



**SEVENTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**FIRST SESSION**

**WEDNESDAY 13 MAY 2020**

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**(Formed by Hon. Pravind Kumar Jugnauth)**

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Mrs Leela Devi Dookun-Luchoomun, GCSK	Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology
Dr. the Hon. Mohammad Anwar Husnoo	Vice-Prime Minister, Minister of Local Government and Disaster Risk Management
Hon. Alan Ganoo	Minister of Land Transport and Light Rail
Dr. the Hon. Renganaden Padayachy	Minister of Finance, Economic Planning and Development
Hon. Nandcoomar Bodha, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Louis Steven Obeegadoo	Minister of Housing and Land Use Planning
Hon. Mrs Fazila Jeewa-Daureeawoo, GCSK	Minister of Social Integration, Social Security and National Solidarity
Hon. Soomilduth Bholah	Minister of Industrial Development, SMEs and Cooperatives
Hon. Kavydass Ramano	Minister of Environment, Solid Waste Management and Climate Change
Hon. Mahen Kumar Seeruttun	Minister of Financial Services and Good Governance
Hon. Georges Pierre Lesjongard	Minister of Tourism
Hon. Maneesh Gobin	Attorney General, Minister of Agro-Industry and Food Security
Hon. Yogida Sawmynaden	Minister of Commerce and Consumer

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Hon. Jean Christophe Stephan Toussaint	Minister of Youth Empowerment, Sports and Recreation
Hon. Mahendranuth Sharma Hurreeram	Minister of National Infrastructure and Community Development
Hon. Darsanand Balgobin	Minister of Information Technology, Communication and Innovation
Hon. Soodesh Satkam Callichurn	Minister of Labour, Human Resource Development and Training
Dr. the Hon. Kailesh Kumar Singh Jagutpal	Minister of Health and Wellness
Hon. Sudheer Maudhoo	Minister of Blue Economy, Marine Resources, Fisheries and Shipping
Hon. Mrs Kalpana Devi Koonjoo-Shah	Minister of Gender Equality and Family Welfare
Hon. Avinash Teeluck	Minister of Arts and Cultural Heritage
Hon. Teeruthraj Hurdoyal	Minister of Public Service, Administrative and Institutional Reforms

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**MAURITIUS**

**Seventh National Assembly**

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**FIRST SESSION**

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**Debate No. 11 of 2020**

**Sitting of Wednesday 13 May 2020**

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

**The National Anthem was played**

*(Mr Speaker in the Chair)*

## ANNOUNCEMENT

### COVID-19 PANDEMIC - NATIONAL ASSEMBLY SITTING

**Mr Speaker:** Honourable Members, today's sitting will be held according to the same arrangements as the previous sitting and same will be applicable for subsequent sittings until further notice.

It is, therefore, necessary that the provisions of Standing Orders 25(2) and 39(2) insofar as Honourable Members are required to rise to address the Chair for the purposes of participating in the proceedings be suspended.

I, therefore, invite the Honourable Leader of the House, to make the appropriate motion from a sitting position.

## MOTIONS

### S.O. 17(3) & S.O. 29(1)

**The Prime Minister:** Mr Speaker, Sir, I beg to move under Standing Order 17(3) to take the time of the House for urgent business.

**The Deputy Prime Minister seconded.**

*Question put and agreed to.*

**The Prime Minister:** Mr Speaker, Sir, having obtained your permission, I beg to move under Standing Order 29(1) to present a motion without notice.

**The Deputy Prime Minister seconded.**

*Question put and agreed to.*

### SUSPENSION OF S.O. 25(2) & S.O. 39(2)

**The Prime Minister:** Mr Speaker, Sir, I beg to move that the provisions of Standing Orders 25(2) and 39(2) insofar as Honourable Members are required to rise to address the Chair for the purposes of participating in the proceedings be suspended for today's sitting and subsequent sittings until further notice.

**The Deputy Prime Minister seconded.**

*Question put and agreed to.*

**PAPERS LAID**

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

**A. Prime Minister's Office, Ministry of Defence, Home Affairs and External Communications, Ministry for Rodrigues, Outer Islands and Territorial Integrity**

Certificate of Urgency in respect of the following Bills (In Original):

- (i) The COVID-19 (Miscellaneous Provisions) Bill (No. I of 2020); and
- (ii) The Quarantine Bill (No. II of 2020).

**B. Ministry of Commerce and Consumer Protection**

- (a) The Consumer Protection (Price and Supplies Control) (Amendment of Schedule) (No. 4) Regulations 2020. (Government Notice No. 87 of 2020).
- (b) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 10) Regulations 2020 (Government Notice No.88 of 2020).



## ORAL ANSWER TO QUESTION

### MAURITIUS - HIGH RISK THIRD COUNTRY - EUROPEAN COMMISSION LIST

**The Leader of the Opposition (Dr. A. Boolell)** (*by Private Notice*) asked the Minister of Financial Services and Good Governance whether, in regard to the inclusion of Mauritius in the list of High Risk Third Countries issued by the European Commission on 07 May 2020, he will state -

- (a) the measures that had been taken to strengthen the effectiveness of the country's Anti-Money Laundering and Combatting the financing of terrorism (AML/CFT) system, and
- (b) the remedial actions Government proposes to take to address the identified Anti-Money Laundering and Combatting the financing of terrorism (AML/CFT) strategic deficiencies, in order to protect the economy of Mauritius and its people.

**Mr Seeruttun:** Mr Speaker, Sir, this question will give me the opportunity to clarify to the House the issue surrounding the European Commission list of "High Risk Third Countries" issued on 07 May 2020.

The EU Regulation listing Mauritius as a High Risk Third Country will now be submitted to the European Parliament and the Council of Member States for approval within one month, with a possible one-month extension.

However, given the Coronavirus crisis, the date of application of the Regulation will take effect as from 01 October 2020.

The Regulation will require EU Member States to apply enhanced due diligence measures on all dealings with Mauritius.

At the very outset, I would like to draw the attention of the House that unlike in the past, when there were always fruitful consultations in line with EU practice prior to any major decision being taken, the decision to list Mauritius was unilateral.

Since I took office, I have had regular meetings with the EU Ambassador and at no point in time, the possible listing of Mauritius was formally brought to the table.

When we took cognizance of the proposed listing of Mauritius through a Press article that was published by Reuters on 05 May 2020, the hon. Prime Minister wrote to the

President of the EU Commission on 06 May 2020 to express the concerns of Mauritius and made a plea for the EU to open a dialogue with Mauritius prior to taking a decision on the proposed listing.

This matter has also been raised with the Secretary General of the Organisation of African, Caribbean and Pacific States (OACPS). The House may be aware that the Secretary General, Georges Rebelo Pinto Chikoti, has in a Press release condemned in no uncertain terms the publication of this list without consultation.

Mr Speaker, Sir, it is difficult to understand the rationale behind the listing process of the EU. According to information gathered, in identifying new countries for listing, the European Commission considered the Financial Action Task Force (FATF) lists of High Risk Jurisdictions and Jurisdictions under Increased Monitoring. It is important to highlight that -

Firstly, Albania, a non-EU member, listed by the FATF has not been included in the EU list.

Secondly, Mauritius is on the FATF list of “Jurisdictions under Increased Monitoring” and the FATF did not call for the application of enhanced due diligence to be applied to the jurisdictions on the list.

Thirdly, the FATF membership comprises 14 out of the 27 members of the European Union and the European Commission. The reason for going beyond the FATF decision at the level of the European Union is, therefore, unclear.

Fourthly, the methodology used by the European Commission to place Mauritius on its list of High Risk Jurisdictions is not clear inasmuch as the European Commission issued both the list and a revised methodology on the same day.

Lastly, the process that will apply for exiting the European Commission list of High Risk Third countries is unclear.

Mr Speaker, Sir, this matter has been given highest priority at the level of Government and engagement with the European Commission has been initiated to open a dialogue.

I would like to inform the House that the European Commission has agreed to hold a teleconference with a technical team from Mauritius to be held later today.

In addition, given our understanding that the listing is a direct consequence of the FATF listing, the following measures are being taken to expedite the implementation of the FATF Action Plan -

- (i) a High Level Multi-Stakeholders Committee, chaired by the Prime Minister as well as the National AML/CFT Committee through regular reporting by its subcommittees are overseeing the implementation process and ensure that appropriate resources are made available therefor;
- (ii) my Ministry is coordinating the implementation of the FATF Action Plan to ensure that Mauritius exits the FATF list at the earliest. To this effect, it must be highlighted that the six sub-committees established under the National AML/CFT Committee are already submitting progress reports weekly;
- (iii) technical assistance programmes under the EU funded Anti-Money Laundering and Combatting the Financing of Terrorism Global Facility and the German Government through the German Development Agency (GIZ) have been finalised and extensive engagements with relevant authorities are currently taking place to implement the FATF Action Plan. For example, even during the curfew period, a distance learning programme developed under the EU technical assistance programme for Police and MRA officers was launched on Monday 11 May 2020, and
- (iv) my Ministry has engaged with the EU for further technical assistance, as provided in the Regulation for listing High Risk Third Countries, to assist us to expeditiously complete the implementation of the FATF Action Plan.

I have also personally met with the private sector associations on several occasions to maintain a dialogue and enlist their support and collaboration.

Mr Speaker, Sir, with regard to part (a) of the question, when this Government took office in December 2014, there were already serious deficiencies in our AML/CFT legislative framework. It was only when the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) Mutual Evaluation process started in October 2016 that the preliminary findings of the desk review of our AML/CFT legal framework were shared with us, that we took cognizance of the full extent of the deficiencies.

Mr Speaker, Sir, I would like to take some more time of the House to point out that this outcome has resulted from a lack of political commitment and leadership under the previous Government to uphold our commitment ...

*(Interruptions)*

...to implement the FATF International Standards on Combating ...

**Mr Speaker:** Hon. Leader of the Opposition, withdraw that word “liar”!

**Dr. Boolell:** Okay, I withdraw. “Drier” I said, not “liar”.

**Mr Speaker:** Withdraw the word “liar”!

**Dr. Boolell:** Alright, I withdraw.

**Mr Seeruttun:** I will start again, Mr Speaker, Sir.

*(Interruptions)*

I would like to take some more time of the House to point out that this outcome has resulted from a lack of political commitment and leadership under the previous Government to uphold our commitment to implement the FATF International Standards on Combatting Money Laundering and the Financing of Terrorism and Proliferation.

Mauritius is a founding member of the ESAAMLG, a group of 18 countries from the Eastern and Southern African region, set up in 1999 to combat money laundering in the region. By signing the ESAAMLG Memorandum of Understanding, the member countries, including Mauritius committed to the implementation of the internationally accepted standards of the Financial Action Task Force (FATF) on Combatting Money Laundering and Terrorism Financing and agreed to participate in an ongoing programme of mutual evaluation. The mutual evaluation is a peer review process undertaken in accordance with Mutual Evaluation Procedures approved and reviewed from time to time by the ESAAMLG Council of Ministers. And I must mention here that these procedures are in line with the FATF Universal Procedures.

Mr Speaker, Sir, I wish to recall that Mauritius underwent a first mutual evaluation in 2007 and its Anti-Money Laundering (AML) and combating the financing of terrorism regime was assessed on a set of procedures that were established in 2004 by the FATF. In accordance with the FATF 2004 Methodology, the assessment was focused only on technical compliance with the then FATF 40 + 9 Recommendations and the Mutual Evaluation Report

was adopted by the ESAAMLG Council of Ministers and published in August 2008. The 2008 Mutual Evaluation Report contained detailed recommendations to assist Mauritius in addressing the gaps identified in its legal framework to fully meet the FATF Recommendations. Following the adoption of the post evaluation implementation procedures by the ESAAMLG in August 2009, Mauritius had to report annually on progress made in implementing the MER recommendations as from August 2010. In April 2016, Mauritius was informed that in view of its upcoming mutual evaluation under the ESAAMLG second round of assessments, there would be no further reporting. At the time Mauritius exited the process, it still had outstanding deficiencies to address under the 2008 Mutual Evaluation Report.

In addition, Mr Speaker, Sir, in February 2012, the FATF issued Revised Recommendations and, as a member of the ESAAMLG, Mauritius endorsed the FATF 40 Recommendations.

Mr Speaker, Sir, the overarching principle of the Revised FATF Recommendations is the adoption of a risk-based approach to combat money laundering and terrorism financing. The risk based approach increases effectiveness of an AML/CFT system as it allows targeted interventions and the optimal use of resources.

Mr Speaker, Sir, with the revision of the FATF Recommendations in 2012, the FATF reviewed its assessment methodology and a new Methodology which focuses on assessing the level of effectiveness of AML/CFT systems and procedures was issued in February 2013.

Mr Speaker, Sir, adopting compliant laws and regulations was no longer sufficient. Each country must enforce these measures, and ensure that the operational, law enforcement and legal components of an AML/CFT system work together effectively to deliver results, namely the 11 Immediate Outcomes. During an assessment, the FATF or the ESAAMLG, in our case, looks for evidence that demonstrates how well all these components are working together in the context of the risks that the country is exposed to.

Mr Speaker, Sir, although Mauritius had advanced notice of new FATF requirements since April 2012, no initiative was taken to review the AML/CFT framework of Mauritius to bring it in conformity with these new recommendations. I wish to highlight here that, despite the fact that Mauritius held the ESAAMLG Presidency between September 2011 and September 2012 and, in that capacity, had a leadership role in the ESAAMLG region, it failed to address its AML/CFT deficiencies from the 2008 MER...

*(Interruptions)*

**Mr Speaker:** Let the Minister reply!

**Mr Seeruttun:** ... and realign its legal framework with the Revised Recommendations.

Mr Speaker, Sir, from February 2012 when the FATF issued the Revised Recommendations, Mauritius ought to have initiated, as a minimum, the assessment of the money laundering and terrorism financing risks facing the country, that is, a National Risk Assessment exercise.

Mr Speaker, Sir, the lack of political will and commitment at that time resulted in the 2018 Mutual Evaluation Report with modest ratings. Mauritius was rated largely compliant or compliant with only 14 out of the 40 FATF Recommendations. With respect to effectiveness assessment, Mauritius was found to have either a low or moderate level of effectiveness against all the 11 Immediate Outcomes. Had the then Government initiated appropriate measures as from 2008 to address the legal shortcomings, we would have had ample time to build up the level of effectiveness of our AML/CFT system and hence we would not have been in this present situation.

Mr Speaker, Sir, as regards part (b) of the question, let me inform the House that this Government has already embarked on a series of measures...

**Dr. Boolell:** Mr Speaker, Sir, on a point of order. He has been given ample time and he has, in fact, made an abuse of the time allocated to him. So, I hope that we will be allocated enough time to reply to the question.

**Mr Speaker:** Are you proposing to withdraw the second part of the question?

**Dr. Boolell:** And I hope you will be very fair.

**Mr Speaker:** So, let the Minister reply to the second part of the question! Go ahead Minister!

**Mr Seeruttun:** Thank you, Mr Speaker, Sir. As regards part (b) of the question, let me inform the House that this Government has already embarked on a series of measures to improve the level of effectiveness of our AML/CFT framework after having addressed most of the technical compliance deficiencies.

Mr Speaker, Sir, the strong political will and commitment of this Government to strengthen the country's AML/CFT framework both in terms of technical compliance and effectiveness of the system must be underscored.

On the strength of the measures taken since adoption of the MER, Mauritius submitted two applications for technical compliance re-rating to the ESAAMLG in October 2018 and February 2019 with the result that Mauritius is now compliant or largely compliant with 35 out of the 40 FATF Recommendations. A third application for the technical compliance re-rating of the remaining five Recommendations was submitted in February 2020 to the ESAAMLG for consideration at its September 2020 meeting.

Mr Speaker, Sir, it is also important for me to draw the attention of the House to the fact that, despite the sanitary curfew prevailing in Mauritius since 20 March 2020, the Mauritian Authorities delivered on their commitment and a first progress report was sent to the FATF on the agreed date. Regrettably, the FATF process has been halted due to the Covid-19 situation and the progress report could not be assessed.

Mr Speaker, Sir, under the FATF Action Plan, Mauritius has to demonstrate an increase in the level of effectiveness of its AML/CFT systems in the areas specified in the FATF public statement. In this respect, four factors are important -

- (i) political commitment;
- (ii) national coordination;
- (iii) additional Human and other resources, and
- (iv) technical assistance, in areas where local expertise and skill sets are not available.

All these four factors are being addressed.

In addition to its collaboration with the FATF, Mauritius is also working closely with the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), a FATF – Style Regional Body and associate member of the FATF, to ensure that the AML/CFT measures put into place by Mauritius meet the FATF international standards. Since the adoption of its Mutual Evaluation Report, Mauritius has submitted three follow-up progress reports, two which are available on the website of the ESAAMLG. The third one is still under consideration. The two follow-up reports describe the progress made by Mauritius since the

adoption of its Mutual Evaluation Report and were endorsed by the FATF and its global network.

Mr Speaker, Sir, a new economic and financial order is being engineered and it is sadly at the detriment of small countries like ours. But we are determined at the highest level of Government to complete the implementation of the FATF Action Plan so as to be removed from the FATF list and EU list of High Risk Third Countries at the earliest in order to protect the economy.

Thank you.

**Dr. Boolell:** Mr Speaker, Sir, I hope you will be fair because the Minister has been allocated more than ample time. Fairness means equal time. So, I hope that you will be fair to all of us; if you can tell us the amount of time allocated to us.

**Mr Speaker:** Put your question! Don't erode your time.

**Dr. Boolell:** Yes, the question is coming. Can I impress upon the Minister - thanks to the incompetence of this Government, today a sector which is thriving has lost its momentum to the extent that people are pulling out their money out of Mauritius and those who are willing to use Mauritius as a jurisdiction are looking elsewhere. Is he aware of that? And putting at risk the livelihood of so many people working in that sector.

**Mr Seeruttun:** Mr Speaker, Sir, in my reply, I made it clear, if we are in this particular situation right now, that is because when those who were in a situation to address the deficiencies did not.

*(Interruptions)*

**Mr Speaker:** Let the Minister reply!

**Mr Seeruttun:** They had a laidback approach and did not do anything to the point where they did not even care that FATF had reviewed its Methodology since 2012, and they kept on ...

*(Interruptions)*

**Mr Speaker:** Order!

**Mr Seeruttun:** ... and they kept on reporting to the ESAAMLG based on the old Methodology of 2004. That shows how much they were ignorant of the things that were happening, that were developing at the level of the FATF. And ever since the Mutual



Evaluation Review started in 2016, when we were made aware of the deficiencies that we have to address, this Government took all the steps necessary so much so that within one year...

*(Interruptions)*

**Mr Speaker:** No statement hon. Member!

**Mr Seeruttun:** ... after the Mutual Evaluation Report came out, within one year itself, we have moved from 14 Technical Compliance status to 35 out of 40. That shows how much effort is being made by this Government to address those deficiencies, Mr Speaker, Sir.

**Dr. Boolell:** Can the Minister say how Government proposes to review the role of the FSC implementing effective and risk based supervision so that we can put a stop to the long list of financial scandals like those related to Sobrinho? And, of course, let me remind him of Fishrot Files, and he is not aware of it, he can find out who is the culprit.

**Mr Speaker:** Is this a supplementary question?

**Dr. Boolell:** Of course, it is a supplementary question!

**Mr Speaker:** You call that a supplementary question? You are making a speech!

**Dr. Boolell:** Yes, I put two supplementary questions. Two in one, if you don't know.

*(Interruptions)*

**Mr Speaker:** The length of your question gives rise to a lengthy answer.

*(Interruptions)*

This is it!

*(Interruptions)*

Hon. Minister!

**Mr Seeruttun:** Mr Speaker, Sir, one of the items that has been put on the Action Plan by the FATF concerns the development of a Risk Based Approach Framework to be established so as to look across all the different categories of entities working in the Global Business so that we not only focus on very high risk and high risk entities but also at middle risk countries. This framework has already been developed and is being now implemented for inspections to be carried out and that, like I said, is being one of the items on the Action

Plan which has already been addressed by the FSC and which is going to be implemented, through inspections now, according to that framework.

**Dr. Boolell:** Mr Speaker, Sir, is the Minister aware that we have been taken to task on law enforcement agency and in respect of designated non-financial bodies and person? I would like to know how does Government intend to combat money laundering effectively without a proper supervision of casino; and we know who is going to run casino, we know who the bookmakers are, and of gambling and non-financial activities as critically noted by the Financial Action Task Force.

**Mr Seeruttun:** Again, Mr Speaker, Sir, that shows how much the hon. Leader of the Opposition is, I won't use the word 'ignorant', but he was a Minister in that Government in 2008 and that issue about designated non-financial businesses and professions came up in that report and was meant to be addressed. It is this Government which is addressing those deficiencies, and you will see we have already secured technical expertise through the technical assistance of the EU and the GIZ to train all the operators and the officers who are...

*(Interruptions)*

**Mr Speaker:** Come on! Order, please!

**Mr Seeruttun:** ...so as we can address those deficiencies, Mr Speaker, Sir. Again, like I said, had they taken their responsibility at that time, we would not be here today.

**Dr. Boolell:** Mr Speaker, Sir, can I ask the hon. Minister, knowing perfectly well that on seven criteria, in respect to effectiveness rating, we have been rated low because this Government has not done its work properly? As of now, there is no head at the FSC and we know how the ICAC is being run, and we know what remarks were made by ESAAMLG in respect of law enforcement agencies and corruption in this country.

**Mr Seeruttun:** Mr Speaker, Sir, answering the first question with regard to effectiveness rating ...

*(Interruptions)*

**Mr Speaker:** The hon. Leader of the Opposition is giving the reply?

**Dr. Boolell:** But he is asking? What do you want me to do? Stay like...

**Mr Speaker:** The hon. Leader of the Opposition is giving the reply?

**Mr Seeruttun:** The fact that he has got a few questions in one question, I have to ...

*(Interruptions)*

Mr Speaker, Sir, with regard to effectiveness, I don't know where the hon. Leader of the Opposition is coming with the rating of low. It is an ongoing process and the FATF has observed that on five items of the 58 Recommendations which relate to effectiveness, we need to continue to make progress, tangible and positive progress. This is an ongoing process and I must say, at the level of the FATF, there are three reviews that are carried out annually. There was one in February and the next one was meant to be in April and we were meant to submit our Progress Report in March. In fact, on 20 March, we submitted our Progress Report to show the progress that we are making on those five items with regard to effectiveness. Unfortunately, due to Covid-19, that meeting had to be cancelled, has been suspended and will be taken up at a later stage. And in the meantime, the progress is ongoing and we will keep on communicating to the FATF the progress that we are making with regard to those deficiencies that have been noted.

With regard to the FSC, Mr Speaker, Sir, there has been a change at the level of the top management. The necessary steps have already been taken and there would be someone appointed shortly to take up the lead at the level of the FSC, Mr Speaker, Sir.

**Mr Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Mr Speaker, Sir. Is the hon. Minister aware that one of the consequences of being listed on that High Risk list is that financial institutions cannot enter into new or renewed operation with entities established in Mauritius? This being the case, at the level of his Ministry or the FSC, has any survey been undertaken to assess the impact on all these DFIs leaving Mauritius because they are now prohibited from investing in Mauritius entities as a result of Mauritius being placed on this High Risk list?

**Mr Seeruttun:** Mr Speaker, Sir, I have had meetings already with the members of the Global Business. On two occasions last week, I met with them, we have discussed over the impact of that listing. We have already set up a little team to look at the impact with regard to the DFIs and the level of transactions that occur between the EU DFIs and Mauritius. We also know that it takes time for them to move out as well because they have committed their funds on different projects and we are reassuring those DFIs, we have shown ever since 2018, in terms of addressing those deficiencies, our commitment is even more strengthened to ensure that we address those deficiencies and to make sure that we get out of that list. I mean,

the first priority, Mr Speaker, Sir, is to show that we are doing everything that we can to get out of that list at the earliest, and we are fully committed all the way, up to the highest level of the Government, to get out of that list, Mr Speaker, Sir.

**Mr X. L. Duval:** Mr Speaker, Sir, if I may add two questions, with your permission. Firstly, the Minister was aware early this year that we were to be placed and we were eventually placed on the Grey list of FATF, and that this would most probably lead to sanctions by the EU. I am sure that was common knowledge internationally. What did the Government do from learning of the Grey list of FATF to the eventual blacklisting by the EU? What did the Government do to engage with the EU so that this terrible action was not taken against Mauritius?

**Mr Seeruttun:** Mr Speaker, Sir, I must say that since November, I have met the EU Ambassador on so many occasions and all along we have been discussing...

*(Interruptions)*

**Mr Speaker:** Order, please!

**Mr Seeruttun:** ... this topic with regard to our commitment with FATF.

*(Interruptions)*

**Mr Speaker:** This is not a way to address another Member of the House!

*(Interruptions)*

We are hon. Members!

**Mr Seeruttun:** The hon. Member put the question and I am trying to answer as much as possible what we have done ever since November 2019. We have been all along, Mr Speaker, Sir, sharing information with the EU Ambassador of what we are doing and also, last year, when there was the political dialogue between Mauritius and EU, that question was raised. It was mentioned during the discussions that Mauritius was not being assessed or evaluated by the EU. It was also mentioned that, should they decide to assess Mauritius, they would inform us to initiate consultation. Only two weeks ago, my colleague, the Minister of Foreign Affairs had a video conference with Commissioner of Trade, Commissioner Hogan, and again, we explained the work that is being done at our level to address all those deficiencies. And I must say, in his own word, he was very supportive of what we are doing. So, at all levels, we are as far as possible exchanging information to show how much we are committed to be in conformity with all the norms set by the FATF.

**Mr X. L. Duval:** Mr Speaker, Sir, can I ask a second question?

**Mr Speaker:** Please go ahead!

**Mr X. L. Duval:** Obviously, I see nothing specific was done by the Government. I would like to ask the hon. Minister also, given that there had been repetitive and constant bad press on Mauritius, in Europe, especially in France, what did the Government do to counteract these bad press in the newspapers and the media in general and, especially, what did EDB do to counteract, if at all they did anything, all the bad press that Mauritius has been receiving internationally?

**Mr Seeruttun:** I must say, Mr Speaker, Sir, conscious of the regular media article that comes out, be it in Europe or in India, we had already initiated, last year, to enlist a PR firm to address that issue. Already, there was a firm appointed last year by the EDB to counteract those articles that give a bad perception of the image of Mauritius. We have, since the beginning of this year, again, looking at other ways and means to address these kinds of attacks because this is something that we have to do over a long-term basis. Mr Speaker, Sir, the hon. Member was talking of Government and diplomatic front, that we have not done anything. I must say, Mr Speaker, Sir, with regard to SEBI, we were listed as Category-II with regard to FPIs. And, again, that shows how much the Government is committed, how much we are using all the efforts of our missions to ensure that these kinds of changes that affect our jurisdiction are being addressed, and we have seen how this has proved to give effective results. So, we, at the level of the Government, at the level of the different missions, we are doing everything in engaging with all the parties to ensure that our cause is being heard and we can come to a reasonable solution.

**Mr Speaker:** Hon. Leader of the Opposition, last question!

**Dr. Boolell:** Can I impress upon the Minister that we need to do everything possible to ensure that we make an honourable exit from the FAFT list? And I would like to ask him whether, at the level of diplomacy and in respect of lobbying, we need to enlist the support of ACP countries and make a plea to the European Union to depone before the EU Parliament and to highlight the merits of our sector. Because, you, as a Government, have failed and you have failed abysmally, and you are running out a sector which employs more than 15,000 people.

**Mr Seeruttun:** The hon. Leader of the Opposition started well in his statement in that last question. I thought he was going to keep on with that same tone, but he ended in a very

kind of, I would say, demagogic way. If we look at what is happening in other jurisdictions that are facing the same problem at this point in time, all the political leaders, be it in Government or in the Opposition, are all joining forces to fight this situation. It is unfortunate here, we see that the Opposition is playing a very, I would say, petty politics on this important issue which concerns us all. Let me reassure him that we have never failed in our responsibility and will never fail in getting out of...

*(Interruptions)*

**Mr Speaker:** Quiet!

**Mr Seeruttun:** ... this situation at the earliest. All our efforts are being mobilised, be it at the Government level, be it at the institutional level, be it at mission level, to make sure that our case is heard. At the level of ACP, already since the very day that the article came out, we have already engaged with them, and we are looking at other avenues, as well, to make sure that this thing is behind us at the earliest, Mr Speaker, Sir.

**Mr Speaker:** Time is over!

## **MOTION**

### **SUSPENSION OF S.O. 10 (2)**

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

**The Deputy Prime Minister seconded.**

*Question put and agreed to.*

## **PUBLIC BILLS**

### *First Reading*

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

- (i) *The COVID-19 (Miscellaneous Provisions) Bill (No. I of 2020)*
- (ii) *The Quarantine Bill (No. II of 2020)*

### *Second Reading*

- (a) **THE COVID-19 (MISCELLANEOUS PROVISIONS) BILL (NO. I OF 2020)**
- &**

**(b) THE QUARANTINE BILL (NO. II OF 2020)**

*Order for Second Reading read.*

**The Prime Minister:** Mr Speaker, Sir, with your permission, I move that the COVID-19 (Miscellaneous Provisions) Bill (No. I of 2020) and the Quarantine Bill (No. II of 2020) be taken together and be read a second time, inasmuch as both Bills have the same objective of strengthening our preparedness for and response to the Covid-19 and to any future pandemic.

Mr Speaker, Sir, in my Statement to the House, at the sitting of Tuesday 05 May 2020, I announced that, in the context of our fight against the COVID-19, the Government would be introducing the following legislation in the National Assembly –

- (i) the COVID-19 Bill;
- (ii) a new Quarantine Bill, and
- (iii) a new Public Health Bill.

The presentation of the COVID-19 Bill and the new Quarantine Bill, today, is an eloquent testimony of the unflinching determination with which this Government is waging the war against the COVID-19. I must say that the preparation of these Bills has been quite a challenging task, requiring a lot of arduous work at protracted hours, not only because of the present circumstances of the curfew, but also because of their scope and complexity.

Mr Speaker, Sir, while the Public Health Bill is being worked upon, the two Bills we are introducing today constitute an important component of the legislative response of the Government in its efforts not only to contain the spread of the COVID-19 but also to better prepare our country to face, and recover from a COVID-like situation in the future. The aim is to ensure that Mauritius has a modern and appropriate legal framework to deal with any future pandemic.

Mr Speaker, Sir, let me start with the COVID-19 (Miscellaneous Provisions) Bill (No. I of 2020). The object of this Bill is to amend a number of enactments to cater for the impact of COVID-19 in various sectors, mitigate the hardship on the population and facilitate recovery. Moreover, the Bill also seeks to enhance our preparedness, in general, to face a COVID-like situation in the future. In fact, the Bill is amending 56 enactments and I shall now provide a brief outline of these proposed amendments.

Clause 2 of the Bill is amending sections 6, 46 and 47 of the Bank of Mauritius Act, to allow the Bank to, *inter alia* –

- (i) invest with the approval of the Board, such amounts of official foreign reserves as the Board may determine, in any corporation or company set up for the purpose of facilitating economic development, and
- (ii) approve such grant from the Special Reserve Fund, to assist the Government in the stabilisation of the economy, on account of the negative impact of COVID-19 on the economy of Mauritius.

Mr Speaker, Sir, these amendments to the Bank of Mauritius Act are being brought to provide financial support to Government, in the implementation of various initiatives to address the negative impact of COVID-19, including assistance to employees in private enterprises and individuals in the informal sector, and to support economic recovery. Across the world, Central Banks, such as the Federal Reserve Bank and the Bank of England, have been providing financial support to Government, as well as to private enterprises and the household sector in the wake of the COVID-19 pandemic.

Clauses 3 and 4 are respectively amending the CEB Act and the CWA Act to allow the extension of the deadline for the payment of licence fees, bills, rates, charges or other duties during the COVID-19 period.

Clause 5 amends the Chemical Fertilisers Control Act to prevent licensees from withholding stock of fertilisers for the purpose of profiteering. This is being done to discourage such practice, especially during a COVID-like situation.

Clause 6 amends the Civil Status Act to allow the extension of the deadline for the registration of birth and publication of marriages which cannot be made during the COVID-19 period.

Mr Speaker, Sir, I now come to Clause 7 which is amending the Companies Act. Due to the COVID-19 outbreak, stakeholders could not comply with certain requirements within the time specified in the Act. Most stakeholders find themselves in a difficult situation to comply with the strict delays and procedures as laid down in the law. Consequently, amendments are being made for certain statutory deadlines to be extended during the COVID-19 period. Moreover, the Registrar is being empowered to issue such directions, guidelines or instructions as may be necessary for the administration of the Companies Act, including holding of meetings during the COVID-19 period.



Mr Speaker, Sir, I shall propose a minor amendment to Clause 7(b)(i) at Committee Stage. A copy of the amendment is being circulated.

Clause 8 brings amendment to the Consumer Protection (Price and Supplies Control) Act to provide for any person committing an offence under the Act to be given the option of choosing between accepting a Fixed Penalty Notice or proceedings being taken before a Court.

Clause 9 amends the Courts Act to provide for the maintenance of essential judicial services during the COVID-19 period, including the practice and procedures before any Court during such period.

Clause 10 is amending the Criminal Code in sections 4, 5, 6, 378, and 385 so as to increase the fines for crimes, misdemeanours and contraventions. It is to be noted that spitting in a public place will now be an offence.

Clause 11 brings amendment to the Customs Act in section 76 to provide that goods entering during the period 02 November 2019 and ending 31 December 2020 may be warehoused for a period of 36 months from date of entry. Presently, goods which entered bonded warehouses after 02 November 2019 can be stored for a maximum period of 24 months only. With the COVID-19 pandemic, economic operators will be facing difficulty for the sale of bonded goods. Hence, the increase in the statutory time frame for the removal of goods entered in bonded warehouses.

Clause 12 amends the Customs Tariff Act to provide for the creation of a new tariff line to give effect to the measure to remove Value Added Tax on hand sanitizers.

Clause 13 brings amendment to the Data Protection Act such that the issue of any licence or permit during the COVID-19 period shall be exempt from the application of the Act.

Clause 14 is amending the Education Act to provide, during closure of educational institutions, for distance education and online learning programmes, including broadcast lessons and their modalities. Provisions are also being made for disciplinary procedures to be instituted against any teaching and non-teaching staff who, without reasonable excuse, fail to engage in distance education during the closure of educational institutions.

Moreover, the Minister of Education will be empowered to make necessary regulations to provide for a number of measures including social and physical distancing,

attendance of non-teaching staff, dispensing of distance education, and other relevant measures during and after the temporary closure of educational institutions.

Mr Speaker, Sir, I now come to the proposed amendment to the Employment Relations Act.

It is widely accepted now that harmonious employment relations should underpin our industrial relations system and that the right to strike should be exercised as a last resort.

The Employment Relations Act sets clear procedures for dispute resolution and for right to strike. In this exceptional period we are living in today, we are making provisions for a different approach to address the issue of dispute resolution when it comes to assuring the basic needs of the population and the survival of the economy.

As regards the right to strike more generally, I would like to state in unequivocal terms that this Government recognises the right to strike as a fundamental right. However, as a responsible Government, which has at heart the well-being of its citizens and the survival of the economy, we have to come up with bold measures.

Therefore, to safeguard the national interest, an amendment is being brought to section 15(a) of the Employment Relations Act to prohibit the right to strike only in critical sectors listed in Part I of the Third Schedule, including health services, Port and Airport services, and related activities during the COVID-19 period and such further period as may be prescribed by the Minister of Labour.

Provisions will be made for compulsory arbitration for these sectors during that period.

I shall propose an appropriate amendment to Clause 15(a) of the Bill at Committee Stage.

I wish to point out that the procedure of compulsory arbitration already exists in the Employment Relations Act for the Mauritius Fire and Rescue Services, the Mauritius Prisons and the Police Force. These provisions are now being extended, amongst others, to the health services, Port and Airport services and other related activities.

Mr Speaker, Sir, Clause 16 amends the Environment Protection Act to provide, *inter alia*, that -

- (i) an EIA licence which expires during the COVID-19 period shall remain valid for a period of 30 days after the COVID-19 period or for such further period as may be prescribed, and
- (ii) hotels, guesthouse or tourist residence of more than 4 bedrooms shall be exempted from the payment of Environment Protection Fee for the period 01 March 2020 to 31 December 2020 or such other period as may be prescribed.

Mr Speaker, Sir, presently the rearing of poultry above 5,000 requires a Preliminary Environment Report. This figure is being raised to 15,000 with a view to improving food security. I wish to point out, however, that clearance from all relevant authorities would still be required and the activity would be subject to a number of conditions and guidelines.

Clause 17 is amending the Finance and Audit Act. The proposed amendment is required as the limit of 3.5 billion rupees on advances from the Consolidated Fund has proved to be a constraint for meeting urgent and unforeseen expenditure particularly in emergency situations such as the outbreak of the COVID-19 pandemic.

The Government had to incur urgent and unforeseen expenditure in view of the outbreak of the COVID-19 pandemic, particularly for the implementation of the Wage Assistance Scheme to provide financial support to employees of the private sector who were affected by the curfew and the Self-Employed Assistance Scheme for individuals of the informal sector who could not carry out their business activities. The present limit of 3.5 billion rupees is, therefore, being increased to 15 billion rupees.

The Financial Reporting Act is being amended by Clause 18 so as to allow Auditors to produce, upon request, books, documents or records to the Council, whether in electronic form or not.

Clause 19 brings amendment to the Financial Services Act to provide for the modalities for the Board to hold meetings by means of audio or audio-visual communication and for decisions to be taken by means of resolutions.

Clause 20 is amending the Foundations Act to provide for the Registrar to issue, during the COVID-19 period, such directions, guidelines or instructions as may be necessary for the administration of the Act. Due to the COVID-19 outbreak, stakeholders could not comply with certain requirements within the time specified in the Act. Most stakeholders find themselves in a difficult situation to comply with the strict delays and procedures, as laid down in the law, during the COVID-19 period and after. Hence, the proposed amendment.

Clause 21 seeks to amend the Freeport Act to, *inter alia*, authorise a private Freeport developer to provide, during the COVID-19 period and such further period as may be prescribed, warehousing facilities for the storage of goods in a Freeport zone to any person. This will allow the State Trading Corporation to secure, in the national interest, storage facilities in order to avoid shortage of LPG during the COVID-19 period and such further period as may be prescribed.

Clause 22 amends the Gambling Regulatory Authority Act to provide, *inter alia*, for the Authority to direct any licensee to temporarily cease operation during the COVID-19 period. Moreover, no tax or duty shall be payable by a licensee during the period he will not be authorised to operate.

Clause 23 brings amendments to the Immigration Act to provide that the permits which expired during the COVID-19 period shall remain valid for a period of 30 days after the COVID-19 period or for such other period as may be prescribed.

Clause 24 brings amendments to the Income Tax Act, *inter alia*, for –

- (i) individuals and companies contributing to COVID-19 Solidarity Fund to be entitled to relief by way of deduction from net income of the amount contributed;
- (ii) introducing a COVID-19 levy to recoup the amount of financial support paid under the Wage Assistance Scheme to businesses which have made profits.

Mr Speaker, Sir,

- The levy for a corporate will be the lower of the amount of Wage Assistance Scheme claimed or 15% of its taxable profits.
- As for an employer who is an individual, the levy will be the lower of an amount of Wage Assistance Scheme claimed or 15% of gross business income after deduction of specified allowable expenditure.
- The levy will be applicable for two years and businesses which have made no taxable profits will not be subject to the levy.
- In the case of an individual who has claimed support under the Wage Assistance Scheme, the levy will be payable at the time of submission

of income tax returns in September/October 2020 and September/October 2021.

- As regards a corporate whose accounting period ends between 01 May 2020 and 31 December 2020, the levy will be payable in respect of the year of assessment commencing on 01 July 2020 and the year of assessment commencing on 01 July 2021.
- A corporate whose accounting period ends between 01 January 2021 and 30 April 2021, the levy will be payable in respect of the year assessment commencing on 01 July 2021 and the year of assessment commencing on 01 July 2022.
- The Minister of Finance may, by way of regulations, exclude certain category of employers from the levy. The Bill also gives power to the Director General of the MRA to administer the levy including, *inter alia*, recovery powers, imposition of penalty and interest for late payment, and anti-avoidance provisions.

- (iii) The amendments to the Income Tax Act also provide for the setting up of a framework and modalities for the management of the Government Wage Assistance Scheme and the Self-Employed Assistance Scheme.

Mr Speaker, Sir, I shall move, at Committee Stage, for an amendment to Clause 24(c) of the Bill relating to the COVID-19 levy. The levy is being made to apply for two years instead of one year on profitable businesses.

If in the first year of the levy, the full amount of wage support is not recouped from a business which has made profits, the shortfall may be recouped in the following year.

However, in any given year, the levy shall not exceed 15% of taxable profits of that business or the amount paid under the Wage Assistance Scheme, whichever is the lower.

Clause 25 amends the Independent Police Complaints Commission Act to extend the statutory deadlines to file complaints in cases where such deadlines fall during or after the COVID-19 period.

Clause 26 brings amendment to the Information Communication and Technologies Act so as to provide, *inter alia*, for an extension of the validity of licences issued during the COVID-19 period. The proposed amendments also provide that no interest, penalty or

surcharge shall be charged or payable on late payments by operators and licensees provided that the payment is made not later than 30 days after the COVID-19 period lapses.

Clause 27 is amending the Insolvency Act, *inter alia*, to -

- (i) raise the threshold for the Court to make Bankruptcy Order against a debtor from Rs50,000 to Rs100,000. It is to be noted that since the passing of the Act in June 2009, this amount has remained unchanged. The increase in threshold will provide additional protection to enterprises in difficulty;
- (ii) provide that a resolution for the winding up or voluntary winding up of a company, passed during the COVID-19 period or during a period of three months after expiry of the COVID-19 period, shall be deemed to be void. However, this shall not apply to a company holding a Global Business Licence;
- (iii) the Statutory Demand under section 180 of the Insolvency Act to be increased from Rs100,000 to Rs250,000. According to section 180, if a company is indebted in the sum of 100,000 rupees or more, legal action may be taken by a creditor to recover the amount due. However, during this period of confinement, companies may face liquidity problem and this situation may result in a closing down. The increase in the amount from Rs100,000 to Rs250,000 is to protect a company during difficult period, and
- (iv) provide that the appointment of any Receiver or Receiver Manager during a COVID-19 period will be void.

Clause 28 of the Bill is amending sections 2 of the Interpretation and General Clauses Act to insert a definition for the term “COVID-19 period” as follows -

“COVID-19 period means the period -

- (a) starting on 23 March 2020; and
- (b) ending on 01 June 2020 or ending on such later date as may be prescribed under the Public Health Act.”

Sections 37 and 39 of the Interpretation and General Clauses Act are also being amended to make provisions such that -

- (a) during a COVID-19 period, board meetings of statutory corporations may, subject to there being a quorum, be held by means of audio and audio-visual communication;

- (b) resolutions in writing, signed and assented by persons entitled to receive notice of the meeting, may be used for the purposes of making and validating board decisions;
- (c) resolutions may be done by different means, including facsimile, electronic mail or other similar means of communication;
- (d) where under any enactment, statutory time limits, which expire or fall wholly or partly during the COVID-19 period or during a period of 30 days after the COVID-19 period expires, may be extended by regulations under that relevant enactment. These time limits deal, *inter alia*, with judicial proceedings, payments, application for licences, time limits for decisions or determinations and time limits for doing or refraining from doing any other acts or things;
- (e) in addition, these statutory time limits may be extended, by regulations made under the relevant enactments, for the following additional matters -
  - (i) application for a licence, including an application for a renewal;
  - (ii) time limit to make a decision or give a determination;
  - (iii) time limit to register a document;
  - (iv) time limit to serve a notice or other document; and
  - (v) time limit to do or refrain from doing an act.

The proposed new section 39B of the Interpretation and General Clauses Act provides for the extension of a licence which expires during the COVID-19 period or during a period of 30 days after the COVID-19 period expires. The said extension shall be for such a date as may be prescribed by regulations under the relevant enactment.

The proposed new section 39C of the Interpretation and General Clauses Act provides for the exemption from charges, interest, penalty, surcharge, or any other additional fee payable where the time for payment expires, falls wholly or partly during the COVID-19 period or during a period of 30 days after the COVID-19 period expires. The proposed amendment empowers the Minister to make regulations under the relevant enactments to extend

such time limits for such a period as may be prescribed under that relevant enactment.

The proposed new section 39D of the Interpretation and General Clauses Act provides that a person shall not commit an offence if he fails to observe a statutory deadline during the COVID-19 period provided he discharges his obligation not later than such period as may be prescribed by regulations under the relevant enactment.

The proposed new section 39E provides for an exemption from the mandatory requirement to follow Continuous Professional Development Courses for the current year. Moreover, necessary regulations will also be made under relevant enactments to exempt those professionals from payment of 50% of the CPD fees.

Mr Speaker, Sir, it is apposite to highlight that the Interpretation and General Clauses Act, by virtue of section 3(2) provides that, and I quote –

“Unless the context otherwise requires or unless otherwise expressly provided, this Act shall apply to all enactments in force at its commencement.”

Therefore, the proposed amendments made to the Interpretation and General Clauses Act are of general application unless, under other enactments, express provisions are made to the contrary.

Mr Speaker, Sir, Clause 29 is amending the Land (Duties and Taxes) Act to extend the statutory time limits as laid down in the Act.

Let me now come to Clause 30, which is amending the Landlord and Tenant Act.

As has been the case in many other countries, COVID-19 is likely to impact heavily on tenants and landlords. Eviction notices are likely to surge as a result of tenants being unable to fulfil their rental obligations due to loss of income owing to the impact of COVID-19.

For commercial tenants, evictions would result in the closing down of a number of businesses, including family-owned businesses, small retail shops, amongst others. This will in turn lead to job losses and negative impacts on surrounding businesses. For residential tenants, evictions would put households in further difficulty, leading to socio-economic problems associated with homelessness.



In order to provide relief to tenants, including residential tenants, the Landlord and Tenant Act is being amended to introduce a moratorium for non-payment of rent by tenants due to COVID-19. Thus, non-payment of rent for the months of March, April, May, June, July and August 2020 and such other subsequent month as may be prescribed may be recouped by landlords in instalments by 31 December 2021, or such other date as may be prescribed.

Such a measure will not constitute a breach of the tenancy agreement between the tenant and the landlord. The modalities for payment of the outstanding rents would need to be mutually agreed by both parties and no eviction orders would be permitted for non-payment of rentals for these prescribed months.

Mr Speaker, Sir, Clause 31 amends the Light Rail Act, *inter alia*, to –

- (i) increase the penalty for damage of light rail, light rail premises and light rail vehicles, which is presently a fine of up to Rs500,000 and to imprisonment of up to two years to a fine of up to Rs1 m. and imprisonment for up to five years, and
- (ii) to empower the Minister to make regulations for sanitary measures during the COVID-19 period and such period as may be prescribed. Regulations so made may provide for –
  - (a) social distancing measures and other sanitary measures to be observed at light rail premises;
  - (b) the limitation of the number of passengers;
  - (c) reduction and control of the operating hours;
  - (d) thorough cleaning and regular disinfection; and
  - (e) wearing of protective masks.

Mr Speaker, Sir, Clauses 32 and 33 of the Bill are respectively amending the Limited Liability Partnerships Act and the Limited Partnerships Act so as to empower the Registrar to issue, during the COVID-19 period and such further period as the Registrar may determine, such practice directions, guidelines or instructions as may be necessary for the administration of the Acts.

It is to be noted that most stakeholders find themselves in difficult situations to comply with the strict delays and procedures as laid down in the law during the COVID-19 period.

Clause 34 amends the definition of ‘Crop Year’ in the Mauritius Cane Industry Authority Act to allow the sector to catch up for the time lost owing to the curfew for carrying out essential preliminary works prior to the harvest season.

The Mauritius Revenue Authority Act is being amended by Clause 35 of the Bill so as to extend any statutory delay which expires during the COVID-19 period relating to proceedings before the Assessment Review Committee.

Clause 36 makes provision for the Mauritius Standard Bureau to declare, during the COVID-19 period, a document or an amendment as “standard” without public notice.

Clause 37 amends the National Land Transport Authority Act to empower the Licensing Committee of the Authority to make any variations in a licence issued by the Authority.

Clause 38 is bringing amendment to the National Pensions Act so as not to penalise beneficiaries of Invalid’s Basic Pension and Carer’s Allowance during the COVID-19 period or during such further period as may be prescribed pending their medical boarding.

Clause 39 amends the National Youth Council Act to extend the mandate of the Council so that it may empower our youth to enable them face any epidemics or pandemics as well as other similar challenges.

Clause 40 is amending the Passport Act to extend the validity of a visa which expires during the COVID-19 period or within 21 days thereafter.

Clause 41 amends the Pharmacy Act to make provisions, *inter alia*, for the registration and sale of locally manufactured pharmaceutical products on the local market.

The Plant Protection Act is being amended by Clause 42 to empower the National Plant Protection Office to impose terms and conditions upon a Plant Import Permit being granted to an importer and to require importers to give two days’ notice of the arrival of the importation for better supervision and inspection.

Clause 43 amends the Police Act to increase the penalty for offences under the Act, from a fine of Rs10,000 and an imprisonment of two years to a fine of Rs100,000 and five years’ imprisonment.

Clause 44 is amending the Public Debt Management Act taking into account the deep negative impact of the COVID-19 on the economy. It is proposed to amend the definition of public sector debt to allow for deduction therefrom of financial assets of non-financial public

sector bodies. The aim is to focus on net, instead of Gross, Public Sector Debt in order to show their net financial worth situation.

Mr Speaker, Sir, Gross Debt has the effect of inflating public sector debt and overstating the risks associated with the debt level, especially for countries that create assets that in turn allow the country to generate cash and cash equivalents. Gross Debt to GDP ratios only account for the public sector liabilities, whereas Net Debt to GDP ratio also accounts for some of the assets and, therefore, reflects better the risks associated with debt.

The IMF Government Finance Statistics Manual 2014 defines both Gross and Net Debt. For statistics purposes, data are reported to the IMF on a gross basis to enable comparison across countries. However, the Government Finance Statistics Manual mentions that, and I quote -

“For some purposes it may be useful to net individual debt instruments against their corresponding financial assets.”

With the outbreak of the COVID-19 pandemic, the Government has had to spend massively on the public health sector in order to enable our health services to cope with the crisis and save lives.

In addition, the Government has implemented several schemes, such as the Wage Assistance Scheme and Self-Employed Assistance Scheme, to support employees as well as individuals in the informal sectors who have been affected by the pandemic.

On the other hand, the general economic slowdown has negatively impacted on Government Revenues.

Furthermore, as indicated by the IMF and other international organisations, there is extreme uncertainty around global economic growth prospects.

These would depend on factors that are hard to predict, including the pathway of the pandemic and the extent of supply disruptions.

Accordingly, it is considered appropriate to repeal the public sector debt ceiling, at this stage. However, public sector debt targets would be set out as part of the budget exercise.

Mr Speaker, Sir, Clause 45 of the Bill is amending the Public Health Act to increase the fine, which is presently Rs500 and six months' imprisonment, to a fine of Rs200,000 and five years of imprisonment. The Minister of Health is also being empowered to make Regulations to prevent the resurgence and further spread of an infectious disease. This

amendment is being made pending the introduction of a new and comprehensive Public Health Act.

Clause 46 brings amendment to the Public Officers' Protection Act to increase the fine for molesting, threatening or intimidating public officers on duty.

Clause 47 amends the Public Procurement Act to provide for the possibility of opening bids through technological means during the Covid-19 period.

Clause 48 is amending the Registration Duty Act in order not to penalise taxpayers who cannot register their documents during the COVID-19 period. A surcharge is normally imposed on the administrative fee if a document is registered outside the prescribed delay.

Stakeholders have requested additional time to register their deeds or documents that could not be registered and to effect payment which could not be made owing to the curfew.

All documents that could not be registered during the COVID-19 period and that will be presented for registration after the COVID-19 period has lapsed will not attract any surcharge on the administrative fee, provided the delay specified in the legislation is respected.

Mr Speaker, Sir, the Road Traffic Act is being amended by Clause 49 of the Bill to, *inter alia*, extend the different deadlines for the renewal of motor vehicle licences and the payment of fines which expires during the COVID-19 period. The Minister is also being empowered to make provisions, by way of regulations, for sanitary measures to be observed during and after the COVID-19 period. Such regulations may provide, *inter alia*, for -

- (i) social distancing measures;
- (ii) sanitary measures to be observed in public service vehicles; and
- (iii) wearing of protective masks in public service vehicles.

Mr Speaker, Sir, let me now come to the Sports Act. Clause 50 is bringing amendments to the Sports Act to make provisions for the operation and legal obligations of National Sports Federations during and after the COVID-19 period and to ensure a smooth and successful resumption of sports activities in the best possible conditions.

The key legal changes being brought to the Sports Act would, *inter alia* -

- (i) allow the Ministry of Youth Empowerment, Sports and Recreation to address emergency situations regarding the sports sector in a controlled manner;
- (ii) require athletes, coaches, National Sports Federations and other stakeholders to adhere strictly to directives issued by the Minister during the COVID-19 period;
- (iii) provide for the possibility to prohibit the organisation of activities locally and participation at international sports events during the COVID-19 period, unless expressly authorised by the Minister;
- (iv) require all National Sports Federations to take comprehensive sanitary measures, as prescribed by the authorities, before resuming training and competitions after the COVID-19 period, and
- (v) require all National Sports Federations to ensure that all training and competitions are organised in camera for a prescribed period of time after the COVID-19 period.

Clause 51 brings amendment to the Statutory Bodies (Accounts & Audit) Act to provide for the modalities for Statutory Boards and Committees to hold meetings by means of audio and audio-visual communication and for decisions to be taken by means of resolutions.

The Sugar Insurance Fund Act is being amended by Clause 52 to, *inter alia*, enable planters and *métayers* to register with the Board their cane plantations not later than such period as may be prescribed after the expiry of the COVID-19 period.

The Tourism Authority Act is being amended by Clause 53 to empower the Authority to issue, on ground of public health, guidelines to holders of pleasure crafts for the purpose of restricting the number of passengers on pleasure crafts and imposing such other conditions as may be necessary. Amendments are also being made for the extension of deadline for payment of penalty and extension of the validity of different licences, certificates and permits which expire during the COVID-19 period. Provision is also being made for the payment of the renewal fees in monthly instalments.

The Transcription of Mortgage Act is being amended by Clause 54 such that no fee shall be payable for searches in the Mortgage and Transcription Book for the month of April 2020 or such other period as may be prescribed.

Clause 55 of the Utility Regulatory Authority Act is being amended to enable the Authority to make available, upon request, electronic copies of the public register maintained by the Authority and which contains information on every undertaking authorisation and every regulatory decision by the Authority. It is to be noted that the manual register is freely available to the public for inspection during normal office hours.

Clause 56 amends the Value Added Tax Act to exempt, with effect from Tuesday 24 March 2020, protective masks against dusts and gas masks, breathing appliances and hand sanitizers from VAT, with a view to making these essential products more affordable in the context of COVID-19.

Mr Speaker, Sir, I now come to Clause 57 which relates to the proposed amendments to the Workers' Rights Act. Mr Speaker, Sir, during this unprecedented and testing crisis of the Covid-19 pandemic, the Government is being called upon to fight on several fronts. If, on one hand, the main concern of Government is the upholding of the safety of the population, on the other hand, due to the adverse impact of the pandemic on the economy and enterprises, the protection of employment of our fellow workers has remained high on our agenda.

It is with this primary objective of protecting jobs that a few amendments are being brought to the Workers' Rights Act. It is considered imperative in the present context to further promote workplace flexibility and adopt measures that contribute to reduce labour cost.

I would here like to emphasize that it is not the intention of this Government to deprive the workers of this country of their rights. Let us not forget that it is under my Primeministership that such revolutionary measures like the National Minimum Wage and more protective legislation like the Workers' Rights Act which aim at, *inter alia*, improving the standard of living of workers and better reinforcing the rights of workers, were introduced.

However, Mr Speaker, Sir, this exceptional situation calls for exceptional measures to be taken. This is why we are coming with the amendments in the Workers' Rights Act and the Employment Relations Act. I would like to reassure the population, the workers in particular, as well as the trade unions, that protection of employment and harmonious employment relations are, for the Government, of utmost importance for a sound working environment and the development of our economy.

First of all, a new provision has been made to promote “work from home” in different manners, including teleworking. Such workers employed on a contract of service, who were not covered under the present “Atypical Work Regulation”, will now be governed by this new provision. Mr Speaker, Sir, being able to work outside the office is one of the great workplace evolutions of modern times.

Mr Speaker, Sir, just like other countries around the world, Mauritius also has been hit hard by the recent COVID-19 pandemic. In view of the compulsory work and travel restrictions, many organisations have had to figure out how to respond to this new paradigm.

The challenge of maintaining operations and employee safety has led to an explosion of remote working initiatives in both public and private sectors. Before the outbreak, many of these initiatives were still in their infancy, and were often being considered for IT teams or some back-office functions. The COVID-19 pandemic has pushed remote work to the top of every business and Government’s agenda.

This measure will set the appropriate legal framework to facilitate work from home. It has the twin objective of reconciling work with family life and at the same time cutting down costs of operations for the employers whilst safeguarding the employment of employees. This is especially important considering our current challenges.

Mr Speaker, Sir, the concept of flexitime does not apply only to workers working from home but also to workers normally performing work at their place of work. Previously, such arrangement was restrictive and was possible only for a worker to attend to a child below school age. A new provision is being made to facilitate the implementation of flexitime in any circumstance, which may be either for the personal interest of the worker or the interest of the organisation.

Mr Speaker, Sir, the House will recall that we came up with the revolutionary concept of the Portable Retirement Gratuity Fund (PRGF) in the Workers’ Rights Act which was enacted on 23 August 2019.

The PRGF was to come into operation on 01 January 2020. However, the payment of upfront contribution to the Fund was postponed to end of March 2020 to allow for the appropriate IT systems, as well as for administrative arrangements, to be put in place.

Payment of the contribution of employers to the Portable Gratuity Retirement Fund, which was due in April 2020, will be postponed and the date of its coming into operation

will be prescribed. This amendment is being brought due to the serious cash flow problems being actually encountered by many enterprises.

Mr Speaker, Sir, it is an undeniable fact that business activities of enterprises are being and will continue to be affected for a certain period of time because of the COVID-19. This is why it is considered necessary to make new provisions to diminish the impact of COVID-19 on the wage bill of enterprises. The payment of the allowance for work performed during the night will be suspended during that period.

In the same vein, employers will be provided the option of either granting time off in lieu of overtime payment or pay overtime at the normal rate on week days and at the rate of twice the normal rate on public holidays, irrespective of whether work is performed for more than 8 hours or not on public holidays.

However, in a spirit of fairness to workers, where workers have not been able to avail themselves of their time off, they will be refunded overtime payment on exit from employment or in December 2021, whichever comes first.

I would like to state that amendments to the provisions regulating overtime would be applicable to six sectors only, namely the block making, construction, stone crushing and related industries, the catering and tourism industries, the travel agents and tour operators, the export enterprises, the manufacturing sector governed by the Factory Employees (Remuneration) Regulations and the ICT/BPO.

Mr Speaker, Sir, another temporary measure relates to the review of leave entitlement. The Workers' Rights Act actually provides that an employer shall not, without reasonable cause, withhold the granting of leave. Taking into consideration the financial constraints of the employers in the COVID-19 period and the likely impact on enterprises after the COVID-19 period, and also to be fair to workers and more especially to those who have been working during the confinement period, the following provisions are being made.

Employers will have the right to withhold up to 15 days' annual leave or such other number of annual leave as may be prescribed, from the aggregate of the annual leave which accrues to a worker as from the beginning of the year of the COVID-19 period. This will apply over a period of 18 months following the expiry of the COVID-19 period. This means that over the said period of 18 months, a worker who would otherwise be entitled to



38 days' leave calculated on a pro rata basis, will now be entitled to at least 23 days' annual leave.

However, employers shall not have the right to withhold annual leave for workers who have performed work during the COVID-19 period. Mr Speaker, Sir, this will be a way for us to salute the efforts, courage and dedication shown by this category of workers who have been working during this hazardous period. They have not only been bold enough to put at stake their lives, but, at the same time, their families also have been exposed to the possibility of catching the COVID-19 virus. This august Assembly will no doubt agree with me that these workers are worthy of this recognition.

In this connection, I shall move for an amendment to Clause 57 of the Bill at Committee Stage.

Mr Speaker, Sir, in view of the vulnerability of the economy and also with the objective of preservation of employment, two main amendments are being brought to the Workers' Rights Act.

Firstly, a new employer will be able to offer employment on new terms and conditions in cases of transfer of undertaking or taking over of a trade or business in sectors, amongst others, the port, the airport and health, subject to the approval of the Minister responsible for the subject of labour.

Secondly, speedy procedures have also been put in place in cases of reduction of workforce in these sectors, subject to the approval of the Minister responsible for the subject of labour. Cases will be referred directly to the Redundancy Board by the employer and the Board would have to complete its proceedings within 15 days from the date of notification.

Furthermore, with a view to protecting employment, the Board shall, where a termination is deemed to be justified, order that a worker or such category of workers as the employer may designate, proceed on leave without pay for such period as the employer may specify in his notification. This will be in lieu of termination. It will also be conditional to a request of the employer and consent of the worker.

The resumption of employment thereafter will be on such new terms and conditions as the employer may offer to the worker. The offer should be made prior to resumption of work and the new terms and conditions may also include revised pension benefits.

Mr Speaker, Sir, with a view to reducing further the hardship on workers, I shall propose, at Committee Stage, an amendment to section 84 (1) of the Workers' Rights Act which has as objective to allow a worker who is granted leave without pay, following an order of the Redundancy Board, and who has not taken up another employment during the period of leave, to be entitled to payment of the Transition Unemployment Benefit.

The relevant amendment is being circulated.

Mr Speaker, Sir, Clause 58 provides for the date of the coming into effect of the different sections of the COVID-19 Act. Mr Speaker, Sir, this new legislation will come into force with retrospective effect as indeed provided for in section 46 (4) of the Constitution. However, insofar as criminal offences and penalties are concerned, the law will not apply with retrospective effect pursuant to the provisions of section 10 (4) of the Constitution.

Mr Speaker, Sir, I am also moving, at Committee Stage, an amendment to Clause 58 of the Bill which sets out which sections of the Bill will come into effect on which specific dates.

Mr Speaker, Sir, I now come to the Quarantine Bill.

As the House is aware, quarantine is an important aspect of control of the outbreak of infectious diseases. Besides, following the outbreak of the COVID-19, the World Health Organisation recommended the implementation of quarantine as part of a comprehensive package of public health response and containment measures. The Government accordingly implemented quarantine measures very rapidly and this has contributed significantly to contain the spread of the virus in our country. However, our existing Quarantine Act dates as far back as 1954. There is, therefore, a need for a modern and more effective quarantine legislation, which will enhance the level of preparedness for, and response of our health authorities to communicable diseases and pandemics such as the COVID-19.

It is noteworthy that quarantine and isolation are likely to remain the mainstay of containment strategies in the absence of a vaccine and anti-viral agents.

Mr Speaker, Sir, as indicated in the Explanatory Memorandum, the object of the new Quarantine Bill is precisely to repeal the existing Quarantine Act and provide for a modern and more appropriate legislative framework for the prevention and spread of communicable diseases in Mauritius.

I would like to point out that the Quarantine Bill we are presenting today is respectful of the fundamental rights and freedoms guaranteed by the Constitution and is also in line with International Health Regulations 2005.

I shall now go through the salient features of the Quarantine Bill.

Clause 2 of the Bill defines the term communicable disease and a list of such diseases is provided in the Schedule. It is to be noted that in the existing Act and regulations, the definition of quarantinable disease was limited to plague, cholera and yellow fever. Clause 2 further provides that the “Quarantine Authority” shall be the Director General, Health Services. The Quarantine Authority will have the power to, *inter alia*, designate premises to be used as quarantine facilities and to designate quarantine officers to control such facilities. There is no explicit provision in the existing legislation for the designation of quarantine facilities. The Bill provides in a clear manner for the designation, staffing, use and management of a quarantine facility.

Clause 3 empowers the Prime Minister to make, during a quarantine period, an Order, to –

- (a) prohibit the entry of aircraft and ships into Mauritius;
- (b) order that all persons shall remain indoors, and
- (c) order that commercial premises or offices shall remain closed for such period and under such terms and conditions as he may specify.

Clause 3 also provides for the Commissioner of Police to issue a permit to allow a person to be outdoors for such purpose and under such terms and conditions as he may specify. No such provision exists under the Quarantine Act of 1954.

Mr Speaker, Sir, the Bill is introducing a new concept of “quarantine period”. As a matter of fact, where the Minister of Health considers that a communicable disease may outbreak or spread in Mauritius, Clause 4 is empowering him to declare that –

- (a) there is or is likely to be an epidemic of the disease, and
- (b) a quarantine period will be in force.

It is to be noted that the Prime Minister can issue an Order under Clause 3 only after a quarantine period has come into force.

Clause 5 provides that the Quarantine Authority, that is, the Director General, Health Services, may designate such premises as he considers appropriate, to be a quarantine facility. Clause 5 further provides that the Quarantine Authority may use and occupy private premises as quarantine facility, after reaching an agreement with the owner and occupier on such terms and conditions as the Minister may approve. Such agreement shall, for an obvious reason, be exempted from the provisions of the Public Procurement Act. Moreover, any such quarantine facility must be under the control of a quarantine officer.

Clause 6 provides for the Quarantine Authority to designate a medical practitioner as quarantine officer.

Clause 7 defines the category of persons who may be confined in a quarantine facility, namely –

- (a) any person who travels into Mauritius from abroad;
- (b) any person who has been, or may have been, in contact with a person who has, or may have, a communicable disease, or
- (c) any person who has otherwise been exposed to a communicable disease.

It is noteworthy that a person may be quarantined only during a quarantine period.

Mr Speaker, Sir, Clause 7 also provides for a quarantined person to be issued with a ‘certificate of quarantine’ and for the person to undergo such medical examination as the quarantine officer may deem necessary. Provisions have also been made for a quarantined person in need of medical treatment to be examined by a specialist and for him to be transferred to a hospital for treatment or in a private health institution upon his request and at his own cost. However, such private health institutions should have been designated as a quarantine facility under this Act and have adequate facilities for treating the disease. Furthermore, Clause 7 provides for the conditions for discharge of a quarantined person and the conditions for the re-admission of a discharged person into a quarantine facility. In fact, if a person who has been discharged from a quarantine facility fails to comply with the conditions imposed or causes a risk of harm to the public health, the Quarantine Authority may at any time order that the person be re-admitted into a quarantine facility.

Clause 8 provides that no person shall enter or leave a quarantine facility without the authorisation of a quarantine officer.

Clause 9 imposes a duty on every person to provide to a quarantine officer such information as the latter may reasonably require enabling him to ascertain, *inter alia*, if the person presents any symptoms of any communicable disease. Failure to comply with such a request or providing false or misleading information constitutes an offence.

Clause 10 imposes a duty on any person who suspects that he is, or may be, afflicted with a communicable disease or has been in contact with a person who has a communicable disease, to disclose the information forthwith to a quarantine officer, and failure to comply with this provision will constitute an offence.

Clause 11 defines the powers of the Police in relation to the enforcement of the Quarantine Act. It provides that a Police Officer shall extend such assistance as may be required by a quarantine officer in the discharge of his duties. The Police Officer may also—

- (a) board a ship or an aircraft;
- (b) enter premises without a warrant, and
- (c) arrest, without a warrant, a person whom he has reasonable cause to believe has committed an offence under the Act or any regulations made under the Act;

Clause 12 makes provision for the offences and penalties. This Clause provides that any person who –

- (a) refuses to answer or knowingly gives a misleading answer to an inquiry made under the authority of this Act;
- (b) intentionally withholds any information reasonably required of him by a person acting under the authority of this Act;
- (c) knowingly furnishes to a person any information which he knows to be false;
- (d) refuses or wilfully omits to do an act which he is required to do by this Act;
- (e) refuses or wilfully omits to carry out a lawful order, instruction or condition made, given or imposed by a person acting under the authority of this Act;
- (f) assaults, resists, insults, wilfully obstructs, or intimidates a person acting under the authority of this Act;
- (g) whilst being in a quarantine facility, damages any property therein; or
- (h) otherwise contravenes the Act or any regulations, Order or notice under the Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding Rs500,000 and to imprisonment for a term not exceeding 5 years.

Clause 13 empowers the Minister of Health and Wellness to make regulations as he thinks fit for the purposes of the Act. Such regulations may provide, *inter alia*, for -

- (a) the location, design, construction, installation, operation, maintenance, marking and modification of a quarantine facility;
- (b) operation and management of quarantine facilities;
- (c) information to be provided by passengers entering Mauritius, and
- (d) levying of fees and charges.

Clause 14 is repealing the Quarantine Act.

Mr Speaker, Sir, I will now conclude.

Mr Speaker, Sir, I did state at the outset that the presentation of these two Bills is an eloquent testimony of the unflinching determination with which this Government has been waging the war against the COVID-19.

During a period of war nothing can be as usual. Nor can it be as usual in the aftermath of the war when reconstruction, re-taking off of the economy, uplifting the nation, firmly establishing and consolidating national solidarity, reliance on a spirit of sacrifice and patience across the board, meaningful and purposeful patriotism, hard and still harder work, for which there can be no substitute, national understanding and collaboration, protection of the economically weak and vulnerable citizens, are imperatively among the highest priorities.

As a democratic and truly responsible and caring Government, we are coming with these two Bills, in the best and superior interests of our people, of our country, and of our nation.

Bitter pills and bitter medicine which are best for good health are not easily taken. However, ailing persons do take them when they realise that these are good for them. Both Bills illustrate the pragmatism and foresight of the Government, and together they aim at ensuring that, while disappearing from our Republic, COVID-19 neither returns and causes more damages nor lingers on while disappearing and thus delaying our gradual but sure return to normalcy.

Mr Speaker, Sir, our country has been bent down by the COVID-19, but has not broken due to the expedient measures we have been taking. We have to date been weathering the COVID-19 storm successfully. In fact, there have been no new cases of COVID-19 reported over the last 16 consecutive days. Moreover, as at date, we have no active case of COVID-19 in Mauritius. I must say that we have succeeded in keeping COVID-19 at bay thanks to the collaboration of the entire population, from every walk of life, and from every nook and corner. This collaboration is a *sine qua non* for final victory over the invisible enemy.

Mr Speaker, Sir, life, it is said, is like a boxing ring. You are in the ring and you fall. But it does not matter if you fall. What does really matter is you get up before the count of ten and fight on and win. We in this Government are up, and continue the fight against COVID-19, and we WILL win.

With these words, Mr Speaker, Sir, I commend the two Bills to the House.

*(Applause)*

**The Deputy Prime Minister seconded.**

**Mr Speaker:** I get up and suspend the meeting for one hour.

*At 1.40 p.m., the sitting was suspended.*

*On resuming at 2.44 p.m. with Mr Speaker in the Chair.*

**Mr Speaker:** Hon. Leader of the Opposition!

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

Mr Speaker, Sir, the Prime Minister is well informed, and I am sure he pays heed to what is being said outside this very House. And there is an outcry; an outcry largely due because Government has been indifferent and insensitive to the voice of the people. The people have spoken and they have conveyed their messages loud and clear to us. I have had the opportunity to listen to trade union, people from the formal or informal sector, in fact, people from all walks of life. There is a common thread in relation to what they say and what they want us to convey to our friends sitting on Government Bench and especially to the Prime Minister.

What is the appeal? The appeal to the Prime Minister is to give more time to study the provisions of the Bill, to study the merits if any, but certainly to look at the demerits of the Bill. And it is good to listen to what the people are saying. There is an outcry. Had it not been for the easing of the lifting of the confinement, people would have started to show their discontent and probably many would have been voicing out and expressed their dissatisfaction.

I will come back to the advice that I tendered to Government following the question which I put as far back as 03 February. I reminded the Government, and I was not the only one. Others like my good friend, hon. Dr. Aumeer who, in an interview in *l'Express*, made it quite clear that we were on the verge of a pandemic. We reminded Government and the country of an impending pandemic and we called - and I was not the only one; hon. Xavier Luc Duval also called - for closure of border when France became an epicentre.

Earlier, the Prime Minister was saying that had it not been for the unflinching support of the population, things would have been different, and I totally agree. But then, had it been a Government which had honesty and seriousness of purpose, things could have been better. I am not going to refer to reports submitted or to statistics that have been circulated, but the fact remains that we have the highest mortality rate in the Indian Ocean. The fact remains that amongst the 10 best countries in Africa in relation to management of the outbreak for pandemic, Mauritius is neither here nor there. But we are not here to make comparison. We are here to convey message loud and clear to the Government.

In a pandemic or post-pandemic, Government never walks alone. It needs the trust of the people. To have the trust of the people, even those who had differences with the Prime Minister, on that day of reckoning, they say: 'Let us set aside our differences'. And even the former Prime Minister wrote a letter to the Prime Minister to inform him of his goodwill, of the good intention to rally because the object was to wage war on an insipid, on an invisible virus, and which is deadly.

So, I appeal again: set aside our differences, because the country comes first. But I am not talking only on behalf of Members of the Opposition. Go and listen to the voice of reason; listen to the people. They are afraid because of infringes upon personal liberty, because there is no common thread in respect of the way and manner we are going to deal, and God spares us a second pandemic or a surge in the Coronavirus.



Mr Speaker, Sir, I appeal again to the Prime Minister to give us time. You know, when we were in Government, when we were to introduce the Police and Criminal Evidence Act, we paid heed to what the former Chief Justice had to say. We did not move the Bill; it was not introduced in the House. Today, the anxiety is different. If the Executive has failed to pay heed to a legitimate request from a retired Chief Justice to be given 13 days to finish pending cases, I doubt it, Mr Speaker, Sir, if it will respond to our appeal. People are worried because they have jobs to go to; they are worried because, tomorrow, they do not know whether the jobs will be there; they are worried because of their families; they are worried because they do not know whether, tomorrow, they will have one meal or two meals on the table. I do also take on-board that we have to finance the cost of a bail out, and this is precisely the reason why we need to come together. We need to have dialogue, consultation, and the request is coming from all quarters, trade union, NGO and, as I said earlier, people from formal and informal sectors. People want to be heard and they want the truth. The truth is trust, Mr Speaker, Sir, but the Government, unfortunately, behind the veneer of COVID-19, has chosen to be provocative. The blunders are looking at us, and the biggest blunder which Government is baking is to peg the balance sheet of the Bank of Mauritius to the revenue and expenditure of Government. But it does not stop there. In fact, it wants a plain saving. But wait, the debt ceiling has been removed.

It now has a passport to spend taxpayers' money, I hope not recklessly. And the hon. Minister of Finance has been given the discretionary power to decide who he wants to be exempted from non-payment of COVID levy. If he decides that some firms close to power should be given special treatment, he can make regulation to exclude any category of employers from the levy. The regime is arrogating itself power beyond its wildest dream. The Bank of Mauritius has become a lender of first resort, a big player and a regulator to be sought after, unfortunately, whose strings are pulled by Government. One more week. What is in a week? A week is not always a long time in politics, Prime Minister, but, it may be, if there is a legal and political crisis. These two Bills have the potential to lead to a crisis. No one wants a social crisis to be engineered. There is public outcry; while the Government is fiddling and opting for creative accounting, people want to know if they have jobs to go and food on the table.

Let me, Mr Speaker, Sir, say a few words to the young Minister of Labour. And he has a moral and legal obligation to inform workers that they will not forego their rights. May I remind the Minister that in this very House, he hailed the workers as the unsung heroes of

the workforce: *'Zott ki mari!'* That was said in this very House. What was it? A pure electoral gimmick! Was it an electoral bribery? Do not forget, electoral petitions are before the Court to contest the legitimacy of this Government. People who have already made up their minds! The days of this Government are counted, Mr Speaker, Sir.

*(Interruptions)*

They may laugh, but I am the one who is going to have the last laugh in this House.

Mr Speaker, Sir, I impress upon the Government not to use COVID as an excuse to be the lackey of the conglomerate. Burden has to be shared and where there are rights, there are obligations. In Canada, Government is hiking wages for essential workers, whereas in Mauritius we are referring these cases to the Redundancy Board. Even if there is temporary technical lay-off, they should preserve their rights. I can understand that we are all called upon to make sacrifices; they may forgo some privileges, not basic salaries and rights when the economy kick-starts. Under worst circumstances, I refer to the appeal made by the Pope: to give universal basic income. But, of course, when he talked of universal basic income, he had in mind those who were at the lower rung of the ladder. Call it universal basic income or unemployment scheme, by whatever name, an employment hardship relief scheme, but we need to be supportive of those who are at the lower rung of the ladder. They should not negotiate fresh conditions and give up on acquired rights. I have a list of proposals made by trade unions who are, indeed, acting in the interest of the country.

Section 72 of the Workers' Rights Act has to be revisited. Leave without pay is a licence to redundancy. Who will be the first to leave the jobs and acquired rights? What are we being told when we look in the Schedule? The frontline workers from the Ports Authority, the Customs and the Refuse disposal. In fact, it applies to any worker, Mr Speaker, who has sweated to keep his company growing and going. Our people are intelligent, easy going, tolerant, but when they arise, awake, they will stop not to claim their legitimate rights. And I am not saying things for the mere purpose of saying it, but beware of a popular tsunami, Mr Speaker, Sir.

Mr Speaker, I would advise the Minister of Finance to have some culture of restraint and do not threaten this country with an apocalyptic scenario. This is not the first crisis the country is facing, but I grant you it is unprecedented. We face the quadruple crisis: financial, food, fuel, feed crisis in 2008 and 2010. But we had the fiscal space to save jobs and enable companies not only to stay afloat but to be restructured and to deliver on time. Fear should

not be instilled. Beware of basic instinct reflex. This is the day of reckoning and those who subscribe to the provisions of this Bill are making a big mistake. And I am sure, some of our friends sitting on the Government Bench are being tormented, because if they are going to be supportive of these two Bills, then, they are departing from their principles. I am not going to drop the names, but they know who they are. For the mere pleasure of power, you cannot set aside your principles and your belief. And I appeal to them to exercise influence upon the Prime Minister to revisit these two Bills. It can be done. I am sure there are people of goodwill sitting on the other side of the House.

Mr Speaker, I must say I do not usually watch the national television, but when the Attorney General was on television, I must say, he was there, of course, to highlight the merits of the two Bills, but he was more dissuasive than persuasive. And he reminds me of General Pinochet of Chilli who gave orders, and those who did not comply were shot! Here, thanks God, we do not shoot them, but we send them to jail. And what was his forte? Repressive measures! Big Brother is watching, and anyone who inadvertently contravenes section 79A shall be liable to a fine not exceeding Rs200,000 and to imprisonment for a term not exceeding 5 years.

I have the impression that the Attorney General, unfortunately, lives in Cuckoo's land and does not realise that the basic salary is Rs10,000 and there are people who are heavily indebted and cannot even have a meal a day. The fines are disproportionate, and if I have to refer to rulings given by the Privy Council or by the European Court of Justice, you cannot apply disproportionate fine because it is a flagrant violation of rights. The fines are disproportionate and if it is not Rs200,000 for curfew violation, it is Rs500,000 as stipulated in the Quarantine Bill, in section 12. Section 11 gives unfettered powers to the Police Officer.

Mr Speaker, we are at war against an insipid and deadly virus, but for God's sake, make our people potential foot soldiers, allies and not treat them as enemies of the State at a time when they are having a foretaste of the lifting of the lockdown. This is a democratic country and not a Police State. Neither Police nor law abiding citizen should be above the law. But the law is an ass. That is why the letter in the spirit of the law should not be poles apart.

Do you know that the fine in UK, Mr Speaker, Sir, has been increased, yes, from £50 to £100? Rs5,000! And in France, it is equally reasonable.

Section 45 of the Public Health Act is anti-constitutional and a criminal offence cannot have retroactive effect. Some people are asking: “Are these disproportionate fines, a way for Government to collect indirect taxes?” Is Government so hard up that it will fleece the population? An increase of fine from Rs500 to Rs20,000!

Mr Speaker, Sir, the Police have been given unfettered powers when I refer to section 11 of the Quarantine Bill. He breaks into the place and he does not need a warrant. There is no need to seek a warrant from a Deputy Superintendent of Police or Magistrate, and the Police Officer acts on mere suspicion, hearsay; they call it ‘reasonable cause’, on instruction, and can, if he wants, *manu militari*, drag the alleged offender from his place. The person may be threatened even if he exercises his right to silence. After all, we still have the picture of a prisoner who was brutally assaulted and died while being transferred from Beau Bassin to La Bastille. This is the image people have of this Government, and it has arrogated itself unfettered powers.

Under the cover of a pandemic, no responsible Government should convert lockdown and sanitary measures into Draconian laws. Besides, although it serves a purpose, but even the QR code has made it easy to track any person, and the right of privacy is being infringed. The Covid and Quarantine Bills fall short of expectation in that respect. It is inevitable that in the exercise of powers under the Bills, decisions will be made for the wrong, unlawful decisions. Aggrieved persons must be able to challenge such decisions on a fast-track basis to seek redress. Unfortunately, there is no provision in the Bill, especially the Quarantine one. That is why I again appeal to the Prime Minister to dissipate the perception which is a mirror image of reality and enter into dialogue with all stakeholders, and disseminate information to the public. Face the public, Mr Prime Minister, before they face you. There is an outpouring of anger.

Mr Speaker, Sir, it is indeed a public health emergency, and the primary focus of Government should be on public health, medical evidence and research and not on disproportionate repressive fines and sentencing; go to jail and spend five years for an act which may be inadvertent.

I know of a citizen who was copiously insulted because he had to visit his child, whose ex-wife had custody of, and he is yet to obtain a permit. But what about lawyers who are charged of breaking curfew regulations which were poorly drafted? And if it were not for a ruling from the ex-Chief Justice, lawyers, doctors, chemists would not have been able to

exercise their rights. And God protect them if they swear allegiance to the Opposition. But, of course, these days, I do not see anybody swearing allegiance for Government. Not even a shadow, Mr Speaker, Sir.

Do you know how long it takes for Work Access Permits to be processed? This is why, if you remember, Mr Speaker, Sir, I insisted on protocol, on options, on deadlines, on timelines. We have to live a near-normal life and physical distancing and sanitary measures have become a way of life for the duration of the outbreak. No one wants to waste a good crisis. This is why we impressed upon Government to recall Parliament. The Executive cannot act unilaterally and, by way of regulations, amend main legislation.

When we look at the Bill, since I am talking of regulations which need to be amended, even the definition of ‘Quarantine’ or ‘self-isolation’ has not been defined or mentioned in the Quarantine Bill. The scrutiny of Parliament, Mr Speaker, Sir, is the backbone of democracy, and it was Sir Winston Churchill who said –

“A government which runs a country by one thousand regulations is on the road to dictatorship.”

Mr Speaker, Sir, an omnibus Covid Bill is an exceptional Bill; it is not a normal Bill. And sometimes, amendments are surreptitiously introduced while everyone has the ears and eyes on more pressing matters to be flogged and flagged. And Government is openly introducing an amendment to the main Act, the Pharmacy Act, to leverage the case of a doubtful entrepreneur who is keen to set up a pharmaceutical company in Mauritius to manufacture tablets, only to supply hospitals and domestic market. Forget about good manufacturing premises, but, of course, his application will be fast-track. It is a lucrative business of Rs400 m. out of a total budget of Rs1.3 billion earmarked for purchase of drugs. The Association of Pharmacists has been very critical of this amendment proposed in relation, as I said earlier, to good manufacturing premises and quality control.

Mr Speaker, Sir, again, it was done when we had debate on the 2019/2020 Finance Bill, and we alerted public opinion on the raiding of the Bank of Mauritius. And what are they doing today? When you lump the Balance Sheet of the Bank of Mauritius - and Government, for reasons which, of course, are obvious - this is tantamount to a raid of the Central Bank. I am not going to talk of total public debt or projects which were uncalled for, could have been shelved, and today the maintenance cost that appears to be excessive. But somewhere, somehow, somebody has to pay for the cost.

While the future of the staff of Air Mauritius is uncertain, a lot of money is going into the payment of projects which could have been uncalled for. Of course, there are lessons to be learnt from this pandemic. We have to cut our cloth accordingly, we have to cut down on wastage, and people and the State have to adapt because if we do not, we will perish.

No one is against monetizing public debt, Mr Speaker, Sir. In fact, that has been canvassed by a former Minister of Finance and he was also Minister of Foreign Affairs of India, Yashwant Sinha, and who is a strong proponent of fiscal responsibility. But he said –

“In times of crisis, you can monetize debt.”

But it has to be limited; it has to be time-bound; it has to be volume-bound; otherwise, the independence of the Bank of Mauritius is undermined, and this Government has raided the Central Bank, turned it into a Development Bank, with no oversight and, in fact, it has become a player. The regime is using the tyranny of numbers, as I said, to turn the Central Bank into a Development Bank and has also got rid of public sector debt. This is manipulation, and it goes against provisions clearly spelt out by financial institutions. What Government has done or intends to do is to turn *triangage* into *triangage légal*, allegedly to slow up debt. But it did not have a mandate from the electorate to undermine the independence of the Bank of Mauritius! What they have done, they have dented a reputation which has already been undermined.

Mr Speaker, Sir, even when it comes to public sector debt, again, manoeuvrings, cut corners, turning what we call gross public debt into net basis, using cash equivalents. But this is the way this Government has run this country, trying to cut corners, with the consequences that we will be rapped on the knuckle by financial institutions. And we have paid a price for this when you lose your credibility. Earlier, hon. Xavier Duval was talking of other jurisdiction having a second look at us because competition is fierce and if they have to run you down, they will do so. Forget about those to whom we have subscribed for better oversight. They will not leave us in peace, and this is the problem when you cut corners, when you do away with obligations which you have signed and subscribed to. Talking of international Conventions, we have a price to pay. But then, this debt adjustment, for what we call the non-financial public sector bodies holdings, they were queried here by the Director of Audit in his latest report. It is also considered by independent economic observers as an artifice to artificially reduce public sector debt. By this amendment, non-financial public service bodies, this adjustment is being made legal. Just to cut the story short, it is like

deducting money in your wallet from your debt without taking on-board all your other liabilities. But a debt is a debt, Mr Speaker, Sir.

Therefore, I impress upon Government to tread cautiously and to err on the principle of caution. It has no mandate, as stated earlier, to depart from established economic indicators unless international donors and institutions change the parameters - section 6 of the Bank of Mauritius Act is amended. And the provision of direct finance to Government, as stated, is limited. There is restriction on how much Government securities can hold, except for certain specific and limited purposes shall not exceed 20% of the average of Government revenue in the last two years. And it goes against the spirit of the Bank of Mauritius Act to extend finance to private companies for facilitating economic development. It is meant to supervise, regulate credit institutions, complement and compete with them in providing credit to the private sector.

Mr Speaker, Sir, as I stated earlier, Government, in times of need or when there is a crisis, when there is a force majeure, can monetise debt, but I will stress upon what I say: it has to be time bound; it has to be volume bound. We need to make sure that there is proper ring-fencing and there is proper oversight. But we have a Bank of Mauritius which is not accountable to Parliament, but it is answerable to a Board and, unfortunately, handpicked by Government, with political allegiance, and its members are like errand boys and girls. Do you see the Governor of Mauritius standing up to the Minister of Finance? But they will both be lucky in the struggle, from the time they left a mess at the Financial Service Commission.

Mr Speaker, Sir, the Bank of Mauritius cannot pander to the whims and caprices of Government. This power under section 2 of the COVID-19 (Miscellaneous Provisions) Bill cannot be delegated to the Bank of Mauritius and there is no reason to rush it through. Government is falling on public money without consent from the public, and they do not even have the right to do so. But when you turn the Bank of Mauritius into a printing machine, we know what the consequences are. Today, when I put the PNQ to our good friend, the hon. Minister of Good Governance, I should have reminded him that 56% of deposits in our banks are in foreign currencies. What message is being conveyed? On one hand, you are printing; you have turned the Bank of Mauritius into a printing machine, for reasons allegedly to pay local debt and consequences that the rupee is being depreciated, and those who have to export or to import, when they go to the bank, they are told there is no dollar. My good friend is a great businessman, great exporter of pineapples, and he exports good quality of pineapples, but he knows very well that things are not as good as they used to be. Today, the rupee is

depreciating and, by the end of the year, it will be depreciated by more than 25%. There will be a galloping inflation and an increase in the cost of living, and if nothing much is done, you will have many people who probably will lose their job, and you know what poverty is. It can become absolute poverty. Those who are the middle class will be trapped and the gap between the haves and the have-nots will widen.

May I remind our friends that we should not go the Zimbabwe way. Today, in relation to our jurisdiction, which used to be the pride of this country, we are squeezed between Zimbabwe and Panama. This is the fate of Mauritius under this Government. May I remind our friends that Zimbabwe used to be the breadbasket? Harare was the London of Africa. Today, Zimbabwe is a basket case and if you do not have a dollar or the African rand, you cannot walk into the shop, let alone to purchase a sweet.

So, Mr Speaker, Sir, I would advise Government to tread cautiously, to err on the principle of caution, to comply fully with commitments given to the international organisations. We have subscribed to many international rules and regulations. We are signatories to these rules and organisations.

So, let me, Mr Speaker, Sir, impress upon Government that it has to be clear with respect also to the COVID-19 Development Programme. How is this going to be set up? Where is the money going to come from? We are told that, of course, there will be disbursement from the Bank of Mauritius. Government probably will contribute, but we have to be told what is the purpose of a COVID Development Fund Programme. What will it serve?

So, Mr Speaker, Sir, I also wish to draw attention to the plight of small and medium-size enterprises. Entrepreneurs are complaining and they want to know whether they would need to reimburse the wage assistance allowance that has been given to them, notwithstanding that the Minister has the discretionary power to exempt those whom he deems fit to be exempted.

Now, I would also ask the hon. Minister to establish a list of companies with high debt high margin, high debt low margin, low debt high margin. Why I am saying that? At least, there would be transparency in relation to clawing back because many of those conglomerates, I know many of them have not opted to take any assistance from Government, but some others have done and it is not because one of their interrelated parties are facing undue difficulties despite the fact that some of them pay huge dividends to



shareholders that they should be exempted. I take it for granted that this will be looked into, but at the same time, we should not allow any conglomerate to exercise undue influence and threaten that workers will be laid off with the risk that their subsidiaries may have to cease their activities because the principle objective of dispensing support, of allocating financial resources to private sector, especially those who have benefitted from huge fiscal incentives. As I say, today the burden has to be shared, the object is to keep enterprises afloat, but to safeguard as many jobs as possible with special and differential treatment given to medium and small businesses.

Mr Speaker, Sir, what we need to do and what message do we have to convey to the young generations and the generations to be? We have to convey loud and clear to them that the money that is being used will be used judiciously because at the end of the day, they are the one who will have to bear the burden, they are the one who will have to carry this debt burden. But if money is being dispensed and used judiciously and there is a trade-off, *contrepartie* with respect to equity participation, and Government can pull out as and when subject that the enterprises have started to make profit, that money can be used for better purposes and would ease off the burden placed upon this generation and generation to come.

So, that is why I told the hon. Prime Minister and I am telling all of us here to convey message, interact, interface, make sure that message is heard but let people voice out their feelings. If you do not do so and you restrain yourself from doing so, beware of social chaos. And I know what I am saying. I am not saying it for the pleasure of threatening or of conveying the wrong signals. I am saying it *par connaissance de cause*, Mr Speaker, Sir. And I have talked to many people, irrespective of colour, creed. People are angry because of uncertainty, they do not know what the future holds. Post-pandemic, what would they do? Where would they go? Would they be able to pay the debts? And the bills would start to pile up and when they would not be able to honour their commitments because they do not have the means to do so, you can expect things to be sour. What would you do then? Arrest people, make arbitrary arrest, send them to jail. Is this the concern of Government? Is this the interest of this Government by moving those legislations? Government has to be caring and Government should voice out and listen. This is why I say, Mr Speaker, Sir, there are sacrifices to be made, but the burden has to be shared. Sacrifices cannot be vain and these sacrifices have to be shouldered equally and equitably, Mr Speaker, Sir.

But at the same time, this world is awash with hedge funds. The country which is able to manage the pandemic with least consequences or outcome of this pandemic - let me tell

you one thing, Mr Speaker, Sir. Sovereign funds and hedge funds which are awash with liquidity, they will seek jurisdiction where opportunities are nothing. If we get our outright, if our reputation as a jurisdiction is not tarnished, if we are able to mobilise our resources, turn things round, take appropriate measures, this post-pandemic is an opportunity which is nothing. But we have to convey signals to the international community, to relevant institution. This is an opportunity for a new social and economic contract and it is time to invest massively in green and blue economy, in smart agriculture, in education and health sectors and I will quote what the respected economist and former governor of Reserve Bank of India stated –

“Capital will go to economies which are well-managed and less battered by Covid-19.”

This is a statement of fact and it does not come from me, but it comes from somebody who is highly respected, the former governor of the Reserve Bank of India. That is why I impress upon Government to sort out the mess that they have landed this country into. You cannot exercise undue influence upon the Central Bank whose reserves are limited. We are not the Federal Bank of America. If you do so, if you are in full compliance with criteria set by international organisation, it is an opportunity which is knocking and we can attract investment in this country. As he said, all sovereign funds and hedge funds will be awash with liquidity and this crisis is an opportunity. But then, Government has to be like Caesar’s wife, above all suspicion. But this is a different case and not all the perfumes of Arabia or the holy waters of the Ganges will wash their hands, Mr Speaker, Sir.

Mr Speaker, Sir, I have talked about the Bank of Mauritius, good oversight, transparency, let me now say what we can do. Whether we like it or not, notwithstanding the right subject to amendments which need to be brought, to use limited amount of money from special reserves of the Bank of Mauritius to contain our debt and to finance the bailout package, we also have to turn to the IMF. Many countries are doing so, but we can do better with a Special Reserve Fund and we have Mauritians who are experts in private equity, Mr de La Porte, Mr Ashvin Roy, these are people who can deliver and can set up special purpose vehicle, get Bank of Mauritius to transfer money to that special purpose vehicle as seed capital. And they know how to multiply, but, subject, of course, that you get the right people who can manage this special purpose vehicle. It can be done; we do not have necessarily to lay our hands on the coffers of the Central Bank of Mauritius, Mr Speaker, Sir.

Mr Speaker, Sir, I talked of the COVID-19 Projects Development Fund and I am sure the Prime Minister when he sums up or the Minister of Finance will highlight the relevance of this Fund. On the Finance and Audit Act, we are told that the limit has been extended to Rs15 billion. I hope the Minister of Finance will tell us how this money is going to be used, for what purpose, how it will help to ease off burden because this is taxpayers' money. But, on the other hand, there is an explanation which you are yet to have from the Minister of Finance and many questions have been asked, but the replies to the questions have not been forthcoming. I have in mind the Rs18 billion from the Special Reserve Fund, the Rs7 billion which has been used to prepay the African Bank Development, the Rs11 billion which we do not know where it is, whether it is an special account at the Bank of Mauritius or whether it has been used to any other commitments. But we have to be told why is it that there is only Rs7 billion in the Special Reserve Fund. Hon. Xavier-Luc Duval likes to say that money is fungible. Fungible, yes, but we have a right to be told where is the Rs18 billion. In whose pocket is it? I am not going to lay my hands in somebody's pocket to find out, Mr Speaker, Sir, but we need to find out where is the money.

You cannot go on a spending spree and say that the world belongs to you and you are using other people's money. It is the people's money and the people have the right to know where that money has gone. Mr Speaker, Sir, we cannot take things for granted. It is not because you have the power, because you have the number rather than the power that you think you can exercise the tyranny of numbers. It is not because a single majority will get those two Bills through that you can take things for granted. Out there, there are people who are angry. Out there, people will not let you get away easily. They want answer, they want transparency, they want accountability. That is what people want, Mr Speaker, Sir.

Mr Speaker, Sir, let me now come to the Quarantine Act. The Prime Minister has been saying earlier: 'We rigidly apply the provisions of the law in relation to quarantine'. But you know the blunder made by the Minister of Health and the Director of Social Services to take the Prime Minister and the Deputy Prime Minister to quarantine. In non-compliance of what you call protective personal equipment. You know the risk that you expose the Prime Minister and the Deputy Prime Minister. In other counties, probably the Medical Council would have taken action against the Minister of Health. You do not do that, not for the sake, you know, of bound to what the Prime Minister wants you to do. It was a great risk and it was a bad example set like without giving advance notice, this Government decides to close the borders with so many people stranded. And they are desperate, some of them do not even

have a roof over their head, some even do not have food to eat because they do not have the meals. You know how difficult it is to have this loan which is supposedly easy to have access to. There are people in Maldives eager to travel to Mauritius, willing to charter plane, but have been refused landing right. Is this the way we treat our citizens? We have an obligation vis-à-vis our citizens. That is the reason why I went to see the President who is the custodian of our Constitution. I told him as President of the Republic, he has a moral and legal obligation to protect the citizens of this country. We are still waiting. And quarantine centres are empty, but we refuse to give landing rights to those who are stranded in Miami. The time has come to act, to act wisely and to act with a humane dimension. What is the point of being human beings if we are not humane, Mr Speaker, Sir. And it is time to remedy, it is time to redress, it is time to make *mea culpa*. We cannot leave our citizens stranded, Mr Speaker, Sir.

Mr Speaker, Sir, I have said what has to be said in a language which, I think, is clear. I speak the language of the common man because I want the message to be conveyed, that this Government has failed to deliver on promises made to the workers. They promised to turn this country into an Eldorado, instead there is every chance of Mauritius sliding from an alleged upper middle-income status probably to God knows what. But, there is the will in this country to turn things round. But to turn things round, you need to mobilise all the people, you need to choke out clear-cut strategies and you need to establish a roadmap, bring people together. There are people who are willing to help to turn things round.

My appeal to this Government and it is never too late. A week is not a long time in politics, Mr Prime Minister. Listen to the voice of the people, bring the necessary amendments that have to be brought in this legislation, let the voice of the people be heard!

Thank you very much.

**Mr Speaker:** Hon. Members, I wish to inform the House that in view of the number of the hon. Members wishing to speak in this debate, an agreement has been reached between the Whips, as to the time allocated to each hon. Member. I will, therefore, avail myself of the provisions of paragraph (1) of Standing Order 50 to ensure that hon. Members comply as far as possible to the time allocated to them and this, for the orderly conduct of the debate. I therefore, make an appeal to hon. Members and I rely on your collaboration.

Thank you.

**Mr Mohamed:** On a point of clarification, Mr Speaker, Sir, with your permission. In fact, what agreement was reached with the Whips is very simple. I used this as an example

earlier on when we saw you, the Whip, Government Whip and myself in your Chamber, and the example was very simple. It was a guideline of 20 minutes per orator and if, for instance, a party has got two orators, they have 40 minutes. They decide to use it amongst themselves at their discretion as long as they do not go above the 40 minutes allocated per party. That is the agreement that was reached between the Whip and myself, and I am happy to see her nodding in approval.

Thank you very much.

**Mr Speaker:** So, I will suspend the sitting and I would like to meet both Whips in my Chamber to clarify it.

*At 3.42 p.m., the sitting was suspended.*

*On resuming at 3.52 p.m. with Mr Speaker in the Chair.*

**Mr Speaker:** Please, be seated!

Honourable Members, the Whips have taken on themselves to sort out this issue. I now call Dr. the hon. Minister Jagutpal.

(3.52 p.m.)

**The Minister of Health and Wellness (Dr. K. Jagutpal):** Mr Speaker Sir, let me, at the very outset, thank the Honourable Prime Minister Pravind Kumar Jugnauth for introducing these pieces of legislation, namely the COVID-19 (Miscellaneous Provisions) Bill and the Quarantine Bill 2020 in this House.

As we all know, since the beginning of this year, the world has endured and is still bearing the full weight of the COVID-19 pandemic and its effects. As rightly pointed out by the Honourable Prime Minister, this situation is unprecedented.

The two Bills before the House are of paramount importance. The sanitary curfew has produced excellent results, but it has also impacted on our trade and investment. It is now high time to put the country back on track and pursue our economic objectives.

In order to guarantee the safety and security of all of our citizens, we had to act quickly, boldly, and take decisions that few Governments have dared to implement. Our decisions have allowed us to attenuate the worst case scenario situations and predictions. Had prompt and timely actions not been taken, the situation would have evolved in a completely

different manner. We are here speaking of a real threat to the lives of thousands of our fellow citizens, our economy and our very livelihoods.

Mr Speaker, Sir, today, the population acknowledges that our management of the situation has given palpable results that are even beyond the expectations of some. It takes extreme courage, sense of patriotism and duty to resist to persistent pressure in order to do what is right.

Before getting to the two Bills before this House, allow me to clarify some misunderstandings that the hon. Leader of the Opposition seems to have. During his address, it is very sad that the hon. Leader of the Opposition has chosen to be political in his speech instead of being constructive. He is full of contradictions in what he says. On one side, he appeals to set our differences apart, but on the other side he shows his true colours. This is for me a clear picture of antipatriotic spirit of the Leader of the Opposition.

Far from the picture of '*travaillons ensemble*', he did not make a single valid proposition. Let me first come up with what he said: "It's a threat. We are living in an outcry." Is it so? Today, we do not have any active case. Is this so the outcry? Since the last 16 days, we did not have any case in Mauritius. Is it an outcry? Is it that the population has a fear? We are all sitting here conducting our sessions. Do you know why? It is because we do not have cases. I understand we have many senior citizens as well; we have cared for them even they are in the opposition. Today, we do not have cases. It is so simple.

*(Interruptions)*

Now, he made a statement that there is discontent while lifting the confinement. Is it so? This is rightly where the Bill has come; it is why we are taking all the measures. These are the vast measures. The Prime Minister made them, we responded and we were prepared. This is very complex and the scope is very difficult. We have been able to contain all the problems. Now, those vast measures are there to protect unemployment. Those vast measures are there to help the small and medium enterprises and specially to prevent *la fermeture des usines*. All these sectors are taken care in the COVID-19 Bill.

Repeatedly, the hon. Leader of the Opposition has been saying that on 03 February, he made his PNQ. Do you know when the virus came to Mauritius? It was on the 18<sup>th</sup> that we detected the virus. The Government has had many meetings. So many measures have been taken before and that is why in Mauritius we had the late arrival of the virus and that is the reason we were not among the first 150 countries to get the virus. We were among the last

50 countries to have the virus in Mauritius. And he repeatedly keeps on saying - he said so. He has always been saying that he has been having all the pragmatic approach of saying everything. It is not true. It is just a political move. Also, he pointed out that in Mauritius it is the highest mortality rate...

*(Interruptions)*

Some mathematics is enough. In 332 cases, there were only 10 deaths. And do you know who are the people who died ...

*(Interruptions)*

**Mr Speaker:** Let the Minister talk!

*(Interruptions)*

**Dr. Jagutpal:** Mr Speaker, Sir, do you know what the international figure is? The figure is 4 to 8%. This is what the Leader of the Opposition wants to convey to the population and he again set aside our differences. We have been speaking the truth...

*(Interruptions)*

**Mr Speaker:** Silence, please!

**Dr. Jagutpal:** We have been transparent throughout. We have been able to manage and contain the virus and that is why today the Bill has come. Should we not be in an explosive state, this House would not have met today. They have to be thankful to the Government that we are not in a situation like other countries where there were an explosion of cases, and today this House is able to have its meeting.

Again, he talked about so many measures which are totally contradictory. He also mentioned about the PPE while going to visit a Quarantine Centre. He should know, he should read the advice of the WHO. He should know when to use the PPE, what it is meant. He should first learn how to wear his mask properly before calling about using the PPE.

*(Interruptions)*

Now, he talked about warrant. When somebody is in a Quarantine Centre, do you wait for a warrant to prevent him spreading the disease? A person who is in a Quarantine Centre is a suspected case. Could you imagine waiting for a warrant before preventing this person to spread the disease? You have to take immediate action. Those immediate actions are being empowered. He knows very well that during a Quarantine period, there is Quarantine Officer;

it is not the police who will come to anybody and just pick him up and get him into jail. There is a law. He should have read the Quarantine Bill properly. In the Quarantine Bill, it is mentioned clearly when we declare a communicable disease, when we declare a Quarantine Period, when we have a Quarantine Officer. All these should be respected; it is not just threatening people. This makes people feel threatened because you do not know what message you are sending to the population. You have to be very careful. So, this warrant is meant during a Quarantine Period and this should be through the Quarantine Officer. Obviously we have to do so, because if we do not, the disease can keep on spreading.

He also mentioned about the pharmacy. In a period of lockdown, when we do not have flights, could you imagine if we do not have medicine for our people in the country? Has he imagined what could have been the consequences? The same hon. Leader of the Opposition would have come here and he would have said that the Government is doing nothing to have our own pharmacy, our own pharmaceutical products and all that. So, this is the kind of reaction.

Mr Speaker, I have hardly 15 minutes, so I will come back to my speech and try to deliver what should be said, especially in the Quarantine Bill. So, this is how is the reaction and I should not come, I have, I think hardly 15 minutes, I will come back to my speech and trying to deliver what should be said, especially on the Quarantine Bill. We should understand that the whole world has come to a halt in the wake of this deadly Coronavirus. With the global threat caused by COVID-19, Public Health Law is now at a stage of extensive restructuring and reform in most countries. The UK has only recently proposed to put all inbound persons entering the quarantine in its territory.

Mr Speaker, Sir, Mauritius is among the rare countries that imposed such sanitary measures as from the very start when the COVID-19 situation was not even qualified as a pandemic by the WHO. In fact, we are the first country in the world to come up with such quarantine measures.

Bold measures were taken in a timely manner in order to contain the effects of the pandemic. This has been our Prime Minister's and the Government's motto as from the very beginning. The same philosophy still dictates our actions today and we will not falter from this mission.

When it comes to wellbeing, the safety and the security of the population, we can rest all assured and I have personally witnessed it. The hon. Prime Minister will not make any



compromise. I remember it was 01 February, a public holiday when I called the Prime Minister in the late evening and I have been informing him about the situation in China. Without any hesitation, he said he is going to have a meeting the next day, on a Sunday at 10 o'clock in the morning with all the stakeholders. This means commitment.

Our management of the situation in Rodrigues has given us unique results. Today, we can proudly affirm that Rodrigues has remained COVID-free, and our brothers and sisters are gradually returning to their normal way of life.

Mr Speaker Sir, the first 3 cases of COVID-19 in Mauritius were registered on 18 March 2020. As from then, our country and the sanitary protocol shifted to another prescribed level of preparedness and response.

In our efforts to contain the novel Coronavirus, 37 Quarantine Centres were operational in Mauritius to cater for more than 2,500 passengers who had to be channelled through this necessary sanitary surveillance.

Mr Speaker, Sir, our quarantine measures started even before Chinese authorities decided to place the City of Wuhan in complete lockdown.

Allow me to elaborate on the classical Quarantine Act of 1954 which has undoubtedly served its purpose to face some previous situations and epidemics like Yellow Fever, Cholera, H1N1 and Ebola, among others.

Although it has stood the test of time and the accompanying challenges, the 1954 legislation had to be supplemented with a multitude of regulations. It is now high time to consolidate all these pieces of delegated legislations into a new comprehensive Act that addresses all emerging issues.

In the current situation, we had to act promptly in the absence of definite legislations to guide us. I here, once again, thank the hon. Prime Minister, his Office, the Ministry of Tourism, the Ministry of Finance, the Attorney General and his Office, the World Health Organisation, the Advisers to the Prime Minister, the staff from my Ministry and all relevant stakeholders, who readily provided us with solutions and facilities to accommodate returning passengers.

We had to make a regulation to declare the novel Coronavirus, a quarantinable disease since March 19. In all, Mr Speaker, Sir, some 16 Notices and Orders have been emitted so as to allow us to prevent any potential spread of the disease.

The Quarantine Act of 2020 shall confer powers to the hon. Prime Minister to take such bold decisions as may be necessary for the prevention and containment of communicable diseases. This is exactly what our Prime Minister has done in the current COVID-19 situation.

The proposed Bill rightly allows the Prime Minister to order that all persons remain indoor, order commercial premises and offices to remain closed. We are, today, witnessing the excellent results of the sanitary curfew.

Mr Speaker Sir, the Quarantine Bill 2020 also proposes that the Director General Health Services of the Ministry of Health and Wellness acts as Quarantine Authority. He will thus be in his role to spearhead professional and technical aspects while coordinating and implementing health policies.

In the 1954 Quarantine Act, there was no designation of a quarantine facility. As mentioned earlier, 37 Quarantine Centres were operational in the country. These facilities had to be set up overnight.

As more Mauritian nationals and residents continued to return to the country, we had recourse to hotels in order to succeed in this sanitary surveillance. The proposed Quarantine Bill indeed provides for Private premises to be mobilised for such purposes. Not what the hon. Leader of the Opposition said that we are not a caring Government, we are not looking for stranded passengers. In fact, the Government has already started bringing back all stranded passengers, but we are doing it in an orderly and timely manner.

I am certain that Members of this House fully understand the necessity to have recourse to quarantine in such circumstances.

Mr Speaker, Sir, our actions speak for themselves. No inhabitant in that particular region, nor any other region where quarantine centres were set up, has contracted the novel Coronavirus, as a result of our sanitary decision.

I do hope that in the future, Members of this august Assembly do not embark on missions solely for political gain and cause turmoil among our citizens. This was sadly the case in Quatre Soeurs when politicians acted with sheer irresponsibility, encouraging inhabitants to organise a sit-in while creating confusion in the population.

Today, we pay tribute to all those inhabitants in Quatre Soeurs, Pointe Jérôme, Anse la Raie, Mahebourg, Pointe aux Sables and Souillac. We thank them and their respective

localities for having played an active role in helping to curb down the risks of propagation. I am confident that they will draw their own conclusions.

Mr Speaker, Sir, the Quarantine Bill before this House, also addresses the medical examination. In a scenario where the country is at risk of a viral outbreak, we have to ascertain that the medical information we require and gather are exact and precise.

We have had cases in the COVID-19 situation where persons did not disclose data and that would have greatly helped us in our efforts to contain the virus. I am here referring to section 9, the duty to provide information. Others refused to undergo medical treatment or examination. Our aim is not to impose on these potential cases. On the contrary, our primary mission is to provide them with appropriate health care for their own security, that of their family and surroundings and the population at large. This proposed Bill will allow us to better our sanitary surveillance.

Mr Speaker Sir, we have also had cases where passengers in our sanitary facilities needed specialised medical care. In the absence of legal provisions on how to manage such cases, we had to send specialists in the quarantine centres to offer treatment.

Mr Speaker, Sir, additional powers have also been granted to the Police, as I have mentioned earlier and, rightly so, for those who might think that such a measure constitutes a dangerous move, they are totally wrong.

These powers will only be exercised in a given context. We have to realise that we are dealing with a situation that, if wrongly handled, might pose a serious threat to the population at large. The Police have a clear mandate to protect our citizens in every possible way.

Mr Speaker, Sir, I will now point out certain provisions in the COVID-19 Bill. On March 19, the Secretary General of the United Nations stated that, I quote –

“A Global recession, perhaps of record dimensions, is a near certainty.”

Mr Speaker, Sir, I will now point out certain provisions in the COVID-19 (Miscellaneous Provisions) Bill. On March 19, 2020, the Secretary General of the United Nations stated, and I quote –

“A Global recession, perhaps of record dimensions, is a near certainty.”

I am not stating this to instil fear among our citizens, nor to brandish these facts just as a mere pretext. These are the challenges we might be called to address in the future.

The context is of prime importance, Mr Speaker, Sir, when we go through the measures enumerated in the COVID-19 Bill. These dispositions will be used in specific situations, like the one we are witnessing at this very moment.

Now it is the time to rebuild, innovate and re-invent.

Mr Speaker, Sir, as regard to the fines that have been reviewed for certain types of offences that pose a threat to the public health and safety, they are most welcome. Apart from these, the amendments at Section 40 referring to the Pharmacy Act will enable our country to cater more for its own needs with regard to medicine supplies. These amendments will lead to faster access to protect our Mauritian territory.

Mr Speaker, Sir, I once more heartily thank the hon. Prime Minister, who, in his wisdom, has come up with these two fine pieces of legislation. Our Government has, during the past weeks, showed its commitment towards the nation and in the present case, towards their health and security.

Allow me, Mr Speaker Sir, to also thank the population, who, in its vast majority, paid heed to our guidelines aiming at preventing a major outbreak. I also pay tribute to the frontliners, the staff and my Ministry for their dedication.

I here, again, take the opportunity to congratulate all the members of the health personnel, all the frontliners who have been working actively, but, unfortunately, we had 10 cases of deaths and we express our sincere sympathy to their families. The battle is not over yet. We should remain focused, mobilised, cautious, and scrupulously follow all sanitary measures.

I will conclude by citing and adapting Rudyard Kipling -

“If we, in Government, can keep our heads when all about us are losing theirs, and blaming it on us, yet we should not look too good, nor talk too wise.”

Thank you.

**Mr Speaker:** Hon. Minister Sawmynaden!

(4.15 p.m.)

**The Minister of Commerce and Consumer Protection (Mr Y. Sawmynaden):**

Thank you, Mr Speaker, Sir. I would like, first of all to thank the hon. Prime Minister for

coming with these two pieces of legislation and also thank my good friend, Dr. the hon. Jagutpal for the job that he has been doing for the last eight weeks.

Mr Speaker, Sir, I welcome the opportunity given to me to share my views on this audacious COVID-19 Bill which paves the way for a new health related economic and social landscape. But before I go to my speech, Mr Speaker, Sir, and after listening to the hon. Leader of the Opposition, my good friend hon. Ganoo always has a motto: '*Bon Die beni*'.

Actually, we have been blessed. We have been blessed first of all because we have been able to contain the virus, and, secondly, we have been blessed that the Opposition is not in power because otherwise all the predictions of the World Health Organisation would have been true today. When you listen to them - the hon. Leader of the Opposition is asking: why did we close our borders? These are the bold decisions that we took and we succeeded to contain the virus. They are shouting that we have had 10 deaths. Yes, it is a pity. Yes, we sympathise with the families, but what would have been the scenario today, what would have been the total number of people that could have lost their lives if this Government did not take these bold decisions.

Mr Speaker, Sir, there is only one reason why they are complaining, they just want to gain capital politics - *c'est de pouvoir avoir un capital politique sur tout ce qui se passe aujourd'hui*.

M. le président, la population aujourd'hui est éduquée. La population est derrière nous et la population sait que nous avons un Premier ministre sérieux et qui travaille dans l'intérêt de ce pays et de la population mauricienne.

Mr Speaker, Sir, the world needs to draw lessons from the Novel Corona Virus, and Mauritius is no exception.

Cette pandémie est venue changer notre mode de vie et nos habitudes. Pendant longtemps, nous avons pris beaucoup d'aspects de notre vie pour acquis. Mais aujourd'hui la nature reprend ses droits et la situation difficile provoquée par le Nouveau Corona Virus vient remettre en question la façon dont nous faisons les choses, notre vie sociale et également la situation économique locale et internationale.

Ce projet de loi touche à tous les aspects de la vie humaine, économique et sociale, et couvre également tous les secteurs d'activités. Il ne s'agit pas là uniquement de la restriction du mouvement des personnes. La nouvelle loi vient réagencer la vie administrative à plusieurs niveaux.

À titre d'exemple : La protection des consommateurs a été renforcée et j'y reviendrai un peu plus tard.

M. le président, une chose est claire, et chacun d'entre nous doit le comprendre. À travers la présentation et l'adoption du *COVID-19 Bill*, l'unique objectif du gouvernement est de protéger la population de tous les risques engendrés par le Corona Virus.

Nous ne voulons pas non plus que notre pays et notre population soient affectés par d'autres virus ou maladies qui pourraient nous attaquer à l'avenir.

*La Clause 45 du COVID-19 Bill est explicite à ce sujet -*

“Where it appears that any dangerous epidemic, endemic, infectious or communicable disease has subsided, the Minister may make such regulations as he thinks fit to prevent the resurgence and further spread of such dangerous epidemic, endemic, infectious or communicable disease.”

Il est impératif que nous puissions faire face aux défis qui nous guettent, que ce soit sur le plan sanitaire, médical, social et économique.

À ceux qui crient que les mesures contenues dans le *COVID-19 Bill* sont impopulaires, je dirai ceci : L'objectif est de vous protéger, de nous protéger. Telle est la mission que nous nous sommes fixés.

Une dizaine de nos compatriotes y ont laissé la vie. Parmi, nous avons perdu un valeureux soldat – Le Dr. Bruno Cheong. Il ne faut pas que ce décès soit vain.

A travers de ces deux lois, on peut aujourd'hui au moins protéger ces médecins. Le COVID-19 vient de nous démontrer que rien n'est acquis et que des changements peuvent nous frapper à n'importe quel moment. Nous devons nous adapter.

Le Nouveau Corona Virus attire aussi notre attention sur un point important. Si les gens faisaient preuve de responsabilité nous n'aurions peut-être pas à imposer des lois sévères. Et malgré les règlements stricts imposés, jugez par vous-mêmes le nombre contraventions qui ont été établies pour non-respect du couvre-feu sanitaire.

Mr Speaker, Sir, exceptional circumstances require exceptional measures. And I am proud, as Minister of Commerce and Consumer Protection, of having been able to bring my humble contribution at the level of the National COVID-19 Committee and other Committees set up by this Government, led by our hon. Prime minister, to find ways and means to -

- Protect our country.
- Assist our citizens locally and abroad.
- Ensure that the required measures be elaborated and implemented regarding the fight against COVID-19 through appropriate medical treatment and prevention.
- And, of course, make sure that our population gets access to basic commodities, among others.

At the level of the Government, we have spared no effort and we have left no stone unturned in the fight against the COVID-19 pandemic. We are conscious of the responsibilities that lie upon our shoulders and failing is not an option.

M. le président, travailler sans relâche durant des heures, du matin jusqu'à fort tard dans la soirée, que ce soit en jour de semaine ou pendant le week-end était une chose tout à fait normale pour les membres du Gouvernement. À tel point qu'on en oubliait les jours et les dates. La population et les futures générations nous jugeront sur la base des résultats qui découleront des mesures préconisées dans le *COVID-19 Bill*.

Mr Speaker, Sir, a lot of criticism has been levelled against the Government regarding the way we dealt with the COVID-19. Some people tend to give the impression that they would have managed the situation better than we did and are still doing.

All of a sudden, everyone became an expert putting forward all sorts of mind-boggling strategies on how to fight the Novel Corona Virus and save our population. But one should keep in mind that saying – or should I say yelling – that they have the miraculous solution to deal with the Novel Corona Virus is one thing, and walking the talk is yet another thing. No country can be used as a model as each one has its own specificities. We could not copy what other countries have done.

We, on this side of the House, we have had the courage to come up with bold decisions to protect our country and our population. Guided by the hon. Prime Minister, this Government has taken the right decisions at the right moment.

Mr Speaker, Sir, I would like to seize this opportunity to pay tribute to the leadership of our Prime Minister. His dedication, his availability, his special attention to every single detail has been exemplary since the very beginning of this COVID-19 pandemic. Chairing several meetings on a daily basis, centralising every decision and action for impactful results,

communicating with the nation on major issues – though some Members of the Opposition are alleging that information are being hidden - are just a few examples that show his personal commitment in the fight against the Novel Corona Virus. When he said that the health of our citizens is more important than anything else, he really meant it.

Though the local economic situation has been affected by the Novel Corona Virus, the main focus of the hon. Prime Minister was and remains the health of our population. He is conscious that we need people/workers in good health to put our economy back on track.

Un seul capitaine à bord, une seule vision, et il ne fait aucun doute que les résultats seront probants.

Some people may be of the opinion that these measures put in place are not enough. Others can say that such or such actions could have been taken, but Government, Mr Speaker, Sir, has nothing to be ashamed of. The measures put in place have had positive results and we have been able to contain the propagation of the virus.

Mr Speaker, Sir, Government did what it deemed fit since the Novel Corona Virus was categorised as a pandemic. Today, the COVID-19 Bill is before this August Assembly and the numerous measures contained therein will soon be translated into concrete actions.

Right from the start, a series of bold actions have been taken to prevent Covid-19 from having disastrous effects on our country. And with the adoption of the new legislation which brings along the amendment of numerous existing laws, we will be in a better position to pursue our fight to curb the Novel Corona Virus and set the pace to combat any eventual disease that may hit us in the future.

The House and the population at large will recall that since 03 February 2020, Government imposed a ban on the importation of live animal and fish from China. This ban was extended to Italy, Iran and South Korea as from 03 March 2020 and subsequently to Switzerland, Reunion Island and all European countries as from 16 March 2020. It was envisaged to further extend the ban to other countries, but, in the meantime, numerous countries had already started to close their borders.

At that point in time, Mr Speaker, Sir, the crisis faced by many countries had already started having a psychological impact on the Mauritian population, giving rise, for example, to panic buying in our local shops and supermarkets. As a responsible Government, it was our duty to ensure that there are enough stocks of basic commodities to face any eventual situation that would strike us.



On 15 March last, together with members of the Press, I personally visited a series of supermarkets, local distributors' warehouses and the State Trading Corporation warehouse. The observations were clear. The stock was there. In parallel, I made sure that there would be no risk that these essential products would be out of stock. But still today, some Members of the Opposition are trying to make people believe that there are shortages.

In the same vein, I called upon distributors and traders to avoid creating artificial shortages that would lead to an increase of the prices. I also had several meetings with petroleum product distributors to ensure that we have sufficient stock of mogas, gasoil and LPG.

Mr Speaker, Sir, the population would recall that shops, supermarkets and hypermarkets, among others, were still allowed to trade when the confinement was announced. Unfortunately, Government had to take the hard decision of imposing a sanitary curfew and the closure of all trade premises. But it is a fact that we could not allow the population to starve. Government had to find the right formula that would enable each and every citizen of this country to have access to basic commodities, without creating a situation that would favour the spreading of the Covid-19 virus and hence jeopardising public health.

Together with the Mauritius Chamber of Commerce and Industry, we spent hours and days, working out every possible scenario. As a start, Government came with the preparation and distribution of some 44,000 food packs to vulnerable families on the SRM of Mauritius. I am glad that following meetings with my colleagues Ministers and myself had with the MCCI, various supermarkets and distributors acted very quickly for the preparation of these social food packs.

With the same spirit, we worked out an online order and delivery system for the rest of the population. I must say that, despite some minor issues during the teething period, this system has worked very well and, today, more and more people are opting for online shopping.

Nevertheless, Mr Speaker, Sir, it was imperative to put in place a system that would enable consumers to have access to a wider range of basic products. We therefore studied the different options for the reopening of shops, self-services, supermarkets and hypermarkets. We came to the conclusion that the access to these premises by alphabetical order would be the best option. Today, Mr Speaker, Sir, the alphabetical order system is proving to be the right one to avoid crowds in public places. It is worth mentioning that this formula is now

being included in the law and this same system will guide the reopening of bakeries, hardware shops, among others.

Mr Speaker, Sir, unfortunately, it was imperative for Government to come up with new measures, amongst others, to better protect the consumers. In these difficult times, traders should not think that they can cheat on consumers without bearing the consequences.

Almost immediately after the confinement, and subsequently the sanitary curfew, my Ministry was informed of numerous cases of shops, supermarkets and even pharmacies that were taking advantage of the difficult situation to impose exaggerated prices on consumers. This state of things could not be tolerated. My officers have therefore been requested to intensify their actions across the island so as to send a strong signal to those traders who are acting in a highly deplorable and anti-patriotic manner.

In parallel, Mr Speaker, Sir, the Ministry of Commerce and Consumer Protection has come forward with a series of measures -

- The Consumer Protection (Price and Supplies Control) Act 1998 and the Consumer Protection (Consumer Goods) (Maximum Mark-Up) Regulations 1998 have been amended with effect from 20 March 2020 to control the price of facemasks, hand sanitizers and respirators.
- The Consumer Protection (Price and Supplies Control) Act 1998 has been amended with effect from 23 March 2020 to fix the retail price of onions and potatoes to Rs40 a kg.
- My Ministry also came up with the regulation to allow a maximum mark-up of 15% on adult diapers, baby diapers, Basmati rice, breakfast cereals, butter and spreads, long grain rice, margarine, pasta, processed cheese, pulses, sanitary pads and sanitary towels.

Mr Speaker, Sir, since the establishment of the confinement and the sanitary curfew to date, more than 2,605 traders have been booked. These contraventions relate to the non-affixing of price labels on shelves, prices higher than prescribed and trading without business registration. It is sad to say that in order to deal with the irresponsibility of some traders, we have had to send officers on the field when Government is requesting everyone to stay safe at home.

Au lieu de contenir le virus, nous avons dû dépêcher des officiers pour contenir les prix.

My officers' visits to trade premises are ongoing, and, here, I would like to stress that the number of contraventions established on a daily basis are on the decreasing trend. But, on the other side, Mr Speaker, Sir, it seems that some traders still have not decided to get rid of their abusive practices.

Officers of the Consumer Affairs Unit of my Ministry, together with inspectors from local authorities and Police Officers have come across many 'regular offenders'.

I seize this opportunity to express my deepest appreciation and thanks to these officers and to all those front liners for their dedication during these hard times. Based on the behaviour of these traders, it appears that the actual penalties are not real deterrents for them. The population will appreciate that, in a view to better protect consumers, Government, through the COVID-19 Bill, is toughening the law against those traders who believe that they can do whatever they want in all impunity. The Consumer Protection (Price and Supplies Control) Act is, therefore, being amended to provide for tougher penalties. The aim behind the amendments brought to this legislation is not to penalise traders.

Loin de l'idée d'embarrasser les commerçants, cependant, nous ne pouvons fermer les yeux sur les cas d'abus flagrants. Les commerçants irresponsables doivent subir les conséquences de leurs actes. Ils doivent se mettre en tête que leurs abus ne dureront pas car ils risquent d'avoir la désagréable surprise de voir leurs permis être suspendus ou même révoqués.

Mr Speaker, Sir, for weeks now, Government has been warning traders who do not respect the law and now, these warnings are being translated in action. Once enacted, the amended Consumer Protection (Price and Supplies Control) Act will provide a fixed penalty notice which will be issued by an authorised officer or police officer who detects the offence. From the moment, the fixed penalty notice is served upon the trader; the latter will have to pay the fine within a period of 21 days, failing which criminal proceedings will be instituted against him. Under such circumstances, the offender will be liable, on conviction, to pay a fine that shall not be less than the fixed penalty in respect of the offence committed. In the event that the trader refuses the fixed penalty notice, the case will be reported with a view to proceedings be taken against him before a court. Moreover, in respect of the commission of the offence specified in the Fifth Schedule, an offender's trade licence may be suspended for a period not exceeding one month.

Mr Speaker, Sir, based on the positive situation resulting from the measures taken by the Government to prevent the propagation of the novel coronavirus, it has been decided to allow for a smooth and controlled resumption of economic activities. Being given that many of our compatriots are being called upon to resume work, the decision has been taken to allow supermarkets to remain open until 8 p.m. so that these workers can do their shopping for basic commodities after their working hours and according to the alphabetical order system already in place.

The novel coronavirus outbreak has devastating effects on many sectors of our economy. In the face of such a disaster, Government has put in place several support mechanisms to help enterprises, namely the Wage Assistance Scheme and the Self-Employed Assistance Scheme. It is no secret that the local trade/commercial sector has been greatly affected. All through the confinement and sanitary curfew period, my Ministry has received numerous requests and proposals from various quarters, namely small traders associations and retail associations amongst others. I met representatives of retail associations who shared their concern about the actual difficult situation and the aftereffects. One of their main concerns was that they were not operating, but, nevertheless, had to pay for the rent for their trading premises and other bills.

Through the COVID-19 Bill, Mr Speaker, Sir, this Government is giving some relief to these workers. Section 30 of the Landlord and Tenant Act is being amended, specifying that -

‘Notwithstanding subsection (1), the Court shall not make an order under section 16 where rent has not been paid by a tenant for the months of March 2020, April 2020, May 2020, June 2020, July 2020, August 2020 and such other subsequent month as may be prescribed, provided that the rent for the months (...) is fully paid, in instalments, by 31 December 2021 or such other date as may be prescribed.’

In the same vein, following amendments brought the Central Electricity Board Act and the Central Water Authority Act, retailers and traders, as the rest of the population will appreciate no surcharge shall be imposed and the utility supply shall not be disconnected, provided that the bill - including the licence fee in the case of the CEB - is paid not later than such period as may be prescribed.

Mr Speaker, Sir, sooner or later, we will all have to get back to our habitual habits, but, following the introduction and adoption of the COVID-19 Bill, these activities will have to be carried out under strict conditions. Facemasks, hand sanitizers, social distancing will be an integral part of our daily life. This will be the only way to avoid resurgence of the novel coronavirus in our country.

Mr Speaker, Sir, some people may find that the new laws and regulations are hard, many also are talking about dictatorship, but I can assure the population this is absolutely not the case. We are here to protect our citizens. In fact, the measures proposed are proportionate to the risk factor.

Let me also add that the sanitary and medical measures, being implemented in Mauritius, are perfectly in line with the recommendations of the World Health Organisation. Other countries such as France, United Kingdom, Poland and South Africa amongst others are introducing regulations for accrued price control and a better protection of consumers. These countries, like many others, are also taking sanitary measures and enacting new laws to find COVID-19 and prevent its propagation. This will give rise to a new economic order to which the Republic of Mauritius will have to adapt.

Mr Speaker, Sir, our main concern is the health of our population. I am sure that no one would like to get infected, knowing the disastrous effect that this would have on one's health, the family, the community and the whole country.

Without sacrifice and patriotism, we will expose ourselves and our country to this deadly virus. Let us together do what should be done to overcome this situation and hope for a brighter future.

Aujourd'hui, nous n'avons aucun cas actif de COVID-19 à Maurice et c'est un signe encourageant. Cependant, la fin du couvre-feu ne veut pas dire que chacun pourra faire ce qu'il veut. Le virus peut être n'importe où car il est invisible. N'oublions pas qu'une personne porteuse du virus peut être asymptomatique et contaminer plusieurs personnes autour d'elle. Le souhait c'est que chacun de nous fasse sa part des choses et c'est le pays qui en sortira grandi.

Dans les moments de grandes calamités, les moments comme celui-ci, que ce soit pour la peste, que ce soit pour la grippe espagnole, que ce soit pour les guerres ou l'Ebola, il appartient aux politiques de trouver la solution. Notre rôle, en tant que responsables

politiques n'est pas de garantir à tout prix les bonheurs privés mais surtout d'enrayer les grands malheurs publics.

Merci, M. le président.

(4.39 p.m.)

**Mr Speaker:** Hon. Xavier Luc Duval!

**Mr X. L. Duval (Third Member for Belle Rose & Quatre Bornes):** Mr Speaker, Sir, I am forced today to use a stopwatch. I have been given 20 minutes to comment on 57 different laws to be amended today or this week. That gives me 21 seconds, Mr Speaker, Sir, per law to be amended, and these laws - many of them - change our daily lives, the ability of our economy to recover our public finances, workers' rights and so on and so forth. I can only deplore this state of affairs.

Mr Speaker, Sir, I have heard the many self-congratulatory speeches made here and there and everywhere by Government Ministers, but the truth is and the facts are that most other islands have fared better, sometimes much better than Mauritius. Some of them have bigger populations than us. Let us take Reunion next door - zero deaths; Seychelles up north - zero deaths, Puerto Rico, 2.9 million population - zero deaths; Trinidad, 1.3 million population - eight deaths, Timor-Leste, 1.3 million population - no deaths; Fiji, no deaths.

So, Mr Speaker, Sir, this means that islands have a specific advantage when dealing with Coronavirus, that is, we can isolate our land; we can isolate our territory. Whatever decision the Government may have taken after, some of them right decisions, we can only deplore the fact of dragging its feet at the start of the epidemic and being unprepared, for instance, in the number of tests that were done in the first few weeks; failure to stop flights from China in time, Mr Speaker, Sir; failure to close our borders in time.

I intervened on 12 March - Minister Hurreeram found fit to insult me on radio. I intervened on the 12 of March to ask for the borders to be closed. The Leader of the Opposition also did so. It was only a week later that the borders were closed, and the failure, Mr Speaker, Sir, to put all international passengers, as they were arriving during that period, in quarantine, led to the disastrous first few weeks and led also to the fact that the population have had to suffer so much and the economy so much. I am not saying everything was bad, but the truth remains the truth; that we dragged our feet. Maybe Government was listening to WHO - he has disappeared, the Doctor - whatever they were doing, but we were not prepared

like many other countries. But this country was not prepared. When the first case came up in mid-March, we were not prepared. These are the facts.

Mr Speaker, Sir, I will now come to the Quarantine Bill. I will cut to the chase; I have not a lot of time. What I will deplore here is the fact that there are no formal parliamentary controls over the process of putting the country into a quarantine period. There are no formal parliamentary controls. We are told it is going to be done by Government Notice. Now, we know that you can obviously put a Motion to annul the Government Notice, but Parliament needs to be sitting. If Parliament is not sitting because you have sent it *sine die* into recess or it is not meant to be sitting, then we cannot table a Motion of Disallowance against the Government Notice. And when it is sitting, when it sits next, it is up to 30 days for the Government to take it and, often, experience has shown that they take it at 3 a.m. in the morning just to discourage people from listening.

Mr Speaker, Sir, this quarantine period needs formal approval, in my view, not immediately, okay, let us have two weeks, it is up to the Minister to put a quarantine for two weeks. But after two weeks, Parliament should be sitting and should review that decision, whether it is right or it is wrong and when it should be held.

Mr Speaker, Sir, this Parliament is not appropriate to sit during a pandemic. The Minister of Health himself admitted it just now. He said, to my astonishment, that if we had many cases of Coronavirus, we would not be sitting today. Look at the Hansard and you will see what he said. This Parliament does not have the distancing that is required, the 2-metre distancing to allow us to sit. The Quarantine Bill, the first thing it should have done is to make sure that provisions are made that this Parliament can sit in a hybrid mode and that Members of Parliament can intervene, like every other Parliament in the world, through social media, through zoom or whatever. This is a major flaw in the law parliamentary control. And the fact that there is a quarantine period, no mention is made of how Parliament is sitting, and the Minister of Health himself has admitted that we will not be able to sit if there was really a pandemic outside. So, that is, Mr Speaker, Sir, what I am saying.

Now, we are doing a lot. We are suspending civil liberties during a pandemic. Police have so many powers. A quarantine officer can put me in quarantine for as long as he wishes, and this is all being done without formal parliamentary control. I say this is wrong, Mr Speaker, Sir.

Now, this quarantine officer, it is a new post. He has the power to incarcerate people or not to incarcerate them; it is not qualified. It is up to him. He does not know me, he does not like me, he puts me in quarantine. He likes me, I am related to someone, I have some political powers, I do not know what I have, he says: 'Okay, you go for self-isolation'. Even here, we have a *pays guet figir*. Even here, it is up to the quarantine officer to decide what to do with the person. And we know how it is going to work. We know that the *gros paleto* will go home. *Ti dimoune* will go and sit in Souillac or wherever they are sitting, sometimes sleeping outside. That happened at the beginning, when I say the Government was not prepared. The quarantine facilities were awful, Mr Speaker, Sir. Anyway! So, this is my issue. I will not delve so much about it. I am just saying that I do not agree that we remove judicial supervision of our Police Force, especially insofar as the Police are allowed to enter people's premises with apparently this new quarantine officer who is going to be like a God during quarantine period. This cannot be the law. The judicial supervision of the Police must remain, especially when we have seen films recently. Are we all living in the same country? Haven't we seen films of the Police torturing people, filming their own torture of people in this country and putting it on social media? You must have seen it, Mr Speaker, Sir. You must have seen this young girl who was arrested because she put a joke on Facebook. Not only was she arrested, she was hidden from her lawyers for three or four hours in SSU premises and then kept overnight. And it is the next day that she was interrogated by the Police. So, Mr Speaker, Sir, I do not trust this Police and, therefore, I cannot agree to giving this particular Police more powers than they already have.

Mr Speaker, Sir, I will move now to the COVID-19 Bill. Firstly, the Bank of Mauritius Bill. We cannot and we will not agree to give a blank cheque, unrestricted access to billions upon billions of rupees. We have just taken Rs18 billion from the Bank of Mauritius. We cannot accept that this Government will have access to billions of billions of freshly printed rupees for the purpose of just spending on anything they like and also have access to the 7 billion US Dollars of foreign reserves belonging to the people of Mauritius, as the hon. Leader of the Opposition rightly said.

Mr Speaker, Sir, what is the track record of this Government? Excessive investment in white elephant projects! The wonderful - ironic, by the way - stadium that cost Rs5 billion. Safe city! Now, we are all wearing masks. I don't know if the safe city cameras can even pick us up. It costs Rs18 billion. Unneeded roads in the north and the south of the island and so on and so forth, whilst the sugar sector, the textile sector, the tourism sector have continued to



decline. And to cap it all, Mr Speaker, Sir, in 2019, we have had the worst GDP growth rate since the last 15 years, at 3%. These are facts, and this is before even a whiff of COVID-19.

So, this is the Government that we have. And today, we have the offshore sector seriously threatened; bankruptcy of Air Mauritius; SBM, Rs7 billions of bad debts. Mr Speaker, Sir, I want to say something about what is called fiscal dominance. Fiscal dominance is dominance of Government over the Central Bank, over the monetary authority; fiscal authority having dominance over the monetary authority. We have a novice Governor of the Bank of Mauritius. We have a new Board of Directors. Mr Speaker, Sir, these people are answerable to nobody. We are one of the few democracies where the Central Bank of our country, which manages hundreds of billions of our rupees, is not accountable to this Parliament in any way at all.

What can I take, Mr Speaker, Sir, to convince you that this is not right? Let me take the Federal Reserve Bank of the US. Do you know that it is accountable to the US Congress? The European Central Bank is accountable to the European Parliament; the Bank of England is accountable to the Treasury Committee of the House of Parliament; the Reserve Bank of Australia to its Parliament, and so on and so forth. These nine people who are directors of the Bank of Mauritius, who are they accountable to? *Ils sont peut-être redevables* towards the Minister or the Prime Minister who appointed them. But these billions of rupees, they are not accountable to anyone! They waste it, they make big mistakes, they lose our money and they just say: ‘Goodbye, I am going home, appoint a new Board, please!’ This is not acceptable, Mr Speaker, Sir. It is not acceptable; all this quantitative easing, all this printing of money, all this foreign exchange investment in companies, all this use of Special Reserve Fund. They might be, in a different country, in a different set of circumstances, acceptable! They cannot be acceptable when the people are going to take the decisions; the Board of the Bank of Mauritius is not accountable to this Parliament, to any other democratic institution in this country. They are a law unto themselves, Mr Speaker, Sir.

So, we have the danger, of course, of unlimited amounts of money being printed because there is no control, there is fiscal dominance. The Government controls entirely the Central Bank. That will lead to inflation for sure. That will lead also to devaluation of the rupee because you are printing more rupees and also could lead to a serious hyperinflation in Mauritius. That is what it can do. It must be done under the strictest of circumstances. It must be done, Mr Speaker, Sir, as I said, with the right democratic controls in place, and there is none in Mauritius. Rs18 billion, of our rupees, were taken recently by the Minister of Finance

after the elections. Who approved it, apart from the people at the Bank of Mauritius? Nobody! It is our money, Mr Speaker, Sir!

Now, the Special Reserve Fund, Mr Speaker, Sir, is an invitation to depreciate. Do you know what that is? We have 7 US Dollars of Foreign Exchange. Now, the rupee depreciates by 10%. The Special Reserve Fund increases by 700 million dollars, Rs30 billion; that is the truth of it. It has not made any profits. It is just a paper transaction. Rs30 billion comes into the Special Reserve Fund, the Board of the Bank of Mauritius writes a cheque, gives it to the Minister of Finance, and he has Rs30 billion for no effort at all. How it has done that? It has printed the money. That is a danger again of using the Special Reserve Fund. These are being put in place without any limits whatsoever. So, we run - we don't have to if the Government is prudent, if the Government changes from what it has done over the last five years. But if it continues on the same path of what was done in the past, we will run into serious trouble as to hyperinflation.

Of course, Mr Speaker, Sir, inflation may suit the Minister of Finance. Why? The increases he has given recently for the poor pensioners will disappear; will be called back by inflation! The increases in the minimum wage will be called back by inflation! VAT would increase with inflation, and I mentioned huge gains in the Special Reserve Fund, with the depreciation of the rupee. So, we must be careful. Inflation can be and, I am sure, will be a useful tool for the current Minister of Finance and for this Government to take back all the electoral promises that it has not already taken back in this particular Bill.

Therefore, Mr Speaker, Sir, we say no to unrestricted access to our reserves held by the Bank of Mauritius by a weakened Board governed by Government, which will impose upon it. And, again, as the Leader of the Opposition has said, we have been on the same list as Zimbabwe now and we will soon, if we are not careful, end up again like Zimbabwe in terms of hyperinflation.

Mr Speaker, Sir, there are other things, I don't know if I will have time; the changing of the definition of 'debt'. Well, ask yourself, Mr Speaker, Sir, why would a parastatal body keep hundreds of millions of rupees that it does not need and suddenly is going to be deducted from the national debt? Why? If it does not need it, it has not got to pay its debts with that, if it has not got projects with that, but give it to the Government by way of dividends! So, if it is in a parastatal body, there is a reason for it, and it should not be deducted from the public debt, Mr Speaker, Sir.

Before I finish on this issue, what is the other side of the coin? We have been told to vote all this, give all these powers. The Government has not come up with a word about what is going to happen, what is going to be used, how all this money, the hundreds of billions that it is taking are going to be used to save people's lives, to stop massive unemployment, to help the poor in this country and to prevent companies from going end up. That is, Mr Speaker, Sir, in a limited amount of time, I am going to say this.

Mr Speaker, Sir, I am going to talk now about the debt ceiling. It has to be suspended, I agree, because every country is having recourse to debt, quite rightly. But it cannot be suspended for ever, neither can it just be suspended and no new figure given. That is irresponsible towards the nation. So, I would invite the Government, Mr Speaker, Sir, to change that and to tell us what the Government considers is an acceptable debt ceiling given the problems. What is it? It's 65% now? What do you want? 80%? Tell us what you have in mind so that, at least, we know where we are going, Mr Speaker, Sir.

Mr Speaker, Sir, I want to come to Clause 24 concerning the Government Wage Assistance Scheme. There is a problem with that. It is arbitrary in its application. I am going to be technical for a few seconds only. Mr Speaker, Sir, in fact, the people who will have to repay the Wage Assistance Scheme, the companies, it will depend on their financial year-ends. If your financial year-end is in May or June, likelihood you will have to repay even though you have one year more of very hard over a tough and very high losses. If your year-end is December, likelihood is you will not pay because you have eight or nine months of the Covid-19 and after Covid-19.

So, my appeal to the Minister of Finance on this issue is that the loss, that the two years should be taken and an average of the two years should be taken. I can explain it in detail at any time, but it is the average of the two years that should be taken; otherwise, you will end up with many companies having to repay the Wage Assistance Scheme only because their financial year end happens to be in May or June and not for any other reason, and that is surely unfair, Mr Speaker, Sir.

As far as Clause 30 is concerned, there is a lot of confusion in my mind; the Landlord and Tenant Act giving six months moratorium. The Landlord and Tenant Act only applies to commercial properties let before 2005 and not at all to furnished residential properties. The great majority, 90% or 95% of rented commercial properties and rented household properties will not come at all under the moratorium that is being offered. It is only being offered to a

tiny number of sitting tenants who were there sitting in their respective commercial properties before 2005. We should do like the UK. What we should do is not to provide even more moratorium, but insist that the landlord, by law, cannot act aggressively against the tenants in that period of time. Aggressively, I mean, in terms of winding up petition, in terms of eviction orders, and that should cover, Mr Speaker, Sir, with all due respect, all rented properties in Mauritius and not only a tiny proportion, as Government is doing at the moment.

Mr Speaker, Sir, what surprises me most of all is the complete silence of the Minister of Health when the Leader of the Opposition - and myself too I will - and other Members of Opposition talk about the Pharmacy Act.

Now, the Leader of the Opposition quite rightly has made a scathing attack on Clause 41 of the Bill, saying that there has been an exemption to sell medicine in Mauritius, that this change enables the Pharmacy Board to exempt anyone it pleases from registering its product. This puts the population at risk. Any Tom, Dick, and Harry that the Pharmacy Board decides can sell any medicine it wants because it is exempted, and this has nothing to do with COVID-19. The Minister of Health speaks and does not say anything and the Prime Minister himself introduces the Bill and does not mention this exemption, whereas it could affect the whole nation. Why? Is it, as the Leader of the Opposition has said, to do with probably a friend of Government who has a project? This has to be answered. I would love the answer to be 'no'. He has to explain. He had the occasion to explain, he said not a word about it.

*(Interruptions)*

He said not a word about it! I understand, Mr Speaker, Sir, the Pharmacy Board is being changed and four pharmacists at the Ministry of Health, who complained about this, have been transferred. And this is a real danger for the population. I was waiting for the Minister to say something and he said nothing! What can I say? *Silence est coupable!*

Mr Speaker, Sir, now on this question of the fines. I was one of the first to say that the fines should be increased, that Rs500 for non-respect of curfew is far too little. But I never thought it would go up to Rs200,000. This is, as has been stated, an abuse. Now, the Prime Minister has said also that spitting is an offence. If you spit now, are you going to have Rs200,000 fine, 5 years imprisonment? As any modern country, the fines should be defined - first offence, let's say Rs2,000; second offence of breaking curfew, a bit more; third offence a bit more, and so on and so forth, and after that imprisonment; not as it is being done now.

The heavy fines should be, Mr Speaker, Sir, for the entrepreneurs who put all these foreign workers in deadly, unhealthy conditions, who are going to force their workers to work now in unhealthy conditions. These are the heavy fines. The heavy fines should not come to an individual who has broken the curfew because he has gone to see his mother or something like that, who is walking in the street. There should be a fine probably, but not this. It is unacceptable.

Mr Speaker, Sir, I will look now at the Public Officers Protection Act. Very good, the public officers are protected. Even if you threaten them now, you pay Rs200,000 and you go up to 5 years in prison; just threatening them. Okay, they need to be protected. I have the greatest respect for them. But let us not pretend that there is also abuse by public officers, abuse by Police Officers on the public. And a caring Government does not see that side of things? And a caring Government, after all the videos that have been produced, does not wish to protect the population? The Independent Police Complaints Commission is shut at a time like this, with no provision in the COVID-19 Bill for it to sit even digitally? This is the situation.

Mr Speaker, Sir, on the Workers' Rights Act, I am happy that now, as an afterthought, those that are going to be laid off will be on the Workfare Programme and receive money. But what is the justification for them to be laid off, to accept being laid off, to accept months or more of technical unemployment? Only to be told that I am changing your salary as you come back! Before you come back, I will tell you: "Sorry my friend, you have waited a year or two, whatever it is, now you are going to get half your salary". This is going to potentially impoverish workers in Mauritius, and that is not right. You make the sacrifice, you accept to be laid off, but you come back with your same rights and conditions as and when you started.

Mr Speaker, Sir, I have just three bits to say. We are all proud of our front liners - every country is. We are very proud of front liners. I just do not mean the policemen, the nurses and the doctors, but also the little people who work in the supermarkets, etc., with their lives at risk. We have now decided that their local leaves will not be cut, fantastic! That is not what is expected. What is expected is that they should be rewarded by this Government. They should be rewarded by the COVID Solidarity Fund. They should be rewarded, and that is what is to be expected of a nation who cares about its people.

Two little things - motor vehicle insurance: motor vehicle insurers are making billions of rupees of profits during this pandemic because our cars are not running. Yet, they had the

cheek to publish a paper to say that they will not cover vehicles that had an accident unless they have a paper from the Police, etc. That is not right! Someone may be going to see his mother because she is sick or whatever it is and has an accident!

Mr Speaker, Sir, if you look at the definition by the Motor Vehicles Insurers Association, they will not cover that; they will cover only if you go into an essential service, and your mother is not an essential service obviously. This is wrong and I expected the COVID-19 Bill to make provisions so that motor insurance covers us because we are paying. Not a person in Mauritius has received a refund for the two months that we are not using our cars. That is not right.

Lastly, Mr Speaker, Sir, I have a thought for the parents who will be going to work, probably as from the 15<sup>th</sup>; many of them are working, many will be working. What happens to their children? I do not have a solution, but I have only a wish, Mr Speaker, that we can find a solution. Of course, some will be working from home. But what about all the textile workers? What about the construction workers? What about all the fishermen, all the planters? Can they work from home? Obviously, they cannot work from home. Only people like us, white-collar workers, can work from home. The others cannot work from home. They will have to attend their factories. Work from home is very nice. The Prime Minister says work from home. If you work in a textile factory, how do you work from home? You cannot.

So, Mr Speaker, Sir, I have a special thought, as I finish, to all the parents who are worried about what to do with their children and, therefore, whatever I have said, I have said, and I believe that it is for the best of our country that we are frank and truthful about the state of affairs and that we continue to hold this Government to task. I only wish that when we sit next time, it is on a Tuesday, so that we can ask proper questions of this Government.

Thank you, Mr Speaker, Sir.

**Mr Speaker:** Hon. Joe Lesjongard! Just to remind that, at 5.30 p.m., I will break.

(5.09 p.m.)

**The Minister of Tourism (Mr G. Lesjongard):** M. le président, permettez-moi au tout début de mon intervention de vous remercier de me donner la parole afin de pouvoir intervenir sur les deux projets de lois à l'étude devant cette auguste assemblée, nommément *the COVID-19 (Miscellaneous Provisions) Bill and the Quarantine Bill*. Deux projets de loi, M. le président, d'une grande importance et qui retiennent toute l'attention de notre population.

M. le président, les propos tenus par l'honorable Xavier-Luc Duval me choquent, mais ne m'étonnent pas. C'est l'agenda qu'il a adopté face à cette crise depuis le début de cette crise et, aujourd'hui, il persiste et signe. Nous n'avons pas à le juger, l'histoire le jugera, M. le président.

M. le président, il y a trois mois de cela, je devais intervenir devant cette Chambre sur le discours programme et vous aviez pris la décision d'ajourner les débats. La première question qu'on est en droit de se poser aujourd'hui, M. le président, qui dans cette Chambre ou dans la population savait que le cours des événements allait non seulement changer notre façon de vivre mais même menacer notre existence? M. le président, personne! Le COVID-19 a tout chamboulé. Il est clair et ça la population doit le savoir que nous n'avions aucunement l'intention de changer les lois qui sont devant cette Chambre, changer les lois du travail ou d'autres lois aujourd'hui, M. le président. Malheureusement, certains veulent faire croire à la population et à la classe 'travailleurs' que nous avons comploté dans leur dos afin de changer ces lois pour restreindre leur liberté ou changer leurs conditions de travail.

M. le président, pensez-vous que notre population ne sait pas dans quelle situation le monde est actuellement ; dans quelle situation nous allons évoluer dans les mois à venir? Que nous sommes frappés de plein fouet par une crise économique sans précédent ? Et que le risque de la propagation du COVID-19 est réel et que des milliers de personnes peuvent perdre leurs emplois dans les semaines, dans les mois à venir.

M. le président, nous rejetons avec force et vigueur cet argument de préméditation. Du reste, M. le président, pourquoi avoir apporté des mesures telles que le salaire minimum, le *Portable Retirement Gratuity Fund*, le *Negative Income Tax*, l'extension du congé de maternité si nous même après, on voulait changer ces lois de travail ? Il n'y a pas de logique dedans, M. le président. Alors, allons cesser avec cette théorie de complot.

M. le président, aujourd'hui, nous sommes dans l'obligation de faire ce que nous faisons afin de sauver des vies et de sauver des emplois. Remontons dans le temps, trois mois de cela, M. le président, et tout à l'heure-là, le député Xavier Luc Duval avait fait un peu l'historique et avait critiqué le retard dans notre prise de décision. Mais ce n'est pas le cas, M. le président. Nous avons agi, nous avons agi quand il le fallait, nous avons fermé nos frontières au moment voulu et c'est cela qui nous a permis aujourd'hui de contenir ce problème. Mais, M. le président, l'ampleur de ce Covid-19 est d'une magnitude très conséquente sur la vie humaine. Soyons honnêtes, ce n'est pas seulement nous qui sommes à

genoux, le monde est à genoux aujourd'hui, M. le président. Nous vivons dans une frayeur face à cet ennemi invisible. D'ailleurs, à l'heure même que je vous parle, M. le président, l'humanité se prépare à une mutation sociale et industrielle. Le monde prend un virage différent et inattendu et il faut qu'on comprend cela, M. le président. L'heure est grave et il nous faut agir plus que jamais d'une manière responsable. Aujourd'hui, l'économie est à l'arrêt, ce *COVID-19 Bill* nous donne les moyens de redémarrer l'économie.

M. le président, jamais le défi a été si grand et jamais l'avenir a été si incertain. Aucun gouvernement n'était préparé à un tel désastre, M. le président. Comme je l'ai mentionné au tout début de mon intervention, nous avons dû, en cours de route, changer ce que nous avions prévu par la force des choses, M. le président. Mais, on est en droit de se poser deux questions cet après-midi. La première, pertinente, comment avons-nous géré cette crise sanitaire sans précédent ? La réponse à cette question, M. le président, est importante afin que notre population ait premièrement confiance dans la compétence et la clairvoyance de nos institutions et aussi dans le sérieux du gouvernement à empêcher un retour du virus. La deuxième, que faisons-nous dans le court terme pour relancer notre économie avec un contrôle sanitaire strict ? À la première question, la réponse est simple. Le 30 janvier, le directeur général de l'organisation mondiale de la santé déclare l'urgence sanitaire internationale. Ce même jour, nous prenons la décision de fermer les lignes aériennes nous liant avec la République Populaire de Chine. Le lendemain, soit le 31 janvier, le Premier ministre préside la première réunion du *High Level Committee on COVID-19* et depuis cette date, ça a été dit par mes collègues avant moi, nous siégeons tous les jours. Et puis ensuite, il y a eu les vols venant du Japon, la Corée du Sud, l'Italie, Singapour, elles ont été suspendues à temps.

M. le président, soyons honnêtes aujourd'hui, les grands pays comme la Chine, les États-Unis, la France, l'Italie, et plus près de nous Singapour, tous ces pays qui sont des grandes puissances connaissent les pires moments de leur histoire moderne, M. le président. Et nous, depuis le début, nous avons agi dans la transparence. Nous avons mis en place une communication quotidienne avec la population à travers la Presse locale. Nous avons communiqué sur le nombre de cas, le nombre de personnes guéries, le nombre de tests, les mesures de précaution à prendre, toutes les mesures économiques et sociales et il y en a eu, M. le président, prise par le gouvernement par rapport au COVID-19. *As a nation, Mr Speaker, Sir, I am proud to say we did our best.*



M. le président, permettez-moi de dire quelques mots sur le *Quarantine Bill*. C'est une loi qui remonte à bien longtemps, M. le président, votée en 1953 et promulguée en 1954 et c'était une loi à modifier, M. le président, pour prendre en considération, par exemple, le Covid-19. C'est vrai que les amendements durcissent les peines mais on a fait ça uniquement pour protéger la population. J'ai écouté avec attention, M. le président, les orateurs avant moi en ce qui concerne les centres de quarantaine, le rapatriement des mauriciens de l'étranger, il ne faut pas oublier qu'avant la fermeture des frontières de par le monde, nous avons rapatrié 1,700 mauriciens. Ils étaient, au début, logés dans des centres récréatifs mais par la suite, avec l'aide du secteur hôtelier, on les a logés dans des hôtels. Ils étaient nourris tous les jours, M. le président. Il faut dire ça, mais par contre, la plupart se sont bien ...

*(Interruptions)*

Mais c'est vrai ! C'est vrai, allez voir ce qui se passe dans d'autres pays avant de faire des commentaires.

Alors, je disais, M. le président, la plupart de ces gens se sont bien comportés mais quand même il faut attirer l'attention de la Chambre sur des problèmes qu'on a eu. Des problèmes difficiles à régler au niveau de ses centres de quarantaine qu'on a pu régler. C'est pourquoi aujourd'hui, vous voyez certaines sections de la loi sur la quarantaine qui traite cet état de choses, M. le président.

M. le président, je vous ai dit tout à l'heure-là. La priorité était de protéger la population mais par contre il faut reconnaître que l'immobilité de tout un chacun aux quatre coins du monde suite au confinement a été néfaste pour l'économie et pour la société. La décision prise par différents pays de fermer les frontières nous a compliqué les choses et pour pallier à cette situation, nous avons dû instaurer un couvre-feu sanitaire afin de réduire énormément les risques de contamination, mais quand nous avons fait ça, qu'est-ce qui s'est passé dans notre pays ? Nous nous sommes retrouvés face à un manque d'approvisionnement de la population surtout en produits alimentaires et la majorité de la population ne disposait que d'un stock limité de vive, M. le président. Et là, le gouvernement avait pris deux décisions importantes. Premièrement, la distribution des vives aux plus démunis, aux plus vulnérables de notre société, 12,000 familles, M. le président. Dans l'espace de quelques jours, nous avons une équipe, moi-même, le ministre du Commerce, la ministre de la sécurité sociale et d'autres ministres, nous avons fait le nécessaire afin d'acheminer ces vivres vers ces familles. Deuxièmement, l'ouverture des supermarchés pour nourrir toute une population

et ça a été bien accueillie par la population. C'est vrai qu'au départ, nous avons eu quelques soucis mais par la suite, tout s'est réglé, M. le président. M. le président, le temps passe, je n'aurais pas assez de temps pour faire quelques commentaires.

Let me say a few words, Mr Speaker, Sir, with regard to work from home. Mr Speaker, Sir, the work from home provision under the proposed new section, that is section 17(a) of the Workers' Rights Act in the Bill, is not an alien clause. I should, here, wish to gently refer to section 17 of the Workers' Rights Act of 2019 which already makes provision for work from home in relation to atypical workers. Now, let us draw a parallel, Mr Speaker, Sir. There have been in the past circulars that have been addressed to Ministries and Parastatal bodies inviting them to consider the possibility of integrating a work from home system without disrupting their activities. In this piece of legislation, we are giving 48 hours' notice. This is reasonable, Mr Speaker, Sir. Necessary arrangement will be able to be made for somebody within those 48 hours to work from home.

Mr Speaker, Sir, let me come to Clause 24A of the COVID-19 (Miscellaneous Provisions) Bill which concerns overtime. Now, in relation to overtime, Mr Speaker, Sir, this clause is priority in order to sustain employment. This Government could have followed in the steps of other countries and adopted a Bill which would have purely and simply scrapped off the present workers' rights along with all the vested rights but, as a caring Government, Mr Speaker, Sir, we have adopted an attitude which is more balanced and reasoned. What is our priority, our priority is to ensure that there is no constrained cash flow in order to ensure that the basic wage salaries are being honoured by the employer. And here also, Mr Speaker, Sir, we do not have any hidden agenda.

Let me say a few words with regard to clause 45 that deals with Annual Leave. Mr Speaker, Sir, there also, the Annual Leave has been reduced by 15 days over a period of 18 months. Now, those who did not work during the COVID-19 period would, until November 2021, still be entitled to the remaining leaves in his Leaves' Bank. Now, this must be pitched against the fact that most workers have been away from work for a total duration of 56 days and, hence, these 15 days would, in my sincerely held view, represent a reasonable compromise to meet a higher cause, that of salvaging employment, Mr Speaker, Sir.

Mr Speaker, Sir, I would like to say briefly a few words with regard to clause 53 that deals with the Tourism Authority Act. Mr Speaker, Sir, many of our local operators in the sector, particularly the SMEs and individual operators are fighting for their survival. As I

said earlier, Mr Speaker, Sir, we are giving due consideration to all stakeholders in this period of crisis. We are, therefore, in this legislation, amending the Tourism Authority Act so that operators do not have the immediate burden to pay for the renewal of their licences. Moreover, Mr Speaker, Sir, given the prevailing uncertainty regarding the recovery timeframe of the sector, we are introducing some additional measures in the COVID-19 Bill to provide support and relief to economic operators during this challenging period. We are also, Mr Speaker, Sir, amending the Environment Protection Act, that is, clause 16, in order to help operators of the tourism sector.

M. le président, le secteur touristique est un des secteurs les plus importants de notre économie. C'est un des piliers de notre économie qui souffre depuis le début de la découverte du COVID-19. Les chiffres qui ont été avancés par les organisations internationales sont sans précédents.

Mr Speaker, Sir, the UNWTO is forecasting a decline by 60% to 80% in 2020, an expected decline in export revenues from tourism for the world between USD 910 Million to USD 1.2 Trillion, a loss of some hundred million jobs all over the world. The re-opening of the sector would need to be smooth and reassuring, both for our people and visitors. What we should do, Mr Speaker, Sir, is that we should ensure that we are taking all the necessary precautions, not to put at risk the life of people working in that sector and also tourists visiting us. It is important that we ensure that health safety and sanitary measure are implemented when we resume activities in that sector.

M. le président, en tant que ministre du Tourisme, je dois saluer la direction de certaines entreprises et de nombreux employés du secteur qui ont revu à la baisse leur salaire et, ici, je lance un appel aux autres opérateurs, particulièrement les gros opérateurs, de revoir leur politique de rémunération. Il faut en cette période d'extrême difficulté, un partage plus équitable. On ne peut demander aux employés au plus bas de la hiérarchie de faire un sacrifice, alors que le management perçoit des salaires mirobolants. Cette période difficile demande peut-être à ce qu'on revoie notre politique de recrutement des étrangers dans ce secteur. Peut-être il est temps en cette période difficile, M. le président, de privilégier les compétences locales nécessaires dans le secteur.

M. le président, on est tous égaux face au danger que représente le COVID-19. Cette image du Parlement aujourd'hui est une image forte. Vous, M. le président, et nous, les membres de ce Parlement, chacun parmi nous devra faire les mêmes gestes afin de respecter

les normes sanitaires. Cette image nous démontre que nous sommes tous égaux devant ce danger. Dans deux jours, nous connaissons une ouverture partielle mais contrôlée dans certains secteurs. Une relance qui doit se faire dans la discipline sinon on sera comme d'autres pays qui ont dû se reconfiner. Nous ne voulons pas que cela nous arrive.

Au tout début de mon intervention, M. le président, j'avais posé la question : avons-nous pu protéger notre population ? La réponse est oui. Avons-nous pris les mesures afin de protéger les plus vulnérables de notre société ? La réponse est encore oui, M. le président.

Je terminerai mon intervention sur une citation du Cardinal Maurice Piat, et qui est très appropriée en cette période de grande difficulté. Je cite –

«On ne peut plus chercher simplement une société à haut revenu, il faut une société à haute solidarité. On ne peut plus chercher une société avec maximum de profits, mais une société avec maximum de solidarité.»

M. le président, le temps de cette solidarité est arrivé.

Je vous remercie, M. le président.

**Mr Speaker:** Hon. Members, I suspend the sitting for 30 minutes.

*At 5.30 p.m., the sitting was suspended.*

*On resuming at 6.04 p.m. with Mr Speaker in the Chair.*

**Mr R. Uteem (Second Member for Port Louis South & Port Louis Central):** M. le président, Covid-19 a bon dos ; *le dos larz*. Aujourd'hui, au nom du Covid-19, le gouvernement s'apprête à voter une loi anti-travailleurs, une loi qui remet en question leurs droits acquis, une loi qui, au lieu de les protéger contre les licenciements abusifs, les rend plus vulnérables à la merci du patronat.

Mr Speaker, Sir, during confinement, our front liners put their lives and those of their families at risk for the greater good of the nation so that there is no disruption in essential services. The nation is ever so grateful to all these good people. Some of these frontliners worked during night shifts, some of them worked overtime, worked on public holidays, they worked under difficult conditions, but they never ceased to serve us with dedication. And today, Mr Speaker, Sir, how is this Government proposing to reward them? How is this Government expressing its gratitude towards these front liners?

Any worker who works night shift is entitled by law to get an allowance of 15% of his basic wage. However, with this Bill, a worker will simply not be paid any night shift allowance for work done during the confinement period. This is how they are rewarded by this Government. They worked at night, they will get no allowance.

For workers in the construction sector, in the manufacturing sectors who have been forced to work overtime during public holidays, they were entitled to be paid up to three times the normal rate. Now, with this Bill, they will be paid at only twice the normal rate. Worse, Mr Speaker, Sir, their employer can choose not to pay them the overtime and instead ask them to take time off. We are talking about front liners, about people who worked overtime in factories which manufactured the masks that many of the hon. Members are wearing today in this august Assembly. They put their lives at risk and now they are worse off, having worked during confinement time as compared to if they had worked outside confinement time.

And that is not all, Mr Speaker, Sir. If their employer wants to terminate their employment on economic grounds, their employer can simply seize the Redundancy Board and the Redundancy Board has 15 days to give a determination. The employer does not have to negotiate with the representatives of the worker. The employer does not have to try to find ways and means to avoid retrenchment. All he needs to do, seize the Redundancy Board and pay one month's salary to the workers. What is one-month salary for an employee who has spent all his life working for a hotel, for an airline, for a company in the Port services? And this is how they are going to save jobs in this country by making it easier to hire and fire! And that is not all, Mr Speaker, Sir.

The employer can also request the worker to proceed on leave without pay. First time ever in a legislation! An employer telling his worker: 'take leave without pay and when you come back, we will take you on, but on different terms and conditions.' So, the employer actually loses all his acquired rights, all his *temps de service*, all his retirement benefits, everything. And this is how this Government is going to reward front liners! Now was the time, Mr Speaker, Sir, for this Government to come with a safety package to encourage enterprises not to retrench people, come, negotiate, let's try to find a solution, if you need to have less working hours, have less working hours; if you need to take time off to go training, take time off to go training; if you are able to cut down overtime, cut down overtime; if you are able to accept a pay cut, accept the pay cut but keep your employment, keep your job security. Unfortunately, Mr Speaker, Sir, the Government chose not to do that; the

Government chose to totally side with the big bosses of the private sector. The Government chose to look only after the interest of the big bosses and not of the workers, and this is blatant, Mr Speaker, Sir, when it comes to contribution to Portable Retirement Gratuity Fund.

From day one, *le patronat* was against the idea of contributing to that Fund. May I remind hon. Members, this Fund is used to pay for the workers a gratuity when he goes on retirement, especially for those workers whose employers are insolvent, you have this Fund there which will be used to pay for the retirement and this Fund is funded by contribution from employers? They were supposed to contribute as from 01 January. Government chose to give them an extension till March and now with this Bill, Government is choosing to give them an indefinite extension. They don't have to contribute at all until the Government decides that the time is right for them to contribute. And what was the reason advanced by the Prime Minister for this decision? Because the private sector has a cash flow problem! The private sector has a cash flow problem, but what about the rights of the workers? What will happen to a worker now who goes on retirement? What happens if his employer is insolvent? What funds will be used to pay his gratuity? As the law presently stands, Government has committed only Rs350 m. as seed capital to fund retirement gratuity. Only Rs350 m.! What happens if more funds are required? Is Government going to put more money? Are we, taxpayers, going to pay for retirement of workers instead of the employers, instead of the big bosses of the private sector? Isn't that a way for Government to blatantly side with the employers and not the workers?

Another blatant example *de la largesse de ce gouvernement envers le gros capital* is the proposal to allow an employer for the next 18 months to withhold up to 15 days Annual Leave. Why require workers to work 15 days extra? Why take away their acquired right? Annual Leave is sacred, workers need to be able to take time off; they may have valid reasons to be absent. There may be urgent reasons to be absent. For example, if there is a torrential rainfall warning and no one is there to look after the children, they have to take a local leave to stay at home with the children. They may have to attend a funeral. They may have to attend prayers, they may have to go to pilgrimage or simply they want to take a break and spend some time with their family, especially during festivities, but now this Government is depriving workers of their right up to 15 days Annual Leave. And this measure, Mr Speaker, Sir, applies to all workers in all sectors of the economy irrespective of the financial conditions of the enterprise in which they are working. So, their enterprise may be making millions of profits and yet the worker will not have their 15 days Annual Leave. And in

return for all these anti-workers provision, Mr Speaker, Sir, what are the workers of this country getting? Is there any guarantee that they will keep their job? None at all! This is why, Mr Speaker, Sir, trade unionists are right in describing this Bill as a treason; *une trahison envers les travailleurs de ce pays*.

Mr Speaker, Sir, history will bear witness that the very first Bill introduced by this Government after the election was to curtail the rights of workers of this country.

Mr Speaker, Sir, COVID-19 should not be an excuse for Government to go on a spending spree. COVID-19 should not be an excuse for Government to borrow more than its repayment capabilities. At the moment, there is a debt ceiling under the Public Debt Management Act. Every year, you cannot spend more than 65% of your GDP and, by 2021, you have to reduce this ceiling to 60%.

Already, according to figures published by the Ministry of Finance, even before COVID-19, in March, our public debt had reached 65.5%. So, we are already above the required statutory ceiling. Now, in this Bill, the Government proposes to get rid of whole the debt ceiling at all. There would be absolutely no restriction whatsoever on the ability of this Government to spend. They can spend the whole hundred per cent of GDP if they want to. This is very dangerous, Mr Speaker, Sir. Any public debt is a taxation on future income. It is a debt that will have to be repaid probably not by us but by our children and our remoter issues.

Le gouvernement n'a pas le droit d'hypothéquer l'avenir de nos enfants pour s'assouvir ses envies de dépenses gargantuesques.

Mr Speaker, Sir, in fact, now, is a time for Government to show fiscal stewardship. Now is the time to show rigour and transparency in the management of public funds. Now is a time for Government to be accountable for every cent that it spends. And the MMM has always criticised the use of special funds because of its opacity and lack of scrutiny. Once funds are advanced from the consolidated fund to a special fund, the Minister can do whatever he wants with that fund. There is absolutely no transparency. You cannot, for example, during Budget time, ask questions, scrutinise what are the expenses. It is there. It has been transferred to a fund and the Minister decides how this fund is used. But, luckily, the law provides a limit on the amount which the Minister can transfer from the consolidated fund to a special fund or to any other purpose and that is currently at Rs3.5 billion.

With the proposed amendment, Government wants to increase that ability to advance money from Rs3.5 billion to Rs15 billion more than 400% of its current level. This is insane! If you need to spend, put it in the Budget. Let the MPs every year scrutinise it. Let it go through Committee of Supply. Let us approve line by line what you're going to do with this money, but no, the Government wants opacity. They want to be able to transfer Rs15 billion from the consolidated fund and they will not be accountable. This is a Government that does not believe in transparency, a Government that does not believe in accountability and we know already that, as from April, the Minister has already set up a COVID-19 Projects Development Fund to finance major investment projects.

Mr Speaker, Sir, how is Government going to finance this spending spree? We all know that it will definitely increase borrowing. That is why it has already removed the ceiling on the amount of debt it can incur but that would not be enough. The Government now intends to loot the Central Bank, *dévaliser la Banque Centrale*. Already they have depleted almost all of the Central Bank Special Reserve. Only a few days after the election, the Government has taken away Rs18 billion from the Central Bank Special Reserve. *Mais l'appétit vient en mangeant*. Now, they intend to turn the Central Bank into an ATM machine for the Government. The object of the Central Bank is being amended so that Government, from now on, can use the fund of the Central Bank to finance all its expenses, to finance its fiscal measures. Worse, Mr Speaker, Sir, the Central Bank will be required to use our foreign official reserves to invest in special purpose vehicle. This is very serious. We are talking about our foreign reserve, money that is there to ensure that we have funds necessary for our imports in foreign currency. In Singapore, for example, Mr Speaker, Sir, the government/the Prime Minister cannot make use of accumulated reserves without going through a lengthy tedious process ultimately requiring the sanction of the President of the Republic. But, in Mauritius, instead of making it more difficult for Government to use this very important foreign official reserve fund now the law is being amended so that, any time, the Government can get that money. We cannot condone such irresponsible action.

Mr Speaker, Sir, buried in the middle of this 85-pages long Bill, the Government is amending the Pharmacy Act, a law that has absolutely nothing to do with COVID-19 because there hasn't been any medicine so far to treat the COVID-19. Yet, this is probably the most outrageous of all the proposed amendments in this Bill. And the hon. Prime Minister spent less than 30 seconds on it. The Pharmacy Act is being amended to compel the Pharmacy Board to approve or reject an application to build a factory to manufacture pharmaceutical



products within only 20 days of receipt of the application. The Pharmacy Board is required to register locally manufactured medicine within 28 days of receipt of an application for registration. Mr Speaker, Sir, we cannot place a patient at risk due to inadequate safety, quality and efficiency. If the Pharmacy Board were to apply good manufacturing practice issued by the World Health Organisation, it would take months for the Board to license any manufacturing plant. The manufacturing conditions are very strict. The Board has, in the past, even recently, rejected applications where these applications had been blessed by the Economic Development Board. Currently, it takes around 12 to 18 months for the Pharmacy Board to license pharmaceutical products before they can be sold and distributed to the public, which is normal because public safety does not have a price; you need to make sure that the medicine that is being distributed and sold to the public is fit for human consumption. Now, we are being asked, today, to vote a tailor-made legislation to enable an applicant to get a licence to build a factory and to sell locally produced drugs. Worse, Mr Speaker, Sir, the Board is given the power to exempt any locally manufactured pharmaceutical products from registration. In other words, this person, once he gets his building plant which takes only 20 days to approve and we are talking about members having to approve an application, members who have no technical knowledge about construction, who need to ensure that all the health and safety precautions have been taken or the sterilisation processes are there - only 20 days for part-timers. And then once this gentleman will get his licence to manufacture drug, the Board can tell him: 'okay you know, for manufacturing these drugs, you don't have to register with us'. For imported medicine, it takes us between 12 and 18 months to get a licence even though these medicines are registered in the US or in European Union, but, for locally manufactured drugs, there is no need to register. How can the Government come up with a legislation like this? I really do not understand and why do they put it buried among 55 legislation that we have to vote. This is a very dangerous piece of legislation, Mr Speaker, Sir.

Mr Speaker, Sir, turning briefly to the Quarantine Bill, we agree that there is a need to update our existing legislation in that respect, but we should always bear in mind, Mr Speaker, Sir, that quarantine and confinement is a restriction on our freedom of movement and any restriction on our constitutional rights must be reasonably justifiable in a democratic State. The Bill, as it currently states, gives very wide powers to the Minister concerned to issue Regulations, to restrict movement, to force people to go to quarantine, to force people to give samples. That has to be checked against the yardstick of reasonable justification in a

democratic society. For example, when there was a breach of the curfew and lawyers were prevented from meeting their clients in Police station, the aggrieved lawyer decided to lodge a case before the Supreme Court. It is very unfortunate that before Chief Justice Mr Balancy had a chance to give a determination, Government promptly amended the legislation to provide that lawyers don't need to have the Work Access Permit to go and see their clients in a Police station or to go to Court. Similarly, doctors do not need this permit to go and see their patients. But by doing so, the Government somehow has deprived us of the benefit of getting guidance from the Supreme Court as to what are the parameters of any Regulation to be introduced by the Government under the Quarantine Bill.

Mr Speaker, Sir, people out there are very worried about the Quarantine Bill, especially the provision which gives extensive powers to the Police, power given to the Police to enter premises without warrant. They are worried of possible abuse by the Police. Unfortunately, we have seen how some – not all – Police Officers have abused of their existing powers during confinement. We have seen in social media, Police Officers going and filming how they were abusing Mauritians, how they were hurting Mauritians, insulting Mauritians and they were so proud to put that on social media. I don't know what happened to these Police Officers if they have been interdicted, if they have been sentenced or put in Police cell, but this has created a *psychose dans la population* and the population does not want to give Police unrestricted access to their premises. I am going to make an appeal to the Government. We already have the Police Act. Section 14 of the Police Act, for example, Mr Speaker, Sir, allows, where in case of urgency, communication with a Magistrate will cause delay that would defeat the end of justice, a Police Officer not below the rank of an Assistant Superintendent, may, on sworn information, that the person is unlawfully in possession of drug because this is in case of drug offences, he can issue a warrant. So, I think we need to have a similar kind of *garde-fou* in this Bill. A Police Officer cannot just come in a house without a warrant. If it is not practicable to get the warrant from the Magistrate, at least get an officer of Police not below the rank of Assistant Superintendent to issue this warrant to search the premises.

Mr Speaker, Sir, most of the proposed amendments in the Bill relate to extension of delays which fell during the confinement periods, delays to make payment, delay to renew licence, delay to lodge appeals. We have absolutely no issues with those provisions, but unfortunately, the Bill also contains provisions which go against the rights of workers, against good governance, against prudential practice, against fundamental human rights and

we cannot possibly condone such provisions. To paraphrase the hon. Prime Minister, the pill is too big for the population to swallow.

Thank you.

**Mr Speaker:** Hon. Minister Mrs Jeewa-Daureeawoo!

(6.26 p.m.)

**The Minister of Social Integration, Social Security and National Solidarity (Mrs F. Jeewa-Daureeawoo):** Mr Speaker, Sir, before coming to the Bill itself, allow me to comment on two points. The first point raised by the hon. Leader of the Opposition and hon. X. L. Duval remarks about the question of fine provided in the two Bills. My reading is that we are not proposing Rs200,000 and Rs500,000 as minimum fine. These figures are maximum ceiling. If you have a look at page 8 of the Quarantine Bill, you can see clearly -

“Offences

Any person who –

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 5 years.”

So, the fine will be imposed according to the nature of the offence. One must not forget that here we are talking of public health and it is a good thing to impose a maximum, but the minimum, I am of the opinion will be imposed by the Magistrate in line with the nature of the offence.

Now, to reply to hon. Duval with regard to the proposed amendment of the Landlord and Tenant Act, which does not cover business premises after 01 January, 2005, my understanding is that at Committee Stage, amendment will be brought and a copy of all the amendments proposed has already been communicated to all Members of the House. So, I do hope that hon. X. L. Duval has been communicated with a copy of the said amendments. At page 5, paragraph (e), an amendment will be brought to insert after the word “notwithstanding” the words “this Act”. So, I presume the amendment concerning the moratorium of six months of rent will also apply to tenant of business premises let after 01 January 2005. So, let us wait for the amendment to be brought.

Now, coming to the Bill itself, to the two Bills, there can be no doubt that the COVID-19 (Miscellaneous Provisions) Bill and the Quarantine Bill which have been

presented by our Prime Minister before the House this morning are absolutely necessary in this difficult and challenging time. These two Bills are essential and urgent pieces of legislation. We need to make sure that we are putting in place the necessary legal framework so that people can feel confident about their own safety after COVID-19, and at the same time, to respond to any further future emergency situations. These two Bills have all their importance.

No one would have ever thought that the world would face such an unprecedented health crisis. The COVID-19 pandemic, I can say, has brought the world to its knees. Like the rest of the world, our country has not been spared from the impact of COVID-19 pandemic. Let me seize this opportunity to convey my heartfelt condolences to those families who were struck by the loss of a family member. I am, however, relieved for the patients who have recovered from the virus and are back home. Allow me also to take a moment to offer our thanks to our frontline service workers in the fight against this virus. We are here talking of doctors, nurses, healthcare staff. Without them, there is no way to combat this unprecedented health crisis. I have no doubt that I speak for the House, in fact for the whole House, when I say to them, thank you.

When the first cases of COVID-19 were detected in Mauritius, our Prime Minister was swift in responding to the crisis. Even before the virus could spread much, our Government introduced mandatory restrictions to help and see our country through. One must not forget that appropriate actions have been promptly taken by our Government to support people in getting through this unprecedented health crisis.

The response, I must say, has been very appropriate, prompt and focussed. Our Prime Minister has led; I wonder what would have happened if Government had not acted that quickly. We have seen what has happened in other countries like Italy, France and USA.

Mr Speaker, Sir, immediate closure of our borders, a national curfew where people were ordered indoors, a draconian quarantine, closure of schools, public transport halted, a High-Powered Committee chaired by our Prime Minister on a daily basis, daily Press briefings by colleague Ministers, amongst all the actions taken by our Government.

Let me reassure, hon. Members of the Opposite side, that the two Bills have the very best of intentions. The COVID-19 pandemic has changed the world, I must say, not only in terms of public health, but also in social and economic terms.

Allow me to bring to the attention of the House urgent actions taken by my Ministry during the COVID-19 period to alleviate the sufferings of the most vulnerable of our society and also to offer extra protection to our elders and persons with disabilities. I must say we have made sure that vulnerable people get the extra care and support they need. We were very much involved. All along, Mr Speaker, Sir, we have adopted a human approach.

Following the closure of shops, supermarkets and hypermarkets, we all know how difficult it would have been for vulnerable families to access to basic necessities. We fully understand that the circumstances were exceptional and also difficult. A prompt decision was taken by my Ministry, by the Government to distribute food packs to vulnerable families. We are here talking about the most vulnerable of the society. We distributed food packs, as has been mentioned by hon. Sawmynaden, to 7,900 families eligible under the Social Register of Mauritius and to 19,779 elders and persons with disabilities benefitting from the carer's allowance. We also delivered basic food items to the 27 charitable institutions and to 44 private licensed home. I must also add that we have repeated this action twice.

As you may know, in Mauritius, out 280,666 beneficiaries of basic pension, around 222,000 beneficiaries are paid through the bank. The remaining 58,665 beneficiaries are paid through post office around the island. In an effort not to put our elders at serious risk, we carried out the payment of basic pension at the residence of beneficiaries in collaboration with the Mauritius Post Ltd. An unprecedented initiative, simple to say, but difficult to do, but we did it. Mr Speaker, Sir, we did it for the two consecutive months because we are very much concerned with the health, safety and security of our elders. Payment to around 496 beneficiaries of social aid was also carried at the residence.

Moreover, my Ministry, in collaboration with the Ministry of Health, has had to adopt a different approach for this year flu vaccination of our seniors. I must say, to date, 130,000 seniors have been vaccinated through mobile caravans. The aim of this new approach was, of course, to prevent our elders from going out and coming to our centres, our elders to whom we owe so much.

Allow me to add also that around 3,000 children with disabilities attending special needs schools are also being vaccinated at their residence. To curb the spread of COVID-19, Government has closed schools, but you will all agree with me that studying must not stop. As such, we have also given due regard to the educational needs of children hailing from families eligible under the Social Register of Mauritius. Tablets will be provided to around

2,772 students of Grade 10 to Grade 13 who are eligible under the SRM. This measure, I am sure, will enable them to follow online courses dispensed by the Ministry of Education during the confinement period until the resumption of school on 01 August this year.

We are also preparing to provide masks to 13,500 adults in 8,023 households eligible under the SRM. Five masks will be provided to each adult, which represents a total of 67,500 masks for all households.

It has been very important, Mr Speaker, Sir, for our Government and myself to provide extra care and support to the most vulnerable in our society. They have not been left to walk alone. In this difficult situation, we fully understand their concern.

At this stage, Mr Speaker, Sir, allow me to focus on some of the salient clauses of the COVID-19 Bill. I don't intend to comment on the Quarantine Bill, I am conscious of time. So, with regard to the Covid-19 Bill, an amendment is being proposed to the National Pension Act of 1976. Clause 38 of the COVID-19 Bill proposes to amend section 34 of the National Pensions Act of 1976. In fact, during the confinement period, around 1,827 beneficiaries of Basic Invalidity Pension and 1,071 beneficiaries of carer's allowance were to be medically bordered for the renewal of their pensions which were about to expire there.

*(Interruptions)*

**Mr Speaker:** Too much noise there!

**Mrs Jeewa-Daureeawoo:** Given that medical Boards could not be held during confinement period, we decided to administratively renew their pension automatically on a month-to-month basis. So, now, we are bringing amendment to section 34 of the National Pensions Act 1976 so as to give legal effect to this administrative decision. The proposed amendment will empower my Ministry to take decisions in the best interest of beneficiaries in any emergency situation.

Turning to Clause 9 of the Bill which is about amendments to the Court Act, the judiciary plays a crucial role in any democratic society. The rationale behind the amendments is not to hinder the good administration and delivery of justice during an emergency period. These amendments seek to do three things –

- (i) to empower the Chief Justice to determine such judicial services as he deems essential;

- (ii) to empower the Chief Justice to make rules to regulate the practice and proceedings before any Court during COVID-19, and
- (iii) to empower the Court to limit the number of persons who may be present in Chambers or in a Court Room. The Court may also hear a matter remotely by means of a telephonic and electronic or any communication facility as the Chief Justice may determine.

Let me now address the amendments proposed to the Insolvency Act. As an Attorney, I can speak out of experience. How many petitions are lodged before the Bankruptcy Division with regard to the bankruptcy of individual and the winding up of companies concerning non-payments of debts! As the law stands now, an individual can be adjudged bankrupt by the Bankruptcy Division of the Supreme Court if he owes a debt of more than Rs50,000. As for a company, a statutory demand can be served and a winding up petition may be lodged against it if the debt is more than Rs100,000.

On top of what is happening, individuals, mostly traders and companies are facing financial difficulties and we know very well that they will not be able to meet their financial obligations. Creditors may sue them for non-payment of debt. So, it is not good to make the lives of people more difficult. I think this Clause is very important. This Clause allows the threshold for bankruptcy to be increased from Rs50,000 to Rs100,000. The threshold for winding up is also being increased from Rs100,000 to Rs250,000, which is a very good thing. This Clause goes even further, extending the delay for payment of debt. Following the service of a Bankruptcy Notice, the delay to pay the debt is being increased from 14 days to 25 days. Following the service of a statutory demand on a company, the delay is increased from one month to two months.

Mr Speaker, Sir, let me now turn to the proposal to amend the Landlord and Tenant Act 1999. In default of payment of rent for even one month, a landlord of bad faith may evict a tenant of residential or commercial premises. Overnight, the residential tenant may find himself homeless while the commercial tenant may lose his business. Nobody should lose their home or business because of COVID-19. So, to give people more confidence and reassurance during this hard time and also to ensure that no tenant loses his home or commercial premises, we are amending the law.

On a concluding note, I do think we all realise that we are in a situation of national emergency. This health crisis is without precedent. We must at all cost avoid being hit by a second wave of infections. This is our main concern now. So far, we have acted properly. We

have done the things that needed to be done. On the whole, I must say we have coped well. The population as a whole has adjusted to the health crisis. People have understood what is at stake. So, this result is a collective effort, national solidarity has prevailed. At the end of the day, we all want the same thing; we want this pandemic to be over.

Before ending, I would like to thank each and every Mauritian for their understanding. I am confident that with the right actions, we will get through this tough time. We will beat this virus together. Today, the House is being asked to vote two fundamental and emergency pieces of legislation. On this side of the House, we warmly welcome and commend these two Bills to the House.

Thank you, Mr Speaker, Sir.

**Mr Speaker:** Hon. Shakeel Mohamed!

(6.49 p.m.)

**Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):**

Thank you very much, Mr Speaker, Sir. I have listened with a lot of interest to those who have preceded me and I find that apart from listening to the Members of Government applaud the Prime Minister at every single opportunity, apart from self and auto congratulating themselves, the Ministers have, it reminds me of the intervention of the President of the Republic of France as well as the intervention of the Prime Minister of France on this particular issue of COVID-19. The humility shown by the President of France when he admits that there were lacunas in the processes put in place by his Government, the humility shown by the Prime Minister in France is in stark contrast with the arrogance shown by this Government. It is clear that when you hear the Government of France talk, they have humility in their approach, they admit where there is wrong, but this Government, when you listen to them, Mr Speaker, Sir, it is clear for me that they have never ever admitted that they could humanly have made some mistakes. It is impossible to believe that any human being could be so perfect as those ladies and gentlemen on the other side. They seem to have forgotten altogether...

**Mr Speaker:** Honourable Members!

**Mr Mohamed:** Yes, Honourable Ladies and Gentlemen, if you feel better. But then, again, there is no honour in what they have done, none whatsoever, because they have totally forgotten the cry of the people outside. As I speak to you today, the people out there do not come and say, "Well, let us congratulate this Government". They are worried about who will



help them save their jobs. They are worried about who will help save the future of their children. Will they see Mauritius as it used to be? Will we start seeing politics as it should be practised or are we going to listen to empty comments coming from Ministers who did not even hesitate to go and participate to share proceeds, food to the poor and put their face on Facebook? This is what we have on the other side. Ministers who went even to share dates given from Saudi Arabia for Ramadan...

*(Interruptions)*

And he put his photograph on Facebook! Oh, well, I'll say it to you and I'll ask you to look at him!

**Mr Speaker:** But don't show hands!

**Mr Mohamed:** Alright, fair enough! So, look at him! I am sure you know whom I mean! We all saw him on Facebook.

**Mr Speaker:** Address the Chair!

**Mr Mohamed:** But then, again, Mr Speaker, Sir, outside there today, people are wondering who will help them. Is it not an auto congratulating Government? When I see what the ILO says about issues pertaining to COVID-19 and how to deal with it, I read a document which is called a Policy Brief on COVID-19. It is entitled 'Pillar 3'. It talks about protecting workers in the workplace. First and foremost, to start out, protect workers: health and social workers, cleaners, agricultural workers, those in the frontline, those who provide essential services. Let us implement adequate health and safety measures in those sectors as well as promoting supportive working environments, key to help workers face this challenging time. Where is the amendment to the Occupational Safety and Health Act here? Where is the chapter pertaining to the health and safety of workers here in this COVID-19 legislation?

Les travailleurs de ce pays ont peur, parce qu'ils se disent qu'il n'y a plus d'avenir. Ils se disent « comment est-ce qu'on va retourner travailler ? Est-ce qu'on ne va pas retourner chez nous infectés ? » Parce que c'est ce gouvernement qui a mal géré ce problème...

*(Interruptions)*

C'est ce gouvernement, mais ils ne vont pas le voir ! But then, again, it is not my duty to make them see it. As long as they don't see it, I am even happier. Then again, when you talk about the pillars, No. 3, the ILO also recommends recognising how teleworking from home is

not easy and also a challenge. Dealing with isolation, managing online teams, maintaining productivity while working remotely, balancing paid work and care work with schools closed can be very challenging. Instead of this, what this Government does simply, defended with such style by the hon. Minister Lesjongard, as though 48 hours is sufficient. 48 hours' notice is sufficient, do the home at work! You may have children there; your employer can call you at 11 o'clock at night, but it does not matter because it is sufficient according to the hon. Minister. This is a sector that is not even regulated at all and the Minister says that it is proper in order to proceed in that manner. I read Pillar 4 of the International Labour Organisation. It talks about how to deal with those challenges in a moment of COVID-19. Social dialogue is of utmost importance, and the International Labour Organisation says that lessons from previous global crises have shown that Government alone cannot address the challenges stemming from strong shocks. This Government has chosen to deal with it alone.

I read from the Press today that it is today, at 17.30 hrs, that there was supposed to be a meeting with the trade unionists, the Prime Minister and the Minister of Labour. Today, when the Bill has already been presented! This is not called consultations. This is called putting everyone before *un fait accompli*. The hon. Prime Minister, Sir, shows not to involve anyone in the preparation of this Bill, save and except those who are close to him. It has also been reported that even the Minister of Labour - I wonder whether he has his stamp of approval on this piece of legislation, damaging the rights of the workers. I wonder! But then, again, he will not come and tell us that he hasn't. What I am told - and then I will like him to tell me that it is not true - is that the hand that was involved in the preparation of this chapter pertaining to employment laws was the hon. Deputy Prime Minister. Trade unionists tell me that the whole issue about shift work, the whole issue about overtime, the whole issue that is now on the paper, the whole issue about annual leaves being taken away from the workers, this is not the first time that it is on the agenda! The person who championed removing annual leaves was hon. DPM Collendavelloo; the person who championed it in the Committee to prepare the previous Workers' Rights Act before it came to Parliament was hon. Collendavelloo. He chaired it! He was the one who was championing the cause of shucking down leaves. He was the one who was championing the cause that overtime - it should not happen again. Can you imagine, Sir, that when you look at the legislation today, shouldn't there be a balance between the responsibility of the corporate sector as well as the responsibility of Government, as well as the other responsibility of the worker? But when I look at this piece of legislation, there is *seulement la classe des travailleurs qui ici sont là*

*pour payer pour la casse. Et la casse, ce n'est pas seulement parce qu'il y a eu le COVID-19 ! C'est vraiment nous prendre pour des bêtes ! Quand je regarde le rapport de PriceWater House et quand je regarde le rapport des consultants qui n'ont été publiés qu'hier sur ce qui est proposé par ce gouvernement, les consultants, les experts comptables, les experts analystes disent que la situation économique, la situation financière, l'endettement de ce pays était déjà catastrophique avant l'avènement du COVID-19.*

Alors, pour moi, M. le président, avec COVID-19, avec ce que le ministre des Finances est en train de faire, avec la complicité de ses collègues ministres et avec à la tête l'honorable Premier ministre, c'est d'avoir carte blanche de prendre tout ce qu'il veut de la Banque de Maurice. Mais, tenez-vous bien, il ne nous dit pas comment il va le dépenser ; il ne nous dit pas à qui il va le donner. M. le président, comment se fait-il, qu'au moment où il fallait aider les pauvres, les démunis, ceux qui souffrent, ceux qui n'ont pas à manger chez eux, ce ministre des Finances, l'honorable membre ne nous a pas dit jusqu'à maintenant comment se fait-il qu'il a donné de l'argent des contribuables, l'argent du peuple, pas ce qui lui appartient, pas à ce gouvernement, l'argent des contribuables, il a donné cet argent-là à des sociétés qui ont déclaré des dividendes par des centaines de millions ? Il a donné cet argent-là sans réfléchir à des compagnies qui sont sur la liste des plus grandes sociétés de Maurice. Il a donné cet argent-là à des compagnies qui font des profits ; il a donné cet argent-là à des banques ; il a donné cet argent-là à des *offshore management companies* ; il a donné cet argent-là à des assurances ; il a donné cet argent-là à des supermarchés qui travaillent pendant le confinement. Mais il n'a rien donné ou presque à ceux qui sont dans le secteur informel. C'est cela le cœur que ce gouvernement nous démontre.

M. le président, c'est ce même gouvernement qui, à un certain moment, critiquait avec véhémence le Parti travailliste pour une loi, l'Employment Rights Act de 2008. J'ai parlé hier soir à certains syndicalistes qui étaient très critiques en 2008 quand l'honorable Dr. Bunwaree avait apporté la loi pour prévenir la crise économique. À ce moment-là, les secteurs qui ne pouvaient pas aller en grève, c'était la Police et les pompiers, mais tous les autres secteurs dont fait référence M. le Premier ministre, tous les autres secteurs, ça veut dire *civil aviation, airport, health, hospital, all those sectors could go for a strike.*

So, the Government they use to criticise at no time curtailed the right to strike of people in the port, of workers in the hospitals, of workers in the health service, of workers in the civil aviation service, of workers in the airport. But this Government that takes the moral high ground and champions of the workers cause slaps the workers with a rose. And what is

that rose? That is a poisonous rose! What is it? They have removed the right to strike. What does the ILO say? I have been checking what the ILO says about that. When I look at this Government, it gives a blanket provision to prohibit strike in the port; the Labour Government did not do that. I looked at the document entitled ILO principles concerning the right to strike and that document says, at page 20 - it is written by Bernard Gernigon, Alberto Otero and Horacio Guido, which is a research document on the principles of striking for the ILO. It says here that ports (loading and unloading) is not an essential service. It says here that transport is not an essential service. It also goes on to explain that if the right to strike is subject to restrictions or prohibition, workers who are thus deprived of an essential means of defending their socioeconomic and occupational interest should be afforded compensatory guarantees. What are the compensatory guarantees here, apart from fleecing the workers by taking away their overtime, fleecing the workers by reducing overtime, taking away their leaves, taking away compensation for shift, the compensation that the workers deserve and that the ILO says they must get? The Committee of Experts also considers prohibition of recourse to strike can be justified in a case of acute national crisis, and then, only for a limited period and to the extent necessary to meet the requirements of the situation.

When you look at the ILO's Report, it says 'only for a limited time'. Where is the limit here? When you look at the documents here and what is proposed by this Government, there is no time limit. Is there any sunset clause? No! Is there any point in time? For instance, even for the Bank of Mauritius, is there a sunset clause? No! Is there any limit in time? No! It gives the power, on the contrary, to the hon. Minister to come and make regulations, to extend over and above the COVID-19 period and to go as long as he wishes to protect the friends of the hon. Deputy Prime Minister. He can! The hon. Deputy Prime Minister is the champion of the private sector and in order to satisfy him, he can very well change the regulations, and then, the workers will keep on suffering. Mauritius is the only country - when I compare to Singapore, when I compare to the United Kingdom, when I compare to France, when I compare to Malaysia, when I compare to such countries, South Africa, in matters of redundancy because of COVID-19, there has been no facilitating of redundancy in those countries. The only country that I have studied in all I have mentioned today, where they are facilitating redundancy, *où ils facilitent la fin d'un contrat de travail avec autant d'aise, c'est à l'île Maurice*. And this Government tells you: we have at heart the rights of the workers.

Mr Speaker, Sir, transfer of the undertaking. You know, everyone is wondering what exactly is going on. When you see them amending that clause that talks about the Third Schedule, why is it that you find that, in there, there is air transport? Why do you find in there airport? Do you know, at the moment the Government is *légiféré*, there are two dossiers pending before the Commission for Conciliation and Mediation? One concerning the Cargo Handling Corporation and the other one concerning Airports of Mauritius.

Now the Government comes into the play when they are not invited and changes the rules while the game has already started and forces the Commission for Conciliation and Mediation not to listen to them, but to send it immediately to the Tribunal. This is democracy for Government; this is the interest of the workers for Government. But why is it, Mr Speaker, Sir, that, until today - and I think that is a very important element that the hon. Minister of Finance has to answer. What will he do with all this money that he is picking? - he has not even told us what he will do with it? Why is it that in the United Kingdom, you have a Chancellor of the Exchequer that not only tells you what he is going to give, how he is going to give it, what are the conditions? Here, we have an hon. Minister of Finance that gave away money, and now, because of his mistake, he has to be able to put in a levy in order to cover *la gaffe*. Why is it that he could not go for targeting? Why is it that he has only given Rs2,550 to those in the informal sector? When is he going to ensure that those, for the month of April, are going to receive their money, which they haven't? Over 60,000 people are still waiting for the money which he has promised. And at the time of giving out this money - and I would like to conclude on that - did the hon. Minister of Finance or the hon. Prime Minister say that this was going to have to be reimbursed? At the time of giving the money, the hon. Minister of Finance pushed his chest forward, saying "I have been generous with Rs5 billion", and he wanted people to even pat him on the back and say that he had done a champion of a job! But then, again, only when the Opposition showed that he had been overgenerous with rich companies, with money that did not belong to him, then, he has to backtrack and try to recoup the money. So, therefore, if he is to recoup the Rs6 billion or so that he has given out, at least 75%, let us say, only Rs1 billion he would have given out, what then has the Government done for the workers? Rs1 billion? But what is he going to do for the big corporates? Let him not compare what happened with the Labour Party at the time of the economic crisis because at least there, there was transparency. Here, there is none! There is no accountability. In this particular instance, there is no transparency, no accountability. As hon. X. L. Duval rightly put it, the Bank of Mauritius is not even accountable to

Parliament, and when you say that you have given money to corporates for the Wage Assistance Scheme and when you say you are taking billions and billions and you are going to give it to the big employers, what we ask is fairness vis-à-vis the *travailleurs de ce pays*. What we ask is fairness. What you have done, as certain trade unionists say, is put to shame the Labour Party. You tried to criticise the Labour Party about the Employment Rights Act, but you have outdone everyone. You have outdone yourself. It's amazing how you could show yourself having no heart for the workers. And now, when you look at Facebook and the social media, when people are so angry, when people are being forced to stay in, not based on any scientific research – one last question I would like to ask the hon. Prime Minister and I will conclude on that; maybe the hon. Prime Minister or the hon. Minister of Health who was so arrogant by trying to give lessons to hon. Dr. Boolell about how he should wear a mask when he didn't even have one when he went to a Quarantine Centre. What is the R0 of Mauritius? In France, they based themselves on the equation and the scientific calculation R0 to know what is the reproductivity figure rate of the Virus COVID-19 or any virus for that matter. Here, we don't even have the figure; they don't even mention it, when just earlier on, he had pre-recorded a programme for the MBC that was playing supposedly live while he was sitting here. What is the R0 for Mauritius? Is this Government deciding to keep people in, based on scientific fact? If it is the case, what is the scientific figure? Why is it that France can give the figure? Why is it that Germany can give the figure? Why is it that England can give the figure? Why is it that you can't give the figure? Because you don't have the figure! Because if you had the figure, you would know that it was 0.1, at worst 0.5.

*(Interruptions)*

So, if that is the case - and you hear a Government that is smiling away and laughing at themselves...

*(Interruptions)*

They are keeping the truth away from the people; they don't want the people to know. Let me tell you something, Sir. With this piece of legislation, the Government alone cannot redress the country. With this piece of legislation, the Opposition alone cannot counter *la domination de ce gouvernement*. If there was no curfew, the people would have been to the street! If there was no curfew, the people would have revolted! If there was no curfew, the hon. Prime Minister would not be comfortably seated here today and trying to meet the trade unionists after *un fait accompli*. He is keeping this country hostage, and then he says that he

has treated the 300 patients! The hon. Minister of Health and Dr. Joomaye say that they have treated the patients. What treatment is there for COVID-19? There is none! They keep on telling...

*(Interruptions)*

False it is! And that is the reason! They are taking advantage of COVID-19 in order to give freebies to their friends, and God knows who are those, *par exemple, celui qui veut* set up the industry to produce medicines; maybe it's a friend of theirs, but we will now know because they will not tell you the truth.

Thank you very much. You will be voting this Bill, but out there, you will be voted out.

Thank you.

**Mr Speaker:** Hon. Minister Callichurn!

(7.11 p.m.)

**The Minister of Labour, Human Resource Development and Training (Mr S. Callichurn):** Mr Speaker, Sir, I just heard the hon. Member asking a question: who have treated those patients? This is an insult to all those doctors and nurses who have been working round the clock to treat those patients, Mr Speaker, Sir. It is a shame!

Mr Speaker, Sir, allow me to convey my deep sympathy to those who have been affected by the demise of their beloved ones due to Corona Virus. I also want to acknowledge the tremendous work of the Ministry of Health and Wellness, the COVID-19 High-Level Committee chaired by the hon. Prime Minister and all workers who are working during confinement. This pandemic has shown how vulnerable the world is in time of widespread sanitary threat. The world, as a whole, has been affected by this pandemic.

Mr Speaker, Sir, in Mauritius, since the virus was detected in March, this Government took measures which were strict, bold and decisive. It is due to these measures that today we have been able to contain the virus. We are fighting a war on two fronts. On the one hand, we face the health crisis and on the other, an unprecedented economic crisis. Hence, it is vital for a country to prepare to meet the challenges of today and position ourselves for the recovery of tomorrow. Nobody at this stage, knows the extent of the real damage, we, as a nation, would be asked to sustain and support, and for how long. As people's representatives, we, as Members of Parliament, are mandated and duty-bound to act and to act now. The

legislations that are before the House have been drafted specifically to address these challenges.

There is today widespread agreement among Economists around the world that following outbreak of COVID-19 pandemic, the global economy has entered in its worst recession period since the great depression of 1929. In several countries, Governments have responded to the crisis by taking, among others, some exceptional measures and have even relaxed some provisions of the Labour law to sustain the economy and to protect employment.

Allow me, Mr Speaker, Sir, to cite some of the countries and some of the main measures which have been taken. In Croatia, employers are allowed to cut wages up to the level of the minimum wage. We haven't done that here. To unilaterally exclude certain rights from collective agreement to reduce the amount of compensation in case of termination of employment due to COVID-19 pandemic and to shorten times and wages. They are also a member of ILO.

In France, the regular working times are 48 hours a week. It has been increased to 60 hours per week. The rest day of Sunday has been suspended and work is performed on a 7-day week basis. In Hungary, flexibility has been given to both employees and employers, and they can now deviate from the provision of the Labour code in a separate agreement. In Portugal, the right to strike in vital services – in vital services - has been suspended. They are also member of the ILO. In India, the State of Uttar Pradesh, Government has approved an Ordinance exempting businesses from the purview of almost all Labour laws for the next three years, except for three legislations regarding the construction industry, workmen compensation and bonded labour and section of Payment of Wages Act regarding right to receive timely wages.

Let me remind the House that we import foodstuffs from India, rice, pulses, vegetables, potatoes and onions which are widely consumed locally. Those workers, whose rights have been curtailed for the moment, are currently working for us. They are doing the sacrifices that the Government has told them to do. Finally, in South Arabia, on 10 May 2020, the Minister of Finance announced that the standard rate of VAT would be increased from 5% to 15% with effect from 01 July.

Mr Speaker, Sir, as I mentioned earlier, Mauritius is no exception and has been severely impacted by COVID-19 pandemic. Our industries are facing the brunt of slowdown,



more particularly, the tourism sector, the textile manufacturing and the construction sector as well.

Mr Speaker, Sir, as a responsible and caring Government which has at heart the welfare of our fellow workers and the population in general, we are also independent of our will, being called to take some difficult and bold measures in the national interest. The COVID-19 (Miscellaneous Provisions) Bill has been drafted with the objective to keep as many jobs as possible and ensure that the Government is sufficiently equipped to respond to this unprecedented situation.

Mr Speaker, Sir, it is not my intention to politicise the debates today, but since the interveners before me have indulged into mudslinging, I am bound to answer some of the criticisms.

*(Interruptions)*

When you do, it is fine; when we do, no!

I would like to point out that we do not intend to put in question the acquired rights of the workers as was previously done by the Labour party and the PMSD Government during the financial crisis in 2008. The House will recall that in 2008 whilst employers benefited from Stimulus Package, the then Government dismantled the fundamental rights of the workers. Where was the Leader of the Opposition at that time? I did not hear his voice then. I did not hear him talking about the abolishment of the Termination of Contract Service Board which was acting as a watchdog for unscrupulous employers, when same was being butchered by his colleagues of the Labour party. I ask him a question today: did you add your voice to the debate then to say: no, please, don't abolish the TCSB as this will give employers a licence to fire?

The Government at that time, Mr Speaker, Sir, replaced the Labour Act by the Employment Rights Act and amongst all this provided for computation of overtime after 90 hours of fortnight instead of 8 hours a day and did not proclaim the Act which dealt with the payment of night shift allowance. So many workers who were performing overtime at that time, unfortunately, could not get their entitlement because they had to work longer hours to earn it.

Another example, Mr Speaker, Sir - there are so many, unfortunately, due to time constraint, I cannot list them all. They wanted to introduce some amendments to Parliament which purported to allow non-unionised workers to have right to sign collective agreement.

I recall CTSP stood against this amendment. The help of the then Leader of the Opposition, hon. Bérenger, was sought by Members of the Opposition and trade unionists. Subsequently, with pressure, they had dropped those amendments.

Another example, if a worker was sacked for any reason following disciplinary committee, the employer had nothing to pay under the Labour Government, not even the recycling fee, the minimum. They also amended the law to exclude workers who were already on a contract from being covered by a new collective agreement or enactment that offers more favourable terms. All this to say, Mr Speaker, Sir, that we do not have any lesson to take regarding the protection of fundamental rights of our fellow working brothers and sisters of this country.

Mr Speaker, Sir, allow me to remind the House that it is under the leadership of hon. Pravind Jugnauth and myself, as Minister of Labour, that the Workers' Rights Act was enacted to better protect the workers of this country. The protection of the most vulnerable segment of the population is in the DNA of this Government. However, the current exceptional circumstances are such that we have no other alternative than to take these measures to respond to the challenges we are faced with.

Enterprises also cannot operate without its workforce. There cannot be a decent work without work. They simply cannot exist without each other and this is the reason why there is a need for common support from all stakeholders. I would like to make an appeal to all the workers of this country to understand the rationale behind the amendments that we are proposing today. I thank them in advance for their comprehension. I am confident that their sacrifices, in these exceptional circumstances, will no doubt help us, together as a nation, to save the jobs and to successfully overcome this crisis.

Mr Speaker, Sir, I wish to reassure the working class of this country that the amendments that are being proposed to the Workers' Rights Act and the Employment Relations Act will be temporary. I take the commitment of restoring those rights once the pandemic is over.

Mr Speaker, Sir, because of time constraints, I shall limit my intervention this afternoon on the measures that concern my Ministry.

As a witness since the beginning of the confinement, everywhere across the globe, there has been a shift from office work to work from home. These new amendments with regard to work from home will empower the Minister to make such regulations to regulate

the conditions of employment of a homemaker. I want to reassure the workers who will be working from home that their conditions of employment will not be less favourable than their current conditions of employment. Henceforth, an employer will have an obligation to give prior notice to a worker of, at least, 48 hours before requiring the latter to work from home. This will enable the worker to make necessary arrangements to meet his or her family and personal obligations.

Mr Speaker, Sir, the provision of section 22 previously was restrictive as it enabled a worker to work on flexitime only where the worker has to care for his children who are below school age or have an impairment. The scope of the new provision, which is being proposed, is being widened by deleting the conditions by which the worker may choose to work on flexitime. The implementation of flexitime is aimed to assist in accommodating the workplace with necessary social distancing by avoiding workplace. It will undoubtedly help in facilitating the enterprise operational requirements and, at the same time, allow to reconcile work with family.

Mr Speaker, Sir, the night shift allowance of 15 per cent, payable under the Workers' Rights Act where a worker works, at least, five consecutive hours, is temporarily being suspended.

Let me remind the House that the Labour Government never had the courage to proclaim this section since its introduction in 2013 by hon. Mohamed whom, I must say, had the good intention but, somehow, I guess, he was forced by strong lobby not to proclaim. In such difficult times, the payment of night shift allowance will represent an additional cost to employers and is bound to adversely affect their business concern. The proposed amendment would, in the present context, allow the allocation of financial resources for the survival of enterprise to eventually ensure livelihoods of workers and preserving employment for fellow workers with the understanding of reverting back to normal provisions when the situation improves and normal activity picks up again. However, in order not to demotivate any worker, employers are encouraged to arrange shift in a manner to allow fair rotation among workers.

Mr Speaker, Sir, with a view to alleviating the burden of payroll, both workers and employers have the duty to build the earning capacity of the enterprise. In such circumstances, workers will still benefit from double pay for work performed on a public holiday irrespective of the number of hours of work performed. In this exceptional time,

exceptional measures are required for alleviating employers from financial burden on the payroll. The specificity of this new section is that employees may be granted paid time off instead of being paid for extra work. It is apposite to note that this measure already exists in the public sector. The granting of paid time off in lieu of overtime payment, however, should not be interpreted as depriving a worker of his entitlement. In case where a worker has not been granted paid time off, his employer will be required to pay any remuneration due for extra work. On the other end, those workers, who have not been granted paid time off and who have not been in a position to take the time off, they will have to be paid remuneration due for extra work for that period.

Mr Speaker, Sir, during the actual curfew, employers will be tempted to encourage their employees to use up all their annual leaves with a view to decreasing the cost which would accrue at the end of the year. However, with the proposed amendment, employers can only withhold 15 days for a period of 18 months starting from 01 June 2020 to 30 November 2021. For the period January 2020 to November 2021, the worker will hence be entitled to 38 annual leaves out of which 15 may be withheld by the employer - may be withheld. It will depend on the employer. Thus, the worker will be entitled to 23 days annual leave if the employer chooses to withhold the 15 days.

For those who have worked during the COVID-19 period, they will continue to benefit from their 20 days annual leave for the period 2020 to December 2020.

Mr Speaker, Sir, this is very important. I wish to reassure the workers of the private sector that, regarding the withholding of the annual leave which is applicable to them, will also be applicable to the workers of the public sector. Hence, the issue of discrimination between the private sector and the public sector will not arise. However, it is to be noted that annual leave in the public sector is limited to 11. Therefore, the withholding of the leave for them will have to be detected by a formula yet to be determined. I have the comfort of the Prime Minister on this issue. I fully understand the outcry of the workers and their representatives on the issue of withholding annual leave by the employer. Mr Speaker, Sir, I have said earlier that exceptional circumstances call for exceptional measures.

Mr Speaker, Sir, our action since the beginning of the pandemic has been systematic. We have provided the necessary assistance to both formal and informal sectors. We have ensured that the working class is not deprived of their livelihoods. We went an extra mile in providing basic food commodities to the most vulnerable sections of the population. The aim

of the amendment which is being proposed in Sections 64 and 70 is to send a clear message to employers under any type of financial perfusion that mass termination of employment due to economic reasons will not be acceptable. Maintaining each Mauritian in employment is our mission. The hon. Minister of Finance and the MRA have been voicing out for quite some time now that it is unacceptable that those enterprises receiving assistance and support from the Government lay off workers. This provision will give a strong signal to employers to neither take authorities for granted nor benefit from assistance on the back of workers; thus, it will be a deterrent for employers to unfairly terminate employment in such a difficult time.

In addition, those, who have already had recourse to the termination of employment during this period, will be asked to refund the financial assistance granted to them and pay severance allowance for unjustified termination to the tune of three months remuneration per year of service.

Mr Speaker, Sir, it appears that there is a lot of confusion and misunderstanding regarding the rights of the worker who is temporarily laid off. I would like to clarify matter. In case a worker has been temporarily laid off, the Board will examine the case on the basis of facts and financial situation of the company, and will make its determination as in the case of a worker who is permanently laid off.

Secondly, where the termination is justified, the worker will be entitled to 30 days wages in lieu of notice. The same worker will also benefit from the payment of end of year bonus computed on the basis of the number of months he has worked during the year and he will be refunded the remaining balance of his annual leave. In addition to that, the employer would have to fulfil his obligation under the Portable Retirement Gratuity Fund and pay any contribution due from the date of entry to the date of termination. Hence, it is not true to say, as being portrayed outside, that the worker will only be entitled to payment in lieu of 30 days' notice.

It is also apposite to mention here that there is a double protection to the worker. In the event that the company has benefited from the financial assistance of the Government, it will not be allowed to terminate the employment of the worker. If he does so, it will have to pay severance allowance at punitive rate, that is, three months per year of service. Furthermore, as the law stands, the worker will, in addition be admitted to workfare programme and will benefit from the payment of the transition of unemployment benefit.

Mr Speaker, Sir, as regards the issue of leave without pay under section 72(a), I will not delve with the issue as the Prime Minister has already canvassed in his speech. I must say that in the event the board decides, following the request by the employer and with the consent of the worker, that the worker may proceed on leave without pay, he will be provided with an income security, that is, he will also benefit from the transition unemployment benefit with the amendment that the Government is bringing today. Therefore, the Government is sending a strong signal to the working class, that no worker is being left behind in such a difficult time. In fact, every possible step is being taken to ensure livelihood of workers irrespective of their employment states.

Mr Speaker, Sir, the PRGF was introduced by the Government to safeguard the interest of the workers who previously did not benefit from the whole length of service. The Regulation provides for the contribution to be effective as from January 2020. However, the provision of this Regulation could not be implemented for the reasons mentioned by the Prime Minister in view of the exceptional circumstances following Covid-19 pandemic. The amendments being proposed do not in any manner, whatsoever, impinge on the rights of the workers. Employers will still have to fulfil their obligation for payment of the contribution. What is being proposed, Mr Speaker, Sir, is only a delay for payment of contribution. I will make regulation and will cater for the following situations –

- (i) In case of retirement, the worker will still be entitled to full payment of his gratuity for the whole length of service;
- (ii) In case of termination of employment, the employer will have to pay contribution for the whole length of service of the worker to the MRA;
- (iii) In the case of resignation, the employer will have to pay contribution as from January 2020.

With regard to payment of gratuity, I wish to point out that a worker will not be paid an amount less than 15 days of remuneration per year of service. I wish to reassure workers that they will not lose anything.

Regarding the last issue, Mr Speaker, Sir, Employment Relations Act, it is a known fact that Mauritius is heavily dependent on import of food items and other basic commodities. The amendment that is being proposed to the Employment Relations Act is specifically designed to prevent any disruption of the activities at the port and the airport.

I would like to refer hon. Members to ILO principle which hon. Mohamed also made reference to, but to a different section. According to ILO, in the circumstances of extreme gravity, where there is interruption of certain services which would endanger the life, personal safety or health of the whole or part of the population, cause economic hardship could prove disastrous in other countries and rapidly lead to conditions which might endanger life and personal safety or health of the population, the right to strike may be entirely or partly waived in service with priori which does not fall within the definition of essential service. For example, our country has known similar situations in the past. I am referring here to strikes in the port in the 1970s. The Labour Party knows about it. Had the then Government not taken immediate action, the population would have been deprived of the supply of basic commodities.

Nonetheless, let me remind the House that we are far from impinging on the right of the workers and Trade Unions. We are rather helping them since if there is any dispute, the matter can be dealt with expeditiously by the ERT. In any event, I have the power under the Act to make regulations to limit the time in which this provision is applicable.

Mr Speaker, Sir, on a concluding note, words won't suffice to describe the extent of the damage caused by COVID-19 to human, social and economic activities across the globe or narrate the amount of human suffering taking place everywhere. Government and the public authorities, private enterprises and NGOs are working hard, hand in hand to limit further propagation and contamination of COVID-19 and to avoid its resurgence. The protection of the people's health is of paramount importance. At the same time, Government is keen to restart economic activities under strict, specific guidelines and conditions as applicable to what we term most essential activities and less essential activities.

By now, all Mauritians are conscious of the extremely grave socio-economic situation we are in. They read and see and know what is happening elsewhere. Exceptional times calls for exceptional measures and the Government is doing its level best to protect enterprises to ensure their survival in the post-pandemic era in order to protect jobs and therefore the livelihood of the workers and their income. A special appeal is being made to the unions and employers' representative to engage in constructive dialogues in the interest of all stakeholders.

Thank you, Mr Speaker, Sir.

**Mr Speaker:** Hon. Dhaliah!

(7.40 p.m.)

**Mr R. Dhaliah (Second Member for Piton & Rivière du Rempart):** Thank you, Mr Speaker, Sir. Mr Speaker, Sir, allow me, at the very outset, to congratulate the hon. Prime Minister for his leadership and stewardship in the management of the Covid-19 pandemic and for presenting these two important pieces of legislation to reinforce the various measures already taken by Government since the outbreak of this virus. Mauritius ranks among the top 20 countries to beat the Covid-19 virus.

Mr Speaker, Sir, the World Health Organisation initially declared Covid-19 a world health emergency by late January 2020. Ever since, the Mauritian Government took the initiative to start screening passengers disembarking in Mauritius. From February, although there were no cases detected locally, Mauritian authorities quarantined passengers from countries with a high number of cases. I wish to highlight the proactiveness of the Prime Minister in setting up the Covid-19 Steering Committee to monitor closely the situation along with all concerned Ministries. In addition, he also set up a communication cell at his office. This cell constituted of Ministers and high officials from other Government Ministries and departments, held daily Press conference to keep the population informed and updated about the measures taken.

As soon as Covid-19 cases were reported, the Government came forward with vigorous measures such as closing down educational institutions, malls and tourist attractions, banned public gatherings and imposed a curfew with minimal public transport. In addition, all non-essential Government and private sector employees, beside key workers were required to work from home until at least 02 April, allowing only essential services, shops, banks, supermarkets, pharmacies, hospitals, Police and clinics to operate.

Mr Speaker, Sir, on 25 March, the Government tightened the lock-down by closing all supermarkets and corner shops. However, being a caring Government, we made provision for the food distribution to needy households listed under the social register of Mauritius. On these lines, I would like to commend the great job done by officers from local Authorities and councillors and many volunteers across the country.

They ensured that food packs reached their destinations in a timely manner. In fact, volunteers are still at work even today, in many constituencies, including Piton/Rivière du Rempart with basic food items distributed on a regular basis since then. The disruption in established supply chains in the country for a number of items, such as, cooking gas, flour,



potatoes and onions were addressed in a timely manner with minimal impact to the population. Here, again, I wish to thank all those unsung heroes who provided a helping hand and condemn those who were party in trying to derive monetary benefits from this state of affairs.

We are at the very beginning of the second decade of this century and the devastating effects of the Coronavirus pandemic have hit the world. This pandemic represents an unprecedented challenge to the whole world inasmuch as the associated lockdown has inflicted a serious blow on the movement of goods, capital and people, even at a time of peace. The deadly nature of the virus raised the alarm bell for an urgent need to contain its spread and preserve the lives and the livelihood of the population. Government hence came forward with prompt measures for lockdown, social distancing and enforcing precautionary measures, such as the wearing of mask, among others. On the other hand, other proactive measures were taken to track, tests, quarantine and treat people suspected of being infected by COVID-19. Additionally, as a preventive measure, regular sensitisation campaigns were carried out to inform the public on their health and hygienic precautions to be taken to stop the spread of the disease.

Mr Speaker, Sir, the Government is aware of the inconveniences caused by the lockdown which brought in significant departure from the way we do things in our normal daily lives. The prevailing conditions are strictly temporary and will last until such time the COVID-19 cloud disappears leaving the sky clearer. It is necessary to underline that these measures are proportionate to the threat caused by COVID-19. Had such measures not being put in place in a timely manner, the situation in Mauritius could have been worse with the number of casualties potentially growing exponentially. It is, however, unfortunate that the virus led to the death of 10 of our compatriots. Allow me, Mr Speaker, Sir, to seize this opportunity to extend my deepest sympathies to those families and friends.

Mr Speaker, Sir, the success so far in the fight against COVID-19 has been due to the various effective measures put in place by the Government. Nevertheless, we should not forget the contribution of the population at large in adhering to these measures together with the support and dedication of front liners, in particular in the fight against this pandemic. The challenges we have been facing as a nation are truly extraordinary and unprecedented. Here, we, on this side of the House, would like to acknowledge the sense of discipline and huge efforts undertaken by every individual and every family during such a testing time for the

population. The country has pulled together and people in its vast majority have been *exemplaires* in their behaviour.

In the same vein, we acknowledge equally their extraordinary work carried out by our health care professionals and staff, the Police and other discipline forces and the wide range of professionals who were at the forefront in this battle and who have served with unflinching commitment and dedication. They have worked night and day and been the most exposed. They have made sacrifices by accepting to stay away from their families because of the exigencies of work.

Mr Speaker, Sir, Mauritius is known as the '*nation arc-en-ciel*' where people of different religious and cultural beliefs live side by side, peacefully and harmoniously. I have in mind the valuable contribution of the various socio-religious groups and their leaders. On this side of the House, we would like to express our gratitude and appreciation for the support provided by all socio-religious groups in Mauritius in upholding measures enunciated by Government by transmitting the appropriate directives to avoid usual gatherings for prayers mandirs, temples, churches and mosques. Understandably, it is quite upsetting for not being able to gather with families and friends for mass prayers and celebrations during the Easter festival, Ugadi, Varusha Pirappu and now during Ramadan. We must reckon that it has been the right course of action to sacrifice such gatherings, failing which it would have led to the inevitable spread of the disease to many more people.

Mr Speaker, Sir, the disastrous nature of COVID-19 has forced nearly all countries over the world to resort to lockdowns. The lockdown has closed most businesses and kept billions of people homebound for weeks causing disruptions to the normal daily life. In Mauritius, the Government has until now effectively managed and contained the spread of the virus. Mauritius headed into the epidemic on a stronger footing than many Sub-Saharan African countries. The country's solid social protection system provides a strong foundation which Government can use to expand support to the most vulnerable Mauritian households. Now, the time has come for Government to respond appropriately for the gradual lifting of the lockdown while ensuring that there is no resurgence of the pandemic.

Mr Speaker, Sir, unprecedented challenges require exceptional measures. The COVID-19 Bill has been crafted as an omnibus Bill which affects more than one Act or legislation. In view of the far-reaching and wide-ranging effects of the pandemic, the COVID-19 Bill modifies and amends the application of some 56 different statutes. The

passing of separate Bills to address distinct issues individually would be too unpractical and time consuming. As a result, the Bill provides for amendments to a plethora of areas varying from the payment of utility bills, labour and employment issues, education, environment protection, financial services, immigration and border control, data protection, transport system, public procurement, sports, tourism, public health, among others.

I wish to highlight some of the salient features of this Bill which is meant to provide basic assistance to the people and protect their jobs. Some of the key measures include –

- First, there will no surcharge on utility bills;
- Second, promoting distance education and online learning programme for students;
- Third, provision of tax relief to individuals contributing to Covid-19 Solidarity Fund by way of deduction of amount contributed from net income;
- Fourth, the Wage Assistance Scheme to assist employers towards payment of basic salary or wages to their respective employees drawing less than Rs50,000;
- Fifth, the Self-Employed Assistance Scheme provides monthly allowance of Rs5,100 to self-employed individuals;
- Sixth, amendment to Landlord and Tenant Act to allow settlement of outstanding rent in instalments by the end of December 2021;
- Seventh, exemption of VAT on protective masks, breathing appliances and hand sanitizers;
- Eighth, promoting the work from home concept.

Mr Speaker, Sir, essentially, this Bill is a legislative and regulatory tool kit to respond in the right way, at the right time, to address the economic and social imperatives in the wake of COVID-19.

Mr Speaker, Sir, several times in the past, Mauritius has had to re-invent itself and we have been successful in doing so. We have always resorted to the entrepreneurship spirit of our population. This is a time for existing industries to be in a pole position to seize opportunities in their respective sectors.

Furthermore, the manufacturing sector could start up incubator to re-engineer themselves. Due to this pandemic, many companies are delocalising their production and

countries are reviewing their sourcing. A stark example is the manufacture of pharmaceutical products and medical equipment.

As I mentioned in my maiden speech, youth entrepreneurship, *l'esprit créatif* and *aventurier des Mauriciens a été, maintes fois, honoré à Maurice et ailleurs*. During such unprecedented times, we should further encourage the youth to take risk and start new ventures. The spill over effect from doing so is that the young entrepreneurs will create jobs for themselves and for others.

Mr Speaker, Sir, the world we had known a few months back is no longer the same and we are living a “new normal”. Covid-19 pandemic has triggered a rethinking to all aspects of food security in many countries and Mauritius being an Island State should be doubly concerned. Self-sufficiency is the keyword requiring a reinvention of measures and actions within an all-encompassing plan for optimum utilisation of land for food cultivation. In this connection, we should ensure that better use is made of all fertile idle land, whether owned by Government or by private entities. Any abandoned land should be utilised to contribute towards food security and small planters taken on board.

On the other hand, a rethinking is also required for the country to achieve self-sufficiency in fish and fish products. This can be achieved through intensive fish farming for which technology already exists in other countries. A package of tailor-made incentives and facilities is required with the utmost urgency.

Mr Speaker, Sir, I wish to place on record the donations made by the Government of India and China and a few other countries. Mauritius has always maintained excellent and privileged relationship with friendly countries, which, in turn, have spared no effort to extend their assistance and support as and when required, especially during difficult times.

In our effort to fight the COVID-19 pandemic, the Governments of India and China have generously donated medical supplies to a number of countries, including Mauritius. Here, I would wish to put on record our appreciation and gratitude to the Government of India and China for the help provided to us in these challenging times.

Mr Speaker, Sir, as far as the Quarantine Bill is concerned, I do not think anyone of us from both sides of this House would contest the modernising of this antiquated legislation, which is the Quarantine Act. The existing Act dates back to the year 1954 and, today, we are in 2020. Our country needs modern legislative tools to face new and emerging challenges of this century. This Bill is therefore all about modernising the now 66-year old Quarantine Act.

Mr Speaker, Sir, this Bill provides for mitigation and control the risks of diseases which are likely to cause an epidemic or a pandemic as it has been the case for COVID-19. The prime concern of this Government is to protect and safeguard the health of the population. The provisions in this Bill will no doubt take us in the right direction to meet the objective of protecting the population against the risks of spread of such diseases as the COVID-19.

Mr Speaker, Sir, now I am going to conclude. These Bills are geared primarily to ensure that the lives and the livelihood of our citizens are protected against the adverse impact of the Corona Virus pandemic. We must admit the return back to normal is not possible as long as the pandemic continues its grim march. This pandemic could have bitter consequences on our open and vulnerable economy. We therefore have to act intelligently and proceed systematically.

Mr Speaker, Sir, I therefore support the provisions contained in these Bills. If we want to overcome the unprecedented hard and strange times we are facing with the COVID-19 pandemic, we need to continue to work altogether with unrelenting and unyielding efforts as we have done so far, *Ensam Tout Possib*.

Long live the Republic of Mauritius!

Thank you, Mr Speaker, Sir.

**Mr Speaker:** Hon. Ms Anquetil!

(7.55 p.m.)

**Ms S. Anquetil (Fourth Member for Vacoas & Floréal):** M. le président, ce projet de loi d'urgence sanitaire, voire même économique et social, pour faire face au COVID-19 passe mal et suscite beaucoup d'agitations dans l'opinion publique. Il y a de quoi s'inquiéter car ce projet de loi va sévèrement et dangereusement impacter sur nos vies et celles de la prochaine génération car lorsqu'un père ou une mère de famille perd son emploi, ou est abandonné par l'état providence, c'est toute une famille qui devient la victime. Non seulement les électeurs de ma circonscription mais aussi des associations et des membres du public m'ont approché pour partager leurs préoccupations.

Ce projet de loi, s'il est adopté, va non seulement limiter nos mouvements mais aussi changer drastiquement notre mode de vie et aura un effet négatif sur notre société dans son ensemble. Plus rien ne sera comme avant. C'est déplorable que le délai accordé aux

parlementaires pour examiner ce projet de loi, qui va changer nos vies radicalement, ait circulé dans la nuit du dimanche 10 mai 2020. Déjà, ce projet de loi a été bouclé en quatrième vitesse sans consultations appropriées avec la société mauricienne. De plus, il n'a pas été sujet à un débat sain et intelligent qui a toujours dans le passé été la fierté de notre démocratie.

M. le président, j'interviens ce soir pour parler des oubliés de ce projet de loi ; je parle des femmes, des enfants, des seniors et des personnes en situation d'handicap de notre République parmi tant d'autres. Un segment majoritaire de la population qui a été vivement souligné par les Nations Unies comme étant extrêmement vulnérable, déjà dans le cours normal des choses mais encore plus avec la pandémie qui nous afflige.

M. le président, je suis très inquiète et je trouve inadmissible qu'aucune disposition exceptionnelle n'ait été mentionnée dans ce projet de loi pour protéger les plus vulnérables de notre société. Gouvernement responsable vous dites ? Comment peut-on oser sacrifier les plus vulnérables ? Je parle d'abord des femmes. C'est à la suite de nos questions parlementaires, je dis nos questions, c'est-à-dire, les questions de ma collègue, l'honorable Madame Navarre-Marie et moi-même, de la séance du mardi 05 mai que le vendredi suivant, la ministre de l'Égalité du Genre, développement de l'enfant et du bien-être de la famille dévoile enfin que la violence domestique a flambé dans notre pays en plein confinement, sachant pertinemment bien que d'autres cas n'ont pas été rapportés. Impensable que dans les moments les plus difficiles, le gouvernement ne montre aucune solidarité envers les victimes de violence conjugale, envers les enfants maltraités qui se font tabassés chez eux.

M. le président, suite à la mise en garde du secrétaire général de l'ONU, M. António Guterres, pour prévenir du danger du confinement, a entraîné l'augmentation de la violence conjugale dans les foyers à travers le monde, plusieurs gouvernements se sont pleinement mobilisés en prenant des mesures d'urgence pour protéger les femmes et enfants victimes ou potentiellement victimes de violence domestique dans leur pays respectif, à l'exception du gouvernement mauricien qui est resté insensible car pour eux c'est du *business as usual*.

Je souhaiterais faire quelques propositions et inviter le gouvernement à procéder à de nouvelles dérogations en s'inspirant du modèle français et espagnol afin de mettre en place, d'abord, d'autres dispositifs d'alerte pour protéger les victimes de violence domestique. Par exemple, la possibilité de donner l'alerte dans les pharmacies ou à un comptoir d'écoute à côté des supermarchés restés ouverts. Le gouvernement pourrait aussi envisager de trouver un

local dans lequel les conjoints violents seraient contraints, temporairement d'y rester sur décision de la Cour. Dans ce cas précis, il faut que le *lockdown* soit appliqué dans le sens large du terme.

Il est urgent de faire des campagnes de sensibilisation pour prévenir, avertir et sensibiliser les victimes de violence domestique du danger auquel elles seraient exposées pendant et après le confinement. De permettre aussi, autre proposition, aux officiers de police, par exemple un ACP, d'intervenir rapidement s'il suspecte des cas de violence domestique dans des foyers sans passer par le protocole actuel. Selon mes informations, certaines Cours de justice n'ont pas *entertained* les IPO (*Interim Protection Order*) et il faut y remédier rapidement.

Quelques mots concernant les femmes enceintes, donc aucune mesure de protection n'a été mise en place. De ce fait, beaucoup de femmes enceintes se sont retrouvées devant une succession d'obstacles pendant le confinement. Je veux proposer la mise sur pied d'un protocole strict : le gouvernement pourrait assouplir les règles comme favoriser la téléconsultation pour les cours de préparation à l'accouchement et pour les conseils, en revanche maintenir les échographies obligatoires dans nos hôpitaux - autre proposition, un strict *social distancing* dans toutes les salles d'attente s'avère nécessaire. Les femmes sont aussi nombreuses parmi le personnel au front en cette crise du coronavirus. Je parle des infirmières, des policières, des caissières entre autres. Pour ces femmes enceintes au front, rien n'est mentionné dans ce projet de loi sur leurs conditions de travail.

En ce qui concerne l'emploi, déjà avant la pandémie, le chômage touchait davantage plus de femmes. Pas de doute, qu'après le déconfinement, la majorité des emplois perdus se trouveront dans les secteurs où les femmes sont les plus nombreuses comme, par exemple, le secteur du textile, les centres d'appels et le secteur de l'hôtellerie entre autres.

Les Nations Unies parlent du concept *women's economic empowerment*, peut-être que le gouvernement pourrait s'en inspirer pour soutenir l'emploi des femmes, surtout qu'on est à la veille du budget national. Les dispositions préconisées dans ce projet de loi donneront la gâchette facile aux employeurs, avec la bénédiction du *Redundancy Board* pour virer les employés. Je vois déjà les femmes dans des situations d'emploi fragile sur le pavé. Selon l'UNICEF, 55 % des employés dans le secteur informel sont des femmes, ce projet de loi par ailleurs est très silencieux sur ce secteur.

M. le président, c'est connu les grands bouleversements apportent généralement des innovations. Pas de doute que d'autres secteurs d'activité vont émerger et cela permettra justement d'absorber le taux de chômage féminin. À mon avis, il faut que l'État intervienne directement avec une injection d'argent pour soutenir les femmes et mères de famille au chômage. J'invite le ministère des nouvelles technologies de s'inspirer des pays comme le Kenya où l'on utilise les systèmes de *mobile payment* pour soutenir les vulnérables.

En ce qui concerne les enfants, M. le président, aucun signe de solidarité et protecteur dans ce projet de loi envers nos enfants qui sont très vulnérables. Les enfants n'ont pas été épargnés en plein confinement. Les violences contre les enfants sont en hausse, je cite quelques cas –

1. infanticide à Quatre Cocos, fin mars 2020, en plein confinement;
2. une *caregiver* au *shelter* de la Colombe prise en flagrant délit dans un moment d'intimité avec deux adolescents, semaine dernière, toujours en plein confinement;
3. d'autres cas d'attouchements intrafamiliaux sur mineurs ont été rapportés il y a 15 jours de cela.

Je voudrais faire quelques propositions :

- c'est-à-dire d'abord un plan d'urgence pour les enfants en danger;
- ensuite une procédure d'urgence de la justice pour garantir la protection des enfants; faire des *emergency orders* pour retirer les enfants de chez eux.
- Il faudrait aussi du matériel de protection, du *social distancing*, de l'eau potable dans les abris pour les enfants,
- le droit de la visite parentale devrait à mon avis être considéré et enfin
- une campagne de sensibilisation des enfants et du grand public.

M. le président, honnêtement je suis consternée que le *Children's Bill* annoncé en grande pompe en début d'année se fait toujours attendre.

En ce qui concerne les seniors et les personnes en situation d'handicap, la période de confinement est venue compliquer les choses pour la santé de nos seniors, de nos enfants et adultes en situation d'handicap. Ces personnes se sont vues refuser l'accès aux soins médicaux. M. le président, les personnes en situation d'handicap sont dans l'incapacité de



patienter autant de temps afin de bénéficier de leurs traitements et ce peu importe la nature et la gravité de leur handicap physique, mental ou psychologique. À mon avis, une dérogation s'impose pour leur permettre de poursuivre leur physio ou autre traitement sur une base régulière à leur domicile ou dans les centres spécialisés. Toutes ces personnes ont souffert d'un grand manque d'information, d'isolement et de discrimination. Je voudrais ici saluer la décision du ministre de la santé, l'honorable Jagutpal, d'avoir assoupli les règles de confinement et d'autoriser les enfants autistes de sortir de chez eux pendant une heure à la suite de la demande de mon collègue du parti, l'honorable Fabrice David. La distribution de pensions de vieillesse à domicile est une bonne initiative malgré quelques manquements au niveau de la gestion.

M. le président, je regrette très sincèrement que nous sommes toujours en attente du *Disabilities Bill*. Alors que Maurice était partie prenante dans les préparatifs de la Convention sur les personnes en situation d'handicap. Une ébauche soumise en 2013 traîne toujours dans les tiroirs du ministère de la sécurité sociale.

Maintenant je voudrais conclure. M. le président, de par votre fonction de président du *Parliamentary Gender Caucus* et le Premier ministre, de par sa position de président du *High-Level Committee against Domestic Violence*, je suis sûre du moins je l'espère que les sujets abordés lors de mon intervention ce soir vous interpellent et que des modifications seront apportées à ce projet de loi pour inclure et protéger les plus vulnérables de notre république. Sans doute, sans doute la situation est difficile mais dans une situation exceptionnelle, les vulnérables souffrent deux fois plus que nous, ils ne doivent en aucun cas être sacrifiés.

Je vous remercie, M. le président.

**Mr Speaker:** Hon. Dhunoo!

(8.05 p.m.)

**Mr S. Dhunoo (Third Member of Curepipe & Midlands):** M. le président, avant de venir sur le *Bill*, je voudrais dire à l'honorable Anquetil que je ne sais pas si elle a écouté le matin le Premier ministre qui a présenté le COVID-19 Bill et aussi les clarifications de mon collègue l'honorable Callichurn, ministre du travail, qui a été très clair par rapport à la loi du travail et aussi le *Workers' Rights Act*. Je dois l'assurer aussi que nous sommes un gouvernement responsable et nous sommes là pour faire ce qu'il faut pour qu'on sorte de cette situation et on va le faire.

Mr Speaker, Sir, first and foremost, let me seize the opportunity to congratulate the hon. Prime Minister and express my heartfelt thanks to our dedicated team who has worked round the clock during this past week to present the COVID-19 (Miscellaneous Provisions) Bill and the Quarantine Bill before this House.

These Bills bear testimony that the Government and, more particularly, our hon. Prime Minister is committed to set out a road map geared towards the safety and the best interest of the citizens of Mauritius. I would also like to thank every Member who has addressed this august Assembly before me for their contribution to these Bills.

Mr Speaker, Sir, in the past few months, the world has faced one of its cleverest tests and it has experienced massive changes. The World Health Organisation has declared the Coronavirus outbreak as a global pandemic. Every country is now faced with devastating consequences of the COVID-19 pandemic. Thousands have lost lives, broken families, overwhelmed hospitals and overworked essential workers. Citizens on the international chessboard are locked in their homes for nearly two months. Some are not able to go to work and some are in a way thinking if they will be losing their jobs or businesses. There has been a fundamental and drastic shift in our daily lives. Children are not being able to attend school, play with their friends and Mauritian borders are closed to the world. The COVID-19 pandemic was confirmed to have reached Mauritius in March 2020. Never before in the history of our democracy has our country been confronted with such a severe situation. At the beginning of the outbreak of this pandemic, the World Health Organisation forecasted that our beloved country would experience more than 1,150 cases in one month. There was also a doctor, a famous doctor who said that we will be having 20,000 cases, and even the Opposition was confirming that. However, thanks to the strict measures adopted by the Government, thanks to the respective authorities, thanks to the participation of the whole population, and above all thanks to God, the number of cases recorded today is only 332.

Mr Speaker, Sir, we have been able to flatten the curve while curbing the effect of the COVID-19 and this has been made possible through bold, rigorous, consistent and stringent measures adopted by this Government under the able leadership of the hon. Prime Minister. There were urgent and drastic measures to manage the disease, protect the people of our country and reduce the impact of the virus on our society and on our economy have had to be taken and these included –

- A timely sanitary lockdown of the country as from 20 March 2020 and allowing only essential services and certain economic activities and minimum public transport service to operate. A complete lockdown of the country on 24 March 2020 until 31 March 2020, with only essential services to operate.
- A reliable and robust health protocol based on the best practices and efficient communication strategy to provide latest update news with measures to prevent the proliferation of the virus with the creation of BeSafeMoris Application and also the Website.
- Support and assistance for the economic sector through self-employed assistance scheme and the wage assistance scheme.
- Granting of a COVID-19 work access permit in specific sectors so that we could have some sectors ongoing and we could get food and the economic would be ongoing.
- A proper tracking and monitoring of the situation, a well-coordinated approach among all stakeholders.

It was, indeed, a very bold decision to extend the lockdown, but being given that the COVID-19 pandemic is a health crisis and its implications are much more far-reaching, this Government was convinced that a lockdown was of utmost importance and in the best interest of all Mauritians.

I am convinced that all hon. Members in this Assembly would join me to extend our deepest gratitude to all the Health Care Workers and front liners who have risked and are still risking their life, who are still working to help our community to keep us safe.

Mr Speaker, Sir, I should say that Mauritius is among one of the rare countries in the world to offer anti-flu vaccination freely to our elderly. The campaign has not stopped due to the outbreak, but has rather taken a step ahead to go door to door as we are aware that our elderly are the most vulnerable and there is need to protect them against this virus.

Recognising the unprecedented challenge we face, the hon. Prime Minister and the Government have left no stone unturned to take effective and prompt decisions for containing the virus. Mr Speaker, Sir, it was regretful, and I have to highlight that there have been some black sheep in our society, rightfully referred to as '*cocovids*', who continuously fail and are still failing to understand the gravity of the prevailing situation. However, we have to applaud

the efforts and sacrifice of the majority of the population who contributed to break the chain of transmission and we have to applaud also the hon. Dr. Jagutpal and his team from Ministry of Health who has been doing a fabulous job during this crisis and also all the health workers and front liners.

Mr Speaker, Sir, by staying at home and be cautious, we did save lives and, as I have said, we are among the few countries which have been able to contain the pandemic in such a short span of time. In fact, this was evidence through international reports and indexes such as the Government Response Tractor of the Oxford University and the BBC which have recognised the laudable initiative undertaken by the Government of Mauritius to combat the COVID-19.

The COVID-19 Bill is a set of precautionary, remedial and former thinking measures across all sectors to handle this crisis situation. This COVID-19 Bill shall amend 56 acts of Parliament to cater the impact of the Novel Coronavirus. The Bill shall also empower our country to be prepared on all fronts. The scope of this Bill is, indeed, broad and wide-ranging and without the shadow of a doubt, lots of work and consultations with different stakeholders have gone into the drafting of the 84-page document.

Mr Speaker, Sir, in the wake of this global pandemic we have been forced to re-engineer our lives. What seemed impossible a few months ago is now the obvious. However, in this period of isolation, technology has become an increasingly essential tool. Concepts such as work from home, home schooling, online meetings were as at now only theoretical concepts. But this pandemic has enabled us to reassess our daily life ...

*(Interruptions)*

**Mr Speaker:** Hon. Mohamed!

**Mr Dhunoo:** ...and make these concepts become the obvious.

*(Interruptions)*

**Mr Speaker:** Hon. Dr. Boolell!

*(Interruptions)*

**Mr Dhunoo:** These are humilities, Mr Speaker, Sir. In relation to our education sector, Mr Speaker, Sir, during temporary closure in case of infectious diseases occurring in the epidemic forms, conventional classrooms are called about to be disruptive and causing

more harm. Instead, distance education is being privileged as an alternative to maintain social distancing.

Clause 14, subsection (b) of the COVID-19 Bill is proposing to amend the Education Act to cater for the distance education so that students are not prejudiced in any manner whatsoever. On the other hand, they may continue with their curriculum with the prolonged lockdown of schools.

Mr Speaker, Sir, while going through this Bill, one word has caught my attention and its usage will be revolutionary in helping to maintain social distancing. That word is 'electronic'. The word 'electronic' shall be given statutory effect and therefore gives a legal framework for the recording, filing and the conducting of Board Meetings under several Acts, namely the Financial Reporting Act, the Financial Services Act, among others. No doubt, advances in technology and the widespread availability of broadband access have made it possible for workers to carry out their employment duties from almost anywhere.

Clause 57, subsection (b) of the Bill is hence proposing to amend the Workers' Rights Act 2019 to cater for a new section for the Work from Home to business sector where remote working is possible.

Mr Speaker, Sir, traditional offices or even modern open space offices will not be able to cater for the presence of all the staff and, at the same time, strike the balance for social distancing. Hence, the Work from Home Programme will be an efficient social distancing technique to help contain the spread while remaining productive.

On the other hand, there are a number of issues that need to be considered and addressed when the Work from Home Programme is adopted and thus workplace is expanded and these issues will be included. I am sure hon. Callicurn will take this into account. First is with using existing policy to see if remote work is feasible, prudent and contractually permissible. Second providing and ensuring that there is a proper IT infrastructure to support remote working. Third, ensuring data privacy and security. Fourth, ensuring that there is a proper monitoring mechanism in place, and last exploring the possibility for an allowance to cater for equipment, utilities and broadband connection.

This COVID-19 outbreak has left none untouched. However, some institutions were more affected and we have a special thought to our Small and Medium Enterprises. On 19 March 2020, small businesses such as our local retail shops, hairdressing and snacks closed their shutters and owners had sleepless nights for weeks constantly trying to reconnect the

puzzle for their survival at least in the immediate short run. Having in mind their daily fixing cost, the accumulated rental cost, staff wages and, on the other hand, not even a pinch of foreseeable income.

This Government has pledged to make business continuity and survival a reality. According to clause 30 of the present Bill, the Landlord and Tenant Act shall be amended to cater to an exception to the breach for tenancy agreement in case of default in payment for the months of March to August 2020 and such other subsequent month as it may be prescribed. This makes me think of those people who are self-employed or having business activity and this clause will be assisting them.

Non-payment of the rent of those months shall not constitute as a breach of agreement nor the Court shall make an eviction order on this ground. A time period until December 2021 shall be given to tenants who have not been able to pay their rent, to pay the sum owed through instalment to their landlord. This time period until December 2021 is of a crucial nature. It gives a breathing space for businesses to put their activities on track, manage the cash flows and expenses and thus assist them in surviving this crisis situation.

Mr Speaker, Sir, coming to the Quarantine Bill, since 1954, there has been a lot of changes and we have had several epidemics and pandemics, be it H1N1, Ebola or SARS. Evolution of the law to cater the changing landscape is one characteristic of our country whereby the rule of law prevails. This Quarantine Bill is therefore catering for the new challenges we are facing in terms of mutation and proliferation of deadly viruses.

Mr Speaker, Sir, to conclude my intervention, we all recall the crucial role Government played since the outbreak of the pandemic and the commitment of Government to flatten the curve and its engagement to mitigate the devastating consequences of such pandemic. I offer condolences to all the countries for their losses and to all our Mauritian families who have suffered prejudice and losses during this period.

As a Member of this august Assembly and as a proud Mauritian, I reiterate my commitment to working with all of you to meet this all-encompassing test. Even though we have been able to contain the virus, it is still a fight of a generation. One battle is won but the war is still not yet over. The pandemic will pass but it is up to us to determine how long it will last, how damaging it will be and how long it will take our economy and our country to recover. Each and everyone has to shoulder his responsibility, respect others and adhere to

the measures being implemented by the State. We are physically distanced today, but we must stand together at least for this lifetime.

Thank you for your attention.

**Dr. Padayachy:** Mr Speaker, Sir, I move that the debate be now adjourned.

**The Deputy Prime Minister seconded.**

*Question put and agreed to.*

*Debate adjourned accordingly.*

### **ADJOURNMENT**

**The Prime Minister:** Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Thursday 14 May 2020 at 11.30 a.m.

**The Deputy Prime Minister seconded.**

*Question put and agreed to.*

**Mr Speaker:** The House stands adjourned.

### **MATTERS RAISED**

(8.31 p.m.)

**Mr Speaker:** Hon. Dr. Gungapersad!

#### **SELF-EMPLOYED ASSISTANCE SCHEME**

**Dr. M. Gungapersad (Second Member for Grand' Baie & Poudre d'Or):** Thank you, Mr Speaker, Sir. My question is addressed to the hon. Minister of Social Integration, Social Security and National Solidarity.

There are many people who are eligible for the self-employed Assistance Scheme, but, unfortunately, cannot claim the money and did not get the financial support so far because their identity cards are either damaged or lost and some do not even have a bank account. Will the hon. Minister kindly look into the matter and open a fast track so that these vulnerable people are allowed to apply for a National Identity Card and get whatever they deserve? Please address this issue with compassion the sooner the better.

Thank you.

**The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy):** M. le président, je vais me référer sur ce sujet et nous avons déjà établi plusieurs critères concernant le *Self-employed Assistance Scheme* et nous sommes déjà avec une liste de personnes qui sont en attente et nous travaillons dessus pour essayer de trouver les solutions pour ces personnes.

Merci.

**Mr Speaker:** Hon. Bérenger!

(8.33 p.m.)

### **DIVORCED PARENTS – VISITING RIGHTS**

**Mrs J. Bérenger (First Member for Vacoas & Floréal):** Merci M. le président.

J'aimerais interpellier l'honorable ministre de l'Égalité des genres, et du Bien-être de la famille sur le problème des enfants de parents divorcés ou séparés.

Maurice est signataire de la Convention relative aux droits de l'enfant depuis 1990 et j'aimerais attirer l'attention de l'honorable ministre sur notre devoir de respecter les Articles 7 et 9 de ladite Convention en lui demandant de bien vouloir préciser comment ces parents doivent s'organiser pour les droits de visites ou les gardes alternées imposées par la Cour.

Merci.

**The Minister of Gender Equality and Family Welfare (Mrs K. Koonjoo-Shah):** Thank you so much. There are already very clear provisions in the law at the moment for visitation rights and obviously with the upcoming Children Bill, this is all going to be revisited and amended accordingly.

*(Interruptions)*

During the confinement period, we are applying regulations and the same rules but because there is a restriction in movement, those parents are not able to possibly go and pay the visits as they should have been doing if there was not a restriction on movement.

**Mr Speaker:** Hon. Armance!

(8.34 p.m.)

### **MAURITIANS - SOUTH AFRICA - REPATRIATION**



**Mr P. Armance (Third Member for GRNW & Port Louis West):** Thank you, Mr Speaker, Sir.

My request goes, today, to the Minister of Foreign Affairs. It concerns four families that have been stranded in South Africa, precisely in Cape Town. I can list the names: family Calou, Gervelle, Duriah and Warsally. The three first families went on holidays whereas the fourth one, family Warsally, he is a student left by himself alone in South Africa in Cape Town. So, may I ask the Minister where matters stand, whether he has done any provision to get them back to Mauritius?

**The Minister of Foreign Affairs, Regional Integration and International Trade (Mr N. Bodha):** Mr Speaker, Sir, in fact I have been following this group in Cape Town. The Consul, Mr Joonas, is very close to them. They were supposed to travel on the flight of the 30<sup>th</sup>. In fact, they had already done the PCR test; they had already taken the tickets. Our Consul helped them to have the loan from the SBM, at the last moment they decided not to board the flight. In fact, those who boarded the flight already are now in quarantine and they will be out in 2 days. So, anyway, I will follow the case and as soon as possible, we will see how to bring back this group of Mauritians stranded over there.

**Mr Speaker:** Hon. Mrs Tour!

(8.35 p.m.)

#### **LA CURE HEALTH CENTRE - QUEUING MANAGEMENT SYSTEM**

**Mrs J. Tour (Third Member for Port Louis & Montagne Longue):** Thank you, Mr Speaker, Sir. I would like to raise an issue addressed to the Ministry of Health and Wellness, hon. Dr. Kailesh Jagutpal, concerning my constituency, No. 4, more precisely in La Cure Health Centre. There is currently no queuing system in place when parents take their babies for vaccination and this is creating a difficult situation.

I will kindly request the Minister to look into the implementation of a proper queuing management system to avoid contentious situations and ensure the smooth running of the health care centre.

Thank you.

**The Minister of Health and Wellness (Dr. K. Jagutpal):** Mr Speaker, Sir, during the lockdown, during the confinement, there has been no vaccination especially for the pregnant women and for the children.

Now, we have started that but it is being done by calling them on phone so that there will not be any crowd in the local health centres. I will be taking appropriate actions so that there will not be any crowd and there will not be any waiting at that said local health centre.

**Mr Speaker:** Hon. Ramful!

(8.36 p.m.)

### **WORK ACCESS PERMIT – ONLINE APPLICATION**

**Mr D. Ramful (First Member for Mahebourg & Plaine Magnien):** Thank you, Mr Speaker, Sir. I have an issue which concerns the hon. Prime Minister. It is with regard to the application for the Work Access Permit, the online system. I have been trying this system myself because I had to connect to try to make an application for somebody and it took me about 2 hours. I made about 10 attempts to be able to connect to this system. I have also received various complaints from various persons who have tried to apply. Now, the problem is: maybe the system is new or it is not user friendly. May I make a request to the hon. Prime Minister if there could be a campaign to explain to the people how they should apply because we have many people who are not IT friendly. Otherwise, we will have a lot of people queuing up before the CAB Office and this will cause a problem. May I request the hon. Prime Minister to kindly look into the matter? Thank you.

**The Prime Minister:** Mr Speaker, Sir, I have been informed that the system is working and there are many applications that have already been processed. In fact, those, who have obtained their Work Access Permit before the system came into operation, have been asked to reapply and most of them have nearly been cleared. Their applications have been processed and new ones also are being processed. Maybe it could be that the users are not that friendly with the system. Anyway, I shall relay his message to those concerned. If the hon. Member can let me know who are those who have applied, at least, I can transmit the information to the authorities concerned which will then get in touch with those people and facilitate matters.

So, let me have those details.

**Mr Speaker:** Hon. Mrs Mayotte!

(8.39 p.m.)

### **CHEMIN GRENIER – DENTAL HEALTH CENTRE**

**Mrs S. Mayotte (Second Member for Savanne & Black River):** Mr Speaker, Sir, my request is addressed to the Minister of Health, hon. Dr. Jagutpal, for the reopening of the Dental Health Centre of Chemin Grenier in accordance with social distancing standards because the inhabitants of Bel Ombre, St Martin and even Chemin Grenier must travel a lot till Souillac Hospital to consult a dentist at the hospital.

Thank you.

**The Minister of Health and Wellness (Dr. K. Jagutpal):** Mr Speaker, Sir, yes this has been taken into account because for dental procedures, there is no distancing between the patient and the doctor.

Now since we are moving for ongoing services, this will be definitely taken care of.

**Mr Speaker:** Hon. Reza Uteem!

(8.39 p.m.)

#### **SELF-EMPLOYED ASSISTANCE SCHEME - APPLICATIONS**

**Mr R. Uteem (Second Member for Port Louis South & Port Louis Central):** Thank you Mr Speaker, Sir.

I have an issue addressed to the hon. Minister of Finance. It concerns the applicant under the Self-Employed Assistance Scheme. Last week, the hon. Prime Minister, answering to a PNQ, told us that, out of 250,000 applicants, around only 189,000 was approved; so there is more than 60,000 applications that have been rejected. I have received complaints from many genuine cases who do not understand why their application has been rejected. Some of them have contacted the MRA and have received the outrageous remark that their household income is above Rs50,000. In one case I was shown a message from the MRA saying that the wife had declared income of Rs3 m. whereas, in fact, she had declared income of Rs300,000.

So, I would like to ask the hon. Minister of Finance if there can be an appeal procedure, independent of the MRA or independently of those who deal with this. A fresh look can be taken at the applications that have been rejected - there are many genuine cases that have been rejected. I am sure there are cases that should be rejected but there are also genuine ones which should not have been rejected.

**The Minister of Finance, Economic Planning and Development (Dr. R. Padayachy):** M. le président, je prends note de la suggestion et je reviendrai dessus.

**Mr Speaker:** Hon. Doolub!

(8.40 p.m.)

### **PUBLIC TRANSPORT - BUS ROUTE 248**

**Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien):** Thank you Mr Speaker, Sir.

My request is addressed to the hon. Minister of Land Transport and Light Rail. With the resumption of public transport and social distancing measures, fewer passengers are actually being able to travel.

There is one route, namely route 248 departing from Rivière du Poste, Mare Tabac to Port Louis which operates on a schedule actually. Can the Minister advise whether appropriate solutions will be looked into to transport the usual fleet of passengers on this schedule?

Thank you.

**The Minister of Land Transport and Light Rail (Mr A. Ganoo):** I thank the hon. Member for having raised this issue, Mr Speaker, Sir. I will certainly look into the matter and see to it, at the NLTA level, that the needful is done.

**Mr Speaker:** Hon. Quirin!

### **BEAU BASSIN & ROCHES BRUNES - THEFTS**

**Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière):** M. le président, ma requête ce soir s'adresse à l'honorable Premier ministre et concerne la recrudescence de vol depuis que le pays est en confinement, principalement dans la région de Beau Bassin et Roches Brunes. A Beau Bassin, plusieurs commerces ont été cambriolés dont le très connu Mc n Ben mais aussi des résidences et à Roches Brunes, il règne, M. le président, un sentiment d'insécurité qui perturbe la tranquillité de cette région car de nombreux vols ont été commis ces dernières semaines. D'après les informations qui me sont parvenues, les patrouilles policières sont quasi inexistantes malgré le fait que la station de police n'est pas éloignée. Je fais donc un pressant appel au Premier ministre de bien vouloir informer le Commissaire de police de la situation de façon à ce qu'il y ait des patrouilles policières plus régulières dans ces régions respectives. Merci.

**The Prime Minister:** Je vais informer le Commissaire de police.

**Mr Speaker:** Hon. David!

### **CASSIS - DENGUE CASES**

**Mr G. F. David (First Member for GRNW & Port Louis West):** M. le président, ma requête de ce soir s'adresse au ministre de la santé. En parallèle du Covid-19, il y a un autre virus qui sévit dans notre pays, c'est celui de la dengue qui frappe majoritairement la région de Port Louis et notamment dans la localité de Cassis dont les habitants sont inquiets. Puis-je savoir du ministre de la Santé si les personnes testées positives à la dengue ont également été testées par rapport au Covid-19 ?

**The Minister of Health and Wellness (Dr. K. Jagutpal):** Mr Speaker, Sir, at present there are some active cases of dengue and all the cases of dengue have been tested for Covid-19.

**Mr Speaker:** Hon. Mrs Luchmun Roy!

### **SAINTE-CROIX - CITIZENS ADVICE BUREAU - REOPENING**

**Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue):** Thank you, Mr Speaker, Sir. I wish to raise a matter with regard to my Constituency, Port Louis North and Montagne Longue and address it to the Minister of National Infrastructure and Community Development, hon. Hurreeram. In the context of Covid-19, the inhabitants of Sainte-Croix, Terre Rouge, La Cure are requesting the reopening of the Citizen Advice Bureau at Sainte-Croix so as to facilitate their request for their Work Access Permit. So, I would urge the Minister to look into this matter urgently. Thank you.

**The Minister of National Infrastructure and Community Development (Mr M. S. Hurreeram):** Mr Speaker, Sir, as my hon. colleague is aware, there is some renovation works going on at the CAB Office of Sainte-Croix and currently the inhabitants of Sainte-Croix and the surrounding have the options to go to the CAB of Route Nicolay. According to my records, on Tuesday, CAB of Nicolay receives 61 applications and today 48 applications. So, the options are there and I will definitely look into opening the CAB of Sainte-Croix as soon as possible. Thank you.

**Mr Speaker:** Hon. Osman Mahomed!

### **ZEP SCHOOLS – DAILY LUNCH**

**Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central):** Thank you, Mr Speaker, Sir. My request is addressed to the hon. Minister of

Education, tonight and it has to do with ZEP school pupils. I had sent a Parliamentary Question on this but I have not seen the reply yet and time is of the essence because many of the pupils of the ZEP school come from very low-income families and those pupils depend on the daily lunch that is normally supplied to them. I know some of the pupils very well like in Tranquebar, Guy Rozemont and Surtee Sunee and even in Roche Bois. I was discussing with hon. Shakeel Mohamed earlier, whether the sum allocated for this daily meal could be provided to the parents on a weekly basis because this will go a long way in helping these families having a decent meal for their children. The more so, they are required to study at home and the request is for the whole island of Mauritius.

Thank you.

**The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun):** M. le président, dans le budget, nous avons une provision pour offrir aux enfants un repas à l'école et cela se fait par le moyen d'un contrat alloué à certains *suppliers*. On n'a pas de budget pour offrir de l'argent à des particuliers, ça ne peut pas se faire et bien sûr je comprends la situation mais ça ne peut pas se faire parce que le projet a été conçu différemment.

Merci.

**Mr Speaker:** Hon. Nuckcheddy!

#### **L'AVENTURE JUNCTION – TRAFFIC LIGHT**

**Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil):** Thank you, Mr Speaker, Sir. My request is addressed to the Minister of Land, Transport and Light Rail, hon. Alan Ganoo. It is regarding the junction at the north entrance of l'Aventure, a village which is found in Constituency No.9. Several fatal accidents have occurred in the vicinity of that junction. It is thus the request of the inhabitants to have a traffic light at this location and to also relocate the bus stop which is just at the formation junction. I would thus request the hon. Minister to kindly look at it.

Thank you.

**The Minister of Land Transport and Light Rail (Mr A. Ganoo):** I thank the hon. Member, Mr Speaker, Sir. I am aware of the problem. As far as I remember, and to my knowledge, officers of the TMRSU have already been to this location and they have

identified the problem as underlined by my hon. friend and they have also found the solution to the problem. As soon as the activities will resume, they will start to do the needful.

**Mr Speaker:** Hon. Shakeel Mohamed!

### **ZEP SCHOOLS – FOOD SUPPLY**

**Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):**

Just on this very same issue, I do not want to repeat myself, concerning the ZEP schools where the parents really count on the food that the children get in school, whether the hon. Minister, as a solution, could consult with the hon. Minister of Finance, whom I am sure, would be very helpful and try to reallocate the funds in an emergency. I do not know what the process is, but the expert would, the Prime Minister has been Minister of Finance, try to look at it because the children really need the food.

**Mr Speaker:** It is not a question.

**Mr Mohamed:** Just a request.

**The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun):** M. le président, je viens de le dire, après le confinement, le projet sera rétabli et les enfants dans les écoles ZEP recevront leur repas après le confinement, à la rentrée des classes.

**Mr Speaker:** Hon. Ittoo!

### **FACE MASKS - LOCAL PRODUCTION - AVAILABILITY**

**Mr A. Ittoo (Third Member for Vacoas & Floréal):** Thank you, Mr Speaker, Sir. My request is addressed to the hon. Minister of Industrial Development, SMEs and Cooperatives with regard to locally manufactured masks. It appears that these are not so readily available on the market and in my constituency and I have seen quite in a few places across the country. Would the Minister be able to advise how it is going on?

**The Minister of Industrial Development, SMEs and Cooperatives (Mr S. Bholah):** Mr Speaker, Sir, these masks are produced by those factories which are primarily in the production of textile and apparels. Now, with this coronavirus, they have shifted to the production of facemasks and this being a new activity altogether, they had the problem with the supply chain. So, initially, what they have done is that they have used e-commerce to market and to deliver. Later on, pharmacies and supermarkets also have obtained supplies of

these masks. I have taken up the matter with the MCCI who are looking into including into the network petrol stations and even poultry outlets.

*At 8.50 p.m., the Assembly was, on its rising, adjourned to Thursday 14 May 2020 at 11.30 a.m.*