, however, that the financial details can only be released after the financial statements have been audited and filed with the relevant authorities (e.g. FSC, ROC).

I am informed by the NICL that as part of the Transfer of Undertaking, a total asset of MUR 6.6 billion was also transferred by the then Special Administrator, and registered in the books of the NICL on 30 May 2016. Subsequently, NICL noted certain limitations on the assets transferred and has been working with key stakeholders to address them. As it has been mentioned in replies to similar Parliamentary Questions in 2016 and 2017, I wish to reiterate the fact that this transfer exercise has been a very complex one, requiring an enormous amount of legal and financial measures. I am to inform the House that the exercise is now almost complete.

With regard to part (c) of the question, the external audit exercise of the NICL for the financial period/years ended 30 June 2016, 2017, 2018 and 2019 has progressed significantly and has reached the final stage. The resolution of the remaining legal and financial related issues emanating from the Transfer of Undertaking will soon enable the submission of the

audited financial statements of the NICL to the relevant authorities. I wish to reassure the House that this matter is receiving the required attention of the Government.

FINANCIAL INTELLIGENCE UNIT - RECOVERED ASSETS FUND

(No. B/638) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Financial Services and Good Governance whether, in regard to the Recovered Assets Fund, he will, for the benefit of the House, obtain from the Financial Intelligence Unit, information as to the –

- (a) balance thereof, indicating the amount thereof derived from the enforcement of a –
 - (i) recovery order, and
 - (ii) confiscation order, and
- (b) amount paid therefrom to –
 - (i) compensate victims who suffered losses as a result of an unlawful activity, or
 - (ii) satisfy a compensation order.

Reply: The Financial Intelligence Unit is the Enforcement Authority responsible for conducting investigations into Conviction-based asset recovery and Non-Conviction-based asset recovery. All moneys derived from the enforcement of a Recovery Order or Confiscation Order are credited to the Assets Recovery Fund in line with Section 7(1) of Asset Recovery Act.

Moreover, Section 7(2) of the Asset Recovery Act sets out the disbursements which may be authorised from the Recovered Assets Fund by the Director of the Financial Intelligence Unit. Such disbursements comprise, *inter alia*, payment of compensation to victims who suffered losses as a result of an unlawful activity or to satisfy a Compensation Order.

With regard to part (a) of the question, I am informed by the Financial Intelligence Unit that an amount of Rs18,200,794.05 has been derived from Recovery Orders and Rs267,075 from Confiscation Orders. Out of the total amount of Rs18,467,869.05, an amount of Rs13,703,937.05 has been transferred to the Consolidated Fund. As at 13 August 2020, the balance of the Recovered Assets Fund stands at Rs4,746,507.

I am also informed that Recovery Orders have recently been obtained for a total amount of Rs21,616,929.50. This sum is in the process of being transferred to the Recovered Assets Fund.

Moreover, the FIU has also recovered one portion of land of a total value of Rs1.2 m. Same will be realised and the proceeds will be deposited in the Recovered Assets Fund.

With regard to part (b) (i) of the question, I am informed that compensation to victims who suffer losses as a result of an unlawful activity can only be paid after the final determination of the Court proceedings and after the amounts have been deposited in the Recovered Assets Fund, as provided for under Section 7 of the Asset Recovery Act.

The FIU has identified a number of cases, particularly those involving fraud such as swindling, embezzlement and larceny, where victims will be compensated. However, all the cases are currently still pending before the Courts. Once a final determination is made in these cases and the proceeds are recovered and deposited in the Recovered Assets Fund, compensation will be paid to the victims in the relevant cases, as appropriate.

With regard to part (b) (ii) of the question, Section 60 of the Asset Recovery Act provides the circumstances under which compensation may be paid to persons having suffered a loss as a result of a Recovery Order or a Confiscation Order.

I am informed that the FIU has never been the subject of an application for a Compensation order. The amount paid to satisfy a Compensation Order therefore does not arise.

OVERSEAS TREATMENT – ELIGIBLE PATIENTS – JANUARY 2019 TO JULY 2020

(No. B/639) Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue) asked the Minister of Health and Wellness whether, in regard to overseas treatment, he will state the number of patients eligible thereto after being examined by the Medical Board, since 01 January 2019 to date, indicating the –

- (a) quantum of funds disbursed in each case, and
- (b) state of health of the patient after undergoing treatment abroad.

Reply: I am informed that since January 2019 to date, 452 patients were eligible for the overseas treatment. The total amount disbursed by my Ministry for January 2019 to

December 2019 is Rs79,752,598.64 and for period 01 January 2020 to 10 July 2020 is Rs21,577,973.34.

As for the sum disbursed in each case, I am placing the information in the Library of the National Assembly.

In regard to part (b) of the question, I am informed that after completion of treatment, the patient is handed over with a Discharge Summary for follow-up with respective treating doctors in our local hospitals.

In general, all the patients are in a stable condition. As regards those who still have some complications, they are attended to by their treating doctors and, if necessary, they are sent back for overseas treatment. So far, for January 2020 to date, we have had five such cases.

MARINE SCIENCE/OCEAN STUDIES AND ENVIRONMENTAL MANAGEMENT COURSES - SECONDARY & TERTIARY LEVELS

(No. B/642) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to the courses being dispensed in Marine Science/Ocean Studies and Environmental Management at the secondary and tertiary levels, she will give a progress report thereof.

(Withdrawn)

DR. A. G. JEETOO HOSPITAL - PARKING SPACE

(No. B/643) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Minister of Health and Wellness whether, in regard to the parking problem at the Dr. A. G. Jeetoo Hospital for staff members, patients and visitors, he will state if consideration will be given for the funding of the construction of a slab over the canal along Volcy Pougnet Street and over the stretch Labourdonnais to De Courcy Streets to allow parking of vehicles thereat.

Reply: I am informed that at present, there are 275 parking slots at Dr. A. G. Jeetoo Hospital which are distributed as follows –

- Underground parking: 138 slots reserved for Consultants in Charge, Specialists and Senior Medical and Health Officers and all Head of Units.

- Main Entrance: 31 reserved for Nursing and other staff, including 4 slots for members of the public.
- Parking adjacent to kitchen: 21 slots for staff and 3 for public and 1 Disabled. 5 slots reserved for Visitors.
- Block H: 23 slots for MHOs.
- Near Gate (Mortuary): 25 for MHOs, 5 slots for RM vehicles and 3 for members of the public.
- Beauguard Parking (The land belongs to our Ministry and is outside the hospital premises): 20 slots for staff and others.

No additional parking space is available within the premises of the hospital.

As regards the sites located outside the hospital, they are under the jurisdiction of the Municipal City Council of Port Louis and the Road Development Authority.

I have been informed that the Municipal Council of Port Louis does not have any project for construction of any slab over the canal along Volcy Pougnet Street for parking purposes. Furthermore, the RDA has informed that Volcy Pougnet Street is a classified road and is flood-prone. Consequently, construction of slabs should not be envisaged. The Land Drainage Authority is of the same view.

The Municipal City Council of Port Louis has no such project earmarked along Labourdonnais and De Courcy Streets.

STANDARDS COUNCIL - CHAIRPERSON & MEMBERS

(No. B/644) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Industrial Development, SMEs and Cooperatives whether, in regard to the Standards Council, he will, for the benefit of the House, obtain from the Mauritius Standards Bureau, information as to the date of –

- (a) appointment of the Chairperson and members thereof, indicating the remunerations drawn, and
- (b) the last meeting thereof.

(Withdrawn)

MAURITIUS MUSEUMS COUNCIL - CHAIRPERSON - APPOINTMENT

(No. B/645) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Arts and Cultural Heritage whether, in regard to Mr S.D., Chairperson of the Mauritius Museums Council, he will, for the benefit of the House, obtain from the Council, information as to the –

- (a) date and terms and conditions of appointment thereof;
- (b) qualifications and experience in museum related matters held, and
- (c) monthly remuneration and benefits drawn.

(Withdrawn)

MV WAKASHIO - OIL SPILL - FISHERS - COMPENSATION

(No. B/646) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Blue Economy, Marine Resources, Fisheries and Shipping whether, in regard to the oil spill in the sea of Mahebourg amid the wrecked vessel MV Wakashio, he will state if any compensation will be paid to the fishers affected therewith and, if so, indicate the –

- (a) quantum thereof;
- (b) period in consideration of which same will be paid, and
- (c) number of fishers eligible therefor.

(Withdrawn)

VILLE NOIRE BRIDGE - RECONSTRUCTION

(No. B/647) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien) asked the Minister of National Infrastructure and Community Development whether, in regard to the reconstruction bridge project at Ville Noire, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the scope of works thereof.

(Withdrawn)

MV WAKASHIO - HEALTH POLLUTION TESTS

(No. B/648) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Health and Wellness whether, in regard to vessel MV Wakashio, he will state if the appropriate health pollution tests have been conducted and, if so, indicate –

- (a) the specific tests conducted by his Ministry;
- (b) the number thereof which have positive and negative results, and
- (c) on which assumptions and till when the tests will be carried out.

(Withdrawn)

FREIGHT REBATE SCHEME - BENEFICIARIES

(No. B/652) Mr D. Ramful (First Member for Mahebourg & Plaine Magnien) asked the Minister of Finance, Economic Planning and Development whether, in regard to the Freight Rebate Scheme, he will state the amount granted as at to date, indicating the names of the beneficiaries thereunder and the corresponding quantum of funds granted.

Reply: Je souhaite informer la Chambre qu'à ce jour, un montant de 78 millions de roupies a été versé à 69 bénéficiaires dans le cadre du *Freight Rebate Scheme* pour une valeur d'exportation de 4,4 milliards de roupies.

Je dépose la liste des bénéficiaires du régime depuis juin 2014 jusqu'à ce jour, y compris le montant correspondant versé.

PUBLIC HOSPITALS - LABOUR WARDS – FATHERS - PRESENCE

(No. B/654) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to childbirth in public hospitals, he will state where matters stand as to the consideration being given for the possibility of allowing the presence of the fathers in the labour wards to assist child delivery thereat.

Reply: I am informed that the present set-up of Labour Wards in public hospitals is actually of the open type, that is, it is not individualised or in cubicles. Many patients in labour await delivery together in a common Ward. Within this Ward, there is a dedicated area where deliveries are being carried out. As such, privacy of other patients in labour will not be respected.

I am further informed that it would be difficult to allow any male, other than doctors, inside a Labour Ward for obvious reasons. However, such a decision will entail many issues such as –

- (a) identification of additional spaces;
- (b) redesigning the existing infrastructure for the provision of cubicles;
- (c) training of additional staffs and assistance like Midwives, and
- (d) purchase of any additional equipment if so needed.

At present, fathers can accompany their wives for elective Caesarean section at Dr. A. G. Jeetoo Hospital. However, with the prevalent Covid-19 status worldwide, only limited number of persons is getting access to the Labour Ward.

On my assumption of duty at the Ministry of Health and Wellness, I was made aware of the pilot project implemented at Jeetoo Hospital to allow spouses to accompany their wives at the time of C-Section delivery. This project, I am informed, is still ongoing, but in view of sanitary measures put in place in the context of Covid-19, the project has been kept on hold for the time being.

MINISTRY OF GENDER EQUALITY AND FAMILY WELFARE – CHILDREN – SPECIAL TREATMENT

(No. B/658) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Minister of Gender Equality and Family Welfare whether, in regard to the children presently in hospitals, she will state the number thereof under the custody of her Ministry, indicating the actions taken in relation thereto, if any.

Reply: Thirteen children are currently in hospitals undergoing treatment. Eleven in our regional hospitals who have not yet been discharged and two children are in Brown Sequard Mental Health Care Centre (BSMHCC) as they have psychiatric disorders and need special treatment in specialised centres which are not available in our shelters.

MINORS - ILLICIT DRUGS

(No. B/659) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Minister of Gender Equality and Family Welfare whether, in regard to illicit drugs, she will state the number of minors presently reportedly indulging therein, indicating the actions taken by her Ministry in relation thereto.

Reply: Cases of minors in regard to illicit drugs are not referred to my Ministry for enquiry and support. These are dealt with at the level of Police and *Brigade des Mineurs*.

The Ministry's mandate is to protect children victims of violence, neglect, sexual abuse and abandonment.

VALLIJEE FOOTBALL PITCH - UPGRADING

(No. B/660) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the proposed upgrading of the Vallijee football pitch to a synthetic one, he will, for the benefit of the House, obtain from the Municipal City Council of Port Louis, information as to where matters stand.

Reply: I am informed by the Municipal City Council of Port Louis that in a correspondence dated 24 June 2020, the National Development Unit (NDU) has stated that the project 'Upgrading of existing pitch into synthetic pitch at Football Ground Nelson Mandela, Cité Vallijee' is in the list of projects to be implemented by the NDU during financial year 2020/21. The National Development Unit has also requested the Municipal City Council of Port Louis whether it is agreeable to take over and maintain the synthetic pitch after completion works.

The Municipal City Council of Port Louis has to date 12 synthetic football grounds within its jurisdiction. Concerning Vallijee football pitch, I am informed that the project is at consultation stage between the National Development Unit and the Municipal City Council of Port Louis for its conversion into a synthetic one.

My Ministry is ensuring follow-up.

CONSTITUENCY NO. 16 - WATER PIPES - REPLACEMENT

(No. B/664) Ms J. Bérenger (First Member for Vacoas & Floréal) asked the Minister of Energy and Public Utilities whether, in regard to the regions in Constituency No. 16, Vacoas and Floréal where old leaking pipes need to be replaced, he will, for the benefit of the House, obtain from the Central Water Authority, and table the list thereof, indicating if consideration will be given for the replacement thereof.

Reply: I wish to refer the hon. Member to my reply of 28 July 2020 when I informed the House that the CWA supplies water on the basis of District Water Zones and not by Constituency.

I am informed by the Central Water Authority that the pipe network is managed in a similar manner and accordingly, pipe replacement projects are also implemented on the basis of water supply zones and not by constituencies.

I am further informed by the Central Water Authority that the regions of Vacoas and Floréal form part of the Upper Mare aux Vacoas Supply Zone.

As per information provided by the CWA, the Upper Mare aux Vacoas Supply Zone has a network of about 680 kms of pipes. Some are very old asbestos cement and cast iron pipes that are subject to frequent bursts and leakages.

I am informed that some 81.1 kms of old and defective pipelines have already been replaced under four major pipe replacement contracts implemented under the Non-Revenue Water project in the Upper Mare aux Vacoas Water Supply Zone, namely –

- 26 kms under contract “Supply and Replacement of mains in John Kennedy”;
- 21 kms under contract “Supply and Replacement of Mains in Curepipe and Lislet Geoffroy”;
- 30.3 kms under contract “Supply and Replacement of Mains in Solferino”, and
- 3.8 kms under contract “Supply and Replacement of Mains in Henrietta”.

As additional 638 metres of pipes have also been replaced under the framework agreement for minor works, namely 485 metres along Engrais Martial Street in Vacoas and 153 metres along Malakoff Street in Curepipe.

I am further informed by the CWA that an additional 37 kms of old and defective pipes need to be replaced in the Upper Mare aux Vacoas Supply Zones. The pipes will be replaced in a phased manner with priority given to regions which are most affected by frequent bursts and leakages.

With regard to regions forming part of Vacoas and Floréal, I am informed that the CWA will replace some 11.4 kms of old and defective pipes on a priority basis during the current and next financial years.

I am making arrangements for the details of these pipe replacement projects to be placed in the Library of the National Assembly.

PAS GÉOMÉTRIQUES – LEASE CONDITIONS – NON-COMPLIANCE

(No. B/666) Ms J. Bérenger (First Member for Vacoas & Floréal) asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to *Pas Géométriques*, he will state the extent thereof retrieved for non-compliance with lease conditions since September 2014 to date, indicating –

- (a) the projects concerned therewith;
- (b) the respective locations thereof, and

- (c) if consideration will be given for same to be put to public use.

Reply: With regard to parts (a) and (b) of the question, the information is being placed in the Library of the National Assembly.

As regards part (c) of the question, out of the 37 plots which have been retrieved, 5 plots have already been put to public use. Whether the other plots can be used for public purpose or not depends on a number of factors –

- (i) suitability of the site for eventual use as a public place;
- (ii) extent of the site;
- (iii) configuration;
- (iv) landscape character;
- (v) environmental considerations;
- (vi) accessibility in terms of road networks, and
- (vii) availability of utility services.