



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

WEDNESDAY 29 JUNE 2022

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MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 18 of 2022

Sitting of Wednesday 29 June 2022

The Assembly met in the Assembly House, Port Louis, at 3.00 p.m.

The National Anthem was played

(The Deputy Speaker in the Chair)

PAPERS LAID

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

A. Ministry of Education, Tertiary Education, Science and Technology

- (a) The Annual Report and Report of the Director of Audit on the Financial Statements of the Mahatma Gandhi Institute for the year ended 30 June 2020.
- (b) The Education (Amendment) Regulations 2022. (Government Notice No. 153 of 2022)

B. Ministry of Land Transport and Light Rail**Ministry of Foreign Affairs, Regional Integration and International Trade**

- (a) The Road Traffic (Public Service Vehicle, Road Service and Carrier's Licence) (Amendment) Regulations 2022. (Government Notice No. 147 of 2022)
- (b) The National Land Transport Authority (Disciplinary Committee) Regulations 2022. (Government Notice No. 148 of 2022)

C. Ministry of Finance, Economic Planning and Development

- (a) The Customs Tariff (Amendment of Schedule) (No. 3) Regulations 2022. (Government Notice No. 149 of 2022)
- (b) The Excise (Amendment of Schedule) (No. 2) Regulations 2022. (Government Notice No. 150 of 2022)
- (c) The Sugar Insurance Fund (Reduced General Insurance Premium) Regulations 2022. (Government Notice No. 151 of 2022)
- (d) The Social Contribution and Social Benefits (Industrial Injuries) Regulations 2022. (Government Notice No. 152 of 2022)

D. Ministry of Energy and Public Utilities

The Annual Report and Report of the Director of Audit on the Financial Statements of the Utility Regulatory Authority for the year ended 30 June 2021.

E. Ministry of Financial Services and Good Governance

The Financial Services (Consolidated Licensing and Fees) (Amendment No. 4) Rules 2022. (Government Notice No. 154 of 2022)

**F. Ministry of Labour, Human Resource Development and Training
Ministry of Commerce and Consumer Protection**

The Annual Report and Report of the Director of Audit on the Financial Statements of the Human Resource Development Council for the year ended 30 June 2021.

ORAL ANSWERS TO QUESTIONS**POLICE OFFICERS - ALLEGED CASES OF TORTURE - INDEPENDENT POLICE COMPLAINTS COMMISSION**

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) 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 alleged cases of torture involving Police Officers which have surfaced, he will, for the benefit of the House, obtain information as to whether the Independent Police Complaints Commission has the ability to shoulder its responsibilities in a timely and effective manner.

The Prime Minister: Mr Deputy Speaker, Sir, I refer the hon. Leader of the Opposition to my reply to his PNQ at our Sitting of 15 June 2022, in particular to what I stated regarding the Independent Police Complaints Commission (IPCC).

In fact, I did state that Government acted responsibly by putting in place the necessary mechanism to investigate into complaints made against Police Officers in the discharge of their functions, other than complaints of acts of corruption or money laundering offences. The IPCC is empowered through the Independent Police Complaints Commission Act proclaimed in April 2018 to, *inter alia*, investigate into any complaint made by any person or on his behalf against any act, conduct or omission of a Police Officer in the discharge of his functions.

Mr Deputy Speaker, Sir, as I also stated in my reply to the PNQ, the Commissioner of Police did inform that five cases of alleged torture by Police Officers have been reported, and accordingly, the cases have been referred to the IPCC. In addition, following a preliminary enquiry in these cases by the Police, statements have been taken from nine persons. The Police have also arrested six Police Officers, and all of them have been interdicted.

Out of the five cases referred to the IPCC, the case of Mr K.S. has been re-categorised as assault with aggravating circumstances by the Commission and has been referred to the Director of Public Prosecutions on 16 June 2022. The remaining four cases are under investigation. I am informed that the IPCC has set a time frame of three months to complete the investigation.

Mr Deputy Speaker, Sir, I am informed by the IPCC that on 16 June 2022, the Police has forwarded a DVD containing seven video clips, *inter alia*, of alleged cases of torture of victims by Police Officers which have been in circulation on social media.

I am further informed that the IPCC is liaising with the Police for additional information before starting any investigation into these cases.

Mr Deputy Speaker, Sir, the IPCC has extensive powers to conduct investigations on the basis of a complaint against a Police Officer, gather evidence, hold hearings and summon witnesses to attend such hearings.

Investigation by the IPCC does take time to be completed before the case file is referred to the appropriate institution with their recommendations.

Mr Deputy Speaker, Sir, on 02 December 2020, my Office convened a meeting with parties concerned to look into the need to strengthen the manpower of the IPCC. Thereafter, the Ministry of Public Service, Administrative and Institutional Reforms was approached to carry out a Manpower Assessment exercise at the IPCC.

The Terms of Reference for the Manpower Assessment exercise were to –

- (a) determine whether the existing human resources match the prevailing workload and have the right qualifications, skills and competencies to perform at the IPCC;
- (b) assess whether the number of officers in the technical grade are fully utilised at the level they were expected to operate in terms of service delivery, allocation of duties and responsibilities, and
- (c) come up with appropriate recommendations in the light of findings.

Following the Manpower Assessment Report, the staffing position was reinforced through the recruitment of –

- (i) one additional Investigator;
- (ii) one additional Inquiring/Senior Inquiring Officer, and
- (iii) one additional Management Support Officer seconded by the Prime Minister's Office.

Mr Deputy Speaker, Sir, further to the recommendations of the Manpower Assessment Report, an Implementation Committee was set up under the Chair of my Office and comprising representatives of the Ministry of Finance, Economic Planning and Development, the Ministry of Information Technology, Communication and Innovation and the Ministry of Public Service, Administrative and Institutional Reforms to assist the IPCC with a view to ensuring effective implementation of the recommendations.

The Committee has met on two occasions in February and June 2022 so far, and the following additional measures were proposed –

- (i) to implement a revised structure to better manage the cases;
- (ii) to proceed with the recruitment of additional staff as required, and
- (iii) to set up an online system of registering complaints, which is now operational.

The IPCC informed, during the second Implementation Committee meeting, that the staffing position as at 06 June 2022, that is, three Investigators, three Inquiring/Senior Inquiring Officers and supporting staff is adequate to effectively deliver on its mandate.

As at date, the staffing position stands at 23. This includes three Investigators and three Inquiring/Senior Inquiring Officers who are employed on a contract basis as required by law.

Following a further assessment and in order to expedite investigations, the IPCC has, on 17 June 2022, made a request for additional staff as follows –

- (i) one Senior Investigator;
- (ii) one Investigator, and
- (iii) one Inquiring/Senior Inquiring Officer.

The request has been examined and is being favourably considered.

Mr Deputy Speaker, Sir, I wish to forcefully state, once again, that my Government will not tolerate any act of torture or violation of any human rights. We need to trust our institutions, in this case, the IPCC, which is independent by law to organise itself in the best possible ways to effectively deliver on its mandate. Government will provide them with the resources they require to fulfil their mission in the best interest of the nation.

Mr Deputy Speaker, Sir, to conclude, I wish to make it abundantly clear that as a Government, we do not interfere with the functioning of any independent institution of the Republic.

The Deputy Speaker: Thank you, hon. Prime Minister.

Mr X. L. Duval: Mr Deputy Speaker, Sir, it is not a question of interfering; it is a question of providing the means for institutions to work adequately. I would just like to stress, Mr Deputy Speaker, Sir, that the case of Mr K.S. dates back to 2020. So, it has taken two and half years for the case to go to the DPP.

My question is this, Mr Deputy Speaker, Sir: on 07 of June, IPCC took over the five cases of torture. Is the Prime Minister aware that 22 days later, that is, today's date, no investigation, no interview, no questioning has been done yet, neither on Inspector Derochoonee, nor on Sergeant Reedoye or any of these Police Officers. Is he aware of that fact? 22 days after the IPCC took over the case!

The Prime Minister: In fact, I have answered that, out of the five cases referred to the IPCC, the case of Mr K.S. has been re-categorised as assault with aggravating circumstances by the Commission, and has been referred to the Director of Public Prosecutions on 16 June 2022.

Mr X. L. Duval: Two and a half years after the event!

The Deputy Speaker: Hon. Leader of the Opposition, allow the hon. Prime Minister to answer!

(Interruptions)

Allow the hon. Prime Minister to answer first. Please go on, hon. Prime Minister.

The Prime Minister: Mr Deputy Speaker, Sir, I thought that the five cases have been recently referred to the IPCC. But, anyway, Mr Deputy Speaker, Sir, I do not have the information with regard to each case which has been referred. If the hon. Leader of the Opposition wanted to have information about a particular case, he should have given precise notice of this case. I would certainly have enquired about a particular case to know when was a complaint made and what has happened in the meantime. Now, he puts a general question and he expects me to respond, as if I am IPCC and I have all the details with me and I handle those cases. Come on!

(Interruptions)

So, you must be precise.

The Deputy Speaker: Just allow the hon. Prime Minister to finish! I will give you the time.

Mr X. L. Duval: Mr Deputy Speaker, Sir, before the Prime Minister expresses his satisfaction and a refusal to give a Commission of Inquiry, he should take the time to enquire what is actually happening. 22 days after - forget the K.S. which is January 2020, two and a half years ago - none of these Police Officers have yet been interviewed by IPCC. Are you not concerned with this?

The Prime Minister: Mr Deputy Speaker, Sir...

The Deputy Speaker: One question at a time.

The Prime Minister: ... I am informed that the cases are being investigated into. It is not within my purview to state when a Police Officer will be required to attend the IPCC for a statement. Maybe the hon. Leader of the Opposition is not aware. When a complaint is made, it is not the very next day that you take a statement from the suspect. You have to gather information, you have to make up a case so that when you are ready, you are able to put forward the case against the suspect. You have a very able lawyer by your side; maybe you should seek information from him. And you, yourself, Mr Deputy Speaker, Sir, I am sure you will understand what I am saying. So, you are talking about 22 days. What 22 days? You have to conduct your inquiry properly so that when the case is being sent to the DPP, it is not sent back to you.

The Deputy Speaker: Thank you, hon. Prime Minister!

Mr X. L. Duval: The case, two and a half years later, went to the DPP, and this is the question that the Prime Minister's Office, under which the IPCC falls, should see that this is not yet another example of an institutional failure in Mauritius.

Mr Deputy Speaker, Sir, now, I am going to ask about these new measures; apparently the Committee has been sitting at its level. Now, the case of torture came to light in May - at least to the general public - of this year, a month or so before the Budget. Has he taken the trouble to find out whether there has been any increase at all on the budget of the IPCC except not even to cater for inflation? So, in fact, there is no increase in the budget of the IPCC at all

compared to last year, although he tells us now that there is a committee which has been sitting since January or February, to give additional resources to the IPCC.

The Deputy Speaker: Hon. Prime Minister!

The Prime Minister: This is not correct at all, Mr Deputy Speaker, Sir, because, as I have said in my answer, there is additional manpower, namely one Investigator and one Inquiring Officer who expectedly will be recruited. But the budget is there; provision is included in the actual budget. But, as I stated in my answer, there is now a request for additional manpower. I have said we have entertained that request favourably and the necessary will be done within the budget so that we make provision to cater for these additional requests.

The Deputy Speaker: Thank you.

Mr X. L. Duval: But there has been no increase in the budget of the IPCC at all apart from inflation; not even for inflation. So, the Prime Minister is wrong to think that there is provision in the budget. Mr Deputy Speaker, Sir, for additional staff, this was well-known to the Government; this case is from May. It shows no attention has been given to this file. Mr Deputy Speaker, Sir, is the Prime Minister aware that the IPCC, again, has no capital budget, therefore, has no means to purchase its own vehicle, not even one single vehicle for the IPCC to go and inquire into serious cases of torture, murder, etc., by Police Officers, alleged murder at least. Not a single vehicle! There are hundreds of vehicles sleeping at *Les Casernes Centrales* and IPCC does not have one single vehicle? And it falls under the Prime Minister's Office! So, he has responsibility for this.

The Deputy Speaker: Allow him to answer!

The Prime Minister: Mr Deputy Speaker, Sir, as for the first part of the question, I again maintain that the Leader of the Opposition is wrong. I am provided with...

(Interruptions)

The Deputy Speaker: No!

The Prime Minister: You want to answer? I do not interrupt you when you ask your question.

The Deputy Speaker: One second. Allow the hon. Prime Minister to continue!

The Prime Minister: I do not make any remark. Now you...

The Deputy Speaker: Come on, hon. Prime Minister!

The Prime Minister: What is this?

So, Mr Deputy Speaker, Sir, I was saying that for the Financial Year 2022-2023, the staff cost has been increased from Rs10,200,000 to Rs11,250,000 to cater for increase in salary due to PRB Report 2021 and for the salary of two additional staff recruited in March 2022, after the Manpower Assessment exercise. Now, what is this statement that there is no increase in the budget? That the budget has not been increased at all for recruiting the staff despite what I have been stating. And he keeps on saying: "No, the budget has not increased, there is no additional manpower".

Now, I have said again, and I repeat; there is another request. Why is it that there is another request? You might ask why is it that there is another request in a short period of time. Because of those cases which are going to be handled by the IPCC in order to expedite matters; precisely, that is why they have made such additional request. I have already discussed with the Minister of Finance and we are going to make appropriate provision to cater for those additional staff. What the Leader of the Opposition is saying is not true!

I said, Mr Deputy Speaker, Sir, we have had meetings to assess the requirements of the IPCC. The IPCC is represented in that Committee of technical people, and it is there that they submit their requirements. Of course, Government will be looking at whatever requirements they will be submitting, and at whatever they need. And as I have stated, whatever resources they will require in order to fulfil their responsibility will be made available to them.

Mr X. L. Duval: People have no faith in the two political nominees that are the spokespersons of the IPCC at the moment, Mr Deputy Speaker, Sir, and it is clear. I will ask the Prime Minister now, because we will come to this point also in a year's time; it will not go away. Does the Prime Minister think - although there is no provision for the third employee - that the three new Inquiring, Investigating Officers that he is going to recruit, if he finds them, will be sufficient to deal with the huge backlog of 1,500 cases that exist at the moment and all the additional cases, including serious cases that are coming to the IPCC daily? Will he really tell us that, in one year's time, the IPCC, with the meagre resources and with no additional car, no

vehicle that he is giving, is that going to be sufficient and in one year's time, he will not again bear full responsibility for the institutional failure at IPCC?

The Prime Minister: Mr Deputy Speaker, Sir, not all of the cases are of the same nature; not all of them are of the same gravity. There are cases which are simpler and there are cases which are more complex. More attention will, of course, be given to the cases which are more serious in order to see to it that matters are expedited, and that the IPCC comes to a conclusion, which is either to refer a case, eventually, if it has not been settled, since there are a number of cases which are, in fact, settled, or not to refer a number of cases which are, I must point out, frivolous and baseless. Now, there are a number of cases which are referred to DPP with their recommendation; a number of cases are referred to the Public Service Commission also with their recommendation, and other cases, I believe, very few though, probably, will be referred to the Attorney General for action. I am informed that the IPCC is provided vehicles and drivers from a pool available at PMO. So, you do not know this? And let me reply to the sarcastic comment that you made with regard to members of the IPCC.

Mr Deputy Speaker, Sir, I will refer to the law. First of all, I must say that those who have been appointed are qualified; they satisfy the criteria which the law imposes. Secondly, there is a duty on the Prime Minister to consult the Leader of the Opposition. In 2020, the then Leader of the Opposition, Dr. Arvin Boolell, was consulted.

(Interruptions)

Dr. Boolell: You never ...

The Prime Minister: What ...

The Deputy Speaker: It is not a point of order! Wait!

(Interruptions)

Order!

(Interruptions)

Order! Allow the hon. Prime Minister to answer. Then, you can take a point of order if you need to.

The Prime Minister: I do not know why they become itchy when I answer this question.

(Interruptions)

The Deputy Speaker: Please continue, hon. Prime Minister!

(Interruptions)

The Prime Minister: You are itchy! You cannot keep quiet!

In 2020, a letter was addressed to the then hon. Leader of the Opposition, Dr. Arvin Boolell, whereby I consulted him on the appointment of Mr Phalraj Servansingh and Mr Viranand Ramchurn. He took note, there was no objection. No objection from him!

On 24 January 2022, I consulted the present Leader of the Opposition because I had advised him on the appointment of the Chairperson, Mrs Deviyanee Beesoondoyal. The Leader of the Opposition did not reply!

Mr X. L. Duval: Exactly!

The Prime Minister: Yes, exactly! Not replying, meaning what? You remained silent! Dot you not know? Ask your colleague! Silence means consent.

(Interruptions)

So, again, there is no objection. And, now, he comes and says: “Well, they are appointees, this and that.” When you had the opportunity of objecting, you remained quiet, you took note, and now you are protesting!

Mr X. L. Duval: Mr Deputy Speaker, Sir, I was addressing the Prime Minister in English. I meant the two political nominees; I did not mention the Chairperson. And, also, the Prime Minister should tell the House that never in my experience, whenever there has been an objection by the Leader of the Opposition, never, ever, ever, has this been taken into account and not a single change has been effected by the Prime Minister’s Office from all these consultations that he is making.

The Deputy Speaker: No! It is not a question!

Mr X. L. Duval: And that is the truth, the pure truth, Mr Deputy Speaker, Sir!

The Deputy Speaker: Question, please! Question!

Mr X. L. Duval: I know it hurts, but that is how consultation works for the Prime Minister!

(Interruptions)

The Deputy Speaker: Order! Order!

Mr X. L. Duval: Now, let me ask, Mr Deputy Speaker, Sir...

(Interruptions)

The Deputy Speaker: Order! Question, please!

Mr X. L. Duval: Mr Deputy Speaker, Sir, he, himself, a week ago, during the Committee of Supply, told this House that there are 507 ongoing investigations for assault by Police Officers. 507! And still he is satisfied that the meagre number of people that he is adding to the IPCC is going, Mr Deputy Speaker, Sir, to be sufficient.

Mr Deputy Speaker, Sir, I would like to ask the Prime Minister now, because everything, at the end of the day, comes back to you.

The Deputy Speaker: Question, please!

Mr X. L. Duval: Looking at 2019, 2020 to 2021, the figures that we have, 35% of the complaints for the Northern Division related to Terre Rouge Police Station. The same, Mr Deputy Speaker, Sir, there were a number of rogue Police Stations: Curepipe, Flacq, Trou Fanfaron. All these, Mr Deputy Speaker, Sir, took a large number of complaints for assault, etc., by the public. Now, he is the Prime Minister of this country, the Minister of Home Affairs. There is a Commissioner of Police, there is the IPCC; none of these figures rang any bells with the Prime Minister's Office or with the Commissioner of Police, saying that it is not possible that Terre Rouge Police Station accounts on its own for 35% of complaints for Northern Division and that there should be an inquiry or changes made to the Terre Rouge Police Station and Trou Fanfaron Police Station, etc., and he should wait for the three or four Officers at the IPCC to tell the Commissioner of Police and the Home Affairs Division what their job should be?

The Prime Minister: Again, Mr Deputy Speaker, Sir, let me refer back to the issue of consultation when the Leader of the Opposition is trying to justify himself. When he is

consulted, he does not object and more so he remains quiet; and this is acceptance for me! And I do not go into statistics!

(Interruptions)

The Deputy Speaker: Order!

The Prime Minister: Look, go back to statistics, go back to when you were in Government and you had a Prime Minister, Dr. Navin Ramgoolam, and then...

(Interruptions)

The Deputy Speaker: Order! Order! No crosstalking!

Mr X. L. Duval: *Cot ale!*

The Prime Minister: Well, let me answer! You have been putting questions, you have been telling a lot about Terre Rouge, this and that, I have not interrupted you! Is it because I tell the truth that you get irritated?

(Interruptions)

The Deputy Speaker: Order! Order!

The Prime Minister: What do you say? I never told the truth? How dare you say that? How dare you? I leave it to you!

But, Mr Deputy Speaker, Sir, 507 cases are not of my making! As I said, there is a Committee which has been looking at the resources of the IPCC. The IPCC is represented, it makes its requests and whenever it makes its requests, obviously, Government and myself will be looking at those requests, and we do consider those requests. It is for the IPCC to determine in what way it wants to organise itself; the quantum of staff it will require, and how many other resources it will require.

The Leader of the Opposition is talking about Terre Rouge in the North and this and that, I do not run the Police; I do not give direction as to who is going to be posted at which Police Station; who is going to be in charge there. It is for the Commissioner of Police to run the Police Force, and we must bear in mind that he is also independent.

Let me say this, Mr Deputy Speaker, Sir, - complaints emanating from Police Officers who are posted, whether at Terre Rouge, whether in the North, and for me, anywhere on the island and at any Police Station, wherever there is any complaint, it has to be attended to; and equal attention must be given to the complaint. And, of course, if there are Officers who, instead of maintaining law and order, are themselves going against the law, the Commissioner of Police will assume his responsibility and will take necessary actions. And we are proud that we have put in place an independent organisation which did not exist under the Government of which the hon. Leader of the Opposition was a Member, a front bench Member, in fact. So, we have put it in place. I do understand there are cases that take some time. We do need to see how we can expedite matters, and it is not only for the IPCC but for other institutions also at the level of the Police, whenever there are enquiries, and we know that there are cases that take time. And we all want to see the conclusion of a case so that any action that has to be taken is, in fact, taken. That is why I say we are progressing, we are, in fact, giving the opportunity and venue for those people who are victimised to seek a remedy.

The Deputy Speaker: A last question, short! Time is done!

Mr X. L. Duval: Mr Deputy Speaker, Sir, thank you for politely telling me it is my last question; that does not happen often.

Mr Deputy Speaker, Sir, I would like to ask the hon. Prime Minister whether it is not he who has appointed the Head of CID under contract. So, to say that this has nothing to do with the Police does not hold water.

I would like to ask the Prime Minister now on serious issues concerning changes to the law. In the UK, the equivalent of IPCC has the power of arrest. Therefore, it is feared by Police Officers; it is taken seriously. Here, in Mauritius, the power of arrest has been expressly excluded from the authority of the IPCC; that is a major flaw. The second flaw is that, Mr Deputy Speaker, Sir, the IPCC, can only – except for cases of death – initiate an inquiry after a complaint.

For some of these videos, there is no complaint; it is just a video. Evidence has come forward. And the third thing, Mr Deputy Speaker, Sir, is that even the Police can only refer cases to the IPCC when a complaint has been made.

There are serious changes to the law, not only to the staffing, to the vehicles, etc., but to the law which would give additional power to the IPCC for it to do its job so that this whole issue of Police torture and Police violence, Mr Deputy Speaker, Sir, is severely reduced, if not completely curtailed.

The Deputy Speaker: Thank you.

The Prime Minister: Mr Deputy Speaker, Sir, the organisation in the United Kingdom is somehow different from what obtains in Mauritius. In the United Kingdom, you have the Independent Office for Police Conduct. There, they categorise the complaints mainly into three categories –

- (i) one category which is investigated by themselves as an institution;
- (ii) one category when they direct the Police to carry out investigation under their control, which is not the case here. Here, the Police has no right to investigate into the doings of a Police Officer; it has to be referred to the IPCC, and
- (iii) and a third category when where they will just instruct the Police to deal with it themselves.

So, it is not the same law, the same provisions that apply in Mauritius as opposed to the UK. Talking about changing the law, as if we know that we have to give this and that, reminds me of what has been said by some Members of the Opposition recently. When talking about Police, about torture, they were making hue and cry about why is it that we are not amending the law, we are not coming with the Police and Criminal Evidence Bill, but it is good that people be made aware. We shall see; this Government will see whether we shall come with a Bill or not, but let us see what has happened in the past.

On 10 April 2013, the then Labour-PMSD Government had approved at the level of Cabinet that a Bill be circulated. I hope you do remember. I am trying to refresh your memory.

Mr X. L. Duval: Yes, nine years ago.

The Deputy Speaker: Order!

The Prime Minister: You do remember! On Tuesday 16 April 2013, at the Sitting of the National Assembly, on the Order Paper, the Police and Criminal Evidence Bill, First Reading, Mr Deputy Speaker, Sir! Very good! We congratulate this Government! Then, at the Sitting of

Tuesday 23 April 2013, the then Attorney General, Mr Yatin Varma, gave notice of his intention not to move the Second Reading of the Police and Criminal Evidence Bill.

(Interruptions)

Since then, Mr Deputy Speaker, Sir, since 2013, what has happened? They could not give birth! Maybe, Leader of the Opposition, it is still in your drawer. It is still there! And they are giving lessons! Do this; do that! They have introduced a Bill; First Reading, and it has died. So, you must be serious. But, anyway, that does not mean to say...

(Interruptions)

The Deputy Speaker: Order!

The Prime Minister: ...what the Opposition says is something else. To me, it is something else. What we need is to assume a responsibility. I am not saying that everything is perfect, Mr Deputy Speaker, Sir. There is obviously room for improvement. There is always room for improvement, and we look at how, in what way, we can make our institutions become more efficient and then, of course, also take into account the budget that we have because the budget is not only for one institution. It is not only for another institution. It has to be distributed in such a way that each institution is able to perform in the most efficient and effective manner.

Thank you.

The Deputy Speaker: Thank you very much hon. Prime Minister.

MOTION

SUSPENSION OF S.O. 10(2)

The Prime Minister: Mr Deputy 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.

The Deputy Prime Minister seconded.

Question put and agreed to.

PUBLIC BILLS

Third Reading

On motion made and seconded, the Appropriation (2022-2023) Bill 2022 (No. IX of 2022) was read a third time and passed.

Second Reading

THE FOOD BILL

(NO. X OF 2022)

Order for Second Reading read.

The Minister of Health and Wellness (Dr. K. Jagutpal): Mr Deputy Speaker, Sir, it is my honour and privilege to bring to this House the Food Bill 2022 which will repeal and replace the Food Act of 1998.

The new Bill aims at modernising and consolidating laws relating to Food Safety and to all other matters directly linked to such issues. Food is a matter of concern for all of us and safe food is a must to ensure good health. Food can either be unprocessed like fresh vegetables, frozen, like meat or fish, or processed, like canned food or ready to eat products like cereals and dairy products amongst others.

Mauritius gets its food both locally and from imported sources. Food Safety ensures that products that are consumed by humans are free from any contaminants which are likely to alter its integrity and pose a threat to human health. It also ensures that the food we eat has been processed with stringent norms relating to hygiene at all stages of production. It is a must that the food we consume complies with the basic human rights of each and every citizen. We should thus ensure that there is no alteration in the food purchased and that the consumer is getting the product that he is paying for.

The aspect of traceability in all stages of production, distribution and sale is a prerequisite. A consumer should thus, amongst others, be clearly informed of the country of origin of the food product he is consuming. Our enforcing bodies should be aware of how and where the product has been processed and how it has been distributed before reaching the consumer.

Climate change is another aspect which has a bearing on food production patterns. With soaring temperatures, stringent adherence to cold chain management is a basic necessity. In order to ensure same, we have already implemented the use of temperature monitoring devices in all

food retail outlets as from 2021. This allows ensuring that food products which have to be kept frozen or chilled are always kept at required temperatures. Our enforcing bodies also monitor that chemical products, boosters, veterinary drugs and pesticides are only present at permissible levels in food products. Such controls are carried out by the Ministry of Health and Wellness in collaboration with the Ministry of Agro-Industry and Ministry of Blue Economy. However, due to the fast pace with which the food industry is evolving, the current Food Act has started to show its limitations.

Mr Deputy Speaker, Sir, the World Health Organisation states that a lack of safe food prompts a vicious circle of disease and malnutrition. This, in turn, leads to public health issues which also impacts on socio-economic life and the general well-being of our population. The Ministry of Health and Wellness, through its Public Health and Food Safety Inspectorate therefore has a crucial mandate. It has the duty to ensure that food made available to our citizens remains free from toxins, contaminants and any other adulterants which might constitute a health hazard.

The threat of food borne diseases is more than ever a public health issue and the following statistics concur with this observation. In the year 2021, almost 3,000 patients had to be hospitalised due to food borne diseases. Almost 200 patients were admitted as a result of food poisoning.

As for our Public Health and Food Safety Inspectorate, it regroups 101 Inspectors who are deployed across the island. Currently, we have 13 Regional health offices (Bureau Sanitaire) in all parts of the island monitoring all issues pertaining to food hygiene, safety and trade.

From January 2021 till date, more than 27,000 inspections were carried out in various food retail outlets, restaurants and snacks. For the same period, around 1,700 food samples were taken for microbiological, chemical and forensic tests. 382 contraventions for various breaches to existing laws on food safety were drawn.

Mr Deputy Speaker, Sir, as mentioned earlier, some provisions of the prevailing Food Act which was enacted in 1998, 24 years back, no longer respond to the current situation and specificities. The new Food Bill will allow us to address the various shortcomings of the current law. It has been worked out in close collaboration with the World Health Organisation through the technical assistance of Dr. Bittisnich, our Australian Consultant, who worked alongside a

Technical Committee set up by the Ministry counts more than 20 years' experience in the review, development and management of food, nutrition and biosecurity.

This proposed Bill has been drafted based on a comprehensive desk review and analysis of various legislations in different jurisdictions, including Australia, Singapore and the United Kingdom. It is benchmarked with the highest international standards in this sector. We also took on board the views of key stakeholders in the drafting process. Other valid proposals made by our local stakeholders will be addressed through regulations.

The food industry is also subject to constant change and innovation and we have to exercise control accordingly in the best interest of consumers. The current legislation is supported by a set of 500 regulations, and they will also need to be revised to cater for our current needs and challenges. Such regulations cater amongst others for the control of food hygiene, of cleanliness in food outlets. We also have regulations which are applicable to food handlers which establish for their personal hygiene and sets out specifications for their place of operation.

In the same way, food transport vehicles are also subject to stringent regulations. This Bill will thus rightly pave the way for the Ministry to come up with a new set of Regulations which is already being worked out by officers of my Ministry along with our Consultant, Dr. Bittisnich.

We should bear in mind that our country is engaged in a relentless fight to curb down the prevalence of non-communicable diseases. Over the years, we have advocated various measures in that direction. We have, for example, imposed controls on the level of salt present in food products in our regulations. The new regulations will allow for further controls, like for the levels of trans-fatty acids, genetically modified organisms and sugar in food products. I am informed that a first draft of the new set of regulations is ready. Our Consultant, Dr. Bittisnich, is expected in Mauritius in July 2022 for a series of consultations with all relevant stakeholders.

Mr Deputy Speaker, Sir, I will now go through some of the major setbacks we had with the 1998 Food Act, and elaborate on how the Food Bill 2022 will address these issues. When it comes to the very interpretation section of the Act, there were some shortcomings regarding the whole chain of food processing and manufacturing.

Currently, our legislation is not aligned with certain updated standards enumerated in the Codex Alimentarius. The Codex Alimentarius is a collection of internationally recognised standards, codes of practice, guidelines and recommendations made by the Food and Agriculture Organisation (FAO).

Among the various new proposals we are bringing forth, we are coming up with a new definition for “Article”. The current law only allows for the control of foodstuff. Henceforth the term “Article” will encapsulate any food, any appliance, any package, any contact material and any labelling or advertising material in connection with the sale or production of any food. This will allow us to widen the scope of the law so as to include all the components involved in the preparation of food.

We are also introducing new notions, namely, extraneous matter and filth, which are currently absent from the law. Extraneous matter will cover any objectionable foreign matter in any article including filth. Filth will specifically refer to objectionable matters contributed by animal contamination or insanitary conditions. Such new legal provisions will henceforth allow to differentiate between what should be considered as forming part of a food and what should not. By doing so, we are doing away with any ambiguity which might crop up in court cases.

The definition of food is also being updated to do away with any form of ambiguity. In fact, not all substances consumed by human beings can be considered as food according to law.

The new Bill will remove items like feed, plants prior to harvesting, drugs or medicines which are clearly defined as non-food, from the purview of the Food Legislations. Such products are regulated by the Pharmacy Division of the Ministry and the Ministry of Agro-Industry. In our drafting process, we also realised that we had to widen the definition of food business which currently only applies to food involved in commercial operation.

Food distributed for charitable purpose could not be controlled. We are now proposing to include all entities whether private or public, profit or non-profit, engaged in any stage of food manufacturing, process, packaging, storage, import or distribution under the umbrella of Food Business. Likewise, we are also proposing the new notion of Food Business Operators. It will englobe any person running a business related to food, so as to know precisely who is responsible for a food business.

The Bill also stipulates that no person shall operate a food business, unless he is registered as such under the Business Registration Act. Over the years, we have found that such details are crucial, particularly in cases of non-compliance and when legal actions are contemplated. The current food laws also do not cater for the element of food hazard. Hazard pertains to any biological, chemical or physical agent or even condition of food, likely to cause an adverse effect on human health will be considered as a hazard. Henceforth this will be clearly spelt out in our laws. We deemed it important to clearly define the types of contaminants associated with food and whose presence renders food unsafe for human consumption. In order to be able to do so, we have to conduct microbiological tests which allows to detect the presence of harmful micro-organisms in food. The Bill will thus review the definition of Food Microbiologist so as to allow this professional to specifically look for pathogens in food products.

Mr Deputy Speaker, Sir, eating habits are subject to constant change and innovation. Some years back, who would have thought that internationally, humans would be consuming flowers and insects? Some food products are also artificially grown in laboratories. The Bill will thus also cater for such novel food which is being defined as food which do not have a history of being safe for human consumption and which require an assessment to define its impact on human health. We have also proposed to clearly spell out conditions relating to the import of food in Mauritius.

Mr Deputy Speaker, Sir, in addition to the controls carried out by our Public Health and Food Safety Inspectorate, it is essential that Food Business Operators are aware of their legal responsibilities. We will only then be in a position to ensure that food on our market is compliant to laws and above all, safe to consumers. Section 5 of the Food Bill sets out a clear list of responsibilities which shall be upheld by any Food Business Operator. Among the new measures proposed, the Bill will instruct Food Business Operators to ensure that no person, likely to be suffering from an infectious disease, is involved in any stage of food production, processing, storage or distribution. The Food Business Operator will be required to inform competent authorities of any event constituting a threat to the integrity of his food product.

Mr Deputy Speaker, Sir, we have seen over the past week the whole issue regarding the safety of a particular bottled water sold in our local market. While this Bill ensures that the Food

Business Operator shall notify any matter liable to pose a threat to human health, to our Public Health and Food Safety Inspectorate, we are of the view that the legal provisions should go further. In order to ensure such compliance at all times, we will propose to further strengthen our laws through amendments at Committee Stage. We will propose that henceforth, both Food Business Operators and laboratories, whether public or private, have to disclose matters of public health interest to the relevant authorities.

The Food Bill will also broaden the powers of the Authorised Officer. The Authorised Officer shall be designated by the Supervising Officer and he will have the duty to ascertain that all provisions of this Bill as well as regulations made under it are fully complied with. The new powers of the Authorised Officer will allow him to enforce the law in a more efficient and effective manner. It is crucial to gather as much evidence as possible in order to strengthen court cases during trials. Henceforth, this Officer will be allowed to secure photographic, visual and audio elements for use in court cases. In the exercise of his duties and whenever he has reasonable doubts to do so, he will be able to stop, detain and search any vehicle likely to be involved in any given stage of the food business.

In order to provide added security and protection to the Authorised Officer, this Bill provides that he is accompanied by a Police Officer in the discharge of his duties. Our aim is to empower both enforcing officers as well as those involved in the food business, so as to guarantee safe food for our consumers. This Bill, at Section 12, rightly provides for the owner of any article seized to be treated fairly. Henceforth, the owner of a seized article will be able to apply for a court order directing the Authorised Officer to release the article seized should he feel that he has been unfairly treated. While this Bill is providing extensive powers to the enforcing officers at Section 4, this provision ensures that there will be no abuse of procedures. The new Food Bill also clarifies the legal responsibility when it comes to the cost incurred in the destruction or disposal of seized articles. The current legislation does not specify who shall bear the cost burden and for some isolated operators, this was an open door to abuse whereby even the cost of logistics and transport were shifted to the Ministry. Henceforth, the entire cost implications will be borne by the owner of article seized.

Mr Deputy Speaker, Sir, Section 15 of this Bill is also a new legal provision and it provides for food recall triggered by a Food Business Operator. The Public Health and Food

Safety Inspectorate has two means to ensure compliance to the provisions of food legislations. It can either carry out routine regular checks with Food Business Operators and it can also act whenever there is a complaint suggesting noncompliance. Very often, the Food Business Operators are themselves the best judges of the safety of their food. Henceforth, they will have the legal obligation to inform the Ministry of Health and Wellness of any such issue which puts public health at stake.

Mr Deputy Speaker, Sir, several ambiguities have been noted in the current Act regarding the utilisation of legal tools like prohibition orders and improvement notices.

Section 17 of the Bill clears the uncertainty of the present legislation by explicitly detailing the line of action to be adopted in each case. This new section will also provide the Food Business Operator with the possibility to make an application to a court of law in case his appeals to the Ministry are not acceded to.

The current Food Act is also silent on the corrective measures to be taken by the Food Business Operator whenever the latter is in a situation of noncompliance. If such corrective measures are not taken in prescribed delays, henceforth a Food Business Operator whenever might be asked to discontinue its activities up and till it does not comply the legal dispositions in force.

Mr Deputy Speaker, Sir, another salient point in the bill is the time limit for prosecution. Currently, the time limit is of 90 days and with this Bill, it has been extended to 12 months. This will provide adequate length of time to fully investigate into offences and gather evidence before prosecution. It should however be noted that in offences where samples have to be taken for chemical analysis, the time limit of 90 days is being maintained. This is to ensure samples' integrity in case there is a challenge during court proceedings.

Section 22 of the Bill is a new provision aiming at protecting the authorised officer from any civil liability during the performance of his duties. This protection is applicable as long as the authorised officer has acted in good faith.

Finally, Mr Deputy Speaker, Sir, the proposed Bill is increasing the fine for a convicted Food Business Operator from Rs2000 in the current Food Act to a fine not exceeding Rs100,000

and imposing a term of imprisonment not exceeding 2 years. In the case of corporate bodies, the fine imposed should be not less than Rs100,000.

Mr Deputy Speaker, Sir, this Bill will also pave the way for the introduction of innovative and forthcoming measures regarding food safety and nutritive value. Budget 2022/2023 has rightly proposed the setting up of the Mauritius Food Standard Agency. The Mauritius Food Standard Agency will among others act as a Body assessing and proposing food standards for adoption. It will also coordinate and review our whole food control system. My Ministry is also finalising its new food fortification programme which will ensure prescribed levels of folic acid, iron and vitamin B12 in flour consumed in Mauritius.

We should therefore, have the required framework to ensure that these measures are strictly adhered to and that consumer rights are upheld at all times. The legal framework we are setting up will largely contribute in allowing us to achieve our objectives. Our success will also depend and rest upon the shoulders of our enforcing bodies. The Public Health and Food Safety Inspectorate will have to operate with renewed urgency and commitment.

Mr Deputy Speaker, Sir, I am confident that this Bill will further protect our population when it comes to the safety of the food our citizens consume.

With this Bill, we will be at par with the highest standards like those in force in countries like Australia and New Zealand. These countries have proven track records in this domain and the positive impact such measures have had on their population is tangible.

If we are able to come up with such innovative measures and principles for our Food Safety, we have to be grateful to the support and trust of our hon. Prime Minister Pravind Kumar Jugnauth.

I will end by thanking all officers of my Ministry as well as all the stakeholders of the Food Industry who have worked together to come up with this Bill. I also wish to commend the precious support, unconditionally forwarded to our country by the World Health Organisation. Finally, I am grateful to the contribution of my colleague, the Attorney General, hon. Maneesh Gobin as well as his officers for their valuable assistance in the preparation of this Bill.

With these words, I commend the Bill to the House.

The Deputy Prime Minister seconded.

The Deputy Speaker: Hon. Dr. Boolell, please!

(4.10 p.m.)

Dr. A. Boolell (First Member for Belle Rose & Quatre Bornes): Thank you very much, Mr Deputy Speaker, Sir.

Let me say right from the outset that this is a non-controversial legislation and I am sure there will be wide consensus in relation to the provisions of the Bill. The Minister has stated - and I like the way he has delivered his speech; nice tone, non-controversial - very clearly that this new legislation on food safety was prepared with technical assistance from the World Health Organisation and the services of an expert from Australia were enlisted. Now, the Bill has been moved and, as we say, the proof of the pudding is in the eating.

But I must draw the attention of the Minister to some shortcomings though the Minister mentioned that there will be provision for the setting-up of a Food Standard Agency. Am I right? This is what you said. Now, I would have expected the Minister to go the full hog and set up a Food Authority. There is provision for the setting-up of a Food Authority in the Indian legislation and it works very well. I am not going to go through the provisions of this Food Authority, but let me say that be it in New Zealand or New South Wales, it is an Authority that delivers and it is almost like a one-stop shop.

The Minister stated in no uncertain terms that there was wide discussion at the bar of public opinion with all relevant stakeholders. We would like to know when and who were those stakeholders, whether food hawkers were roped in, whether there was wide discussion and whether their views were taken onboard.

I have noted in the legislation that there are also dispersal of responsibilities and effective powers. One of the shortcomings of similar legislation is the lack of inter and intra-institutional coordination, and the way forward to address this issue is to set up a One-Stop Shop Oversight Operator Committee.

Mr Deputy Speaker, Sir, let us look at the legislation per se in respect of deterrence and enforcement of the provision. Doubt lingers as to the effective application of the provisions of the legislation; how to strike the balance between deterrence and enforcement. But the Minister knows very well that if the law is applied in all its rigors, many operators will have to cease their

activities. The Minister of Health may argue, in respect of provision in the legislation, that there is a transition period of six months for ongoing business, but as for newly registered business which comes into operation after the new Act is proclaimed, it certainly may be an uphill battle to be in full compliance with all the relevant regulations, because as we say, the angels or the devils are always in the regulations. And there is a clear object, that is, to level up, and the levelling up should be done in stages.

Of course, nothing should be at the expense of our health status. And I recall well, when the Government, the Minister of Health and Quality of Life acted without fear and prejudice to warn fast food operators like KFC and many alleged reputed restaurants to take corrective sanitary measures to be responsive to the provisions of the Food Act. It is one thing reading the Riot Act without fear or prejudice, but I appeal to the Minister, his object should be putting deterrence first, and this should be the best endeavour. However, there should be no selective or arbitrary target and action.

Mr Deputy Speaker, Sir, from farm to fork, sanitary and phytosanitary measures have to provide safety and there cannot be security without safety. As a net food and feed and fertiliser-importing country, we have the moral and legal obligation to protect consumers and widen the circle of opportunities for food vendors to operate in healthy, secluded or open premises. Food courts make it easy for services to be delivered in compliance to sanitary norms. And there should be no approval of application unless pre-initial criteria are met; these are followed within a reasonable time by a set condition. And this is not spelt out, it is not clear in the legislation; maybe these will be spelt out in the regulations.

Mr Deputy Speaker, Sir, the law cannot be an end to itself and the culture of impunity is due to the inability of the regime to empower the small food victuallers and street vendors. There are lessons to be learned and drawn from operators and authorities of East Asian countries or United Arab Emirates on norms and standards of food consumption. The United Arab Emirates is a free port and raw bulk commodities like seafood from India or Oman are rinsed, washed, chilled, irradiated and then vacuum packed for consumption. The test of fitness for consumption is rigorously applied. I know of a Mauritian entrepreneur operating in Dubai, who is investing in a warehouse to produce vacuum packed food for export. I am sure it can be done and it should be done in our great little Republic. There was a time when exporters were encouraged –the

Minister of Civil Service, I am sure would recall – to export vacuum packed pineapples, but it was not to the taste of buyers and consumers.

Mr Deputy Speaker, Sir, as I have stated earlier, be it the little angels or the devils, they are always in the details and the law is flawed if the regulations are not constantly updated. But these regulations are never-ending processes. But let me appeal to the Minister, these regulations should not be a passport for harassment or persecution. I am sure the Ministry will adopt a carrot and stick approach, non-compliance, of course, and loopholes are largely due to the absence of – what I stated earlier – a One-Stop Shop Operator Oversight Committee. There is a clarion call for professionalism to level up.

Mr Deputy Speaker, Sir, I stated earlier where the provisions for the setting up of the Food Authority are. In India, as I have stated, it operates under the Food Safety and Standards Act of 2006; enquiries on registered complaints are conducted in all discretion, and I hope this will be taken onboard when registered complaints are conducted. Now, the New South Wales Food Authority is a Government agency that works to ensure food sold in the State is safe and correctly labelled and that consumers are able to make informed choices about the food they eat.

Mr Deputy Speaker, Sir, I am sure the Minister is aware of the story of Mary, the cook who was barred from working because of oral-faecal transmissible viral hepatitis A, and the Minister of Health highlighted earlier the number of cases referred to hospitals in relation to foodborne diseases. And those who handle the food should not be carriers of infectious diseases and provisions in the legislation make it quite clear that the onus of compliance is on the operator. Why? Because those who handle food should not be carriers of those infectious diseases which, as I have stated, can easily be transmitted. And hygienic compliance is the rule and the norm. If not, if there is no compliance, closure becomes inevitable. But again, I appeal to the Minister that there should be no violent disruption of the business. The application should not be abrupt; enforcement is undertaken on the basis of surveillance, monitoring and inspection, and there should be a random sampling of food products carried out diligently by the officers of the Food Safety Department. This is the case in respected jurisdictions and this is what makes the difference.

Mr Deputy Speaker, Sir, I don't know when you have been to an open market where you walk into the meat and fish sections of the Central Market in Port Louis; something which I

enjoy and do regularly, irrespective of the hygienic status. But it is not the sellers or victuallers who are the guilty parties, but the authorities. Where are the facilities that should be provided by the local authorities? When you walk in there, Mr Deputy Speaker, Sir, there will always be greenfly humming and you may be lucky if it lands on your nose, or if the Speaker was here, I would have said in his mouth if he dropped his jaw open. But you know, when you walk in there, you should never be loud-mouthed because you are in for a big surprise.

The Deputy Speaker: Do not make comments! Hon. Dr. Boolell, withdraw the comment!

Dr. Boolell: Sorry?

The Deputy Speaker: You withdraw the comment, please!

Dr. Boolell: Alright, I withdraw it.

The Deputy Speaker: Thank you!

Dr. Boolell: You are so nice that I will withdraw it.

The Deputy Speaker: Avoid it! Avoid it!

Dr. Boolell: Now, the Minister mentioned extraneous material and you know, there are always droppings from rats or birds and these have to be addressed because if we are talking about extraneous material, let us start where these things happen. So, when we come to the applicability of the law, the Minister will have to be explicit on the applicability of measures taken to address the sensitive issue, I have stated, of food security from farm to fork.

Mr Deputy Speaker, Sir, we all enjoy a cheese, chicken burger or fried chicken, but we have to be mindful of saturated cooking oil. I do not know how often samples are taken in these fast food restaurants and one of the biggest problems that consumers face is the use of saturated cooking oil. The cooking oil, as we said, is being used over and over again; it is saturated fat, and we do not need the American Heart Foundation to tell us of the high incidence of cardiovascular disease on our island. You even have to be mindful of over grilled food, if not, you may grill your health with carbon produce, which is carcinogenic.

One thing which I expect the Minister to do - I am sure he will do it - is to wage an aggressive campaign on food safety as prevention is better than cure. A culture of food hygiene

has to be inculcated. The craze today, as you said, is organic and health food for the sophisticated health conscious, but these choices have to be extended at an affordable price to all. Otherwise, it can be garbage in, garbage out. A healthy nation eats well and exercises well.

Mr Deputy Speaker, Sir, agriculture and agribusiness have to be smart. In my intervention on the Budget, I appealed to Government to create the enabling environment to attract venture capital smart agro-industry, what we call, control water and fertilisers to produce quality produce of what we eat and eat what we produce. Smart agriculture is an open field, and under shade houses on a large scale, intensive but healthy. Intensive farming or breeding is not always healthy if the optimum conditions are not established. There is, of course, an endless debate as to the origin of COVID which is still prevalent. Is it the Wuhan Open Market? Time will tell. But herding of live animals is an obvious source of infection; live crabs, lobsters stacked in aquariums or baskets are not as fresh as customers think. A fish monger knows that he should not sell thawed produce as fresh.

Before I come to the specific provisions of the Bill, the Minister will have to be clear on implementation and enforcement. Will all the provisions be proclaimed and the bundles of regulations applied with immediate effect? When will the updated regulations come into force? Before these regulations come to force - I know he has stated it at the beginning of his speech that he had a meeting with the stakeholders, they have been properly sensitised, but it is relevant that they are apprised fully in relation to regulations. Otherwise, if those regulations are applied, it may be the demise of those small enterprises. That is why I say that these have to be discussed and the consequences have to be weighed. If not, the sellers of *briyani*, *halim* or dim sum or ice cream who park their vans or tricycles in the main or in side-streets or backstreets will indeed have to cease their activities if wrong signals are conveyed. And it is easy to catch them on and off guard.

Mr Deputy Speaker, Sir, let me come now to another craze - the craze for organic food and meatless produce, which the Minister mentioned, and it is big business. It is the wave of the mushroom mania and the global market for plant-based products could exceed USD160 billion by the end of the decade, making up 7.7% of the world protein market. Plant-based meat alternatives are predicted to exceed USD74 billion by 2030 up from around USD4.2 billion currently with industry giants like Beyond Meat, Impossible Foods, Eat Just and Oatly helping

drive the market momentum. It is an opportunity knock and Mauritius has to attract potential investors and encourage the emergence of incubators. EDB cannot sit on its laurels and expect manna to fall from heaven. It has to go where the investment is. Grow soya and eat chicken drumstick prepared from soya, or steak from mushrooms.

But, Mr Deputy Speaker, Sir, we are also exposed to fake produce and the Minister will have to err on the principle of caution. Consumers have to be protected from artificial produce like crab sticks or meat balls, novel food on sale, and it is detrimental to health. Both of these produce are imported from China and Malaysia. The importance of concluding Free Trade Agreement is to prevent dumping and to ensure, Mr Deputy Speaker, Sir, compliance to sanitary and phytosanitary norms established by World Trade Organisation and by Most-Favoured Nation. This is relevant to compliance. Section 3 establishes conditions for import of food, but there is oversight when times are hard. They advertise for import of low quality produce which have high colouring content and chemicals like Monosodium glutamate to make them look appetising.

Mr Deputy Speaker, Sir, these and many other produce are advertised and there is no scrutiny. When was the last chemical analysis carried out in respect of these produce which are sold in our hypermarkets or supermarkets and which are not even subject to proper scrutiny? Therefore, no chemical analysis is carried out. Besides, there is a clarion call to ensure inter and intra-institutional cooperation and collaboration of accredited labs to avoid duplication and overlapping of resources. The Food Microbiology Lab of the agro-industry is doing a professional job, but needs to be strengthened.

Let me now come to the temporary ban on the sale of flat bottle water manufactured by Quality Beverage Ltd (QBL). According to QBL, all their internal tests are negative, but external tests have to confirm the findings. The Minister mentioned it, but he has to apprise the House that nothing is confirmed or agreed until final tests are carried out by the Central Health Authority Laboratory. The principle of nothing is agreed until everything is agreed by Central Lab is the thumb rule. But the private labs are accredited by relevant organisations, and the Minister has to clearly spell it out whether results from private labs are full and final or whether it is the final test carried out by the Central Health Authority Laboratory which is full and final.

Mr Deputy Speaker, Sir, there should be a coordinated thrust and under Section 11(5) (a) and (b), there is a need for clarity over the definition of “as soon as reasonably practicable” for analysis of sample and the issuance of certificates to certify the results of the analysis or examination. There are provisions under Section 16 for an improvement notice and the operator has 14 days to remedy. The public has to be fully apprised.

Mr Deputy Speaker, Sir, a lot of other tests and protocols related to other standards, I am sure, are being followed and have shown no issues. The issue identified by the MSB, as you say, hit the Vital flat water only. But random tests have to be carried out, and we should not only be selective. If it is QBL today - I am sure all water which are sold in the shops, we take it for granted that they are fit for consumption - I am sure that procedures are followed, and the protocols established certainly are there to be adhered to.

Now, the issue of collaboration and good working relationship, we have to make sure that there is a good working relationship with MSB to evaluate the robust system and to see how they can be adapted and improved to meet their standards. This is not always there; there is room to narrow this deficit. I hope the Minister will look into it, and I expect him to tell us whether for the private labs also, when the tests are carried out, it is important to know whether the tests carried out are full and final, as I stated earlier, or whether we have to wait and rely for the results of tests delivered by the Central Health Authority.

Mr Deputy Speaker, Sir, it is very important that we take corrective measures and we address issues upfront, and we make sure that we are not subject to undue penalty. I recall one exporter of samosa to EU lost its market because water was dripping from the sealing, allegedly, on the produce. And the Inspectorate Team from EU regularly assesses the export of tuna or any food export meet norms and standards of the EU. A flaw is fatal.

Under the Labour-led Government, there were experts posted at the Ministry of Agro-Industry to ensure full compliance with the Hazard Analysis Control Critical Point norms to meet EU standards on sanitary and phytosanitary measures. It is a question of export or die and, therefore, the seven steps of Hazard Analysis Control Critical Point are relevant to mitigate the impact of food hazards and high food risk.

I will come back to my good friend, the hon. Minister of Public Service, and he can vouchsafe that there should be no compromise, no retreat, no surrender on quality, norms and

standards. I have seen too many casualties because of greed and vain attempts to cut corners. We should say no to dumping. We introduced the Trade Act, that is, the anti-dumping and countervailing measures in 2010 to prevent domestic injury. Buyers and other sellers are always looking at us. And, as I say, Mauritius is not the most sought after destination by tourists, and the health of a nation is wealth, whether we buy Mauritians, of course, buy Rodriguans and save jobs, rest on quality of exotic produce. We cannot sweeten the honey of Rodrigues with sugar. The honey of Rodrigues used to be the world best, Mr Deputy Speaker, Sir.

Let me come on the unfettered powers. The authorised officers have almost unfettered powers as confirmed under Sections 8 to 11, and they have to act diligently and not use the prerogatives to have their palms greased and their pockets swollen. We place our confidence in them and they are expected to be fiercely independent.

On determination of compliance of an article, the withdrawal notice in the form set out in the Fifth Schedule provides the comfort to the aggrieved person. If it has to be disposed of, a Magistrate has to give consent. The authorised officer cannot act arbitrarily and his fulfilment rests upon a certificate issued by the scientific officer, that is, the Microbiologist or the Government Analyst.

Mr Deputy Speaker, Sir, unless an operator has acted in good faith, which is subjective, the person is subject to strict liabilities, and over and above a substantial fine, he or she may spend two years in jail. Besides, the Minister can prepare battalion of regulations to make life harder or hell to operators. And since charity begins at home, I would advise the Minister of Health to impress upon Agricultural Marketing Board to modernise its cool storage room where semi-perishable goods like potatoes, onions and garlic are stored. As to the Mauritius Meat Authority, there is room for sanitary improvement. Kitchen hospitals need good hygienic uplift. So, the Minister certainly has, not an arduous task, but it is important that there is a wide campaign to sensitise stakeholders on the merit of this legislation.

At the end of the day, a host of accompanying measures should be extended to operators to comply with the provisions of the major legislation. It is a question of life and livelihood, Mr Deputy Speaker, Sir, an era of cost of crisis of living. So, I hope that the Minister will not act abruptly; there will be constructive dialogue with all the stakeholders; they will be impressed as to the merits of the legislation, but I expect the Minister not to disrupt their business. Because as

matters stand, the regulations are such that it may bring the business of people and those who are earning a livelihood as small entrepreneurs, those who are working as food hawkers, their businesses can come to a standstill. I am sure the Minister will live up to the expectation of one and all. And this Bill has its merits; its merits far, far outweigh some of its demerits. But, at the end of the day, we have to respond to the needs of those who are weak, vulnerable but desperately trying to earn a decent living.

Thank you very much.

The Deputy Speaker: Thank you very much. Hon. Minister, you are ready now? Hon. Mrs Koonjoo-Shah!

(4.39 p.m.)

The Minister of Gender Equality and Family Welfare (Mrs K. Koonjoo-Shah): Mr Deputy Speaker, Sir, thank you for allowing me to contribute to this important piece of legislation and I will begin by congratulating my colleague, hon. Dr. Jagutpal for presenting this Bill, today, before this House, the Food Bill.

Mr Deputy Speaker, Sir, allow me very politely to take up a couple of reservations, address these reservations, the ones that were raised by hon. Dr. Boolell during his intervention. He mentioned something about probable persecution of street food vendors and hawkers. Allow me to reassure him and the House, Mr Deputy Speaker, Sir, that this Bill is not a way for harassing these street vendors. It will be in the interests of everybody when our food standards are raised; and this is what consumers look for generally. So, there is not going to be any persecution. The regulations are not meant to persecute people but rather to ensure that our population benefit from an appropriate set of standards and appropriate quality and obviously benefit from healthy and safe food.

Very interesting couple of words being used by the hon. Member who spoke before me, and he began by saying this is a noncontroversial piece of legislation. I am very happy to note that. In fact, I will go a step further by saying that it is a very commendable piece of legislation which is coming after 24 years and repealing the Food Act of 1998. Again, it is possibly not a perfect Bill, I would agree, but every Bill is perfectible. So, when we talk about the reservations that hon. Dr. Boolell voiced out earlier on, sometimes about sampling size and frequency of

testing and dedicated resources to carry out such inspections, allow me, again, to reassure the hon. Member and the House that I am certain that the team at the level of the Ministry of Health and the mover of the Bill, the hon. Minister will consider all these details in due course during the implementation of this Act.

Mr Deputy Speaker, Sir, as said by the mover of the Bill earlier on, the overall object of this Bill is to repeal the Food Act of 1998 replacing it with a more modern, a consolidated legislation which relates to the safety and nutritional quality of our food. Mr Deputy Speaker, Sir, much has changed after twenty-four years, food being manufactured, handled, delivered, consumed in different ways, and all this coupled with the increasing global trade which, obviously, calls for the update in this existing legislation. Moreover, with the changing food habits of our citizens, we have to ensure that food safety becomes an integral part of our concern for the health of our population. And I say this in the most amicable manner. When I was listening to the hon. Member earlier, Mr Deputy Speaker, Sir, it crossed my mind that this is the Bill that is going to prevent distribution of *macaroni périmé*. *Ti bizin vinn enn tipe avan mem sa*. I say it in the nicest way possible.

(Interruptions)

So, it comes at the right time; it will prevent you from those kinds of distribution in future.

(Interruptions)

I said it in good gest.

Mr Deputy Speaker, Sir, the Food Bill comes at the right moment, not because of macaroni, and the proof of the pudding is in the tasting.

(Interruptions)

We absolutely love that! The Food Bill, Mr Deputy Speaker, Sir, comes at the right moment as we are called upon to cope with all these emerging challenges related to the COVID-19 pandemic, obviously with the ongoing war between Ukraine and Russia - we have said it, we have accepted - has worsened the global economy, commodity prices have been rising, there have been massive disruptions in our supply-chains. And another challenge relates to the potential disruptions in the food supply itself due to climate change and natural resource risks

that we face and unfortunately the most badly hit are vulnerable households, including our women, in particular, single mothers or female-headed households and our elderly people.

The Food Bill at this juncture, therefore, is a timely move to mitigate these risks, one of which is addressing rise in food prices that obviously has been brought about with increase in fuel, cost of living and addressing household food insecurity within our country. This Bill looks at food safety in a very holistic manner and applies a better understanding of food regulation laws and defines harsher penalties for those who go against the law, enforcement and deterrence not prosecution at no level, and this will in turn ensure the safety of the food that we bring to our table.

It is, Mr Deputy Speaker, Sir, a fact that as our country goes on an upward development trend, our population will place more and more emphasis on quality and food safety. Mauritius, as we all know, has a unique blend of so many different cuisine: Indian, Chinese, African, European, our own quintessential Mauritian one and in our supermarkets, the range of products and foodstuffs keeps on expanding. With the introduction of this Bill, this Government, under the leadership of our Prime Minister, hon. Pravind Jugnauth, is ensuring that our population have access to healthy, safe and nutritious food which meets hygiene and safety standards.

Mr Deputy Speaker, Sir, food safety, including sufficient quantity, safe and nutritious food is an integral part of the Sustainable Development Goals for achieving a better and a sustainable future for all. The aim is to ensure that everybody has good-quality food to lead a healthy life. And in the same vein, this Government with the recent budgetary measures is focused on boosting an all-encompassing agricultural sector including plants, animals and fish production as well as their transformation. And by doing so, the policy decisions coupled with incentives to support our entrepreneurs, our local planters, Mr Deputy Speaker, Sir, these policies will reduce our dependency on imported food by promoting local crops, by promoting agro-processing, and smart agriculture.

In the Budget 2022-2023, the Government has already earmarked funds for the implementation of this law and the Agro-industry is considered to be a pillar of our economy with the Government aiming at higher levels of self-sufficiency to enable greater food security, but also to enable more investment, create more jobs and therefore higher growth as well. As already captured in the Budget again, grants will be allocated to planters to boost up their

production of fruits and vegetables. There have been new methods of cultivation to planters where they will benefit from various grants. It is timely, Mr Deputy Speaker, Sir, that our standards or food quality be raised to meet, not only the expectations of the population, but to bring us to international standards and we have an increasingly diverse and growing number of tourists as well who are already visiting our country, so upping our food quality standard is of prime importance.

Mr Deputy Speaker, Sir, this Bill also introduces substantial reforms to the regulatory regime for the safety and suitability of food. The standards that are set out in the Food Bill relate to advertisement and pricing. Shortcomings to those will be closely monitored and with a view to ensure quality food assurance, a healthy food safety eco-system and efficient food consumption patterns. The Food Bill at clause 3 lays the conditions relating to import of food. And sub-clause 3 (a) clearly stipulates that no person shall import into Mauritius any unsafe, misbranded or sub-standard food, or food containing any extraneous matter. The safety mechanisms provided by the Food Bill, Mr Deputy Speaker, Sir, will keep off food of inferior quality; misbranded food, for example: packages or advertisements displaying false or deceptive claims; or food containing non-permitted ingredients or additives; unhygienically processed food; or food that is simply infected with bacteria, virus, fungus, you name it.

Mr Deputy Speaker, Sir, the food business operators play a very big role in maintaining food safety in Mauritius. They have a multitude of responsibilities towards achieving food safety in their business and, therefore, should apply a proactive approach and not fear prosecution if they have this proactive approach, an approach in identifying the food safety hazards and establishing adequate control measures. It is good to note that the Bill puts greater responsibilities on the food business operators and, Mr Deputy Speaker, Sir, this Bill will ensure that food products that are unsafe for human consumption do not reach the Mauritian market shelves.

Mr Deputy Speaker, Sir, the health and the nutritional status of women and children are very much intimately linked. Nutrition plays a crucial role in the health and development of women and their children. It impacts on the cognitive development, on school performance, on productivity as a whole of our children. According to the World Health Organisation, better nutrition is related to improved infant, child and maternal health, related to stronger immune

systems, safer pregnancy and childbirth, lower risk of non-communicable diseases like diabetes and cardiovascular diseases.

Mr Deputy Speaker, Sir, the implementation of the provisions of this Bill will guarantee that our women and our children's health and development are very taken care of and this is a priority that has been consistently upheld by this caring Government led by our Prime Minister.

Mr Deputy Speaker, Sir, understanding the influence of gender on risk exposure and management is very essential for improving food safety. Both women and men have significant but different varying roles in food supply chains and in securing nutritional well-being of their family. Women, we acknowledge, are more responsible for food supply in households. Women, as it is most often the case, take more time when food shopping than men simply because they are more concerned when it comes to the quality of the food and as consumers, women are pivotal to making key decisions for households because they generally display higher standard of hygiene practices and are more receptive to receiving new information on health and food safety. Mr Deputy Speaker, Sir, consequently, women's empowerment and gender equity therefore become central to reducing the burden of foodborne illnesses.

With the evolution of the concept of food safety, Mauritius is now facing new challenges. We have moved away from a low-income economy to an upper middle and high-income diversified economy with growing industrial, financial and tourist sectors. Basically, Mr Deputy Speaker, Sir, we have changes in gender dynamics.

Therefore, on the consumption side, we take note that even our consumption patterns are changing; and in parallel our demands for food create new exigencies for import, storage, processing and distribution. However, one should also note that we have changes in the environment leading to food contamination. We have, unfortunately, new and emerging bacteria and toxins; we have changes in the tests that diagnose foodborne illnesses. Thus, Mr Deputy Speaker, Sir, the modernisation and the consolidation of the existing legislation has not only become a priority, it has actually become a necessity.

Mr Deputy Speaker, Sir, the population will recall that in 2013, the then Government had to stop the distribution of "*Repas Chaud*" after the food poisoning episode of some 90 primary students. The country has in the past unfortunately also witnessed the outbreak of the Salmonella and Foot and Mouth disease which affected cattle, goats, pigs, sheep and chickens. The

salmonella outbreak, Mr Deputy Speaker, Sir, affected nearly 10 % of the country's poultry farms in 2016. Hundreds of sheep and pigs had to be slaughtered. Not too far back, this year itself, the company Ferrero voluntarily had to recall certain batches of their Kinder chocolate products in Mauritius and across the world as a precautionary measure after several cases of salmonellosis were detected in Europe.

What I am trying to say, Mr Deputy Speaker, Sir, is that the World Health Organisation has estimated that almost 1 in 10 people in the world fall ill after eating contaminated food each year; children under 5 years of age carry 40% of the foodborne disease burden, with 125,000 deaths every year and at least 600 million people all over the world become inflicted with foodborne illnesses after consuming unsanitary food. And of these 600 million people, Mr Deputy Speaker, Sir, at least half a million die every year.

Mr Deputy Speaker, Sir, the Food Bill will ensure that we benefit from safe and nutritious food. This is key to sustaining life and promoting good health. Adulterated or unsafe foods not only have adverse health consequences but they have negative effects on our economy because this increases the medical costs incurred by the Government and can have adverse effects on the tourism sector as well.

Clause 11 of the Bill, Mr Deputy Speaker, Sir, provides for the analysis and examination of samples which will assist in detecting food safety concerns such as microbial contamination, heavy metals, improper use of additives and the Bill also makes provision for Food Recalls to ensure food safety and avoid any form of food contamination.

Mr Deputy Speaker, Sir, consumers also have a great role to play to maintain food safety. Consumers have the responsibility to purchase and check safe foods. This will compel food business operators and all businesses to uphold very high food safety standards. Even at home, in our household, the responsibility to keep the product safe rests on the consumer. Simple measures like proper hand washing, sanitizing the working area, proper segregation of fresh produce and cooked foods. In fact, food safety is the shared responsibility of everybody involved with food, from Government, the food industry and us as consumers.

To conclude, Mr Deputy Speaker, Sir, we are learning to live with all the changes that the COVID-19 has brought and at the same time, we have learned to take more precautions to protect ourselves. Food safety has become a worldwide concern and achieving food safety has

become more complex in the recent years. With more women at work, increase in incomes, change in food habits and lifestyles, there have been new challenges in the food industry with a wider variety of foods on the market and an increase in the number of fast food outlets.

As a duty-bound Government, Mr Deputy Speaker, Sir, we are confident that this piece of legislation will ensure better nutrition which we all know is fundamental to better health. This Bill demonstrates the commitment of the Government to always prioritise healthy lifestyle.

I once again extend my sincere appreciation to my colleague, the honourable Minister of Health and Wellness, Dr. Jagutpal and his entire team for their unshakable commitment to safeguard our health, that of our children and our citizens.

Long live the Republic of Mauritius.

I thank you all for your attention.

The Deputy Speaker: Thank you very much. I suspend the Sitting for 30 minutes.

At 4.59 p.m., the Sitting was suspended.

On resuming at 5.45 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Thank you very much. Please be seated. Hon. Dr. Rawoo, please!

Dr. I. Rawoo (Third Member for Rivière des Anguilles & Souillac): Mr Deputy Speaker, Sir, before starting my debate speech on this current Bill, may I take your permission to pay tribute first to Mohammed Twahair Badulah, who passed away early this morning in Makkah, Saudi Arabia. He was a senior Hadjj Officer since the creation of the Islamic Cultural Centre, and did bring important contribution for organisation of Hadjj pilgrimage. He was one of the most experienced guy for all pilgrims for decades. May Allah grant him *jannat* and my sincere condolences to the family.

My second tribute will be to one of my dear constituents in Constituency No. 13, Mr Vikram Sevathian, also known as Sebastian, who sadly passed away yesterday. Vikram was an active social worker who was deeply involved in food donation distribution to the needy across the island and in my Constituency No. 13. *Cet homme au grand cœur qu'on ne présente plus avait fait le buzz sur les réseaux en distribuant des repas chauds aux enfants les plus démunis. « Kan mo donn sa bann zanfan la, mo leker kontan, » avait confié Vikram à Wazaa FM dans une*

interview en 2021. Indeed, our country has lost a gem and a true patriot. On behalf of my dear constituents, I convey my heartfelt condolences to his family. May your soul rest in peace. We will miss you my dear friend.

Mr Deputy Speaker, Sir, access to safe and nutritious food is key to sustaining life and promoting good health. Around the world, an estimated 600 million, almost one in ten people, fall ill after eating contaminated food each year, resulting in 420,000 deaths according to the World Health Organisation. Food safety, nutrition and food security are closely linked. Unsafe food creates a vicious circle of disease affecting infants, children, elderly and vulnerable people.

Mr Deputy Speaker, Sir, we are going through challenging times due to the ongoing pandemic of the COVID-19 and also the war between Russia and Ukraine affecting to a great extent imports of food products. We have all learned in the wake of confinement, the necessity to have access to food. We do not need to forget that this caring Government took the responsibility to provide food packs for 35,000 households enlisted on the Social Register of Mauritius in March 2020 under the Ministry of Social Integration, Social Security and National Solidarity, hon. Mrs Fazila Jeewa-Daureeawoo, during the national lockdown and curfew.

Mr Deputy Speaker, Sir, on 07 June 2022, during this current Budget speech, hon. Dr. Renganaden Padayachy, Minister of Finance, Economic Planning and Development, announced the repealing of the Food Act which dates back to 1998 to replace it by a new Food Act to modernise and consolidate the laws related to the safety and nutritional quality of food. *Ki nou dir, nou fer! Ek nou pa perdi letan pou pass an aksion!* Only two weeks after this announcement, we are here in this august Assembly debating about this Food Bill. This shows that we are not in a government of *effets d'annonces*. In the Government led by hon. Pravind Kumar Jugnauth, we walk the talk.

Mr Deputy Speaker, Sir, during his introductory speech about this new Food Bill, my colleague in Constituency No.13, the Minister of Health and Wellness, hon. Dr. Kailesh Kumar Jagutpal, pointed out that the Food Act of 1998 no longer responds to the needs of the population. 24 years later, we need to revamp this Bill and put it into the right frame so as to cater for the new reality of 2022.

Mr Deputy Speaker, Sir, with the Food Bill 2022, new food regulations will be developed to replace existing ones to control levels of fat, salt and other undesirable constituents in certain

food. *Selon une étude réalisée par la Banque mondiale, la prévalence de diabète à Maurice est l'une des plus fortes au monde. En 2021, 22.6% de la population mauricienne, âgée de 20 à 79 ans, était diabétique.* The Ministry of Health and Wellness is addressing the issue through various sensitisation campaigns against *la malbouffe, la consommation d'aliments trop riches, trop gras, trop sucrés et trop salés.*

Even this morning with the Minister of Youth and Sports, hon. Toussaint, hon. Dr. Kailesh Jagutpal, and hon. Minister of Finance, we inaugurated a referral exercise with the Mauritius Sports Council. The main aim of this programme is to encourage patients in exercise and changing their eating habits. And the advantage of this new programme launched is a personal trainer going to dispensaries across the island and guiding the patients. Following each visit, he will evaluate the improvement of exercise being done, and all this will be by a specialised doctor.

The incidence of cardiovascular disease is also increasing amongst youngsters. As a result of these bad eating habits, this tendency has been observed for decades. The new Food Bill will therefore make it difficult to have access to such food. To discourage the consumption of local or imported sugar, each gram of sugar will be subject to 6% excise duty. This budgetary measure will take effect on 01 July 2025. This Government is a caring Government; its intentions are translated into actions quickly. Even the Opposition Members in this House, will not be able to deny this fact.

The Budget 2022-2023 also caters for a Mauritius Food Standard Agency Bill which will be introduced for the creation of a Mauritius Food Standard Agency (MFSA). The MFSA which is expected to be operational in January 2023 aims to harmonise food control throughout the supply chain.

M. le président, ce projet de loi prévoit une protection plus efficace et efficiente des consommateurs contre ceux qui mettent notre santé en danger en manipulant des aliments impropres à la consommation humaine et préjudiciable à la santé publique. S'il y a une chose qui maintient l'industrie alimentaire unie et confirme l'importance de la sécurité alimentaire, c'est bien l'ensemble des réglementations en matière de sécurité alimentaire. Chaque partie de la chaîne d'approvisionnement alimentaire étant vulnérable aux risques liés à la sécurité alimentaire, l'impact des réglementations et des lois sur la sécurité alimentaire créent un

environnement dans lequel tous les participants de la chaîne sont protégés des problèmes de sécurité alimentaire.

Mr Deputy Speaker, Sir, smoking is bad for health. Excise duty has increased by 10% on cigarettes and alcoholic drinks and concerning cigarettes, spring packaging will be introduced in Mauritius as from 01 January 2023. Since 01 April this year, a new Food Act regulation has come into effect to end certain unscrupulous practices. Those who do not comply with this new regulation will be liable to a fine of Rs2,000 and risk a prison term of not more than 6 months.

Mr Deputy Speaker, Sir, this includes ensuring compliance with the cold chain in shops. Checks will be carried out regularly in businesses to see to it that health regulations are being properly observed. Food operators turning off their fridges in the evening and turning those on again in the morning will now be prosecuted as this practice affects the quality of food and makes it unfit for consumption.

In the same vein, the Food Bill 2022 is making provision for a substantial increase in the fines for those convicted for not having complied with the regulations under this Bill. The Food Act 1998 provided for a fine not exceeding Rs2,000 and to imprisonment not exceeding two years. To act as a deterrent, the maximum fine has been increased to Rs100,000 and to imprisonment not exceeding two years. The same will also apply to corporate bodies in food businesses.

M. le président, l'industrie alimentaire est composée de nombreuses parties différentes qui travaillent ensemble pour apporter des aliments surs et de qualité à la table de chaque consommateur. Avec les efforts accrus de l'industrie alimentaire pour livrer des produits alimentaires à des endroits plus éloignés grâce à la mondialisation, d'avantage de risque pour la sécurité alimentaire sont introduits dans la chaîne d'approvisionnement alimentaire.

M. le président, compte tenu de tous les nombreux facteurs en jeu dans l'industrie alimentaire, il semble presque impossible d'avoir un contrôle adéquat surtout. C'est l'une des nombreuses raisons pour lesquelles les réglementations en matière de sécurité alimentaire sont très importantes.

Mr Deputy Speaker, Sir, to ensure proper monitoring of the food business, this Bill is giving more power to the authorised officers of the Ministry of Health and Wellness to be able to

carry out their work properly. One major innovation is the possibility now to take photographs or audio visual recordings as he considers necessary. This will certainly be a game changer in this field and will help them in their daily duties. Authorised officers will have the mandate to enter the premises of any food business operator, examine an article, take samples for analysis, investigate, inspect and seize any article which he has reason to believe may be used in contravention of this new Bill.

Mr Deputy Speaker, Sir, offenders are also warned that if the authorities proceed to the destruction of products unfit for consumption, the former may be called upon to pay the cost of this operation whereas in the past, the Government had to take charge of the destruction charges. This Bill also provides for an extended time period for prosecution, for a more effective preparation of court cases.

Mr Deputy Speaker, Sir, allow me to show my thought on Qurbani while we discuss the Food Bill. Eid-UI-Adha and Qurbani remain one of the most important events of the Mauritians especially the Muslim calendar. In this time of crisis when sacrifice must be the *mot clef*, availability and price of cattle and buffalo is a hot topic. In my opinion, that you share as well, Mr Deputy Speaker, Sir, hon. Nazurally, the Bill came at an opportune time and it can allow rigorous control in terms of price, quality and quantity. Therefore, alongside with my hon. friend, hon. Soodesh Callichurn, Mauritius Meat Authority importing animals is a solution. Thus, more competition in our market and hence alleviate price and availability. At a time when self-sustenance is important, the country should raise up to the challenge of local production and an open market policy for import. With all measures and facilities offered with grants in the agricultural sector announced in the Budget 2022-2023 encouraging local production will definitely be beneficial to all of us. The Food Bill complements the various incentives set out under the budget and in *Muvman Liberator* we support fair and reasonable price with an open competition.

Mr Deputy Speaker, Sir, as rightly pointed out in the Budget Speech 2022-2023 by hon. Ivan Leslie Collendavelloo about the quality and purity of honey which needs to be regulated is one example among so many others and this Bill today brought in this House will definitely bring assurance about the safety and good quality in apiculture. The previous Agro Minister, hon. Mahen Seeruttun in August 2016 started a project funded by international fund for

agricultural development to cater for bee keepers and supply of equipment. Also, in 2019, Government came with more incentives and even in this budget a special one of grant of Rs150,000 to beekeepers. I commend the current Agro Minister, hon. Maneesh Gobin for implementing all these schemes in the agricultural sector. In Mauritius and Rodrigues we do have more than 500 registered beekeepers and the quality is being checked by the Food Technology Laboratory at Réduit and the sucrose level is less than 5%, demonstrating the very good quality of our honey.

Mr Deputy Speaker, Sir, lot has been and is being done to promote our local production and I would even say the best honey I tasted yet is made in Rodrigues Island and our Government is here to enhance local production and together with the Food Bill, regulate the excellent quality of our production.

Mr Deputy Speaker, Sir, the Food Bill 2022 is today a necessity. 24 years after the Food Act 1998, the new Bill focuses on issues which have to be addressed urgently in order to ensure food safety. This Government is adamant towards making this population a healthy population and the laws enacted in the Food Bill 2022 will ensure that this objective is attained.

Mr Deputy Speaker, Sir, I would like to thank my brother and colleague in Constituency no. 13, Dr. Kailesh Jagutpal for bringing an important piece of legislation in this august Assembly through this Food Bill. It will provide more effective and efficient protection for consumers and control all procedures in the entire food chain, thus, ensuring safe food production process. I commend my colleague hon. Dr. Kailesh Kumar Jagutpal, Minister of Health and Wellness for this Bill.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you very much. Hon. Uteem please!

(6.03 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, the most precious thing in life is good health. You may have all the treasures of the world, you may be the richest man on earth, you may have all your material comfort, the best job, a happy family but if you do not have a good health, you do not have anything. And if COVID-19 pandemic has taught us anything, it must surely be that we should

never, ever take our health for granted. And good health starts with good food. How can we be sure that what we eat, what we drink, it fits for human consumption? How do we know that the street food that we buy or the meal that we have in a restaurant or food court or the frozen food that we buy in supermarket is not injurious to harm? This is a legitimate concern for everyone, not just in Mauritius, but for every human being living anywhere in the world.

To address this issue, Mr Deputy Speaker, Sir, the Food and Agriculture Organisation (FAO) of the United Nations, together with the World Health Organisation set up an intergovernmental organisation known as the Codex Alimentarius Commission back in the 1960s. The main function of this Codex Alimentarius Commission is to establish international food standards and related text that aim at protecting consumers' health and ensuring fair practice in the food trade.

In Mauritius, the Food Act 1998, and in particular the regulation made under the Food Act, to a large extent adopts the Codex Alimentarius. I say to a large extent because there is still room for improvement, especially when it comes to the maximum residue limits for pesticides. Pesticides are used to protect seeds and safeguard crops from insects, weeds and rodents but, at the same time, pesticides can become a threat to food security by contaminating crops and soil. When there is heavy rainfall, the pesticide is washed away and ends up in rivers and canals, thereby contaminating the water which we end up drinking.

In a report published by the Food and Agriculture Organisation of the United Nations, entitled 'Pesticide use - Global, regional and country trends 1990-2018.', at page 8 of that document, Mauritius ranked first, first in the world, as the country which uses the most pesticide per area of cropland in 2018. Yes, Mauritius is the biggest user of pesticide per area. To give you an example, Mr Deputy Speaker, Sir, in Mauritius, we use 28kg of pesticide per hectare. The world average is 2.6kg per hectare. In Mauritius, we use ten times more pesticide per area than the average anywhere else in the world. And the problem with excessive pesticide is that it is a danger to health.

Now, on the Internet, there are several articles which have found a positive relationship between exposure to pesticide and the development of some cancer, particularly brain, prostate, kidney cancer and leukaemia. I am not aware if in Mauritius any such studies have been carried out but what I do know is that according to the Health Statistics Report 2020 that was published

in October 2021, 12.8% of death in 2020 was related to cancer. Cancer was the third principal cause of death after diabetes and heart diseases. In 2018, we did vote the Use of Pesticides Act. Has it made any difference? Do we have a code of practice for use of pesticides? Who is monitoring the level of pesticide residue in food that we consume or in the water that we end up drinking or even in the air that we breathe? Mr Deputy Speaker, Sir, unless we monitor the level of pesticide residue, we will not be truly healthy.

Now, coming to the Bill, to a large extent the Bill reproduce the provisions of the existing Food Act 1998. There were a number of shortcomings in the existing law and the Food Bill does contain certain new provisions which are an improvement on the existing Food Act, and this is most welcome. I am not going to repeat all that the hon. Minister of Health has stated in his speech. Suffice to say that with this Bill, the authorised officer is given additional powers which are necessary for him to properly discharge his function and duties under the Act, including the power to request a food business operator to disclose information and documents, the power to take pictures and video recordings which can be used as evidence, the power to stop - this is very important - detain and search any vehicle. Previously, there was no such power and in Mauritius, there are lots of lorries and other vehicles that are used to transport food and some are even used as a place to sell the food. So, now, the power is given to the authorised officer to search any vehicle. He can take samples of any articles on any premises without payment; previously he had to pay for it, now, he does not have to pay. He can seal those samples in premises and he can be accompanied by a Police Officer when exercising his duties. So, very extensive powers, additional powers, I should say, are being given to the authorised officer.

But, at the same time, Mr Deputy Speaker, Sir, in fairness, to prevent any abuse, there are also a number of new provisions in this Food Bill to protect food business operators. For example, the food business operator can now apply to a District Magistrate for an order directing the authorised officer to release any article seized and held by that authorised officer. He also now has the right to appeal to a District Magistrate and eventually to the Supreme Court, where he is dissatisfied with a prohibition order requiring him to discontinue his activity. Section 19 of the Bill also provides him with a new defence of due diligence. This defence is available to any person who is prosecuted; and this defence is much more comprehensive than the defence that was provided under the Food Act of 1998, which is limited to the ability to rely on a written warranty.

Therefore, on this side of the House, Mr Deputy Speaker, Sir, we welcome this balancing exercise of, on one hand giving more powers to the authorised officer to carry out his function; but also, on the other hand, giving more protection to food business operators to defend themselves. The more so since the penalty for commission of an offence has been increased from Rs2,000 to Rs100,000 in the case of an individual, and the minimum fine for a corporate body is now Rs100,000.

But, there is one provision in this Bill, Mr Deputy Speaker, Sir, which in my humble view is controversial and it relates to the protection that will now be afforded to an authorised officer. According to section 22 of the Bill –

“No liability, civil or criminal, shall be incurred by an authorised officer or such other person as the supervising officer may authorise in respect of any act done or omitted in good faith in the discharge of his functions or exercise of his powers under this Act.”

Now, why should an authorised officer escape liability if he has been negligent or he is otherwise at fault? The action of an authorised officer can destroy the reputation of a food business operator and ruin his business forever. If for example through his negligence, an authorised officer allowed a sample that he took to be cross-contaminated because he did not properly secure the sample, he did not properly leave it in the place where he has sealed, and as a result of his negligence, the sample has now been contaminated. The Government Analyst and the food microbiologist analysis will be compromised. Irreparable damages may have been caused to the business of the food operator through no fault of his. It was entirely the fault, negligence of the authorised officer and why should we allow the authorised officer to be exempted from all liability in that case? I am even talking about cases of corruption. I am not talking about extortion. I am not talking about cases where bad faith is involved. I am talking about genuine mistake, genuine negligence and it happens all the times but the consequence on the food business operator is devastating.

With power should come responsibility and accountability. If an authorised officer is given immunity from prosecution, then there is more likely that he would be carefree and will not take the necessary precaution because he knows whatever he does, however negligent or reckless he may be, there will be no sanction against him. This is a matter of concern, Mr Deputy Speaker, Sir, because the Bill does not even specify what qualification the authorised officer

must hold. There is nothing in the Bill requiring the authorised officer to be properly trained, to be experienced in handling the type of investigation he is empowered to conduct. The authorised officer is also a Civil Servant and he will be protected under the Public Officers Protection Act. Hon. Members will recall that under the Public Officers Protection Act which dates back from 1957 –

“No civil or criminal action can be instituted against the public officer after two years from the date of the fact which gave rise to this action.”

But by the time an aggrieved party obtains a judgement from the District Court or from the Supreme Court, telling him that he is not at fault; it was the responsibility of the authorised officer, two years may have lapsed. No remedy against that authorised officer and the whole business of the food operator may have collapsed by that time. Therefore, I urge the hon. Minister to revisit this Section 20 of the Bill.

Mr Deputy Speaker, Sir, there was one provision that I and many on this side of the House were hoping to see in the Food Bill but which unfortunately is not there. It relates to the setting up of a Food Standards Agency which will be responsible for the certification of vegetarian food and halal food amongst others. A sizeable portion of the Mauritian population is either vegetarians or only eats halal food. Many tourists who visit our paradise island are either vegetarians or eat only halal food and this matter has been the subject of several PQs in this House and it is worth repeating what has been said by various Ministers of Health in that respect. Starting in November 2009, 13 years ago, in an answer to a PQ, the then Minister of Health, hon. Jeetah, stated that his Ministry proposes to amend the Food Legislative Framework and the main proposal for amendment includes amongst others new terms and standard for vegetarian and halal food. He further stated that it would be the Ministry of Health that would be the authority to issue certificate for vegetarian and halal food. That was 13 years ago. That was the stand of the then Government. Nothing happened!

February 2015, new PQ in this House - the Minister of Youth who was acting as Minister of Health stated –

“Discussion and consultation have reached an advance stage in relation to the introduction of relevant and appropriate provisions pertaining to halal and vegetarian food in the regulations under the Food Act.”

and he added –

“There are still certain issues that remain to be addressed including the establishment of the certification body for vegetarian food.”

So, back in February 2015, the impression was that the Government is still considering but there are certain issues about setting up the certification body.

Later in the same year, October when query as where matters stand, the substantive Minister, this time it was hon. Gayan, he stated that the proposed amendment to be brought to the Food Act and Regulation was still being looked into. He also stated that the issue that remained to be determined was whether the regulation for halal food should be made under the Public Health Act or under the Trade Laws. So, again, at this point in time, the MSM led Government was still very much in favour of certification of vegetarian and halal food. But eight months later, in June 2016, the same Minister of Health, hon. Gayan, answering to a same type of PQ stated –

“Having explored all avenues, Madam Speaker, regarding regulating halal and vegetarian foods, my Ministry is of the view that halal and vegetarian certificate is not a public health issue but rather a labelling issue.”

A complete U-turn, it's no longer the problem of the Minister of Health and finally when asked in April 2018, whether a consideration will be given for all vegetarian products to bear either a V label or a green dot as is the case in most countries, the then Minister of Health stated that the Health Inspectorate is not in a position to certify that the vegetarian food is indeed vegetarian and as such it will not be possible to enforce such a proposal. So, that was the latest stand, back in 2018 but Mr Deputy Speaker, Sir, for years Codex Alimentarius Commission has framed general guidelines for the use of the term halal and for use of the term vegetarian in food labelling. So, why couldn't provision be made in the Food Bill or the food regulation for certification of vegetarian food and halal food?

In June 2020, I will come to this, hon. Minister of Finance - 22 June 2020, the Ministry of Health issued Health Sector Strategic Plan 2020 to 2024, caring for people's health and wellbeing across the life plan. This strategic plan for four years, this is what the Ministry, under this hon. Minister is planning to do. At page 20 (xx), there is a list of Strategic Goals –

“Strategic Goal 22: Safeguard health security through the promotion of food safety”

And I read –

“Strategic Actions are directed towards the implementation of the Codex Alimentarius, the establishment of a Food Standards Agency which will be responsible to set standards on fast food and soft drinks and also for the certification of vegetarian and halal foods...”

And the same statement is repeated at page 73, under strategic action –

“Establish a Food Standards Agency which will be responsible to set standards on fast food and soft drinks and also for the certification of vegetarian and halal foods, among others.”

So, this is in the Strategic Plan. So, I don't know why when we are amending the Food Bill, the hon. Minister did not take the same opportunity to introduce this Food Standards Agency which would be responsible for the certification of vegetarian and halal food. Doesn't the hon. Minister find it important for vegetarians to know that what they are eating is appropriate for vegetarian? Isn't it important for a Muslim to know that the product that is labeled as halal is indeed halal? I know that the hon. Minister of Finance, in his speech, made allusion to this Food Standards Agency. I hope that in the summing up he will give us more details about whether the Ministry is still going ahead with the Strategic Plan of setting up this Food Standards Agency and give us a timeframe for him to do so.

Mr Deputy Speaker, Sir, before ending I would like to draw the attention of the drafting team of what I think are two typos in the Bill. First in Section 9 sub-section 1 of the Bill, reference should probably be made to Section 8 instead of Section 10. And in Section 12, sub-section 3(a) of the Bill, I think that instead of the word 'release', we should have the word 'dismissed' or 'set aside'.

Mr Deputy Speaker, Sir, it is all good to have a legal framework. It is all good to vote legislation, to pass regulation, to ensure that food and drink are safe for human consumption, but everyone has to play his part. All food business operators must act responsibly.

The hon. Minister of Health and Wellness referred to the recent case of water having been found by the Mauritius Standards Bureau not complying with the required standards, and this case has also been alluded by hon. Dr. Boolell. I understand that Quality Beverages Ltd is disputing the fact that the water Vital is not fit for consumption and various tests have been carried out. I know the Ministry of Health and Wellness has already taken a sample. The result of

the analysis is awaited. Irrespective of the outcome of the analysis, I think that I have to commend Quality Beverages Ltd for not waiting for the results of the Ministry to come out and taking the decision to remove all bottles of water of Vital from all supermarkets and from everywhere else.

When I talk about the role which has to be played by food business operators, this is the kind of reaction and commitment that we should expect from food business operators. Because it is of no propose to have good laws, if we do not have responsible food business operators which will apply the law and ensure that whatever food we eat and whatever drink we drink are safe and fit for human consumption.

Thank you.

The Deputy Speaker: Thank you very much. Hon. Minister Ramano, please!

(6.26 p.m.)

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): Thank you, Mr Deputy Speaker, Sir. The Food Bill is one of the important pieces of legislation that will contribute towards achieving the objective of sustainable development as well as promoting sustainable consumption and production. Food is fundamental to our health, environment, society and economy.

M. le président, bien que nous partageons la préoccupation de l'honorable Uteem quant à l'utilisation des pesticides, il faut quand même se rendre à l'évidence que la spécificité de la culture de la canne à sucre dans un pays tropical requiert une certaine utilisation des pesticides. Ceci dit, au niveau du gouvernement, nous sommes totalement conscients des effets néfastes liés à l'utilisation des pesticides, et cela demeure une question de *serious concern* au niveau du gouvernement.

According to the Food and Agriculture Organisation, food security is defined as the state where all people at all times have physical, social and economic access to sufficient, nutritious and safe food to meet their dietary needs and food preferences for an active and healthy life. However, when unfit for human consumption, food can be a source of harm as a food-borne illness and reduced absorption of nutrients. In the worst-case scenario, food that is not safe can cause death. The emergence of new risks, including those from antibiotic-resistant pathogens,

has made food safety more complex than ever. Food safety and food security are interrelated concepts that have a profound impact on quality of human life, and there are many external factors that affect both.

The challenge of food security is particularly daunting for developing nations such as Mauritius, which are net importers of food commodities. According to the Food and Agriculture Organisation, the world's population is estimated to reach 9.1 billion by 2050, 34% higher than today. In order to feed this growing population, it is predicted that food production will have to increase by 70%.

Food safety is integral to many Sustainable Development Goals (SDGs) –

- without food safety, there cannot be food security (SDG2: zero hunger),
- when food is not safe, good health and well-being are not attainable (SDG3: healthy lives), and only safe food can be successfully traded (SDG8: decent work and economic growth).

However, food safety requires the careful management of many threats and risks. At greatest risk are the poorer individuals with limited education, those with more basic living conditions, and those with lower food safety awareness.

Climate variability and extreme weather pose serious threats as these have the potential to impact food security and nutrition. It is well documented that infections of plants are influenced by a number of environmental conditions, namely humidity, water which in turn put consumers at risks.

Addressing these threats and risks will require a transformation of our food systems - an overhaul that demands major policy reforms, substantial investments, and an enabling environment that fosters and embraces innovation.

Mr Deputy Speaker, Sir, Mauritius relies on imports for more than 75% of our food products from all corners of the globe, thus increasing our vulnerability to pathogens, contaminants, adulterants, diseases and a myriad of food quality issues. Therefore, the quality, safeness and healthiness of our food supply are prerequisites. The answer is an efficient and effective, integrated, seamless food safety system.

There was thus a need of an updated legislation which would allow for greater collaboration and communication across the domains of food safety, nutrition and food security, and also data and evidence to support the policy coherence. This new Bill is filling this void.

Balancing public health protection with economic concerns is often difficult and requires careful consideration. Effective food safety governance requires that both public authorities and the private sector work in a coordinated manner to ensure that food in the supply chain is safe. Food availability may be impacted, through food loss and waste, if the safety norms are not adhered to.

The Food and Agriculture Organisation of the United Nations (FAO) estimates that one third of food produced for human consumption is lost or wasted globally, which amounts to about 1.3 billion tons per year. Food access is linked to the ability of farmers, processors and other food business operators to produce and sell safe and good quality food.

Mr Deputy Speaker, Sir, this new Food Bill has come in an opportune time. Its main objectives, being the modernisation and consolidation of the laws relating to the safety and nutritional quality of food, will allow Mauritius to better cope with the emerging challenges and new changes occurring in the field of food technology, food consumption patterns and quality assurance.

The Food Bill 2022 would ensure the protection of the health and safety of consumers by reducing risks related to food. It would also support public health objectives by promoting healthy food choices, maintaining and enhancing the nutritional qualities of food. The legislative responsibility to handle and sell safe and suitable food would rest upon each individual food business that would be responsible for ensuring compliance with the new Act.

Furthermore, this new Bill would also allow for a more efficient enforcement mechanism by strengthening the powers of authorised officers and providing for more severe penalties for offences committed. We also allow for a more efficient enforcement mechanism by strengthening the powers of authorised officers and providing for more severe penalties for offences committed. Previously, any person who commits an offence on conviction would have been liable to a fine not less than Rs2,000 and to imprisonment for a term not exceeding 2 years. This penalty is being reviewed to an amount not exceeding R 100 000. This increase in fine would act as a deterrent.

In addition, in the Food Act 1998, there was no provision for liabilities of corporate bodies and I am pleased to note that provision has been made for this to be included in the new Bill. Provisions are also being made to regulate all aspects of the food supply chain including supply, production, distribution of food products to protect and maintain food and the establishment of minimum standards and food safety requirements for food quality and safety.

Furthermore, the Bill addresses the aspect of novel food, which these days are being marketed as being potential solutions for improving the sustainability of food systems. Diet-level comparisons are still lacking and are needed to fully understand the environmental impacts of incorporating novel foods in diets. I am happy to note that provision has been made prohibiting or regulating the sale, advertisement or importation of any novel food.

Mr Deputy Speaker, Sir, food loss and food waste were two major issues discussed during the conference as well as the realigning of the consumption dates of food items. Food loss incorporates any edible food that goes uneaten at any stage including crops left in the field, food that spoils in transportation, and all other food that does not make it to a store. Food waste is defined as food that is fit for consumption but is consciously discarded by retailers or consumers.

According to the statistics published in the 2021 Report of the United Nations Environment Programme, food waste for Mauritius amounts to 118 632 tons annually. About 16% of the solid waste in Mauritius is food waste, mainly coming from households. These food wastes usually end up in the Mare Chicose sanitary landfill which produces unprecedented amounts of methane – a more powerful and harmful greenhouse gas than CO₂ – contributing significantly to global warming.

The COVID-19 outbreak has offered the opportunity for a reflection on the importance of building the resilience and enhancing the sustainability of our food systems by transitioning from a linear model of ‘take-make-waste’ to a circular model.

In a bid to shift from this linear approach to a circular economy model in the waste sector, several initiatives have been taken to make a more diverse solid waste management system in Mauritius prioritising reduce, reuse and recycling over landfilling in line with the waste management hierarchy.

Circular economy is an economic model that aims at minimising waste production and pollution through responsible consumption and production by prioritising waste prevention, reduce, reuse, repair, refurbish and recycling. The aim of circular economy is to maximise the use of materials and products so as to reduce the use of virgin resources. Circular economy is closely linked with the UN Sustainable Development Goal (SDG) 12 on “Responsible Consumption and Production”, specifically, target 12.5P –

“By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse.”

promotes the concept of circular economy, as emphasised in the waste management hierarchy.

Circular economy is not limited to end-of-pipe treatment solutions but is involved throughout the whole chain of production from design, procurement and consumption to end treatment. In the circular model, the food losses are prevented at the farm or import stages and waste or surplus food are incorporated back into the supply chain in a loop. Consequently, an overall reduction in waste production and resource consumption leads to a positive impact on the climate, scarce sources, natural resources, biodiversity, and economic growth.

My Ministry has recently organised a 3 days’ National Conference on Circular Economy to engage the participation of all stakeholders from the public, private, business, civil society as well as NGOs to have a common understanding on the concepts of circularity and agree on the strategic orientation to be adopted to ensure a smooth transition to a Circular Economy Model. The transition to a Circular Model will require the formulation of sound policies that will guide future actions and measures to be adopted in key sectors.

Amongst the 6 sectors discussed in this conference was, the theme ‘bringing circularity in the food system’. The various gaps and challenges being faced by the food sector and the opportunities to adopt a circular model through the formulation of appropriate policies and strategies were identified amongst which were food losses and food wastes.

Mr Deputy Speaker, Sir, presently, the ‘best before date’ is used as the date of the end of the estimated period after which the food product shall cease to retain its specific attributes. Proposal has been made to use the ‘best before date’ on a food package to state when the durable life period of the food ends. Durable life means –

“the anticipated amount of time that an unopened food product, when stored under appropriate conditions, will retain its freshness, taste, nutritional value, or any other qualities claimed by the manufacturer”.

The Minister of Finance, Economic Planning and Development has announced in his Budget Speech 2022-2023 that –

“products will have to be sold at a discount of at least 50 per cent of the original price after their best before date but prior to their expiry date.”

This is a laudable measure that would considerably reduce food wastage mainly at retail outlets. Regulations should now be set in order to add best before dates just like expiry dates on food packages.

Mr Deputy Speaker, Sir, as you are aware, Government has been fighting an uphill battle against plastic pollution for many years. We are all conscious that the high and rapidly increasing levels of plastic pollution represent a serious environmental problem at a global scale, negatively impacting the environmental, social and economic dimensions of sustainable development. There is a growing concern about the specific impacts of plastic pollution, especially microplastics, on the marine environment due to the transboundary nature of plastic products and on the need to take immediate action towards the long-term elimination of plastic in marine and other environments, to avoid detriment from plastic pollution to ecosystems and the human activities dependent on them.

In line with Government’s objective of transforming Mauritius into a plastic-free country, my Ministry has put a ban on several categories of single use plastic products and plastic carry bags through the promulgation of the Environment Protection (Control of Single Use Plastic Products) Regulations 2020 and the Environment Protection (Banning of Plastic Bags) Regulations 2020.

Expanded polystyrene or Styrofoam, a petroleum-based non-biodegradable foam, which the Environmental Protection Agency and International Agency for Research on Cancer considered a “possible human carcinogen” and “that such materials can have serious impacts upon human health, wildlife, and aquatic environment, and the economy.” The Environment Protection (Control of Single Use Plastic Products) Regulations 2020 has allowed the banning of

polystyrene foam take-away food packaging as well as single use plastic products made of Styrene, thus preventing negative impacts on human health through food consumption.

Mr Deputy Speaker, Sir, in view of the multiple challenges, there is an urgency to become more resilient, reduce dependency on imports and ensure availability of safe food to our citizens. One of the main economic drives of the Government in the Budget 2022-2023 is around stimulating growth through food security and green economy. It provides for fiscal incentives to revive the agricultural economy in Mauritius, namely an 8-year tax holiday to planters engaged in sustainable agricultural practices and innovative agricultural practices, together with the provision of grants and subsidies. The onus of producing and putting safe and high-quality products on the market is on the food producers and importers.

On the other hand, Government would need to provide consumers with the assurance that they have set and are enforcing standards for the quality and safety of foods. We would work with food producers and importers in a cooperative and collaborative manner to ensure the quality and safety through appropriate inspection, testing and certification methods. This Government is convinced that a shared public-private responsibility is crucial to ensure safe and efficient systems and improvements in consumer health protection and nutritional status.

Mr Deputy Speaker, Sir, we are fully committed to ensure that food safety challenges are adequately met so as to minimise any disruption in the future. I shall end by congratulating the hon. Minister of Health and Wellness for bringing this new Bill which will enable the Government to move towards a *transition écologique*.

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

The Deputy Speaker: Thank you, Minister. Hon. Dr. Ramdhany, please!

(6.45 p.m.)

Dr. A. Ramdhany (First Member for Grand'Baie & Poudre d'Or): Thank you, Mr Deputy Speaker, Sir. Just to clear the doubts of hon. Uteem, Quality Beverages has asked the advice of both the Ministry of Commerce and Consumer Protection and the Ministry of Health, not as hon. Uteem stated in solo.

At the very outset, let me congratulate the hon. Minister of Health and Wellness for bringing this important Bill to the House.

The existing Food Act has served its time and it is essential...

(Interruptions)

The Deputy Speaker: Continue, continue, look at me! You are probably trying to help! Continue, look at me!

Dr. Ramdhany: The existing Food Act has served its time and it is essential to revamp the legislation as part of our comprehensive food safety regime to ensure that food sold in Mauritius is safe and suitable for consumption. Besides ensuring food safety, we also need to better regulate food labelling and advertising to promote public health and to make informed choices. Today, we are seeing more innovative products entering the market, some of which are purported to give health benefits. Therefore, it is important for consumers to be provided with adequate and accurate information about the products that they are consuming.

A few novel definitions have been included in the Bill to expand the scope of the legislation from securing the wholesomeness, purity, and safety of food, to ensuring that stakeholders provide adequate and accurate information, and preventing them from providing misleading information. This will strengthen consumer protection, help consumers make more informed choices, and promote public health. One such example is a new definition for “article” which has been proposed, to widen the scope of the law so as to include all the components involved in the preparation of food. Other interesting additions are new definitions for “extraneous matter” & “filth” which have been proposed. Such new legal provisions give the ability to differentiate what should be considered as forming part of a food and what should not so that there is no ambiguity in Court cases.

The definition of “food business” has been enlarged to cater for all food activities falling under the purview of the food laws. It is proposed to provide a new definition, namely “food business operator” to know precisely who is responsible for a food business, such as details are crucial in case of non-compliance and in the event that a case is brought to Court. The proposed legislation, Mr Deputy Speaker, Sir, will consolidate our legal framework by increasing quality and ensuring that there is a maximum of information which will be provided to consumers.

Mr Deputy Speaker, Sir, Sections 7 and 11 are very important. WHO published a summarised report on progress made in implementing Resolution WHA 67/25 on antimicrobial

resistance and it states that one of the important requests was to explore with the Secretary-General of the United Nations' option for a high level initiative to increase political awareness, engagement and leadership on the antimicrobial resistance. Mr Deputy Speaker, Sir, this Government, under the leadership of the hon. Prime Minister, is relentlessly working for the people for a Food Bill which will be safe for our people.

Mr Deputy Speaker, Sir, the current legislation does not cater for food recall. We already have a robust system that contributes to our reputation as a trusted and reliable jurisdiction when it comes to food safety. However, the proposed legislation will further enhance food safety, by allowing supervising officers and the food business operator to act more quickly on food recalls.

The Bill also provides a recall framework that provides more clarity and certainty to the industry. Let me describe this in further detail. Clause 15 introduces a clear set of directions that supervising officers and the food business operators can follow for the purposes of food safety. If there is potential serious danger to public health, the supervising officer may issue directions to recall food and food contact articles. Failure to comply with any of these directions will be an offence.

Mr Deputy Speaker, Sir, the Bill also strengthens the legal framework by imposing more stringent sanctions for non-compliance. One example is the fine proposed at Clause 23, paragraph (3) which has been increased from Rs2,000 in the Food Act to Rs100,000 in order to have a more deterring effect. This again, Mr Deputy Speaker, Sir, confirms the object of the proposed legislation which is to provide for, *inter alia*, the modernisation and consolidation of the laws relating to the safety and nutritional quality of food, and for matters related thereto.

Mr Deputy Speaker, Sir, the Bill updates some existing provisions and provides operational flexibility to authorised Officers. Clause 8 makes clear the circumstances when the power to require information may be exercised by an authorised officer. For example, as per Clause 8 (1)-

“An authorised officer may, at any time –

- (n) request a food business operator to produce such documents or information as he may require.”

These amendments state clearly the circumstances under which authorised officers may exercise such powers.

In conclusion, the proposed amendments will benefit consumers and enhance public health as well as food safety. The proposed legislation also caters for savings and transitional provisions to ensure that food business operators are given sufficient time and facility to transition to the new requirements which is in the interest of society at large.

Thank you, Mr Deputy Speaker, Sir!

The Deputy Speaker: Thank you very much. Hon. Ms Bérenger!

(6.53 p.m.)

Ms J. Bérenger (First Member for Vacoas & Floréal): La sécurité alimentaire ne se limite pas à une question de quantité mais également de qualité et la qualité de nos aliments produits localement en particulier sont clairement affectés par l'utilisation non contrôlée des pesticides. L'honorable ministre Ramano avant moi a justifié l'utilisation excessive des pesticides à Maurice en soulevant un point et a évoqué la raison de la culture de la canne à sucre et le fait que nous vivions dans un pays tropical.

Je regrette qu'il ne soit pas là pour écouter les orateurs après lui mais j'aimerais lui donner l'exemple de la Guadeloupe qui, selon une enquête statistique de la Direction de l'alimentation, de l'agriculture et de la forêt, a révélé que l'utilisation des pesticides a diminué de 30% entre 2014 et 2017 grâce à certaines pratiques mises en œuvre pour réduire justement l'utilisation des pesticides comme le désherbage manuel ou le sarclage manuel.

Donc, je tenais à soulever ce point pour dire qu'il est question de volonté et du soutien que l'État souhaite accorder aux compagnies, aux planteurs, etc. Je souhaiterais, donc, pour ma part, développer sur le pourquoi d'une harmonisation de nos lois au sujet des pesticides et à travers la section 24 de ce *Food Bill* est nécessaire et aussi insister sur l'importance de la transparence en ce qu'il s'agit de la section 11 du *Food Bill*.

Mais, d'abord, permettez-moi, M. le président, de faire brièvement état de la situation. Donc, sous l'appellation pesticide, il y a toutes sortes de produits qui regroupent les herbicides, fongicides, les insecticides. En gros, les agrochimiques qui ont prouvé leur efficacité dans la lutte contre certaines maladies et organismes nuisibles aux plantations mais qui anéantissent

complètement les défenses naturelles du sol en détruisant des écosystèmes, en détruisant les nutriments naturels du sol et sont un réel danger pour la santé.

En effet, les pesticides sont transportés et sont un réel danger puisqu'ils contaminent alors

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- (i) l'air que nous respirons, et pour preuve une étude publiée dans le journal *Chemosphere* en novembre 2020 explique que des échantillons pris entre 2010 et 2018 dans les environs de Réduit confirment la présence de 12 pesticides dans l'air dont certains sont interdits d'utilisation depuis 2004.
- (ii) ils contaminent l'eau que nous buvons, et une étude du *Mauritius Research Council* avait trouvé des résidus de pesticides dans les eaux de surface et les nappes phréatiques même un an après leurs applications ;
- (iii) ils représentent un risque majeur pour l'environnement et causent la destruction de la biodiversité. Par exemple, il est prouvé que l'*organochlorine* affecte les oiseaux.

Donc, les pesticides ont un impact économique, environnementale et de santé publique pour les consommateurs et les planteurs eux-mêmes avant tout. J'insiste dessus parce qu'on a pu voir dans le passé quelque mises en scène de certains, voulant faire croire que l'Opposition ne comprend pas la souffrance des planteurs et qu'il faut qu'ils puissent vendre leurs légumes, etc. Mais c'est justement parce qu'on s'inquiète de la santé des planteurs que nous soulevons ce sujet. À quoi bon vendre des légumes pour avoir quelques milliers de roupies si la santé n'est pas bonne par la suite. Et le ministre de la Santé est le mieux placé pour le savoir. Nous ne sommes rien si nous n'avons pas une bonne santé.

Donc, la nature toxique des pesticides n'est plus à prouver et ils se répandent partout. D'ailleurs, j'aimerais soulever qu'une étude du *Charles Telfair Institute* a fait d'excellentes recherches sur ce sujet-là et donne pour preuve tous les chiffres et regroupe plusieurs études. D'ailleurs, plusieurs études des rapports internationaux et nationaux ont révélé l'abus et la mauvaise gestion des pesticides à Maurice. S'il faut que j'en cite quelques-unes, nous avons l'étude de Fagoonee, l'étude de Scorbiac, Le Bellec et Sauzier, l'étude de la Banque mondiale, une étude du ministère de l'Environnement de 2011, une étude du ministère de la Santé de 2014

sur les *National chemicals profile of the Republic of Mauritius*. Donc, les études sont faites en grand nombre et malgré toutes ces informations à disposition, en 2022, qu'est-ce qui a changé ? Rien. Mais j'ose espérer qu'à travers ce projet de loi peut être un petit pas sera fait même si rien ne semble indiquer aller dans cette direction.

Mais, tout d'abord, puisque nous parlons de nourriture et qu'il faut bien manger pour vivre et étant donné l'exposition prolongée des mauriciens aux pesticides et leurs dérivés depuis des années ; étant donné les abus dans les quantités utilisées, je souhaiterais saisir cette occasion pour réitérer ma demande pour que le ministre de la Santé procède à une étude approfondie pour étudier les relations causales chez les consommateurs et aussi chez les planteurs et leurs familles qui sont les premiers concernés.

Puisqu'en effet, M. le président, d'abord dans les données, dans les chiffres, on voit bien la corrélation entre l'augmentation de l'utilisation des pesticides au fil des années et l'augmentation du nombre de cancer bien spécifique qui selon les recherches, sont associés à certains types de pesticides en particulier. Et puis, ensuite, cette requête est justifiée parce que tout comme Maurice figure parmi les plus gros utilisateurs de pesticides au monde par kilomètre carré, nous sommes aussi dans le top trois des pays africains concernant les types de cancer en question tel que le cancer du sein, de l'utérus, du colon, du sang, et que les recherches associent à l'utilisation de certains pesticides que nous utilisons ici. Donc, cette étude est nécessaire pour le bien-être des mauriciens et des mauriciennes.

En effet, comme je viens de le dire, le *Food and Agriculture Organisation* en 2018, et comme l'a soulevé mon collègue, Reza Uteem avant moi, nous plaçait comme le plus gros utilisateur de pesticides avec 2,795 kilos par kilomètre carré de terres cultivées. Ensuite, *Statistics Mauritius* en 2020 donnait le chiffre record de 3,418 kilos de pesticides utilisés par kilomètre carré, donc, une augmentation de 22.3 % sur les trois dernières années. L'utilisation a été multipliée par cinq depuis 82. Et bien évidemment, cela s'explique aussi par un cercle vicieux qui est dû au fait que les organismes nuisibles aux plantations deviennent plus résistants, les défenseurs naturels disparaissent. Donc on met plus de fertilisants mais la terre continue à s'appauvrir, etc.

Il faut savoir aussi que les statistiques du *Food and Agriculture Organisation*, que je viens de mentionner et qui ont été mentionnés un peu plus tôt par mon collègue de parti, ont été

remis en question, et c'est là le plus grave pour moi, M. le président, par le ministre Gobin dans sa réponse à ma question B/804 l'an dernier. Le ministre a fait la différence entre les ingrédients actifs et les ingrédients passifs des pesticides. Sauf qu'en réponse à ça, le professeur Marcos Orellana, *Special Rapporteur* des Nations unies a fait ressortir que les ingrédients inertes sont eux aussi toxiques et qu'une bonne gestion des pesticides devrait inclure le produit dans son ensemble et pas uniquement certains ingrédients. J'aimerais le citer à ce propos.

Donc, c'est dans le rapport des Nations unies, *End-of-visit statement by the United Nations Special Rapporteur on toxics and human rights, Marcos A. Orellana on his visit to Mauritius on October 2021. He said –*

“I take note that the UN Food and Agriculture Organisation has noted in a report of 2018 that Mauritius has the highest use of pesticides per area of cropland in the world. While the Government has questioned the accuracy of this data, pointing to a distinction to be drawn between active and inert ingredients of pesticides, I should stress that inert ingredients may also be toxic. I should also note that proper management of pesticides, including bans and controls, should address the whole product and formulation, and not only certain of its ingredients. Accordingly, the distinction between active and inert ingredients should not deflect attention from the otherwise grave concern resulting from the numerous testimonies received regarding excessive use of pesticides, soil loss and exposure of farmers.”

Donc, cette distinction ne doit pas être utilisée pour détourner l'attention des graves effets des pesticides et pour enlever la responsabilité d'une bonne gestion des pesticides. Ce qui m'emmène à mon deuxième point.

Ce qui m'emmène à mon deuxième point : comment avoir une bonne gestion des pesticides quand les lois qui les régulent ne sont pas alignées ? Le *Food Act*, le *Use of Pesticides Act* et le *Dangerous Chemicals Control Act* ne sont pas en accord du tout sur ce sujet. Donc, je pose la question ici, est-ce que à travers la section 24 de ce *Food Bill*, le ministre compte harmoniser la réglementation concernant les pesticides ? Le *Food Act* et le *Use of Pesticides Act* ont été préparé par deux ministères différents et ont des listes de pesticides différentes à travers leurs *regulations*. Le ministre de la Santé a parlé de collaboration de son ministère avec le

ministère de l'Agro-industrie, mais qu'est-ce qu'elle en est exactement ? En quoi concerne exactement cette collaboration ?

La liste des pesticides du *Use of Pesticide Act* est limitée et le seuil maximal du taux de pesticides tolérés ne concerne pas tous les fruits et légumes. Ce qui a pour conséquence que 40 % des fruits et légumes importés ne sont pas concernés par cette loi. Donc, comment assurer le contrôle de ces pesticides ? D'autant plus qu'actuellement, parmi les pesticides régulés par le *Food Act*, une vingtaine sont en fait interdits par le *Dangerous Chemicals Control Act*. Donc, comment peuvent-ils faire partie de la liste présente dans celle du *Food Act* alors qu'ils sont interdits par le *Dangerous Chemicals Control Act* ? Et plus d'une trentaine de pesticides présents dans le *Food Act* ne sont pas listés dans le code alimentaire du *Food Standard du Food Agricultural Organisation*, le *Codex Alimentarius* qu'a mentionné le ministre.

Plus d'une trentaine de pesticides dans le *Food Act* ne sont pas listés dans ce *Codex*. Et parmi les pesticides autorisés par le *Use of Pesticides Act*, la plupart ne sont même pas dans le *Dangerous Chemicals Control Act*. Du coup, 23 pesticides échappent au contrôle de la loi, et sur cela, le gouvernement n'a donc aucun contrôle quant à l'importation, la distribution et la moitié sont classifiés comme *hazardous* par le *World Health Organisation Guidelines* de 2019. Est-ce que ces pesticides qui sont considérés comme *hazardous* par le *WHO Guidelines* de 2019, seront-ils rajoutés à la liste des pesticides du *Food Act* ? D'ailleurs, d'où ma question B/216 en avril 2021 pour savoir la quantité et les normes de pesticides saisis et importés illégalement, mais cette question est toujours sans réponse jusqu'à l'heure malgré l'obligation - j'aimerais le rappeler - selon les *Standing Orders* de donner des réponses écrites aux questions parlementaires.

Une autre disparité entre les lois, uniquement la moitié des pesticides réglementés par le *Dangerous Chemicals Control Act* ont été octroyé un seuil maximal de résidus de pesticides sous le *Use of Pesticides Act*. En fait, une dizaine de pesticides cités dans le guide agricole du ministère de l'Agro-industrie ne sont réglementés par aucune des trois lois en réalité.

Les sanctions aussi différent en fonction des trois lois. On le voit bien, M. le président, j'ai donné de nombreuses exemples, les disparités dans les lois par rapport au pesticide doivent être adressées urgemment. J'attends que le ministre vienne confirmer que ce sera le cas peut-être à travers les *regulations* et qu'il s'attaquera aux pesticides tolérés dans le *Food Act* mais pourtant

interdit dans le *Dangerous Chemicals Control Act* et qu'il alignera sur le *Codex Alimentarius* du *Food Agricultural Organisation* y compris par rapport aux différents pesticides également.

J'arrive à mon troisième et dernier point - je vous rassure - harmoniser les lois et les mettre à jour par rapport aux pratiques sont essentielles, mais être transparent et rendre public les résultats l'est tout autant puisqu'il s'agit d'un enjeu national. La section 11 du *Food Bill* parle de *analysis and examination of samples*. J'aimerais demander au ministre où seront publiés ces résultats ? Parce que comme je viens de le dire, il s'agit d'un enjeu national et la transparence est absolument nécessaire. Sur le site du ministère de la Santé, en tout cas, je ne vois rien en ce qui concerne les résultats des *samples* en général. Et si je reste sur le problème des pesticides, sur le site du ministère de l'Agro-industrie, les *reports on pesticides residue* s'arrête à septembre 2019. Pourquoi est-ce que cela s'est arrêté à septembre 2019 ? Les Mauriciens ont le droit de savoir ce qu'il y a dans leurs assiettes.

D'autant plus, quand l'on sait que le seuil maximal de résidus de pesticides ne veut plus rien dire aujourd'hui, puisque pour contourner ce seuil, certains n'hésitent pas à faire des cocktails de pesticides, c'est-à-dire à mélanger plusieurs sortes de pesticides différents, puisque selon le *Use of Pesticides Act*, cela est toléré. Par exemple, 42 sortes de pesticides peuvent être utilisées sur les tomates, 38 pesticides peuvent être utilisés sur les pommes de terre, etc. Et comme je le disais, les réponses à mes nombreuses questions parlementaires concernant les pesticides et en l'occurrence ici plus précisément les résidus de pesticides dans la nourriture, restent toujours attendus.

En ce qui concerne les résidus de pesticides, il s'agit de la question B/1271 en novembre 2021. Pas de réponse non plus quant aux nombres d'officiers travaillant au *Pesticide Regulatory Office*. J'ai essayé d'avoir une réponse également pendant le *Committee of Supply*, j'ai demandé au ministre de l'Agro-industrie combien d'officiers sont postés à ce *Pesticide Regulatory Office*, mais je n'ai toujours pas eue de réponse. C'est d'autant plus inquiétant, M. le président, parce que le *Pesticide Regulatory Office* n'apparaît nulle part dans les estimations pour les dépenses budgétaires de l'année à venir. Du coup, je repose la question encore une fois ici : combien d'officiers attachés au ministère de la Santé s'occuperont de procéder aux analyses, s'occuperont de prendre des échantillons, s'occuperont d'examiner les fruits et légumes, en ce qui concerne les

pesticides ? Il est important de savoir cela pour savoir si le travail à faire est considéré de manière sérieuse pour savoir quelle importance est accordée à cette tâche.

On voit à la section 10, *procurement of samples* que *any authorised officer* pourra procéder à cette tâche. Du coup, est-ce que ce sont des officiers du ministère de la Santé qui feront les tests pour savoir le niveau de pesticides ? Est-ce que ce sont les officiers du *Pesticide Regulatory Office* qui tombent sous le ministère de l'Agro-industrie ? Le ministre de la Santé a mentionné une collaboration avec le ministère de l'Agro-industrie. Est-ce que ce sera les deux ? Quel sera le rôle du *Mauritius Food Standard Agency* mentionné par le ministre ? Quelles seront les formations de ces officiers pour procéder à ces tests par rapport aux pesticides ?

M. le président, en juillet 2021, dans la réponse à ma question B/804, le ministre de l'Agro-industrie a révélé qu'uniquement 1,811 échantillons avaient été prélevés depuis 2018 pour connaître le taux de pesticides. Parmi ces 1,811 échantillons, 94 *improvement notices* ont été servis ; donc sur 94 échantillons, le taux de résidus de pesticides a été dépassé. Ce qui est énorme parce qu'on parle de 20 % des échantillons. Sauf que nous savons que nous avons à peu près 12,000 planteurs à Maurice, et nous savons aussi qu'ils ne sont pas tous enregistrés. Et pourtant, l'honorable ministre de la Santé parlait de l'importance de la traçabilité, sauf que là, nous parlons des échantillons qui seront pris peut-être sur des légumes dont les planteurs ne sont pas enregistrés. Donc, là aussi comment est-ce qu'il compte résoudre ce problème ?

Donc nous savons que nous avons à peu près 12 000 planteurs et 1,811 échantillons pris depuis 2018. Ça veut dire qu'il n'y a même pas 6% des terres cultivées qui ont été testées en trois ans. Même pas 6%! D'où mes questions parlementaires pour savoir si le problème se situe au niveau du nombre d'officiers en charge de procéder à l'examen de ces fruits et légumes. Combien d'officiers sont responsables de procéder aux examens des pesticides sur les fruits et légumes ? Et qui fera les tests et combien seront-ils ? J'espère que le ministre viendra répondre dans son *summing-up*.

M. le président, je voudrais conclure sur ceci. Il est vrai qu'en gouvernement aura beaucoup de mal à contrôler 100% de l'utilisation des pesticides car leur utilisation est entrée dans la normalité. Il est vrai aussi que nos agriculteurs ne savent pas où donner de la tête quand un champ de légumes est infecté par des insectes mais je suis certaine qu'avec une vraie écoute des problèmes que rencontrent nos agriculteurs, il est possible de trouver des solutions qui à la

fois sécuriseraient les agriculteurs et seraient bénéfiques à l'ensemble de la population. Donc, j'attends que le ministre de la Santé vienne nous dire comment il compte améliorer la gestion des pesticides dans nos aliments à travers ce nouveau *Food Bill*, comment il compte harmoniser les lois et ce qu'il compte faire pour combler les lacunes ? Tant que nous ne saurons pas réellement ce qu'il y a dans la nourriture que nous mangeons, dans l'air que nous respirons et dans l'eau que nous buvons, les mauriciens ne pourront pas se sentir en sécurité. Nous demandons donc davantage de transparence et de la cohérence. Surtout de la cohérence !

Merci.

The Deputy Speaker: Thank you. Hon. Minister Hurdoyal, please!

(7.15 p.m.)

The Minister of Public Service, Administrative and Institutional Reforms (Mr T. Hurdoyal): Mr Deputy Speaker, Sir, I am extremely pleased and privileged of the opportunity given to me to debate and provide my insights on the Food Bill, which is being brought in this august Assembly by my colleague Dr. the hon. Kailesh Jagutpal, Minister of Health and Wellness.

Mr Deputy Speaker, Sir, this Bill comes at an opportune moment as the world braces of a food crisis of an unprecedented proportion caused by the disruptive effects of the COVID-19 pandemic coupled with the war between Russia and Ukraine. These two countries are considered as *les greniers du monde* for being the main food exporters that feed some 40% of the world population.

As a responsible Government, it is therefore more than ever necessary, Mr Deputy Speaker, Sir, that appropriate measures are brought to reinforce, consolidate and revise our legislative framework, as regard to the burning threat of an impending global food crisis which has to be addressed urgently from different perspectives.

The Food Bill being presented in the National Assembly draws the spotlight on the need to uphold the safety and nutritional value of food. Indeed, the global food crisis does not only mean shortage in the supply and production of food but it also instils the inherent risks of sub-standard and poor-quality products coming from the non-traditional food operators being available on the market and which can cause major health conditions to the population.

As a matter of fact, the World Health Organisation has raised a red flag in estimating that around 600 million people fall ill around the globe every year following the consumption of contaminated food, resulting in some 420,000 deaths.

I would, therefore, like to thank my colleague, Dr. the hon. Kailesh Jagutpal, for this bold initiative to present such a Bill which will certainly provide a conducive environment for clarity, certainty, trust, and confidence to all stakeholders, namely, consumers, food business operators, importers and health authorities. The main focus of the Bill is to ensure that the food that we consume is of high quality based on strict health and sanitary norms.

May I seize this opportunity, Mr Deputy Speaker, Sir, to pay tribute to the unbending determination of the hon. Prime Minister for his leadership and foresightedness, who is, with unwavering resolve, steering Government's action in the right direction of progress and by ensuring that we get our priorities right. Today's presentation of the Food Bill bears testimony to his vision to build a greater edifice of our country while ensuring the well-being of the population.

Mr Deputy Speaker, Sir, at a macroeconomic level, the Food Bill has a great significance in positioning our country in the food industry as a strong sector of our economy. Indeed, for being close and conversant to the agri-export business for several years, as stated earlier by the hon. Dr. Boolell in his intervention. Mr Deputy Speaker Sir, I can fully appreciate and understand that the adherence of strictest health and sanitary norms are more than ever needed in food handling, packaging, retail sales, storage, transformation, transportation, distribution, imports, and exports. I wish here to thank hon. Dr. Boolell, for recognising my experience in this sector.

Such a Bill sends the right signal not only to consumers for the quality of food products they consume but also for local and foreign operators in the food industry.

Undoubtedly, the Food Bill provides for a modern, conducive, legal and regulatory environment which propels our country as a jurisdiction that adheres to international best practices as regards to food safety and hygiene. Imagine its impact on the tourism industry, Mr Deputy Speaker, Sir, when tourists visiting our country are comforted that the food that they consume in our country is safe, healthy and meet international standards.

On the other hand, such a legal framework will stimulate investment in food transformation for self-sufficiency and exports amid great turmoil in food supply as a result of several interlocking factors which have dampened and put a brake on food exports by traditional markets and where unchartered territories have to be explored for our food supply.

Indeed, the tone was set during the presentation of the Budget 2022 – 2023 a few weeks ago where a string of bold measures was made to ensure self-sufficiency and food transformation in the face of impending risks of global food shortages and soaring prices of imported food products. Such measures are more than ever necessary against the backdrop that more than 75% of the foodstuffs that we consume are imported.

In this context, I am also pleased to note, Mr Deputy Speaker, Sir, the bold measures to promote smart agricultural best practices based on innovative technologies, such as computer-controlled greenhouse, which will contribute to boost crop production while optimising on land use and scarce labour resources. Such practice will translate into the elimination of abusive use of pesticides that are harmful to the health of consumers as stated earlier by hon. Ms J. Bérenger. But just a gentle reminder; it is this Government that introduced the Use of Pesticides Bill so as to control and monitor the use of pesticides amongst the planters' community.

Today's presentation of the Food Bill, Mr Deputy Speaker, Sir, is testimony of Government's coherent strategy and commitment to address, in a holistic manner, the pressing challenges of our time. If we do not act now, we shall miss our goal set in our economic recovery and reconstruction process.

Mr Deputy Speaker, Sir, undoubtedly, the provisions of the Food Bill offer a fresh and modern outlook on how to address new issues and challenges arising out of the current environment and which the present Food Act, in force for nearly twenty five years, is unable to tackle.

I would, therefore, like to enumerate some salient features of the Bill that will significantly contribute to create the right legal and regulatory framework as regards food safety and food nutrition. These provisions are either lacking or not available in the present Food Act which clearly renders it ineffective and obsolete.

First, the Bill provides for a clear definition of food. This definition is extremely important as it provides clarity and certainty to stakeholders on the very definition of food. At the same time, it provides an exhaustive list of no less than eight exclusions in its definition. Compared to the present Food Act, there are only four exclusion clauses which could give rise to confusion, wrong interpretations, and actions.

Mr Deputy Speaker, Sir, moreover, I am pleased to note that section 3 of the Bill provides for stringent conditions relating to the importation of food where the legal provisions thereto are in line with international norms and standards. As a matter of fact, it is worth noting that, as the world's biggest importer and exporter of foodstuffs, the European Union works closely with international organisations and offers advice as well as assistance to the non-EU country trading partners to ensure that Europe's food supply is the safest in the world and that the same standards of food safety apply to all products regardless of origin. As an illustration, the European Union has introduced as far back as in 1979, a Rapid Alert System which is a communication network set up across Europe. It operates round the clock and ensures free flow of vital information by providing urgent notifications when health hazards are detected in a given country.

Other member countries of the European Union can then act in a timely and efficient manner. Such mechanism greatly mitigates any cascading risk of the same incident occurring elsewhere so that people are shielded promptly from the consumption of contaminated food. Similar provisions are available in the legislations of other countries such as in Australia and New Zealand which are often quoted as having the toughest and most strict application of the food safety and phytosanitary standards within their respective jurisdictions.

Moreover, pursuant to section 4 of the Bill, a food business operator has now a well-defined legal identity and must be registered under section 6 of the Business Registration Act. Such provision will dispel any ambiguity and will allow the proper classification of such an important operator in the economic landscape of our country. At the same time, it will ensure evidence-based policy formulation to better address their challenges, needs, and aspirations.

Section 5 of the Bill is central to the notion of accountability in the food value chain and deals with responsibilities of the food business operator. Whilst this section provides

mechanisms to situate responsibilities in an event of a breach to the Food Act, such provision will trigger initiatives beyond the mere compliance to the Act.

Mr Deputy Speaker, Sir, I foresee self-regulation among business operators such as the adoption of international standards in the food industry, namely, ISO 22000, FSSC 22000, BRC Global Standard for Food Safety, Global Gap and the HACCP among others. Such an approach not only benefits the food operators but also raises trust and confidence among consumers. Similarly, operators in the food value chain, from the farm to the fork, will be inclined to develop, collaboratively and voluntarily, a traceability framework using innovative technologies such as Blockchain and QR Code to accurately situate responsibilities should there be any issue with the non-compliance to the Food Act.

With the QR Codes, Mr Deputy Speaker, Sir, customers will have access to vital and relevant food information such as the product's source history, its origin, details on the manufacturing and distribution among others, further bolstering customer confidence on the product. The ability to instantaneously trace the whole lifecycle of a product through a simple scan of a QR Code will also help relevant authorities to quickly obtain all information on the product, in the event contamination has occurred. Without traceability, it is almost impossible to determine at which stage of production contamination has occurred. This situation increases the risk of wrongly determining who is to be blamed and may cause considerable prejudice to compliant operators in the food value chain as stated earlier by hon. Uteem during his intervention, as it concerns the reputation of a company and a country.

Mr Deputy Speaker, Sir, a novel provision of the Bill which exemplifies the collaboration that can be built between the public and private sectors is captured under section 11, subsection 2(a). It makes provision for having recourse to a private food testing laboratory, upon the request of an importer, notwithstanding food testing carried out by Government officials of public laboratories. Such a provision will instil trust by ensuring cross verification and benchmarking of food testing methodologies by independent parties.

Mr Deputy Speaker, Sir, we have recently witnessed a void in our legal provision as regards the recall of food products. I am referring here to a chocolate manufactured in Belgium and which is available on the local market. The product was suspected to be associated with several cases of salmonellosis detected in Europe earlier this year. Fortunately, the manufacturer

voluntarily agreed to recall the product from the local market at that time as a precautionary measure pending further tests. Whilst the recall of food products such as baby milk formulations, chocolates, processed food and other widely popular food items is a common practice in developed countries, there is no proper legal mechanism to enforce such a measure in Mauritius. Such a situation may cause serious health implications to consumers, particularly to children and persons with precarious health conditions and in some cases can lead to life threatening conditions and death.

I am pleased to note that a comprehensive section of this Bill, namely, Section 15, deals with the subject matter of food recall. Such provision equips both the food business operators and the authorities with the necessary tools to ensure the swift execution of recall of food items in case of suspected or confirmed non-compliance to the Food Act, thus, ensuring minimal impact on the health and well-being of consumers and also minimal disruption for the food business operators.

Mr Deputy Speaker, Sir, mindful to the strict adherence to the rule of law by this Government, I am pleased to note that the Food Bill provides ample provisions for check and balances in order to ensure that the power vested upon the authorities is fairly and judiciously being utilised. Such provisions are absent in the Food Act of 1998. For instance, Section 17 which deals with the subject matter of prohibition notice makes clear provision for a food business operator to make an application to a District Magistrate to discharge of the decision of the Ministry of Health and Wellness if such a decision is considered as arbitrary, irrational and unjustified.

Finally, Mr Deputy Speaker, Sir, as a responsible Government, we consider that any breach of the provision of the Food Act is a very serious offense that has to be dealt with severely and in a proportionate manner. Thus, any breach of the forthcoming Food Act will be sanctioned by a fine of not more than Rs100,000 instead of only Rs2,000 in the present Food Act and to an imprisonment of a term not exceeding two years for an individual. As for a corporate body, a fine not less than Rs100,000 may be inflicted, such provisions send a clear signal which will act as an effective deterrence for those bent towards breaching the law. In line with what is available in other countries, the cost of logistics, testing and destruction of contaminated products will now have to be borne by the offender who has breached the Food Act instead of

Government bearing the cost of same as it is presently the case. The Food Bill also makes provision for the repeal of the Food Act of 1998 which needs to be replaced by a modern and strong legal framework in view of the prevailing new normal environment at local and global fronts.

Let me conclude, Mr Deputy Speaker, Sir, by wishing all the very best for this very important legislation which will surely contribute in supporting not only the food industry but also other sectors of our economy in the reconstruction and recovery phase for renewed prosperity and progress. More importantly, as a caring Government, under the able leadership of our hon. Prime Minister, we clearly demonstrate through the presentation of this Bill that the health and wellbeing of our population is at the heart of every action we take.

Thank you for your attention.

The Deputy Speaker: Thank you very much. Hon. Dhunoo, please!

(7.38 p.m.)

Mr Dhunoo: Thank you, Mr Deputy Speaker, Sir. I move that the debate be now adjourned.

Mr Abbas Mamode 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 Tuesday 05 July 2022 at 11.30 a.m.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo) seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned. Adjournment matters! Hon. Osman Mahomed!

MATTERS RAISED

(7.38 p.m.)

EID-UL-ADHA 2022 - CATTLE - SHORTAGE

Mr Osman Mahomed (First Member for Port Louis Maritime & Port Louis East):

Thank you, Mr Deputy Speaker, Sir. I wish to address the hon. Minister of Commerce tonight regarding *Qurbani* for *Eid-ul-Adha* 2022 which seemingly will be celebrated on 9 July depending on moon sighting. There is currently an acute shortage of cattle on the market and seemingly, there is a very high price being fixed by those who are selling cattle. I know the Minister has met the stakeholders but since we are two weeks away from *Eid-ul-Adha* and the people going for reservation at the farm are facing great hardship, my request to him is to kindly request Government to resolve this matter promptly with the fixing of price and to make sure that cattle is supplied in adequate quantity so as to facilitate matters to the extent possible and in a very prompt manner. Thank you.

The Deputy Speaker: Thank you very much, hon. Minister please.

The Minister of Labour, Human Resource Development and Training Minister of Commerce and Consumer Protection (Mr S. Callichurn): Mr Deputy Speaker, Sir, we are in the process of examining the figures obtained by the importers of live cattle for the festival of *Eid-ul-Adha* and we will come to a conclusion very shortly, that is by Friday and Government will take a decision on the price to be fixed for the sale of beef.

As regard to the shortage of live cattle, I have been told that there will not be any shortage.

The Deputy Speaker: Thank you very much. Hon. Navarre-Marie, please!

(7.40 p.m.)

POINTE AUX SABLES, COMMUNITY HEALTH CENTRE - INCONVENIENCES TO INHABITANTS

Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West): Merci, M. le président. Ma requête s'adresse au ministre de la Santé et concerne les difficultés que rencontrent les habitants de Pointe aux Sables, surtout les personnes âgées. La construction d'un *Community Health Centre* est actuellement en cours et les travaux sont censés être complétés l'année prochaine pour remplacer le dispensaire existant. Entre temps, les personnes sont

dirigées vers le dispensaire de la Tour Koenig. Cette situation cause énormément de problèmes surtout aux personnes âgées qui doivent faire des prélèvements sanguins tôt le matin car elles n'ont pas accès aux autobus avant 9 heures le matin, priorité étant donnée aux étudiants et aux personnes qui travaillent.

Les habitants proposent qu'ils soient autorisés à utiliser les services du dispensaire existant en attendant de pouvoir utiliser le dispensaire en voie de construction. Le dispensaire existant sera utilisé comme parking à la fin de la construction mais cela pourrait être aménagé à l'achèvement des travaux en cours. Merci.

The Deputy Speaker: Hon. Minister, please!

The Minister of Health and Wellness (Dr. K. Jagutpal): Mr Deputy Speaker, Sir, I hope that the hon. Member will agree with me that at Pointe aux Sables, we are coming with a new infrastructure and obviously during this period of time, there will be some inconveniences to all those living around this Community Healthy Centre. I will look into another possibility and options where we can have some other facilities made available to the existing facilities that we do have but I have to see with the officer to find out what can be done for that duration of time.

The Deputy Speaker: Thank you Minister. Hon. Dhunoo, please!

(7.42 p.m.)

EAU COULÉE – SENIOR CITIZENS – INFLUENZA VACCINATION

Mr S. Dhunoo (Third Member for Curepipe & Midlands): Thank you, Mr Deputy Speaker, Sir. My request is addressed to hon. Minister Jagutpal, Minister of Health and Wellness. The Deputy Prime Minister, hon. Obeegadoo and myself have received representations from senior citizens of Eau Coulée who are requesting if the Ministry could organise vaccination for influenza in the community since it will be opened soon. If you could consider their request; thank you.

The Deputy Speaker: Thank you, hon. Minister!

The Minister of Health and Wellness (Dr. K. Jagutpal): Thank you. Yes, we can organise a vaccination on a day, especially for anybody who wishes to come and get the flu vaccination. We can even lay emphasis for those who have not done their booster dose to come on a particular day to get their vaccination. Yes, this can be done, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you, hon. Minister. Hon. Ms J. Bérenger!

(7.43 p.m.)

MAHEBOURG - BARACHOIS - ILLEGAL CONSTRUCTION

Ms J. Bérenger (First Member for Vacoas & Floréal): Merci. Ma requête s'adresse au ministre responsable des *Fisheries*, qui était là il y a quelques minutes, malheureusement, il n'est plus là. J'espère que cela pourra lui être transmis.

Cela concerne un problème que j'avais soulevé pendant mon discours sur le budget et j'avais également déposé des photos. Des structures sont en train d'être érigées illégalement dans le barachois de Mahebourg et des mangliers sont toujours en train d'être saccagés en enfreignant la section 69 du *Fisheries Act*.

Je demande à l'honorable ministre de bien vouloir faire le nécessaire pour empêcher ces travaux de détruire tout un écosystème. Et de bien vouloir rencontrer les pêcheurs de l'endroit qui demandent une rencontre depuis longtemps et qui ne comprennent pas pourquoi ils n'ont plus accès aux barachois contrairement à l'occupant qui fait clairement la pluie et le beau temps alors qu'il n'a pas de permis à jours. Merci.

The Deputy Speaker: Minister Bholah will take it!

The Minister of Industrial Development, SMEs and Cooperatives (Mr S. Bholah): Okay, I take note and I will pass on the message to my colleague, the hon. Minister.

The Deputy Speaker: Hon. Ramful!

(7.44 p.m.)

NLTA - PSV TAXI LICENCE - APPLICATIONS

Mr D. Ramful (First Member for Mahebourg & Plaine Magnien): Thank you, Mr Deputy Speaker, Sir. I have a question addressed to the Minister of Land Transport and Light Rail who is not here, unfortunately. It is with regard to applications that were received by the National Land Transport Authority from applicants to operate PSV Taxi Licence from Plaine Magnien and Mahebourg. The applicants have already been heard by the authority since last year, and they are still waiting for a reply from the authority. Can I ask the hon. Minister to kindly look into the matter? Thank you.

The Deputy Speaker: Minister Lesjongard will take it!

The Minister of Energy and Public Utilities(Mr G. Lesjongard): Yes, Mr Deputy Speaker, Sir. With your permission, I have noted the issue raised by the hon. Member. I will convey same to the Minister responsible.

The Deputy Speaker: Hon. Aadir Ameer Meea!

(7.45 p.m.)

**CONSTITUENCY NO. 3 - CITÉ ROCHE BOIS, SIR GAËTAN DUVAL COMPOUND –
CLEANING EXERCISE**

Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East): Thank you, Mr Deputy Speaker, Sir. I shall address my issue to the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management. It is in relation to Sir Gaëtan Duval Compound which is found at Cité Roche Bois in my Constituency No. 3.

Mr Deputy Speaker, Sir, the Sir Gaëtan Duval Compound which comprises of a children's playground, a green space and a volleyball pitch is maintained by the Municipal Council of Port Louis. Unfortunately, it is in a deplorable state since months, if I can say, where a lot of wastes, debris have been left there, resulting in an unhygienic condition. The drain is also blocked and as a result, there is a foul smell.

So, therefore I will appeal to the hon. Vice-Prime Minister, Minister of Local Government and Disaster Risk Management so that he can request the Council of Port Louis to remedy the situation urgently. Also, henceforth, if regular cleaning exercise can be carried out. Thank you.

The Deputy Speaker: Thank you. Hon. Vice-Prime Minister!

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Yes, Mr Deputy Speaker, Sir, I will pass on the message to the Council.

The Deputy Speaker: Thank you very much. Hon. Ittoo, please!

(7.46 p.m.)

PLACES OF WORSHIP – EMBELLISHMENT WORKS

Mr A. Ittoo (Third Member for Vacoas & Floréal): Merci, M. le président. Ma requête s'adresse à l'honorable Kavy Ramano, ministre de l'Environnement. Premièrement, je le remercie pour tous les projets d'embellissement qui sont faits dans la circonscription par rapport aux lieux de culte, et bien sûr, à travers l'île aussi. Vu la levée de restrictions, on sait qu'il y aura beaucoup d'affluences dans ces lieux de culte. Donc, je lui demanderai s'il pourrait intervenir pour que ces travaux d'embellissement soient faits au plus vite pour le confort de tous les dévots. Merci.

The Deputy Speaker: Thank you. Hon. Minister!

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): M. le président, le contrat a été alloué pour une période spécifique pour que le contracteur puisse terminer les travaux. Bien sûr, nous allons prendre en considération les festivités qui arrivent, et nous allons assurer que tout soit prêt avant les festivités. Merci.

The Deputy Speaker: Hon. Doolub! Last one, I understand!

(7.48 p.m.)

MAHEBOURG CEMETERY - INCINERATOR

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, hon. Dr. Husnoo. It has been quite some time now that infrastructures have already been built at the Mahebourg Cemetery, commonly known as *Tombeau*, for an incinerator. But it appears that since some time, there are some parts missing, and the supplier is not able to complete the functioning of the incinerator. I would request him if he could, please, look into the matter. Thank you.

The Deputy Speaker: Hon. Vice-Prime Minister!

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Yes, Mr Deputy Speaker, Sir, I will look into that.

The Deputy Speaker: Thank you very much. Have a safe trip back home!

At 7.49 p.m., the Assembly was, on its rising, adjourned to Tuesday 05 July 2022 at 11.30 a.m.